

Temporary

Name Kerslake Family enterprises
Attn: Kurt Kerslake
Address 11005 SE 302nd ave
troutdale or 97000
kurt@hilltopproducefarms.com

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Columbia River

Trib. of Pacific Ocean

Use Irrigation County Morrow

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# S-45476 Per # S-33937 Cert # 87800 PR Date _____

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>1-31-2022</u>	<u>\$977.00</u>	<u>137389</u>

FEES REFUNDED		
Date	Amount	Receipt #

Change in POW
Date Filed 1/31/2022
Initial notice date 2/8/2022
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 7/20/2022 Vol 125 Page 439-441
C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: _____

Irrigation District west extension Irrigation

Agent Molly Reid - Geo engineers

CWRE _____

CC's list Morrow County Planning

- Oversized map - Location



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 20, 2022

KURT KERSLAKE
1605 SE 302ND AVENUE
TROUTDALE, OR 97060

REFERENCE: District Temporary Transfer Application T-13901

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

The temporary change shall be effective at the **beginning of the 2023 irrigation season**. The use shall revert to the original authorized place of use at the end of the **2027 irrigation season**.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
Molly Reid, Agent
West Extension Irrigation District

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A TEMPORARY
T-13901, Morrow County) CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KURT KERSLAKE,
KERSLAKE FAMILY ENTERPRISES
1605 SE 302ND AVENUE
TROUTDALE, OR 97060

Findings of Fact

1. On January 31, 2022, KURT KERSLAKE, KERSLAKE FAMILY ENTERPRISES filed an application to temporarily change the place of use under Certificate 87800 for a period of 5 years. The Department assigned the application number T-13901.
2. Notice of the application for transfer was published on February 8, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:

Certificate: 87800 in the name of KARL D. SMITH AND PATRICIA A. SMITH (perfected under Permit S-33937)
Use: IRRIGATION of 10.0 ACRES
Priority Date: OCTOBER 16, 1968 AND DECEMBER 19, 1968
Rate: 0.22 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

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

Source: COLUMBIA RIVER, a tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	18	NE NE	1190 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF THE NENE OF SECTION 18

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	20	SW SE	10.0

4. Temporary Transfer Application T-13901 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	19	SE SE	10.0

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

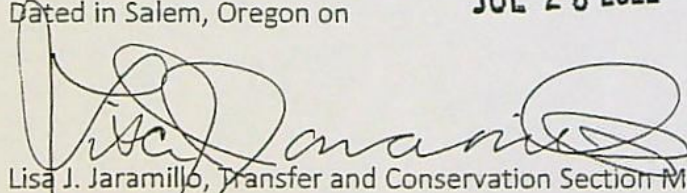
The temporary change in place of use proposed in Temporary Transfer Application T-13901 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13901 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 87800 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 87800.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 87800 shall continue to be in accordance with the terms and conditions of Certificate 87800.

Dated in Salem, Oregon on

JUL 20 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

JUL 21 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13901

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

Applicant: KURT KERSLAKE 1605 SE 302ND AVENUE TROUTDALE, OR 97060 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A MOLLY REID 8019 W QUINAULT AVE SUITE 201 KENNEWICK, WA 99336 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A West Extension Irrigation District Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A County Of Morrow Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-45476	S-33937	87800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: January 31, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 977.00	WM District: 5	ODFW District:
Initial Public Notice: February 8, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>6/8/22</i> Initials: <i>Scott</i>	Date: <i>6/10/22</i> Initials: <i>DJD</i>	Date: _____ Initials: _____	Date: <i>7/13/22</i> Initials: <i>PKS</i>	Date: <i>7/14/22</i> Initials: <i>Scott</i>	Date: _____	Date: <i>7/20/22</i>

Special Issues: _____

Special Order Volume: Vol. 125 Pages 439-41

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13901

Review Due Date:

Applicant Name:

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Greg Silbernagel

Date of Review: 05/24/2022

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:
WEID participates in the Umatilla Basin Project and pumps out of the Columbia when Umatilla River flows are low to benefit fisheries.
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:
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:

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. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. 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:

I believe there is an effluent registration on file for the from lands from the Port of Morrow. I do not readily have a copy of it at this time. It would not effect this transfer. Just noted.

13. What alternatives may be available for addressing any issues identified above:

14. 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 and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

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 4)

*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 with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

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

Weir

Parshall Flume

Other: _____

Submerged Orifice

Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

[] In order to avoid enlargement of the right or injury to other rights, a [] will
be required to be installed prior to diversion of water, as a condition of this transfer:
[] at each point of diversion/appropriation (new and existing) OR
[] at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signature District Date

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

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 7, 2022

KERSLAKE FAMILY ENTERPRISES
KURT KERSLAKE
1605 SE 302ND AVENUE
TROUTDALE, OR 97060

Reference: Application T-13901

On January 31, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$977.00. Our receipt number 137389 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.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be temporarily transferred and the land **to** which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #5, Gregory M. Silbernagel (via email)
Molly Reid, Agent
Irrigation District: West Extension Irrigation District & Ann Reece
Morrow County

Enclosure

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 # **137389**

INVOICE # _____

RECEIVED FROM: Hilltop Produce Farms, LLC
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13901</u>

CASH: CHECK: # 98816 OTHER: (IDENTIFY)

TOTAL REC'D \$ 977.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
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	\$	\$
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$ <u>977.00</u>	
WELL CONSTRUCTION			
		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	\$
	LANDOWNER'S PERMIT		\$
	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: **137389**

DATE: 1-31-2022 BY: Mindy Con

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

Check No.: 98816
 Check Date: Jan 11, 2022
 Currency: USD
 Totals: 977.00 .00 977.00

RECEIVED
JAN 31 2022
OWRD

Vendor: Oregon Water Resources Dept
 Invoice No. _____ Invoice Date Jan 11, 2022 Description temp transfer
 ID: 394
 Hilltop Produce
 P.O. No. _____ Voucher Amt 977.00 Discount Amt .00 Pay Amount 977.00
 98816

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



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

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

RECEIVED
JAN 31 2022

FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: C.87800 - Attachment D**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2027.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ Phone: _____ Date: ___/___/___

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

OWRD

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

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

JAN 31 2022

Part 4 of 5 – Applicant Information and Signature

OWRD

Applicant Information

APPLICANT/BUSINESS NAME Kurt Kerslake, Kerslake Family Enterprises			PHONE NO. (503)-667-5136	ADDITIONAL CONTACT NO.
ADDRESS 1605 SE 302nd Avenue				FAX NO.
CITY Troutdale	STATE OR	ZIP 97060	E-MAIL kurt@hilltopproducefarms.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

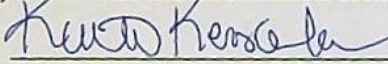
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Molly Reid, GeoEngineers			PHONE NO. 509-209-2846	ADDITIONAL CONTACT NO. 541-310-7264 (cell)
ADDRESS 8019 W. Quinault Avenue, Suite 201				FAX NO.
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL mreid@geoengineers.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
 Temporarily moving 10 acres of our Columbia River right to a portion of a small circle of the same property that currently is not covered by a water right.

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

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


 Applicant signature

Kurt Kerslake, Member
 Print Name (and Title if applicable)

1-11-22
 Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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

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DISTRICT NAME West Extension Irrigation District	ADDRESS P.O. Box 100	ZIP 98744	JAN 31 2022 OWRD
CITY Irrigation	STATE OR	ZIP 98744	OWRD

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Morrow County Planning Department	ADDRESS 205 Third Street NE	ZIP 98744
CITY Irrigon	STATE OR	ZIP 98744

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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 rows to tables within the form.

Water Right Certificate # 87800

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Description of Water Delivery System

System capacity: 12.0 cubic feet per second (cfs) OR
 _____ 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. **Water is diverted at the Columbia River with a 300 hp pump through 10,000 feet of 24-inch steel pipe to the property. The pipe tees to go east and west into a 12-inch pipe. A 40 hp pump then pumps water to an 8-inch buried pipe out to the center pivots and portables lines.**

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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4	N	25	E	18	NE	NE	—	1190 feet North and 10 feet West from the SE corner of the NENE of Section 18

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

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

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

- Yes Complete only the Proposed ("to" 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.

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 Temporary Changes to Water Right Certificate # 87800

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, 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	1/4	1/4	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	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date										
EXAMPLE																																
4	N	25	E	20	SW	SE	802		10.0	Irrigation	POD #1	1968	POU	4	N	25	E	19	SE	SE	301		10.0	Irrigation	POD #1	1968						
TOTAL ACRES								10.0																TOTAL ACRES								10.0

Additional remarks: _____

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: NA

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Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.



If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide: NON-APPLICABLE

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) 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 – NON-APPLICABLE

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
	NOT	APPLICABLE								

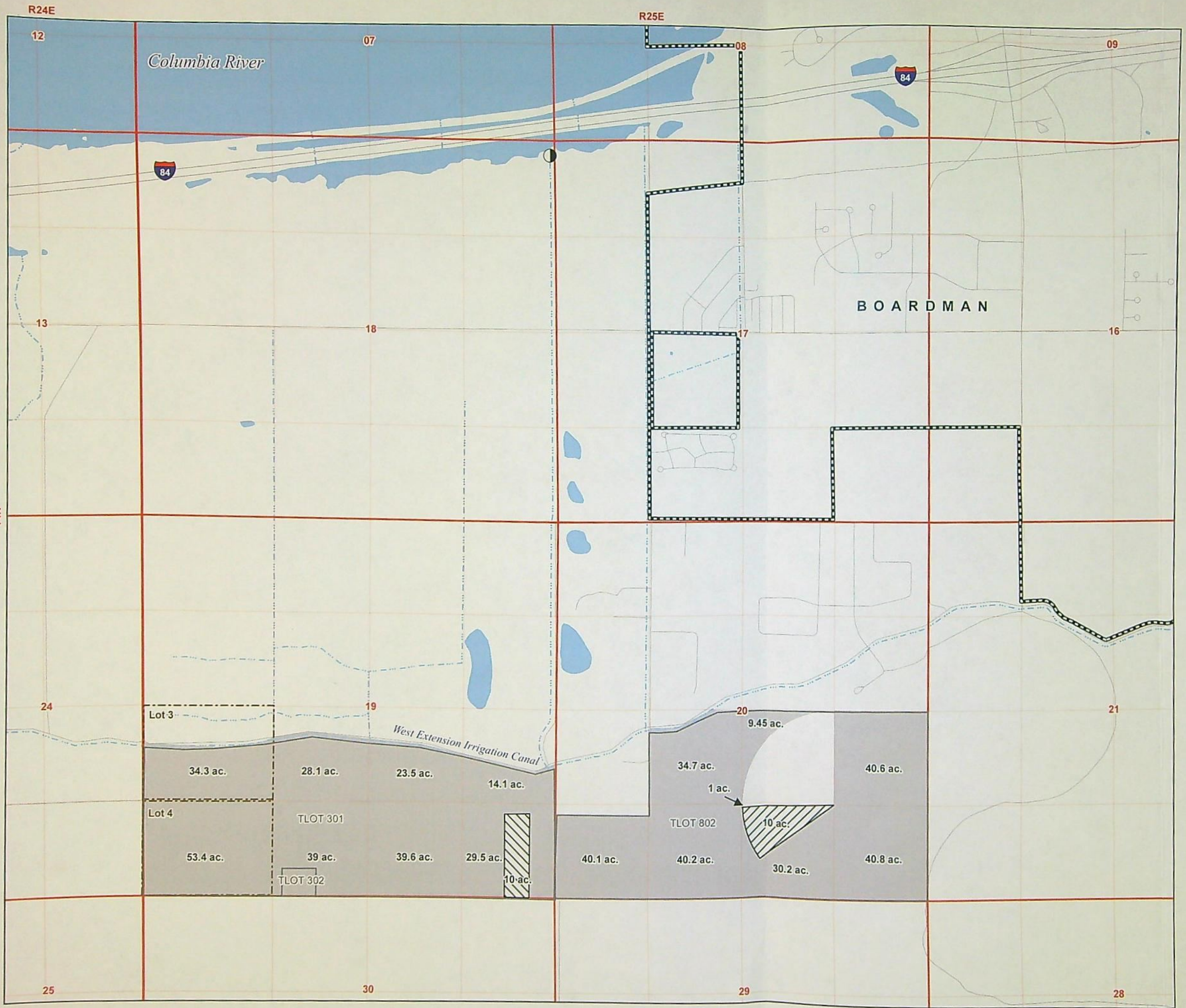
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Attachment A
Temporary Transfer Application Map
Temporary Transfer Application for Certificate 87800

13901



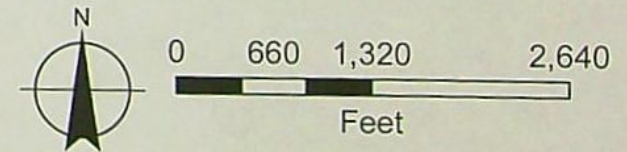
Application for Temporary Transfer in the Name of Kerlake
Certificate 87800, Permit 33937

Township 4 North, Range 25 East (W.M.)
 Morrow County, Oregon

- LEGEND**
- Point of Diversion (POD) for Remaining Lands
 - Remaining Place of Use (POU) C.87800
 - From Lands
 - To Lands
 - Boardman City Limits
 - Tax Lots
 - Government Lots
 - Watercourses
 - Waterbodies

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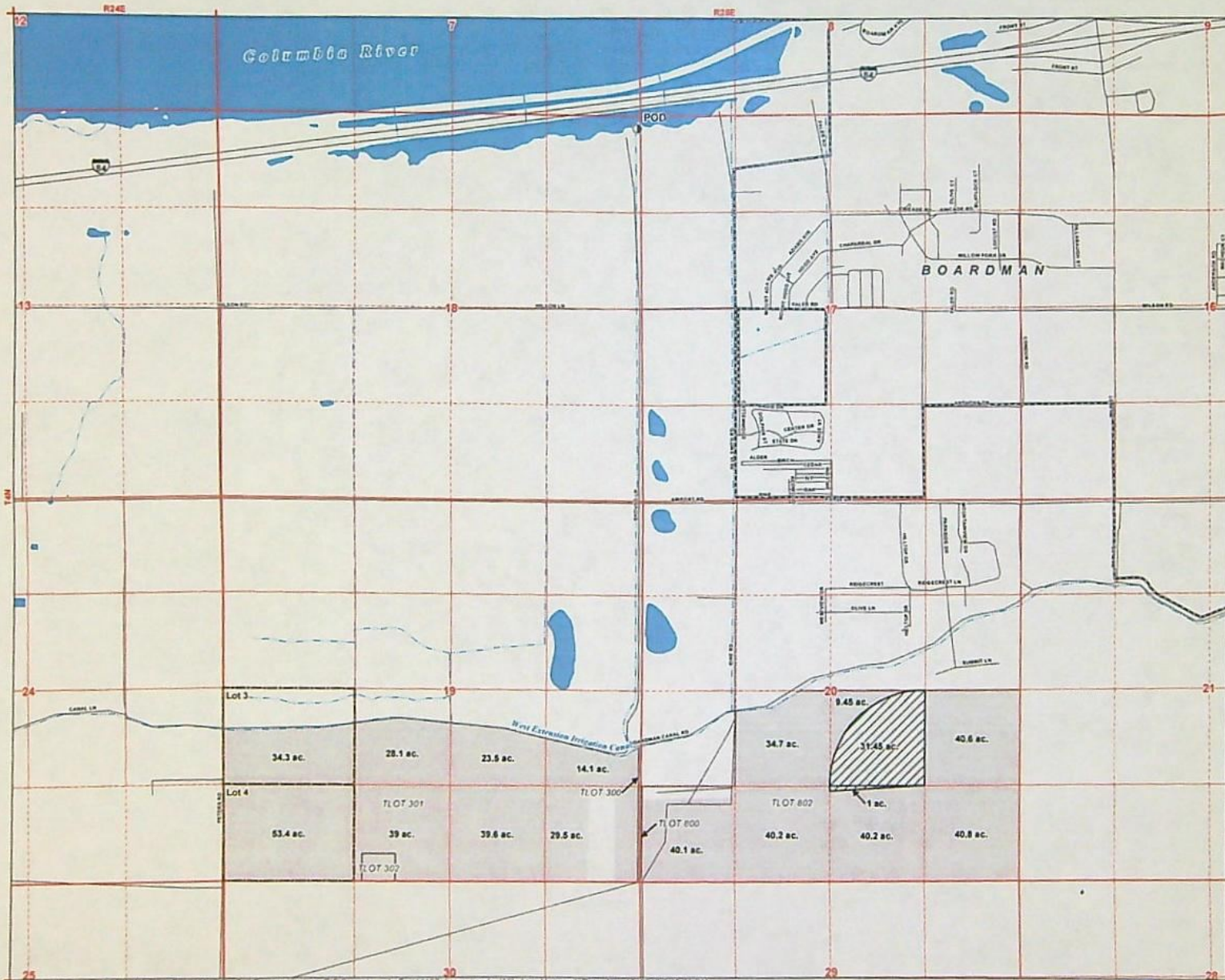
POD LOCATION DESCRIPTION
 Located 1,190 feet North and 10 feet West from the SE corner of the NE¼ NE¼ of Section 18, Township 4 North, Range 25 East (W.M.)



DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES:
 Date: January 23, 2018
 Data Sources: ESRI, BLM, USGS

13901



Application for a Water Right Transfer in the Name of Karl Smith
Certificate 44107, Permit S-33937,
Application S-45476
 Township 4 North, Range 25 East (W.M.)
 Morrow County, Oregon

LEGEND

- Point of Diversion (POD) for Remaining Lands
- Remaining Place of Use (POU)
- ▨ From Lands
- ▭ Boardman City Limits
- ▭ Tax Lots
- ▭ Government Lots
- Roads
- ~ Watercourses
- Waterbodies

POD LOCATION DESCRIPTION
 Located 1,190 feet North and 10 feet West from the SE corner of the NE1/4 NE1/4 of Section 18, Township 4 North, Range 25 East (W.M.)

CWRE STAMP



DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



MAP NOTES:
 Date: April 13, 2012
 Data Sources: OWRD, ORMAP, DGIC, US BLM



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Attachment B
Evidence of Use Affidavit and Use Documents
Temporary Transfer Application for Certificate 87800

13901

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 MULTNOMAH)

I, KURT KERSLAKE, in my capacity as OWNER,
 mailing address 1605 SE 302ND AVENUE, TROUTDALE, OR 97060
 telephone number (503)667-5136, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # ____; **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)
87800	4	N	25	E	WM	20	SW	SE		10.0

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.): MINT, HAY, CORN

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.

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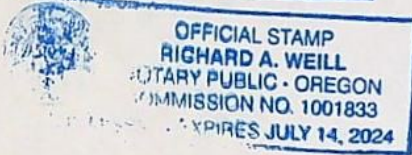
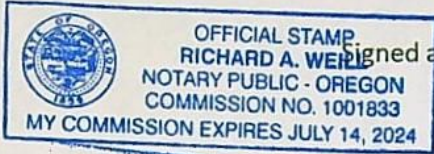
[Signature]

Signature of Affiant

JAN. 10, 2022 JAN 31 2022

Date

OWRD



I signed and sworn to (or affirmed) before me this 10 day of JAN., 2022.

[Signature]

Notary Public for Oregon

My Commission Expires: _____

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

CUSTOMER PROFILE/BILLING HIST

Customer: [REDACTED] Name: HILLTOP PRODUCE FARMS Phone Ext Addl Phone Ext
 Addl Name: Home: Home:
 Address: PO BOX 3427 Mobl: 503-667-5136 Mobl:
 GRESHAM OR 97030 Busn: Busn:
 Fax: Fax:

Account: [REDACTED] Cycle Code: 1 Invoice Group: 0
 Provider: UEC - Umatilla Electric Cooperative Service: ELEC - UMATILLA ELECTRIC COOPERATIVE

AR Information:

Total AR:	5.27	Budget Due:	.00	Annual Due:	.00
Total Current:	5.27	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/29/2021 Payment Amt: -3.39

Location: 46765182 Srv Map Loc: 4N25E202200
 Srv Desc: 2 40 HP PUMP
 Srv Address: PAUL SMITH RD
 Prim Rate Sched:44A

Emergency Addr:
 District Office: 1 - Umatilla Electric Cooperative
 Board Dist: 1 - Lee Docken
 Srv Area: 01 - Boardman

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2021	172	.235	.410	750.000	.000
Feb 2021	156	.235	.410	681.000	.000
Mar 2021	235	7.570	12.742	785.000	.000
Apr 2021	359	2.008	3.149	818.000	.000
May 2021	6,490	30.841	33.552	3465.000	.000
Jun 2021	10,565	47.169	51.126	5525.000	.000
Jul 2021	8,934	43.236	48.334	5488.000	.000
Aug 2021	13,363	42.912	45.697	6279.000	.000
Sep 2021	11,235	33.381	35.671	5396.000	.000
Oct 2021	1,593	23.661	27.343	1135.000	.000
Nov 2021	46	.122	.195	114.000	.000
Dec 2021	42	.529	.866	119.000	.000
<hr/>					
Totals:	53,190	231.899	259.495	30555.000	.000
Averages:	4,432	19.325	21.625	2546.250	.000

Billing History Revenue Summary:

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JAN 31 2022

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CUSTOMER PROFILE/BILLING HIST

Customer: ██████████ Name: HILLTOP PRODUCE FARMS Phone Ext Addl Phone Ext
 Add Name: Address: PO BOX 3427 Home: Home:
 GRESHAM OR 97030 Mobl: 503-667-5136 Mobl:
 Busn: Busn:
 Fax: Fax:

Account: ██████████ Cycle Code: 1 Invoice Group: 0
 Provider: UEC - Umatilla Electric Cooperative Service: ELEC - UMATILLA ELECTRIC COOPERATIVE

AR Information:

Total AR:	5.23	Budget Due:	.00	Annual Due:	.00
Total Current:	5.23	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/29/2021 Payment Amt: -6.90

Location: 46765190 Srv Map Loc: 4N25E204597
 Srv Desc: 100 HP 40 HP 3 CIRCLE 19 TOWER
 Srv Address: 100 HP 40 HP 3 CIRCLE 19 TOWER
 Prim Rate Sched:44A

Emergency Addr:
 District Office: 1 - Umatilla Electric Cooperative
 Board Dist: 1 - Lee Docken
 Srv Area: 01 - Boardman

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2021	80	.080	.122	160.000	.000
Feb 2021	80	.080	.122	160.000	.000
Mar 2021	120	2.040	3.215	280.000	.000
Apr 2021	80	1.240	2.051	240.000	.000
May 2021	17,360	89.920	102.698	11760.000	.000
Jun 2021	38,800	92.200	104.417	25320.000	.000
Jul 2021	53,080	88.080	99.830	34760.000	.000
Aug 2021	48,960	85.000	96.968	33000.000	.000
Sep 2021	45,360	83.360	95.647	31360.000	.000
Oct 2021	120	2.120	3.228	240.000	.000
Nov 2021	80	.480	.731	160.000	.000
Dec 2021	80	.080	.122	160.000	.000
<hr/>					
Totals:	204,200	444.680	509.151	137600.000	.000
Averages:	17,017	37.057	42.429	11466.667	.000

Billing History Revenue Summary:

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Umatilla Electric Cooperative

01/10/2022 05:52:04 pm

CUSTOMER PROFILE/BILLING HIST

Page: 1

Customer: [REDACTED] Name: HILLTOP PRODUCE FARMS Phone Ext Addl Phone Ext
 Addl Name: Home: Home:
 Address: PO BOX 3427 Mobl: 503-667-5136 Mobl:
 GRESHAM OR 97030 Busn: Busn:
 Fax: Fax:

Account: [REDACTED] Cycle Code: 1 Invoice Group: 0
 Provider: UEC - Umatilla Electric Cooperative Service: ELEC - UMATILLA ELECTRIC COOPERATIVE

AR Information:

Total AR:	3.00	Budget Due:	.00	Annual Due:	.00
Total Current:	3.00	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/29/2021 Payment Amt: -2.65

Location: 46765204 Srv Map Loc: 4N25E170999
 Srv Desc: 400 HP RIVER PUMP
 Srv Address: 400 HP RIVER PUMP
 Prim Rate Sched:47A

Emergency Addr:
 District Office: 1 - Umatilla Electric Cooperative
 Board Dist: 1 - Lee Docken
 Srv Area: 01 - Boardman

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2021	60	.060	.106	300.000	.000
Feb 2021	60	.060	.106	300.000	.000
Mar 2021	15,240	160.200	175.996	8580.000	.000
Apr 2021	37,320	107.340	116.518	19680.000	.000
May 2021	47,220	151.680	162.692	23220.000	.000
Jun 2021	63,480	164.220	173.810	28620.000	.000
Jul 2021	78,180	180.660	191.048	35040.000	.000
Aug 2021	81,660	180.600	190.479	35940.000	.000
Sep 2021	70,440	177.540	188.050	31920.000	.000
Oct 2021	16,080	145.080	154.887	7680.000	.000
Nov 2021	60	.060	.106	300.000	.000
Dec 2021	60	.120	.213	300.000	.000
<hr/>					
Totals:	409,860	1267.620	1354.011	191880.000	.000
Averages:	34,155	105.635	112.834	15990.000	.000

Billing History Revenue Summary:

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Umatilla Electric Cooperative

01/10/2022 05:53:21 pm

CUSTOMER PROFILE/BILLING HIST

Page: 1

Customer: [REDACTED] Name: HILLTOP PRODUCE FARMS Phone Ext Addl Phone Ext
 Addl Name: Home: Home:
 Address: PO BOX 3427 Mobl: 503-667-5136 Mobl:
 GRESHAM OR 97030 Busn: Busn:
 Fax: Fax:

Account: [REDACTED] Cycle Code: 1 Invoice Group: 0
 Provider: UEC - Umatilla Electric Cooperative Service: ELEC - UMATILLA ELECTRIC COOPERATIVE

AR Information:

Total AR:	14.66	Budget Due:	.00	Annual Due:	.00
Total Current:	14.66	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/29/2021 Payment Amt: -7.83

Location: 107325790 Srv Map Loc: 4N25E195404
 Srv Desc: 150 H/P PUMP
 Srv Address: PETERS ROAD
 Prim Rate Sched:44A

Emergency Addr:
 District Office: 1 - Umatilla Electric Cooperative
 Board Dist: 1 - Lee Docken
 Srv Area: 01 - Boardman

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
Jan 2021	120	.240	.240	.000	.000
Feb 2021	240	.240	.258	120.000	.000
Mar 2021	0	.840	.840	.000	.000
Apr 2021	0	1.680	1.680	240.000	.000
May 2021	3,360	92.400	115.518	3240.000	.000
Jun 2021	13,320	91.080	112.365	12240.000	.000
Jul 2021	14,400	90.000	110.124	12840.000	.000
Aug 2021	360	1.320	2.010	720.000	.000
Sep 2021	120	1.920	3.317	480.000	.000
Oct 2021	240	2.400	3.397	360.000	.000
Nov 2021	120	.240	.303	120.000	.000
Dec 2021	240	.240	.240	.000	.000
<hr/>					
Totals:	32,520	282.600	350.292	30360.000	.000
Averages:	2,710	23.550	29.191	2530.000	.000

Billing History Revenue Summary:

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 JAN 31 2022
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Attachment C
Current Deed

Temporary Transfer Application for Certificate 87800

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JAN 31 2022

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MCRC 9884

Until a change is requested all tax statements should be sent to Grantee at the following address:
Kerslake Family Enterprises, LLC
PO Box 3427
Gresham, OR 97030

After Recording Please Return to:
MID-COLUMBIA TITLE COMPANY
P.O. BOX 290
BOARDMAN, OR 97818

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, KARL D. SMITH AND PATRICIA A. SMITH, Grantors herein, do hereby grant, bargain, sell, convey and warrant unto KERSLAKE FAMILY ENTERPRISES, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described tract of land in the County of Morrow, and State of Oregon, more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the granted premises unto the said Grantees, its heirs and assigns forever.

And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any, and that they will, and their successors heirs executors and administrators shall Warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as stated below:

THE TRUE AND ACTUAL CONSIDERATION IS \$7,600,000.00.

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

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Dated this 29 day of DECEMBER, 2016.

Karl D. Smith
KARL D. SMITH

Patricia A. Smith
PATRICIA A. SMITH

STATE OF OREGON
COUNTY OF MORROW

This record was acknowledged before me this 29th day of December, 2016 by KARL D. SMITH AND PATRICIA A. SMITH.

Krista A. Price
Notary Public for the State of OREGON
My Commission Expires: may 14, 2018



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EXHIBIT "A"
Legal Description

Parcel I:

All that portion of the West Half of the Northeast Quarter of Section 20, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow, and State of Oregon, lying South of the West Extension Irrigation District Canal.

Parcel II:

The South Half of Section 19, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow, and State of Oregon, lying South of West Extension Umatilla Irrigation Project Main Canal.

EXCEPTING THEREFROM the East 462.00 feet of the West 2,372.00 feet of the South 377.00 feet of the Southwest Quarter of Section 19, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon.

Parcel III:

The Southeast Quarter, the Southwest Quarter of the Southwest Quarter, the East Half of the Southwest Quarter, and the West 25 feet of the Northwest Quarter of Southwest Quarter of Section 20, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, lying South of West Extension Irrigation District Project Main Canal.

TOGETHER WITH the West 25 feet of the Northwest Quarter of the Southwest Quarter of Section 20, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, lying South of the West Extension Irrigation District Canal.

ALSO TOGETHER WITH a parcel of land located in Section 20, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said Section 20, thence along the South line of said Northwest Quarter of the Southwest Quarter South 89°44'45" East a distance of 25.00 feet to the Point of Beginning for this description; thence North 00°28'45" East parallel with and 25.00 feet East of the West line of said Northwest Quarter a distance of 286.96 feet; thence South 34°48'16" East a distance of 116.74 feet; thence South 32°28'23" East a distance of 115.63 feet; thence South 28°03'17" East a distance of 106.91 feet, more or less, to the South line of said Northwest Quarter of the Southwest Quarter; thence along said South line, North 89°44'45" West a distance of 181.40 feet to the Point of Beginning.

Page 3 of 6

Statutory Warranty Deed
Smith/Kerslake Family Enterprises, LLC

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Parcel IV:

The East 462.00 feet of the West 2,372.00 feet of the South 377.00 feet of the Southwest Quarter of Section 19, Township 4 North, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon.

Parcel V:

That part of the East one-half of the East one-half of the Northwest Quarter of Section 20, lying South of the West Extension Irrigation District Umatilla Canal Project, in Township 4 North, Range 25 East of the Willamette Meridian, in the County of Morrow and State of Oregon.

Parcel VI: The following Pipeline easements

1. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-1999, Morrow County Microfilm Records.

NOTE: Over the East 12.00 feet of Sections 18 and 19, Township 4 North, Range 25, East of the Willamette Meridian.

2. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-2000, Morrow County Microfilm Records.

NOTE: A strip of land lying West of and adjacent to the East line of the Northeast Quarter of the Southeast Quarter of Section 18, Township 4 North, Range 25, East of the Willamette Meridian, Morrow County, Oregon and Northerly of the project boundary of the John Day Lock and Dam Project.

3. Easement for crossing of irrigation works with a 20 inch pipeline, including the terms and provisions thereof, in favor of Bildco Inc. a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-2001, Morrow County Microfilm Records.

NOTE: Within the Northeast Quarter of the Southeast Quarter of Section 19, Township 4 North, Range 25, East of the Willamette Meridian, Morrow County, Oregon within the right of way of the West Extension Main Canal. Crossing is located 10 feet West of the East Section line of Section 19.

4. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded May 20, 1970, as Microfilm No. M-2210, Morrow County Microfilm Records.

NOTE: The East 12.00 feet of Sections 18 and 19, Township 4 North, Range 25, East of the Willamette Meridian.

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EXHIBIT "B"
Permitted Exceptions

1. The rights of the public in roads and highways.
2. The premises are within the boundaries of the West Extension Irrigation District, and are subject to the levies, assessments and easements thereof, if any.
3. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
4. Reservations, including the terms and provisions thereof, as reserved in deed from the Northern Pacific Railroad Company, to Oregon Land & Water Company, in Book S, Page 342, Morrow County Deed Records.
5. Right of Way, including the terms and provisions thereof, in favor of Pacific Telephone and Telegraph Company, recorded May 12, 1942, in Book 47, Page 377, Morrow County Deed Records. (Affects Parcel II and IV)
6. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, recorded October 20, 1958, in Book 63, and Page 334, Morrow County Deed Records. (Affects Parcel II and IV)
7. Easement, including the terms and provisions thereof, in favor of Morrow County, recorded November 2, 1962, in Book 68, Page 431, Morrow County Deed Records. (Affects Parcel II and IV)
8. Reservations, Easements, and Rights of Way, including the terms and provisions thereof, as disclosed in Patent from the United States of America, to Bildco, Inc., recorded January 11, 1969, as Microfilm No. M-1103, Morrow County Microfilm Records. (Affects Parcel III)
9. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-1999, Morrow County Microfilm Records. (Affects Parcel III)
10. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-2000, Morrow County Microfilm Records. (Affects Parcel III)
11. Easement for crossing of irrigation works with a 20 inch pipeline, including the terms and provisions thereof, in favor of Bildco Inc. a Washington Corporation, recorded February 19, 1970, as Microfilm No. M-2001, Morrow County Microfilm Records. (Affects Parcel III)
12. Easement for pipeline right-of-way, including the terms and provisions thereof, in favor of Bildco Inc., a Washington Corporation, recorded May 20, 1970, as Microfilm No. M-2210, Morrow County Microfilm Records. (Affects Parcel III)
13. Easement, including the terms and provisions thereof, in favor of Telephone Utilities, Inc., Oregon Division, recorded May 16, 1977, as Microfilm No. M-11235, Morrow County Microfilm Records. (Affects Parcel II and IV)
14. Crossing Agreement, including the terms and provisions thereof, in favor of Ivan Cook and Colleen Cook, recorded August 28, 1990, as Microfilm No. M-35457, Morrow County Microfilm Records. (Affects Parcel II and IV)
15. Crossing Agreement, including the terms and provisions thereof, in favor of Ivan Cook and Colleen Cook, recorded February 4, 1993, as Microfilm No. M-39907, Morrow County Microfilm Records. (Affects Parcel III)

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Statutory Warranty Deed
Smith/Kerslake Family Enterprises, LLC

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16. Reservations, including the terms and provisions thereof, as reserved in deed from Augustan D. Kittson, Cynthia Jane Peterson and Nicki Jean Keohohou and the successor trustees of the Kittson Family Trust U/W/O Augustan Kittson, Grantor and Ivan J. Cook and Colleen Cook, Grantee, recorded May 03, 1996 as Microfilm No. M-47936, Morrow County Microfilm Records. (Affects Parcel III)
17. Covenant to comply with partition for Financial purposes, including the terms and provisions thereof, between Karl D. Smith and Patricia A. Smith, and Morrow County, recorded July 18, 2001 as Microfilm No. 2001-1698, Morrow County Microfilm Records. (Affects Parcel II and IV)
18. Consent to Use, including the terms and provisions thereof, between the United States of America, Department of the Interior, Bureau of Reclamation, and Peters Road Bridge Company, LLC, dated January 9, 2004, recorded February 02, 2004, as Microfilm No. 2004-10142, Morrow County Microfilm Records. (Affects Parcel II and IV)
19. Easement for Portion of Irrigated Circle, including the terms and provisions thereof, in favor of Karl D. Smith and Patricia A. Smith, recorded October 28, 2015, as Microfilm No. 2015-36987, Morrow County Microfilm Records. (Affects Parcel III)
20. The property described herein consists of portions that are contiguous. Access to such parcels may be through adjoining parcels. Rights of access to the property are limited to dedicated roads which abut or pass through the property described herein and no representation is made that all parcels and/or parts thereof have physical and/or insurable access. (Affects Parcels I and V)

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Statutory Warranty Deed
Smith/Kerslake Family Enterprises, LLC

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Attachment D
Certificate and Map 87800
Temporary Transfer Application for Certificate 87800

13901

STATE OF OREGON
 COUNTY OF MORROW
 CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

KARL D. SMITH AND PATRICIA A. SMITH
 78276 PAUL SMITH ROAD
 BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, tributary to the PACIFIC OCEAN for IRRIGATION of 507.55 ACRES.

This right was perfected under Permit S-33937. The date of priority is OCTOBER 16, 1968 for 6.58 cubic feet per second and DECEMBER 19, 1968 for 4.70 cubic feet per second. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 11.28 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	25 E	WM	18	NE NE	1190 FEET NORTH AND 10 FEET WEST FROM SE CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 18

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

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

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	GLot	Acres
4 N	25 E	WM	19	NE SW	--	28.10
4 N	25 E	WM	19	NW SW	3	34.30
4 N	25 E	WM	19	SW SW	4	53.40
4 N	25 E	WM	19	SE SW	--	39.00
4 N	25 E	WM	19	NE SE	--	14.10
4 N	25 E	WM	19	NW SE	--	23.50
4 N	25 E	WM	19	SW SE	--	39.60
4 N	25 E	WM	19	SE SE	--	29.50
4 N	25 E	WM	20	NE SW	--	34.70
4 N	25 E	WM	20	SW SW	--	40.10
4 N	25 E	WM	20	SE SW	--	40.20
4 N	25 E	WM	20	NE SE	--	40.60
4 N	25 E	WM	20	NW SE	--	9.45
4 N	25 E	WM	20	SW SE	--	40.20
4 N	25 E	WM	20	SE SE	--	40.80

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Certificate 87800

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This certificate describes that portion of the water right confirmed by Certificate 44107, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered Nov. 15 2012, approving Transfer Application T-11404.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use herein described and is subject to the existing minimum flow policies originally established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed Nov. 15 2012



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

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Attachment E
Supplemental Form D
Temporary Transfer Application for Certificate 87800

13901

Supplemental Form D

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



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

[For transfers submitted under OAR Chapter 690 Division 380]

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

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

1. APPLICANT INFORMATION

NAME KERSLAKE FAMILY ENTERPRISES		PHONE (HM)	
PHONE (WK) (503) 667-5136	CELL	FAX	
ADDRESS 1605 SE 302 ND AVENUE			
CITY TROUTDALE	STATE OR	ZIP 97060	E-MAIL** BECKY@HILLTOPPRODUCEFARMS.COM

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME WEST EXTENSION IRRIGATION DISTRICT		PHONE (HM)	
PHONE (WK) (541) 922-3814	CELL	FAX	
ADDRESS P.O. Box 100			
CITY IRRIGON	STATE OR	ZIP 97844	E-MAIL** BEV@WESTEXTENSION.COM

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		S-33937	87800	YES <input type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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

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

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

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

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

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

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

COMMENTS OR ADDITIONAL INFORMATION: THE PLACE OF USE IS LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT. THE FROM AND TO TEN ACRES ARE NOT COVERED BY ANY DISTRICT WATER RIGHT.

4. APPLICANT'S SIGNATURE

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

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

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

Kurtis Kerslake Kurtis Kerslake 1-11-22
Applicant Signature Name (print) Date

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

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

The district/water supplier certifies the following:

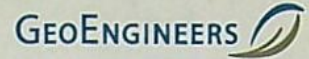
(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

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

YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Beverly J. Bridgewater Beverly J. Bridgewater 1/26/22
Signature of District Manager /Water Supplier Name (print), Title Date



8019 West Quinault Avenue, Suite 201
Kennewick, Washington 99336
509.209-2846

January 26, 2022

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

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RE: Temporary Transfer Application for Kerslake (Certificate 87800)

To Whom It May Concern:

On behalf of our client, Kerslake Family Enterprises, please find enclosed a temporary transfer application with supporting documents, for Certificate 87800. A check in the amount of \$977.00 is also enclosed.

Should you have any questions regarding this application packet, please do not hesitate to contact me.

Sincerely,

Molly Reid
Senior Water Resources Consultant
(509) 209-2846 Direct Line
(541) 310-7264 Cell

Enclosures: Temporary transfer application, map, supporting documents

Cc: Kurt Kerslake
File

Regular temporary water right transfer Application Checklist

Checked by John

Date 2-2-22

T-13901

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

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?
If not, the correct fee would be: _____, so the amount missing is: _____
- 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, 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) *Included*
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. 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.

Temp po *ok*