

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



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 3 List them here: 41060-34396-31638**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2025 End Year: 2030.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ Phone: _____ Date: _____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS					
1	Base Fee (includes temporary change to one water right for up to 1 cfs)		1	\$950.00	
2	Number of water rights included in transfer: <u>3 (2a)</u> Subtract 1 from the number in 3a above: <u>2 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »		2	620.00	
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____(3a) Subtract 1.0 from the number in 3a above: _____(3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____(3c) and multiply 4c by \$210.00, then enter on line 3		3		
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>186 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »		4	502.20	
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:		5	2072.20	
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »		6	0	
7	Subtract line 6 from line 5 » » » » » » » » » » » Transfer Fee:		7	2072.20	

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Fred Wallender		PHONE NO. 541-963-3800	ADDITIONAL CONTACT NO.
ADDRESS 65228 Airport Lane			FAX NO.
CITY La Grande	STATE OR	ZIP 97850	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

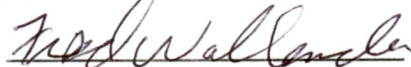
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
Water rights being transferred have been transferred to the same location twice in the past, the latest bearing an application number T-13210. This application is intended to extend this temporary transfer another five years.

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

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


Applicant signature

Fred Wallender
Print Name (and Title if applicable)

3-13-2025
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Union County	ADDRESS 1106 K Ave.	
CITY La Grande	STATE OR	ZIP 97850

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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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 rows to tables within the form.

Water Right Certificate # 41060

Description of Water Delivery System

System capacity: 2.42 cubic feet per second (cfs) **OR**
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water diverted from State Ditch by 150HP motor at POD. Water goes into 15" PVC mainline, with 10" mainlines ultimately servicing 2 full pivots and a 3/4 pivot as shown on map. From same POD, water also enters into a 10" mainline servicing additional 2 full pivots. There have been two temporary transfers since 2014, with this configuration, the latest being T-13210. As mentioned in other temporary transfers, all POD's for these three water rights, despite being described differently, apparently pertain to a single POD.

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	☒ Authorized ☐ Proposed		2 S	39 E	22	SE S W	9301	2700 FT. NORTH AND 3725 FT WEST FROM W1/4 COR SEC 26
	☐ Authorized ☐ Proposed							Received
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	☐ Authorized ☐ Proposed							OWRD

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

- ☒ Place of Use (POU)
☐ Point of Diversion (POD)
☐ Additional Point of Diversion (APOD)

☐ Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)

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

- ☐ Place of Use (POU)
☐ Character of Use (USE)
☐ Point of Diversion (POD)

☐ Point of Appropriation/Well (POA)
☐ Additional Point of Appropriation (APOA)
☐ Additional Point of Diversion (APOD)

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 41060

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	$\frac{1}{4}$	$\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	39	E	23	SW	SW	9301		9.0	Irrigation	POD#1	1966	POU	2	S	39	E	23	SE	SE	9307		9.0		POD#1	1966
2	S	39	E	23	SE	SW	9301		9.0	Irrigation	POD#1	1966	POU	2	S	39	E	23	SE	SE	9307		9.0		POD#1	1966
2	S	39	E	26	NW	NW	9300		8.5	Irrigation	POD#1	1966	POU	2	S	39	E	23	SE	SE	9307		8.5		POD#1	1966
2	S	39	E	26	NW	NW	9300		0.5	Irrigation	POD#1	1966	POU	2	S	39	E	23	NE	SE	9307		0.5		POD#1	1966
2	S	39	E	26	NE	NW	9300		9.0	Irrigation	POD#1	1966	POU	2	S	39	E	23	NE	SE	9307		9.0		POD#1	1966
TOTAL ACRES									36.0																	

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Additional remarks: _____

Part 5 of 5 – Water Right Information

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

Water Right Certificate # **31638**

Description of Water Delivery System

System capacity: **3.9** cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water diverted from State Ditch by 150HP motor at POD. Water goes into 15" PVC mainline, with 10" mainlines ultimately servicing 2 full pivots and a 3/4 pivot as shown on map. From same POD, water also enters into a 10" mainline servicing additional 2 full pivots. There have been two temporary transfers since 2014, with this configuration, the latest being T-13210. As mentioned in other temporary transfers, all POD's for these three water rights, despite being described differently, apparently pertain to a single POD.**

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	☒ Authorized ☐ Proposed		2 S	39 E	22	SE	S W	9301	NE1/4NW1/4 Sec 27, T2S, R39E
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								
	☐ Authorized ☐ Proposed								

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 31638

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the “from” or “off” lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5 1901	
“	“	“	“	“	“	“	“	“	“	EXAMPLE	“	“	“	2	S	9	E	2	SW	NW	500		5.0		POD #6 1901	
2	S	39	E	22	SW	SW	9301		0.5	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NW	SW	9301		0.5		POD#1 1960/ 1961	
2	S	39	E	22	SE	SW	9301		30.5	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NW	SW	9301		30.5		POD#1 1960/ 1961	
2	S	39	E	22	SE	SW	9301		6.3	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SW	9301		6.3		POD#1 1960/ 1961	
2	S	39	E	27	NE	NW	9301		24.0	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SW	9301/ 9307		24.0		POD#1 1960/ 1961	
2	S	39	E	27	SE	NW	9301		0.7	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SW	9307		0.7		POD#1 1960/ 1961	
2	S	39	E	27	SE	NW	9301		25.8	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NW	SE	9307		25.8		POD#1 1960/ 1961	
2	S	39	E	22	SW	SE	9300		5.2	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NW	SE	9307		5.2		POD#1 1960/1961	
2	S	39	E	22	SW	SE	9300		3.9	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SE	9307		3.9		POD#1 1960/ 1961	
2	S	39	E	27	NW	NE	9300		9.1	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SE	9307		9.1		POD#1 1960/1961	
2	S	39	E	27	SW	NE	9300		8.5	Irrigation	POD#1	1960/ 1961	POU	2	S	39	E	23	NE	SW	9307		8.5		POD#1 1960/1961	
TOTAL ACRES									114.5	TOTAL ACRES													114.5			

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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 rows to tables within the form.

Water Right Certificate # 34396

Description of Water Delivery System

System capacity: 3.60 cubic feet per second (cfs) OR

 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water diverted from State Ditch by 150HP motor at POD. Water goes into 15" PVC mainline, with 10" mainlines ultimately servicing 2 full pivots and a 3/4 pivot as shown on map. From same POD, water also enters into a 10" mainline servicing additional 2 full pivots. There have been two temporary transfers since 2014, with this configuration, the latest being T-13210. As mentioned in other temporary transfers, all POD's for these three water rights, despite being described differently, apparently pertain to a single POD.

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	☒ Authorized ☐ Proposed		2 S	39 E	22	SE S W	9301	70 FT. NORTH AND 1630 FT. EAST FROM NW COR. SEC 27
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 34396

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	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 or DLC	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 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	39	E	22	NE	SE	9300/ 9301		9.1	Irrigation	POD#1	1961	POU	2	S	39	E	23	SW	SE	9307		9.1		POD#1	1961
2	S	39	E	22	SE	SE	9300		9.1	Irrigation	POD#1	1961	POU	2	S	39	E	23	SW	SE	9307		9.1		POD#1	1961
2	S	39	E	27	NE	NE	9300		9.1	Irrigation	POD#1	1961	POU	2	S	39	E	23	SW	SE	9307		9.1		POD#1	1961
2	S	39	E	27	SE	NE	9300		3.7	Irrigation	POD#1	1961	POU	2	S	39	E	23	SW	SE	9307		3.7		POD#1	1961
2	S	39	E	26	SE	NE	9300		4.5	Irrigation	POD#1	1961	POU	2	S	39	E	23	SE	SE	9307		4.5		POD#1	1961
TOTAL ACRES										35.5																

Additional remarks: _____

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 34396-31638

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? ☐ Yes ☐ No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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Wallendar^E Temp Transfer

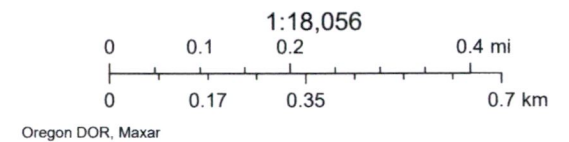
T2S R39E



3/27/2025, 3:42:13 PM

 taxlot  CountyLines
 mapIndex

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PHOTO SOURCE: NATIONAL AERIAL IMAGERY PROGRAM 2020

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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 UNION

I, FRED WALLENDER, in my capacity as WATER RIGHT USED,
mailing address 65228 AIRPORT LANE, LA GRANDE, OR 97850
telephone number (541)963-3800, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 31638, 34396, 41060 (WITH TEMP TRANSFER T-13210); **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)

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OR

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

(continues on reverse side)

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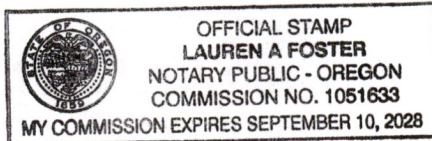
3. The water right was used for: (e.g., crops, pasture, etc.): CROP

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.

Fred Wallender
Signature of Affiant

3-13-25
Date

Signed and sworn to (or affirmed) before me this 13 day of March, 2025.



Lauren Foster
Notary Public for Oregon

My Commission Expires: Sep. 10, 2028

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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From: STARNES Patrick K * WRD
To: Jeff Hsu; CLARK Gerald E * WRD
Cc: DAVIS Arla L * WRD
Subject: RE: Transfer map question
Date: Tuesday, January 23, 2024 8:47:00 AM

MAP WAIVER

Good Morning Jeff,

The Department grants a map scale waiver for the proposed transfer application maps.

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

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
(He/Him/His)
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

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

From: Jeff Hsu <jeff@bgbsurveyors.com>
Sent: Tuesday, January 23, 2024 7:58 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Cc: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; DAVIS Arla L * WRD
<Arla.L.DAVIS@water.oregon.gov>
Subject: RE: Transfer map question

Some people who received this message don't often get email from jeff@bgbsurveyors.com. [Learn why this is important](#)

Gerry,

You can disregard my original question about separating out hatching by landowner. As there are three rights involved, I think I need to separate out the maps by certificate anyways, which does help clear up any ambiguities with regards to landowners. But the maps do visually scale better at 1"=1000' as I think it makes it a bit more readable. Can I get a waiver to allow for mapping at this

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scale? I've attached some draft copies of the maps for reference.

Jeff Hsu
Bagett, Griffith and Blackman
541 963 6092

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Friday, January 19, 2024 2:50 PM
To: Jeff Hsu <jeff@bgbsurveyors.com>
Cc: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; DAVIS Arla L * WRD <Arla.L.DAVIS@water.oregon.gov>
Subject: RE: Transfer map question

I guess it would be helpful if I actually included them in the message.
Gerry

From: Jeff Hsu <jeff@bgbsurveyors.com>
Sent: Friday, January 19, 2024 2:23 PM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Transfer map question

Gerry,

Quick question about mapping a water rights transfer. Asked to redo a temporary transfer that Greg Blackman did years ago. T-11900 on certificates 31638, 41060 and 34396. I noticed that Greg separated out the hatching by landowner, using different hatches for two landowners under the same water right. Is this a requirement to separate the hatching by landowner? Reason being, mostly, that I'm finding the number of hatches make this map very difficult to read, and was hoping to simplify it some.

Jeff Hsu
Bagett, Griffith and Blackman
2006 Adams Ave.
La Grande, OR 97850
541 963 6092

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
)ss
County of Union)

I Tim Wallender in my/our capacity as Landowner,

mailing address 65302 Airport Ln, La Grande, OR 97850,

telephone number 541-963-9298, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 34396, 41060, and 31638

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

(transfer number, if known)

submitted by Fred Wallender

on the property in tax lot number(s) 9300,

Section 23 and 26

Township 2S North/South

Range 39E East/West, W.M.,

located at n/a
(site address)

A handwritten signature in dark ink, appearing to read "Tim Wallender", written over a horizontal line.

Signature of Affiant

A handwritten date "3/13/2025" in dark ink, written over a horizontal line.

Date

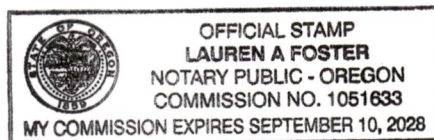
A handwritten signature in dark ink, appearing to read "Fred Wallender", written over a horizontal line.

Signature of Affiant

A handwritten date "3/13-2025" in dark ink, written over a horizontal line.

Date

Subscribed and Sworn to before me this 13 day of March, 2025.

A handwritten signature in dark ink, appearing to read "Lauren Foster", written over a horizontal line.

Notary Public for Oregon

My commission expires Sep. 10, 28.

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13-24158
After recording return to:
Eastern Oregon Title, Inc.
1601 Adams Avenue
La Grande, Oregon 97850

20133390

60 Unit a change is requested all tax statements shall be sent to the following address:
Timothy Wallender and Christine Wallender
65302 Airport Lane
La Grande, OR 97850

STATUTORY WARRANTY DEED

Miller LaGrande Ranches, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to F. Timothy Wallender and Christine G. Wallender, husband and wife, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

Those of record

"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."

The true consideration for this conveyance is \$other property or value. (Here comply with requirements of ORS 93.030)

Dated this 19TH day of September, 2013

Miller LaGrande Ranches, LLC

By: James H. Hawse
James H. Hawse, Managing Member

STATE OF)

)ss.

COUNTY OF)

Signed or attested before me on this 19TH day of September, 2013 by James H. Hawse, Managing Member of Miller LaGrande Ranches, LLC.

See attached
Notary Public for the State of Oregon
My commission expires: _____

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

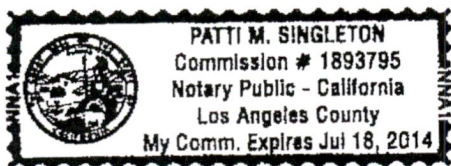
State of California

County of Los Angeles

On September 19, 2013 before me, PATTI M SINGLETON NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared JAMES H HAWSE
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patti M Singleton
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: STATUTORY WARRANTY DEED

Document Date: SEPTEMBER 19, 2013 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

- Signer's Name: _____
- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT "A"

LEGAL DESCRIPTION

IN TOWNSHIP 2 SOUTH, RANGE 39 EAST OF THE WILLAMETTE MERIDIAN, UNION COUNTY, OREGON:

Section 22: The South half of the Southeast quarter.

ALSO INCLUDING a tract of land more particularly described as follows:

Beginning at a point on the South line of the Northeast quarter of the Southeast quarter, 40 feet East of the Southwest corner of said Northeast quarter of the Southeast quarter;

thence, East along said South line of the Northeast quarter of the Southeast quarter to the Southeast corner of the Northeast quarter of the Southeast quarter;

thence, North along the line common to Sections 22 and 23, a distance of 40 feet;

thence, West along a line parallel to the Southerly line of said Northeast quarter of the Southeast quarter, to a point on a line parallel to and 40 feet East of the West line of the Northeast quarter of the Southeast quarter and 40 feet North of the Point of Beginning;

thence, South along said line parallel to and 40 feet East of the West line of the Northeast quarter of the Southeast quarter, a distance of 40 feet to the Point of Beginning.

EXCEPTING THEREFROM a tract of land more particularly describes ad follows:

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of Section 22;

thence, East along the North line of the South half of the Southeast quarter of Section 22, to a point on the South line of the Northeast quarter of the Southeast quarter 40 feet East of the Southwest corner of said Northeast quarter of the Southeast quarter;

thence, South along a line parallel to the East line of the Southwest quarter of the Southeast quarter of Section 22, a distance of 37.65 feet;

thence, West along a line parallel to the Northerly line of the South half of the Southeast quarter to the West line of the Southwest quarter of the Southeast quarter;

thence, North along said West line of the Southwest quarter of the Southeast quarter, a distance of 37.65 feet, to the Point of Beginning.

Section 26: The Northwest quarter.

Section 27: The Northeast quarter.

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(02S39-9300 U-1; Ref. Nos. 11941 & 11908)
(02S39-9300 U-2; Ref. Nos. 15690 & 15691)

TOGETHER WITH Right of Way Deed, including the terms and provisions thereof, granted to
Lilly B. Miller, dated March 30, 1966, recorded April 7, 1966, in Book 152, Page 608, Deed
Records of Union County, Oregon, for an irrigation pipeline across this property

STATE OF OREGON }
County of Union } SS

I Certify that this instrument was
received and recorded in the book
of records of said county.

ROBIN A. CHURCH
Union County Clerk



by: William Tucker Deputy.
DOC# 20133390
RCPT: 163627 \$60.00
09/25/2013 02:54 PM
REFUND: .00

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This Space Is Reserved for Recorder's Use

GRANTOR: Fred Wallender
GRANTEE: Fred Wallender, Trustee

20191740

UNTIL A CHANGE IS
REQUESTED, ALL TAX
STATEMENTS SHALL
BE SENT TO THE FOLLOWING:

Fred Wallender, Trustee
6228 Airport Lane
La Grande, OR 97580

AFTER RECORDING,
RETURN TO:

Fred Wallender
6228 Airport Lane
La Grande, OR 97580

WARRANTY DEED

Fred Wallender, Grantor, conveys and warrants to Fred D. Wallender, trustee, or his successor in trust, under the Fred Wallender Revocable Living Trust U/T/A dated June 7, 2019 and any amendments thereto, Grantee, the following real property in the State of Oregon and County of Union described in the attached Exhibit A; Ref. No. 18879, 18880, 11689, 11909, 11942, 19160 and 19161.

SUBJECT TO covenants, conditions and restrictions of record.

The true and actual consideration paid for this conveyance is the mutual covenants contained in the Living Trust described above and the conveyance described herein which are for the purposes of estate planning and consist of value wholly other than cash.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that is provided to Grantor under any policy of title insurance insuring Grantor's interest in the above-described property. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument to the extent of coverage that is provided to Grantor under any policy of title insurance insuring Grantor's interest in the above described property.

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

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20191740

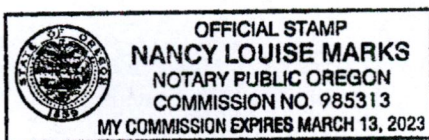
INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY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

Dated this 18th Day of June, 2019

Fred Wallender
Fred Wallender

STATE OF OREGON)
) ss.
COUNTY OF UNION)

The foregoing instrument was acknowledged before me on June 18, 2019 by Fred Wallender.



Nancy L Marks
Notary Public - Oregon
My commission expires: march 13, 2023

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EXHIBIT A

Parcels 1 and 2 of Minor Partition Plat Number 20140001T, as filed February 26, 2014 in Plat Cabinet "D", Slides 239-240, and recorded as Document No. 20140474T, all in the records of Union County, Oregon;

SITUATE IN Sections 22, 23, 25, 26 and 27 in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

ALSO Parcels 1 and 2 of Partition Plat Number 20190005T, as filed April 16, 2019 in Plat Cabinet "E", Slides 454-455, and recorded as Document No. 20190913T, all in the records of Union County, Oregon;

SITUATE IN Sections 22, 23 and 27, in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, and being a partition of Parcel 3 of Minor Partition Plat Number 20140001T.

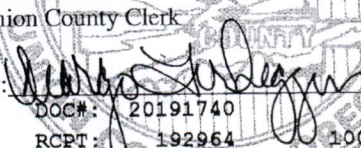
STATE OF OREGON

County of Union

SS

I certify that this instrument was received and recorded in the book of records of said county.

ROBIN A. CHURCH
Union County Clerk

by:  Deputy.

DOC#: 20191740

RCPT: 192964 100.00

7/08/2019 2:35 PM

REFUND: .00

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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13210, Union County	)	TEMPORARY CHANGES IN PLACES
	)	OF USE

Authority

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

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

Applicant

FRED WALLENDER
65228 AIRPORT LANE
LA GRANDE, OR 97850

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Findings of Fact

1. On June 25, 2019, FRED WALLENDER filed an application to temporarily change the place of use under Certificates 31638, 34396 and 41060 for a period of 5 years. The Department assigned the application number T-13210.
2. Notice of the application for transfer was published on July 2, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:

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Certificate: 31638 in the name of WILLIAM D. MILLER & LILLIE B. MILLER
(perfected under Permit S-27088)

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Use: IRRIGATION of 89.5 ACRES

MAR 17 2025

Priority Date: DECEMBER 8, 1960 AND JANUARY 3, 1961

Rate: 1.68 CUBIC FEET PER SECOND (CFS) BEING 1.15 CFS FOR
DECEMBER 8, 1960 AND 0.53 CFS FOR JANUARY 3, 1961

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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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: STATE DITCH, a channel of GRANDE RONDE RIVER, a tributary of
GRAND RONDE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
2 S	39 E	WM	27	NE NW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	22	SW SW	0.5
2 S	39 E	WM	22	SE SW	36.8
2 S	39 E	WM	22	SW SE	1.7
2 S	39 E	WM	27	NE NW	24.0
2 S	39 E	WM	27	SE NW	26.5
Total					89.5

4. Transfer Application T-13210 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	23	NW NE	27.8
2 S	39 E	WM	23	SE NE	1.7
2 S	39 E	WM	23	NE SW	30.0
2 S	39 E	WM	23	NW SW	30.0
Total					89.5

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

Certificate: 34396 in the name of WILLIAM D. & LILLIE B. MILLER (perfected under Permit S-27572)

Use: IRRIGATION of 35.5 ACRES

Priority Date: SEPTEMBER 1, 1961

Rate: 0.80 CUBIC FOOT 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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the Grande Ronde River is more than 300 c.f.s. at USGS gage No. 3325 and more than 420 c.f.s. at USGS gage No. 3330.

Source: STATE DITCH (a channel of Grande Ronde River), a tributary of
GRAND RONDE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	39 E	WM	22	SE SW	70 FEET NORTH AND 1630 FEET EAST FROM THE NW CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	22	NE SE	9.1
2 S	39 E	WM	22	SE SE	9.1
2 S	39 E	WM	27	NE NE	9.1
2 S	39 E	WM	27	SE NE	8.2
Total					35.5

6. Transfer Application T-13210 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	23	SE NE	5.5
2 S	39 E	WM	23	SW NE	30.0
Total					35.5

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

Certificate: 41060 in the name of LILLIE B. MILLER AND ESTATE OF WILLIAM D. MILLER (perfected under Permit S-31567)

Use: IRRIGATION of 55.0 ACRES

Priority Date: MAY 9, 1966

Rate: 0.56 CUBIC FOOT 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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: GRANDE RONDE RIVER, tributary of SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	39 E	WM	22	SE SW	2700 FEET NORTH AND 3725 FEET WEST FROM THE W1/4 CORNER OF SECTION 26

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	23	SW SW	10.0
2 S	39 E	WM	23	SE SW	10.0
2 S	39 E	WM	26	NE NW	9.1
2 S	39 E	WM	26	NW NW	9.1
2 S	39 E	WM	26	SW NW	8.4
2 S	39 E	WM	26	SE NW	8.4
Total					55.0

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8. Transfer Application T-13210 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	23	NW NE	2.2
2 S	39 E	WM	23	NE NE	30.0
2 S	39 E	WM	23	SE NE	22.8
Total					55.0

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would not result in enlargement of the rights.
12. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use proposed in Temporary Transfer Application T-13210 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-13210 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2020, 2021, 2022, 2023 and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 31638, 34396 and 41060 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 31638, 34396 and 41060.

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7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - 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.
9. The use of the remaining water rights described by Certificates 31638, 34396 and 41060 shall continue to be in accordance with the terms and conditions of Certificates 31638, 34396 and 41060.

Dated at Salem, Oregon this JAN 03 2020



Lisa J Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JAN 06 2020

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I, Scott Hartell, Associate Planner of Union County, do depose and say that on November 18, 2013, Boundary Line Adjustment approval was granted per Article 25.00 of the Union County Zoning, Partition and Subdivision Ordinance to adjust the boundary line between properties described as Twp. 2S, Range 39 EWM, Tax Lots 9301, owned by Fred Wallender and Twp. 2S, Range 39 EWM, Tax Lot 9300, owned by Timothy & Christine Wallender reducing Tax Lot 9301 by 36 acres and increasing Tax Lot 9300 by 36 acres and not creating any new lot or parcel. This request has been approved and all Boundary Line Adjustment requirements have been satisfied which allows the Boundary Line Adjustment to be effectuated through recording.

Dec 17, 2013
Date

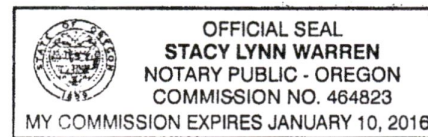
Scott Hartell
Scott Hartell
Associate Planner

Subscribed and sworn before me this 17th day of December, 2013.

Stacy Lynn Warren
Notary Public for the State of Oregon
Residing at Union County

My Commission Expires Jan. 10, 2016

Attached: legal descriptions and map.



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EXCEPTING THEREFROM, A tract of land more particularly described as follows:

Beginning at a point on the South line of the Northeast quarter of the Southeast quarter, 40 feet East of the Southwest corner of said Northeast quarter of the Southeast quarter,

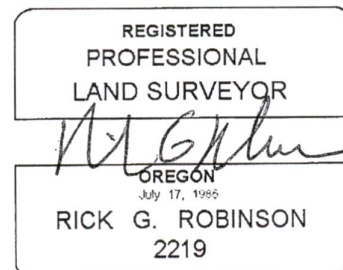
Thence; East, along said South line of the Northeast quarter of the Southeast quarter to the Southeast corner of the Northeast quarter of the Southeast quarter,

Thence; North, along the line common to Sections 22 and 23, a distance of 40 feet,

Thence; West, along a line parallel to the South line of said Northeast quarter of the Southeast quarter, to a point on a line parallel to and 40 feet East of the West line of the Northeast quarter of the Southeast quarter and 40 feet North of the Point of Beginning,

Thence; South, along said line parallel to and 40 feet East of the West line of the Northeast quarter of the Southeast quarter, a distance of 40 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM, the West 40 feet and the North 40 feet of the Northeast quarter of the Southeast quarter of said Section 22.



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Section 22: The South half of the Southeast quarter and the Northeast quarter of the Southeast quarter,

EXCEPTING THEREFROM, A tract of land more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 22,

Thence; East, along the North line of the South half of the Southeast quarter of Section 22, to a point on the South line of the Northeast quarter of the Southeast quarter 40 feet East of the Southwest corner of said Northeast quarter of the Southeast quarter,

Thence; South, along a line parallel to the East line of the Southwest quarter of the Southeast quarter of Section 22, a distance of 37.65 feet,

Thence; West, along a line parallel to the Northerly line of the South half of the Southeast quarter, to the West line of the Southwest quarter of the Southeast quarter,

Thence; North, along said West line of the Southwest quarter of the Southeast quarter, a distance of 37.65 feet, to the Point of Beginning.

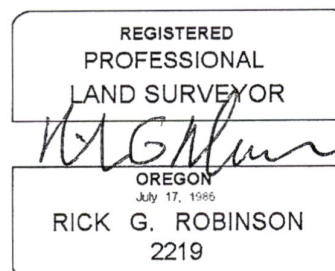
ALSO EXCEPTING THEREFROM, the West 40 feet and the North 40 feet of the Northeast quarter of the Southeast quarter of said Section 22.

Section 26: The Northwest quarter;

Section 27: The Northeast quarter;

Subject to easements of record or as they exist.

Subject to rights of the public over and across County Road No. 34 (Hamilton Road), County Road No. 35B (Ruckman Road) and County Road No. 126 (Booth Lane)



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quarter lying East of the center of State Ditch;

ALSO INCLUDING, A tract of land more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 22;

Thence; East, along the North line of the South half of the Southeast quarter of Section 22, to a point on the South line of the Northeast quarter of the Southeast quarter 40 feet East of the Southwest corner of said Northeast quarter of the Southeast quarter,

Thence; South, along a line parallel to the East line of the Southwest quarter of the Southeast quarter of Section 22, a distance of 37.65 feet,

Thence; West, along a line parallel to the Northerly line of the South half of the Southeast quarter, to the West line of the Southwest quarter of the Southeast quarter,

Thence; North, along said West line of the Southwest quarter of the Southeast quarter, a distance of 37.65 feet, to the Point of Beginning.

Section 23: The South half;

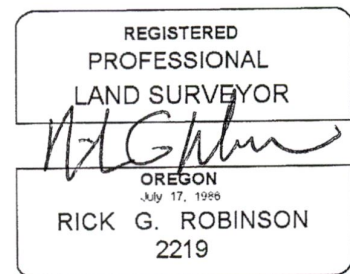
Section 25: The Northwest quarter;

Section 26: The Northeast quarter;

Section 27: All that portion of the Northwest quarter lying East of the center of the State Ditch.

Subject to easements of record or as they exist.

Subject to rights of the public over and across County Road No. 34 (Hamilton Road), County Road No. 35B (Ruckman Road) and County Road No. 126 (Booth Lane)



Renewal Date: December 31, 2014