

T-14099

Regular

RA

T-14099

**ASSIGNED**

Name Cleaver Land, LLC  
clo Alan Cleaver  
 Address PO Box 1191  
Hermiston, OR 97838  
alancleaver@cbsag.com

Change in USE, POW, APOD  
 Date Filed 9-30-2022  
 Initial notice date 10-11-2022  
 DPD issued date \_\_\_\_\_  
 PD issued date 3/28/23  
 PD notice date 4/4/23  
 Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_  
 C-Date \_\_\_\_\_  
 COBU due date \_\_\_\_\_  
 COBU Received date \_\_\_\_\_  
 Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Columbia River  
 Trib. of Pacific Ocean  
 Use Irrigation County Umatilla  
 Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 App# S-516979 Per # S-42856 Cert # 53653 PR Date 11/1978  
 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 #
9-30-2022	\$3950.00	139248
9-30-2022	\$125.00	139239
10-14-2022	\$1,530.12	139349
9-23-24	\$120.00	143870

## FEES REFUNDED

Date	Amount	Receipt #

Assignments: 9-25-2024 City of Umatilla PO Box 130, Umatilla, OR 97882

Irrigation District \_\_\_\_\_

Agent Lindsay Thane ; Peter Mohr ; Bob Long

CWRE \_\_\_\_\_  
 CC's list City of Umatilla ; Umatilla County

☐ Oversized map - Location \_\_\_\_\_



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 # 143870

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

RECEIVED FROM: City of Umatilla  
BY: \_\_\_\_\_APPLICATION  
PERMIT  
TRANSFER T-14099CASH: ☐ CHECK: # 154635 OTHER: (IDENTIFY) \_\_\_\_\_TOTAL REC'D \$ 120.00

## 1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

## 4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407 COPY & TAPE FEES 46111 \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

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

## WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_

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

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

## WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_

## LANDOWNER'S PERMIT

0250 OTHER (IDENTIFY) Assignment \$ 120.00

## 0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

## 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

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

## TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT: 143870

DATED: 9-23-24 BY: m-milb

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

OWRD REQUEST F 8/08/24

DATE

P.O. NUMBER

OWRD Request for Assignment

DESCRIPTION

120.00

AMOUNT

Received  
SEP 23 2024  
OWRD

120.00





# 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 25, 2024

City of Umatilla  
PO Box 130  
Umatilla, OR 97882

Reference: Transfer T-14099

The assignment from Cleaver Land, LLC to City of Umatilla has been recorded in the records of the Water Resources Department.

The Departments records will now show City of Umatilla as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 143870 covering the recording fee is also enclosed.

A transfer is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the transfer to be familiar with the conditions and timelines contained in the transfer.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt #143870

cc: Cleaver Land, LLC; Attn: Alan Cleaver – PO Box 1191, Hermiston, OR 97838  
MohrWater Legal PC; Attn: Peter Mohr – 1631 NE Broadway Ave., PMB 632, Portland, OR 97213  
OWRD WMCP  
Data Center, OWRD (cover letter & request)  
File



# Request for Assignment

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)

If the Department determines that the application is incomplete, fees have not been paid, or the require documents are not acceptable, the application and all fees submitted will be returned to the applicant.  
If for multiple rights, a separate form and fee for each right will be required.

I, Alan Cleaver, Managing Member of Cleaver Land, LLC, an Oregon limited liability company  
(Name of Current Holder of Record)

PO Box 1191

Hermiston, OR 97838

(541) 567-2380

(City) (State) (Zip)

(Phone #)

- ☒ hereby assign all of Cleaver Land, LLC's interest in and to the entire application and Final Order
- ☐ hereby assign ~~all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)~~
- ☐ hereby assign ~~a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)~~

Application T-14099 ; Permit # ; Final Order for T-14099 ;

Limited License # ; Groundwater Statement #

as filed in the office of the Water Resources Director, to:

City of Umatilla

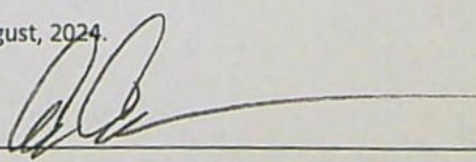
P.O. Box 130, Umatilla, OR 97882

(541) 922-3226

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.


Witness my hand this 6 day of August, 2024.

Signature of Current Holder of Record: 

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 143870

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. 

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Received  
SEP 23 2024  
OWRD

Assign - Approve  
WFB 8-25-2024



**MOHRWATER LEGAL PC**  
1631 NE BROADWAY AVE., PMB 632  
PORTLAND, OR 97213

Licensed in Colorado, Oregon,  
and Washington

Telephone: (503) 830-1412  
peter.mohr@mohrwaterlegal.com

VIA U.S. CERTIFIED MAIL

September 20, 2024

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

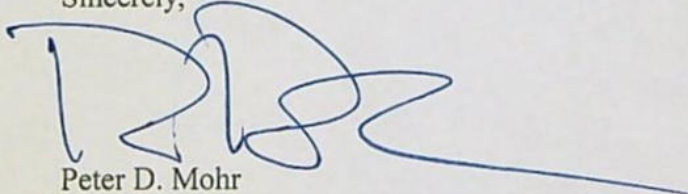
**Re: Transfer Applic. T-14099 Re Request for Assignment of Application and Final Order**

Dear Joan:

On behalf of the applicant Cleaver Land, LLC, an Oregon limited liability company, and with regard to the above referenced transfer application, please find enclosed an original executed *Request for Assignment* together with the required payment of \$120.00.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,



Peter D. Mohr

Encl.

cc: David Stockdale, City Mgr. (via email w/encl.)  
Brandon Seitz, Comm. Dev. Dir. (via email w/encl.)  
Lindsay Thane, Counsel to Cleaver land, LLC (via email w/encl.)

Received  
SEP 23 2024  
OWRD



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14099

RA

Transfer Specialist: Scott

Transfer Type: Regular Transfer

<b>Applicant:</b> CLEAVER LAND LLC; c/o ALAN CLEAVER PO BOX 1191 HERMISTON, OR 97838 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A LINDSAY THANE PETER D. MOHR BOB LONG Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A City Of Umatilla 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"/>	S-56979	S-42856	53653	<input checked="" 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: September 30, 2022	Proposed Action(s): APOD; PLACE OF USE; USE	
Fees Pd: 3950.00	WM District: 5	ODFW District:
Initial Public Notice: October 11, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested: 3-9-23	Request for news \$ sent: 3-13-23	News \$ received:
Request to publish sent:	Affidavit of publication received: 4/16/23	Last day of publication: 4/6/23

East Oregonian

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 12/9/22 Initials: Scott	Date: 12/12/22 Initials: AED	Date: _____ Initials: _____	Date: 1/10/23 Initials: PKS	Date: 1/19/23 Initials: Scott	CW Sent: 1/20/23	N/A
PD	Date: 2/22/23 Initials: Scott	Date: 2/24/23 Initials: AED	Date: _____ Initials: _____	Date: 3/7/23 Initials: PKS	Date: 3/8/23 Initials: Scott	Date: 3/27/23	Date: 3/29/23
FO	Date: 5/12/23 Initials: Scott	Date: 5/22/23 Initials: AED	Date: _____ Initials: _____	Date: 5/16/23 Initials: PKS	Date: 6/24/23 Initials: Scott	Date: 6/24/23	Date: _____

Special Issues:

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

Transfer Cover Sheet

4/7/23	4/11/23	4/15/23	4/24/23	4/27/23
Scott	AED	PKS	Scott	Scott

REVISED DPD

Last Revised 10-29-18



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14099, Umatilla County	)	POINT OF DIVERSION, A CHANGE IN
	)	PLACE OF USE, AND A CHANGE IN
	)	CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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**

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

**Findings of Fact**

1. On September 30, 2022, CLEAVER LAND, LLC, C/O ALAN CLEAVER filed an application to change the point of diversion, change the place of use and to change the character of use under Certificate 53653. The Department assigned the application number T-14099.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 25, 2022, the Department sent an e-mail request to the agent to clarify the proposed lands and inquire about a receiving landowner.
4. On November 1, 2022, the agent for the submitted a revised Table 2 to redescribe the proposed lands.

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



5. On January 20, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14099 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 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.
6. On March 28, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14099 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 4, 2023, and in the East Oregonian newspaper on March 30 and April 6, 2023, pursuant to ORS 540.520 and OAR 690-380-4020.
7. On April 5, 2023, it was discovered there was a scrivener's error in irrigation season dates in finding of fact number 10 of the Preliminary Determination. The correct irrigation season is described below in finding of fact number 15.
8. On April 27, 2023, the Department sent a copy of a REVISED draft Preliminary Determination proposing to approve Transfer Application T-14099 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 27, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of the Preliminary Determination.
9. The Preliminary Determination issued on March 28, 2023 is withdrawn and of no further force or effect.
10. On May 18, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14099 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 23, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

<b>Certificate:</b>	53653 in the name of L AND L FARMS (perfected under Permit S-42856)
<b>Use:</b>	IRRIGATION of 76.3 ACRES
<b>Priority Date:</b>	JANUARY 11, 1978
<b>Rate:</b>	1.68 CUBIC FEET PER SECOND
<b>Limit/Duty:</b>	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
<b>Source:</b>	COLUMBIA RIVER, JOHN DAY POOL, a tributary of PACIFIC OCEAN



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	17	NW SW	1850 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NE SW	11.1
5 N	28 E	WM	29	NW SE	33.6
5 N	28 E	WM	29	SW SE	31.6
				Total	76.3

12. Transfer Application T-14099 proposes a change in point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	27 E	WM	13	NW SW	2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

13. Transfer Application T-14099 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE CITY OF UMATILLA WATER SERVICE AREA

14. Transfer Application T-14099 proposes to change the character of use to MUNICIPAL USE.
15. Certificate 53653 does not specify the irrigation season. However, consistent with the Columbia River rights, the irrigation season is March 1 through October 31.
16. The applicant does not meet the definition of a municipality ORS 540.510(3)(b). The transferred right will be lost if not assigned to and perfected by a municipality.
17. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

**Transfer Review Criteria [OAR 690-380-4010(2)]**

18. Water has been used within the last five years 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.



19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14099.
20. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed municipal uses shall be limited to 1.68 cubic feet per second and shall be further limited to a total annual volume diverted of 343.35 acre-feet (76.3 acres x 4.5 acre-feet per acre) during the time period of March 1 through October 31 of each year.
21. The proposed changes would not result in injury to other water rights.
22. All other application requirements are met.

#### **Conclusions of Law**

The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

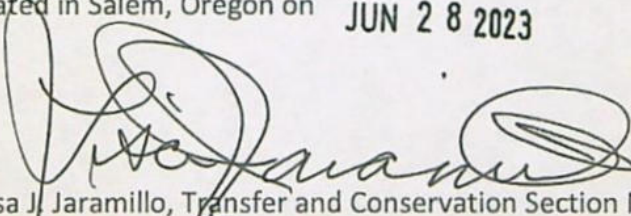
#### **Now, therefore, it is ORDERED:**

1. The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53653 and any related decree.
3. Water right Certificate 53653 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. The diversion of water under the proposed municipal use shall be limited to 1.68 cubic feet per second and shall be further limited to a total annual volume diverted of 343.35 acre feet (76.3 acres x 4.5 acre feet per acre) during the time period March 1 through October 31 of each year.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - 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.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. 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 changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUN 28 2023**



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

Mailing date: **JUN 29 2023**





# 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

June 28, 2023

ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

REFERENCE: Transfer Application T-14099

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, Scott Grew, by telephone at (503) 979-3511 or by e-mail at [Scott.A.Grew@water.oregon.gov](mailto:Scott.A.Grew@water.oregon.gov).

Sincerely,

Flor Pena  
Water Rights Services Support  
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)  
Lindsay Thane, Peter D. Mohr, Bob Long, Agent  
Umatilla County

Enclosure





# Oregon

Tina Kotek, Governor

May 15, 2023

VIA CERTIFIED MAIL AND E-MAIL

**Applicant**

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

**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. Article Addressed to:**

CLEAVER LAND LLC  
ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838



9590 9402 6816 1074 5300 38

**2. Article Number (Transfer from service label)**

7021 1970 0001 3950 3211

PS Form 3811, July 2020 PSN 7530-02-000-9053 FPO T-14099

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

*Alan Cleaver*

☒ Agent  
☐ Addressee

**B. Received by (Printed Name)**

*Alan Cleaver*

**C. Date of Delivery**

*5/25/23*

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

**RECEIVED**  
**MAY 30 2023**

**OWRD**

**3. Service Type**

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

Domestic Return Receipt

SUBJECT: Water Right Transfer Application T-14099

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14099. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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



Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file: T-14099  
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
Bob Long, CWRE/CwM-H2O, LLC, Co-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-13850, Morrow County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	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.

**Applicants**

US ARMY CORPS OF ENGINEERS  
PORTLAND DISTRICT  
PO BOX 2946  
PORTLAND, OR 97208

BONNEVILLE POWER ADMINISTRATION  
AND ARMY CORPS OF ENGINEERS  
WALLA WALLA DISTRICT  
BUILDING 206 CITY COUNCIL AIRPORT  
WALLA WALLA, WA 99362

**Findings of Fact**

1. On October 15, 2021, US ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT AND BONNEVILLE POWER ADMINISTRATION AND ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT filed an application to change a point of appropriation under Certificate 72182. The Department assigned the application number T-13850.
2. Notice of the application for transfer was published on November 23, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 4, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13850 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 3, 2023, for the applicants to respond. The applicants 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.

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 notice of this preliminary determination.
--



4. The right to be transferred is as follows:

**Certificate:** 72182 in the name of BONNEVILLE POWER ADMINISTRATION AND ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT (perfected under Permit G-11210)  
**Use:** FISH CULTURE  
**Priority Date:** AUGUST 20, 1990  
**Rate:** 9.11 CUBIC FEET PER SECOND  
**Source:** FOUR WELLS in the COLUMBIA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	15	SW NW	WELL 1 - 100 FEET NORTH AND 117 FEET EAST FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	15	NW SW	WELL 2 - 600 FEET SOUTH AND ON SECTION LINE FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	15	NW SW	WELL 3 - 1195 FEET SOUTH AND ON SECTION LINE FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	16	SE SE	WELL 4 - 1785 FEET SOUTH AND 10 FEET WEST FROM THE W1/4 CORNER OF SECTION 15

**Authorized Place of Use:**

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
5 N	26 E	WM	15	NE SW

5. Transfer Application T-13850 proposes to move the authorized point of appropriation of Well 4 to proposed point of appropriation Well 5 with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Feet (ft.)
5 N	26 E	WM	16	SE SE	WELL 5 - 1885 FEET SOUTH AND 10 FEET WEST FROM THE W1/4 CORNER OF SECTION 15	WELL 1 - 2000 ft. WELL 2 - 1300 ft. WELL 3 - 650 ft. WELL 4 - 100 ft.

**Transfer Review Criteria (OAR 690-380-4010)**

6. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13850.
8. The proposed change would not result in enlargement of the right.



9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

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

The change in point of appropriation proposed in Transfer Application T-13850 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.

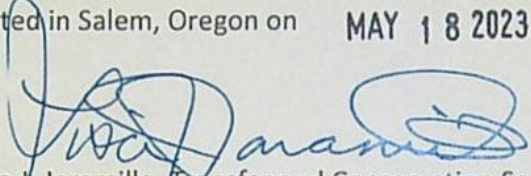
*If Transfer Application T-13850 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-13850 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 72182 and any related decree.*
3. *Water right Certificate 72182 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation (Well 5) shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 4).*
5. *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.*
  - 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *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.*



8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 18 2023**

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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

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

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



## GREW Scott A \* WRD

---

**From:** peter.mohr@mohrwaterlegal.com  
**Sent:** Wednesday, May 3, 2023 9:51 PM  
**To:** GREW Scott A \* WRD; 'Thane, Lindsay M.'; alancleaver@cbsag.com; 'Bob Long'  
**Cc:** SILBERNAGEL Greg M \* WRD  
**Subject:** RE: CORRECTED T-14099 - Issuance of REVISED Draft Preliminary Determination - Action Required!

Hi Scott.

Thanks for turning this around. Both Lindsay Thane and I have reviewed the revisions and wish to confirm that the PD as now issued looks fine.

Thanks again.

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

**E-MAIL CONFIDENTIALITY NOTICE:** The contents of this e-mail message and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient or this message has been addressed to you in error, please notify me by reply e-mail and immediately delete the message and any attachments.

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Thursday, April 27, 2023 10:30 AM  
**To:** Thane, Lindsay M. <LThane@SCHWABE.com>; alancleaver@cbsag.com; peter.mohr@mohrwaterlegal.com; Bob Long <Bob.Long@cwmh2o.com>  
**Cc:** SILBERNAGEL Greg M \* WRD <Greg.M.SILBERNAGEL@water.oregon.gov>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** CORRECTED T-14099 - Issuance of REVISED Draft Preliminary Determination - Action Required!

April 27, 2023

VIA E-MAIL

### Applicant

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

Reference: Water Right Transfer Application T-14099





# 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

April 27, 2023

VIA E-MAIL

### Applicant

CLEAVER LAND, LLC

C/O ALAN CLEAVER

PO BOX 1191

HERMISTON, OR 97838

Reference: Water Right Transfer Application T-14099

Your water right transfer is in the first of three phases of processing. Enclosed is the REVISED draft of the Department's Preliminary Determination regarding Transfer Application T-14099. 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 May 27, 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 May 27, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.

### **Conditions to your water right...**

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**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. The previous

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

**If we do not receive the items listed above by May 27, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file: T-14099  
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
Bob Long, CWRE/CwM-H2O, LLC, Co-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-14099, Umatilla County

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R E V I S E D  
D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
POINT OF DIVERSION, A CHANGE IN  
PLACE OF USE, AND A CHANGE IN  
CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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**

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

**Findings of Fact**

1. On September 30, 2022, CLEAVER LAND, LLC, C/O ALAN CLEAVER filed an application to change the point of diversion, change the place of use and to change the character of use under Certificate 53653. The Department assigned the application number T-14099.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 25, 2022, the Department sent an e-mail request to the agent to clarify the proposed lands and inquire about a receiving landowner.
4. On November 1, 2022, the agent for the submitted a revised Table 2 to redescribe the proposed lands.

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 notice of this preliminary determination.



5. On January 20, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14099 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 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.
6. On March 28, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14099 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 4, 2023, and in the East Oregonian newspaper on March 30 and April 6, 2023, pursuant to ORS 540.520 and OAR 690-380-4020.
7. On April 5, 2023, it was discovered there was a scrivener's error in irrigation season dates in finding of fact number 10 of the Preliminary Determination. The correct irrigation season is described below in finding of fact number 12.
8. The portion of the right to be transferred is as follows:

**Certificate:** 53653 in the name of L AND L FARMS (perfected under Permit S-42856)  
**Use:** IRRIGATION of 76.3 ACRES  
**Priority Date:** JANUARY 11, 1978  
**Rate:** 1.68 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** COLUMBIA RIVER, JOHN DAY POOL, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	17	NW SW	1850 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NE SW	11.1
5 N	28 E	WM	29	NW SE	33.6
5 N	28 E	WM	29	SW SE	31.6
				Total	76.3



9. Transfer Application T-14099 proposes a change in point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	27 E	WM	13	NW SW	2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

10. Transfer Application T-14099 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE CITY OF UMATILLA WATER SERVICE AREA

11. Transfer Application T-14099 proposes to change the character of use to MUNICIPAL USE.
12. Certificate 53653 does not specify the irrigation season. However, consistent with the Columbia River rights, the irrigation season is March 1 through October 31.
13. The applicant does not meet the definition of a municipality ORS 540.510(3)(b). The transferred right will be lost if not assigned to and perfected by a municipality.
14. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

15. Water has been used within the last five years 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.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14099.
17. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed municipal uses shall be limited to 1.68 cubic feet per second and shall be further limited to a total volume diverted of 343.35 acre-feet (76.3 acres x 4.5 acre-feet per acre) during the time period of March 1 through October 31.
18. The proposed changes would not result in injury to other water rights.
19. All other application requirements are met.



## Determination and Proposed Action

The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14099 is approved, the final order will include the following:*

- 1. The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53653 and any related decree.*
- 3. Water right Certificate 53653 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. The diversion of water under the proposed municipal use shall be limited to 1.68 cubic feet per second and shall be further limited to a total volume diverted of 343.35 acre feet (76.3 acres x 4.5 acre feet per acre) during the time period March 1 through October 31.*
- 6. Water use measurement conditions:*
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - 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.*
- 7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the*



*fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *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 changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

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

This REVISED Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

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

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 140343

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

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

RECEIVED FROM: Mohrwater Legal PC  
BY: \_\_\_\_\_  
CASH: ☐ CHECK: # 227 OTHER: (IDENTIFY) ☐  
APPLICATION: \_\_\_\_\_  
PERMIT: \_\_\_\_\_  
TRANSFER: T-14099  
TOTAL REC'D \$ 119.70

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 119.70  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE 0202 \$  
0203 GROUND WATER EXAM FEE 0204 \$  
0205 TRANSFER EXAM FEE \$  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$  
LANDOWNER'S PERMIT EXAM FEE 0220 \$  
OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 140343

DATED: 3/20/23

BY: [Signature]

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 140343

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

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

RECEIVED FROM: Mohrwater Legal PC  
BY: \_\_\_\_\_  
CASH: ☐ CHECK: # 227 OTHER: (IDENTIFY) ☐  
APPLICATION: \_\_\_\_\_  
PERMIT: \_\_\_\_\_  
TRANSFER: T-14099  
TOTAL REC'D \$ 119.70

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$  
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 119.70  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$  
WATER RIGHTS:  
0201 SURFACE WATER EXAM FEE 0202 \$  
0203 GROUND WATER EXAM FEE 0204 \$  
0205 TRANSFER EXAM FEE \$  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$  
LANDOWNER'S PERMIT EXAM FEE 0220 \$  
OTHER (IDENTIFY) \_\_\_\_\_

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 140343

DATED: 3/20/23

BY: [Signature]

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



Attached is a check for \$ 119.70 (PCA #46118) for Newspaper Notice for Transfer T-14099 made out to Oregon Water Resources Department ( or WRD)

- "for T-14099 NOTICE" written on front of check

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

Caseworker: Scott Grew

RECEIVED  
MAR 20 2023  
OWRD  
SALEM, OREGON



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

}AFFIDAVIT OF PUBLICATION  
STATE OF OREGON  
County of Umatilla/Morrow) ss

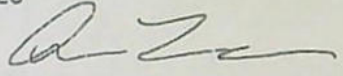
I, Audra Workman being duly sworn, depose and say that I am principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

EO-12474 NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-14099 T- 14099 FILED BY CLEAVER LAND LLC C O ALAN CLEAVER PO BOX 1191 HERMISTON OR 97838 PROPOSES A CHANGE IN POINT OF DIVERSIO

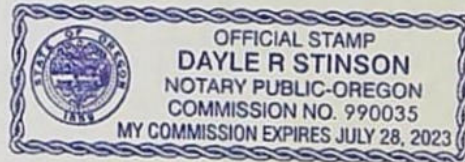
a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

3/30/23, 4/06/23

Subscribed and sworn to before me on this 6th day of April, A.D. 2023

  
Dayle R Stinson  
Notary Public of Oregon

Add: 368845  
PQ:  
Tagline: EO-12474 T-14099



RECEIVED

APR 10 2023

OWRD

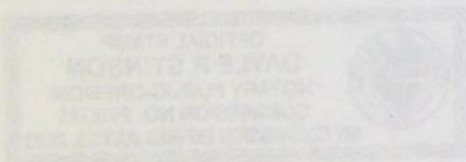


EO-12474  
Notice of Preliminary Determination for  
Water Right Transfer T-14099

T- 14099 filed by Cleaver Land, LLC, C/O Alan Cleaver, PO Box 1191, Hermiston, OR 97838 proposes a change in point of diversion, a change in place of use, and a change the character of use under Certificate 53653. The right allows the use of 1.68 cubic feet per second from Columbia River, John Day Pool, in Sec. 17, T5N, R28E, WM for irrigation in Sec. 29, T5N, R28E, WM. The applicant proposes to move the point of diversion within Sec. 17, T5N, R28E, WM and to change the place of use to within the City of Umatilla water service area and to change the character of use to municipal use. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 04/06/23. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: March 30, April 6, 2023





## GREW Scott A \* WRD

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Monday, April 10, 2023 10:37 AM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: T-14099 PD Issued

Hi Scott,

Dates of publication were 3/30 and 4/6.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Friday, April 07, 2023 5:13 PM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** FW: T-14099 PD Issued

Hello Stacy!!!

I was wondering if you could confirm the dates of the publishing of this transfer in the East Oregonian?

I am working on a Revised PD 🤔 based on a scrivener's error.

Thank you!

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** KAMIS Nianila \* WRD <Nianila.KAMIS@water.oregon.gov>  
**Sent:** Tuesday, March 28, 2023 10:46 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** PD Issued

Hello,



I have issued the PD for T-14099.



## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Wednesday, April 5, 2023 9:13 AM  
**To:** peter.mohr@mohrwaterlegal.com  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: Application T-14099 (Cleaver Land Water Rights)

Good morning Peter,

I confirmed with Greg Silbernagel the Watermaster the dates were incorrect in the DPD. They in fact should be March 1<sup>st</sup> – October 31<sup>st</sup>.

I will prepare a Revised PD and get that out as soon as I can.

Thank you,

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** peter.mohr@mohrwaterlegal.com <peter.mohr@mohrwaterlegal.com>  
**Sent:** Friday, March 31, 2023 3:15 PM  
**To:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** Application T-14099 (Cleaver Land Water Rights)

Hi Scott.

Had a question for you re the allocation of a May 1 – Sept 30 irrigation season for the Cleaver water right subject to transfer. Because its diverted from the Columbia, why would we rely on the Umatilla Decree for determining the irrigation season? I ask because I'm guessing that the water right has been historically diverted as early as April 1 if not sooner. Such seems also worth considering given that, as I recall, there are ground water rights out there with diversion dates prior to April 1.

Thanks!

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

**E-MAIL CONFIDENTIALITY NOTICE:** The contents of this e-mail message and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient or this message has been addressed to you in error, please notify me by reply e-mail and immediately delete the message and any attachments.



## GREW Scott A \* WRD

---

**From:** SILBERNAGEL Greg M \* WRD  
**Sent:** Wednesday, April 5, 2023 8:20 AM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: T-14099 - Umatilla River decree Irrigation Season

Hi Scott,

This is a Columbia River right. The Columbia River is unadjudicated – making it March 1 – October 31<sup>st</sup>.

I don't believe it is tied to the Umatilla River decree but if it was, the dates would still be March 1 – October 31<sup>st</sup>.

Greg

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Tuesday, April 4, 2023 5:34 PM  
**To:** SILBERNAGEL Greg M \* WRD <Greg.M.SILBERNAGEL@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** T-14099 - Umatilla River decree Irrigation Season

Hello Greg,

Can you confirm the Umatilla River Decree irrigation season that applies to this transfer?

Somehow I found that dates to be May 1 through September 30. That is what I put in the DPD and the PD. See finding of fact #10 the attached PD.

I cannot find my source it in my notes.

Thank you in advance for your help,  
Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890





# 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)

March **28** 2023

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

SUBJECT: Water Right Transfer Application T-14099

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14099. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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



Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

Transfer and Conservation Section

cc:      Transfer Application file: T-14099  
         Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
         Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
         Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
         Bob Long, CWRE/CwM-H2O, LLC, Co-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-14099, Umatilla County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF DIVERSION, A CHANGE IN
	)	PLACE OF USE, AND A CHANGE THE
	)	CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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**

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

**Findings of Fact**

1. On September 30, 2022, CLEAVER LAND, LLC, C/O ALAN CLEAVER filed an application to change the point of diversion, change the place of use and to change the character of use under Certificate 53653. The Department assigned the application number T-14099.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 25, 2022, the Department sent an e-mail request to the agent to clarify the proposed lands and inquire about a receiving landowner.
4. On November 1, 2022, the agent for the submitted a revised Table 2 to redescribe the proposed lands.

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 notice of this preliminary determination.
--



5. On January 20, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14099 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 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.

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

**Certificate:** 53653 in the name of L AND L FARMS (perfected under Permit S-42856)  
**Use:** IRRIGATION of 76.3 ACRES  
**Priority Date:** JANUARY 11, 1978  
**Rate:** 1.68 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** COLUMBIA RIVER, JOHN DAY POOL, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	17	NW SW	1850 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NE SW	11.1
5 N	28 E	WM	29	NW SE	33.6
5 N	28 E	WM	29	SW SE	31.6
				Total	76.3

7. Transfer Application T-14099 proposes a change in point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	27 E	WM	13	NW SW	2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

8. Transfer Application T-14099 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE CITY OF UMATILLA WATER SERVICE AREA

9. Transfer Application T-14099 proposes to change the character of use to MUNICIPAL USE.



10. Certificate 53653 does not specify the irrigation season. However, consistent with the UMATILLA RIVER decree, the irrigation season is established as being May 1 through September 30.
11. The applicant does not meet the definition of a municipality ORS 540.510(3)(b). The transferred right will be lost if not assigned to and perfected by a municipality.
12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

13. Water has been used within the last five years 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.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14099.
15. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed municipal uses shall be limited to 1.68 cubic feet per second and shall be further limited to a total volume diverted of 343.35 acre-feet (76.3 acres x 4.5 acre-feet per acre) during the time period of May 1 through September 30.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14099 is approved, the final order will include the following:*

1. *The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 are approved.*

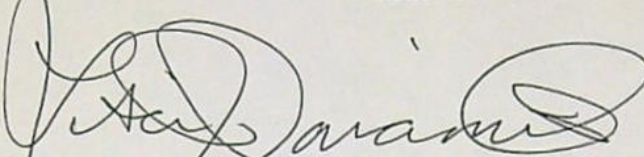


2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53653 and any related decree.*
3. *Water right Certificate 53653 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - 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.*
6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
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 changes 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 **MAR 28 2023**



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

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

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



## GREW Scott A \* WRD

---

**From:** BUCHHOLZ Sheila L \* WRD  
**Sent:** Thursday, March 16, 2023 10:28 AM  
**To:** GREW Scott A \* WRD; MARTIN Duff A \* WRD  
**Cc:** KAMIS Nianila \* WRD  
**Subject:** RE: T-14099 for PD Data RA

Hello Scott,

This PD RA transfer has been processed through data without issue.

Total time taken: 2 Hours 45 Minutes.

Thanks,

*Sheila Buchholz*

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: [Sheila.L.Buchholz@water.oregon.gov](mailto:Sheila.L.Buchholz@water.oregon.gov)



OREGON  
WATER  
RESOURCES  
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Tuesday, March 14, 2023 5:21 PM  
**To:** MARTIN Duff A \* WRD <Duff.A.MARTIN@water.oregon.gov>; BUCHHOLZ Sheila L \* WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; KAMIS Nianila \* WRD <Nianila.KAMIS@water.oregon.gov>  
**Subject:** T-14099 for PD Data RA

Duff and Data Section,

Please review Reimbursement Authority Transfer Application T-14099 PD and remaining right.

Thank you so much,

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890



**GREW Scott A \* WRD**

---

**From:** GREW Scott A \* WRD  
**Sent:** Tuesday, March 14, 2023 5:21 PM  
**To:** MARTIN Duff A \* WRD; BUCHHOLZ Sheila L \* WRD  
**Cc:** GREW Scott A \* WRD; KAMIS Nianila \* WRD  
**Subject:** T-14099 for PD Data RA  
**Attachments:** T-14099-pd.docm; T-14099-rr-53653-96944.docm

Duff and Data Section,

Please review Reimbursement Authority Transfer Application T-14099 PD and remaining right.

Thank you so much,

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890



## GREW Scott A \* WRD

---

**From:** PHILLIPS Stacy H \* WRD  
**Sent:** Friday, March 10, 2023 11:33 AM  
**To:** STARNES Patrick K \* WRD  
**Cc:** GREW Scott A \* WRD  
**Subject:** RE: Newspaper Estimate for Transfer Application T-14099

Hi Scott,

The quote came in for this notice. Total cost is \$119.70.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

---

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Thursday, March 09, 2023 10:41 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** Newspaper Estimate for Transfer Application T-14099

Hi Stacy –

Scott will need a quote for the attached **TRANSFER** Application notice to run in the East Oregonian. Run time is two weeks.

Thanks!

Kelly

\*\*\*\*\*

Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.



## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Monday, March 13, 2023 3:46 PM  
**To:** alancleaver@cbsag.com; peter.mohr@mohrwaterlegal.com; Thane, Lindsay M.; Bob Long  
**Cc:** SILBERNAGEL Greg M \* WRD; GREW Scott A \* WRD  
**Subject:** T-14099 Newspaper Fee Estimate requested

March 13, 2023

### Applicant

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

**SUBJECT:** Water Right Transfer Application T-14099

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

### Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$ 119.70 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-14099 NOTICE" on the front of your check, and**
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than April 12, 2023.**

### What happens next...

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

**If we do not receive payment for newspaper notice by April 12, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 should you have questions.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: Transfer Application file: T-14099  
Gregory M. Silbernagel, District 5 Watermaster (via e-mail)  
Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant (via e-mail)  
Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant (via e-mail)



Bob Long, CWRE/CwM-H2O, LLC, Co-Agent for the applicant (*via e-mail*)

✂-----

**Attached** is a check for \$ 119.70 (**PCA #46118**) for Newspaper Notice for Transfer T-14099 made out to Oregon Water Resources Department ( or WRD)

- **"for T-14099 NOTICE" written on front of check**

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

Caseworker: Scott Grew





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 13, 2023

### Applicant

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

SUBJECT: Water Right Transfer Application T-14099

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3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than **April 12, 2023.**

### What happens next...

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

If we do not receive payment for newspaper notice by April 12, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 should you have questions.

Sincerely,

*Scott Grew*

Transfer Specialist

X-----  
Attached is a check for \$ 119.70 (PCA #46118) for Newspaper Notice for Transfer T-14099 made out to Oregon Water Resources Department ( or WRD)

- "for T-14099 NOTICE" written on front of check

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

Caseworker: Scott Grew



cc:      Transfer Application file: T-14099  
         Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
         Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
         Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
         Bob Long, CWRE/CwM-H2O, LLC, Co-Agent for the applicant *(via e-mail)*





# 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)

May 2, 2022

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

CLEAVER LAND, LLC

C/O ALAN CLEAVER

PO BOX 1191

HERMISTON, OR 97838

SUBJECT: Water Right Transfer Application T-14099

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14099. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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



Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file: T-14099  
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
Bob Long, CWRE/CwM-H2O, LLC, Co-Agent for the applicant *(via e-mail)*

encs



## GREW Scott A \* WRD

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**From:** peter.mohr@mohrwaterlegal.com  
**Sent:** Friday, February 17, 2023 5:38 PM  
**To:** GREW Scott A \* WRD  
**Cc:** 'Lindsay Thane'  
**Subject:** RE: T-14099 / Documents in Support of DRAFT PD

Hi Scott.

While we are in support of the PD as written, I would like to briefly discuss a couple items with you on Tuesday in advance of the process taking the next step.

Thanks, and hope you have a good holiday weekend.

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

**E-MAIL CONFIDENTIALITY NOTICE:** The contents of this e-mail message and any attachments may contain confidential and/or legally privileged information. If you are not the intended recipient or this message has been addressed to you in error, please notify me by reply e-mail and immediately delete the message and any attachments.

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Friday, February 17, 2023 3:16 PM  
**To:** peter.mohr@mohrwaterlegal.com  
**Cc:** Lindsay Thane <lthane@schwabe.com>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: T-14099 / Documents in Support of DRAFT PD

Good afternoon Peter,

Thank you for the Report of Ownership and materials.

Per the Draft Preliminary Determination issued on January 20, 2023 we still need for the **Response in writing** with acknowledgement that you agree to the proposed action and conditions. An e-mail response would be perfect.

Once I receive that I can continue processing.

Thank you for everything,

*Scott*

Scott Grew



Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com) <[peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)>  
**Sent:** Friday, February 17, 2023 12:50 PM  
**To:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Cc:** Lindsay Thane <[lthane@schwabe.com](mailto:lthane@schwabe.com)>  
**Subject:** T-14099 / Documents in Support of DRAFT PD

Hi Scott,

In response to your prior email of January 20<sup>th</sup>, and in consideration of the requirements of OAR 690-380-4010(5), I am providing two deeds of record which show that fee title to the lands which include the authorized and current place of use of the portion of Water Right Certificate No. 53653 which is subject to transfer has (1) changed ownership twice within the last 14 months, but (2) in each transaction, fee title to the relevant portion of Water Right Certificate No. 53653 has always been and still remains vested in the Applicant, Cleaver Land LLC. The two attached deeds (both of which of course were also included within the transfer application itself) consist of the following:

1. **Special Warranty Deed** from the Applicant (Grantor) Cleaver Land LLC to (Grantee) City of Umatilla dated December 29, 2021, with Grantor's express exception and reservation of the water rights subject to transfer; and
2. **Special Warranty Deed** from the City of Umatilla (Grantor) to Amazon Data Services dated June 23, 2022 which conveyance again expressly excepts the water rights subject to transfer.

Finally, as requested per your email and required per OAR 690-380-4010, please find attached a Report of Ownership as issued by AmeriTitle (at the request of Chicago Title Company), dated February 16, 2023 and which shows the relevant lands in question to which the water rights are currently appurtenant as vested in Amazon Data Services (per the above referenced June 23, 2022 deed).

Should you have any comments or questions regarding the attached or, more specifically, applicant Cleaver Land, LLC's current fee ownership interest in the water and water rights subject to transfer, please do not hesitate to contact me.

Thanks.

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## GREW Scott A \* WRD

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**From:** peter.mohr@mohrwaterlegal.com  
**Sent:** Wednesday, February 22, 2023 11:58 AM  
**To:** GREW Scott A \* WRD  
**Cc:** 'Lindsay Thane'  
**Subject:** RE: T-14099 / Documents in Support of DRAFT PD

Thanks Scott!

That was my intended next step so much appreciate the referral within the Department.

And, again, for your confirmation, we are good with the DPD.

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Wednesday, February 22, 2023 11:11 AM  
**To:** peter.mohr@mohrwaterlegal.com  
**Cc:** 'Lindsay Thane' <lthane@schwabe.com>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: T-14099 / Documents in Support of DRAFT PD

Hello Peter,

I received your voicemail yesterday. You were asking about Limited Licenses.  
For those I would need to refer you to Mary Bjork who is charge of that program.

Mary Bjork  
[Mary.F.Bjork@water.oregon.gov](mailto:Mary.F.Bjork@water.oregon.gov)  
503-979-9895

Mary will respond to you but is currently a little buried with work as she has been recently giving some presentations.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890



**From:** [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com) <[peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)>  
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Oregon Water Resources Department  
503-986-0890



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**Sent:** Friday, February 17, 2023 12:50 PM  
**To:** GREW Scott A \* WRD  
**Cc:** Lindsay Thane  
**Subject:** T-14099 / Documents in Support of DRAFT PD  
**Attachments:** Clvr Land to City of Umatilla-SWD wReserv of Wtr Rights-12.29.21.pdf; City of Umatilla to ADS-SWD wWtrRt Res-06.24.22.pdf; T-14099\_Landownership Rprt-02.16.23.pdf

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EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
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## Property Profile

Prepared For:  
Traci Bluder  
Chicago Title Insurance Company

Property Address:  
81201 Powerline Rd, Umatilla, OR 97882  
Property Parcel Number:  
5N28/2500 & 5N2832/200

Includes the following:

- Last Vesting Document
- Tax Information
- Plat Map

Prepared by:  
Brianna Earley

Please email your customer service requests to [pendleton@amerititle.com](mailto:pendleton@amerititle.com)

**Serving Baker, Morrow and Umatilla Counties!**

The following information is provided at no cost and is for informational purposes only. This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, the company assumes no liability for any errors or omissions contained herein.

Received by OWRD

FEB 17 2023

Salem, OR



# UMATILLA County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2022

February 16, 2023 4:22:49 pm

Account # [REDACTED]  
 Map # 5N28000002500  
 Code - Tax # [REDACTED]

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr PARTITION PLAT 2021-32  
 Lot - PARCEL 1

Mailing Name CLEAVER LAND, LLC

Deed Reference # 2022-7480720

Agent

Sales Date/Price 10-24-2022 / \$5,297,750.00

In Care Of

Appraiser SALTER, JON

Mailing Address PO BOX 1191  
 HERMISTON, OR 97838-3191

Prop Class 531 MA SA NH Unit  
 RMV Class 301 08 02 221 1659180-1

Situs Address(s)	Situs City
ID# 81201 POWERLINE RD	UMATILLA

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0606 Land	7,722,010			Land	78.01
Impr.	50,680			Impr.	0
Code Area Total	7,772,690	6,032,480	76,351	7,722,010	
Grand Total	7,772,690	6,032,480	76,351	7,722,010	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0606	3	<input checked="" type="checkbox"/>		R	Farm Use Unzoned	100	A	43.96	4-5	2,872,350
0606	3	<input checked="" type="checkbox"/>		R-1	Farm Use Unzoned	100	A	65.17	4-Z	851,640
0606	2	<input checked="" type="checkbox"/>		R-1	Farm Use Unzoned	100	A	11.33	6-Z	444,180
0606	2	<input checked="" type="checkbox"/>		R	Farm Use Unzoned	100	A	90.65	6-Z	3,553,840
Grand Total								211.11		7,722,010

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0606	2		315	GP BUILDING	100	4,032		11,720
0606	1		355	IRRIGATION	100	0		12,690
0606	1		355	IRRIGATION	100	0		26,270
Grand Total						4,032		50,680

#### Exemptions / Special Assessments / Potential Liability

#### NOTATIONS:

- POTENTIAL ADDL TAX LIABILITY ADDED 2005
- SPLIT CODE  
 SPLIT CODES: 157972-0601, 133353-0606, 128457-0603, 124632-0803

Received by OWRD

FEB 17 2023

Salem, OR



**STATEMENT OF TAX ACCOUNT**  
**UMATILLA COUNTY TAX COLLECTOR**  
**216 SE 4TH ST**  
**PENDLETON, OR 97801**  
**(541) 276-7111**

16-Feb-2023

AMAZON DATA SERVICES INC  
ATTN: PROPERTY TAX (AWS) PDX260  
PO BOX 80416  
SEATTLE WA 98108

Tax Account #		Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	0601
Situs Address	81201 POWERLINE RD UMATILLA OR 97882	Interest To	3/15/2023

**Tax Summary**

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,224.66	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,198.30	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,177.43	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,163.94	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,173.90	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,178.37	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,148.70	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,110.31	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,172.56	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,128.52	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,158.52	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,223.15	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,208.80	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,100.87	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,021.98	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$887.97	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$895.24	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$851.96	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$866.84	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$869.36	Nov 15, 2002
<b>Total</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$21,761.38</b>	

Received by OWRD

FEB 17 2023

Salem, OR



# STATEMENT OF TAX ACCOUNT

UMATILLA COUNTY TAX COLLECTOR

216 SE 4TH ST

PENDLETON, OR 97801

(541) 276-7111

16-Feb-2023

Tax Account #		Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	0606
Situs Address	81201 POWERLINE RD UMATILLA OR 97882	Interest To	3/15/2023

## Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,267.25	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$534.99	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$526.72	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$525.67	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$526.62	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$537.93	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$451.71	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$444.00	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$446.19	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$491.80	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$550.02	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$584.08	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$584.14	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$579.25	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$571.14	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$529.05	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$498.31	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$516.39	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$543.30	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$514.49	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$528.37	Nov 15, 2002
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$11,751.42	

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FEB 17 2023

Salem, OR



# UMATILLA County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2022

February 16, 2023 4:23:17 pm

Account # [REDACTED]  
 Map # 5N28320000200  
 Code - Tax # [REDACTED]

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name AMAZON DATA SERVICES INC

Deed Reference # 2022-7430226

Agent

Sales Date/Price 06-23-2022 / \$4,783,000.00

In Care Of

Appraiser

Mailing Address PO BOX 80416  
 SEATTLE, WA 98108-0416

Prop Class 530 MA SA NH Unit  
 RMV Class 300 08 02 222 124660-1

Situs Address(s) Situs City

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0606 Land	766,230			Land	78.01
Impr.	11,220			Impr.	11,220
Code Area Total	777,450	558,850	21,600	716,370	
Grand Total	777,450	558,850	21,600	716,370	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0606	1	<input checked="" type="checkbox"/>		M-1	Farm Use Unzoned	100	A	0.65	4-O	12,740
0606	2	<input checked="" type="checkbox"/>		M-1	Farm Use Unzoned	100	A	28.35	5-O	555,710
0606	3	<input checked="" type="checkbox"/>		M-1	Farm Use Unzoned	100	A	10.09	7-O	197,780
Grand Total									39.09	766,230

Code Area	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0606	1	355	IRRIGATION		100	0		11,220
Grand Total								11,220

#### Exemptions / Special Assessments / Potential Liability

#### NOTATIONS:

■ POTENTIAL ADDL TAX LIABILITY ADDED 2005

Appr Maint: 2022 - TAX STATUS CHANGE TO ASSESSABLE (REVIEW EXEMPTION STATUS), 2022 - TAX STATUS CHANGE TO ASSESSABLE (REVIEW EXEMPTION STATUS), 2022 - TAX STATUS CHANGE TO ASSESSABLE (REVIEW EXEMPTION STATUS), 2022 - TAX STATUS CHANGE TO ASSESSABLE (REVIEW EXEMPTION STATUS), 2023 - FARM/FOREST REVIEW (FARM/FOREST REVIEW), 2024 - FARM/FOREST REVIEW (FARM/FOREST REVIEW)

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FEB 17 2023

Salem, OR



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**216 SE 4TH ST**  
**PENDLETON, OR 97801**  
**(541) 276-7111**

16-Feb-2023

AMAZON DATA SERVICES INC  
PO BOX 80416  
SEATTLE WA 98108-0416

Tax Account #		Lender Name	
Account Status	A	Loan Number	
Roll Type	Real	Property ID	0606
Situs Address		Interest To	3/15/2023

**Tax Summary**

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2022	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$358.49	Nov 15, 2022
2021	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$361.74	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$348.36	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$339.24	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$340.49	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$332.84	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$321.91	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$310.44	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$300.74	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$304.66	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$298.38	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$293.47	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$287.19	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$286.56	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$247.83	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$256.31	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$218.96	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$197.90	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$230.88	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$242.49	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$222.85	Nov 15, 2002
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$6,101.73	

Received by OWRD

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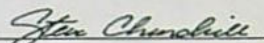


**After recording, return to:**

Seyfarth Shaw LLP  
Attention: Michael Merar  
233 South Wacker Drive, Suite 8000  
Chicago, IL 60606

**Until a change is requested, send all  
tax statements to:**

Amazon Data Services, Inc.  
P.O. Box 80416  
410 Terry Ave. N  
Seattle, WA 98108-0416  
[Site Code: PDX194]

State of Oregon County of Umatilla	
Instrument received and recorded on 06/24/2022 01:14:00 PM	
in the record of instrument code type DE	
Instrument number	2022-7430226
	\$131.00
Office of County Records	
	
Records Officer P8	

**SPECIAL WARRANTY DEED**

FOR VALUABLE CONSIDERATION, dated on this 23rd day of June, 2022, but executed to be effective on June 24, 2022, the undersigned, City of Umatilla, an Oregon municipal corporation, Grantor, does hereby convey and specially warrant to Amazon Data Services, Inc., a Delaware corporation, Grantee, certain real property located in Umatilla County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor except those set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$4,783,000.00.

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

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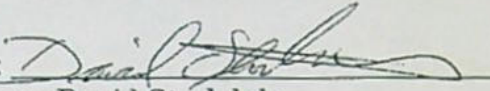
AmeriTitle 524208an



ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

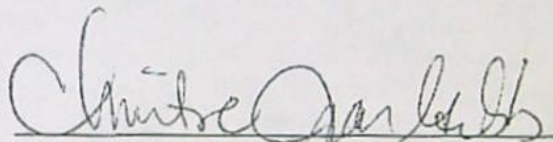
CITY OF UMATILLA

By:   
Name: David Stockdale  
Title: City Manager

STATE OF OREGON     )  
                                  ) ss.  
COUNTY OF UMATILLA     )

This instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2022, by David Stockdale, City Manager of the City of Umatilla, an Oregon municipal corporation.



  
Notary Public for the State of Oregon  
My commission expires: 4-16-25

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## Exhibit A

### Legal Description

Parcel 2, PARTITION PLAT NO. 2021-32 (Instrument No. 2021-7320493, Office of the Umatilla County Records) located in the East Half of the West Half and the East Half of Section 29, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

ALSO that portion of the Northeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, lying East of the Easterly right-of-way line of Powerline Road.

EXCEPTING all right, title and interest in and to all water and water rights currently appurtenant to or associated with the land including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the land under Water Right Certificate No. 53653 as identified in the records of the Oregon Water Resources Department, a true and correct copy of which certificate is attached hereto as Exhibit A-1; provided, however, this exception does not apply to any water to be delivered by the Grantor or its successors or assigns to the land for application to beneficial use on the land after the date hereof.

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**Exhibit A-1**  
**Water Right Certificate**  
*Attached*

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STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That L & L FARM

of PO Box 611, Echo, State of Oregon 97826, has made  
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
Columbia River, John Day Pool

a tributary of Pacific Ocean for the purpose of  
irrigation of 790.2 acres

under Permit No. 42656 and that said right to the use of said waters has been perfected in  
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
January 11, 1978  
that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
17.44 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NW 1/4 SW 1/4, Section 17, T5N, R28E, WM;  
1850 feet North and 150 feet East from the SW Corner, Section 17.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second  
per acre. or its equivalent for each acre irrigated and shall be  
further limited to a diversion of not to exceed 4 1/2 acre-feet per acre for  
each acre irrigated during the irrigation season of each year

and shall  
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right  
is appurtenant, is as follows:

SEE NEXT PAGE

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11.9 acres NE 1/4 SW 1/4  
11.9 acres SE 1/4 SW 1/4  
23.1 acres NE 1/4 SE 1/4  
39.5 acres NW 1/4 SE 1/4  
39.3 acres SW 1/4 SE 1/4  
22.9 acres SE 1/4 SE 1/4

Section 36

Township 5 North, Range 27 East, WM

15.0 acres NE 1/4 NE 1/4  
35.1 acres NW 1/4 NE 1/4  
33.3 acres SW 1/4 NE 1/4  
15.1 acres SE 1/4 NE 1/4  
34.2 acres NE 1/4 NW 1/4  
29.5 acres SE 1/4 NW 1/4  
34.8 acres NE 1/4 SW 1/4  
31.2 acres SE 1/4 SW 1/4  
33.6 acres NW 1/4 SE 1/4  
31.6 acres SW 1/4 SE 1/4

Section 29

33.8 acres NE 1/4 SW 1/4  
33.3 acres NW 1/4 SW 1/4  
31.4 acres SW 1/4 SW 1/4  
32.5 acres SE 1/4 SW 1/4  
33.3 acres NE 1/4 SE 1/4  
34.8 acres NW 1/4 SE 1/4  
32.3 acres SW 1/4 SE 1/4  
32.8 acres SE 1/4 SE 1/4

Section 31

21.4 acres NE 1/4 NW 1/4  
33.0 acres NW 1/4 SW 1/4  
29.6 acres SW 1/4 SW 1/4

Section 32

Township 5 North, Range 28 East, WM

This certificate describes that portion of the water right confirmed by Final Proof for Permit 42856, NOT modified by the provisions of an order of the Water Resources Director entered on November 5, 1985, approving Transfer Application 5702.

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

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.*  
WITNESS the signature of the Water Resources Director, affixed

this date. December 31, 1985

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53653

9604C

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## Exhibit B

### Permitted Exceptions

1. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: April 15, 1938  
Book: 120, Page: 532
2. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: January 18, 1943  
Book: 160, Page: 587
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Northwest Pipeline Corporation  
Recorded: September 22, 1955  
Book: 228, Page: 435  
Amended by instrument,  
Recorded: December 3, 1992  
Reel: 244, Page: 1742
4. Easement or easements, including the terms and provisions thereof, as contained in instrument,  
Recorded: May 7, 1979  
Reel: 46, Page: 1269
5. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,  
Lessor: Mervin Leonard  
Lessee: Burlington Northern Railroad Company, A Delaware Corporation  
Disclosed by: Assignment of Lease  
Date: November 20, 1998  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499

Assignment of Lessee's interest in Lease

Assignor: Glenn Chowning and Gena Leonard, Co-Personal Representatives of the Estate of Mervin Leonard

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Assignee: Glenn Chowning, Mack Campbell and Ron Daniels as Trustees for the  
Mervin "Red" Leonard Revocable Living Trust, and their successors and assigns  
Recorded: November 20, 1998  
Instrument No.: 1998-8400499

6. Reservation of lessor's rights, including the terms and provisions thereof,  
Recorded: April 17, 2001  
Instrument No.: 2001-3870025
7. Easements as shown on the Partition Plat No. 2021-32.
8. Easement Agreement, including the terms and provisions thereof,  
Recorded: December 29, 2021  
Instrument No.: 2021-7340269

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After Recording, Return To:

ATTN: Valerie Rapp, VP, Senior Advisory Escrow Officer  
Fidelity National Title – National Commercial Services  
4400 MacArthur Blvd, Suite 200  
Newport Beach, CA 92660  
Direct telephone: 949-477-3646; [Valerie.Rapp@fnf.com](mailto:Valerie.Rapp@fnf.com)

Send All Tax Statements To:

Amazon Data Services, Inc.  
Attn: Property Tax (AWS) PDX260  
PO Box 80416  
Seattle, WA 98108-0416

Grantor:

Cleaver Land, LLC, an Oregon Corporation

Grantee:

Amazon Data Services, Inc., a Delaware Corporation

Consideration: \$5,297,750.00

**STATUTORY WARRANTY DEED**  
ORS 93.850

CLEAVER LAND, LLC, an Oregon Limited Liability Company, GRANTOR, conveys and warrants to AMAZON DATA SERVICES, INC., a Delaware corporation, GRANTEE, the following described real property situated in Umatilla County, Oregon, free of encumbrances except as specifically set forth herein, to-wit:

Parcel 1, PARTITION PLAT NO. 2021-32 (Instrument No. 2021-7320493, Office of the Umatilla County Records) located in the East Half of the West Half and the East Half of Section 29, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, containing 211.91 acres more or less.

EXCEPTING any and all water rights appurtenant to or used upon the real property, including but not limited to that water right evidenced by a "Certificate of Water Right" issued in the name of "L and L Farm," dated December 31, 1985, and recorded in the Oregon State Record of Water Right Certificates, Volume 48, page 53653.

SUBJECT TO those exceptions set forth on EXHIBIT 1 attached hereto and incorporated herein.

The true and actual consideration for this conveyance is \$5,297,750.00,


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

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

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FEB 17 2023

Salem, OR

State of Oregon	2022-7480720
County of Umatilla	10/31/2022 01:12:00 PM
REC-DE	
Pgs=4 \$20.00 \$11.00 \$10.00 \$80.00 \$10.00	\$111.00
Office of County Records	
<i>John Churchill</i>	

AmeriTitle 5235214M



MADE, GRANTED AND DATED ON Oct 25, 2022.

CLEAVER LAND, LLC, an Oregon Limited Liability Company

By: [Signature]

Alan Cleaver, Member

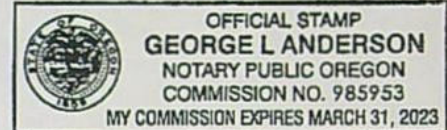
STATE OF OREGON, County of Umatilla

This instrument was acknowledged before me on Oct. 24, 2022, by Alan Cleaver, a member of Cleaver Land LLC, an Oregon Limited Liability Company, and on its behalf.

[Signature]  
Notary Public; State of Oregon

NOTARY SEAL

I:\cleaver\amazon\Deed Cleaver Land to Amazon Powerline Rd property PDX260.docx



Received by OWRD

FEB 17 2023

Salem, OR



EXHIBIT 1  
EXCEPTIONS

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said Land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. Reservations as contained in Patent, including the terms and provisions thereof,  
Recorded: January 14, 1905  
Book: 24, Page: 235
3. Reservation of coal and iron, including the terms and provisions contained therein, in deed from Northern Pacific Railway Company, a corporation.  
Recorded: July 17, 1905  
Book: 48, Page 115
4. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: April 15, 1938  
Book: 120, Page: 532
5. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: January 18, 1943  
Book: 160, Page: 587
6. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Northwest Pipeline Corporation  
Recorded: September 22, 1955  
Book: 228, Page: 435  
Amended by instrument,  
Recorded: December 3, 1992  
Reel: 244, Page: 1742
7. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,  
Lessor: Mervin Leonard  
Lessee: Burlington Northern Railroad Company, A Delaware Corporation  
Disclosed by: Assignment of Lease  
Date: November 20, 1998  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499  
Assignment of Lessee's interest in Lease  
Assignor: Glenn Chowning and Gena Leonard, Co-Personal Representatives of the Estate of Mervin Leonard  
Assignee: Glenn Chowning, Mack Campbell and Ron Daniels as Trustees for the Mervin "Red" Leonard Revocable Living Trust, and their successors and assigns  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499
8. Reservation of lessor's rights, including the terms and provisions thereof,  
Recorded: April 17, 2001  
Instrument No.: 2001-3870025

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9. Irrevocable Consent Agreement, including the terms and provisions thereof,  
Recorded: March 6, 2001  
Instrument No.: 2001-3840109

10. Easements as shown on the Partition Plat No. 2021-32.

(End of Exhibit I - Exceptions)

Received by OWRD

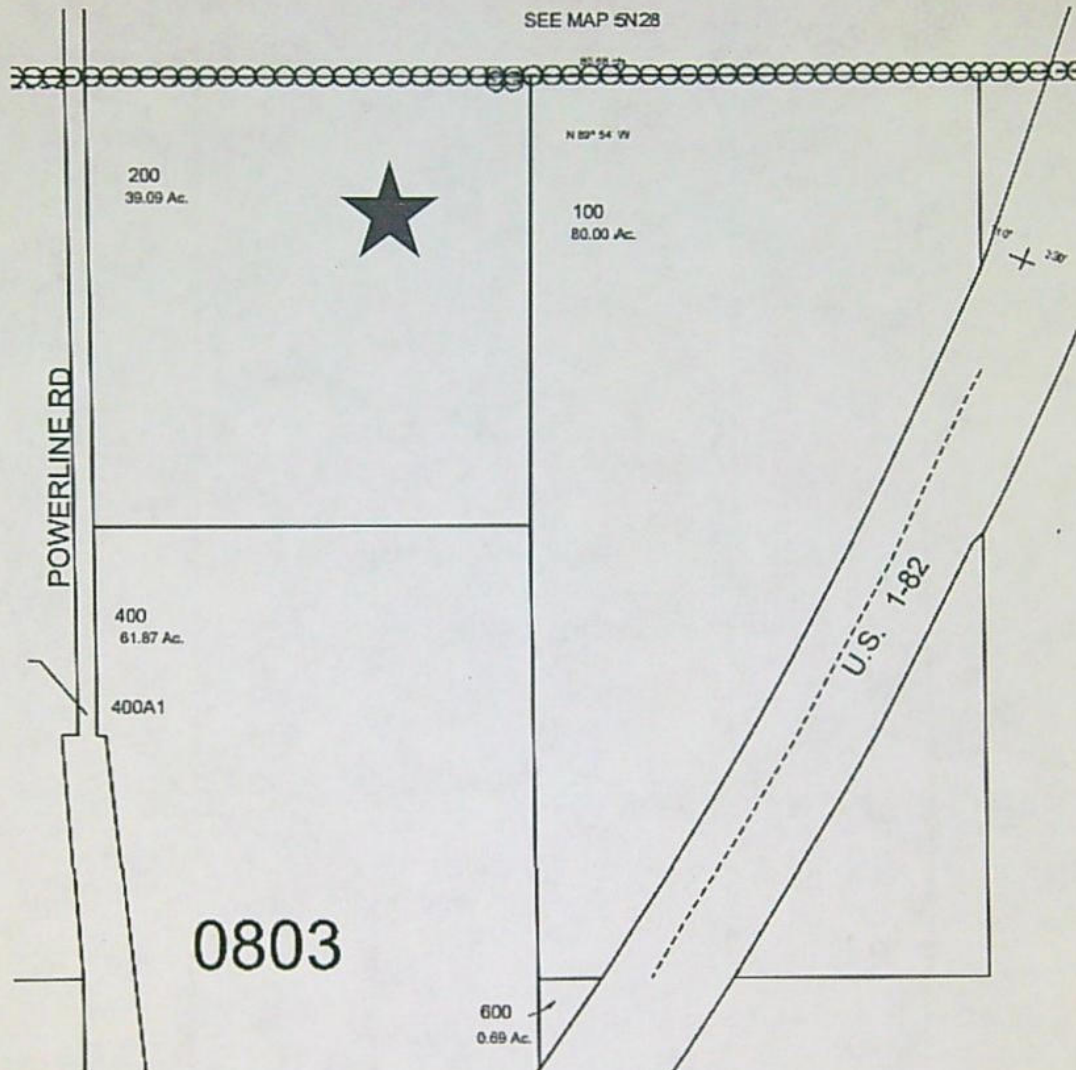
FEB 17 2023

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# UMATILLA COUNTY

SCALE 1"=400'



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FEB 17 2023

Salem, OR



81201 Powerline Rd  
Umatilla, OR 97882

THIS MAP IS FURNISHED AS AN  
ACCOMMODATION STRICTLY FOR THE  
PURPOSES OF GENERALLY LOCATING  
THE LAND. IT DOES NOT REPRESENT A  
SURVEY OF THE LAND OR IMPLY ANY  
REPRESENTATIONS AS TO THE SIZE,  
AREA OR ANY OTHER FACTS RELATED TO  
THE LAND SHOWN THEREOF







After recording, return to:  
Seyfarth Shaw LLP  
Attention: Michael Merar  
233 South Wacker Drive, Suite 8000  
Chicago, IL 60606

Until a change is requested, send all  
tax statements to:  
Amazon Data Services, Inc.  
P.O. Box 80416  
410 Terry Ave. N  
Seattle, WA 98108-0416  
[Site Code: PDX194]

RECEIVED

SEP 30 2022

OWRD

**SPECIAL WARRANTY DEED**

FOR VALUABLE CONSIDERATION, dated on this 23rd day of June, 2022, but executed to be effective on June 24, 2022, the undersigned, City of Umatilla, an Oregon municipal corporation, Grantor, does hereby convey and specially warrant to Amazon Data Services, Inc., a Delaware corporation, Grantee, certain real property located in Umatilla County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor except those set forth on Exhibit B attached hereto.


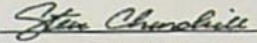
The true consideration for this conveyance is \$4,783,000.00.

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FEB 17 2023

Salem, OR

State of Oregon County of Umatilla	
Instrument received and recorded on 06/24/2022 01:14:00 PM	
in the record of instrument code type DE	
Instrument number	2022-7430226
	\$131.00
Office of County Records	
	
Records Officer P8	

AmerTitle 524208an



ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

CITY OF UMATILLA

By: David Stockdale  
Name: David Stockdale  
Title: City Manager

RECEIVED

SEP 30 2022

STATE OF OREGON     )  
                                  ) ss.  
COUNTY OF UMATILLA     )

OWRD

This instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2022, by David Stockdale, City Manager of the City of Umatilla, an Oregon municipal corporation.



Christine Jean Gibbs  
Notary Public for the State of Oregon  
My commission expires: 4-18-25

Received by OWRD

FEB 17 2023

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SEP 30 2022

Exhibit A

Legal Description

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Parcel 2, PARTITION PLAT NO. 2021-32 (Instrument No. 2021-7320493, Office of the Umatilla County Records) located in the East Half of the West Half and the East Half of Section 29, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

ALSO that portion of the Northeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, lying East of the Easterly right-of-way line of Powerline Road.

EXCEPTING all right, title and interest in and to all water and water rights currently appurtenant to or associated with the land including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the land under Water Right Certificate No. 53653 as identified in the records of the Oregon Water Resources Department, a true and correct copy of which certificate is attached hereto as Exhibit A-1; provided, however, this exception does not apply to any water to be delivered by the Grantor or its successors or assigns to the land for application to beneficial use on the land after the date hereof.

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FEB 17 2023

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Exhibit A-1  
Water Right Certificate  
*Attached*

**RECEIVED**

SEP 30 2022

**OWRD**

Received by OWRD

FEB 17 2023

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SEP 30 2022

Exhibit B

OWRD

Permitted Exceptions

1. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: April 15, 1938  
Book: 120, Page: 532
2. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: January 18, 1943  
Book: 160, Page: 587
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Northwest Pipeline Corporation  
Recorded: September 22, 1955  
Book: 228, Page: 435  
Amended by instrument,  
Recorded: December 3, 1992  
Reel: 244, Page: 1742
4. Easement or easements, including the terms and provisions thereof, as contained in instrument,  
Recorded: May 7, 1979  
Reel: 46, Page: 1269
5. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,  
Lessor: Mervin Leonard  
Lessee: Burlington Northern Railroad Company, A Delaware Corporation  
Disclosed by: Assignment of Lease  
Date: November 20, 1998  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499

Assignment of Lessee's interest in Lease

Assignor: Glenn Chowning and Gena Leonard, Co-Personal Representatives of the Estate of Mervin Leonard

Received by OWRD

FEB 17 2023

Salem, OR



Assignee: Glenn Chowning, Mack Campbell and Ron Daniels as Trustees for the  
Mervin "Red" Leonard Revocable Living Trust, and their successors and assigns  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499

6. Reservation of lessor's rights, including the terms and provisions thereof,  
Recorded: April 17, 2001  
Instrument No.: 2001-3870025
7. Easements as shown on the Partition Plat No. 2021-32.
8. Easement Agreement, including the terms and provisions thereof,  
Recorded: December 29, 2021  
Instrument No.: 2021-7340269

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**RECEIVED**

SEP 30 2022

**OWRD**

Received by OWRD

FEB 17 2023

Salem, OR



**After recording, return to:**

Seyfarth Shaw LLP  
Attention: Michael Merar  
233 South Wacker Drive, Suite 8000  
Chicago, IL 60606

**Until a change is requested, send all  
tax statements to:**

Amazon Data Services, Inc.  
P.O. Box 80416  
410 Terry Ave. N  
Seattle, WA 98108-0416  
[Site Code: PDX194]

RECEIVED

SEP 30 2022

OWRD

**SPECIAL WARRANTY DEED**

FOR VALUABLE CONSIDERATION, dated on this 23rd day of June, 2022, but executed to be effective on June 24, 2022, the undersigned, City of Umatilla, an Oregon municipal corporation, Grantor, does hereby convey and specially warrant to Amazon Data Services, Inc., a Delaware corporation, Grantee, certain real property located in Umatilla County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor except those set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$4,783,000.00.

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

State of Oregon County of Umatilla	
Instrument received and recorded on	
06/24/2022 01:14:00 PM	
in the record of instrument code type DE	
Instrument number	2022-7430226
	\$131.00
Office of County Records	
<i>John Churchill</i>	
Records Officer	P8

Received by OWRD

FEB 17 2023

Salem, OR

AmeriTitle 524208m



ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

CITY OF UMATILLA

By: David Stockdale  
Name: David Stockdale  
Title: City Manager

RECEIVED

SEP 30 2022

STATE OF OREGON     )  
                                  ) ss.  
COUNTY OF UMATILLA     )

OWRD

This instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2022, by David Stockdale, City Manager of the City of Umatilla, an Oregon municipal corporation.



Christine Jean Gibbs  
Notary Public for the State of Oregon  
My commission expires: 4-10-25

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Exhibit A

Legal Description

OWRD

Parcel 2, PARTITION PLAT NO. 2021-32 (Instrument No. 2021-7320493, Office of the Umatilla County Records) located in the East Half of the West Half and the East Half of Section 29, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

ALSO that portion of the Northeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, lying East of the Easterly right-of-way line of Powerline Road.

EXCEPTING all right, title and interest in and to all water and water rights currently appurtenant to or associated with the land including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the land under Water Right Certificate No. 53653 as identified in the records of the Oregon Water Resources Department, a true and correct copy of which certificate is attached hereto as Exhibit A-1; provided, however, this exception does not apply to any water to be delivered by the Grantor or its successors or assigns to the land for application to beneficial use on the land after the date hereof.

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FEB 17 2023

Salem, OR



Exhibit A-1  
Water Right Certificate  
*Attached*

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Exhibit B

OWRD

Permitted Exceptions

1. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: April 15, 1938  
Book: 120, Page: 532
2. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: January 18, 1943  
Book: 160, Page: 587
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Northwest Pipeline Corporation  
Recorded: September 22, 1955  
Book: 228, Page: 435  
Amended by instrument,  
Recorded: December 3, 1992  
Reel: 244, Page: 1742
4. Easement or easements, including the terms and provisions thereof, as contained in instrument,  
Recorded: May 7, 1979  
Reel: 46, Page: 1269
5. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,  
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Date: November 20, 1998  
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Instrument No.: 1998-3400499

Assignment of Lessee's interest in Lease  
Assignor: Glenn Chowning and Gena Leonard, Co-Personal Representatives of the Estate of Mervin Leonard

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FEB 17 2023

Salem, OR



Assignee: Glenn Chowning, Mack Campbell and Ron Daniels as Trustees for the  
Mervin "Red" Leonard Revocable Living Trust, and their successors and assigns  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499

6. Reservation of lessor's rights, including the terms and provisions thereof,  
Recorded: April 17, 2001  
Instrument No.: 2001-3870025
7. Easements as shown on the Partition Plat No. 2021-32.
8. Easement Agreement, including the terms and provisions thereof,  
Recorded: December 29, 2021  
Instrument No.: 2021-7340269

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**RECEIVED**

SEP 30 2022

**OWRD**

Received by OWRD

FEB 17 2023

Salem, OR





# 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

January 20, 2023

VIA E-MAIL

### Applicant

CLEAVER LAND, LLC

C/O ALAN CLEAVER

PO BOX 1191

HERMISTON, OR 97838

Reference: Water Right Transfer Application T-14099

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-14099. 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 February 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 February 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 be:
    - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
    - iii. Have a prepared date showing ownership 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)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW). You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**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. Because there is more than ¼ mile between the new and the authorized points of diversion and a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.



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 February 19, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file: T-14099  
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*  
Lindsay Thane, Attorney/Schwabe, Williamson & Wyatt, Co-Agent for the applicant *(via e-mail)*  
Peter D. Mohr, Attorney/MohrWater Legal PC, Co-Agent for the applicant *(via e-mail)*  
Bob Long, CWRE/CwM-H2O, LLC, Co-Agent for the applicant *(via e-mail)*

encs



WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-14099, Umatilla County

D R A F T

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A CHANGE IN  
POINT OF DIVERSION, A CHANGE IN  
PLACE OF USE, AND A CHANGE THE  
CHARACTER OF USE

### Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

CLEAVER LAND, LLC  
C/O ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

## Findings of Fact

1. On September 30, 2022, CLEAVER LAND, LLC, C/O ALAN CLEAVER filed an application [to change the point of diversion, change the place of use and to change the character of use under Certificate 53653. The Department assigned the application number T-14099.
2. Notice of the application for transfer was published on October 11, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 25, 2022, the Department sent an e-mail request to the agent to clarify the proposed lands and inquire about a receiving landowner.
4. On November 1, 2022, the agent for the submitted a revised Table 2 to redescribe the proposed lands.
5. The portion of the right to be transferred is as follows:

**Certificate:** 53653 in the name of L AND L FARMS (perfected under Permit S-42856)  
**Use:** IRRIGATION of 76.3 ACRES



**Priority Date:** JANUARY 11, 1978

**Rate:** 1.68 CUBIC FEET PER SECOND

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

**Source:** COLUMBIA RIVER, JOHN DAY POOL, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	17	NW SW	1850 FEET NORTH AND 150 FEET EAST FROM THE SW CORNER OF SECTION 17

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NE SW	11.1
5 N	28 E	WM	29	NW SE	33.6
5 N	28 E	WM	29	SW SE	31.6
				Total	76.3

6. Transfer Application T-14099 proposes a change in point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	27 E	WM	13	NW SW	2270 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 13

7. Transfer Application T-14099 also proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE CITY OF UMATILLA WATER SERVICE AREA

8. Transfer Application T-14099 proposes to change the character of use to MUNICIPAL USE.
9. Certificate 53653 does not specify the irrigation season. However, consistent with the UMATILLA RIVER decree, the irrigation season is established as being May 1 through September 30.
10. The applicant does not meet the definition of a municipality ORS 540.510(3)(b). The transferred right will be lost if not assigned to and perfected by a municipality.



11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

12. Water has been used within the last five years 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.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-14099.
14. The proposed changes would not result in enlargement of the right, if conditioned so that the rate of diversion for the proposed municipal uses shall be limited to 1.68 cubic feet per second and shall be further limited to a total volume diverted of 343.35 acre-feet (76.3 acres x 4.5 acre-feet per acre) during the time period of May 1 through September 30.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

**Determination and Proposed Action**

The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14099 is approved, the final order will include the following:*

1. *The change in point of diversion, change in place of use and change in character of use proposed in Transfer Application T-14099 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 53653 and any related decree.*
3. *Water right Certificate 53653 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*



4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
  - 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.*
6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
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 changes 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 Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14099



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-969-1677

Email: Greg.M.Silbernagel@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



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14099, CLEAVER LAND LLC

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Taylor McCroskey

Address: 73471 Mytinger Ln

City/State/Zip: Pendleton, OR 97801

Phone: (541) 276-2344



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14099



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



at each new point of diversion/appropriation.

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District: 5

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City/State/Zip: Pendleton, Oregon 97801

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T-

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

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
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



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

Transfer Application: T-14099

Review Due Date:

Applicant Name: Alan Cleaver

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

Reviewer(s): Greg Silbernagel

Date of Review: 10/14/2022

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:

No known 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:

The applicant is proposing changing character of use from irrigation to municipal. This is allowable and possible that the existing POU could continue to receive water from the same source.

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:

1) The applicant states that the water is Umatilla River water. I believe it is important to note this as incorrect. The original permit and certificate are for Columbia River water. If this were Umatilla River water, this transfer application would be reviewed differently and be regulated annually. It is not regulated because it is "John Day Pool water from the Columbia River". 2) It is not clear to me why the new POD and pipeline is necessary. It appears to be delivering water outside of the municipal boundaries. Both the proposed POD and pipeline desatation are not within the Municiple service boudaries.

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

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

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

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter**\*, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

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

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

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

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14099



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-969-1677

Email: Greg.M.Silbernagel@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



## BAUSTIAN Julie C \* WRD

---

**From:** SILBERNAGEL Greg M \* WRD  
**Sent:** Friday, October 14, 2022 1:12 PM  
**To:** WRD\_DL\_transferreviews  
**Cc:** KOWITZ Chris C \* WRD  
**Subject:** T-14099\_ Cleaver  
**Attachments:** T-14099\_Cleaver\_Irr to Muni.pdf

Please see attached watermaster review for T-14099\_ Cleaver. I do have some concerns and unsure how to address them.

My primary concern is the new POD and proposed pipeline are both outside of the City of Umatilla's municipal service boundaries. It seems strange that this could be allowable. I am not aware of an instance where we allowed an irrigation right to change the character of use to municipal while the proposed development appears to be occurring entirely out of the city's jurisdiction.

Greg Silbernagel - Watermaster, District 5  
Oregon Water Resources Department  
116 SE Dorion Ave.  
Pendleton, OR 97801  
(541) 969-1677

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



## GREW Scott A \* WRD

---

**From:** peter.mohr@mohrwaterlegal.com  
**Sent:** Tuesday, November 8, 2022 2:38 PM  
**To:** GREW Scott A \* WRD  
**Subject:** RE: T-14099 / Requested Amendments

Hi Scott.

Thanks for your email and all good. I just wanted to clarify that ultimately the City will be the Receiving Landowner following the issuance of (a) a Final Order and (b) any subsequent purchase and sale between the Cleaver Land and the City. That is/was the only remaining item for consideration as I recall given you were fine with the revised description I previously submitted of the City's proposed place of use as consisting of the City's "Existing Service Area."

So, in consideration of your email, I would request that (1) the Dept accepts the revised description of the City's Proposed Place of Use (as previously submitted) as its "Existing Service Area", and (2) that we make no change to the original application with respect to the "Receiving Landowner" portion thereby leaving that section blank as originally submitted.

Obviously, please let me know if you have any questions.

Thanks!

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

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**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Tuesday, November 8, 2022 1:00 PM  
**To:** peter.mohr@mohrwaterlegal.com  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** RE: T-14099 / Requested Amendments

Good afternoon Peter,

I understand that you do not want to include City of Umatilla as the receiving landowner. That is fine. I was under the understanding that the documents you sent to me earlier were for review purposes only, and that you were going to send any official revisions when you felt comfortable doing so.



Sidenote: I have had to set this file aside briefly to work on a number of Reimbursement Authority applications that are a priority. I will be working shortly on the Draft Preliminary Determination and you will have a chance to review the findings.

Best,

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

**From:** [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com) <[peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)>  
**Sent:** Tuesday, November 8, 2022 11:12 AM  
**To:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Subject:** RE: T-14099 / Requested Amendments

Hi Scott. Fired off that email below a bit too quickly. Realize you understand what I intended but just to be clear see below. Thanks.

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

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**From:** [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com) <[peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)>  
**Sent:** Tuesday, November 8, 2022 10:55 AM  
**To:** 'GREW Scott A \* WRD' <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Subject:** RE: T-14099 / Requested Amendments

Hi Scott.

Just rounding back on this. Do you have any time to briefly confirm you're good to go on the Dept's apparent "receiving landowner" issue? And, yes, I know the remaining interest not subject to transfer always remains with the owner of the original cert (for the simple reason that such portion of the underlying water right is not subject to transfer). I just want to make sure I know this new "receiving landowner" issue raised by the Dept. has been resolved.

Thanks!

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*



**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**

*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14099, CLEAVER LAND LLC

Date of review: 10/06/2022

**A. Please check box if you believe there is a potential for injury to an instream water right.**

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [stream], tributary to \_\_\_\_\_, because \_\_\_\_\_.

*(Please attach any available supporting information.)*

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

☐ **1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*



☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

**Condition:** By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Condition:** The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

Jorden D Smith

Digitally signed by Jorden D Smith  
Date: 2022.10.06 15:59:44 -07'00'

Signature

Jorden Smith  
Printed Name

(541) 805-1990

Phone

East Region Hydro and Water Rights Coordinator  
Title



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14099, CLEAVER LAND LLC

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Taylor McCroskey

Address: 73471 Mytinger Ln

City/State/Zip: Pendleton, OR 97801

Phone: (541) 276-2344



**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 # **139349**

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

RECEIVED FROM: Mohr water Legal PC

BY: \_\_\_\_\_

APPLICATION	T-14099
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 138 ☒ OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,530.72

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

47124 R-11401-23

\$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Reimbursement Authority

\$ 1,530.72

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$ \_\_\_\_\_

0410 RESEARCH FEES

\$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$ \_\_\_\_\_

0240 EXTENSION OF TIME

\$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER

EXAM FEE
\$ _____
\$ _____
\$ _____
EXAM FEE
\$ _____

0202

RECORD FEE
\$ _____
\$ _____

0203 GROUND WATER

\$ \_\_\_\_\_

0204

\$ \_\_\_\_\_

0205 TRANSFER

\$ \_\_\_\_\_

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

\$ \_\_\_\_\_

0219

\$ \_\_\_\_\_

LANDOWNER'S PERMIT

0220

\$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$ _____
\$ _____

CARD#	_____
CARD#	_____

0210 MONITORING WELLS

\$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$ _____
\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ \_\_\_\_\_

HYDRO APPLICATION

\$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **139349**

DATE: 10/14/22 BY: Mohr Key



OCT 14 2022

Salem, OR

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-401-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Cleaver Land, LLC, hereafter Applicant, hereafter known together as the parties.

**OWRD Information**

Contact: Kelly Starnes  
Title: Transfer Advisor  
Address: 725 Summer Street, NE, Suite A  
Salem, OR 97301-1266

Phone: 503 979-3511  
Fax: 503 986-0901  
Email: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

**Applicant's Information**

Name: Cleaver Land, LLC  
Contact: Alan Cleaver  
Address: 78757 Westland Rd.  
Hermiston, OR 97838

Phone: (541) 571-7403  
Fax:  
Email: [alancleaver@cbsag.com](mailto:alancleaver@cbsag.com)

**Applicant's Representative**

Name: MohrWater Legal PC  
Contact: Peter D. Mohr  
Address: 1631 NE Broadway St., PMB 632  
Portland, OR 97232

Phone: (503) 830-1412  
Fax:  
Email: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)

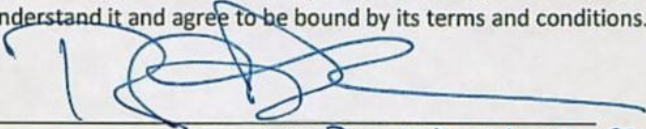
**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14099)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,530.72. Applicant agrees to pay the full amount of \$1,530.72 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



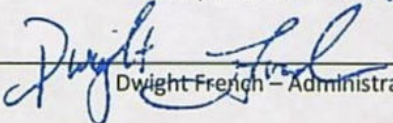
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

  
Name/Title: PETER D. MOHR, CO-AGUMT

10/10/22  
Date

For OWRD:

  
Dwight French - Administrator

10/17/2022  
Date

Mail signed Agreement to:

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



**MOHRWATER LEGAL PC**  
1631 NE BROADWAY AVE., PMB 632  
PORTLAND, OR 97213

*Licensed in Colorado, Oregon,  
and Washington*

*Telephone: (503) 830-1412  
peter.mohr@mohrwaterlegal.com*

**RECEIVED**

**OCT 14 2022**

**OWRD**

**Via Certified Mail**

October 10, 2022

Stacy H. Phillips  
Oregon Water Resources Dept.  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

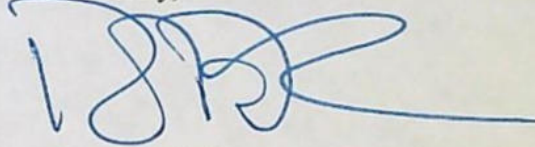
**Re: Permit Amendment Applic. T-14099 Re Certificate No. 53653 / Reimb Auth Agreement**

Dear Stacy:

On behalf of the applicant Cleaver Land, LLC, and with regard to the above referenced transfer application, please find enclosed the original executed Reimbursement Authority Agreement together with the accompanying required payment of \$1,530.72.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact me.

Sincerely,



Peter D. Mohr

Encl.

cc: David Stockdale, City Mgr. (via email w/encl.)  
Lindsay Thane (via email w/encl.)



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **139239**

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

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

RECEIVED FROM: Mohrwater Legal PC  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	T-14099

CASH: ☐ CHECK: # 137 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11401-23 \$  
1412 OTHER: (IDENTIFY) Transfer RA \$ 125.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **139239**

DATED: 9.30.2022 BY: [Signature]





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14099

Applicant Information		Applicant's Reimb. Auth. Contact
Name:	Alan Cleaver	Peter D. Mohr
Address:	Cleaver Land, LLC	MohrWater Legal PC
	78757 Westland Rd, Hermiston, OR 97838	1631 NE Broadway St., PMB 632 Portland, OR 97232
Phone:	(541) 571-7403	(503) 830-1412
Fax:	N/A	N/A
E-Mail Address:	alancleaver@cbsag.com	peter.mohr@mohrwaterlegal.com

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

Received by OWRD

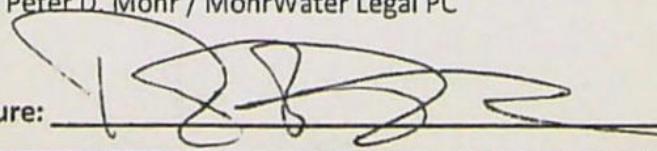
OCT 04 2022

Salem, OR

I certify that I am the (check one):

☐ Applicant ☐ Applicant's Representative ☒ Other (Please specify) Payor / Counsel to City of Umatilla

Name: Peter D. Mohr / MohrWater Legal PC

Signature: 

OWRD USE ONLY: Reimbursement Authority Number: R11-401 -23 Caseworker: T. Smith





Oregon  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 5, 2022

CLEAVER LAND LLC  
ALAN CLEAVER  
PO BOX 1191  
HERMISTON, OR 97838

Reference: Application T-14099

On September 30, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$3950.00. Our receipt number 139248 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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 for the new use, in the new place of use or from the new point of diversion 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.

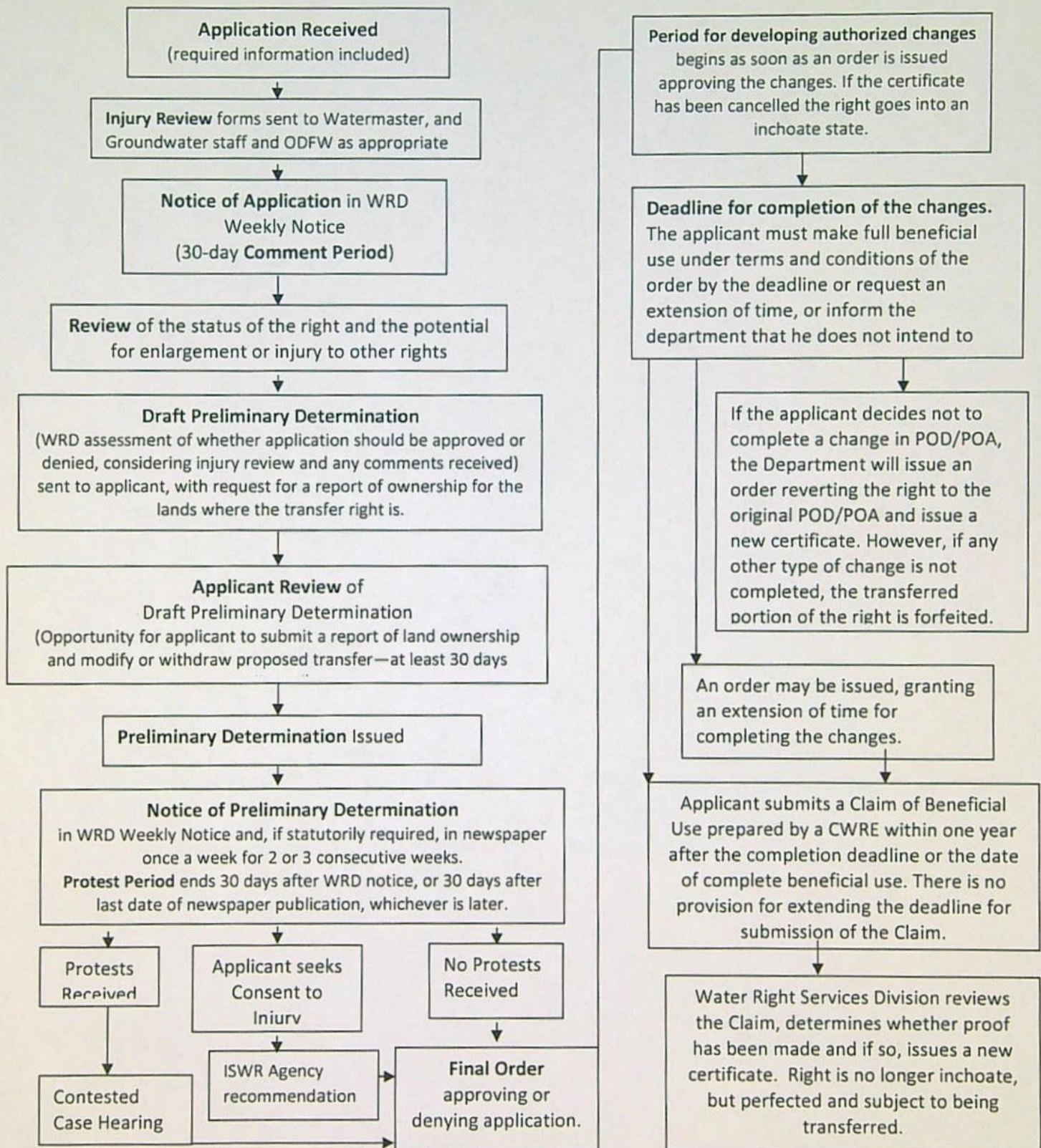
Cc: Watermaster Dist. #5, Gregory M. Silbernagel (*via email*)  
Lindsay Thane, Agent  
Peter D. Mohr, Agent  
Bob Long, Agent  
City of Umatilla  
Umatilla County

Enclosure



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

OAR 690 Division 380





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **139248**  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: Mohr Water Legal PC

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 136 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-14099</u>

TOTAL REC'D \$ 3,950.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>3,950.00</u>		

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD#	
0210 MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **139248**

DATE: 9.30.2022 BY: [Signature]



# 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](http://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.

RECEIVED

SEP 30 2022

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? One** List them here: **Cert. 53653**

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:



☒ N/A

Completed Transfer Application Map. (Attachment 1A – Scale Waiver, 1B – Map)

Completed Evidence of Use Affidavit and supporting documentation. (Attachment 2)

*Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) \*In consideration of OAR 690-380-3000(13)(a), alternative documentation is being submitted per OAR 380-4010(5)(c)(C) which consists of two sequential deeds recorded in the real property records of Umatilla County that confirm the applicant, although no longer the fee owner of the lands to which the subject water and water rights are appurtenant, does retain fee title to the water and water rights subject to transfer. (Attachment 3).*



☒ 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 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. (Attachment 4).



☒ N/A

Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.



☒ N/A

Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

### (For Staff Use Only)

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

\_\_\_ Application fee not enclosed/insufficient

\_\_\_ Map not included or incomplete

\_\_\_ Land Use Form not enclosed or incomplete

\_\_\_ Evidence of Use Form not enclosed or incomplete

\_\_\_ Additional signature(s) required

\_\_\_ Part \_\_\_ is incomplete

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

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

Revised 7/7/20

TACS



SEP 30 2022

## 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. (Map scale waiver Att. 1A)
- ☒ 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. (County tax lot overlays are presented in the inset maps for "from" lands and PODs on the Transfer Map)
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).



### Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)					
1	Base Fee (includes one type of change to one water right for up to 1 cfs)		1	\$1,360	
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b) If only one change, this will be 0</u>		2	\$2,180	
2	Multiply line 2b by \$1090 and enter »		2	\$2,180	
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in line 3a above: <u>0 (3b) If only one water right this will be 0</u>		3	\$0	
3	Multiply line 3b by \$610 and enter »		3	\$0	
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed <u>(4a)</u>  Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>(4b)</u> Add line 4a to line 4b and enter »		4	\$0	
4	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>1.68 (5a)</u> Subtract 1.0 from the number in line 5a above: <u>0.68 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>1 (5c)</u> and multiply <u>5c by \$410, then enter on line 5 »</u>		5	\$410	
5	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:		6	\$3,950	
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »	RECEIVED SEP 30 2022 OWRD			
7	If no box is applicable, enter 0 on line 7 »		7	\$0	
8	Subtract line 7 from line 6 » Transfer Fee:		8	\$3,950	

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as  $1/40$  or  $1/80$  of a cfs per acre; multiply number of acres proposed for change by either  $0.025$  ( $1/40$ ) or  $0.0125$  ( $1/80$ ). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u>0 (2a)</u> Subtract 1 from the number in 2a above: <u>0 (2b)</u> <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	0
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	NA



SEP 30 2022

## Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>Cleaver Land, LLC</b> c/o: Alan Cleaver			PHONE NO. <b>(541) 571-7403</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 1191</b>				FAX NO.
CITY <b>Hermiston</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL <b>alancleaver@cbsag.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.				

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

AGENT/BUSINESS NAME <b>Lindsay Thane, Attorney / Schwabe, Williamson &amp; Wyatt</b>			PHONE NO. <b>(503) 796-2059</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1211 SW Fifth Avenue, Suite 1900</b>				FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>LTHANE@SCHWABE.COM</b>	
<b>CO-AGENT</b>				
AGENT/BUSINESS NAME <b>Peter Mohr, Attorney / MohrWater Legal PC</b>			PHONE NO. <b>(503) 830-1412</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1631 NE Broadway Street, PMB 632</b>				FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97232</b>	E-MAIL <b>peter.mohr@mohrwaterlegal.com</b>	
<b>CO-AGENT</b>				
AGENT/BUSINESS NAME (CO-AGENT) <b>Bob Long, CWRE / CwM-H2O, LLC</b>			PHONE NO. <b>(503) 954-1326</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1319 SE Martin Luther King Jr. Blvd, Suite 204</b>				FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97214</b>	E-MAIL <b>bob.long@cwmmh2o.com</b>	

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

*In 2021, the City of Umatilla purchased 76.3 acres of the lands authorized for irrigation under Certificate 53653 from the Applicant, Cleaver Land LLC, and incorporated those lands into the City UGB. The City has since sold these lands, but the related portion of Certificate 53653 that is appurtenant to the 76.3 acres and represents 1.68 cfs, was expressly reserved from the City's conveyance to the new land owner. As a result, the portion of Certificate 53653 that is the subject of this transfer remains titled in the Applicant which now proposes, pursuant to an agreement between the Applicant and the City, the following changes:*

- 1. This transfer proposes to add an additional point of diversion to the existing point of diversion ("POD-1") which is located not far above the confluence of the Umatilla and Columbia Rivers;*
- 2. The proposed additional point of diversion is a currently existing and operational structure located approximately 1.6 miles downstream from the confluence of the Columbia and Umatilla Rivers ("POD-2");*
- 3. This transfer proposes to change the character of use of the subject portion of Certificate 53653 from irrigation to municipal use;*
- 4. This transfer proposes to change the place of use from the "from" lands (consisting of the 76.3 acres in Sections 29 of T5N, R28E previously owned by the City) to the service area of the City of Umatilla ("to" lands) which is further depicted in the map accompanying this application and consists of the area of use described in the City's existing water right Permit S-41444 and the area contiguous thereto which is located within the City's approved UGB.*



RECEIVED

SEP 30 2022

Check One Box

OWRD

- ☒ 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.

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: East Oregonian.
- 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.



*Alan Cleaver*  
Applicant signature

ALAN CLEAVER, MEMBER  
Print Name (and Title if applicable)

9-25-22  
Date

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

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

\_\_\_\_\_  
Date

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

**Applicant Note:** The City sold the lands in question in 2022, but the portion of Cert. 53653 appurtenant to the land was specifically excluded from the land conveyance. The water right therefore remains in the ownership of the Applicant and landowner approval is not required for the transfer of the water right.

Check the following boxes that apply:

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

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



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

RECEIVING LANDOWNER NAME _____		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 N/A	ADDRESS N/A	
CITY N/A	STATE N/A	ZIP N/A

☐ 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.

IRRIGATION DISTRICT NAME N/A	ADDRESS N/A	
CITY N/A	STATE N/A	87 ZIP N/A



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 City of Umatilla	ADDRESS 700 6 <sup>th</sup> Street	
CITY Umatilla	STATE OR	ZIP 97882

ENTITY NAME Umatilla County	ADDRESS 216 SE 4 <sup>th</sup> Street, Room 104	
CITY Pendleton	STATE OR	ZIP 97801

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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 # **53653**

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### Description of Water Delivery System

SEP 30 2022

System capacity: **17.44** cubic feet per second (cfs) OR

**7,828** gallons per minute (gpm)

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**Applicant Note:** Water is diverted from the Umatilla River at POD-1 using two 500 HP pumps and one 300 HP pump. Water is pumped uphill to the place of use (POU) via an underground mainline that is comprised of metal pipes insulated with concrete. The mainline is a total of 6 miles in length from POD-1 to the end of the mainline. There is a 300 HP booster pump located at approximately mile 3 of the mainline. The mainline ranges from 22" to 12" in diameter and has 12", 10", 8", and 6" diameter arterials. The arterials move water from the mainline to the pivot points. The pivot systems have hanging hoses with irrigation heads that control the rate of water application.

**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)
POD-1 (current)	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	5 N	28 E	17	NW	SW	1000	1,850 ft N and 150 ft E of the SW corner of Sec 17 (location from Cert. 53653)
POD-2 (proposed)	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	5 N	27 E	13	NW	SW	1001	2,270 ft N and 940 ft E of the SW corner of Sec 13

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE)               | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" 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 # 53653**

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)													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands)																									
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acre	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	Acre	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	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0			POD #5	1901												
5	N	28	E	29	SW	SE	2501		31.6	Irrigation	POD-1	1978	POU + USE + APOD	The City of Umatilla's existing Service Area.										Municipal Uses	POD 2	1978													
					NW	SE			33.6																														
					NE	SW			11.1																														
TOTAL ACRES:								76.3						TOTAL ACRES:																									

Additional remarks: \_\_\_\_\_

Received by OWRD

NOV 1 2022



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 # 53653**

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)												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands)																				
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	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	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0			POD #5	1901						
5	N	28	E	29	SW	SE	2501		31.6	Irrigation	POD-1	1978	POU + USE + APOD	5	N	28	E	13	E1/2 of SE		Municipal Uses	POD 2	1978										
					NW	SE			33.6									8, 9, 10, 11, 12, 18	All south of Columbia River														
					NE	SW			11.1																								

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**Additional remarks:** The area described in Table 2 above is intended to reflect the City of Umatilla's current service area and is based on the locations included in the City's surface water right Permit S-41444 and the fully contiguous area within the City's Urban Growth Boundary (see Transfer Map).



**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

**Applicant Note:** There are no other water rights associated with the "from" lands in Section 29 of T5N, R28E. The City of Umatilla's other water rights within the proposed place of use, which is the City's service area, includes: *Permit S-41444, Permit G-8042, Permit G-3112, and Certificate 76316*



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 # \_\_\_\_\_;

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: **N/A**

☐ ~~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** **N/A**

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. _____	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



**peter.mohr@mohrwaterlegal.com**

---

**From:** Ian Godwin <lgodwin@cwmh2o.com>  
**Sent:** Friday, August 26, 2022 10:37 AM  
**To:** STARNES Patrick K \* WRD  
**Cc:** peter.mohr@mohrwaterlegal.com  
**Subject:** RE: Map Scale Waiver for Transfer - City of Umatilla

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**OWRD**

Thank you, Kelly. Have a great weekend!

Best,  
*Ian Godwin, GIT | CwM-H2O | Staff Hydrogeologist*  
[www.CwMH2O.com](http://www.CwMH2O.com) | Office (503) 954-1326 | Cell (571) 245-7897

---

**From:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Sent:** Friday, August 26, 2022 10:34 AM  
**To:** Ian Godwin <lgodwin@cwmh2o.com>  
**Cc:** peter.mohr@mohrwaterlegal.com  
**Subject:** RE: Map Scale Waiver for Transfer - City of Umatilla

Good Morning Ian,

The Department grants a map scale waiver for that attached transfer application map for the City of Umatilla.

Please include a printed copy of this e-mail when you submit the transfer application.

Sincerely,

Kelly

\*\*\*\*\*  
Kelly Starnes, Transfer Program Analyst  
Oregon Water Resources Department  
725 Summer St NE Suite A  
Salem OR 97301-1271  
Cell phone: 503-979-3511 Fax: 503-986-0903  
E-mail: [patrick.k.starnes@water.oregon.gov](mailto:patrick.k.starnes@water.oregon.gov)

Please Note: Under Oregon Law, messages to and from  
this e-mail address may be available to the public.

\*\*\*\*\*  

---

**From:** Ian Godwin <lgodwin@cwmh2o.com>  
**Sent:** Thursday, August 25, 2022 4:32 PM  
**To:** STARNES Patrick K \* WRD <Patrick.K.STARNES@water.oregon.gov>  
**Cc:** [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
**Subject:** Map Scale Waiver for Transfer - City of Umatilla



Good afternoon Kelly,

I meant to send this to you last week but I just noticed it got stuck in my outbox. I have attached a preliminary final draft of a transfer application map for the City of Umatilla for your review. The proposed transfer is for an additional POD, a change in character of use, and a change in place of use, and is similar to the permit amendment application you and I discussed with Peter Mohr in June. Like with that permit amendment, the map for this transfer is at a smaller-than-approved scale in order to show the entire City service area. The inset maps showing the PODs and the "from" lands are at an accepted map scale and contain a taxlot overlay. We are seeking a map scale waiver to include with this transfer application. Please let me know if you have any questions, and thanks for the help!

Best,  
Ian Godwin

	<p><b>Ian Godwin, GIT   Staff Hydrogeologist</b> 1319 SE MLK Jr. Blvd., Suite 204, Portland, Oregon 97214 <a href="http://www.cwmh2o.com">www.cwmh2o.com</a> Office (503) 954-1326   Cell (571) 245-7897</p>
---	--

**"Connecting Clients to Solutions"**

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of UMATILLA

I, ALAN CLEAVER, in my capacity as MANAGING MEMBER OF CLEAVER LAND, LLC, AN OREGON LIMITED LIABILITY COMPANY,  
mailing address PO BOX 1191, HERMISTON, OR  
telephone number (541) 571-7403, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 53653; OR

☐ My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

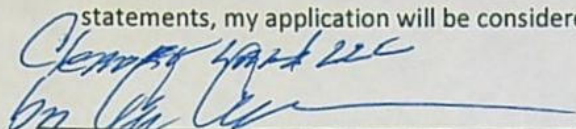
- ☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for  
transfer was not leased, additional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

(continues on reverse side)



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

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

  
Signature of Affiant

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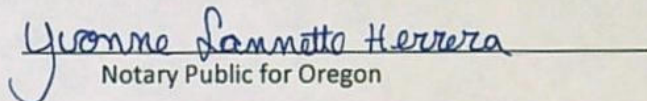
SEP 30 2022

9-26-22  
Date

OWRD

Signed and sworn to (or affirmed) before me this 26<sup>th</sup> day of September, 2022.



  
Notary Public for Oregon

My Commission Expires: November 29, 2025

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



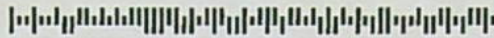
CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191



Inquiries? Call your  
Business Solutions Team  
Toll free 1-866-870-3419,  
M-F, 6am-6pm PT  
pacificpower.net



BILLING DATE: May 28, 2019  
ACCOUNT NUMBER: [REDACTED]  
DUE DATE: Jun 13, 2019  
AMOUNT DUE: \$20,425.08



#### Your Balance With Us

Previous Account Balance	2,421.35
Payments/Credits	-2,421.35
New Charges	+20,425.08
Current Account Balance	\$20,425.08

#### Payments Received

DATE	DESCRIPTION	AMOUNT
Apr 30, 2019	Payment Received - Thank You	2,421.35
<b>Total Payments</b>		<b>\$2,421.35</b>

#### Summary of Account Activity

<b>ITEM 3</b> ELECTRIC SERVICE	Powerline Rd 1200HP Umatilla OR 500hp+500hp+200hp Pumps Schedule 41L METER # 70185750	19,913.86
<b>ITEM 4</b> ELECTRIC SERVICE	Powerline Rd Irrg Hermiston OR 2 Pivots Schedule 41 METER # 83579142	53.27
<b>ITEM 6</b> ELECTRIC SERVICE	X80665 Powerline Rd 250HP Hermiston OR Irrigation: 250hp Var + Pivot Schedule 41L METER # 70185820	263.59
<b>ITEM 9</b> ELECTRIC SERVICE	Powerline Nxt Fox Scale Hermiston OR Schedule 23 METER # 82543205	44.45
<b>ITEM 10</b> ELECTRIC SERVICE	Powerline Rd Pump Hermiston OR 20hp Pump + Pivot Schedule 41 METER # 82543204	30.84
<b>ITEM 11</b> ELECTRIC SERVICE	31201 Powerline Rd Umatilla OR Shop Schedule 23 METER # 66947152	119.07

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

See reverse

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS  
EDGE FIRST ↑



PACIFIC POWER  
PO BOX 26000  
PORTLAND OR 97256-0001



To better serve you, we're updating the look of our bill alert emails over the next few months. The new emails give you easy access to your bill, your energy usage graph and more. Go paperless at [pacificpower.net/paperless](http://pacificpower.net/paperless).

Join more than 125,000 customers who match all or part of their electricity usage with clean, renewable energy. Join now at [pacificpower.net/bluesky](http://pacificpower.net/bluesky) or call 1-800-769-3717.

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Late Payment Charge for Oregon  
A late payment charge of 2.0% may be charged on any balance not paid in full each month.

Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: [REDACTED]  
Date Due: Jun 13, 2019

AMOUNT DUE: \$20,425.08

Please enter the amount enclosed.

CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: May 28, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jun 13, 2019 AMOUNT DUE: \$20,425.08

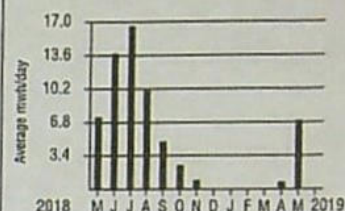
**Detailed Account Activity****ITEM 3 - ELECTRIC SERVICE**Powerline Rd 1200HP Umatilla OR  
500hp+500hp+200hp Pumps Schedule 41L  
Service ID: 268156909-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185750	Apr 12, 2019 May 13, 2019	31	15888 16793	240.0	217,200 kwh
70185750	Demand May 13, 2019		2.932	240.0	704 kw
70185750	Reactive May 13, 2019		1.393	240.0	334 kvar

Next scheduled read date: 06-12. Date may vary due to scheduling or weather.

**NEW CHARGES - 05/19**

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	217,200 kwh	0.0359800	7,814.86
Reactive Power Charge Sec	52 kvar	0.6500000	33.80
(Season End Est Charge Sec is \$4,504.00)			
Supply Energy Sec Summer	217,200 kwh	0.0597200	12,971.18
Federal Tax Act Adjustment	217,200 kwh	-0.0045600	-990.43
Public Purpose		0.0300000	594.88
Energy Conservation Charge	217,200 kwh	0.0033200	721.10
Low Income Assistance	217,200 kwh	0.0006900	149.87
J C Boyle Dam Removal Surcharge	217,200 kwh	0.0003700	80.36
Copco Iron Gate Dams Remy Schg	217,200 kwh	0.0011200	243.26
B P A Columbia River Benefits	217,200 kwh	-0.0078500	-1,705.02
<b>Total New Charges</b>			<b>19,913.86</b>

**Historical Data - ITEM 3****Your Average Daily kwh Usage by Month**

PERIOD ENDING	MAY 2019	MAY 2018
Avg. Daily Temp.	55	56
Total kwh	217200	214080
Avg. kwh per Day	7006	7382
Cost per Day	\$642.38	\$714.79

**RECEIVED****SEP 30 2022****OWRD****New Mailing Address or Phone?**

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER [REDACTED]

LAST

FIRST

M.I.

NEW STREET ADDRESS

CITY

ST

ZIP

TELEPHONE NUMBER

This product contains  
fiber from well-managed,  
independently  
certified forests.





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: May 28, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jun 13, 2019 AMOUNT DUE: \$20,425.08

#### ITEM 4 - ELECTRIC SERVICE

Powerline Rd Irrg Hermiston OR  
2 Pivots Schedule 41  
Service ID: 137687509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
83579142	Apr 9, 2019 May 8, 2019	29	101 683	1.0	582 kwh
83579142	Demand May 8, 2019			7.16	7 kw

Next scheduled read date: 06-07. Date may vary due to scheduling or weather.

NEW CHARGES - 05/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$90.00)	582 kwh	0.0359800	20.94
Supply Energy Sec Summer	582 kwh	0.0597200	34.76
Federal Tax Act Adjustment	582 kwh	-0.0045600	-2.65
Public Purpose		0.0300000	1.59
Energy Conservation Charge	582 kwh	0.0033200	1.93
Low Income Assistance	582 kwh	0.0006900	0.40
J C Boyle Dam Removal Surcharge	582 kwh	0.0003700	0.22
Copco Iron Gate Dams Remv Schg	582 kwh	0.0011200	0.65
B P A Columbia River Benefits	582 kwh	-0.0078500	-4.57
<b>Total New Charges</b>			<b>53.27</b>

#### ITEM 6 - ELECTRIC SERVICE

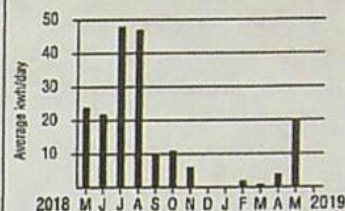
X80665 Powerline Rd 250HP Hermiston OR  
Irrigation: 250hp Var + Pivot Schedule 41L  
Service ID: 137487709-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185820	Apr 24, 2019 May 23, 2019	29	7541 7613	40.0	2,880 kwh
70185820	Demand May 23, 2019			5.022	201 kw
70185820	Reactive May 23, 2019			1.819	73 kvar

Next scheduled read date: 06-24. Date may vary due to scheduling or weather.

NEW CHARGES - 05/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$1,920.00)	2,880 kwh	0.0359800	103.62
Supply Energy Sec Summer	2,880 kwh	0.0597200	171.99
Federal Tax Act Adjustment	2,880 kwh	-0.0045600	-13.13
Public Purpose		0.0300000	7.87
Energy Conservation Charge	2,880 kwh	0.0033200	9.56
Low Income Assistance	2,880 kwh	0.0006900	1.99
J C Boyle Dam Removal Surcharge	2,880 kwh	0.0003700	1.07
Copco Iron Gate Dams Remv Schg	2,880 kwh	0.0011200	3.23
B P A Columbia River Benefits	2,880 kwh	-0.0078500	-22.61
<b>Total New Charges</b>			<b>263.59</b>

#### Historical Data - ITEM 4



#### Your Average Daily kwh Usage by Month

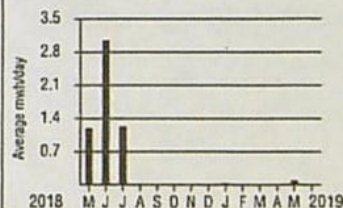
PERIOD ENDING	MAY 2019	MAY 2018
Avg. Daily Temp.	52	54
Total kwh	582	682
Avg. kwh per Day	20	24
Cost per Day	\$1.84	\$2.28

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#### Historical Data - ITEM 6



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	MAY 2019	MAY 2018
Avg. Daily Temp.	55	61
Total kwh	2880	34800
Avg. kwh per Day	99	1200
Cost per Day	\$9.09	\$116.19





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: May 28, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jun 13, 2019 AMOUNT DUE: \$20,425.08

### ITEM 9 - ELECTRIC SERVICE

Powerline Nxt Fox Scale Hermiston OR  
Schedule 23  
Service ID: 138686509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543205	Apr 9, 2019 May 8, 2019	29	21 171	1.0	150 kwh
82543205	Demand May 8, 2019		2.122	1.0	2 kw
82543205	Reactive May 8, 2019		6.139	1.0	6 kvar

Next scheduled read date: 06-07. Date may vary due to scheduling or weather.

NEW CHARGES - 05/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	150 kwh	0.0365700	5.49
Reactive Power Charge Sec	5 kvar	0.6500000	3.25
Supply Energy Sec 1ST 3000 Kwh	150 kwh	0.0632500	9.49
Federal Tax Act Adjustment	150 kwh	-0.0042900	-0.64
Public Purpose		0.0300000	1.30
Energy Conservation Charge	150 kwh	0.0034300	0.51
Low Income Assistance	150 kwh	0.0006900	0.10
J C Boyle Dam Removal Surcharge	150 kwh	0.0004000	0.06
Copco Iron Gate Dams Remv Schg	150 kwh	0.0011300	0.17
B P A Columbia River Benefits	150 kwh	-0.0078500	-1.18
<b>Total New Charges</b>			<b>44.45</b>

### ITEM 10 - ELECTRIC SERVICE

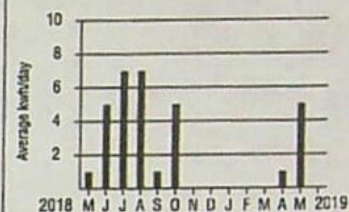
Powerline Rd Pump Hermiston OR  
20hp Pump + Pivot Schedule 41  
Service ID: 137887309-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543204	Apr 9, 2019 May 8, 2019	29	34 349	1.0	315 kwh
82543204	Demand May 8, 2019		4.304	1.0	4 kw
82543204	Reactive May 8, 2019		5.381	1.0	5 kvar

Next scheduled read date: 06-07. Date may vary due to scheduling or weather.

NEW CHARGES - 05/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	315 kwh	0.0359800	11.33
Reactive Power Charge Sec	3 kvar	0.6500000	1.95
(Season End Est Charge Sec Is \$60.00)			
Supply Energy Sec Summer	315 kwh	0.0597200	18.81
Federal Tax Act Adjustment	315 kwh	-0.0045600	-1.44
Public Purpose		0.0300000	0.92
Energy Conservation Charge	315 kwh	0.0033200	1.05
Low Income Assistance	315 kwh	0.0006900	0.22
J C Boyle Dam Removal Surcharge	315 kwh	0.0003700	0.12
Copco Iron Gate Dams Remv Schg	315 kwh	0.0011200	0.35
B P A Columbia River Benefits	315 kwh	-0.0078500	-2.47
<b>Total New Charges</b>			<b>30.84</b>

### Historical Data - ITEM 9



### Your Average Daily kwh Usage by Month

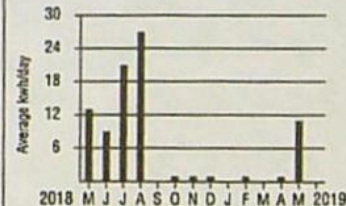
PERIOD ENDING	MAY 2019	MAY 2018
Avg. Daily Temp.	52	54
Total kwh	150	31
Avg. kwh per Day	5	1
Cost per Day	\$1.53	\$1.12

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### Historical Data - ITEM 10



### Your Average Daily kwh Usage by Month

PERIOD ENDING	MAY 2019	MAY 2018
Avg. Daily Temp.	52	54
Total kwh	315	377
Avg. kwh per Day	11	13
Cost per Day	\$1.06	\$1.33





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: May 28, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jun 13, 2019 AMOUNT DUE: \$20,425.08

# ITEM 11 - ELECTRIC SERVICE

31201 Powerline Rd Umatilla OR  
Shop Schedule 23  
Service ID: 343309193-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
66947152	Apr 9, 2019 May 8, 2019	29	27243 28131	1.0	888 kwh
66947152	Demand May 8, 2019		5.441	1.0	5 kw
66947152	Reactive May 8, 2019		0.892	1.0	1 kvar

Next scheduled read date: 06-07. Date may vary due to scheduling or weather.

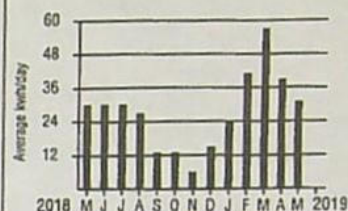
NEW CHARGES - 05/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	888 kwh	0.0365700	32.47
Supply Energy Sec 1ST 3000 Kwh	888 kwh	0.0632500	56.17
Federal Tax Act Adjustment	888 kwh	-0.0042900	-3.81
Public Purpose		0.0300000	3.32
Energy Conservation Charge	888 kwh	0.0034300	3.05
Low Income Assistance	888 kwh	0.0006900	0.61
J C Boyle Dam Removal Surcharge	888 kwh	0.0004000	0.36
Copco Iron Gate Dams Remv Schg	888 kwh	0.0011300	1.00
<b>Total New Charges</b>			<b>119.07</b>

## Looking for other ways to pay?

Visit [pacificpower.net/pay](http://pacificpower.net/pay) for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

## Historical Data - ITEM 11



## Your Average Daily kwh Usage by Month

PERIOD ENDING	MAY 2018	MAY 2019
Avg. Daily Temp.	52	54
Total kwh	888	867
Avg. kwh per Day	31	30
Cost per Day	\$4.11	\$4.27

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CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191



Inquiries? Call your  
Business Solutions Team  
Toll free 1-866-870-3419,  
M-F, 6am-6pm PT  
pacificpower.net

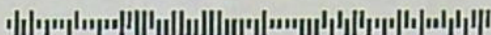


BILLING DATE: Jun 25, 2019

ACCOUNT NUMBER: [REDACTED]

DUE DATE: Jul 12, 2019

AMOUNT DUE: \$26,260.10



#### Your Balance With Us

Previous Account Balance	20,425.08
Payments/Credits	-20,425.08
New Charges	+26,260.10
Current Account Balance	\$26,260.10

#### Payments Received

DATE	DESCRIPTION	AMOUNT
May 31, 2019	Payment Received - Thank You	20,425.08
Total Payments		\$20,425.08

#### Summary of Account Activity

ITEM 3 ELECTRIC SERVICE	Powerline Rd 1200HP Umatilla OR 500hp+500hp+200hp Pumps Schedule 41L METER # 70185750	24,002.49
ITEM 4 ELECTRIC SERVICE	Powerline Rd Irrg Hermiston OR 2 Pivots Schedule 41 METER # 83579142	77.52
ITEM 6 ELECTRIC SERVICE	X80665 Powerline Rd 250HP Hermiston OR Irrigation: 250hp Var + Pivot Schedule 41L METER # 70185820	1,925.67
ITEM 9 ELECTRIC SERVICE	Powerline Nxt Fox Scale Hermiston OR Schedule 23 METER # 82543205	53.12
ITEM 10 ELECTRIC SERVICE	Powerline Rd Pump Hermiston OR 20hp Pump + Pivot Schedule 41 METER # 82543204	77.45
ITEM 11 ELECTRIC SERVICE	31201 Powerline Rd Umatilla OR Shop Schedule 23 METER # 66947152	123.85

To better serve you, we're updating the look of our bill alert emails over the next few months. The new emails give you easy access to your bill, your energy usage graph and more. Go paperless at [pacificpower.net/paperless](http://pacificpower.net/paperless).

#### Looking for other ways to pay?

Visit [pacificpower.net/pay](http://pacificpower.net/pay) for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-866-221-7070.

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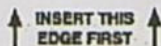
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See reverse

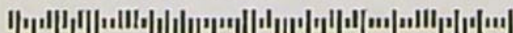
Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.



PACIFIC POWER  
PO BOX 26000  
PORTLAND OR 97256-0001



Late Payment Charge for Oregon  
A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: [REDACTED]

Date Due: Jul 12, 2019

AMOUNT DUE: \$26,260.10

Please enter the amount enclosed.

CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191







Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Jun 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jul 12, 2019 AMOUNT DUE: \$26,260.10

### Detailed Account Activity

#### ITEM 3 - ELECTRIC SERVICE

Powerline Rd 1200HP Umatilla OR  
500hp+500hp+200hp Pumps Schedule 41L  
Service ID: 268156909-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185750	May 13, 2019 Jun 12, 2019	30	16793 17865	240.0	257,280 kwh
70185750	Demand Jun 12, 2019		3.309	240.0	794 kw
70185750	Reactive Jun 12, 2019		1.014	240.0	243 kvar

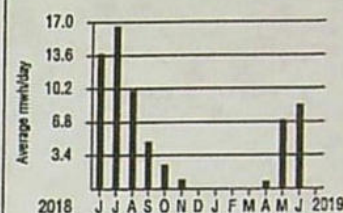
Next scheduled read date: 07-12. Date may vary due to scheduling or weather.

#### NEW CHARGES - 06/19

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$5,704.00)	257,280 kwh	0.0359800	9,256.93
Supply Energy Sec Summer	257,280 kwh	0.0597200	15,364.76
Federal Tax Act Adjustment	257,280 kwh	-0.0045600	-1,173.20
Public Purpose		0.0300000	703.45
Energy Conservation Charge	257,280 kwh	0.0033200	854.17
Low Income Assistance	257,280 kwh	0.0006900	177.52
J C Boyle Dam Removal Surcharge	257,280 kwh	0.0003700	95.19
Copco Iron Gate Dams Remv Schg	257,280 kwh	0.0011200	288.15
B P A Columbia River Benefits	257,280 kwh	-0.0078500	-2,019.65
B P A Columbia River Benefits	57,984 kwh	0.0078500	455.17
<b>Total New Charges</b>			<b>24,002.49</b>

Note: For 06/2019, 57984 excess BPA credits were given. Agreement 003 has been adjusted.

#### Historical Data - ITEM 3



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	61	64
Total kwh	257280	442320
Avg. kwh per Day	8576	13823
Cost per Day	\$784.91	\$1,338.83

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### New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER [REDACTED]

LAST

FIRST

M.I.

NEW STREET ADDRESS

CITY

ST

ZIP

TELEPHONE NUMBER

This product contains fiber from well-managed, independently certified forests.





Questions about your bill: Call toll free 1-866-870-3419 pacificpower.net

BILLING DATE: Jun 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jul 12, 2019 AMOUNT DUE: \$26,260.10

## ITEM 4 - ELECTRIC SERVICE

Powerline Rd Irrg Hermiston OR  
2 Pivots Schedule 41  
Service ID: 137687509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
83579142	May 8, 2019 Jun 7, 2019	30	683 1530	1.0	847 kwh
83579142	Demand Jun 7, 2019		5.212	1.0	5 kw

Next scheduled read date: 07-09. Date may vary due to scheduling or weather.

NEW CHARGES - 06/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$90.00)	847 kwh	0.0359800	30.48
Supply Energy Sec Summer	847 kwh	0.0597200	50.58
Federal Tax Act Adjustment	847 kwh	-0.0045600	-3.86
Public Purpose		0.0300000	2.32
Energy Conservation Charge	847 kwh	0.0033200	2.81
Low Income Assistance	847 kwh	0.0006900	0.58
J C Boyle Dam Removal Surcharge	847 kwh	0.0003700	0.31
Copco Iron Gate Dams Remv Schg	847 kwh	0.0011200	0.95
B P A Columbia River Benefits	847 kwh	-0.0078500	-6.65
<b>Total New Charges</b>			<b>77.52</b>

## ITEM 6 - ELECTRIC SERVICE

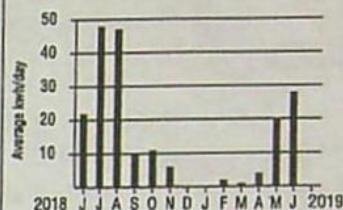
X80665 Powerline Rd 250HP Hermiston OR  
Irrigation: 250hp Var + Pivot Schedule 41L  
Service ID: 137487709-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185820	May 23, 2019 Jun 25, 2019	33	7613 8139	40.0	21,040 kwh
70185820	Demand Jun 25, 2019		4.398	40.0	176 kw
70185820	Reactive Jun 25, 2019		1.631	40.0	65 kvar

Next scheduled read date: 07-25. Date may vary due to scheduling or weather.

NEW CHARGES - 06/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$2,200.00)	21,040 kwh	0.0359800	757.02
Supply Energy Sec Summer	21,040 kwh	0.0597200	1,256.51
Federal Tax Act Adjustment	21,040 kwh	-0.0045600	-95.94
Public Purpose		0.0300000	57.53
Energy Conservation Charge	21,040 kwh	0.0033200	69.85
Low Income Assistance	21,040 kwh	0.0006900	14.52
J C Boyle Dam Removal Surcharge	21,040 kwh	0.0003700	7.78
Copco Iron Gate Dams Remv Schg	21,040 kwh	0.0011200	23.56
B P A Columbia River Benefits	21,040 kwh	-0.0078500	-165.16
<b>Total New Charges</b>			<b>1,925.67</b>

## Historical Data - ITEM 4



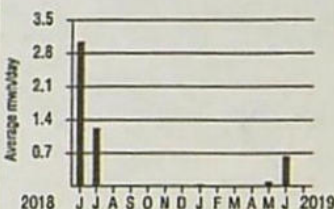
## Your Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	61	64
Total kwh	847	667
Avg. kwh per Day	28	22
Cost per Day	\$0.30	\$0.16

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## Historical Data - ITEM 6



## Your Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	65	64
Total kwh	21040	91400
Avg. kwh per Day	638	3047
Cost per Day	\$58.35	\$295.00





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Jun 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jul 12, 2019 AMOUNT DUE: \$26,260.10

### ITEM 9 - ELECTRIC SERVICE

Powerline Nxt Fox Scale Hermiston OR  
Schedule 23  
Service ID: 138686509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543205	May 8, 2019 Jun 7, 2019	30	171 411	1.0	240 kwh
82543205	Demand Jun 7, 2019			2.906	3 kw
82543205	Reactive Jun 7, 2019			6.045	6 kvar

Next scheduled read date: 07-09. Date may vary due to scheduling or weather.

NEW CHARGES - 06/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	240 kwh	0.0365700	8.78
Reactive Power Charge Sec	5 kvar	0.6500000	3.25
Supply Energy Sec 1ST 3000 Kwh	240 kwh	0.0632500	15.18
Federal Tax Act Adjustment	240 kwh	-0.0042900	-1.03
Public Purpose		0.0300000	1.56
Energy Conservation Charge	240 kwh	0.0034300	0.82
Low Income Assistance	240 kwh	0.0006900	0.17
J C Boyle Dam Removal Surcharge	240 kwh	0.0004000	0.10
Copco Iron Gate Dams Remv Schg	240 kwh	0.0011300	0.27
B P A Columbia River Benefits	240 kwh	-0.0078500	-1.88
<b>Total New Charges</b>			<b>53.12</b>

### ITEM 10 - ELECTRIC SERVICE

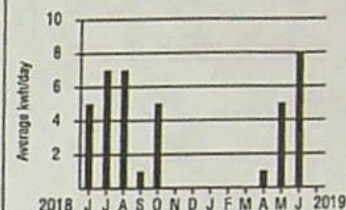
Powerline Rd Pump Hermiston OR  
20hp Pump + Pivot Schedule 41  
Service ID: 137887309-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543204	May 8, 2019 Jun 7, 2019	30	349 1166	1.0	817 kwh
82543204	Demand Jun 7, 2019			14.632	15 kw
82543204	Reactive Jun 7, 2019			10.417	10 kvar

Next scheduled read date: 07-09. Date may vary due to scheduling or weather.

NEW CHARGES - 06/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	817 kwh	0.0359800	29.40
Reactive Power Charge Sec (Season End Est Charge Sec Is \$150.00)	4 kvar	0.6500000	2.60
Supply Energy Sec Summer	817 kwh	0.0597200	48.79
Federal Tax Act Adjustment	817 kwh	-0.0045600	-3.73
Public Purpose		0.0300000	2.31
Energy Conservation Charge	817 kwh	0.0033200	2.71
Low Income Assistance	817 kwh	0.0006900	0.56
J C Boyle Dam Removal Surcharge	817 kwh	0.0003700	0.30
Copco Iron Gate Dams Remv Schg	817 kwh	0.0011200	0.92
B P A Columbia River Benefits	817 kwh	-0.0078500	-6.41
<b>Total New Charges</b>			<b>77.45</b>

### Historical Data - ITEM 9



### Your Average Daily kwh Usage by Month

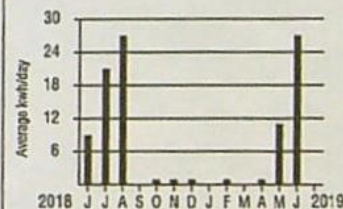
PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	61	64
Total kwh	240	135
Avg. kwh per Day	8	5
Cost per Day	\$1.77	\$1.46

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### Historical Data - ITEM 10



### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	61	64
Total kwh	817	274
Avg. kwh per Day	27	9
Cost per Day	\$2.58	\$0.97





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Jun 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Jul 12, 2019 AMOUNT DUE: \$26,260.10

### ITEM 11 - ELECTRIC SERVICE

31201 Powerline Rd Umatilla OR  
Shop Schedule 23  
Service ID: 343309193-001

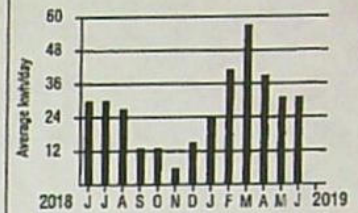
METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
66947152	May 8, 2019 Jun 7, 2019	30	28131 29065	1.0	934 kwh
66947152	Demand Jun 7, 2019		5.201	1.0	5 kw
66947152	Reactive Jun 7, 2019		0.848	1.0	1 kvar

Next scheduled read date: 07-09. Date may vary due to scheduling or weather.

NEW CHARGES - 06/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	934 kwh	0.0365700	34.16
Supply Energy Sec 1ST 3000 Kwh	934 kwh	0.0632500	59.08
Federal Tax Act Adjustment	934 kwh	-0.0042900	-4.01
Public Purpose		0.0300000	3.45
Energy Conservation Charge	934 kwh	0.0034300	3.20
Low Income Assistance	934 kwh	0.0006900	0.64
J C Boyle Dam Removal Surcharg	934 kwh	0.0004000	0.37
Copco Iron Gate Dams Remv Schg	934 kwh	0.0011300	1.06
<b>Total New Charges</b>			<b>123.85</b>

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

### Historical Data - ITEM 11



### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2019	JUN 2018
Avg. Daily Temp.	61	64
Total kwh	934	903
Avg. kwh per Day	31	30
Cost per Day	\$4.13	\$4.25

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HERMISTON OR 97838-3191



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Business Solutions Team  
Toll free 1-866-870-3419,  
M-F, 6am-6pm PT  
pacificpower.net



BILLING DATE: Aug 2, 2019  
ACCOUNT NUMBER: [REDACTED]  
DUE DATE: Aug 20, 2019  
AMOUNT DUE: \$49,175.50



#### Your Balance With Us

Previous Account Balance	26,260.10
Payments/Credits	-26,260.10
New Charges	+49,175.50
Current Account Balance	\$49,175.50

#### Payments Received

DATE	DESCRIPTION	AMOUNT
Jun 28, 2019	Payment Received - Thank You	26,260.10
<b>Total Payments</b>		<b>\$26,260.10</b>

#### Summary of Account Activity

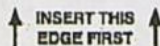
<b>ITEM 3</b> ELECTRIC SERVICE	Powerline Rd 1200HP Umatilla OR 500hp+500hp+200hp Pumps Schedule 41L METER # 70185750	41,536.23
<b>ITEM 4</b> ELECTRIC SERVICE	Powerline Rd Irrg Hermiston OR 2 Pivots Schedule 41 METER # 83579142	78.19
<b>ITEM 6</b> ELECTRIC SERVICE	X80665 Powerline Rd 250HP Hermiston OR Irrigation: 250hp Var + Pivot Schedule 41L METER # 70185820	7,288.99
<b>ITEM 9</b> ELECTRIC SERVICE	Powerline Nxt Fox Scale Hermiston OR Schedule 23 METER # 82543205	92.27
<b>ITEM 10</b> ELECTRIC SERVICE	Powerline Rd Pump Hermiston OR 20hp Pump + Pivot Schedule 41 METER # 82543204	45.35
<b>ITEM 11</b> ELECTRIC SERVICE	31201 Powerline Rd Umatilla OR Shop Schedule 23 METER # 66947152	134.47

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

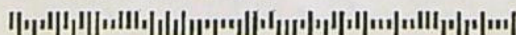
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Late Payment Charge for Oregon  
A late payment charge of 2.0% may be  
charged on any balance not paid in full each  
month.

☐ Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: [REDACTED]  
Date Due: Aug 20, 2019

AMOUNT DUE: \$49,175.50

Please enter the amount enclosed.

CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191







Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Aug 2, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 20, 2019 AMOUNT DUE: \$49,175.50

### Detailed Account Activity

#### ITEM 3 - ELECTRIC SERVICE

Powerline Rd 1200HP Umatilla OR  
500hp+500hp+200hp Pumps Schedule 41L  
Service ID: 268156909-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185750	Jun 12, 2019 Jul 12, 2019	30	17865 19653	240.0	429,120 kwh
70185750	Demand Jul 12, 2019		3.878	240.0	931 kw
70185750	Reactive Jul 12, 2019		1.285	240.0	308 kvar

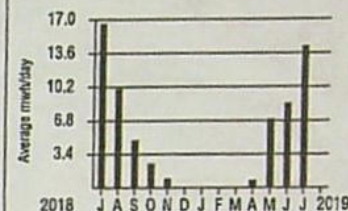
Next scheduled read date: 08-13. Date may vary due to scheduling or weather.

#### NEW CHARGES - 07/19

	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$6,388.00)	429,120 kwh	0.0359800	15,439.74
Supply Energy Sec Summer	429,120 kwh	0.0597200	25,627.05
Federal Tax Act Adjustment	429,120 kwh	-0.0045600	-1,956.79
Public Purpose		0.0300000	1,173.30
Energy Conservation Charge	429,120 kwh	0.0033200	1,424.68
Low Income Assistance	429,120 kwh	0.0006900	296.09
J C Boyle Dam Removal Surcharg	429,120 kwh	0.0003700	158.77
Copco Iron Gate Dams Remv Schg	429,120 kwh	0.0011200	480.61
B P A Columbia River Benefits	429,120 kwh	-0.0078500	-3,368.59
B P A Columbia River Benefits	288,073 kwh	0.0078500	2,261.37
<b>Total New Charges</b>			<b>41,536.23</b>

Note: For 07/2019, 288073 excess BPA credits were given. Agreement 003 has been adjusted.

#### Historical Data - ITEM 3



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	67	68
Total kwh	429120	498000
Avg. kwh per Day	14304	16600
Cost per Day	\$1,309.16	\$1,607.72

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### New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER: [REDACTED]

LAST FIRST M.I.

NEW STREET ADDRESS

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ZIP

TELEPHONE NUMBER

This product contains fiber from well-managed, independently certified forests.





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Aug 2, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 20, 2019 AMOUNT DUE: \$49,175.50

#### ITEM 4 - ELECTRIC SERVICE

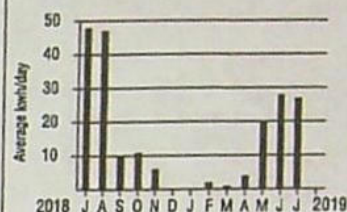
Powerline Rd Irrg Hermiston OR  
2 Pivots Schedule 41  
Service ID: 137687509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
83579142	Jun 7, 2019 Jul 9, 2019	32	1530 2384	1.0	854 kwh
83579142	Demand Jul 9, 2019		5.814	1.0	6 kw

Next scheduled read date: 08-08. Date may vary due to scheduling or weather.

NEW CHARGES - 07/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$105.00)	854 kwh	0.0359800	30.73
Supply Energy Sec Summer	854 kwh	0.0597200	51.00
Federal Tax Act Adjustment	854 kwh	-0.0045600	-3.89
Public Purpose	854 kwh	0.0300000	2.34
Energy Conservation Charge	854 kwh	0.0033200	2.84
Low Income Assistance	854 kwh	0.0006900	0.59
J C Boyle Dam Removal Surcharge	854 kwh	0.0003700	0.32
Copco Iron Gate Dams Remv Schg	854 kwh	0.0011200	0.96
B P A Columbia River Benefits	854 kwh	-0.0078500	-6.70
<b>Total New Charges</b>			<b>78.19</b>

#### Historical Data - ITEM 4



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	67	67
Total kwh	854	1532
Avg. kwh per Day	27	48
Cost per Day	\$2.44	\$4.64

#### ITEM 6 - ELECTRIC SERVICE

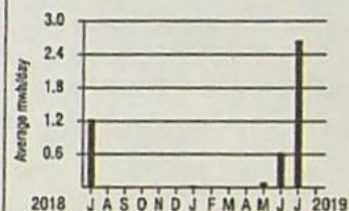
X80665 Powerline Rd 250HP Hermiston OR  
Irrigation: 250hp Var + Pivot Schedule 41L  
Service ID: 137487709-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185820	Jun 25, 2019 Jul 25, 2019	30	8139 10130	40.0	79,640 kwh
70185820	Demand Jul 25, 2019		5.156	40.0	206 kw
70185820	Reactive Jul 25, 2019		2.014	40.0	81 kvar

Next scheduled read date: 08-23. Date may vary due to scheduling or weather.

NEW CHARGES - 07/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$2,350.00)	79,640 kwh	0.0359800	2,865.45
Supply Energy Sec Summer	79,640 kwh	0.0597200	4,756.10
Federal Tax Act Adjustment	79,640 kwh	-0.0045600	-363.16
Public Purpose	79,640 kwh	0.0300000	217.75
Energy Conservation Charge	79,640 kwh	0.0033200	264.40
Low Income Assistance	79,640 kwh	0.0006900	54.95
J C Boyle Dam Removal Surcharge	79,640 kwh	0.0003700	29.47
Copco Iron Gate Dams Remv Schg	79,640 kwh	0.0011200	89.20
B P A Columbia River Benefits	79,640 kwh	-0.0078500	-625.17
<b>Total New Charges</b>			<b>7,288.99</b>

#### Historical Data - ITEM 6



#### Your Average Daily kwh Usage by Month

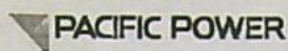
PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	69	73
Total kwh	79640	40760
Avg. kwh per Day	2655	1235
Cost per Day	\$242.97	\$119.56

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Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Aug 2, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 20, 2019 AMOUNT DUE: \$49,175.50

### ITEM 9 - ELECTRIC SERVICE

Powerline Nxt Fox Scale Hermiston OR  
Schedule 23  
Service ID: 138686509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543205	Jun 7, 2019 Jul 9, 2019	32	411 1065	1.0	654 kwh
82543205	Demand Jul 9, 2019			2.947	3 kw
82543205	Reactive Jul 9, 2019			5.272	5 kvar

Next scheduled read date: 08-08. Date may vary due to scheduling or weather.

NEW CHARGES - 07/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	654 kwh	0.0365700	23.92
Reactive Power Charge Sec	4 kvar	0.6500000	2.60
Supply Energy Sec 1ST 3000 Kwh	654 kwh	0.0632500	41.37
Federal Tax Act Adjustment	654 kwh	-0.0042900	-2.81
Public Purpose		0.0300000	2.73
Energy Conservation Charge	654 kwh	0.0034300	2.24
Low Income Assistance	654 kwh	0.0006900	0.45
J C Boyle Dam Removal Surcharg	654 kwh	0.0004000	0.26
Copco Iron Gate Dams Remv Schg	654 kwh	0.0011300	0.74
B P A Columbia River Benefits	654 kwh	-0.0078500	-5.13
<b>Total New Charges</b>			<b>92.27</b>

### ITEM 10 - ELECTRIC SERVICE

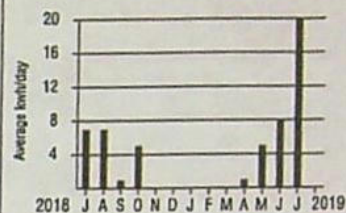
Powerline Rd Pump Hermiston OR  
20hp Pump + Pivot Schedule 41  
Service ID: 137887309-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543204	Jun 7, 2019 Jul 9, 2019	32	1166 1625	1.0	459 kwh
82543204	Demand Jul 9, 2019			3.466	3 kw
82543204	Reactive Jul 9, 2019			5.886	6 kvar

Next scheduled read date: 08-08. Date may vary due to scheduling or weather.

NEW CHARGES - 07/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	459 kwh	0.0359800	16.51
Reactive Power Charge Sec	5 kvar	0.6500000	3.25
(Season End Est Charge Sec Is \$150.00)			
Supply Energy Sec Summer	459 kwh	0.0597200	27.41
Federal Tax Act Adjustment	459 kwh	-0.0045600	-2.09
Public Purpose		0.0300000	1.35
Energy Conservation Charge	459 kwh	0.0033200	1.52
Low Income Assistance	459 kwh	0.0006900	0.32
J C Boyle Dam Removal Surcharg	459 kwh	0.0003700	0.17
Copco Iron Gate Dams Remv Schg	459 kwh	0.0011200	0.51
B P A Columbia River Benefits	459 kwh	-0.0078500	-3.60
<b>Total New Charges</b>			<b>45.35</b>

### Historical Data - ITEM 9



### Your Average Daily kwh Usage by Month

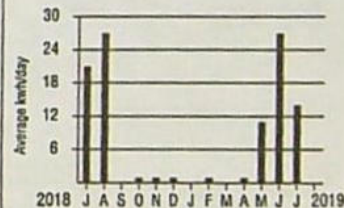
PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	67	67
Total kwh	654	219
Avg. kwh per Day	20	7
Cost per Day	\$2.88	\$1.59

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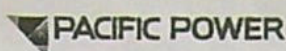
### Historical Data - ITEM 10



### Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	67	67
Total kwh	459	681
Avg. kwh per Day	14	21
Cost per Day	\$1.42	\$2.19





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BILLING DATE: Aug 2, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Aug 20, 2019 AMOUNT DUE: \$49,175.50

# ITEM 11 - ELECTRIC SERVICE

31201 Powerline Rd Umatilla OR  
Shop Schedule 23  
Service ID: 343309193-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
66947152	Jun 7, 2019 Jul 9, 2019	32	29065 30101	1.0	1,036 kwh
66947152	Demand Jul 9, 2019		5.802	1.0	6 kw
66947152	Reactive Jul 9, 2019		0.798	1.0	1 kvar

Next scheduled read date: 08-08. Date may vary due to scheduling or weather.

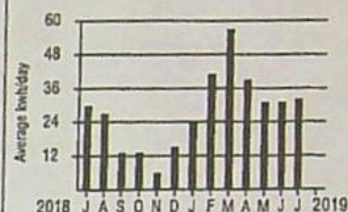
NEW CHARGES - 07/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	1,036 kwh	0.0365700	37.89
Supply Energy Sec 1ST 3000 Kwh	1,036 kwh	0.0632500	65.53
Federal Tax Act Adjustment	1,036 kwh	-0.0042900	-4.44
Public Purpose		0.0300000	3.75
Energy Conservation Charge	1,036 kwh	0.0034300	3.55
Low Income Assistance	1,036 kwh	0.0006900	0.71
J C Boyle Dam Removal Surcharge	1,036 kwh	0.0004000	0.41
Copco Iron Gate Dams Remv Schg	1,036 kwh	0.0011300	1.17
<b>Total New Charges</b>			<b>134.47</b>

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## Historical Data - ITEM 11



## Your Average Daily kwh Usage by Month

PERIOD ENDING	JUL 2019	JUL 2018
Avg. Daily Temp.	67	67
Total kwh	1036	945
Avg. kwh per Day	32	30
Cost per Day	\$4.20	\$4.13

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Business Solutions Team  
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M-F, 6am-6pm PT  
pacificpower.net



BILLING DATE: Aug 26, 2019  
ACCOUNT NUMBER: [REDACTED]  
DUE DATE: Sep 12, 2019  
AMOUNT DUE: \$42,998.83



#### Your Balance With Us

Previous Account Balance	49,175.50
Payments/Credits	-49,175.50
New Charges	+42,998.83
Current Account Balance	\$42,998.83

#### Payments Received

DATE	DESCRIPTION	AMOUNT
Aug 12, 2019	Payment Received - Thank You	49,175.50
Total Payments		\$49,175.50

#### Summary of Account Activity

ITEM 3 ELECTRIC SERVICE	Powerline Rd 1200HP Umatilla OR 500hp+500hp+200hp Pumps Schedule 41L METER # 70185750	40,723.08
ITEM 4 ELECTRIC SERVICE	Powerline Rd Irrg Hermiston OR 2 Pivots Schedule 41 METER # 83579142	44.38
ITEM 6 ELECTRIC SERVICE	X80665 Powerline Rd 250HP Hermiston OR Irrigation: 250hp Var + Pivot Schedule 41L METER # 70185820	1,999.12
ITEM 9 ELECTRIC SERVICE	Powerline Nxt Fox Scale Hermiston OR Schedule 23 METER # 82543205	33.69
ITEM 10 ELECTRIC SERVICE	Powerline Rd Pump Hermiston OR 20hp Pump + Pivot Schedule 41 METER # 82543204	58.79
ITEM 11 ELECTRIC SERVICE	31201 Powerline Rd Umatilla OR Shop Schedule 23 METER # 84995200	139.77

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

See reverse

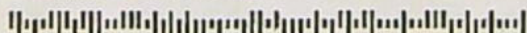
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Late Payment Charge for Oregon  
A late payment charge of 2.0% may be charged on any balance not paid in full each month.

Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: [REDACTED]  
Date Due: Sep 12, 2019

AMOUNT DUE: \$42,998.83

Please enter the amount enclosed.

CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Aug 26, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Sep 12, 2019 AMOUNT DUE: \$42,998.83

### Detailed Account Activity

#### ITEM 3 - ELECTRIC SERVICE

Powerline Rd 1200HP Umatilla OR  
500hp+500hp+200hp Pumps Schedule 41L  
Service ID: 268156909-001

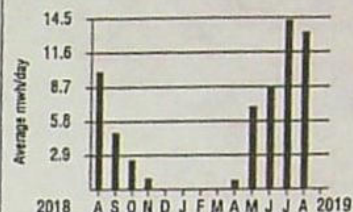
METER NUMBER	SERVICE PERIOD	ELAPSED DAYS	METER READINGS	METER MULTIPLIER	AMOUNT USED THIS MONTH
	From To		Previous Current		
70185750	Jul 12, 2019 Aug 13, 2019	32	19653 21426	240.0	425,520 kwh
70185750	Demand Aug 13, 2019		3.412	240.0	819 kw
70185750	Reactive Aug 13, 2019		1.121	240.0	269 kvar

Next scheduled read date: 09-12. Date may vary due to scheduling or weather.

NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$6,460.00)	425,520 kwh	0.0359800	15,310.21
Supply Energy Sec Summer	425,520 kwh	0.0587200	25,412.05
Federal Tax Act Adjustment	425,520 kwh	-0.0045600	-1,940.37
Public Purpose		0.0300000	1,163.46
Energy Conservation Charge	425,520 kwh	0.0033200	1,412.73
Low Income Assistance	425,520 kwh	0.0006900	293.61
J C Boyle Dam Removal Surcharg	425,520 kwh	0.0003700	157.44
Copco Iron Gate Dams Remv Schg	425,520 kwh	0.0011200	476.58
B P A Columbia River Benefits	425,520 kwh	-0.0078500	-3,340.33
B P A Columbia River Benefits	226,458 kwh	0.0078500	1,777.70
<b>Total New Charges</b>			<b>40,723.08</b>

Note: For 08/2019, 226458 excess BPA credits were given. Agreement 003 has been adjusted.

#### Historical Data - ITEM 3



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	73	77
Total kwh	425520	321360
Avg. kwh per Day	13298	10043
Cost per Day	\$1,217.04	\$971.89

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### New Mailing Address or Phone?

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ACCOUNT NUMBER: [REDACTED]

LAST FIRST M.I.

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independently  
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Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Aug 26, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Sep 12, 2019 AMOUNT DUE: \$42,998.83

**ITEM 4 - ELECTRIC SERVICE**Powerline Rd Irrg Hermiston OR  
2 Pivots Schedule 41  
Service ID: 137687509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
83579142	Jul 9, 2019 Aug 8, 2019	30	2384 2869	1.0	485 kwh
83579142	Demand Aug 8, 2019		4.251	1.0	4 kw

Next scheduled read date: 09-09. Date may vary due to scheduling or weather.

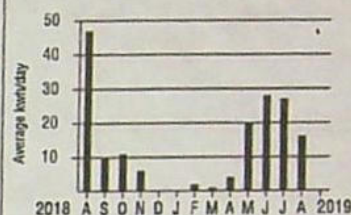
NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$105.00)	485 kwh	0.0359800	17.45
Supply Energy Sec Summer	485 kwh	0.0597200	28.96
Federal Tax Act Adjustment	485 kwh	-0.0045600	-2.21
Public Purpose		0.0300000	1.33
Energy Conservation Charge	485 kwh	0.0033200	1.61
Low Income Assistance	485 kwh	0.0006900	0.33
J C Boyle Dam Removal Surcharge	485 kwh	0.0003700	0.18
Copco Iron Gate Dams Remv Schg	485 kwh	0.0011200	0.54
B P A Columbia River Benefits	485 kwh	-0.0078500	-3.81
<b>Total New Charges</b>			<b>44.38</b>

**ITEM 6 - ELECTRIC SERVICE**X80665 Powerline Rd 250HP Hermiston OR  
Irrigation: 250hp Var + Pivot Schedule 41L  
Service ID: 137487709-001

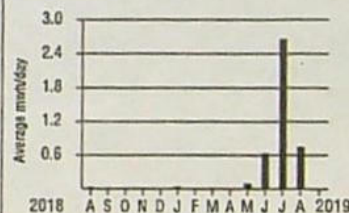
METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185820	Jul 25, 2019 Aug 23, 2019	29	10130 10676	40.0	21,840 kwh
70185820	Demand Aug 23, 2019		5.074	40.0	203 kw
70185820	Reactive Aug 23, 2019		1.907	40.0	76 kvar

Next scheduled read date: 09-24. Date may vary due to scheduling or weather.

NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$2,360.00)	21,840 kwh	0.0359800	785.80
Supply Energy Sec Summer for 10 day(s)	7,531 kwh	0.0597500	449.98
for 19 day(s)	14,309 kwh	0.0597200	854.53
Federal Tax Act Adjustment	21,840 kwh	-0.0045600	-99.59
Public Purpose		0.0300000	59.72
Energy Conservation Charge	21,840 kwh	0.0033200	72.51
Low Income Assistance	21,840 kwh	0.0006900	15.07
J C Boyle Dam Removal Surcharge	21,840 kwh	0.0003700	8.08
Copco Iron Gate Dams Remv Schg	21,840 kwh	0.0011200	24.46
B P A Columbia River Benefits	21,840 kwh	-0.0078500	-171.44
<b>Total New Charges</b>			<b>1,999.12</b>

**Historical Data - ITEM 4****Your Average Daily kwh Usage by Month**

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	74	77
Total kwh	485	1403
Avg. kwh per Day	16	47
Cost per Day	\$1.48	\$4.53

**Historical Data - ITEM 6****Your Average Daily kwh Usage by Month**

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	73	77
Total kwh	21840	840
Avg. kwh per Day	753	29
Cost per Day	\$68.94	\$2.92

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Questions about your bill: Call toll free 1-866-870-3419 pacificpower.net

BILLING DATE: Aug 26, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Sep 12, 2019 AMOUNT DUE: \$42,998.83

**ITEM 9 - ELECTRIC SERVICE**Powerline Nxt Fox Scale Hermiston OR  
Schedule 23  
Service ID: 138686509-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543205	Jul 9, 2019	Aug 8, 2019	30	1065	1110	1.0	45 kwh
82543205	Demand	Aug 8, 2019			1.372	1.0	1 kw
82543205	Reactive	Aug 8, 2019			4.073	1.0	4 kvar

Next scheduled read date: 09-09. Date may vary due to scheduling or weather.

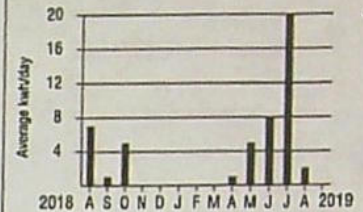
NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	45 kwh	0.0365700	1.65
Reactive Power Charge Sec	4 kvar	0.6500000	2.60
Supply Energy Sec 1ST 3000 Kwh	45 kwh	0.0632500	2.85
Federal Tax Act Adjustment	45 kwh	-0.0042900	-0.19
Public Purpose		0.0300000	0.98
Energy Conservation Charge	45 kwh	0.0034300	0.15
Low Income Assistance	45 kwh	0.0006900	0.03
J C Boyle Dam Removal Surcharg	45 kwh	0.0004000	0.02
Copco Iron Gate Dams Remv Schg	45 kwh	0.0011300	0.05
B P A Columbia River Benefits	45 kwh	-0.0078500	-0.35
<b>Total New Charges</b>			<b>33.69</b>

**ITEM 10 - ELECTRIC SERVICE**Powerline Rd Pump Hermiston OR  
20hp Pump + Pivot Schedule 41  
Service ID: 137887309-001

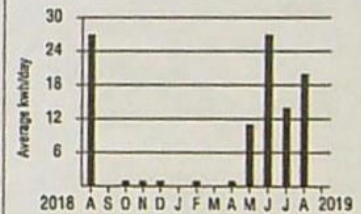
METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543204	Jul 9, 2019	Aug 8, 2019	30	1625	2238	1.0	613 kwh
82543204	Demand	Aug 8, 2019			4.145	1.0	4 kw
82543204	Reactive	Aug 8, 2019			6.096	1.0	6 kvar

Next scheduled read date: 09-09. Date may vary due to scheduling or weather.

NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	613 kwh	0.0359800	22.06
Reactive Power Charge Sec	4 kvar	0.6500000	2.60
(Season End Est Charge Sec Is \$150.00)			
Supply Energy Sec Summer	613 kwh	0.0597200	36.61
Federal Tax Act Adjustment	613 kwh	-0.0045600	-2.80
Public Purpose		0.0300000	1.75
Energy Conservation Charge	613 kwh	0.0033200	2.04
Low Income Assistance	613 kwh	0.0006900	0.42
J C Boyle Dam Removal Surcharg	613 kwh	0.0003700	0.23
Copco Iron Gate Dams Remv Schg	613 kwh	0.0011200	0.69
B P A Columbia River Benefits	613 kwh	-0.0078500	-4.81
<b>Total New Charges</b>			<b>58.79</b>

**Historical Data - ITEM 9****Your Average Daily kwh Usage by Month**

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	74	77
Total kwh	45	223
Avg. kwh per Day	2	7
Cost per Day	\$1.12	\$1.73

**Historical Data - ITEM 10****Your Average Daily kwh Usage by Month**

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	74	77
Total kwh	613	823
Avg. kwh per Day	20	27
Cost per Day	\$1.96	\$2.79

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BILLING DATE: Aug 26, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Sep 12, 2019 AMOUNT DUE: \$42,998.83

**ITEM 11 - ELECTRIC SERVICE**

31201 Powerline Rd Umatilla OR  
Shop Schedule 23  
Service ID: 343309193-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
66947152	Jul 9, 2019	Jul 29, 2019		30101	30829	1.0	
84995200	Jul 30, 2019	Aug 8, 2019		0	359	1.0	
<b>Total</b>			<b>30</b>				<b>1,087 kwh</b>
66947152	Demand	Jul 29, 2019			4.903	1.0	
84995200	Demand	Aug 8, 2019			5.036	1.0	5 kw
<b>Total</b>							<b>5 kw</b>
66947152	Reactive	Jul 29, 2019			0.708	1.0	
84995200	Reactive	Aug 8, 2019			0.76	1.0	1 kvar
<b>Total</b>							<b>1 kvar</b>

Next scheduled read date: 09-09. Date may vary due to scheduling or weather.

NEW CHARGES - 08/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	1,087 kwh	0.0365700	39.75
Supply Energy Sec 1ST 3000 Kwh	1,087 kwh	0.0632500	68.75
Federal Tax Act Adjustment	1,087 kwh	-0.0042900	-4.66
Public Purpose		0.0300000	3.89
Energy Conservation Charge	1,087 kwh	0.0034300	3.73
Low Income Assistance	1,087 kwh	0.0006900	0.75
J C Boyle Dam Removal Surcharge	1,087 kwh	0.0004000	0.43
Copco Iron Gate Dams Remv Schg	1,087 kwh	0.0011300	1.23
<b>Total New Charges</b>			<b>139.77</b>

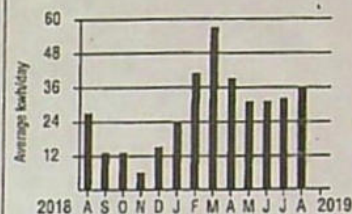
Effective August 14, the Oregon Public Utility Commission approved charges supporting the Oregon Community Solar Program. Established in 2016 as part of Oregon Senate Bill 1547, the Oregon Community Solar Program requires utilities, like Pacific Power, to work with a third party administrator to provide a solar program. Costs for this program are included in the energy supply charges shown on your statement. Your statement may show charges at the old and new rate.

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When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

**Historical Data - ITEM 11**



**Your Average Daily kwh Usage by Month**

PERIOD ENDING	AUG 2019	AUG 2018
Avg. Daily Temp.	74	77
Total kwh	1087	795
Avg. kwh per Day	36	27
Cost per Day	\$4.66	\$3.78

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CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191



Inquiries? Call your  
Business Solutions Team  
Toll free 1-866-870-3419,  
M-F, 6am-6pm PT  
pacificpower.net

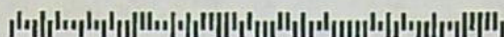


BILLING DATE: Sep 25, 2019

ACCOUNT NUMBER: [REDACTED]

DUE DATE: Oct 11, 2019

AMOUNT DUE: \$19,550.99



#### Your Balance With Us

Previous Account Balance	42,998.83
Payments/Credits	-42,998.83
New Charges	+19,550.99
Current Account Balance	\$19,550.99

#### Payments Received

DATE	DESCRIPTION	AMOUNT
Sep 10, 2019	Payment Received - Thank You	42,998.83
Total Payments		\$42,998.83

#### Summary of Account Activity

ITEM 3 ELECTRIC SERVICE	Powerline Rd 1200HP Umatilla OR 500hp+500hp+200hp Pumps Schedule 41L METER # 70185750	18,633.30
ITEM 4 ELECTRIC SERVICE	Powerline Rd Irrg Hermiston OR 2 Pivots Schedule 41 METER # 83579142	34.59
ITEM 6 ELECTRIC SERVICE	X80665 Powerline Rd 250HP Hermiston OR Irrigation: 250hp Var + Pivot Schedule 41L METER # 70185820	699.49
ITEM 9 ELECTRIC SERVICE	Powerline Nxt Fox Scale Hermiston OR Schedule 23 METER # 82543205	39.57
ITEM 10 ELECTRIC SERVICE	Powerline Rd Pump Hermiston OR 20hp Pump + Pivot Schedule 41 METER # 82543204	27.53
ITEM 11 ELECTRIC SERVICE	31201 Powerline Rd Umatilla OR Shop Schedule 23 METER # 84995200	116.51

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See reverse

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

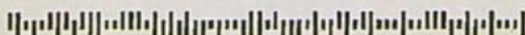
RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS  
EDGE FIRST ↑



PACIFIC POWER  
PO BOX 26000  
PORTLAND OR 97256-0001



Change of Mailing Address or Phone?  
Check here & provide information on back.

Account Number: [REDACTED]

Date Due: Oct 11, 2019

AMOUNT DUE: \$19,550.99

Please enter the amount enclosed.

CLEAVER FARMING LLC  
PO BOX 1191  
HERMISTON OR 97838-3191





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Sep 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Oct 11, 2019 AMOUNT DUE: \$19,550.99

### Detailed Account Activity

#### ITEM 3 - ELECTRIC SERVICE

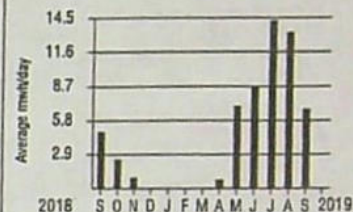
Powerline Rd 1200HP Umatilla OR  
500hp+500hp+200hp Pumps Schedule 41L  
Service ID: 268156909-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185750	Aug 13, 2019 Sep 2, 2019		21426 22068	240.0	
70185750	Sep 3, 2019 Sep 12, 2019		0 206	240.0	
<b>Total</b>		<b>30</b>			<b>203,520 kwh</b>
70185750	Demand Sep 2, 2019		3.301	240.0	
70185750	Demand Sep 12, 2019		3.003	240.0	792 kw
<b>Total</b>					<b>792 kw</b>
70185750	Reactive Sep 2, 2019		1.004	240.0	
70185750	Reactive Sep 12, 2019		0.829	240.0	241 kvar
<b>Total</b>					<b>241 kvar</b>

Next scheduled read date: 10-11. Date may vary due to scheduling or weather.

NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$6,460.00)	203,520 kwh	0.0359800	7,322.65
Supply Energy Sec Summer	203,520 kwh	0.0597500	12,160.32
Federal Tax Act Adjustment	203,520 kwh	-0.0045600	-928.05
Public Purpose		0.0300000	556.65
Energy Conservation Charge	203,520 kwh	0.0033200	675.69
Low Income Assistance	203,520 kwh	0.0006900	140.43
J C Boyle Dam Removal Surcharg	203,520 kwh	0.0003700	75.30
Copco Iron Gate Dams Remv Schg	203,520 kwh	0.0011200	227.94
B P A Columbia River Benefits	203,520 kwh	-0.0078500	-1,597.63
<b>Total New Charges</b>			<b>18,633.30</b>

#### Historical Data - ITEM 3



#### Your Average Daily kwh Usage by Month

PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	71	68
Total kwh	203520	145920
Avg. kwh per Day	6784	4864
Cost per Day	\$621.11	\$470.72

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### New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER: [REDACTED]

LAST FIRST M.I.

NEW STREET ADDRESS

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ST

ZIP

TELEPHONE NUMBER

This product contains fiber from well-managed, independently certified forests.



BILLING DATE: Sep 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Oct 11, 2019 AMOUNT DUE: \$19,550.99

**ITEM 4 - ELECTRIC SERVICE**

Powerline Rd Irrg Hermiston OR  
2 Pivots Schedule 41  
Service ID: 137687509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
83579142	Aug 8, 2019 Sep 9, 2019	32	2869 3247	1.0	378 kwh
83579142	Demand Sep 9, 2019			1.83	2 kw

Next scheduled read date: 10-08. Date may vary due to scheduling or weather.

NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$105.00)	378 kwh	0.0359800	13.60
Supply Energy Sec Summer for 27 day(s)	319 kwh	0.0597500	19.06
for 5 day(s)	59 kwh	0.0597200	3.52
Federal Tax Act Adjustment	378 kwh	-0.0045600	-1.72
Public Purpose		0.0300000	1.03
Energy Conservation Charge	378 kwh	0.0033200	1.25
Low Income Assistance	378 kwh	0.0006900	0.26
J C Boyle Dam Removal Surcharge	378 kwh	0.0003700	0.14
Copco Iron Gate Dams Remv Schg	378 kwh	0.0011200	0.42
B P A Columbia River Benefits	378 kwh	-0.0078500	-2.97
<b>Total New Charges</b>			<b>34.59</b>

**ITEM 6 - ELECTRIC SERVICE**

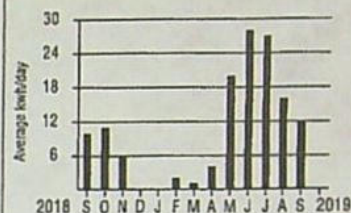
X80665 Powerline Rd 250HP Hermiston OR  
Irrigation: 250hp Var + Pivot Schedule 41L  
Service ID: 137487709-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
70185820	Aug 23, 2019 Sep 8, 2019		10676 10843	40.0	
70185820	Sep 9, 2019 Sep 24, 2019		0 24	40.0	
<b>Total</b>		<b>32</b>			<b>7,640 kwh</b>
70185820	Demand Sep 8, 2019			3.733	
70185820	Demand Sep 24, 2019			2.094	149 kw
<b>Total</b>					<b>149 kw</b>
70185820	Reactive Sep 8, 2019			1.222	
70185820	Reactive Sep 24, 2019			0.535	49 kvar
<b>Total</b>					<b>49 kvar</b>

Next scheduled read date: 10-23. Date may vary due to scheduling or weather.

NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary (Season End Est Charge Sec Is \$2,360.00)	7,640 kwh	0.0359800	274.89
Supply Energy Sec Summer	7,640 kwh	0.0597500	456.49
Federal Tax Act Adjustment	7,640 kwh	-0.0045600	-34.84
Public Purpose		0.0300000	20.90
Energy Conservation Charge	7,640 kwh	0.0033200	25.36
Low Income Assistance	7,640 kwh	0.0006900	5.27
J C Boyle Dam Removal Surcharge	7,640 kwh	0.0003700	2.83
Copco Iron Gate Dams Remv Schg	7,640 kwh	0.0011200	8.56
B P A Columbia River Benefits	7,640 kwh	-0.0078500	-59.97
<b>Total New Charges</b>			<b>699.49</b>

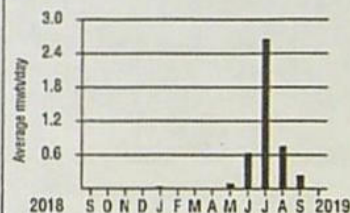
**Historical Data - ITEM 4**



**Your Average Daily kwh Usage by Month**

PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	72	69
Total kwh	378	288
Avg. kwh per Day	12	10
Cost per Day	\$1.08	\$0.93

**Historical Data - ITEM 6**



**Your Average Daily kwh Usage by Month**

PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	67	63
Total kwh	7640	640
Avg. kwh per Day	239	19
Cost per Day	\$21.86	\$1.98

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Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Sep 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Oct 11, 2019 AMOUNT DUE: \$19,550.99

### ITEM 9 - ELECTRIC SERVICE

Powerline Nxt Fox Scale Hermiston OR  
Schedule 23  
Service ID: 138686509-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543205	Aug 8, 2019 Sep 9, 2019	32	1110 1223	1.0	113 kwh
82543205	Demand Sep 9, 2019			1.767	2 kw
82543205	Reactive Sep 9, 2019			4.317	4 kvar

Next scheduled read date: 10-08. Date may vary due to scheduling or weather.

NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	113 kwh	0.0365700	4.13
Reactive Power Charge Sec	3 kvar	0.6500000	1.95
Supply Energy Sec 1ST 3000 Kwh			
for 27 day(s)	95 kwh	0.0632800	6.01
for 5 day(s)	18 kwh	0.0632500	1.14
Federal Tax Act Adjustment	113 kwh	-0.0042900	-0.48
Public Purpose		0.0300000	1.16
Energy Conservation Charge	113 kwh	0.0034300	0.39
Low Income Assistance	113 kwh	0.0006900	0.08
J C Boyle Dam Removal Surchar	113 kwh	0.0004000	0.05
Copco Iron Gate Dams Remv Schg	113 kwh	0.0011300	0.13
B P A Columbia River Benefits	113 kwh	-0.0078500	-0.89
<b>Total New Charges</b>			<b>39.57</b>

### ITEM 10 - ELECTRIC SERVICE

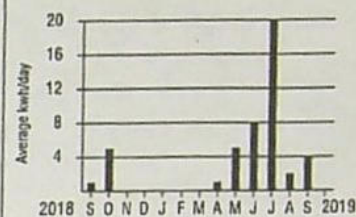
Powerline Rd Pump Hermiston OR  
20hp Pump + Pivot Schedule 41  
Service ID: 137887309-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
82543204	Aug 8, 2019 Sep 9, 2019	32	2238 2502	1.0	264 kwh
82543204	Demand Sep 9, 2019			2.336	2 kw
82543204	Reactive Sep 9, 2019			5.521	6 kvar

Next scheduled read date: 10-08. Date may vary due to scheduling or weather.

NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	264 kwh	0.0359800	9.50
Reactive Power Charge Sec	5 kvar	0.6500000	3.25
(Season End Est Charge Sec Is \$150.00)			
Supply Energy Sec Summer			
for 27 day(s)	223 kwh	0.0597500	13.32
for 5 day(s)	41 kwh	0.0597200	2.45
Federal Tax Act Adjustment	264 kwh	-0.0045600	-1.20
Public Purpose		0.0300000	0.82
Energy Conservation Charge	264 kwh	0.0033200	0.88
Low Income Assistance	264 kwh	0.0006900	0.18
J C Boyle Dam Removal Surchar	264 kwh	0.0003700	0.10
Copco Iron Gate Dams Remv Schg	264 kwh	0.0011200	0.30
B P A Columbia River Benefits	264 kwh	-0.0078500	-2.07
<b>Total New Charges</b>			<b>27.53</b>

### Historical Data - ITEM 9



### Your Average Daily kwh Usage by Month

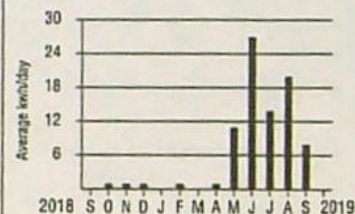
PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	72	69
Total kwh	113	23
Avg. kwh per Day	4	1
Cost per Day	\$1.24	\$1.01

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### Historical Data - ITEM 10



### Your Average Daily kwh Usage by Month

PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	72	69
Total kwh	264	9
Avg. kwh per Day	8	0
Cost per Day	\$0.86	\$0.10





Questions about your bill: Call toll free 1-866-870-3419 [pacificpower.net](http://pacificpower.net)

BILLING DATE: Sep 25, 2019 ACCOUNT NUMBER: [REDACTED] DUE DATE: Oct 11, 2019 AMOUNT DUE: \$19,550.99

# ITEM 11 - ELECTRIC SERVICE

31201 Powerline Rd Umatilla OR  
Shop Schedule 23  
Service ID: 343309193-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
84995200	Aug 8, 2019 Sep 9, 2019	32	359 1222	1.0	863 kwh
84995200	Demand Sep 9, 2019		5.209	1.0	5 kw
84995200	Reactive Sep 9, 2019		0.734	1.0	1 kvar

Next scheduled read date: 10-08. Date may vary due to scheduling or weather.

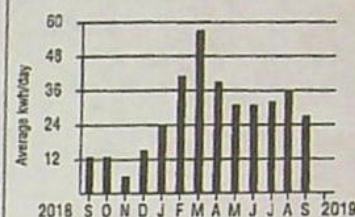
NEW CHARGES - 09/19	UNITS	COST PER UNIT	CHARGE
Basic Charge, 3P, Sec Delivery			25.90
Delivery Charge Secondary	863 kwh	0.0365700	31.56
Supply Energy Sec 1ST 3000 Kwh			
for 27 day(s)	728 kwh	0.0632800	46.07
for 5 day(s)	135 kwh	0.0632500	8.54
Federal Tax Act Adjustment	863 kwh	-0.0042900	-3.70
Public Purpose		0.0300000	3.25
Energy Conservation Charge	863 kwh	0.0034300	2.96
Low Income Assistance	863 kwh	0.0006900	0.60
J C Boyle Dam Removal Surcharge	863 kwh	0.0004000	0.35
Copco Iron Gate Dams Remv Schg	863 kwh	0.0011300	0.98
<b>Total New Charges</b>			<b>116.51</b>

## Looking for other ways to pay?

Visit [pacificpower.net/pay](http://pacificpower.net/pay) for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

## Historical Data - ITEM 11



## Your Average Daily kwh Usage by Month

PERIOD ENDING	SEP 2019	SEP 2018
Avg. Daily Temp.	72	69
Total kwh	863	380
Avg. kwh per Day	27	13
Cost per Day	\$3.64	\$2.27

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AFTER RECORDING RETURN TO:  
Peter D. Mohr  
MohrWater Legal PC  
1631 NE Broadway St., PMB 632  
Portland, OR 97232

UNTIL A CHANGE IS REQUESTED, ALL TAX  
STATEMENTS SHALL BE SENT TO:  
David Stockdale, City Mgr.  
P.O. Box 130  
Umatilla, OR 97882

**STATUTORY GENERAL WARRANTY DEED**

CLEAVER LAND, LLC, an Oregon limited liability company ("Grantor"), conveys and warrants to the CITY OF UMATILLA, an Oregon municipal corporation ("Grantee"), the following described real property free of encumbrances except as specifically set forth herein:

The real property described in Exhibit A attached hereto (the "Property").

EXCEPTING AND RESERVING UNTO GRANTOR all right, title and interest in and to all water and water rights appurtenant to or associated with the Property including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the Property under Water Right Certificate No. 53653 as identified in the records of the Oregon Water Resources Department, a true and correct copy of which certificate is attached hereto as Exhibit B. A map depicting the authorized place of use of Grantor's reserved water rights on the Property pursuant to Water Right Certificate No. 53653 is attached hereto as Exhibit C.

The true consideration for this conveyance is \$2,500,000.00.

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

1 - STATUTORY WARRANTY DEED

State of Oregon  
County of Umatilla

Instrument received  
and recorded on  
12/29/2021 02:43:00 PM

in the record of instrument  
code type DE

Instrument number 2021-7340268  
\$131.00

Office of County Records

*Steve Churchill*

Records Officer  
P8



AmeriTitle 51-2760000

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**OWRD**



OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009,  
AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated December 29, 2021.

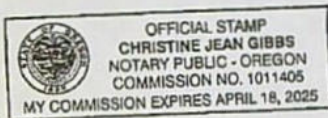
GRANTOR:

CLEAVER LAND, LLC, an Oregon limited  
liability company

By: [Signature]  
Name: Kron Cleaver  
Title: Member

STATE OF OREGON                    )  
  ) ss.  
County of Umatilla            )

This instrument was acknowledged before me this 29 day of December, 2021, by  
Alan Cleaver, member of Cleaver Land, LLC, an Oregon limited liability  
company, on behalf of the limited liability company.



[Signature]  
NOTARY PUBLIC FOR Oregon  
My Commission Expires: 4-18-25

ACCEPTANCE

Pursuant to Resolution 16-2022 adopted by the Council of the City of Umatilla, this  
Statutory General Warranty Deed is hereby accepted and approved this 28 day of December,  
2021.

CITY OF UMATILLA

By: [Signature]  
David L. Stockdale, City Manager

2 - STATUTORY WARRANTY DEED

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SEP 30 2022

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STATE OF OREGON       )  
                                  ) ss.  
County of Umatilla     )

This instrument was acknowledged before me on this 28 day of December, 2021, by David L. Stockdale, in his capacity as City Manager of the City of Umatilla, Oregon, a municipal corporation.



*Christine Jean Gibbs*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 4-18-25

3 - STATUTORY WARRANTY DEED

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**Exhibit A**

**Property**

Parcel 2, Partition Plat 2021-32, Records of Umatilla County, Oregon, lying in the South-half of Section 29, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon.

Containing 194.65 acres, more or less.

**TOGETHER WITH** a portion of the Cleaver Land, LLC parcel as described in Instrument No. 2011-5770267, Records of Umatilla County, Oregon, lying in a portion of the Northeast quarter of the Northwest quarter of Section 32, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon and described as follows:

That portion of the Northeast quarter of the Northwest quarter of said Section 32, lying East of the Easterly right-of-way line of Powerline Road.

Containing: 39.34 acres, more or less.

**ALSO TOGETHER WITH AND SUBJECT TO** easements, reservations, covenants and restrictions apparent or of record.

**RECEIVED**

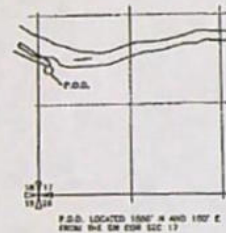
SEP 30 2022

**OWRD**



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SEP 30 2022  
OWRD

# Exhibit C

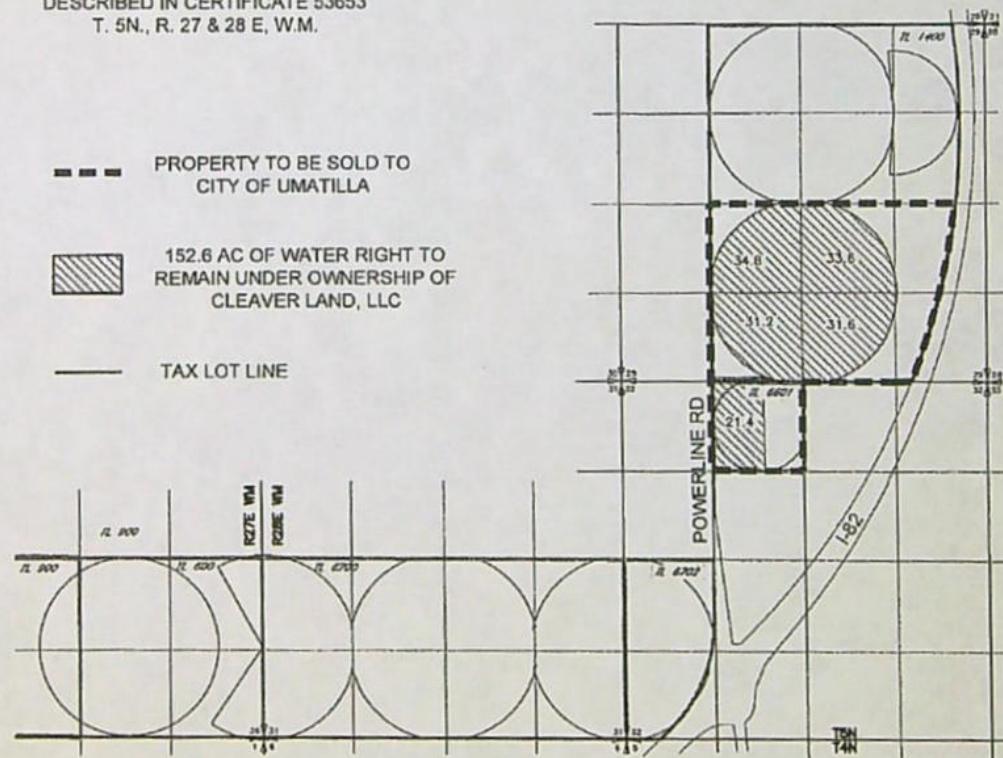


## MAP OF 152.6 ACRES OF WATER RIGHT DESCRIBED IN CERTIFICATE 53653 T. 5N., R. 27 & 28 E., W.M.

- PROPERTY TO BE SOLD TO CITY OF UMATILLA
- 152.6 AC OF WATER RIGHT TO REMAIN UNDER OWNERSHIP OF CLEAVER LAND, LLC
- TAX LOT LINE



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.



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.  
DRAWING: \\umtilla\GIS\Public\Projects\53-06-016 - Public Water Rights Corridor\1-05 Map Engineering\GIS\53-06-016 - SOLD TO UMATILLA.dwg  
PRINTED BY: kushchikova on 12/29/21 01:17 PM

Exhibit C





**Certification of Charges Paid**  
(2015 Oregon Laws Chapter 96)

Certification #

Tax Account [REDACTED]

All charges against the real property have been paid for the property that is the subject of the deed between:

Grantor

Cleaver Land, LLC, an Oregon Limited Liability Company

Grantee

City of Umatilla

Signed on (date)

12-29-2021

and for consideration of

\$ 2,500,000.00

Assessor's signature

Michael Reynolds

Date

12-29-2021

150-310-411 (Rev. 10-15)

**RECEIVED**

**SEP 30 2022**

**OWRD**



**After recording, return to:**  
Seyfarth Shaw LLP  
Attention: Michael Merar  
233 South Wacker Drive, Suite 8000  
Chicago, IL 60606

**Until a change is requested, send all**  
**tax statements to:**  
Amazon Data Services, Inc.  
P.O. Box 80416  
410 Terry Ave. N  
Seattle, WA 98108-0416  
[Site Code: PDX194]

RECEIVED

SEP 30 2022


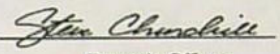
OWRD

**SPECIAL WARRANTY DEED**

FOR VALUABLE CONSIDERATION, dated on this 23rd day of June, 2022, but executed to be effective on June 24, 2022, the undersigned, City of Umatilla, an Oregon municipal corporation, Grantor, does hereby convey and specially warrant to Amazon Data Services, Inc., a Delaware corporation, Grantee, certain real property located in Umatilla County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor except those set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$4,783,000.00.

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

State of Oregon County of Umatilla	
Instrument received and recorded on 06/24/2022 01:14:00 PM	
in the record of instrument code type DE	
Instrument number	2022-7430226
	\$131.00
Office of County Records	
	
Records Officer	P8

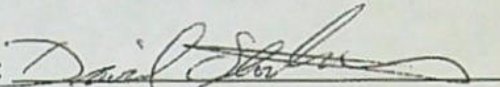
AmeriTitle 524208an



ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR:

CITY OF UMATILLA

By:   
Name: David Stockdale  
Title: City Manager

RECEIVED

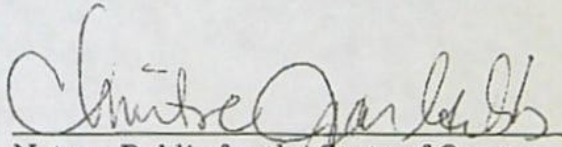
SEP 30 2022

STATE OF OREGON     )  
                                  ) ss.  
COUNTY OF UMATILLA     )

OWRD

This instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2022, by David Stockdale, City Manager of the City of Umatilla, an Oregon municipal corporation.



  
Notary Public for the State of Oregon  
My commission expires: 4-18-25



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Exhibit A

Legal Description

OWRD

Parcel 2, PARTITION PLAT NO. 2021-32 (Instrument No. 2021-7320493, Office of the Umatilla County Records) located in the East Half of the West Half and the East Half of Section 29, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

ALSO that portion of the Northeast Quarter of the Northwest Quarter of Section 32, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, lying East of the Easterly right-of-way line of Powerline Road.

EXCEPTING all right, title and interest in and to all water and water rights currently appurtenant to or associated with the land including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the land under Water Right Certificate No. 53653 as identified in the records of the Oregon Water Resources Department, a true and correct copy of which certificate is attached hereto as Exhibit A-1; provided, however, this exception does not apply to any water to be delivered by the Grantor or its successors or assigns to the land for application to beneficial use on the land after the date hereof.



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Exhibit B

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Permitted Exceptions

1. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: April 15, 1938  
Book: 120, Page: 532
2. An easement (electrical transmission line easements) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Umatilla Electric Cooperative Association  
Recorded: January 18, 1943  
Book: 160, Page: 587
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Northwest Pipeline Corporation  
Recorded: September 22, 1955  
Book: 228, Page: 435  
Amended by instrument,  
Recorded: December 3, 1992  
Reel: 244, Page: 1742
4. Easement or easements, including the terms and provisions thereof, as contained in instrument,  
Recorded: May 7, 1979  
Reel: 46, Page: 1269
5. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,  
Lessor: Mervin Leonard  
Lessee: Burlington Northern Railroad Company, A Delaware Corporation  
Disclosed by: Assignment of Lease  
Date: November 20, 1998  
Recorded: November 20, 1998  
Instrument No.: 1998-3400499

Assignment of Lessee's interest in Lease

Assignor: Glenn Chowning and Gena Leonard, Co-Personal Representatives of the Estate of Mervin Leonard



Assignee: Glenn Chowning, Mack Campbell and Ron Daniels as Trustees for the  
Mervin "Red" Leonard Revocable Living Trust, and their successors and assigns

Recorded: November 20, 1998

Instrument No.: 1998-3400499

6. Reservation of lessor's rights, including the terms and provisions thereof,

Recorded: April 17, 2001

Instrument No.: 2001-3870025

7. Easements as shown on the Partition Plat No. 2021-32.

8. Easement Agreement, including the terms and provisions thereof,

Recorded: December 29, 2021

Instrument No.: 2021-7340269

039419\00005\13716726v5

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SEP 30 2022

OWRD



# 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

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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



# 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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SEP 30 2022

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Applicant(s): Cleaver Land, LLC (c/o: Adam Cleaver)

Mailing Address: PO Box 1191

City: Hermiston

State: OR

Zip Code: 38

Daytime Phone: (541) 571-7403

## A. Land and Location

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

Township	Range	Section	¼ ¼	Plan Designation	Water to be:	Proposed Land Use:
5N	28E	13	All but N ¼	Various Land Uses within the Municipal Service Area (UGB of the City of Umatilla), All uses fall within Municipal Use	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Various Land Uses within the Municipal Service Area (UGB of the City of Umatilla), All uses fall within Municipal Use
		14	S ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		15	SWSE, SESE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		19	All but NENE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		22	All but W ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		23-24	All		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		27	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		28	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		29	W ¼, NESE, SESE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		30	NE ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		31	NWSW, NESW, NWSE, NESE		<input checked="" type="checkbox"/> Conveyed	
		32	NWSW, NESW, SENW		<input checked="" type="checkbox"/> Conveyed	
	29E	7-8	All south of River		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		17, 19	All		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		18	All but N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		20	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
	27E	13	NWSW		<input checked="" type="checkbox"/> Diverted	
		13	SWSW		<input checked="" type="checkbox"/> Conveyed	
		24	NWNW, NENW, SENW, NESW, SESW		<input checked="" type="checkbox"/> Conveyed	
		25	NENW, SENW, NESW, SESW		<input checked="" type="checkbox"/> Conveyed	
		36	NENW, SENW, NESW, NWSE, NESE		<input checked="" type="checkbox"/> Conveyed	

\*The area described in the table above reflects the City of Umatilla UGB and the locations of the two points of diversion proposed in the transfer application.

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

City of Umatilla (diversion, use, transmission)  
County of Umatilla (diversion, transmission, use)



SEP 30 2022

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**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) Umatilla / Columbia RiversEstimated quantity of water needed: 1.68    ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

*In 2021, the City of Umatilla purchased 76.3 acres of the lands authorized for irrigation under Certificate 53653 from the Applicant, Cleaver Land LLC, and incorporated those lands into the City UGB. The City has since sold these lands, but the related portion of Certificate 53653 that is appurtenant to the 76.3 acres and represents 1.68 cfs, was expressly reserved from the City's conveyance to the new land owner. As a result, the portion of Certificate 53653 that is the subject of this transfer remains titled in the Applicant which now proposes, pursuant to an agreement between the Applicant and the City, the following changes:*

- 1. This transfer proposes to add an additional point of diversion to the existing point of diversion ("POD-1") which is located not far above the confluence of the Umatilla and Columbia Rivers;*
- 2. The proposed additional point of diversion is a currently existing and operational structure located approximately 1.6 miles downstream from the confluence of the Columbia and Umatilla Rivers ("POD-2") and the access to and use of which by the City is provided by agreement with the County of Umatilla which possesses the right to divert water through POD-2.*
- 3. This transfer proposes to change the character of use of the subject portion of Certificate 53653 from irrigation to municipal use;*
- 4. This transfer proposes to change the place of use from the "from" lands (consisting of the 76.3 acres in Sections 29 of T5N, R28E previously owned by the City) to the service area of the City of Umatilla ("to" lands) which consists of the area of use described in the City's existing water right Permit S-41444 and the area contiguous thereto which is located within the City's approved UGB.*



## For Local Government Use Only

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

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

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<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
	SEP 30 2022	<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: Jacob Foltz Title: Senior Planner

Signature: [Signature] Phone: 541-922-3226 x110 Date: 9-4-2022

Government Entity: City of Umatilla

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.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 form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.



# 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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SEP 30 2022

OWRD

ALAN

Applicant(s): Cleaver Land, LLC (c/o: Adam Cleaver)

Mailing Address: PO Box 1191

City: Hermiston

State: OR

Zip Code: 38

Daytime Phone: (541) 571-7403

## A. Land and Location

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

Township	Range	Section	¼ ¼	Plan Designation	Water to be:	Proposed Land Use:
5N	28E	13	All but N ¼	Various Land Uses within the Municipal Service Area (UGB of the City of Umatilla), All uses fall within Municipal Use	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Various Land Uses within the Municipal Service Area (UGB of the City of Umatilla), All uses fall within Municipal Use
		14	S ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		15	SWSE, SESE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		19	All but NENE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		22	All but W ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		23-24	All		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		27	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		28	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		29	W ¼, NESE, SESE		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		30	NE ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		31	NWSW, NESW, NWSE, NESE		<input checked="" type="checkbox"/> Conveyed	
		32	NWSW, NESW, SENW		<input checked="" type="checkbox"/> Conveyed	
	29E	7-8	All south of River		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		17, 19	All		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		18	All but N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		20	N ¼		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
	27E	13	NWSW		<input checked="" type="checkbox"/> Diverted	
		13	SWSW		<input checked="" type="checkbox"/> Conveyed	
		24	NWNW, NENW, SENW, NESW, SESW		<input checked="" type="checkbox"/> Conveyed	
		25	NENW, SENW, NESW, SESW		<input checked="" type="checkbox"/> Conveyed	
		36	NENW, SENW, NESW, NWSE, NESE		<input checked="" type="checkbox"/> Conveyed	

\*The area described in the table above reflects the City of Umatilla UGB and the locations of the two points of diversion proposed in the transfer application.

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

City of Umatilla (diversion, use, transmission)

County of Umatilla (diversion, transmission, use)



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**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) Umatilla / Columbia Rivers

Estimated quantity of water needed: 1.68    ☒ cubic feet per second    ☐ gallons per minute    ☐ acre-feet

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

Briefly describe:

*In 2021, the City of Umatilla purchased 76.3 acres of the lands authorized for irrigation under Certificate 53653 from the Applicant, Cleaver Land LLC, and incorporated those lands into the City UGB. The City has since sold these lands, but the related portion of Certificate 53653 that is appurtenant to the 76.3 acres and represents 1.68 cfs, was expressly reserved from the City's conveyance to the new land owner. As a result, the portion of Certificate 53653 that is the subject of this transfer remains titled in the Applicant which now proposes, pursuant to an agreement between the Applicant and the City, the following changes:*

- 1. This transfer proposes to add an additional point of diversion to the existing point of diversion ("POD-1") which is located not far above the confluence of the Umatilla and Columbia Rivers;*
- 2. The proposed additional point of diversion is a currently existing and operational structure located approximately 1.6 miles downstream from the confluence of the Columbia and Umatilla Rivers ("POD-2") and the access to and use of which by the City is provided by agreement with the County of Umatilla which possesses the right to divert water through POD-2.*
- 3. This transfer proposes to change the character of use of the subject portion of Certificate 53653 from irrigation to municipal use;*
- 4. This transfer proposes to change the place of use from the "from" lands (consisting of the 76.3 acres in Sections 29 of T5N, R28E previously owned by the City) to the service area of the City of Umatilla ("to" lands) which consists of the area of use described in the City's existing water right Permit S-41444 and the area contiguous thereto which is located within the City's approved UGB.*



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## For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

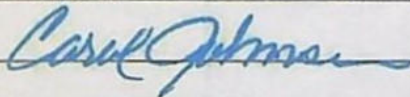
- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary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

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

Phone: 541-278-6252

Date: 09/19/2022

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: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

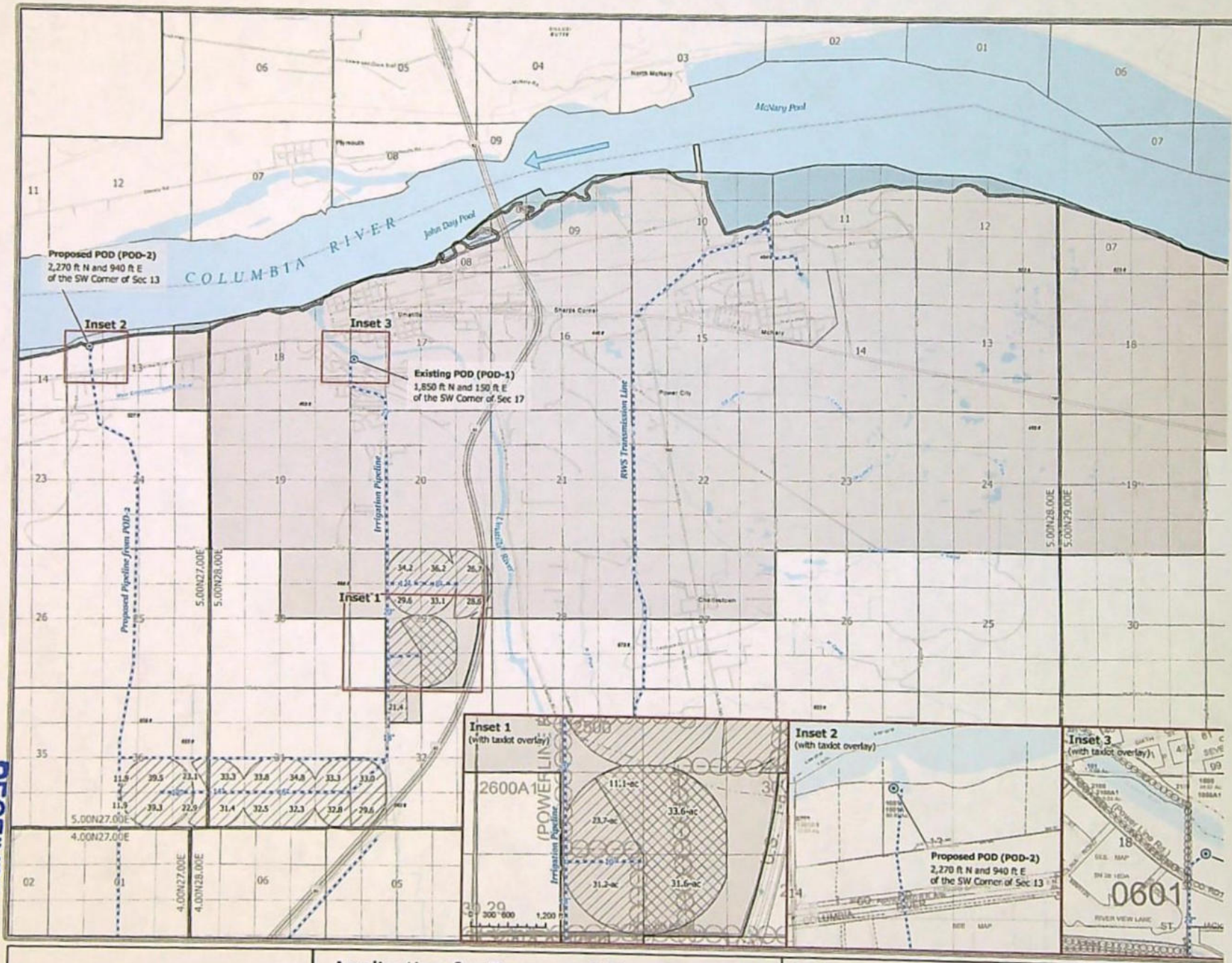
Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



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**CwM-H2O**  
Complete Water Management

Application for Permanent Transfer - Map  
Certificate 53653  
T5N, R27-29E, W.M.  
Change of POD, Place of Use, and Character of Use

- Cert 53653 Current POU
- Cert. 53653 "From" Lands
- City Service Area / "To" Lands
- Water Distribution Lines

The proposed "to" lands include the current service area of the City of Umatilla, as defined by the permit place of use for Permit S-41444 and by the City of Umatilla UCR.



Primary Map Scale  
0 1,500 3,000  
Scale  
Insets 2 and 3 Map Scale  
0 375  
Scale





2012 NAIP Imagery



2016 NAIP Imagery



2017 OSIP Imagery




2020 NAIP Imagery

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**CwM-H2O**   
Complete Water Management

1319 SE MLK, Jr. Blvd, Suite 204  
Portland, Oregon 97214(503)  
954-1326

**ATTACHMENT 1**  
**HISTORICAL USE OF IRRIGATION RIGHTS:**  
**Transfer "From" Areas of Cert. 53653**

The area outlined in white is the approximate portion of Certificate 53653 that is included in the transfer application.



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**SEP 30 2022**

September 29, 2022

**OWRD**

**Lindsay Thane**  
T: 503-796-2059  
C: 406-214-1918  
lthane@schwabe.com

**VIA HAND DELIVERY**

Oregon Water Resources Department  
Attn: Lisa Jaramillo  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for Water Right Transfer – 1.68 cfs of Certificate 53653

Dear Ms. Jaramillo:

On behalf of Cleaver Land, LLC, please find enclosed:

1. An Application for Permanent Water Right Transfer as executed by Cleaver Land, LLC's Managing Member, Alan Cleaver. The application requests to transfer a 1.68 cubic feet per second (cfs) portion of Water Right Certificate 53653.
2. A Transfer Reimbursement Authority Estimate Application.
3. Two checks, one in the amount of \$3,950.00 to pay for the transfer application fee, and the other in the amount of \$125.00 to pay for the Department to prepare a Reimbursement Authority estimate.

Cleaver Land, LLC owns the portion of the water right subject to the proposed transfer. As discussed in the application, the application is being submitted pursuant to an agreement Cleaver Land has entered into with the City of Umatilla. The agreement provides in part that, following the issuance of a non-appealable, final order approving the transfer, the City will be able to take title to the final order and the underlying subject 1.68 cfs water right interest that is to be transferred.

For the City's benefit, the enclosed application seeks to make a few, basic changes to the subject portion of Certificate 53653. The application proposes to:

1. Change the character of use from irrigation to municipal purposes;
2. Change the place of use from the lands to which they are currently appurtenant to the City's service area; and



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September 29, 2022

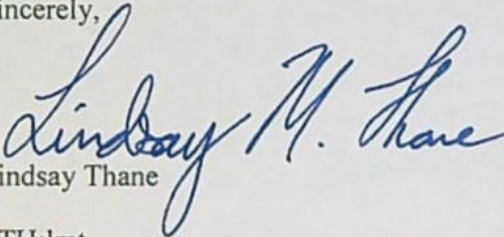
Page 2

OWRD

3. Add (to the existing POD under Certificate 53653) an additional existing POD located further downstream within the John Day Pool and in which additional POD the County of Umatilla possesses a percentage of the diversion capacity, a portion of which will be made available to the City to divert the water subject to transfer per an agreement between the County of Umatilla and the City.

Should you have any questions or concerns regarding the enclosed application, please feel free to contact me.

Sincerely,



Lindsay Thane

LTH:lm  
Enclosure

CC: Peter Mohr  
Alan Cleaver  
Bob Long



## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

10-04-2022  
10:05

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
210005-91	DLLC	ACT	OREGON	03-26-2004	03-26-2023	
Entity Name CLEAVER LAND, LLC						
Foreign Name						

[New Search](#)

## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	78757 WESTLAND RD				
Addr 2					
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	03-23-2021	Resign Date	
Name	ALAN		CLEAVER				
Addr 1	79661 PRINDLE LOOP RD						
Addr 2							
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 1191				
Addr 2					
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	ALAN		CLEAVER			
Addr 1	79661 PRINDLE LOOP RD					
Addr 2						
CSZ	HERMISTON	OR	97838	Country	UNITED STATES OF AMERICA	

[New Search](#)

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
----------------------	-----------	-------------	------------	----------









CLEAVER LAND, LLC

| EN | CUR | 03-26-2004 |

Please [read](#) before ordering [Copies](#).[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	02-25-2022		FI		
	AMENDED ANNUAL REPORT	03-23-2021		FI	Agent	
	AMENDED ANNUAL REPORT	03-25-2020		FI		
	AMENDED ANNUAL REPORT	03-20-2019		FI		
	AMENDED ANNUAL REPORT	03-13-2018		FI		
	AMENDED ANNUAL REPORT	02-27-2017		FI		
	ANNUAL REPORT	02-18-2016		FI		
	ANNUAL REPORT	02-26-2015		FI		
	ANNUAL REPORT PAYMENT	02-24-2014		SYS		
	ANNUAL REPORT PAYMENT	02-28-2013		SYS		
	ANNUAL REPORT	02-23-2012		FI		
	ANNUAL REPORT PAYMENT	02-23-2011		SYS		
	ANNUAL REPORT PAYMENT	02-23-2010		SYS		
	ANNUAL REPORT PAYMENT	02-24-2009		SYS		
	ANNUAL REPORT PAYMENT	02-26-2008	02-25-2008	SYS		
	ANNUAL REPORT	02-22-2007		FI		
	ANNUAL REPORT	02-28-2006		FI		
	AMENDED ANNUAL REPORT	03-28-2005		FI		
	ARTICLES OF ORGANIZATION	03-26-2004		FI	Agent	

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## DAVIS Arla L \* WRD

---

**From:** peter.mohr@mohrwaterlegal.com  
**Sent:** Monday, October 3, 2022 4:35 PM  
**To:** DAVIS Arla L \* WRD  
**Cc:** Lindsay Thane  
**Subject:** Cleaver Land LLC Application for Water Right Transfer Re 1.68 cfs of Cert. 53653 / Follow Up Submittal of RA Applic  
**Attachments:** RA Applic re Cert. 53653-09.30.22.pdf

Hi Arla.

Following up your prior conversation with Lindsay Thane of Schwabe regarding the absence of the RA application with my prior submittal of the above-referenced transfer application last Friday. Now sending you of course the executed attached RA application for inclusion with the remaining transfer documents as submitted.

Thanks, and of course feel free to contact me should you have any comments or questions.

P

**PETER D. MOHR | ATTORNEY | MOHRWATER LEGAL PC**  
1631 NE BROADWAY ST., PMB 632, PORTLAND, OR 97232  
PHONE: (503) 830-1412  
EMAIL: [peter.mohr@mohrwaterlegal.com](mailto:peter.mohr@mohrwaterlegal.com)  
*Admitted in Colorado, Oregon and Washington*

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# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14099

Checked by- <u>Aula</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	<input checked="" type="radio"/> POU	<input type="radio"/> POD	<input checked="" type="radio"/> APOD
Date- <u>10/4/22</u>		Gov Action	Surface to Ground	<input checked="" type="radio"/> USE	<input type="radio"/> POA	<input type="radio"/> APOA
Fee Received: <u>3950-</u>						
Calculated Fee: <u>3950-</u>				How many rights to be Transferred? <u>1</u>		
Additional Observations: <u>Map Scale Waiver</u>			Certificate # <u>53653</u>			
			<u>Supp Form U not included</u>			

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: \_\_\_\_\_
- ☒ 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. - not included but will contact agent
- ☒ 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: \_\_\_\_\_



## Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>3</u> (2a) Subtract 1 from the number in line 2a = <u>2</u> (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter »	2	<u>2180</u>
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>1.68</u> (5a) Subtract 1.0 from the number in 5a above: <u>.68</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>1</u> (5c) and multiply 5c by \$350, then enter on line 5 »	5	<u>410</u>
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » Transfer Fee:	8	<u>3950</u>