

T-13918

Temporary

T-13918

Name St Hilaire Brothers Hermiston Farm LLC

DESCRIPTION OF WATER RIGHT(S)

Address 84186 Hwy 37
Hermiston OR 97838
Carl@shfarms.comName of Stream Columbia riverTrib. of Pacific OceanUse IrrigationCounty Umatilla

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

Name of ditch _____

App# 549593 Per # 532418 Cert # 880209 PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

Change in PA
Date Filed 2/11/2022
Initial notice date 2/22/2022
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 4/6/2022 Vol 122 Page 778C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____Assignments: _____

Irrigation District _____

Agent Paul Wattenburger Paul@irz.com

CWRE _____

CC's list Umatilla County☐ - Oversized map - Location _____

FEES PAID

Date	Amount	Receipt #
2-11-2022	\$1,072.31	137442

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 6, 2022

ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

REFERENCE: District Temporary Transfer Application T-13918

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 2022 irrigation season. The use shall revert to the original authorized place of use at the end of the 2026 irrigation season.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Ann Reece, by telephone at (503) 979-3214 or by e-mail at Ann.L.Reece@water.oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

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

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13918, Umatilla County)	A TEMPORARY 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

ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838
carl@ishfarms.com

Findings of Fact

1. On February 11, 2022, ST HILAIRE BROTHERS HERMISTON FARM LLC filed an application to temporarily change the place of use under Certificate 88069 for a period of five (5) years, being 2022 through 2026. The Department assigned the application number T-13918.
2. Notice of the application for transfer was published on February 22, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Notice of the application for transfer was published on February 22, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On February 21, 2022, the applicant submitted a revised application correcting the original application.

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.

5. The portion of the right to be temporarily transferred is as follows:

Certificate: 88069 in the name of ST HILAIRE BROTHERS HERMISTON FARM, LLC.
(perfected under Permit S-36418)

Use: IRRIGATION of 45.3 ACRES

Priority Date: AUGUST 17, 1972

Rate: 0.67 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-SIXTY-SEVENTH (1/67) of one cubic foot per second per acre or its equivalent, for each acre irrigated and shall be further limited to a diversion of not to exceed 3.25 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2920 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	27	SW SE	0.3
5 N	30 E	WM	27	SE SE	2.8
5 N	30 E	WM	34	NE NE	30.0
5 N	30 E	WM	34	NW NE	11.2
5 N	30 E	WM	34	SW NE	0.1
5 N	30 E	WM	34	SE NE	0.9
TOTAL					45.3

6. Temporary Transfer Application T-13918 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	30 E	WM	23	SE NE	2.0
5 N	30 E	WM	23	NE SE	14.1
5 N	30 E	WM	24	SW NW	4.6
5 N	30 E	WM	24	NW SW	24.6
TOTAL					45.3

7. The authorized place of use is layered with Permit S-55356 for primary irrigation, but the seasons of use do not overlap; the season of use authorized under the permit is November 1 through February 28 or 29.

8. The authorized place of use as described in Finding of Fact #5, above, is appurtenant to lands described under Permits S-55114, S-55167, S-55262, and S-55263. These permits are for use of water from the Columbia River, tributary to the Pacific Ocean. The applicant has stated that these permits are not currently being exercised on lands appurtenant to the authorized place of use involved in this transfer. Therefore, the authorized place of use under Certificate 88069 described in FOF #5 is not subject to conditions set forth in Permits S-55114, S-55167, S-55262, and S-55263.
9. The proposed place of use described in Finding of Fact #6, above, will become layered with the same lands for which there is supplemental use Planned Irrigation Activity during the 2022 irrigation season under Permits S-55114, S-55167, S-55262, and S-55263. In addition, the proposed place of use may become layered again in subsequent years prior to the termination of this transfer. Use of water under Certificate 88069 and these permits, once layered, are subject to the following annual conditions:
 - a) The combined amount of water used under Permits S-55114, S-55167, S-55262, and S-55263 together with the amount secured under any other right existing for the same lands, including Certificate 88069, is limited to a diversion of not to exceed ONE-SIXTIETH of one cubic foot per second and 3.5 acre-feet for each acre irrigated during the irrigation season.
 - b) If water under Permits S-55114, S-55167, S-55262, and S-55263 is planned for use as supplemental irrigation, then pre-existing primary rights for the same place of use cannot be transferred to another place of use or character of use.

Temporary Transfer Review Criteria

10. 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.
11. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
12. The proposed change, as conditioned, 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).
13. The Department finds the proposed changes, as conditioned, would not result in injury to other water rights in accordance with ORS 540.523(2). 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.
14. All other applicable requirements for a temporary water right transfer pursuant to OAR Chapter 690, Division 380, are met.

Conclusions of Law

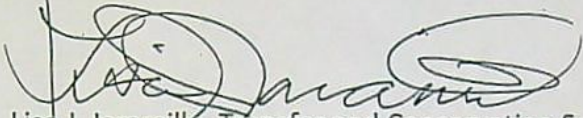
The temporary change in place of use proposed in Temporary Transfer Application T-13918 as conditioned above, is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13918 is approved, as conditioned below.
2. The land from which the water right described by Water Right Certificate 88069 is temporarily removed shall not receive any water under the rights during 2022, 2023, 2024, 2025, and 2026 irrigation seasons.
3. All uses of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2026 irrigation season, or earlier, if requested in writing by the applicant.
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. Any subsequent application for permanent transfer of Certificate 88069 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 88069.
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. 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 diversion (new and existing).
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.

9. The use of the remaining water right described by Certificate 88069 shall continue to be in accordance with the terms and conditions of Certificate 88069.

Dated in Salem, Oregon on APR 05 2022



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

Mailing Date: APR 06 2022

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 13918



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)969-1677

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13918

Transfer Specialist:

Transfer Type: Temporary Transfer

Applicant: ST HILAIRE BROTHERS HERMISTON FARM LLC 84186 HIGHWAY 37 HERMISTON, OR 97838 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A PAUL WATTENBURGER 500 N 1ST STREET HERMISTON, OR 97838 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov't: <input type="checkbox"/> N/A Umatilla County 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"/>	S49593	S36418	88069	<input type="checkbox"/> Yes <input 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: February 11, 2022	Proposed Action(s): PLACE OF USE	
Fees Pd: 1072.31	WM District: 5	ODFW District:
Initial Public Notice: February 22, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

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-13918

Review Due Date:

Applicant Name: St. Hilaire Brothers Hermiston Farm, LLC

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

Reviewer(s): Greg Silbernagel

Date of Review: 03/16/2022

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:
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:

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- 13918



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



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

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

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)969-1677

Email: Greg.M.Silbernagel@Oregon.gov

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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 16, 2022

ST HILAIRE BROTHERS HERMISTON FARM LLC
84186 HIGHWAY 37
HERMISTON, OR 97838

Reference: Application T-13918

On February 11, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1072.31. Our receipt number 137442 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)
Umatilla County
Paul Wattenburger, Agent

Enclosure



RECEIVED

FEB 11 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: St. Hilaire Brothers Hermiston Farm, LLC
84186 Hwy 37 Hermiston, OR 97838

Transaction Type: Temp Transfer

Fees Received: \$ 1,072.31

☐ Cash

☒ Check:

Check No. 1627

Name(s) on Check: same as applicant

Address on Check: same as applicant

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by:

J. Percival
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

February 7, 2022

ATTN: Water Right Transfers
Water Resource Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

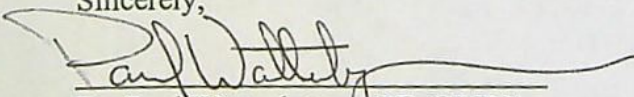
RE: Temporary Transfer - Certificate 88069

Dear Sir/Madam:

Enclosed is an Application requesting a Temporary Transfer for a portion of Certificate 88069 for the 2022 irrigation season. Along with the completed Application are a Temporary Transfer Application Map, the current deed for the from land, a Consent by Deeded Landowner for the to land, and a completed Evidence of Use Affidavit with supporting documentation. The supporting documentation is the map over the 2018 Google aerial image. This image shows that the from land was left fallow that year as there was a Temporary Transfer, T-12657 to land owned by Randy Rupp where the water was used.

If you have questions please directed them to me by phone, (541) 571-1112, or email, paul@irz.com.
Thank you.

Sincerely,


Dr. Paul Wattenburger, PE, CWRE

Enclosures: Seven

1. Temporary Transfer Application Form
2. Temporary Transfer Application Map
3. Deed for From Lands
4. Evidence of Use Affidavit
5. Evidence of Use Map
6. Consent by Deeded Landowner (To Lands)
7. \$1,072.31 Check for Fee

RECEIVED

FEB 11 2022

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 # 137442

INVOICE #

RECEIVED FROM: St. Hilaire Brothers
BY: Hermiston Farm, LLC

APPLICATION
PERMIT
TRANSFER 7-13918

CASH: ☐ CHECK: ☒ OTHER: (IDENTIFY) ☐

1627

TOTAL REC'D \$ 1072.31

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 \$

0203 GROUND WATER \$

0205 TRANSFER \$ 1072.31

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT

OTHER (IDENTIFY) \$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

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: 137442

DATED: 2-11-2022

BY: [Signature]

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

Check No.: 1627
SF16001.1-1SC

Check Date: 2/10/22
Safeguard

Currency: USD
TO REORDER, CALL YOUR LOCAL SAFEGUARD DISTRIBUTION AT 809-545-8845

Totals: 1,072.31

CC20100010000 Y21SF004765

.00

1,072.31

ST HILAIRE BROTHERS HERMISTON FARM, LLC • ST HILAIRE BROTHERS HERMISTON FARM LLC
Vendor: Oregon Water Resources Department ID: 1051
Invoice No. 2/8/22 Invoice Date
K18 to RU102 Water Transfer Fee Description
P.O. No. Voucher Amt 1,072.31 Discount Amt .00 Pay Amount 1,072.31
1627

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OVER THE COUNTER

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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

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- ☒ 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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ 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: Certificate 88069**
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: 2022 End Year: 2026.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☒ ☐ 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 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.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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/or is 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: ____/____/____

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.

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°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET			
FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u> 1 (2a) </u> Subtract 1 from the number in 3a above: <u> 0 (2b) </u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: _____ 45.3 (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » » »	4	122.31
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1072.31
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0.00
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	1072.31

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: right;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as $1/40$ or $1/80$ of a cfs per acre; multiply number of acres proposed for change by either $0.025 (1/40)$ or $0.0125 (1/80)$. (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0.)

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME St. Hilaire Brothers Hermiston Farm, LLC		PHONE NO. 541-564-1000	ADDITIONAL CONTACT NO. 541-314-5500
ADDRESS 84186 HWY 37			FAX NO.
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL carl@jshfarms.ocm
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.

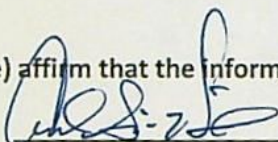
AGENT/BUSINESS NAME Paul Wattenburger/IRZ Consulting		PHONE NO. 541-567-0252	ADDITIONAL CONTACT NO. 541-571-1112
ADDRESS 500 North 1st Street			FAX NO. 541-567-4239
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:

Temporary transfer of water from one field to a new field for five years (2021-2025.)

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

Carl St. Hilaire, Managing Member February 8th, 2022
Print Name (and Title if applicable) 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.

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

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

ENTITY NAME Umatilla County	ADDRESS 216 SE 4th	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Water Right Certificate # 88069

Description of Water Delivery System

System capacity: 44.7 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. As shown on the attached Transfer Map this is a large system supplying water for two Certificates; 88066 (19.7 cfs) & 88069 (25.0 cfs). There is a River Pump Station, POD (7 pumps 5,600 total hp), a main Booster Station (6 pumps 1,800 total hp), several smaller booster stations, pipelines ranging in size from 42" down to 6", and 37 center pivots.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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)
River Pump Station	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5 N	30 E	8	S W N W	TL 200	2920' North & 150' East from the SW Corner of Section 8, T5N R30E, W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> 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.

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

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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	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			
5	N	30	E 27	SW SE	1304		0.3	Irrigation	POD	8/17/72	POU	5	N	30	E 23	SE NE	1380		2.0	Irrigation	POD	8/17/72	
5	N	30	E 27	SE SE	1304		2.8	Irrigation	POD	8/17/72	POU	5	N	30	E 23	NE SE	1380		14.1	Irrigation	POD	8/17/72	
5	N	30	E 34	NE NE	1304		30.0	Irrigation	POD	8/17/72	POU	5	N	30	E 24	SW NW	1305		4.6	Irrigation	POD	8/17/72	
5	N	30	E 34	NW NE	1304		11.2	Irrigation	POD	8/17/72	POU	5	N	30	E 24	NW SW	1305		24.6	Irrigation	POD	8/17/72	
5	N	30	E 34	SW NE on map SW SE	1304		0.1	Irrigation	POD	8/17/72	POU												
5	N	30	E 34	SE NE on map SE SE	1304		0.9	Irrigation	POD	8/17/72													
TOTAL ACRES						45.3						TOTAL ACRES						45.3					

Additional remarks:_____

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For Place of Use Changes

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

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

Certificate 88069

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:

- ☐ 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

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

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, CARL ST. HILAIRE, in my capacity as OWNER,
mailing address 84186 HWY 37 HERMISTON, OR 97838
telephone number (541)564-1000, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 88069 - TRANSFER T 12657; **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)

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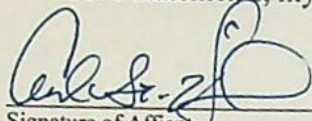
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

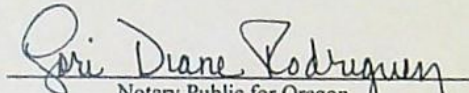
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

2/8/2022
Date

Signed and sworn to (or affirmed) before me this 08 day of Feb, 2022.




Notary Public for Oregon

My Commission Expires: 2/10/2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	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

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Umatilla)

I Randy Bracher (JPD Land Company) in my/our capacity as Owner,

mailing address 81891 Hwy 37 Pendleton, OR 97801,

telephone number (541) 379-6946, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 88069

described in a Water Right Transfer Application (T-____),

(transfer number, if known)

submitted by Carl St. Hilaire

on the property in tax lot number(s) 1305,

Section 24 Township 5 North North/South Range 30 East East/West, W.M.,

located at
(site address)

Signature of Affiant

Signature of Affiant

2-9-22
Date

Date

Subscribed and Sworn to before me this 01 day of ACK Anckj, 20>>.

Lori Diane Rodriguez
Notary Public for Oregon

My commission expires 02/10/2024.



Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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 ST HILAIRE BROTHERS HERMISTON FARM, LLC			PHONE (HM) 541-314-5500	
PHONE (WK) 541-564-1000		CELL		FAX
ADDRESS 84186 HWY 37				
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL** CARL@JSHFARMS.COM	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME EAST IMPROVEMENT DISTRICT			PHONE (HM)	
PHONE (WK) 541-701-8842		CELL		FAX
ADDRESS 84186 HWY 37				
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL** gregr@e-i-d.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.	S49593	S - 36418	88069	YES <input checked="" type="checkbox"/>
2.		-		YES <input type="checkbox"/>
3.		-		YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

- 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

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.

Carl St. Aulaire for SHBHF Carl St. Aulaire 3/16/2022
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).

G. C. Roland / EID GREG ROLAND / MANAGER 3/17/22
Signature of District Manager / Water Supplier Name (print), Title Date

DEED

JSH TO ST. HILAIRE BROTHERS

RECORDED MAY 16, 2007

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CLIENT'S COPY

2007 5190571



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Recording requested by and
When recorded, return to:

Pioneer Escrow, Inc.
PO Box 187/630 S Hwy 395
Hermiston, OR 97838

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

St. Hilaire Brothers Hermiston Farm LLC
84186 Highway 37
Hermiston, OR 97838

Property Tax No.: MAY 16 2007
UMATILLA COUNTY
RECORDS

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

05-16-07 at 11:30

in the record of instrument
code type DE-WD

Instrument Number 2007-5190571
Fee 78.00

Office of County Records

Deann Hemphill
Records Officer

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Document #101

STATUTORY WARRANTY DEED

JSH FARMS, INC., a Washington Corporation ("Grantor") conveys and warrants to St. Hilaire Brothers Hermiston Farm, LLC, an Oregon limited liability company, ("Grantee"), the real property in Umatilla County, State of Oregon described in attached Exhibit A free and clear of all liens and encumbrances and exceptions except as set forth in attached Exhibit B.

The true and actual consideration for this conveyance is EIGHT MILLION FOUR HUNDRED AND SEVENTY FIVE THOUSAND (\$8,475,000) dollars.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.



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DATED this 14th day of May, 2007.

GRANTOR:

JSH FARMS, INC., a Washington Corporation

By: 

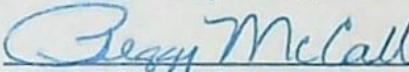
Carl St. Hilaire, President

STATE OF OREGON)

) ss.

County of Umatilla)

This instrument was acknowledged before me on this 14 day of May, 2007
by Carl St. Hilaire, President of JSH Farms, Inc., a Washington corporation, and on its behalf.



Notary Public for Oregon

My Commission Expires: 7-11-2009

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EXHIBIT A
TO
STATUTORY WARRANTY DEED

Legal Description and Encumbrances

TRACT I:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 15: Southwest Quarter.

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

TRACT II, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 20: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 21: All that portion lying Southwesterly of the Oregon State Highway No. 37.

Section 28: All.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-260, Page 390, Office of County Records and any other portion lying within the right-of-way of the State Highway.

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

TRACT II, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 21: Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet thence North 72° 49' 18" East, 272 feet, thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Excepting therefrom that portion lying within that tract of land conveyed to the State of Oregon, by deed recorded in Book 170, Page 215, Deed Records and any other portion of the State Highway right-of-way.

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

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TRACT III, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 21: All that portion lying Northeasterly of the Oregon State Highway No. 37.

Excepting therefrom that tract of land conveyed to the State of Oregon by deed recorded in Book 170, Page 215, Deed Records.

Also Excepting therefrom, Beginning at a point on the Northerly right-of-way line of Oregon State Highway No. 37 which lies South 58° 39' 44" East, 864 feet from where the Northerly line intersects the West line of said Section 21 and the True Point of Beginning for this description; thence South 58° 39' 44" East, along the Northerly line of said Highway, 1,217 feet; thence North 72° 49' 18" East, 272 feet; thence North 48° 29' 02" West, 1,132 feet; thence South 66° 19' 14" West, 493 feet to the point of beginning.

Also Excepting therefrom that tract conveyed to ARZ by deed recorded in Microfilm R-85, Page 96, Office of County Records.

Also Excepting therefrom any portion lying within the State Highway right-of-way.

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

TRACT III, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 20: Beginning at a point on the East line of said Section 20 which lies South 0° 05' 12" East, 1,948.74 feet from the Northeast corner of said Section 20 and the True Point of Beginning for this description; thence South 0° 05' 12" East along the East line of said Section 20, a distance of 1,551.32 feet to the Northerly right-of-way line of the Oregon State Highway No. 37; thence North 58° 39' 44" West, along the Northerly right-of-way line of said highway, 1,478.14 feet; thence North 58° 09' 34" East, 1,483.38 feet to the point of beginning.

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

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TRACT IV:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: West Half.

Excepting therefrom, beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

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

TRACT V, Parcel "A":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: Northeast Quarter.

Section 23: West Half of the Northwest Quarter.

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

TRACT V, Parcel "B":

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 22: Beginning at a point on the North-South centerline of said Section 22, which said point lies 1,684 feet South of the North Quarter corner of said Section 22 and the True Point of Beginning for this description; thence South along said North-South centerline, 1,971 feet; thence North 33° 47' West, 1,221 feet; thence North 35° 23' East, 1,173 feet to the point of beginning.

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

TRACT VI:

TOWNSHIP 5 NORTH, RANGE 30, E.W.M.

Section 27: Northwest Quarter.
West Half of the Southwest Quarter.

Section 27: All that portion of the Southeast Quarter of the Southwest Quarter and of the South Half of the Southeast Quarter lying Southerly of the Oregon State Highway No. 37.

Section 32: East Half.
North Half of the Northwest Quarter.
Southeast Quarter of the Southwest Quarter.

Exhibit A - Page 3

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Section 33: All.

Section 34: North Half.
North Half of the South Half.
North Half of the South Half of the South Half.

Excepting from the above described lands that tract of land conveyed to the State of Oregon, Department of Transportation, Highway Division by deed recorded in Microfilm R-124, Page 1165, Microfilm R-209, Page 1626 and Microfilm R-260, Page 390, Office of County Records and any other portion of the described lands lying within the State Highway and County Road right-of-ways.

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

TRACT VII (Easements):

Parcel A:

An Permanent Easement and Right of Way recorded in Book 294, Page 491 and corrected by Easement recorded in Book 331, Page 271, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, et al, to construct, inspect, maintain and repair underground pipelines for purposes of conveying water.

Parcel B:

An Permanent Easement and Right of Way recorded in Book 317, Page 177, Deed Records of Umatilla County, Oregon from Juniper Limited Partnership to Tom Kosmos, for a pipeline and appurtenances thereto.

Parcel C:

An Easement for the construction, operation, and maintenance of water pumping plant, and irrigation pipeline, together with the necessary appurtenances connected therewith granted by the United States of American, Secretary of the Army to Joanne I. Kosmos, dated November 18, 1999 (said instrument is unrecorded)

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EXHIBIT B

EXCEPTIONS

- 1) As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
- 2) The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 3) Reservations in federal patents and acts authorizing the same.
- 4) The following specific Title Report Exceptions:

#12 - additional taxes if property disqualified from special farm use.

#13 - mineral reservations and easements in US Patents.

#14 -Rights of utilities and of the owners of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within the boundaries that portion of the described lands lying within the formerly right of way of the State Highway and County Road, now vacated, including but not limited to those contained in Abandonment and Retention Resolution

Recorded: January 29, 1996 in Microfilm R-284, Page 110, Office of Umatilla County Records.

#15 - Mineral Reservations, including the terms and provisions thereof, contained in Deed

Grantor: Northern Pacific Railway Company

Recorded: July 22, 1912 in Book 81, Page 37, Deed Records.

(Affects lands in Sec. 21)

#16 - Mineral Reservations, including the terms and provisions thereof, contained in deed

Grantor: Northern Pacific Railway Company

Recorded: September 12, 1912 in Book 81, Page 147, Deed Records.

(Affects lands in SW-1/4 of SE-1/4 of Sec. 27 and ALL of Sec. 33)

#17 - Mineral Reservations, including the terms and provisions thereof, contained in Deed

Grantor: Northern Pacific Railway Company

Recorded: May 13, 1941 in Book 161, Page 131, Deed Records.

(Affects lands in SW-1/4 of SE-1/4, W-1/2 of Sec. 27)

#18. - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent

Grantee: Cold Springs Ranches, Inc.

Recorded: July 7, 1965 in Book 280, Page 563, Deed Records.

(Affects lands in SE-1/4 of NE-1/4 of Sec. 34)

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- #19 - Oil and Gas Reservations, including the terms and provisions thereof, contained in Patent
Grantee: Tom Kosmos
Recorded: May 30, 1974 in Book 337, Page 541, Deed Records.
(Affects lands in E-1/2 of SE-1/4 of Sec. 28)

- #20 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 6, 1960 in Book 260, Page 77, Deed Records.
(Affects lands in NE-1/4 of Sec. 22)

- #21 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 10, 1960 in Book 260, Page 217, Deed Records.
Amended: March 12, 1962 in Book 267, Page 15, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1318, Office of
Umatilla County Records. (Affects lands in NE-1/4 of Sec. 22)

- #22 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 20, 1960 in Book 260, Page 219, Deed Records.
Amended: March 12, 1962 in Book 267, Page 16, Deed Records.
Amended: March 13, 1981 in Microfilm R-77, Page 1307, Office of Umatilla
County Records. (Affects lands in Secs. 21 and 22)

- #23 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: September 20, 1960 in Book 260, Page 221, Deed Records.
Amended: March 12, 1962 in Book 267, Page 18, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1321
Amended: March 13, 1981 in Microfilm R-77, Page 1313, Office of Umatilla
County Records. (Affects lands in W-1/2 and NW-1/4 of NE-1/4 of Sec. 28)

- #24 - Easement, including the terms and provisions thereof
Grantee: Pacific Northwest Pipeline Corporation
Recorded: September 20, 1960 in Book 260, Page 223, Deed Records.
Amended: March 12, 1962 in Book 267, Page 19, Deed Records.
Amended: January 15, 1979 in Microfilm R-44, Page 1327, Office of
Umatilla County Records. (Affects lands in Sec. 32)

- #25 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: June 1, 1961 in Book 263, Page 399, Deed Records.
(Affects lands in Secs. 21 and 22)

- #26 - Easement, including the terms and provisions thereof
Grantee: United States of America
Recorded: February 23, 1966 in Book 283, Page 343, Deed Records.
Amended: January 19, 1971 in Book 310, Page 578, Deed Records.
Amended: January 31, 1986 in Microfilm R-134, Page 225, Office of
Umatilla County Records. (Affects lands in N-1/2 of NW-1/4 of Sec. 20)



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- #27 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: May 21, 1969 in Book 299, Page 631, Deed Records.
Amended: February 16, 1970 in Book 305, Page 17, Deed Records.
(Affects lands in Sec. 20 lying Northerly of Highway)
- #28 - Easement for pipeline, including the terms and provisions thereof
Grantee: Cold Spring Ranches, Inc.
Recorded: June 24, 1971 in Book 313, Page 582, Deed Records.
(Affects lands in 20, 21 and 28)
- #29 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: March 14, 1972 in Book 319, Page 553, Deed Records.
(Affects lands in Secs. 20, 21 and 28)
- #30 - Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: September 17, 1973 in Book 331, Page 370, Deed Records.
(Affects lands in Secs. 32, 33 and 34)
- #31 - Easement for pipeline, including the terms and provisions thereof
Grantee: Cold Springs Ranches, Inc.,
Recorded: November 27, 1973 in Book 333, Page 177, Deed Records.
(Affects lands in Sec. 33)
- #32 - Easement for electric transmission line, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: February 11, 1974 in Book 335, Page 121, Deed Records.
(Affects lands in Sec. 33)
- #33 - Easement for electric transmission line, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: April 4, 1974 in Book 336, Page 300, Deed Records.
(Affects lands in Sec. 27 and 34)
- #34 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: August 20, 1981 in Microfilm R-83, Page 1531, Office of
Umatilla County Records. (Affects lands in Sec. 21 lying Sly of Highway)
- #35 - Easement, including the terms and provisions thereof
Grantee: Pacific Gas Transmission Company
Recorded: October 15, 1985 in Microfilm R-130, Page 1384, Office of
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)
- #36 - License, including the terms and provisions, between
First Party: Pacific Gas Transmission Company
Second Party: Cascade Natural Gas Corporation
Recorded: April 11, 1986 in Microfilm R-136, Page 1203, Office of
Umatilla County Records. (Affects lands in SE-1/4 of SW-1/4 of Sec. 21)

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- #38 - Access Restrictions and Easements, including the terms and provisions thereof,
contained under Deed
Grantor: Tom Kosmos
Grantee: State of Oregon, Dept. of Transportation, Highway Division
Recorded: August 27, 1991 in Microfilm R-209, Page 1626, Office of
Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)
- #39 - Access Restrictions and Easements, including the terms and provisions thereof,
contained under Deed
Grantor: Tom Kosmos
Grantee: State of Oregon, Dept. of Transportation, Highway Division
Recorded: September 23, 1994 in Microfilm R-260, Page 390, Office of
Umatilla County Records. (Affects lands in Secs. 20, 21, 27 and 28)
- #41 - Terms and provisions contained under Easement for pipeline
Grantor: Juniper Limited Partnership
Grantee: Tom Kosmos, et al
Recorded: July 1, 1968 in Book 294, Page 491, Deed Records.
Amended: September 10, 1973 in Book 331, Page 271, Deed Records.
- #42 - Terms and provisions contained under Easement
Grantor: Juniper Limited Partnership
Grantee: Tom Kosmos
Recorded: October 6, 1971 in Book 317, Page 177, Deed Records.
- #43 - Terms and provisions contained under Easement
Grantor: United States of America, Secretary of the Army
Grantee: Joanne I. Kosmos
Dated: November 18, 1999
(unrecorded)
- #44 - Terms and provisions contained under Application and Permit to Occupy or
perform operations upon a State Highway
Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 186, Deed Records.
- #45 - Terms and provisions contained under Application and Permit to Occupy or
perform operations upon a State Highway
Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 187, Deed Records.
- #46 - Terms and provisions contained under Agreement for Pipeline Crossing
Grantor: Oregon-Washington Railroad & Navigation Company, et al
Grantee: Tom Kosmos
Recorded: February 24, 1972 in Book 319, Page 355, Deed Records.
Amended: May 12, 1972 in Book 320, Page 627, Deed Records.
Amended: April 24, 1974 in Book 336, Page 570, Deed Records.
- #47 - Terms and provisions contained under Agreement for Pipeline Crossing
Grantor: Oregon-Washington Railroad & Navigation Company, et al
Grantee: Tom Kosmos
Recorded: May 30, 1972 in Book 321, Page 272, Deed Records.

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#48 Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon
Grantee: Tom Kosmos
Recorded: February 9, 1972 in Book 319, Page 181, Deed Records.

And as further affected by Certificate of Water Right
Dated: May 7, 1985
Recorded: Volume 48, Page 53117 42138 in the State of Oregon Record of Water Right Certificates

#49 - Terms and provisions contained under Application and Permit to Appropriate the public water of the State of Oregon
Grantee: Tom Kosmos
Recorded: February 23, 1973 in Book 326, Page 438, Deed Records.

#50 - Terms and provisions contained under Application and Permit to Appropriate the public waters of the State of Oregon
Grantee: Tom Kosmos
Recorded: March 13, 1973 in Book 327, Page 101, Deed Records.

And as further affected by Certificate of Water Right
Dated: May 7, 1985
Recorded: Volume 48, Page 53117 50508 in the State of Oregon Record of Water Right Certificates

#51 - Terms and provisions contained under Permit and Agreement for pipeline and pumping plant, between
Grantor: United States of America, Bonneville Administration
Grantee: Tom Kosmos
disclosed by Assignment
Recorded: May 12, 1972 in Book 320, Page 638, Deed Records.

#61 - The property described herein consists of portions that are contiguous. Access to such parcels may be through these adjoining tracts. Rights of access to the property are limited to those county roads which abut or pass through the property described herein, and no representation is made that all parcels and/or parts thereof have physical access.

#64 - Oil and Gas Lease, including the terms and provisions thereof
Lessor: Joanne I. Kosmos
Lessee: Springfield Oil Company
Recorded: June 29, 2006 in Instrument No. 2006-5030462, Office of Umatilla County Records.

5) A fifty percent (50%) tenancy-in-common interest in all oil and gas on the property reserved by Joanne I. Kosmos in her deed to JSH Farms, Inc., subject to the terms and conditions of an agreement between Grantor and JSH Farms, Inc. entitled "Agreements and Covenants Concerning Oil and Gas Rights - JSH Farms, Inc. & Joanne I. Kosmos". Said deed from Joanne I. Kosmos to JSH Farms, Inc. is being recorded before this deed, on the same day this deed is being recorded.

6) "Agreements and Covenants Concerning Oil and Gas Rights" between - JSH Farms, Inc. & Joanne I. Kosmos" which is being recorded before this deed, on the same day this deed is being recorded.
(End of Exhibit B)

glaworddeed

Exhibit B - Page 5

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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, CARL ST. HILAIRE, in my capacity as OWNER,
mailing address 84186 HWY 37 HERMISTON, OR 97838
telephone number (541)564-1000, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 88069 - TRANSFER T 12657; **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)

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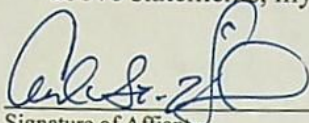
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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

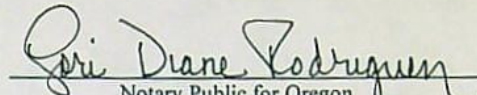
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

2/8/2022
Date

Signed and sworn to (or affirmed) before me this 08 day of Feb, 2022.




Notary Public for Oregon

My Commission Expires: 2/10/2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	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

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Umatilla)

I Randy Bracher (JPD Land Company) in my/our capacity as Owner,

mailing address 81891 Hwy 37 Pendleton, OR 97801,

telephone number (541) 379-6946, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 88069

described in a Water Right Transfer Application (T-____),

(transfer number, if known)

submitted by Carl St. Hilaire

on the property in tax lot number(s) 1305,

Section 24 Township 5 North North/South Range 30 East East/West, W.M.,

located at

(site address)

[Signature]
Signature of Affiant

2.9.22
Date

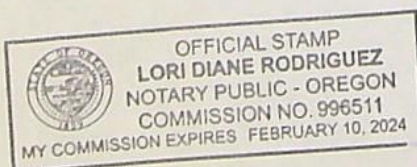
Signature of Affiant

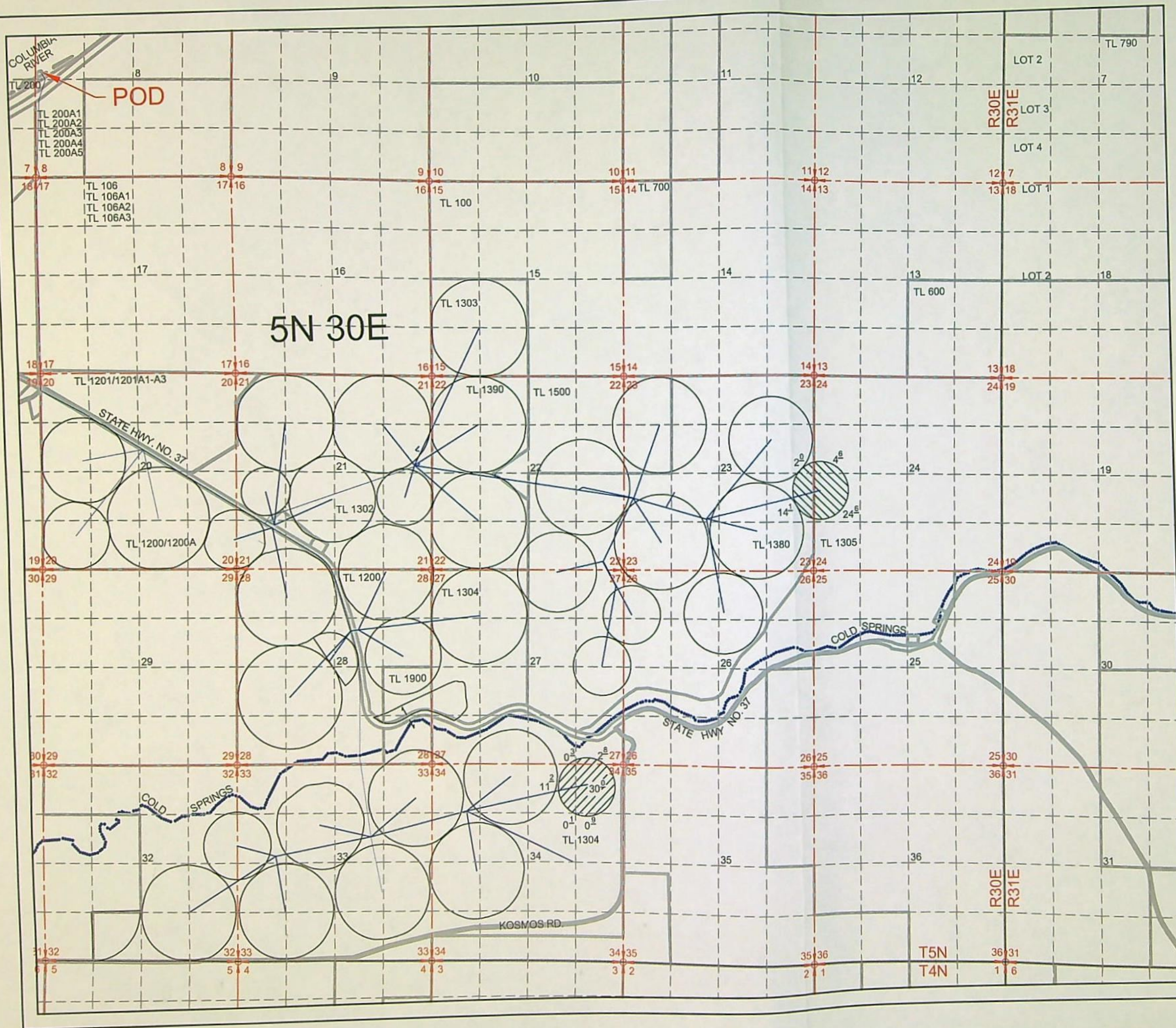
Date

Subscribed and Sworn to before me this 09 day of February, 2022.

[Signature]
Notary Public for Oregon

My commission expires 02/10/2024.





Township 5 N, Range 30 E, W.M.
Sections 23, 24, & 34
Umatilla County

LEGEND

- SECTIONS
- Q-Q SECTS
- BURIED PIPELINES
- TAX LOTS
- FROM LANDS 45.3 ACRES
- TO LANDS 45.3 ACRES

POD LOCATED 2920' NORTH & 150' EAST FROM
THE SW CORNER OF SECTION 8 T5N R30E WM.



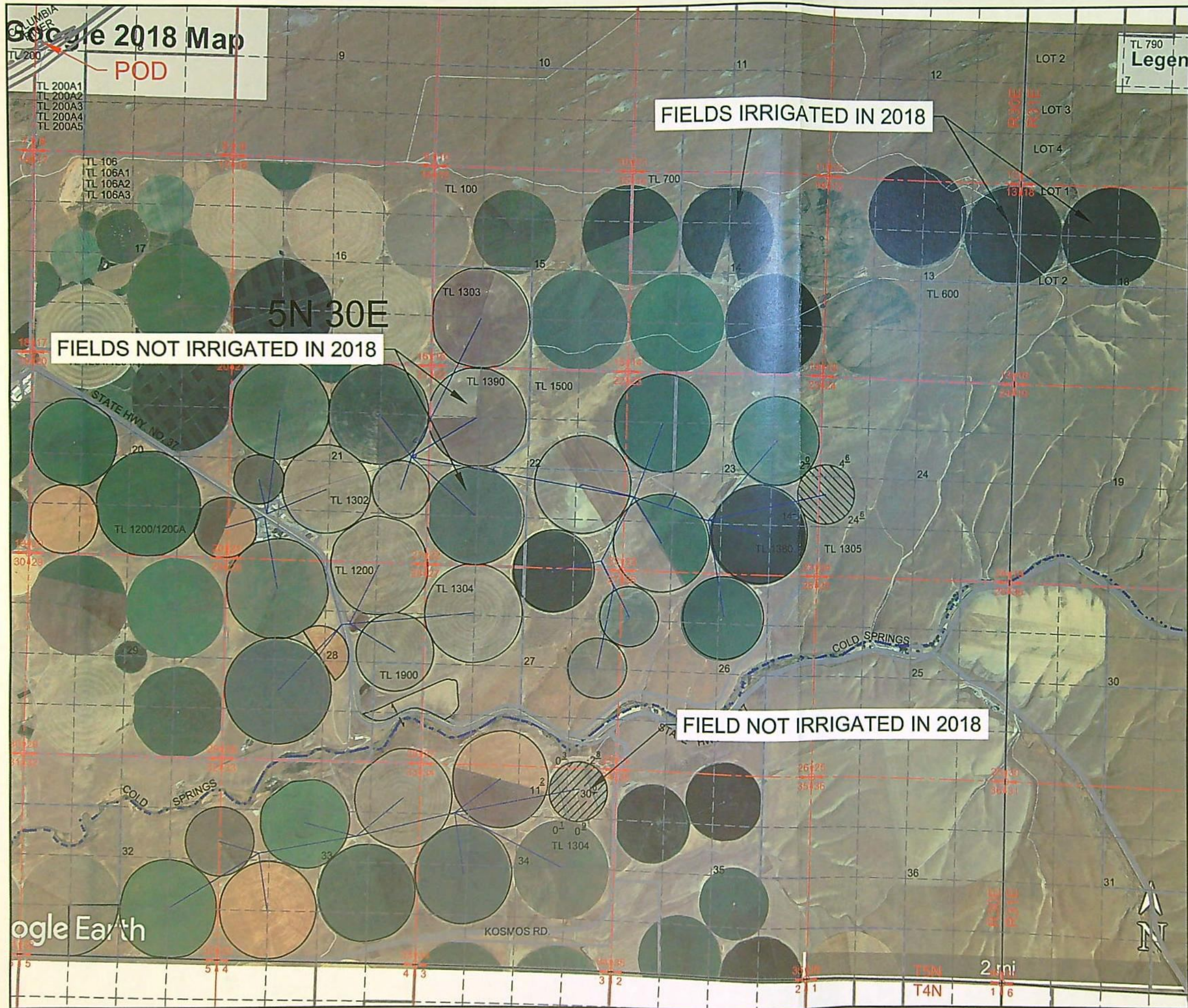
SCALE
1" = 2640'

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TEMPORARY TRANSFER MAP
Application S-49593
Permit S-36418
Certificate 88069
in the name of
ST. HILAIRE BROTHERS
HERMISTON FARM, LLC.
February 10, 2022

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: 6/30/22



Township 5 N, Range 30 E, W.M.
Sections 23, 24, & 34
Umatilla County

LEGEND

- SECTIONS
- Q-Q SECTS
- BURIED PIPELINES
- TAX LOTS
- ▨ FROM LANDS 45.3 ACRES
- ▨ TO LANDS 45.3 ACRES

POD LOCATED 2920' NORTH & 150' EAST FROM
THE SW CORNER OF SECTION 8 T5N R30E WM.



SCALE
1" = 2640'

GOOGLE MAP FROM 2018
SHOWINGS FIELDS NOT
IRRIGATED AND THOSE
IRRIGATED UNDER
TEMPORARY TRANSFER
T-12657

TEMPORARY TRANSFER MAP

Application S-49593

Permit S-36418

Certificate 88069

in the name of

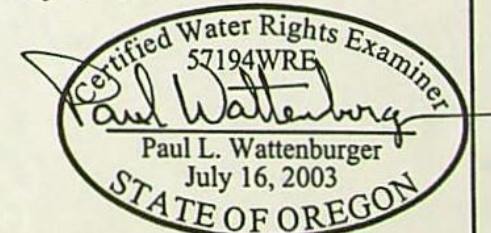
ST. HILAIRE BROTHERS
HERMISTON FARM, LLC.

RECEIVED February 10, 2022

FEB 11 2022

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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: 6/30/22

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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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. If you have questions, call Customer Service at (503) 986-0801.
- ☒ 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: Certificate 88069**
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: 2022 End Year: 2027.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land from which the authorized place of use is temporarily being moved.
- ☒ ☐ 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 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.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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/or is 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: 13918

SUPERSEDED

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.

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°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0.00
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$230.00, then enter on line 3	3	
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: <u>45.3</u> (4a) Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	122.31
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	1072.31
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	0.00
7	Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee:	7	1072.31

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0.)

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Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME St. Hilaire Brothers Hermiston Farm, LLC			PHONE NO. 541-564-1000	ADDITIONAL CONTACT NO. 541-314-5500
ADDRESS 84186 HWY 37				FAX NO.
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL carl@jshfarms.ocm	
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.

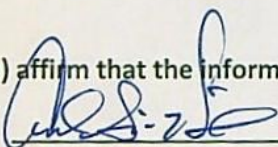
AGENT/BUSINESS NAME Paul Wattenburger/IRZ Consulting			PHONE NO. 541-567-0252	ADDITIONAL CONTACT NO. 541-571-1112
ADDRESS 500 North 1st Street				FAX NO. 541-567-4239
CITY Hermiston	STATE OR	ZIP 97838	E-MAIL paul@irz.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:

Temporary transfer of water from one field to a new field for five years (2021-2025.)

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

Carl St. Hilaire, Managing Member February 8th, 2022

Print Name (and Title if applicable)

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.

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

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

ENTITY NAME Umatilla County	ADDRESS 216 SE 4th	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Water Right Certificate # 88069

Description of Water Delivery System

System capacity: 44.7 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. As shown on the attached Transfer Map this is a large system supplying water for two Certificates; 88066 (19.7 cfs) & 88069 (25.0 cfs). There is a River Pump Station, POD (7 pumps 5,600 total hp), a main Booster Station (6 pumps 1,800 total hp), several smaller booster stations, pipelines ranging in size from 42" down to 6", and 37 center pivots.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

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)
River Pump Station	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5 N	30 E	8	S W N W	TL 200	2920' North & 150' East from the SW Corner of Section 8, T5N R30E, W.M.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> 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.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 88069

List only the part of the right that will be changed. For the acreage in each ¼ ¼, 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	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						
5	N	30	E	27	SW	SE	1304		0.3	Irrigation	POD	8/17/72	POU	5	N	30	E	23	SE	NE	1380		2.0	Irrigation	POD	8/17/72
5	N	30	E	27	SE	SE	1304		2.8	Irrigation	POD	8/17/72	POU	5	N	30	E	23	NE	SE	1380		14.1	Irrigation	POD	8/17/72
5	N	30	E	34	NE	NE	1304		30.0	Irrigation	POD	8/17/72	POU	5	N	30	E	24	SW	NW	1305		4.6	Irrigation	POD	8/17/72
5	N	30	E	34	NW	NE	1304		11.2	Irrigation	POD	8/17/72	POU	5	N	30	E	24	NW	SW	1305		24.6	Irrigation	POD	8/17/72
5	N	30	E	34	SW	SE	1304		0.1	Irrigation	POD	8/17/72	POU													
5	N	30	E	34	SE	SE	1304		0.9	Irrigation	POD	8/17/72														
TOTAL ACRES						45.3																				

SUPERSEDED

Water Right Certificate # 88069

For Place of Use Changes

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

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

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:

- ☐ 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

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

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

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