

Regular

Name LVHW, LLC

Address 52015 Seven Hills Rd.  
Milton-Freewater, OR 97862  
Samanthamaiden@icloud.com

Change in APDA

Date Filed 5-6-2022

Initial notice date 5-17-2022

DPD issued date

PD issued date 5/20/2024

PD notice date 5/21/2024

Date of FO 8/14/2024 Vol 131 Page 932-935

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Dry Creek Basin

Use Supplemental Irrigation County Umatilla

Quantity of water (CFS) No. of Acres

Name of ditch

App# G-15110 Per # G-14057 Cert # 92340 PR Date 3/23/2000

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>5-6-2022</u>	<u>\$1840.00</u>	<u>138090</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District Hudson Bay District Improvement Co.

Agent Watersolving, LLC - John Warinner : johnw@watersolving.com

CWRE

CC's list Umatilla County

- Oversized map - Location



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 14, 2024

LVHW, LLC  
52015 Seven Hills Rd.  
Milton-Freewater, OR 97862  
REFERENCE: Transfer Application T-13998

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at [Kim.r.french@water.oregon.gov](mailto:Kim.r.french@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Luke C. Martin, Watermaster Dist. # 23 (via email)  
John Warinner, Agent  
Irrigation District: Hudson Bay Improvement Company  
Umatilla County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13998, Umatilla County	)	ADDITIONAL POINT OF
	)	APPROPRIATION

**Authority**

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

**Applicant**

LVHW, LLC  
52015 SEVEN HILLS RD  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

1. On May 6, 2022, LVHW, LLC filed an application for an additional point of appropriation under Certificate 92340. The Department assigned the application number T-13998.
2. Notice of the application for transfer was published on May 17, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 19, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13998. The draft Preliminary Determination cover letter provided a deadline of October 19, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 20, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13998 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

weekly notice on May 21, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

**Certificate:** 92340 in the name of SCOTT HENDRICKS (perfected under Permit G-14057)  
**Use:** SUPPLEMENTAL IRRIGATION OF 25.0 ACRES  
**Priority Date:** MARCH 23, 2000  
**Rate:** 0.31 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Period of Use:** WHENEVER NECESSARY FOR BENEFICIAL USE  
**Source:** A WELL in DRY CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	32	NW SE	POA 1 (MCCELLELLAN WELL NO. 2) - 1418 FEET NORTH AND 22.1 FEET EAST FROM THE S1/4 CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	32	SW SE	24.8
6 N	35 E	WM	32	SE SE	0.2
TOTAL					25.0

4. Transfer Application T-13998 proposes an additional point of appropriation approximately 468 feet south from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	32	SW SE	POA 2 - 950 FEET NORTH AND 20 FEET EAST FROM THE S1/4 CORNER OF SECTION 32

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]**

- 6. Water has been used within the last five years prior to the submittal of Transfer Application T-13998 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 7. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13998.

8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
9. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

#### Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-13998 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

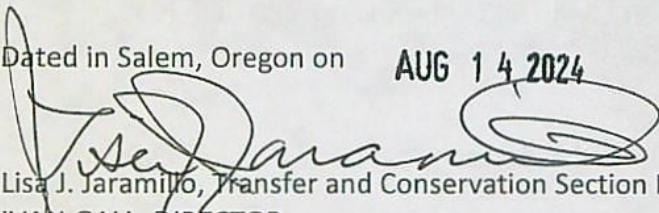
#### Now, therefore it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13998 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 92340 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 92340 is cancelled.
5. The quantity of water diverted at the new additional point of appropriation (POA 2), together with that diverted at the original point of appropriation (POA 1 (McClellan Well No. 2)), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1 (McClellan Well No. 2)).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Water Use Measurement Conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).

- b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**AUG 14 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

MAILING DATE:           **AUG 15 2024**

7022 3330 0000 2912 2561

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ \_\_\_\_\_
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

\$

Total Postage and Fees

\$

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Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instru

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

LVHW, LLC  
 52015 Seven Hills Rd.  
 Milton-Freewater, OR 97862



9590 9402 7680 2122 9474 51

2. Article Number (Transfer from service label)

7022 3330 0000 2912 2561

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/23

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

Received

MAY 28 2024

QWRD

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

T-13998 ER/KP TACS

Domestic Return Receipt



# Oregon

Tina Kotek, Governor

May 20, 2024

VIA CERTIFIED MAIL AND E-MAIL

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

### Applicant

LVHW, LLC

52015 SEVEN HILLS RD

MILTON-FREEWATER, OR 97862

SUBJECT: Water Right Transfer Application T-13998

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13998. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov), if I may be of assistance.

Sincerely,

Kim French

Transfer Specialist

Transfer and Conservation Section

cc: T-13998

Greg Silbernagel, District 23 Watermaster (*via e-mail*)

John Warinner, Agent for the applicant (*via e-mail*)

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application            )    PRELIMINARY DETERMINATION  
T-13998, Umatilla County                    )    PROPOSING APPROVAL FOR AN  
                                                          )    ADDITIONAL POINT OF APPROPRIATION

**Authority**

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

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LVHW, LLC  
52015 SEVEN HILLS RD  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

1. On May 6, 2022, LVHW, LLC filed an application for an additional point of appropriation under Certificate 92340. The Department assigned the application number T-13998.
2. Notice of the application for transfer was published on May 17, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 19, 2023, the Department sent a copy of the draft Preliminary Determination to the applicant proposing to approve Transfer Application T-13998. The draft Preliminary Determination cover letter gave a deadline of October 19, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. The right to be transferred is as follows:

**Certificate:**       92340 in the name of SCOTT HENDRICKS (perfected under Permit G-14057)  
**Use:**                SUPPLEMENTAL IRRIGATION OF 25.0 ACRES  
**Priority Date:**    MARCH 23, 2000

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

**Rate:** 0.31 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
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**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]**

5. Water has been used within the last five years prior to the submittal of Transfer Application T-13998 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13998.
7. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
8. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
9. The proposed change, as conditioned, would not result in enlargement of the right.

10. The proposed change, as conditioned, would not result in injury to other existing water rights.

11. All other application requirements are met.

#### **Determination and Proposed Action**

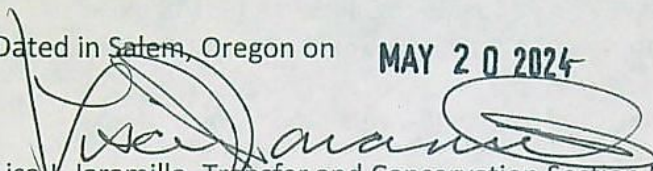
The additional point of appropriation proposed in Transfer Application T-13998 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-13998 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-13998 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 92340 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 92340 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (POA 2), together with that diverted at the original point of appropriation (POA 1 (McClellan Well No. 2)), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1 (McClellan Well No. 2)).*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Water Use Measurement Conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 20 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).

### Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050,

the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

September 19, 2023

VIA E-MAIL

### Applicant

LVHW, LLC

52015 SEVEN HILLS RD

MILTON-FREEWATER, OR 97862

Reference: Water Right Transfer Application T-13998

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13998. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by October 19, 2023.

### *Required items needing your immediate attention:*

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by October 19, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent\\_to\\_transfer\\_form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf)

#### Conditions of your water right...

The Watermaster has required a water measurement device at both the new and existing points of appropriation prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

**Please note the proposed date by which all conditions must be met: October 1, 2024.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

#### What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

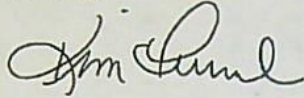
1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by October 19, 2023, a Preliminary Determination may be issued denying the application as incomplete.**



Please don't hesitate to contact me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov) if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim French". The signature is fluid and cursive, with the first name "Kim" and last name "French" clearly distinguishable.

Kim French  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13998  
Greg Silbernagel, District 23 Watermaster *(via e-mail)*  
John Warinner, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-13998, Umatilla County

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)  
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)

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL FOR AN  
ADDITIONAL POINT OF APPROPRIATION

**Authority**

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

**Applicant**

LVHW, LLC  
52015 SEVEN HILLS RD  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

1. On May 6, 2022, LVHW, LLC filed an application for an additional point of appropriation under Certificate 92340. The Department assigned the application number T-13998.
2. Notice of the application for transfer was published on May 17, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

**Certificate:** 92340 in the name of SCOTT HENDRICKS (perfected under Permit G-14057)  
**Use:** SUPPLEMENTAL IRRIGATION OF 25.0 ACRES  
**Priority Date:** MARCH 23, 2000  
**Rate:** 0.31 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Period of Use:** WHENEVER NECESSARY FOR BENEFICIAL USE  
**Source:** A WELL in DRY CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	32	NW SE	POA 1 (MCCLELLAN WELL NO. 2) - 1418 FEET NORTH AND 22.1 FEET EAST FROM THE S1/4 CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	32	SW SE	24.8
6 N	35 E	WM	32	SE SE	0.2
TOTAL					25.0

4. Transfer Application T-13998 proposes an additional point of appropriation approximately 468 feet from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	32	SW SE	POA 2 - 950 FEET NORTH AND 20 FEET EAST FROM THE S1/4 CORNER OF SECTION 32

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]**

4. Water has been used within the last five years prior to the submittal of Transfer Application T-13998 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
5. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13998.
6. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
7. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other existing water rights.
10. All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13998 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-13998 is approved, the final order will include the following:*

- 1. The additional point of appropriation proposed in Transfer Application T-13998 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 92340 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
- 4. Water right Certificate 92340 is cancelled.*
- 5. The quantity of water diverted at the new additional point of appropriation (POA 2), together with that diverted at the original point of appropriation (POA 1 (McClellan Well No. 2)), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1 (McClellan Well No. 2)).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. Water Use Measurement Conditions:*
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
  - b. The water user shall maintain the meters or measuring devices in good working order.*
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

**D R A F T**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503 979-9607 or [Kim.R.French@water.oregon.gov](mailto:Kim.R.French@water.oregon.gov).

# 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-13998

Review Due Date:

Applicant Name: LVHW LLC

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Luke Martin

Date of Review: 11/02/2022

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:

Groundwater review

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

Water level monitoring - see groundwater review

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- 13998

- In order to avoid enlargement of the right or injury to other rights, a **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: Luke Martin

District: 23

Address: 707 E Broadway Ave

City/State/Zip: Milton Freewater, OR 97862

Phone: 5413710818

Email: Luke.C.Martin@water.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

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Meridian: Willamette Township: 6 North Range: 35 East Section: 32 Records per Page: 10 Search

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Water Right	Change Xfers	Priority	Use	Use Status	DLC	Gov's Let	00140	01140	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown	QQ		
<a href="#">Select</a> Cert:94102 CF *		12/31/1891	IRRIGATION																																	
Additional Info: CAROLYN CROUTHAMEL Decree: DUGGER CREEK (F) Cert: 94102																																				
<a href="#">Select</a> Cert:94103 CF *		10/17/1956	IRRIGATION																																	
Additional Info: CAROLYN CROUTHAMEL App: G497 Permit: G397 Cert: 94103																																				
<a href="#">Select</a> Cert:94104 CF *			IRRIGATION																																	
Additional Info: CAROLYN CROUTHAMEL App: G947 Permit: G9405 Cert: 94104																																				
<a href="#">Select</a> Cert:95156 CF *		10/8/2004	IRRIGATION																																	
Additional Info: SEVEN HILLS PROPERTIES LLC App: G16322 Permit: G15683 Cert: 95156																																				
<a href="#">Select</a> Cert:13083 CF CN	T5517	2/16/1903	IRRIGATION, CN LIVESTOCK AND DOMESTIC																																	
Additional Info: CITY OF MILTON FREEWATER AND HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER Cert: 13083																																				
<a href="#">Select</a> Cert:52576 CF CN	T5517	2/16/1903	IRRIGATION, CN LIVESTOCK AND DOMESTIC																																	
Additional Info: CITY OF MILTON FREEWATER AND HUDSON BAY IRRIGATION CO. Cert: 52576																																				
<a href="#">Select</a> Cert:67205 (T 5938 RR) CN	CW23, CW38	2/16/1903	IRRIGATION, CN LIVESTOCK AND DOMESTIC																																	
Additional Info: HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER Cert: 67205																																				
<a href="#">Select</a> Inchoate: CW 23 CF (ACW) WD		2/16/1903	IRRIGATION, WD LIVESTOCK AND DOMESTIC																																	
Additional Info: HUDSON BAY IRRIGATION CO. Decree: WALLA WALLA RIVER																																				
<a href="#">Select</a> Cert:1705 OR CN	T8303	12/31/1891	LIVESTOCK CN																																	
Additional Info: C THOMAS Decree: DUGGER CREEK (F) Cert: 1705																																				
<a href="#">Select</a> Cert:52575 CF CN		2/16/1903	LIVESTOCK CN																																	
Additional Info: HERBERT HENDRICKS Decree: WALLA WALLA RIVER Cert: 52575																																				

1 2 3 4 5 6 7 8 9 10 ... >>

Acreage Legend: 12.25 Regular acreage -12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended \* Acreage is not specified

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Govt Lot	Co/Sec	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown	
<a href="#">Select</a> Cert:87606 (RR) CN Additional Info: N W MUMFORD App: S9816 Permit: S6677 Cert: 87606		9/9/1924	IRRIGATION	CN							29														
<a href="#">Select</a> Cert:89170 (RR) CN Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 89170	CW94	2/16/1903	IRRIGATION	CN										-20	-14.7	-32.6	-10								
<a href="#">Select</a> Cert:87556 CF CR * Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. App: S57959 Permit: S43973 Cert: 87556	CW101	9/28/1978	IRRIGATION											40	36	36.9	25					13.1	12.2		
<a href="#">Select</a> Cert:91590 OR * Additional Info: LEONARD BROWN App: G14680 Permit: G13791 Cert: 91590		5/10/1999	IRRIGATION																						
<a href="#">Select</a> Cert:92566 CF * Additional Info: DAVID HANSEN App: E2917 Permit: E170 Cert: 92566		5/3/1913	IRRIGATION																						
<a href="#">Select</a> Cert:92802 (RR) * Additional Info: DAVID HANSEN App: E2917 Permit: E170 Cert: 92802		5/3/1913	IRRIGATION																						
<a href="#">Select</a> Cert:92582 CF * Additional Info: ED BURLINGAME App: S11785 Permit: S8193 Cert: 92582		5/3/1913	IRRIGATION																						
<a href="#">Select</a> Cert:92786 (RR) * Additional Info: BURLINGAME LAND & LIVESTOCK INC. App: G4128 Permit: G3882 Cert: 92786		11/6/1967	IRRIGATION																						
<a href="#">Select</a> Cert:93399 (CW 94 RR) * Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 93399	CW101	2/16/1903	IRRIGATION																						
<a href="#">Select</a> Cert:93971 (T 12234 RR) * Additional Info: SEVEN HILLS PROPERTIES LLC App: G16322 Permit: G15883 Cert: 93971		10/8/2004	IRRIGATION																						

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov's Lot	QQ(40)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
<a href="#">Select</a> Cert:83954 CF *	CW101	12/8/1959	IRRIGATION																					3.2 0.2
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. App: S33492 Permit: S26499 Cert: 83954																								
<a href="#">Select</a> Cert:84018 (RR) CN		5/3/1913	IRRIGATION CN					-20-		-40-														
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. App: E2917 Permit: E170 Cert: 84018																								
<a href="#">Select</a> Cert:83955 CF CN		9/28/1978	IRRIGATION CN								-40-	-36-	-36.9-	-25-							-13.1-		-12.2-	
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. App: S57959 Permit: S43973 Cert: 83955																								
<a href="#">Select</a> Cert:85239 CF CR CN		9/28/1978	IRRIGATION CN								-40-	-36-	-36.9-	-25-							-13.1-		-12.2-	
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. App: S57959 Permit: S43973 Cert: 85239																								
<a href="#">Select</a> Cert:85456 CF CR CN		9/28/1978	IRRIGATION CN								-40-	-36-	-36.9-	-25-							-13.1-		-12.2-	
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. App: S57959 Permit: S43973 Cert: 85456																								
<a href="#">Select</a> Cert:84159 (RR) CR CN		5/3/1913	IRRIGATION CN					-20-		-40-														
<a href="#">Additional Info:</a> PLEASANT VIEW IRRIGATION CO. App: E2917 Permit: E170 Cert: 84159																								
<a href="#">Select</a> Cert:83941 CF CN		2/16/1903	IRRIGATION CN											-14.7-	-32.8-	-10-	-10-				-26-	-40-	-17.8-	-16-
<a href="#">Additional Info:</a> HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 83941																								
<a href="#">Select</a> Cert:85805 CR CN	CW38	2/16/1903	IRRIGATION CN											-20-	-14.7-	-32.8-	-10-				-26-	-40-	-17.8-	-16-
<a href="#">Additional Info:</a> Decree: WALLA WALLA RIVER Cert: 85805																								
<a href="#">Select</a> Cert:86230 OR *		5/17/1996	IRRIGATION																					
<a href="#">Additional Info:</a> CASEY MCCLELLAN App: G14309 Permit: G13431 Cert: 86230																								
<a href="#">Select</a> Cert:86441 OR CN	T11957, T11963, T12234, T12320, T12323	10/8/2004	IRRIGATION CN																			-15.5-	-8-	
<a href="#">Additional Info:</a> SEVEN HILLS PROPERTIES LLC App: G16322 Permit: G15883 Cert: 86441																								

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<a href="#">Select</a> Cert:45579 (RR) CN <i>Additional Info:</i> BURLINGAME LAND & LIVESTOCK INC. App: G4128 Permit: G3852 Cert: 45579		11/6/1967	IRRIGATION	CN				-16.6																
<a href="#">Select</a> Cert:49818 (RR) CN <i>Additional Info:</i> PLEASANT VIEW IRRIGATION CO. App: E2917 Permit: E170 Cert: 49818		5/3/1913	IRRIGATION	CN				-20		-40														
<a href="#">Select</a> Cert:52575 CF CN <i>Additional Info:</i> HERBERT HENDRICKS Decree: WALLA WALLA RIVER Cert: 52575		2/16/1903	IRRIGATION	CN										-20										
<a href="#">Select</a> Cert:55840 OR * <i>Additional Info:</i> DONALD HINCHLIFFE App: G8990 Permit: G8413 Cert: 55840		10/30/1978	IRRIGATION																				13.1	
<a href="#">Select</a> Cert:65773 OR CN <i>Additional Info:</i> HERBERT HUGH HENDRICKS App: G9947 Permit: G9405 Cert: 65773	T8303		IRRIGATION	CN								-11.1	-24.3	-18	-26									
<a href="#">Select</a> Cert:67285 OR CN <i>Additional Info:</i> JAMES E MCCELLAN App: G9414 Permit: G8818 Cert: 67285		9/25/1979	IRRIGATION	CN																			-20	
<a href="#">Select</a> Cert:76331 (T 7644, T 7643 RR) CN <i>Additional Info:</i> PLEASANT VIEW IRRIGATION CO. App: S32844 Permit: S26001 Cert: 76331	CW7, T7644	1/16/1959	IRRIGATION	CN				-20		-40														
<a href="#">Select</a> Cert:80493 (T 8303 RR) * <i>Additional Info:</i> GEORGE IVOR REES WILLIAMS App: G497 Cert: 80493		10/17/1956	IRRIGATION											0.3	2									
<a href="#">Select</a> Cert:80494 (T 8303 RR) * <i>Additional Info:</i> HERBERT HUGH HENDRICKS App: G9947 Permit: G9405 Cert: 80494			IRRIGATION									11.1	19.8	18	25									
<a href="#">Select</a> Cert:81961 (RR) CN <i>Additional Info:</i> BURLINGAME LAND & LIVESTOCK INC. App: G4128 Permit: G3852 Cert: 81961		11/6/1967	IRRIGATION	CN				-16.6																

1 2 3 4 5 6 7 8 9 10 >>

Oregon Water Resources Department  
Water Rights Platcard Report

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Search Criteria

Meridian:    Township:    North   Range:    East   Section:    Records per Page:    Search   [Platcards Maps!](#)   [Learn about](#)   [View Map](#)

Water Right	Changing Users	Priority	Use	Use Status	DLC	Gov't Lot	00(40) 01(10)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
<a href="#">Select</a> Cert:5539 OR CN <i>Additional Info:</i> C THOMAS Decree: PINE CREEK, UMATILLA COUNTY, (F) Cert: 5539	T10777	12/31/1908	IRRIGATION	CN																				4.1
<a href="#">Select</a> Cert:5539 OR CN <i>Additional Info:</i> C THOMAS Decree: PINE CREEK, UMATILLA COUNTY, (F) Cert: 5539	T10777	12/31/1882	IRRIGATION	CN																				26.6
<a href="#">Select</a> Cert:5579 OR CN <i>Additional Info:</i> MARY E HODGEN App: 59433 Permit: S6244 Cert: 5579		3/25/1924	IRRIGATION	CN				-10	-10															
<a href="#">Select</a> Cert:10713 OR CN <i>Additional Info:</i> PLEASANT VIEW IRRIGATION CO. App: E2917 Permit: E170 Cert: 10713		5/3/1913	IRRIGATION	CN				-20		-40														
<a href="#">Select</a> Cert:27311 OR CN <i>Additional Info:</i> JAMES TAYLOR App: U700 Permit: U632 Cert: 27311		5/14/1954	IRRIGATION	CN																				44.4
<a href="#">Select</a> Cert:33206 OR CN <i>Additional Info:</i> GEORGE IVOR REES WILLIAMS App: G497 Permit: G397 Cert: 33206	T8303	10/17/1956	IRRIGATION	CN						-33.3	-0.3	-2												
<a href="#">Select</a> Cert:41387 OR CN <i>Additional Info:</i> BURLINGAME LAND & LIVESTOCK INC. App: G4128 Permit: G3882 Cert: 41387		11/6/1967	IRRIGATION	CN				-18.6																
<a href="#">Select</a> Cert:41388 OR * <i>Additional Info:</i> GEORGE H STRIEGEL App: G4230 Permit: G3994 Cert: 41388		2/15/1968	IRRIGATION							38.5														
<a href="#">Select</a> Cert:41389 OR * <i>Additional Info:</i> CLIFF PRICE App: G4978 Permit: G4698 Cert: 41389		9/4/1969	IRRIGATION							39.8														
<a href="#">Select</a> Cert:44224 (RR) CN <i>Additional Info:</i> BURLINGAME LAND & LIVESTOCK INC. App: G4128 Permit: G3882 Cert: 44224		11/6/1967	IRRIGATION	CN				-18.6																

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Search Criteria

Meridian: Willamette Township: 6 North Range: 35 East Section: 32 Records per Page: 10 Search Platcards Maps! Learn about View Map

Water Right	Change Xfers	Priority	Use	Use Status	DLC	Gov's Lot	00140	01160	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Cert: 91201 OR * Additional Info: LEONARD BROWN App: G15155 Permit: G14020 Cert: 91201		5/19/2000	FROST PROTECTION																						
Select Permit: G 6844 CN Additional Info: BOB PRATT App: G5848 Permit: G6844		6/3/1974	IRRIGATION	CN																					-2.6
Select Permit: G 11607 CN Additional Info: EARL BROWN App: G11647 Permit: G11607		5/4/1987	IRRIGATION	CN																					-7.2
Select Claim: GR 3483 * Additional Info: HARRY PHILLIPS Claim: GR3483		12/31/1916	IRRIGATION										40												19
Select Cert: 1705 OR CN Additional Info: C THOMAS Decree: DUGGER CREEK (F) Cert: 1705	T8303	12/31/1891	IRRIGATION	CN																					-13.5
Select Cert: 1915 OR CN Additional Info: C W THOMAS App: S5377 Permit: S3272 Cert: 1915	T4355	1/31/1917	IRRIGATION	CN																					-23 -30
Select Cert: 2180 OR CN Additional Info: SOUTH VINCENT IRRIGATION CO. App: G2309 Permit: G1196 Cert: 2180	T10777	5/20/1912	IRRIGATION	CN																					-36
Select Cert: 2886 OR CN Additional Info: JOHN W LANGDON App: S6414 Permit: S4011 Cert: 2886		2/19/1919	IRRIGATION	CN																					-40 -40 -30 -2
Select Cert: 3548 OR CN Additional Info: PLEASANT VIEW IRRIGATION CO. App: E2917 Permit: E170 Cert: 3548		5/3/1913	IRRIGATION	CN																					-40
Select Cert: 5524 OR CN Additional Info: JOHN W LANGDON Decree: PINE CREEK, UMATILLA COUNTY, (F) Cert: 5524		12/31/1882	IRRIGATION	CN																					-11.6

1 2 3 4 5 6 7 8 9 10 ... >>

Acreage Legend: 12.25 Regular acreage -12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended \* Acreage is not specified



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Water Rights Platcard Report

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Search Criteria

Meridian:    Township:    North   Range:    East   Section:    Records per Page:    Search

[Platcards Maps!](#)  
[Learn about](#)   [View Map](#)

Water Right	Changing Item	Priority	Use	Use Status	DLC	Gov't Lot	00149: 0187	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
<a href="#">Select</a> Cert:86230 OR * Additional Info: CASEY MCCLELLAN App: G14309 Permit: G13431 Cert: 86230		5/17/1996	AGRICULTURE USES																					
<a href="#">Select</a> Cert:1696 OR * Additional Info: MARY HODGEN Decree: DUGGER CREEK (F) Cert: 1696		12/31/1875	DOMESTIC																					
<a href="#">Select</a> Cert:1705 OR CN Additional Info: C THOMAS Decree: DUGGER CREEK (F) Cert: 1705	T8303	12/31/1891	DOMESTIC	CN																				
<a href="#">Select</a> Cert:83941 CF CN Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 83941		2/16/1903	DOMESTIC	CN																				
<a href="#">Select</a> Cert:85805 CR CN Additional Info: Decree: WALLA WALLA RIVER Cert: 85805	CW38	2/16/1903	DOMESTIC	CN																				
<a href="#">Select</a> Cert:89170 (RR) CN Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 89170	CW94	2/16/1903	DOMESTIC	CN																				
<a href="#">Select</a> Cert:93399 (CW 94 RR) * Additional Info: HUDSON BAY DISTRICT IMPROVEMENT CO. Decree: WALLA WALLA RIVER Cert: 93399	CW101	2/16/1903	DOMESTIC																					
<a href="#">Select</a> Cert:94102 CF * Additional Info: CAROLYN CROUTHAMEL Decree: DUGGER CREEK (F) Cert: 94102		12/31/1891	DOMESTIC																					
<a href="#">Select</a> Cert:90663 OR * Additional Info: PREMIERE PARTNERS IV LTD PARTNERSHIP App: S74392 Permit: S52908 Cert: 90663		8/1/1994	FROST PROTECTION																					
<a href="#">Select</a> Cert:90662 OR * Additional Info: PREMIERE PARTNERS IV LTD PARTNERSHIP App: G13758 Permit: G12599 Cert: 90662		8/1/1994	FROST PROTECTION (Suppl'mnt)																					

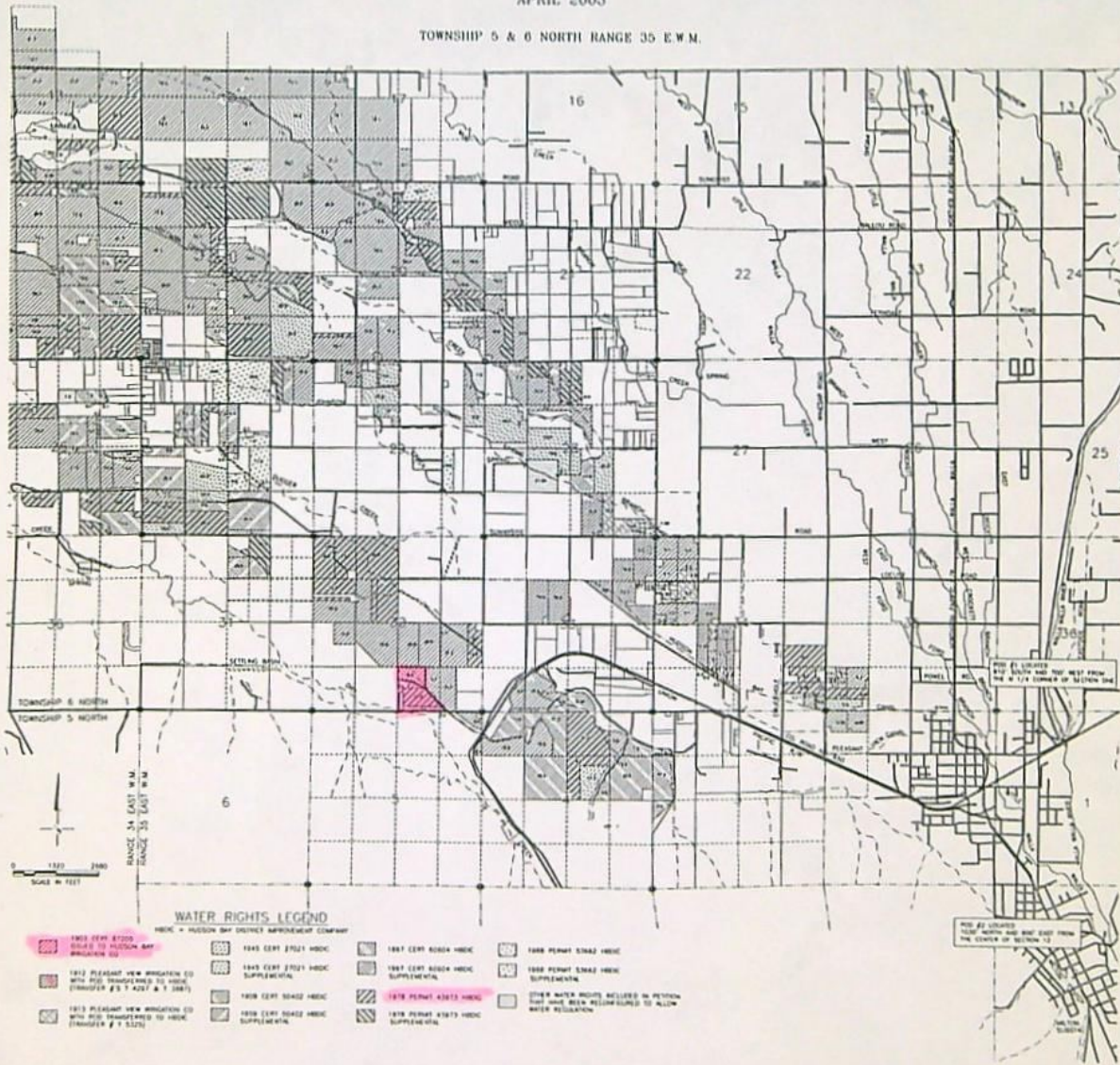
1 2 3 4 5 6 7 8 9 10 ... >>

Acreage Legend: 12.25 Regular acreage   -12.25 Acreage is on a canceled right   (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)   [12.25] Acreage has been suspended   \* Acreage is not specified

LAND SERVED BY THE  
HUDSON BAY DISTRICT IMPROVEMENT CO.  
HB 3111 PETITION MAP 2 OF 2

APRIL 2003

TOWNSHIP 5 & 6 NORTH RANGE 35 E.W.M.



**WATER RIGHTS LEGEND**

HADC = HUDSON BAY DISTRICT IMPROVEMENT COMPANY

- |                                                                                                                |                                      |                                      |                                                                                                  |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------|
| 1903 PERM 8700S<br>ISSUED TO HUDSON BAY<br>DISTRICT CO.                                                        | 1945 CERT 87021 HADC<br>SUPPLEMENTAL | 1987 CERT 82004 HADC<br>SUPPLEMENTAL | 1988 PERM 5242 HADC<br>SUPPLEMENTAL                                                              |
| 1912 PERM 87000 NEW BRIDGTON CO<br>WHICH WAS TRANSFERRED TO HADC<br>(TRANSFER # 3, 4, 5, 6, 7, 8, 9, 10)       | 1918 CERT 80432 HADC<br>SUPPLEMENTAL | 1978 PERM 43813 HADC<br>SUPPLEMENTAL | OTHER WATER RIGHTS BELONGING TO PERSONS<br>WHICH HAVE BEEN ASSIGNED TO ALLOW<br>WATER REGULATION |
| 1913 PERM 87000 NEW BRIDGTON CO<br>WHICH WAS TRANSFERRED TO HADC<br>(TRANSFER # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10) | 1978 CERT 80432 HADC<br>SUPPLEMENTAL |                                      |                                                                                                  |

THIS DOCUMENT PREPARED UNDER A  
CONTRACT WITH THE STATE OF MICHIGAN

ENGV Consulting PLLC  
2000 Westland, MI 48090  
313.487.1100  
www.engv.com

ARCHITECTS & ENGINEERS  
PLANNERS, INC. 8745

SECTION 32, T6N, R35E, WM -- UMATILLA COUNTY

504

POA 1. AUTHORIZED WELL  
Well Log UMAT 50939  
NW SE, Section 32, T6N, R35, WM (TL 504)  
1418 ft N and 22 ft E from S 1/4 Corner Sec 32

RECEIVED

MAY 06 2022

OWRD

POA 2. ADDITIONAL WELL  
Well Log UMAT 55959  
SW SE, Section 32, T6N, R35, WM (TL 501)  
950 ft N and 20 ft E from S 1/4 Corner Sec 32

POA 1

POA 2

1300

506

501

24.8

0.2

COPY

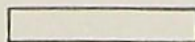
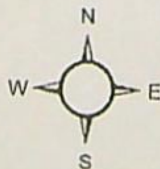
32 33

SEVEN HILLS RD

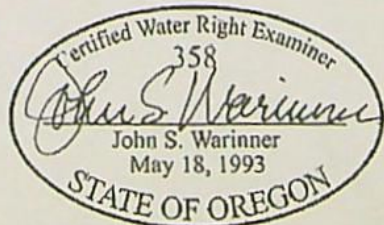
5 4

Dry Creek

DISCLAIMER  
This map is not intended to provide legal dimensions or locations of property ownership lines.



1 in = 400 ft



TRANSFER MAP  
Certificate 92340  
Additional POA

LVHW LLC  
Windrow Vineyards

Revised 2022-03-30

Search

Identify Non-Water Right Features

Tax Lots

Layers

- Water Rights by Type
- Water Rights by Use
- Water Rights by Type-Use
- Water Rights by Prim /Supp'l
- Irrigation Districts AOI
- Other Irrigation Districts
- Administrative Boundaries
- Rules
- Surface Water
- Hydrography/River miles
- Transportation
- Stream Gages
- Exempt Use Wells (partial)
- Dam Hazards
- PODs by Source Type

Tools



STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SCOTT HENDRICKS  
PO BOX 293  
MILTON-FREEWATER OR 97862

confirms the right to the use of water perfected under the terms of Permit G-14057. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15110

SOURCE OF WATER: A WELL IN DRY CREEK BASIN

PURPOSE or USE: SUPPLEMENTAL IRRIGATION OF 25.0 ACRES

MAXIMUM RATE: 0.31 CUBIC FOOT PER SECOND

PERIOD OF USE: WHENEVER NECESSARY FOR BENEFICIAL USE

DATE OF PRIORITY: MARCH 23, 2000

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	32	NW SE	McCLELLAN WELL NO. 2 - 1418 FEET NORTH AND 22.1 FEET EAST FROM S1/4 CORNER, SECTION 32

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	32	SW SE	24.8
6 N	35 E	WM	32	SE SE	0.2

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

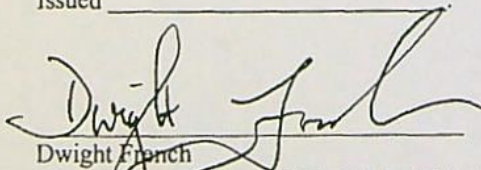
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

MAR 10 2017

Issued \_\_\_\_\_



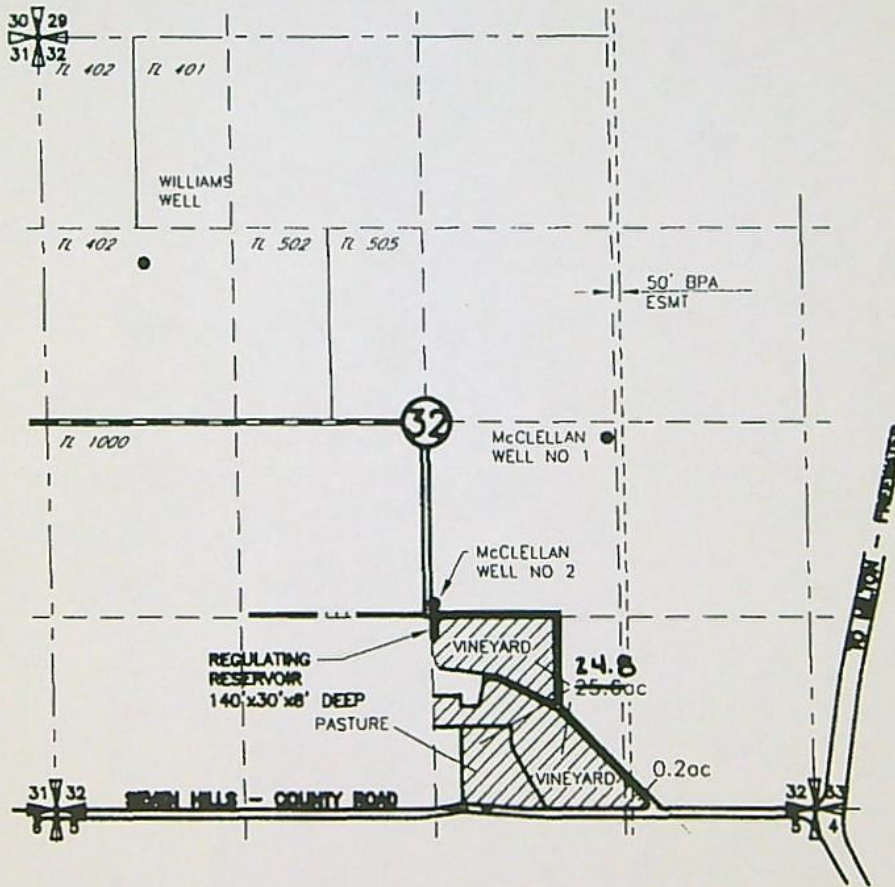
Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

# FINAL PROOF MAP OF PERMIT 14057 FOR SCOTT HENDRICKS T6N, R35E

## LEGEND

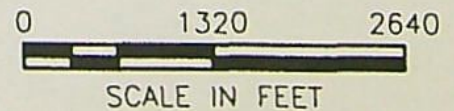
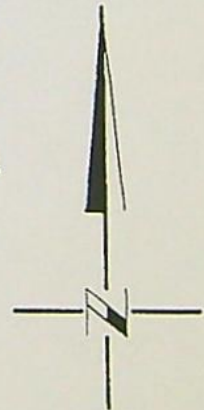


AREA IRRIGATED



RECEIVED  
MAY 19 2003  
MAY 19 2003

POINTS OF APPROPRIATION  
McCLELLAN WELL NO 2  
LOCATED 1418' N AND 22.1' E FROM THE  
S 1/4 COR SEC 32



DRAWING: H:\CAD\AG\3522\171\3522171fp3.dwg  
PRINTED BY: rogerw on 09/04/03 08:16 AM

9/02/03

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

SECTION 32, T6N, R35E, WM -- UMATILLA COUNTY

504

POA 1. AUTHORIZED WELL  
Well Log UMAT 50939  
NW SE, Section 32, T6N, R35, WM (TL 504)  
1418 ft N and 22 ft E from S 1/4 Corner Sec 32

POA 2. ADDITIONAL WELL  
Well Log UMAT 55959  
SW SE, Section 32, T6N, R35, WM (TL 501)  
950 ft N and 20 ft E from S 1/4 Corner Sec 32

RECEIVED

MAY 06 2022

OWRD

POA 1

1300

506

POA 2

501

24.8

0.2

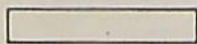
32 33

SEVEN HILLS RD

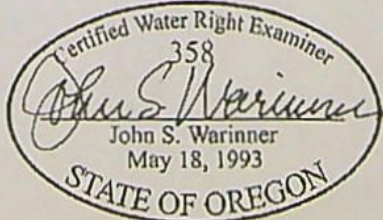
5 4

Dry Creek

**DISCLAIMER**  
This map is not intended to provide legal dimensions or locations of property ownership lines.



1 in = 400 ft



TRANSFER MAP  
Certificate 92340  
Additional POA

LVHW LLC  
Windrow Vineyards

Revised 2022-03-30



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 13998

GW Reviewer Jen Woody Date Review Completed: 12/23/2022

### Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

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



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

### Ground Water Review Form:

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

Application: T-13998

Applicant Name: LVHW

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

Reviewer(s): Jen Woody

Date of Review: 12/23/2022

Date Reviewed by GW Mgr. and Returned to WRSD: jti 2/16/23

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

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

-----

1. Basic description of the changes proposed in this transfer: Certificate 92340 authorizes one basalt well, UMAT 50939, for 25 acres of supplemental irrigation at a maximum rate of 0.31 cfs . T13998 proposes to add one basalt well, UMAT 55959, to the water right.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments:

The applicant's existing well and the proposed APOA will produce from one or more water-bearing zones in the Columbia River Basalt Group (CRBG), a series of lava flows with a composite thickness greater than 10,000 feet in the Columbia Plateau. Each flow is characterized by a series of internal features, which generally include a thin rubble zone at the contact between flows and a thick, dense, low porosity and low permeability interior zone. In some cases, sedimentary layers were deposited during the time between basalt flow emplacements. A flow top, sedimentary interbed (if present) and flow bottom are collectively referred to as an interflow zone. Unconfined groundwater occurs near the weathered top of the basalts, but most water occurs in interflow zones under confining conditions at the contacts between lava flows. CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The low permeability of the basalt flow interiors usually results in little connection between stacked aquifers, which results in tabular aquifers with unique water level heads (Reidel et al., 2002).

The CRBG is extensively faulted in the Walla Walla basin. Displacement along faults can provide groundwater flow paths by disrupting continuous horizontal dense flow interiors and connecting interflow zones. Alternatively, faults can act as low permeability zones that are resistors to groundwater flow. While the hydraulics of each mapped fault in the basin are not fully characterized at this time, groups of CRBG wells with similar head and water level trends are identified near the subject site, suggesting hydraulic connection.

There are multiple basalt flows and water-bearing interflow zones accessed by the certificated well. Although the two wells are completed to different depths, their similar water level elevations, trends and connectivity during pumping indicate they access the same aquifer within the Columbia River Basalt Group (CRBG). See Figures 2 and 3.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes  No The authorized POA accesses a single aquifer within the CRBG, based on observations during drilling that report no water level change with depth.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): n/a
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
 Yes  No Comments: Pumping at the proposed APOA, located 200 feet closer to the nearest basalt well than the authorized POA will result in 0.02 feet increased drawdown at ¼ mile away from the original POA. Aquifer parameters from multi-well pump testing at nearby wells (EA Engineering, 2017) were used in this analysis.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?  
 Yes  No If yes, explain: The estimated increase in drawdown will not prevent nearby groundwater users from accessing groundwater.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?  
 Yes  No Comments: One hundred to two hundred feet of CRBG rock lies between nearby creek beds and the water bearing zones available to the subject wells. The proposed APOA will affect surface water similarly to the authorized POA.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?  
 Stream: \_\_\_\_\_  Minimal  Significant  
 Stream: \_\_\_\_\_  Minimal  Significant  
 Provide context for minimal/significant impact: N/A
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
 Yes  No Comments: N/A
7. What conditions or other changes in the application are necessary to address any potential issues identified above: N/A
8. Any additional comments: none

**References**

EA Engineering, Science, and Technology, Inc., 2017, Technical Memorandum: SeVein Water Association Aquifer Boundary assessment, 8 p.

OWRD Groundwater Information System, accessed 12/21/2022.

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

Figure 1. Well location map

T 13998 LVHW  
T6N/R35E Section 32

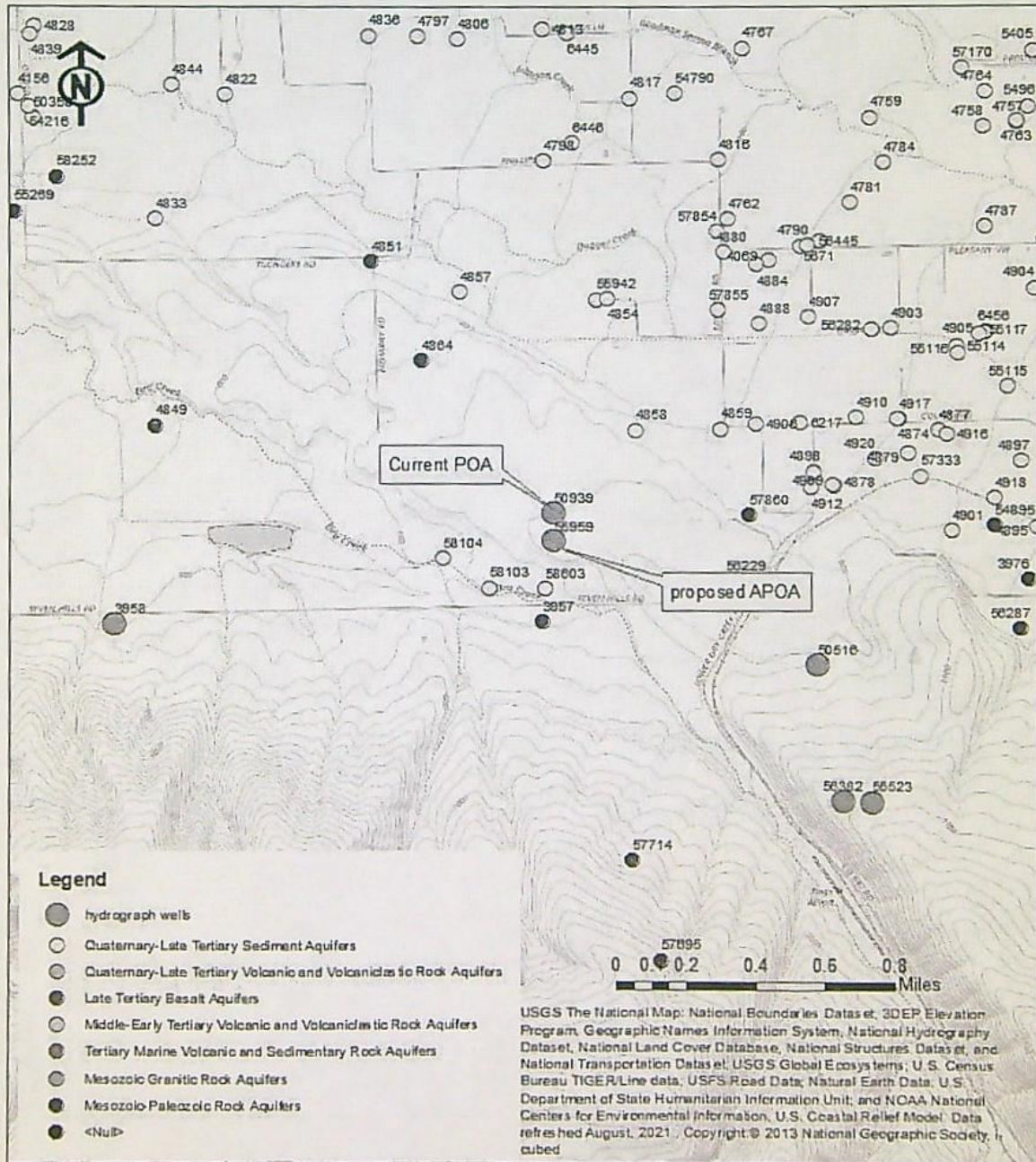


Figure 2. Hydrograph

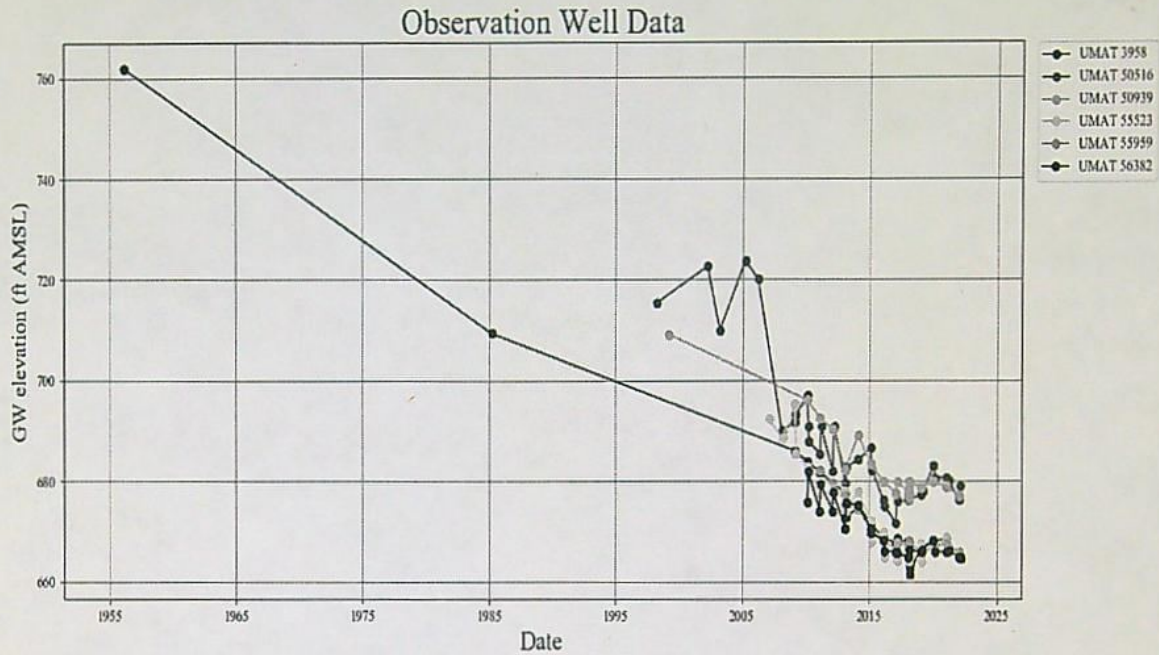


Figure 3. Pumping test hydrograph: In a multi-well pumping test conducted by OWRD, UMAT 55959 (observation well) showed measurable drawdown within minutes of starting the pump at UMAT 50939.

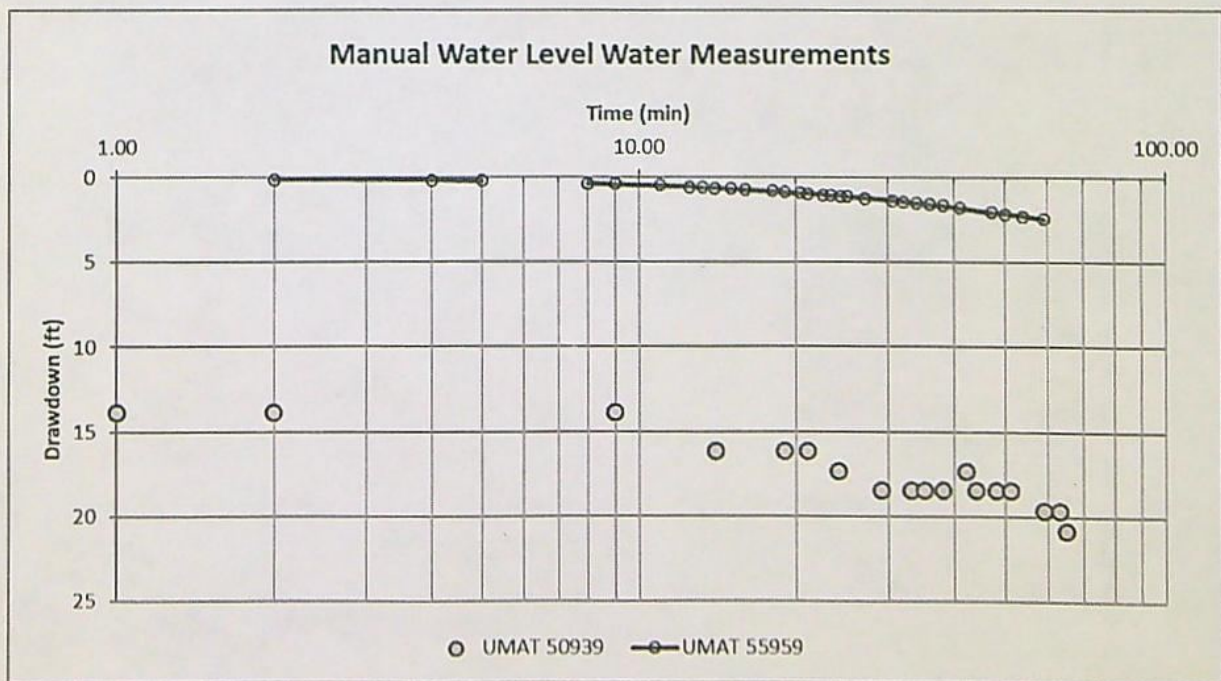
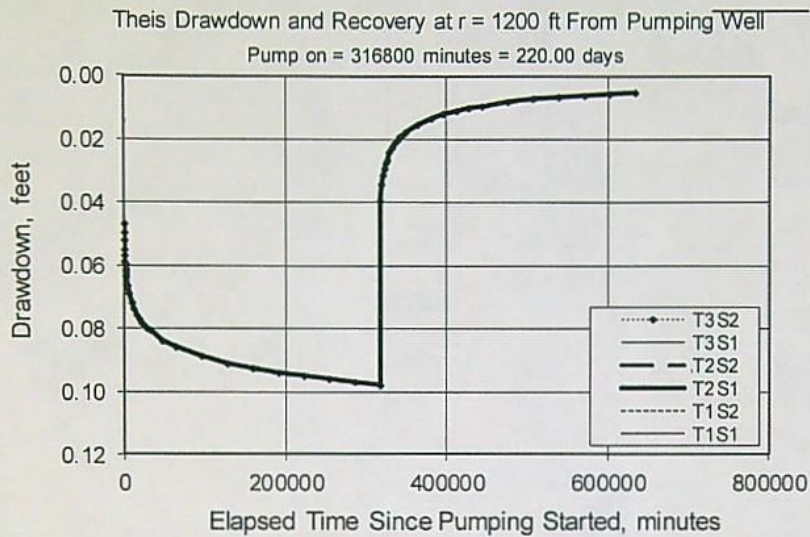
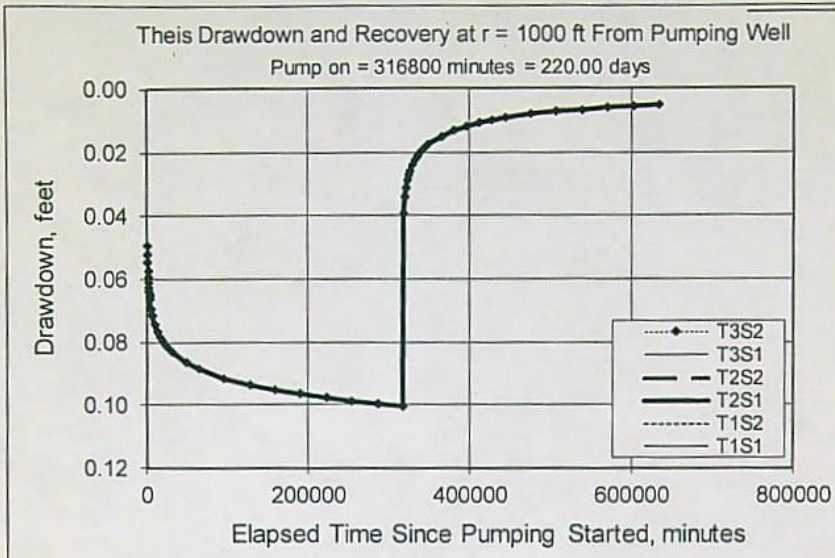


Figure 4. At a distance of 1000 feet, estimated drawdown increases by 0.02 feet to 0.10 feet when pumping the full rate at the proposed APOA



Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		220		d
Radial distance from pumped well:	r		1200.00		ft
Pumping rate	Q		0.3		cfs
Hydraulic conductivity	K	962	962	962	ft/day
Aquifer thickness	b		300		ft
Storativity	S 1		0.00018		
	S 2		0.00018		
Transmissivity Conversions	T_f2pd	288,600	288,600	288,600	ft <sup>2</sup> /day
	T_f2pm	200.4167	200.4167	200.4167	ft <sup>2</sup> /min
	T_gpdpft	2,158,728	2,158,728	2,158,728	gpd/ft



Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		220		d
Radial distance from pumped well:	r		1000.00		ft
Pumping rate	Q		0.3		cfs
Hydraulic conductivity	K	962	962	962	ft/day
Aquifer thickness	b		300		ft
Storativity	S_1		0.00018		
	S_2		0.00018		
Transmissivity Conversions	T_f2pd	288,600	288,600	288,600	ft <sup>2</sup> /day
	T_ft2pm	200.4167	200.4167	200.4167	ft <sup>2</sup> /min
	T_gpdft	2,158,728	2,158,728	2,158,728	gpd/ft



**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13998

Transfer Specialist:

Transfer Type: Regular Transfer

<b>Applicant:</b> LVHW, LLC 52015 SEVEN HILLS RD MILTON-FREEWATER, OR 97862 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A JOHN WARINNER 23321 CHISHOLM TRAIL BEND, OR 97702 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A Hudson Bay Improvement Company Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Umatilla County Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____	<b>Receiving Landowner:</b> <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"/>	G-15110	G-14057	92340	<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: May 6, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 23	ODFW District:
Initial Public Notice: May 17, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



Oregon  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

May 16, 2022

LVHW, LLC  
52015 SEVEN HILLS RD  
MILTON-FREEWATER, OR 97862

Reference: Application T-13998

On May 6, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 138090 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

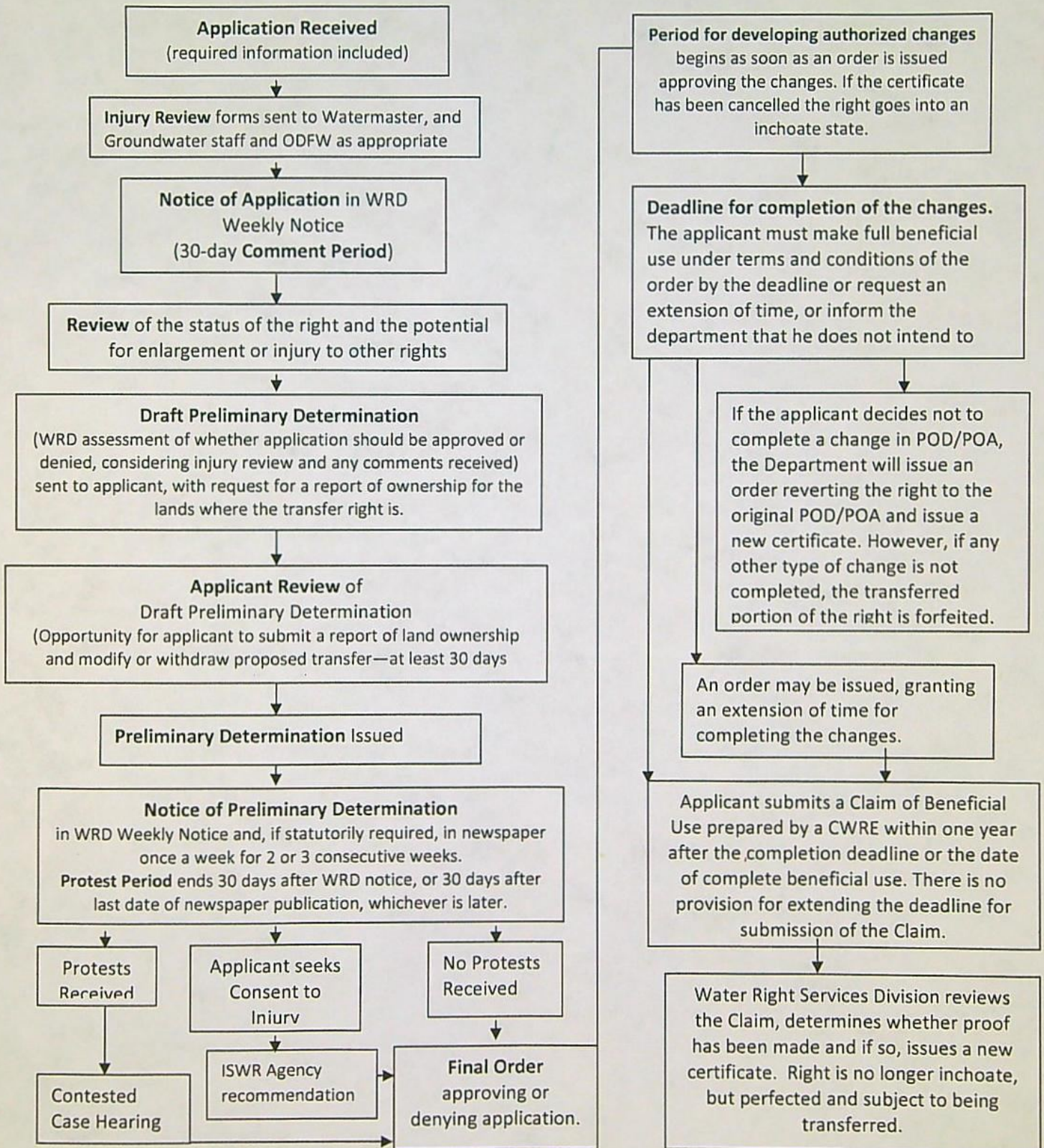
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #23, Greg Silbernagel (*via email*)  
John Warinner, Agent  
Irrigation District: Hudson Bay Improvement Company  
Ann Reece  
Umatilla County

Enclosure

## Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

RECEIPT # **138090**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>LVHW, LLC</u>	APPLICATION
BY: _____	PERMIT
	TRANSFER <u>T-13998</u>
CASH: <input type="checkbox"/> CHECK:# <u>1001</u> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D <u>\$1,840.00</u>

<b>1083 TREASURY 4170 WRD MISC CASH ACCT</b>
0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS <u>46110</u>	
0407 COPY & TAPE FEES \$	
0410 RESEARCH FEES \$	
0408 MISC REVENUE: (IDENTIFY) \$	
TC162 DEPOSIT LIAB. (IDENTIFY) \$	
0240 EXTENSION OF TIME \$	
<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>
0201 SURFACE WATER \$ 0202	<b>RECORD FEE</b>
0203 GROUND WATER \$ 0204	\$
0205 TRANSFER \$ <u>1840.00</u>	
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>
0218 WELL DRILL CONSTRUCTOR \$ 0219	<b>LICENSE FEE</b>
LANDOWNER'S PERMIT \$ 0220	\$
OTHER (IDENTIFY) _____	

<b>0536 TREASURY 0437 WELL CONST. START FEE</b>	
0211 WELL CONST START FEE \$	CARD#
0210 MONITORING WELLS \$	CARD#
OTHER (IDENTIFY) _____	

<b>0607 TREASURY 0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FWWRD) \$	
0231 HYDRO LICENSE FEE (FWWRD) \$	
HYDRO APPLICATION \$	

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____ TITLE _____	
OBJ. CODE _____ VENDOR # _____	
DESCRIPTION _____	\$

RECEIPT: **138090**

DATED: 5-6-2022 BY: Mindy Cuck

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

Cash

1,840.00

**RECEIVED**  
 MAY 06 2022  
 OWRD

LVHW, LLC  
 04/26/2022  
 Oregon Water Resources Department  
 County water rights application  
 1,840.00  
 1001

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** CERTIFICATE 92340  
Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- Application fee not enclosed/insufficient
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Map not included or incomplete
- Evidence of Use Form not enclosed or incomplete
- Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_  
Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

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



MAY 06 2022

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <b>LVHW, LLC</b>		PHONE NO. <b>503.421.0193</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>52015 SEVEN HILLS ROAD</b>		FAX NO. <b>N/A</b>	
CITY <b>MILTON-FREEWATER</b>	STATE <b>OR</b>	ZIP <b>97062</b>	E-MAIL <b>samanthamaiden@icloud.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>JOHN WARINNER / WATERSOLVING, LLC</b>		PHONE NO. <b>541.815.4103</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>23321 CHISHOLM TRAIL</b>		FAX NO. <b>N/A</b>	
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97702</b>	E-MAIL <b>JOHNW@WATERSOLVING.COM</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AUTHORIZE USE OF A BASALT GROUNDWATER WELL ON OUR OWN PROPERTY (POA2) AS AN ADDITIONAL POINT OF APPROPRIATION WHILE RETAINING PERMISSION TO USE THE CURRENTLY AUTHORIZED WELL (POA1) IN THE EVENT OF AN EMERGENCY.

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

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.



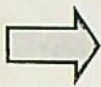
MAY 06 2022

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: UNION BULLETIN (WALLA WALLA)
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



Samantha Maiden  
Applicant signature

Samantha Maiden  
Print Name (and Title if applicable)

4-27-2022  
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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

At this time, are the lands in this transfer application in the process of being sold?  Yes  No **RECENT PURCHASE IS COMPLETE**

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

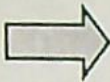
RECEIVING LANDOWNER NAME <u>N/A</u>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME HUDSON BAY DISTRICT IMP. CO.	ADDRESS PO BOX 110	
CITY MILTON-FREEWATER	STATE OR	ZIP 97062

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 N/A	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 SE 4TH ST., ROOM 104	
CITY PENDLETON	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

CERTIFICATE # 92340

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### Description of Water Delivery System

MAY 06 2022

System capacity: 0.31 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

OWRD

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. BURIED MAINLINE FEEDING DRIP IRRIGATION SYSTEM.

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

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is It Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 50939	6 N	35 E	32	NW SE	TL 504	1418 FT N & 22 FT E FROM S ¼ CORNER SEC 32
POA 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	UMAT 55959	6 N	35 E	32	SW SE	TL 1300	950 FT N & 20 FT E FROM S ¼ CORNER SEC 32
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- |                                                                        |                                                                              |
|------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                         |

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

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Changes to Water Right Certificate # 92340**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15	NE NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0	POD #5	1901			
											2	S	9	E 2	SW NW	500		5.0	POD #6	1901			
6	N	35	E 32	SW SE	501 1300	24.8	IRRIG	POA 1	2000		6	N	35	E 32	SW SE	501 1300	24.8	IRRIG	POA 1+2	2000			
				SE SE	1300	0.2	IRRIG	POA 1	2000					SE SE	1300	0.2	IRRIG	POA 1+2	2000				
TOTAL ACRES:						25.0						TOTAL ACRES:						25.0					

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MAY 06 2022  
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Additional remarks: NO CHANGES TO POU. ENTIRE POU WILL BE SERVED BY BOTH WELLS (PREDOMINANTLY POA 2)

**For Place of Use or Character 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: CERT 87556

➔ Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A ;

Surface water primary Certificate # N/A .

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # N/A

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**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
POA 1	YES	UMAT 50939								
POA 2	YES	UMAT 55757								

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Umat 50939

DEC 29 1997

WELL I.D.# 12661

(START CARD) # 89843

STATE OF OREGON WATER SUPPLY WELL REPORT

WATER RESOURCES DEPT. SALEM, OREGON

Instructions for completing this report are on the last page of this form.

(1) OWNER:

Name James McEllan & Brown
Address PO 249
City Milton Freewater OR Zip 97132

Well Number

(2) TYPE OF WORK

New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 1166 ft.
Explosives used Yes No Type Amount

Table with columns: Diameter, From, To, Material, From, To, Sacks or pounds. Rows include Bentonite, Cement.

How was seal placed: Method A B C D E

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Rows for Casing and Liner.

Final location of shoe(s) 354

(7) PERFORATIONS/SCREENS:

Table with columns: From, To, Slot size, Number, Diameter, Telephone size, Casing, Liner. Includes checkboxes for Perforations and Screens.

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
1500+ 1166 1 hr.

Temperature of water 62° Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:

County Umatilla Latitude Longitude
Township 2 N or S Range 35 E or W. WM.
Section 2 SW 1/4 SW 1/4
Tax Lot 504 Lot Block Subdivision
Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL:

143 ft. below land surface. Date 12-20-97
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Table with columns: From, To, Estimated Flow Rate, SWL. Rows showing depth ranges and flow rates.

(12) WELL LOG:

Table with columns: Material, From, To, SWL. Lists geological layers like silt, clay, basalt, etc.

Date started 9-18-97 Completed 12-20-97

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

Signed Date

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction, alteration, or abandonment.

Signed Date

WELL LABEL # L 90315

START CARD # 1001329

(1) LAND OWNER Owner Well I.D. \_\_\_\_\_  
 First Name SCOTT Last Name HENDRICKS  
 Company \_\_\_\_\_  
 Address PO BOX 293  
 City MILTON-FREEWATER State OR Zip 97862

(2) TYPE OF WORK  New Well  Deepening  Conversion  
 Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other \_\_\_\_\_

(4) PROPOSED USE  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION Special Standard  Attach copy)  
 Depth of Completed Well 370.00 ft.

BORE HOLE			SEAL			
Dia	From	To	Material	From	To	sacks/ lbs
12	0	18	Bentonite	0	18	14 S
10	18	278	Cement	262	278	5 S
7.5	278	370				

How was seal placed: Method  A  B  C  D  E

Other POURED BENTONITE

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_

Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

(6) CASING/LINER

Casing	Liner	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2	278	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	270	370	.25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe  Inside  Outside  Other Location of shoe(s) 278

Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

(7) PERFORATIONS/SCREENS  
 Perforations Method SKILL SAW  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

Perf	Casing/Screen	Screen Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/pipe size
			6	350	370	.75	12	24	

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailor  Air  Flowing Artesian  

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
500		370	1
150		270	1

Temperature 62 °F Lab analysis  Yes By \_\_\_\_\_  
 Water quality concerns?  Yes (describe below)  

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)  
 County Umatilla Twp 6.00 N N/S Range 35.00 E E/W WM  
 Sec 32 NW 1/4 of the SE 1/4 Tax Lot 501  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address

52015 SEVEN HILLS RD MILTON-FREEWATER OR

(10) STATIC WATER LEVEL Date \_\_\_\_\_ SWL(psi) \_\_\_\_\_ + SWL(ft) \_\_\_\_\_  

Existing Well / Predeepening	Date	SWL(psi)	+ SWL(ft)
Completed Well	06-28-2007		171

 Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
06-27-2007	36	195	10		63
06-27-2007	250	260	10		63
06-28-2007	300	310	50		171
06-28-2007	360	370	500		171

(11) WELL LOG Ground Elevation \_\_\_\_\_

Material	From	To
SOIL	0	36
CLAY/GRAVEL	36	195
TAN CLAY	195	250
CLAY/GRAVEL	250	260
BLACK BASALT	260	300
BLACK BASALT W/ GREEN CLAYSTONE	300	310
BLACK/BROWN BASALT W/TAN CLAYSTONE	310	340
BLACK BASALT	340	360
BROKEN BLACK BASALT	360	370

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Date Started 06-26-2007 Completed 06-28-2007

(unbonded) Water Well Constructor Certification  
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1735 Date 06-29-2007  
 Electronically Filed  
 Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification  
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 544 Date 06-29-2007  
 Electronically Filed  
 Signed LARRY BURD (E-filed)  
 Contact Info (optional)





# 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 WILLAMETTE )

I, STEPHANIE BRIGGS, in my capacity as VINEYARD MANAGER  
 mailing address 52015 SEVEN HILLS RD, HILTON-FREENWATER, OR 97862  
 telephone number (509) 520-1659, 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

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2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 92340; OR

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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

- Continuing Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- Portion 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 was rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 1 year for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

Signature: [Handwritten Signature]

Date: 8 April 2022



Signed and sworn to (or affirmed) before me this 8 day of April, 2022.

Signature: [Handwritten Signature]  
Notary Public for ~~Oregon~~ Washington

My Commission Expires: July 16, 2025

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

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# Invoice

Oregon Vineyard Supply  
231 E. Broadway Ave.  
Milton-Freewater, OR 97862  
United States

Date	Invoice #	Cust. Acct
4/13/2021	INV:MF002429	4929 Bella Fortuna Vineyard Services, LLC

Bill To	Ship To
Bella Fortuna Vineyard Services, LLC 216 E Broadway Ave. Milton Freewater, OR 97862-1808 United States	Bella Fortuna Vineyard Services, LLC 216 E Broadway Ave Milton Freewater, OR 97862-1808 United States

Terms	Due Date	PO #	Memo	Created From	Ship Date
Net 10th, P	5/10/2021		Pricing per Tad Willis		4/13/2021

Item	Qty	UoM	Description	Price	Amount
CNCAN170	300	Gal	17-0-0-7.2 (Ca) (11.76#) 250 GA tote	\$2.3882	\$1,194.12

No Signature taken due to COVID-19

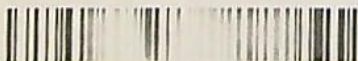
Delivery accepted by: Francisco Jimenez

Subtotal	\$1,194.12
Shipping Cost	\$0.00
Discount Total	\$0.00
Tax Total	\$0.00
Total	\$1,194.12
Pymts/Credits	\$0.00
Amount Due	\$1,194.12

This invoice is governed by and incorporates by reference, Orchard & Vineyard Supply's terms and conditions found on our website and the terms and conditions of our credit application. By your signature above and/or acceptance of the products described herein, you acknowledge having read and agree to be bound by such terms and conditions.

All returns are subject to a 15% restocking fee for stock items and a 20% restocking fee for non-stock items. Prior authorization is required for return of special orders and non-stock items.

PLEASE NOTE: All estimates, sales orders or invoices are subject to change upon implementation of any tariffs which will be added to this estimate, sales order or invoice.



# Land Use Information Form



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

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## NOTE TO APPLICANTS

OWRD

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use information and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form



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

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Applicant(s): UMATI, LLC  
 Mailing Address: 1005 SEVEN HILLS RD.  
 City: MILWAUKEE State: OR Zip Code: 97862 Daytime Phone: 503.421.0193

OWRD

## A. Land and

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed uses for the tax-lot information requested below.

Township	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
6N		SWSE	501 1300	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIG-AG
6N		SE SE	1300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	IRRIG-AG
					<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
					<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all communities where water is proposed to be diverted, conveyed, and/or used or developed:

UMATI

## B. Description of Proposed Use

Type of application with the Water Resources Department:

- Permit Amendment or Ground Water Registration Modification  
 Limited Ground Water Right  
 Water Right Transfer  
 Allocation of Conserved Water  
 Exchange of Water

Source of water:  Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated flow rate needed: 0.31  cubic feet per second  gallons per minute  acre-feet

Intended use:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

REGISTRATION OF AN ADDITIONAL POINT OF APPROPRIATION TO USE GROUNDWATER WELL DEVELOPED ON OWN PROPERTY. ME

Note to Applicant: This Land Use Information Form cannot be completed while you wait, please have a local government representative present at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801  
Ph: 541-278-6252 • Fax: 541-278-5480

## Receipt

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Fee Receipt Number: 21148  
Transaction Date: 5/4/2022  
Transaction Time: 7:26:40 AM  
Payor: LVHW LLC  
Paid in Cash: \$0.00  
Paid via Check: \$0.00 Check# Bank#  
Paid via EFT: \$50.00  
Comments:  
OWD LUCS Land Use Review water transfer

<b>Fee Description</b>	<b>Quantity</b>	<b>Fee</b>	<b>Total</b>
Land Use Compatibility Statement	2	\$25.00	\$50.00

---

Total:	\$50.00
Amount Received:	\$50.00
Amount Paid:	\$50.00
Change:	\$0.00
Amount Left Owing:	\$0.00

# Land Use Information Form



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

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MAY 06 2022

Applicant(s): LVHW, LLC

Mailing Address: 52015 SEVEN HILLS RD.

OWRD

City: MILTON-FREEWATER State: OR Zip Code: 97862 Daytime Phone: 503.421.0193

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	XX	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>6N</u>	<u>35E</u>	<u>32</u>	<u>SWSE</u>	<u>501 1300</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIG-AG</u>
<u>6N</u>	<u>35E</u>	<u>32</u>	<u>SESE</u>	<u>1300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIG-AG</u>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

UMATILLA COUNTY

## B. Description of Proposed Use

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

- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.31  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

REQUESTING AUTHORIZATION OF AN ADDITIONAL POINT OF APPROPRIATION TO USE BASALT GROUNDWATER WELL DEVELOPED ON OWN PROPERTY.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.056(A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>MAY 06 2022</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: CAROL JOHNSON Title: PLANNER  
 Signature: *Carol Johnson* Phone: 541-278-6255 Date: 05/04/2022  
 Government Entity: UMATILLA COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

### Receipt for Request for Land Use Information

Applicant name: LVHW, LLC  
 City or County: UMATILLA COUNTY Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



SECTION 32, T6N, R35E, WM -- UMATILLA COUNTY

504

POA 1. AUTHORIZED WELL  
Well Log UMAT 50939  
NW SE, Section 32, T6N, R35, WM (TL 504)  
1418 ft N and 22 ft E from S 1/4 Corner Sec 32

POA 2. ADDITIONAL WELL  
Well Log UMAT 55959  
SW SE, Section 32, T6N, R35, WM (TL 501)  
950 ft N and 20 ft E from S 1/4 Corner Sec 32

RECEIVED

MAY 06 2022

OWRD

POA 1 •

POA 2 •

1300

506

501

24.8

0.2

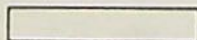
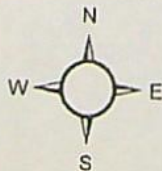
32 33

SEVEN HILLS RD

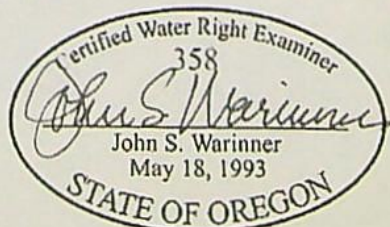
5 4

← Dry Creek

**DISCLAIMER**  
This map is not intended to provide legal dimensions or locations of property ownership lines.



1 in = 400 ft



**TRANSFER MAP**  
**Certificate 92340**  
**Additional POA**

LVHW LLC  
Windrow Vineyards

Revised 2022-03-30

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13998

Checked by- <u>brn</u> Date- <u>5/11/22</u>	<b>Type of Change(s) Proposed:</b> <i>Mark the Proposed Changes</i>	Substitution  Gov Action	Supplemental to Primary  Surface to Ground	POU  USE	POD  POA	APOD  APOA
Fee Received: <u>1,840<sup>00</sup></u>						<input checked="" type="checkbox"/> APOA
Calculated Fee: <u>1,840<sup>00</sup></u>		How many rights to be Transferred? Certificate # <u>92340</u>				
Additional Observations: _____ _____ _____						

If OK and complete, check box to the left; if NOT, fill in.

1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom? If no, what is missing? Whose signature is missing? \_\_\_\_\_
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A.  
Name of the district: Hudson Bay
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application? If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application? If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_  
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements? If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

OR:  If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of **Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: \_\_\_\_\_

