

Regular

T-13756

RA

Name Sunnyside Dairy, LLC
 Attn: Rosalio Brambila
 Address 4581 Maple Grove Rd.
Sunnyside, WA 99844
rosalia@sunnysidedairy.com

Change in POU, POA
 Date Filed 6-17-2021
 Initial notice date 7-13-2021
 DPD issued date 11/17/21; Revised 8/5/22
 PD issued date 9/22/2022
 PD notice date 9/27/2022
 Date of FO 11/28/2022 Vol 127 Page 77-84

C-Date 10/11/2024
 COBU due date 10/11/2025
 COBU Received date _____
 Certificate issued 97576 + 97577 issued 6-14-24

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well; A WellTrib. of Hot Springs Slough Basin; Malheur Lake BasinUse Irrigation County Harney

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

Name of ditch _____

App# G-13373 Per # G-12027 Cert # 84202 PR Date 4/23/1993App# G-234 Per # G-144 Cert # 89855 PR Date 2/14/1956

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

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

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

FEES PAID

Date	Amount	Receipt #
6-17-2021	\$4,770.00	135566
6-30-2021	\$350.00	135705
6-17-2021	\$125.00	135557
7-26-2021	\$1014.74	135949
9-2-2022	\$288.00	139063
7-20-2023	\$230.00	141198
7-20-2023	\$125.00	141197

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District _____

Agent Molly Reid - mreid@geoengineers.com

CWRE _____

CC's list Harney County☐ - Oversized map - Location

RA Mailing List for Certificate

Scheduled Mailing Date:

Application: T-13756

Certificate: 97576 (cf-84202)
97577 (cf-89855)

Water Right Holder:

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>6.14.24</u>	(DATE)

SUNNYSIDE DAIRY LLC
4581 MAPLE GROVE RD
SUNNYSIDE WA 98944

Copies of Final Certificate to be sent to:

1. Watermaster District 10 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?

YES - Map Taxlot 23S33E00-00-05900 & 23S33E00-00-05901 owned by Sunnyside Dairy LLC per Harney County Assessor

Other persons to receive copies: (include map):

1. Scott Montgomery, CWRE, All Points Engineering and Surveying, Inc.
PO Box 767, Terrebonne OR 97760

Record Marking(s):

1. Original Application# G-13373
2. Old Certificate# 84202
3. Original Application# G-234
4. Old Certificate# 89855



Oregon
Kate Brown, Governor

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

Date Mailed: JUN 14 2024

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm the water rights established under the terms of a transfer order issued by this Department.

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

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Kerry Kavanagh at 503-979-3208.

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUNNYSIDE DAIRY LLC
 4581 MAPLE GROVE RD
 SUNNYSIDE WA 98944

confirms the right to use the waters of TWO WELLS, in the HOT SPRINGS SLOUGH BASIN for IRRIGATION of 182.6 ACRES.

This right was perfected under Permit G-12027. The date of priority is APRIL 23, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.28 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 2.06 CFS FROM WELL 6 AND 2.28 CFS FROM WELL 7, NOT TO EXCEED A CUMULATIVE TOTAL OF 2.28 CFS FROM THE WELLS IN ANY COMBINATION, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - NEW - 80 FEET NORTH AND 400 FEET WEST FROM SE CORNER, SECTION 33
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - NEW - 25 FEET SOUTH AND 285 FEET EAST FROM NW CORNER, SECTION 34

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of allowed use is March 1 through October 31.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE SE	30.9
23 S	33 E	WM	33	SE SE	29.3
23 S	33 E	WM	33	SE SE	1.4
23 S	33 E	WM	34	NE SW	30.8
23 S	33 E	WM	34	NW SW	29.8
23 S	33 E	WM	34	SW SW	29.8
23 S	33 E	WM	34	SE SW	30.6

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water.
- B. 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.

The water user shall report a March static water level in the well(s) to the Groundwater Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurement.

Use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the March 21, 2016, report. That is the level from which cited declines in (A), (B) and (C) above will be referenced. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621).

The quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 8) described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	30	SW SW	4	WELL 8 (ORIGINAL) - 1310 FEET NORTH AND 153 FEET EAST FROM SW CORNER, SECTION 30

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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

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

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

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

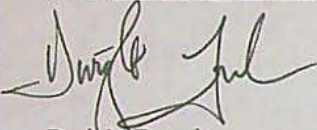
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in certificate 84202.

This certificate is issued to confirm changes in POINTS OF APPROPRIATION AND PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 28, 2022, at Special Order Volume 127, Page 77, approving Transfer Application T-13756, supersedes Certificate 84202, State Record of Water Right Certificates.

Issued **JUN 14 2024**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUNNYSIDE DAIRY LLC
 4581 MAPLE GROVE RD
 SUNNYSIDE WA 98944

confirms the right to use the waters of TWO WELLS, in the MALHEUR LAKE BASIN for IRRIGATION of 300.8 ACRES.

This right was perfected under Permit G-144. The date of priority is FEBRUARY 14, 1956. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.76 CUBIC FEET PER SECOND (CFS), BEING 2.06 CFS FROM WELL 6 AND 3.76 CFS FROM WELL 7, NOT TO EXCEED A CUMULATIVE TOTAL OF 3.76 CFS FROM THE WELLS IN ANY COMBINATION, or its equivalent in case of rotation, measured at the wells.

The points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - NEW - 80 FEET NORTH AND 400 FEET WEST FROM SE CORNER, SECTION 33
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - NEW - 25 FEET SOUTH AND 285 FEET EAST FROM NW CORNER, SECTION 34

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

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

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE NE	31.3
23 S	33 E	WM	33	NW NE	30.0
23 S	33 E	WM	33	SW NE	29.4
23 S	33 E	WM	33	SE NE	30.6
23 S	33 E	WM	33	NW SE	30.0
23 S	33 E	WM	33	SW SE	29.8
23 S	33 E	WM	34	NE NW	32.8
23 S	33 E	WM	34	NW NW	31.0
23 S	33 E	WM	34	SW NW	27.1
23 S	33 E	WM	34	SE NW	28.8

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Water use measurement conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation (new and existing).
- B. 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.

The quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, Well 3, Well 4, and Well 5) described as follows:

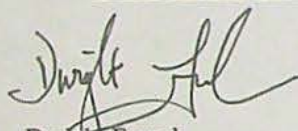
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SE SE	WELL 1 (ORIGINAL) – 780 FEET NORTH AND 170 FEET WEST FROM SE CORNER, SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 (ORIGINAL) – 1260 FEET NORTH AND 60 FEET WEST FROM SE CORNER, SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 (ORIGINAL) – 1410 FEET NORTH AND 1020 FEET EAST FROM SW CORNER, SECTION 31
24 S	34 E	WM	31	SW NE	WELL 4 (ORIGINAL) – 3480 FEET NORTH AND 2660 FEET EAST FROM SW CORNER, SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 (ORIGINAL) – 3950 FEET NORTH AND 1320 FEET EAST FROM SW CORNER, SECTION 31

Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in certificate 89855.

This certificate is issued to confirm changes in POINTS OF APPROPRIATION AND PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 28, 2022, at Special Order Volume 127, Page 77, approving Transfer Application T-13756, supersedes Certificate 89855, State Record of Water Right Certificates.

Issued JUN 14 2024



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

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 Harney)

I Jerry Rank in my/our capacity as owner,

mailing address P.O. Box 845, Crane, OR 97732,

telephone number (541) 408-4539, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 84202

described in a Water Right Transfer Application (T-13756),

(transfer number, if known)

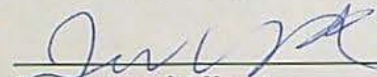
submitted by Sunnyside Dairy, LLP

on the property in tax lot number(s) 1901,

Section 31 Township 24 North/South Range 34 East/West, W.M.,

located at 43151 Eagle Lane, Crane, OR 97732

(site address)

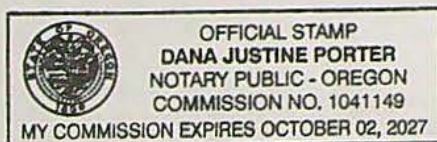

Signature of Affiant


2-6-24
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 10 day of February, 2024.




Notary Public for Oregon

My commission expires Oct 02, 2027



ALL POINTS
ENGINEERING & SURVEYING

P.O. Box 767
Terrebonne, Oregon 97760

TRANSMITTAL

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

Date: 2/7/2024 Job: 24-039

Attention: Kelly Starnes

Re: Transfer T-13756

☒ Prints ☐ Plans ☐ Map/Plat ☐ Specifications ☐ Change order ☐ Other

Copies	No.	Description
1	1	Owner Consent Affidavit (1 sheet letter bond)
1	2	Ownership information (4 sheets letter bond)
1	3	
1	4	
1	5	
1	6	

These are transmitted as checked below:

☐ For OWRD approval ☐ Approved as submitted ☐ Approved as noted
☐ Copies for distribution ☐ Returned for corrections ☐ Returned corrected prints
☒ Review and comment ☐ For bids due ☐ Other

Remarks:

Kelly,

Please find attached the signed and notarized Ownership Consent Affidavit that should have been included with the original transfer application T-13756. I've included documents showing ownership of the 1.4 acres that was transferred off.

Thanks, and if you have questions please don't hesitate to call (541) 548-5833.

Signed: _____

Received
FEB 12 2024
OWRD

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 # 84202

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priori Date		
24 S	34 E	30	NE SW	1800		30.8	Irrigation	POA #8	1993	POU/POA	23 S	33 E	33	NE SE	5901		30.9	Irrigation	POA # 6.7	1993		
24 S	34 E	30	NW SW	1800	3	27.2	Irrigation	POA #8	1993	POU/POA	23 S	33 E	33	SE SE	5901		29.3	Irrigation	POA # 6.7	1993		
24 S	34 E	30	SW SW	1800	4	29.2	Irrigation	POA #8	1993	POU/POA	23 S	33 E	33	SE SE	5900		1.4	Irrigation	POA # 6.7	1993		
24 S	34 E	30	SE SW	1800		35.2	Irrigation	POA #8	1993	POU/POA	23 S	33 E	34	NE SW	5900		30.8	Irrigation	POA # 6.7	1993		
24 S	34 E	30	NW SE	1800		33.9	Irrigation	POA #8	1993	POU/POA	23 S	33 E	34	NW SW	5900		29.8	Irrigation	POA # 6.7	1993		
24 S	34 E	30	SW SE	1800		24.1	Irrigation	POA #8	1993	POU/POA	23 S	33 E	34	SW SW	5900		29.8	Irrigation	POA # 6.7	1993		
24 S	34 E	31	NW NE	1800		1.4	Irrigation	POA #8	1993	POU/POA	23 S	33 E	34	SE SW	5900		30.6	Irrigation	POA # 6.7	1993		
24 S	34 E	31	NE NW	1800		0.6	Irrigation	POA #8	1993	POU/POA												
24 S	34 E	31	NW NW	1800	1	0.2	Irrigation	POA #8	1993	POU/POA												
TOTAL ACRES:						182.6					TOTAL ACRES:						182.6					

Additional remarks: _____

J-H 1901

Received
FEB 12 2024
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RECEIVED
JUN 17 2021
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Application for Permanent Transfer Sunnyside Dairy LLP FROM LANDS

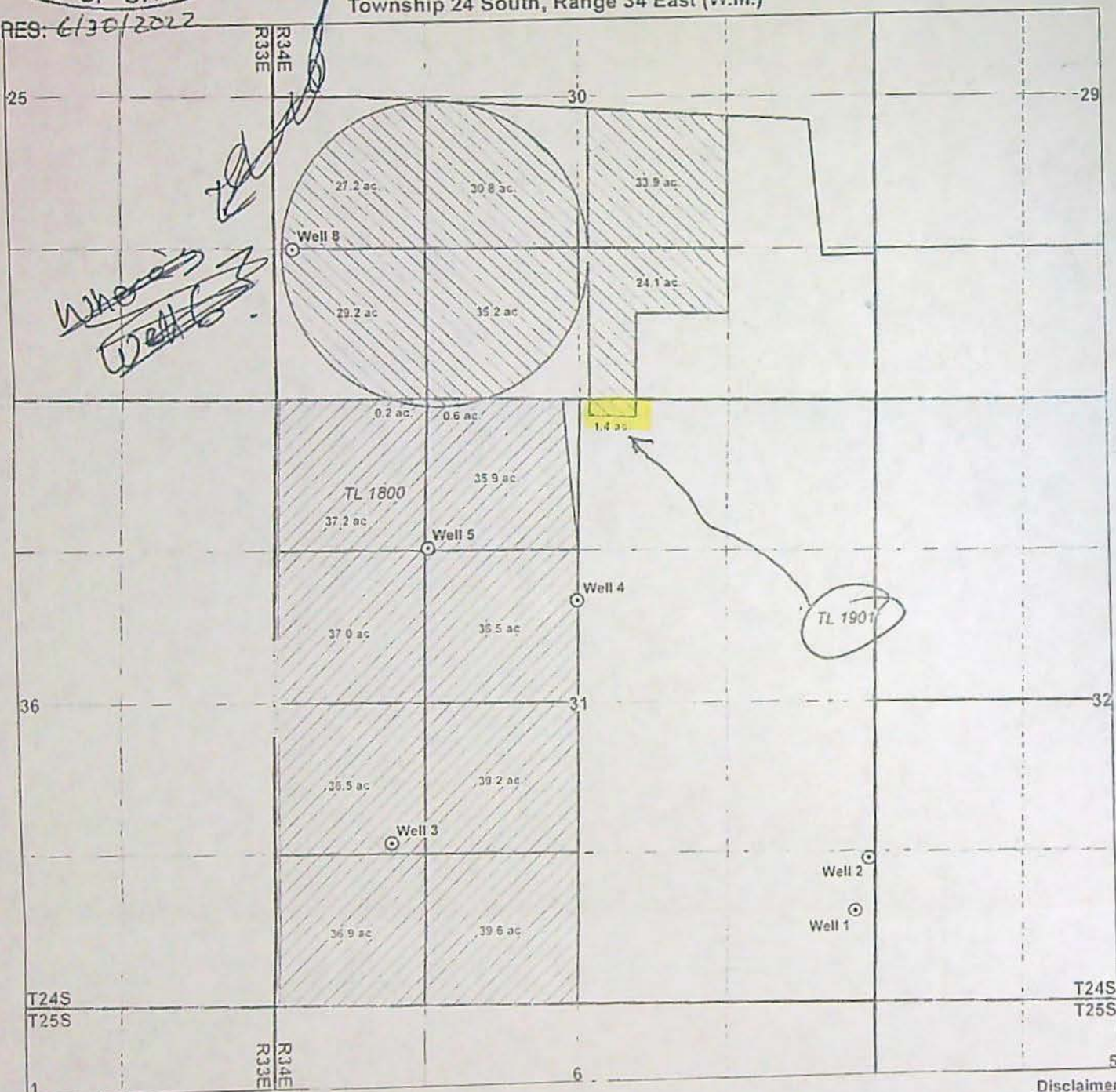
RECEIVED

JUN 17 2021

OWRD

Certificate 84202 (Permit G-12027) and Certificate 89855 (Permit G-144)
Township 24 South, Range 34 East (W.M.)

EXPIRES: 6/30/2022



LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Certificate 84202
- Certificate 89855
- All Other Features
- Government Lots
- Tax Lots
- Waterbodies
- Watercourses

POA LOCATION DESCRIPTIONS

- Well 1
Located 780 feet North and 170 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 2
Located 1 280 feet North and 60 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 3
Located 1 410 feet North and 1 020 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 4
Located 3 480 feet North and 2 660 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 5
Located 3 950 feet North and 1 320 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 6
Located 1 310 feet North and 153 feet East from the SW corner of Section 30, Township 24 South, Range 34 East (W.M.)

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



Map Notes

Date: February 19, 2015
Data Sources: OWRD, USBLM, USGS, ESRI
Prepared By: GeoEngineers, Inc.

Received

FEB 12 2024

OWRD

080 1 320
1 inch = 1 320 feet

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

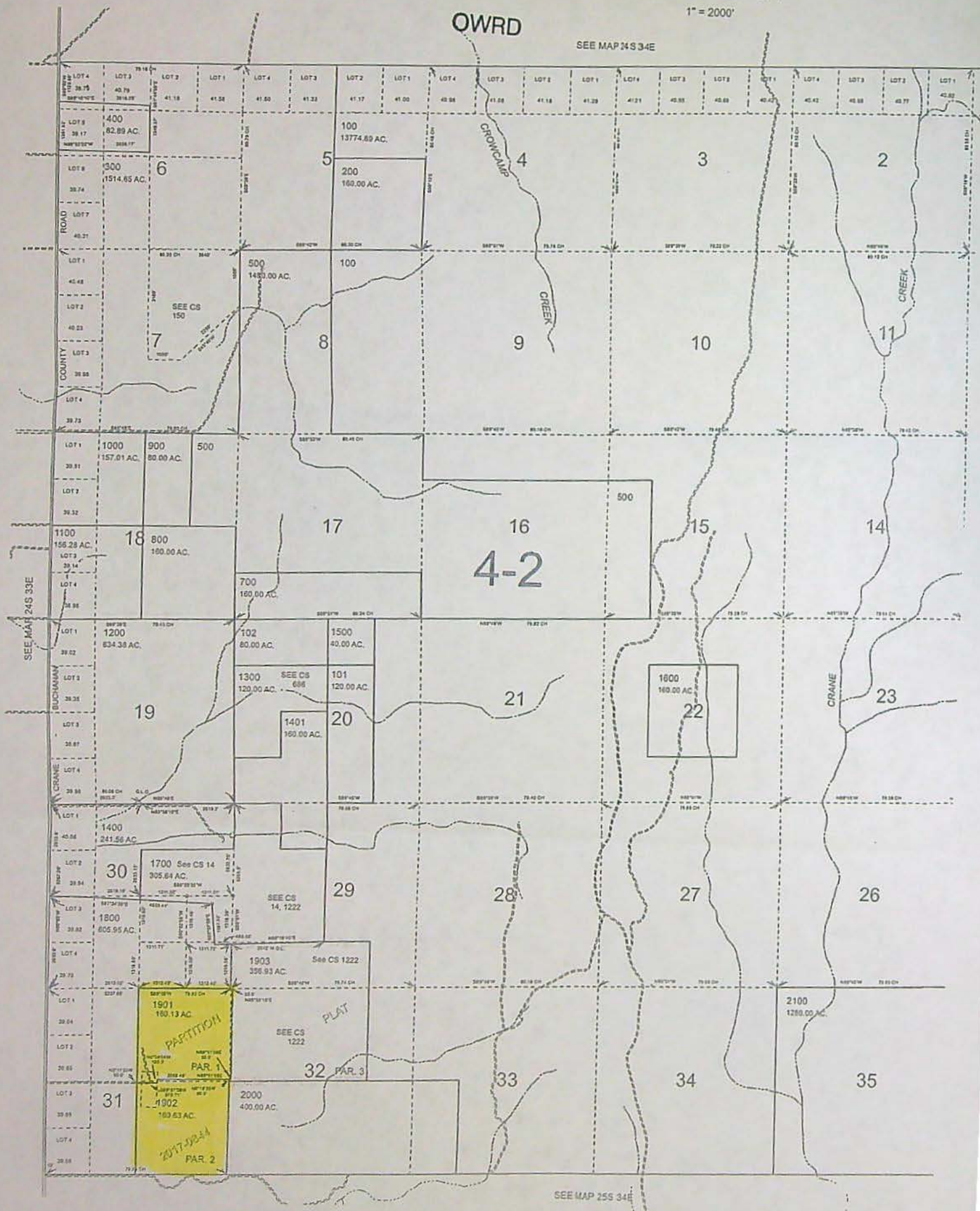
Received
FEB 12 2024

T. 1 S. R. 34E. W.M.
HARRIS COUNTY

1" = 2000'

OWRD

SEE MAP 24S 34E



SEE MAP 25S 34E

Harney County
2023 Real Property Assessment Report
 Account 93132

Map 24S34E00-00-01901
 Code - Tax ID [REDACTED]

Tax Status Assessable
 Account Status Active
 Subtype NORMAL

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

Mailing RANK, JERRY L & NANCY D
 PO BOX 845
 CRANE OR 97732-0845

Deed Reference # 2017-995
 Sales Date/Price 08-04-2017 / \$0
 Appraiser TONI WILSON

Property Class 551 MA SA NH
 RMV Class 551 04 00 042

Site	Situs Address	City
	43151 EAGLE LN	BURNS

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
0420	Land	97,320		Land	0
	Impr	198,884		Impr	0
Code Area Total		296,204	150,374	124,839	0
Grand Total		296,204	150,374	124,839	0

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
0420	3			EFRU-1	Farm Use Zoned	109	51.35 AC	5	006*	30,780
	4			EFRU-1	Farm Use Zoned	109	15.72 AC	6	006*	6,000
	5			EFRU-1	Farm Use Zoned	109	92.06 AC	7A	006*	30,110
	6			EFRU-1	Farm Use Zoned	109	1.00 AC	HS	006*	430
	7			EFRU-1	Farm Use Zoned	100	0.00 AC	SW	006*	10,000
					SITE AMENTIES	100				20,000
						Code Area Total	160.13 AC			97,320

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
0420	1	1934	131	One story	124	2,944			75,450
	3		110	Residential Other Improvements	124	0			4,990
	4		303	GP SHED	124	288			1,400
	8		380	QUONSET	124	5,500			79,920
	9	1999	337	HAY COVER	124	5,184			32,860
	10		110	Residential Other Improvements	100	0			704
	12		110	Residential Other Improvements	124	0			2,170
	13		110	Residential Other Improvements	124	0			1,390
Code Area Total						13,916			198,884

Received
 FEB 12 2024
 OWRD



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P.O. Box 767
Terrebonne, Oregon 97760

TRANSMITTAL

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

Date: 12/20/2023 Job: 22-046
Attention: Kerry Kavanagh

Re: T-13756

☒ Prints ☐ Plans ☒ Map/Plat ☐ Specifications ☐ Change order ☐ Other

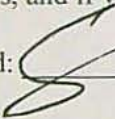
Copies	No.	Description
1	1	Revised COBU map (1 sheet letter mylar)

These are transmitted as checked below:

☐ For OWRD approval ☐ Approved as submitted ☐ Approved as noted
☐ Copies for distribution ☐ Returned for corrections ☒ Returned corrected prints
☐ Review and comment ☐ For bids due ☐ Other

Remarks:

Thanks, and if you have questions please don't hesitate to call (541) 548-5833.

Signed: 

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Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer:Corie
Transfer #:T-13756	
Date Received:7/20/23	
CWRE Name:Scott Montgomery	
Priority Date (s):4/23/1993, 2/14/1956	

Fees Required:

- ☐ YES ☐ NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☒ YES ☐ NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.
- Fill in

Fill in App
or Transfer
Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

[illegible]

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
☐ Pump Test required (Priority Date on or after December 20, 1988)
☐ Pump Test submitted
☐ Pump Test not submitted



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

July 20, 2023

Sunnyside Dairy LLC
Attn: Rosalio Brambila
4581 Maple Grove Rd
Sunnyside, WA 98944

On July 20, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13756

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13756

Date 7/10/2023
Type Bill
Reference WS Permit Fee

Original Amt.
230.00

Balance Due
230.00

Check Amount

7/19/2023
Discount

Payment
230.00
230.00

21220

Sunnyside Dairy, LLC

230.00

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 # 141198

INVOICE #

RECEIVED FROM:

Sunnyside Dairy, LLC

BY:

APPLICATION	T-13756
PERMIT	
TRANSFER	

CASH: CHECK:# OTHER: (IDENTIFY)

☐

21220

☐

TOTAL REC'D \$ 230.00

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

46111

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ 0202 \$

0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$

LANDOWNER'S PERMIT 0220 \$

0200 OTHER (IDENTIFY) COBU \$ 230.00

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

RECEIVED
OVER THE COUNTER

RECEIPT:

141198

DATED:

7-20-23

BY:

Lisa D. Miller

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CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes - Groundwater



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

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A separate form shall be completed for each transfer.

This form is subject to revision. Begin each new claim by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

1. ☒ Change in POA(s) or Additional POA(s)
2. ☒ Change in Place of Use
3. ☐ Change in Character of Use

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION #

T-13756

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Sunnyside Dairy, LLC		PHONE NO. 509-837-4779	ADDITIONAL CONTACT NO.
ADDRESS 4581 Maple Grove Rd			
CITY Sunnyside	STATE WA	ZIP 98944	E-MAIL rosalio@sunnysidedairy.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Same as above		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

05/17/2023

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Andy Root	05/17/2023	Farm Manager

6. County:

Harney

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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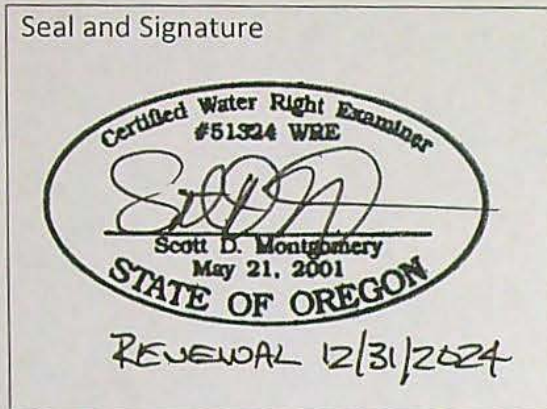
JUL 20 2023

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Scott D Montgomery		PHONE NO. 541-548-5833	ADDITIONAL CONTACT NO. 541-420-0401
ADDRESS PO Box 767			
CITY Terrebonne	STATE OR	ZIP 97760	E-MAIL scott@apeands.com

Transfer Holder of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Rosalio Brambilla	Manager	7-19-23

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SECTION 3
Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

Change in POA(s) or Additional POA(s)

Did the transfer order authorize a change in the points of appropriation or additional points of appropriation? **YES**

If "NO", this Section can be deleted.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
#6	HARN 52027	L-112499	Malheur Lake Basin
#7	HARN 621	None	Malheur Lake Basin

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

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3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
#6	1/80 cfs per acre	2.06	Not on
#7	1/80 cfs per acre	4.12	Not on

System Description

Are there multiple new or additional Points of Appropriation (POA)?

YES

POA Name or Number this section describes (only needed if there is more than one):

#6 HARN 52027

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE 8" SIZE
Fairbanks Morse	320TDH	H16FL7100B0220F	Turbine	12"	8"

2. Motor Information

MANUFACTURER	HORSEPOWER
GE	100

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3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
100	40	230'	10'	2.06

4. Provide pump calculations:

$$Q = \frac{7.04 \text{ ft}^3/\text{sec}/\text{hp} \times \text{hp}}{\text{Total head, ft}} = \frac{(7.04)(100)}{341.6} = 2.06 \text{ cfs}$$

$$\text{Total head, ft} = 101.6' + 230' + 10' = 341.6'$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA			

6. Additional notes or comments related to the system:

B. Groundwater Source Information (Well and Sump)

1. Is the appropriation from a dug well (sump)?

NO

POA Name or Number this section describes (only needed if there is more than one):

#7 HARN 621

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Fairbanks Morse	0173926	H16KL7100B0220F	Turbine	14"	10"

2. Motor Information

MANUFACTURER	HORSEPOWER
GE	200

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
200	40	230'	10'	4.12

4. Provide pump calculations:

$$Q = 7.04 \text{ ft}^4/\text{sec}/\text{hp}\times\text{hp} = (7.04)(200) = 4.12 \text{ cfs}$$
$$\text{Total head, ft} = 341.6$$
$$\text{Total head, ft} = 101.6' + 230' + 10' = 341.6'$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

B. Groundwater Source Information (Well and Sump)

1. Is the appropriation from a dug well (sump)?

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NO
WR

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
182.6	182.6
300.8	300.8

If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
	NA
	NA

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

--

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use?

NO

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SECTION 4 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	11/28/2022	
COMPLETENESS DATE FROM ORDER (C)	10/1/2024	6/26/2023

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

- a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of appropriation.

- b. Has a meter been installed?

YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
#6	McCrometer	14-05957-08	Not running	666385 AF	Fall 2014
#7	Lindsay Flowmaster	GT21101235	Not running	0	Summer 2023

- d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? NA

- e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

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f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards? **NO**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 5 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Well logs	HARN 621 & 52027
Aerial imagery	June 2020 image from USDA/FSA
Site photos	Pictures of irrigation system & place of use

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

The changes that were authorized under the transfer final order must be mapped based on the developed locations; new or additional points of appropriation and place of use.

In cases where the order involved additional points of appropriation, the additional points should be mapped based on their developed locations. The original points of appropriation should be mapped based on the original right of record at the time the transfer final order was issued.

In cases where the order involved changing the place of use for a portion of a water right, the portion of the place of use being changed should be mapped based on the developed location. If the transfer also included portions of the place of use that were not being modified, but were receiving a new or additional point of appropriation, the place of use for those lands should be mapped based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The irrigation system & place of use were tied to approximate boundaries using a Trimble GeoXT 6000 GIS data collector. Point data was imported to Trimble Pathfinder software, converted to Statewide Lambert Projection & overlaid with aerial imagery to verify accuracy.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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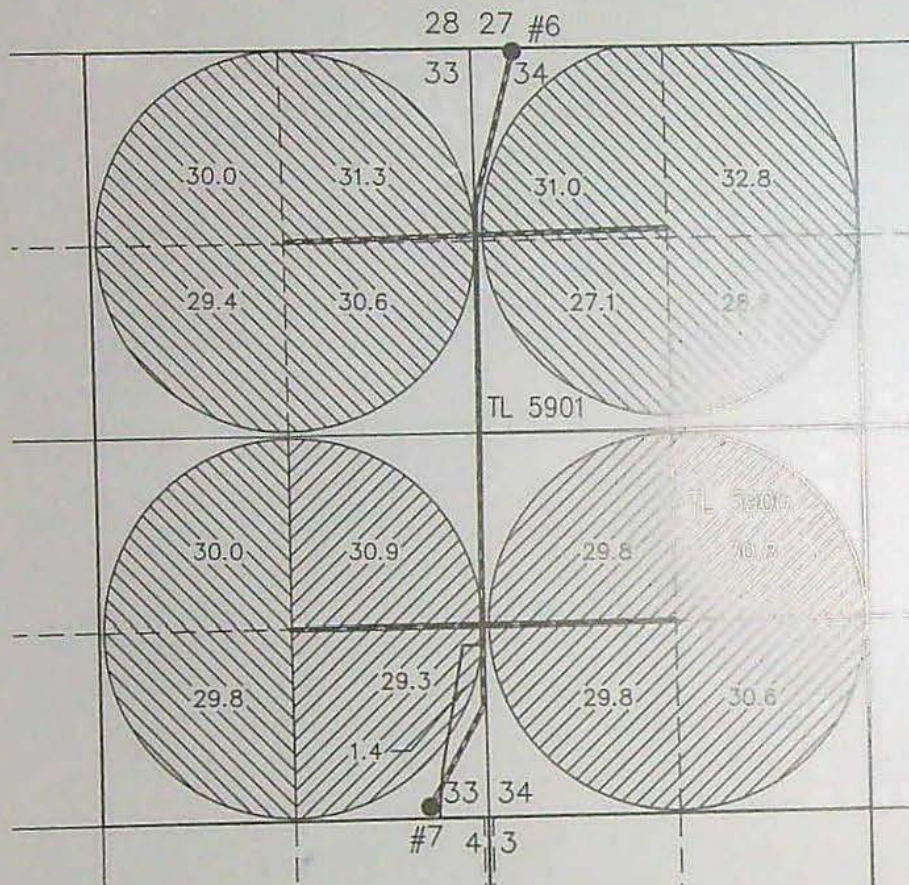
JUL 20 2023

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CLAIM OF BENEFICIAL USE MAP

TO CHANGE PLACE OF USE AND
ADD POINTS OF APPROPRIATION
PER T-13756
FOR SUNNYSIDE DAIRY, LLC

TOWNSHIP 23 SOUTH, RANGE 33 EAST, SECTIONS 33 & 34, W.M.
TAX LOTS 5900 & 5901



WELL 6 ADJERS IR FROM
T-13756 (134202), AS
SHOWN

WELL 7 ADJERS IR FROM
T-13756 (134202), AS
SHOWN

● **WELL 6 (HARN 52027)**

EXISTING WELL IN THE NW 1/4 NW 1/4 SECTION 34,
T23S R33E, W.M. LOCATED 25 FEET SOUTH AND 285
FEET EAST FROM THE NW CORNER OF SECTION 34.

METER IS APPROXIMATELY 6.0 FEET SW'LY ALONG
DELIVERY PIPE FROM WELL.

● **WELL 7 (HARN 621)**

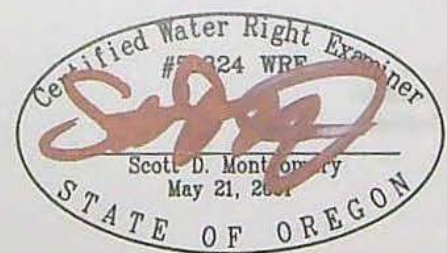
EXISTING WELL IN THE SE 1/4 SE 1/4 SECTION 33,
T23S R33E, W.M. LOCATED 80 FEET NORTH AND 400
FEET WEST FROM THE SE CORNER OF SECTION 33.

METER IS APPROXIMATELY 6.0 FEET N'LY ALONG
DELIVERY PIPE FROM WELL.

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DEC 26 2023

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RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A
WATER RIGHT ONLY AND HAS NO INTENT TO
PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF
PROPERTY LINES

PREPARED FOR:

SUNNYSIDE DAIRY, LLC
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767
(541) 548-5833
TERREBONNE, OR 97760
www.APEandS.com

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

HARN 52027

HAKN 52027

WELL LABEL # L 112499

START CARD # 1022349

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

(1) LAND OWNER Owner Well I.D. #6
First Name _____ Last Name _____
Company SUNNYSIDE DAIRY LLC
Address 4581 MAPLE GROVE RD
City SUNNYSIDE State WA. Zip 98944

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

(3) DRILL METHOD
☒ Rotary Air ☒ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Standard ☐ Yes (attach copy)
Depth of Completed Well 500 ft.

BORE HOLE				SEAL			
Dia	From	To	Material	From	To	Amount	Scks/lbs
24"	0	29	BENTONITE	0	29	36	SLICKS
20"	29	335					
12"	335	500					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☒ Other POURED DRY

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from 0 ft. to 335 ft. Material GRAVEL Size 3/8

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		20"	+	1 1/2	30	.250	✓		✓	
	-	12	+	1 1/2	335	.188	✓		✓	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method FACTORY

Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size
✓		✓		230	335	3/16	3	4560	Pipe	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min _____ Drawdown _____ Drill stem/Pump depth _____ Duration (hr) _____

Temperature 67 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 23 N of S Range 33 E or W W.M.
Sec 34 NW 1/4 of the NW 1/4 Tax Lot 5901

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 5901 QUINCEY RD.
CRANE

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				
Completed Well	3-16-14	-		21

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 10'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
2-24-14	10'	15'	5		-	10'
3-16-14	35	590	1000 +		-	21

(11) WELL LOG RECEIVED BY OWRD

Material	From	To
SANDY TOPSOIL	0	4
TAN CLAY - BRN SAND	4	15
GRAY CLAY - BRN SAND	15	23
DARK GRAY CLAY	23	35
FRACT. GRAY CLAY - SAND	35	150
DARK GRAY STICKY CLAY & LIGHT GREEN CLAYSTONE LAYERS WITH SAND	150	253
LIGHT GREEN CLAYSTONE WITH SAND & GRAVEL	253	300
GRAY PYMILE	300	325
GRN. CLAYSTONE - BLACK SAND	325	340
BLACK SANDSTONE	340	390
GRN. CLAY - CLAYSTONE LAYERS	390	500

Date Started 2-23-14 Completed 3-16-14

(unbonded) Water Well Constructor Certification

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

License Number 1739 Date 3-23-14

Signed Chris V. [Signature]

(bonded) Water Well Constructor Certification

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

License Number 1355 Date 3-23-14

Signed Arthur L. [Signature]

Contact Info. (optional)

The original and first copy
of this report are to be
filed with the

WATER WELL REPORT

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

STATE OF OREGON

DEC 24 1974

State Well No. 23S/32E-33d

(Please type or print)

STATE ENGINEER

State Permit No.

(Do not write above this line)

16.5' N 1/2 E of SW corner of SE 1/4 of Sec 33, 23/3

(1) OWNER:

Name Harman Schimbecker

Address 8006 NE 125 Ave

Vancouver, Washington

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

14" Diam. from 0 ft. to 257 ft. Gage .025
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory Perforated

Size of perforations 3/16 in. by 3 in. ☒
11,850 perforations from 20 ft. to 257 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 24 in.

Diameter of well bore below seal 24 in.

Number of sacks of cement used in well seal 15 sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons

of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 minus

Gravel placed from 20 ft. to 257 ft.

(10) LOCATION OF WELL:

County HARNEY

Driller's well number #7

SE 1/4 SE 1/4 Section 33 T. 23 R. 33 E. W.M.

Bearing and distance from section or subdivision corner 6' So
20'E of the NW corner of the SE 1/4 of the SE 1/4

(11) WATER LEVEL: Completed well.

Depth at which water was first found 15 ft.

Static level 7 ft. below land surface. Date 12/18/74

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 257 ft. Depth of completed well 257 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil Sandy	0	5	
Sandstone Brown	5	17	15
Clay Br to Blue	17	43	
Gravel, fine, unconsol.	43	52	
Claystone, hard	52	67	
Gravel, med. unconsol.	67	70	
Sand Black	70	100	
Clay, gray, soft	100	150	
Clay, blue, soft	150	197	
Sandstone, green	197	203	
Gravel, fine	203	205	
Claystone, gray	205	231	
Claystone, brown	231	257	

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JUL 20 2023

OWRD

Work started 12/10 1974 Completed 12/13 1974

Date well drilling machine moved off of well 12/13 1974

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] W. A. R. Balk Date 12/18, 1974

(Drilling Machine Operator)
Drilling Machine Operator's License No. 491

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Western Drilling Co.

(Person, firm or corporation) (Type or print)

Address Box 751

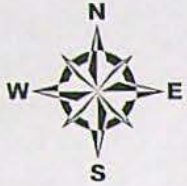
[Signed] John W. McAllen

(Water Well Contractor)

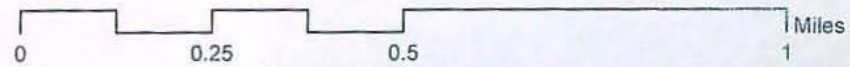
Contractor's License No. 426 Date 12/18, 1974

T23S R 33E, W.M.

2020 aerial imagery from NRCS Gateway website imported into ArcMap GIS software in statewide Lambert projection.



RECEIVED
JUL 20 2023
OWRD





ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767
Terrebonne, Oregon 97760

TRANSMITTAL

ATTN: Rosalio Brambilla
Sunnyside Dairy, LLC
4581 Maple Grove Rd
Sunnyside, WA 98944

Date: 6/29/23
Re: COBU

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order Other

Hello Rosalio

Attached is your Claim of Beneficial Use (COBU) and Final Proof Map for T-13756.

Please review and if it looks OK, sign page 3 of the COBU and forward all the documents to OWRD, ATTN: Certificates, 725 Summer St NE, Suite A Salem, OR 97301-1266 for processing. You will also need to send a check made out to OWRD for their fees of \$230.

Also attached is a Certificate Reimbursement Authority Estimate Application to get the Certificate faster, so we can do the transfer to add the new well. This needs to go in with the COBU along with a check made out to OWRD for their fees of \$125.

If you have any questions please don't hesitate to call us at 541-548-5833 or email.

Copies	No.	Description
1	1	Claim of Beneficial Use (11 pages letter bond)
1	2	COBU Map (1 page mylar)
1	3	Well Logs (2 pages letter bond)
1	4	Aerial Imagery (1 page letter bond)
1	5	Cert Reimb Authority Estimate App (1 page letter bond)
1	6	Invoice

Signed: _____

Devin Montoya

RECEIVED

JUL 20 2023

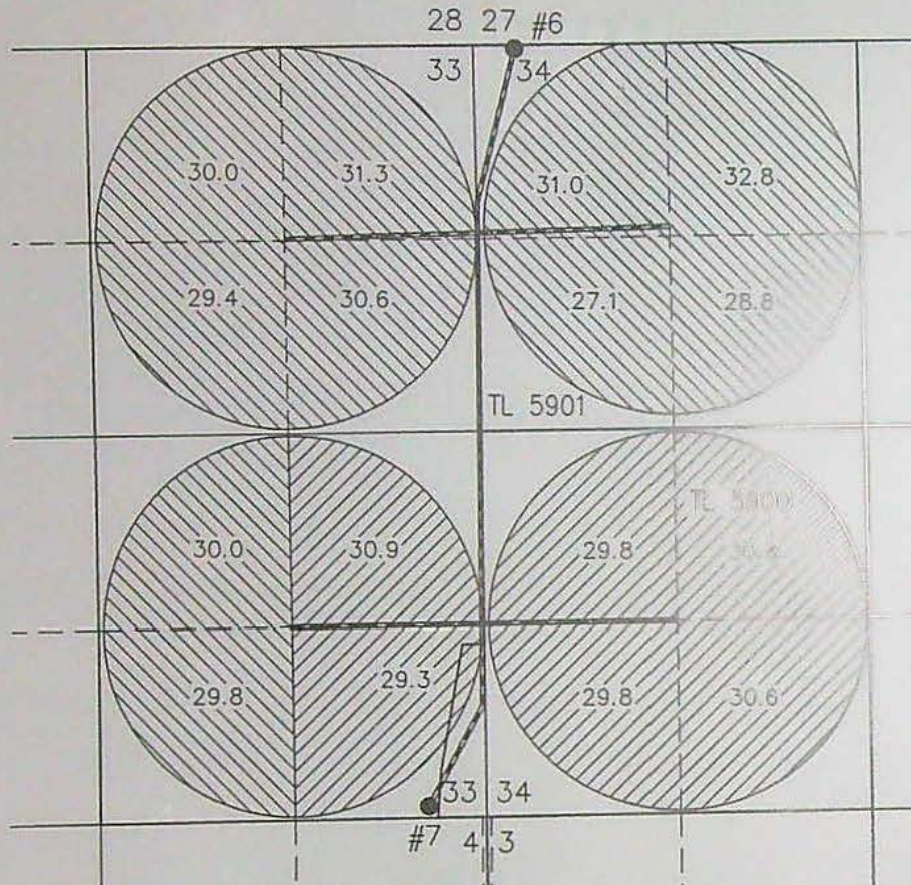
OWRD

CLAIM OF BENEFICIAL USE MAP

TO CHANGE PLACE OF USE AND
ADD POINTS OF APPROPRIATION
PER T-13756
FOR SUNNYSIDE DAIRY, LLC

TOWNSHIP 23 SOUTH, RANGE 33 EAST, SECTIONS 33 & 34, W.M.
TAX LOTS 5900 & 5901

RECEIVED
JUL 20 2023
OWRD



1092.6 ACRES IN FROM
T-13756 (CB4201), AS
SHOWN

3008.3 ACRES IN FROM
T-13756 (CB4201), AS
SHOWN

● WELL 6 (HARN 52027)

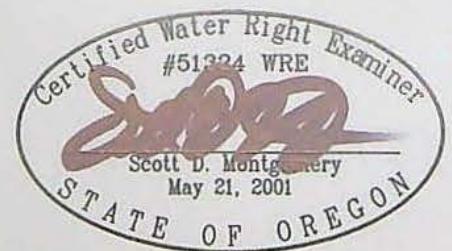
EXISTING WELL IN THE NW 1/4 NW 1/4 SECTION 34,
T23S R33E, W.M. LOCATED 25 FEET SOUTH AND 285
FEET EAST FROM THE NW CORNER OF SECTION 34.

METER IS APPROXIMATELY 6.0 FEET SW'LY ALONG
DELIVERY PIPE FROM WELL.

● WELL 7 (HARN 621)

EXISTING WELL IN THE SE 1/4 SE 1/4 SECTION 33,
T23S R33E, W.M. LOCATED 80 FEET NORTH AND 400
FEET WEST FROM THE SE CORNER OF SECTION 33.

METER IS APPROXIMATELY 6.0 FEET N'LY ALONG
DELIVERY PIPE FROM WELL.



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A
WATER RIGHT ONLY AND HAS NO INTENT TO
PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF
PROPERTY LINES

PREPARED FOR:

SUNNYSIDE DAIRY, LLC
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767
(541) 548-5833
TERREBONNE, OR 97760
www.APEandS.com

Completion Checklist for Claims of Beneficial Use for POST JULY 1, 2004 Claims

Application #	_____	WRD Reviewer	Kerry Kavanagh
Transfer #	T-13756	Claim Logged	YES
Date Received	7-20-2023	Oversized Map #	N/A
CWRE Name	Scott Montgomery		

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #: or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- Source illustrated if surface water (OAR 690-014-0170(3))
- Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

- On form or format provided by the Department (OAR 690-014-0100(1))
- Application & permit #: or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- Source(s) of water (OAR 690-014-0100)
- Place of use location (OAR 690-014-0100)
- Type of use (OAR 690-014-0100)
- Extent of use (OAR 690-014-0100)
- Rate and Duty (OAR 690-014-0100)
- Diversion rate for each use (OAR 690-014-0100)
- Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- System capacity (OAR 690-014-0100)
- Calculated capacity of system (required)
- Measured amount of use (optional)
- Permit/Transfer Final Order Conditions (OAR 690-014-0100)
- Time limits
- Initial water level measurements
- Annual static water level measurements
- Measurement, recording, and reporting
- Meter/measuring device
- Water use reporting
- Fish screening and/or by-pass
- Pump test (ground water)
- Other

Conditions from Extension Final Order and/or Water Management Conservation Plan

- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

T-13756

2 DRAFT CERTS

Certificate Issuance Processing Checklist

Map and COBU reviewed
Conflict check Any Conflicts? No
Check for ownership

Check Area of Interest ☐ YES ☒ NO
Identified Party _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
_____ Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?
_____ Yes

If "Yes":
_____ Proposed
_____ Final
Certificate # _____

Mailing list:

Proposed:

Final:

T-13756:

Pump Capacity Calculation Sheet		Application T-13756
using Department designed formula:		-- 2 new POA's
		Well 6 (HARN 52027) & Well 7 (HARN 621)
$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$		
Efficiency:		
Centrifugal = 6.61		
Turbine = 7.04		
Data Entry (fill in underlined blanks)		
Well 6 (HARN 52027)		
HP =	100	
Efficiency =	7.04	
Lift =	240	
PSI =	40	<input type="text"/>
Results Calculated		
$(hp)(\text{efficiency}) =$	704	
Head based on psi =	101.6	
Total dynamic head = (head + lift)	341.6	
Pump Capacity =	2.06 feet per second	

Pump Capacity Calculation Sheet

Application T-13756

using Department designed formula:

– 2 new POA's

Well 6 (HARN 52027) & Well 7 (HARN 621)

 $(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

Well 7 (HARN 621)

HP = 200

Efficiency = 7.04

Lift = 240

PSI = 40

Results Calculated $(hp)(\text{efficiency}) = 1408$

Head based on psi = 101.6

Total dynamic head = 341.6

(head + lift)

Pump Capacity = 4.12 feet per second

Application #

Permit #

Transfer # T-
13756

Sunnyside Dairy LLC

RA# R12974-
23

Reimbursement Authority Process
Itemized FINAL Sheet
 for
Certificates

	New Est. Time (hr)	Multiplie r	Total Est Hours	Individual	Hourly Rate	New Est. Cost	Date/Act. Time
1. Review Claim of Beneficial Use report & map	2.50	31%	3.28	Kerry	\$74.63	\$ 244.41	
2. Conflict Check	1.00	31%	1.31	Kerry	\$74.63	\$ 97.77	
3. Prep of def. letter - contingency time	0.00	31%	0.00	Kerry	\$74.63	\$ -	
4. Enter pump test data -	0.00	31%	0.00	Kerry	\$74.63	\$ -	
5. Prep of 2 certs - changes in add'l POAs & POU	5.50	31%	7.21	Kerry	\$74.63	\$ 537.71	
6a. Peer review - consultation	0.00		0.00	Gerry	\$73.90	\$ -	
6b. Peer review	0.30		0.30	Dwight	\$105.74	\$ 31.72	
6d. Peer review	1.00	26%	1.26	Gerry	\$73.90	\$ 93.11	
7. Project Management -	6.00	31%	7.86	Kerry	\$74.63	\$ 586.59	
8a. Water right data record update	1.00	31%	1.31	Support- Kyler	\$30.85	\$ 40.41	
8b. Water right data record update	1.75		1.75	Data Tech- Sheila	\$54.67	\$ 95.67	
9. Check well constr. Condition w/ GW Section	0.00		0.00	Boschman n	\$76.33	\$ -	
Total			24.27		Sub Total	\$1,727	
					10% Overhead	\$172.74	
					TOTAL	\$1,900	

S 6 over (estimated cost = \$1894)

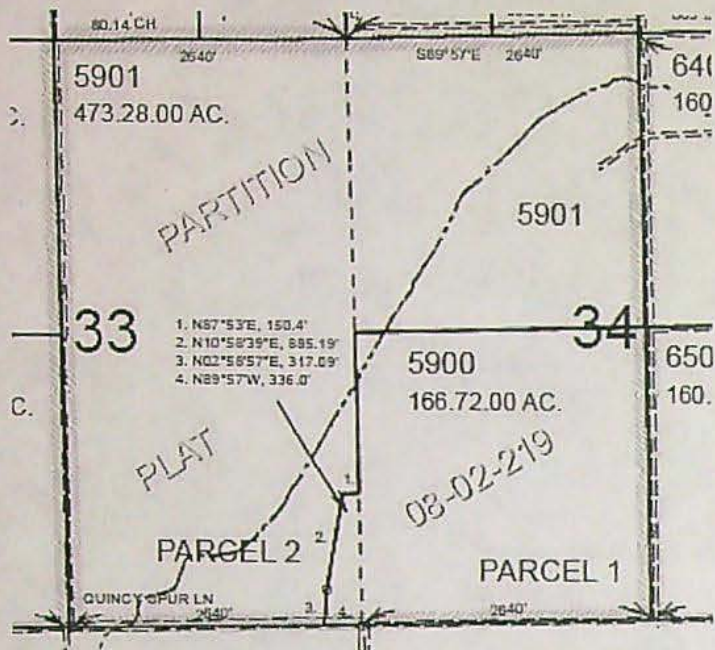
TFO issued 11-28-2022 - change in POAs and POU. C Date = 10-1-2024.


Cert 84202 - 2.28 cfs for IR of 182.6 ac

Cert 89855 - 3.76 cfs, being 0.94 cfs from Well 1, 0.94 cfs from Well 2, 0.94 cfs from Well 3, 0.16 cfs- Well 4, 0.78 cfs from
for IR of 300.8 acres

-- quantity of water diverted at add'l POA shall not exceed quantity of water lawfully available at original POA


T-13756 - Ownership per Harney County Assessor: 23S33E 05900 and 23S33E 05901:




Search
Search History
Cart (0)
Additional Information

Property Search Online

Account 10055

 Assessment Summary

Account Taxes Sales History Value History Reports

Real Property

Situs Address

68153 QUINCY RD BURNS OR 97720

Mailing Address


SUNNYSIDE DAIRY LLC
4581 MAPLE GROVE RD
SUNNYSIDE WA 98944-9793

Map and Taxlot

23S33E00-00-05900


Owner

SUNNYSIDE DAIRY LLC


Search
Search History
Cart (0)
Additional Information

Property Search Online

Account 93224

 Assessment Summary

Account Taxes Sales History Value History Reports

Real Property

Situs Address

68153 QUINCY RD BURNS OR 97720

Mailing Address

SUNNYSIDE DAIRY LLC
4581 MAPLE GROVE RD
SUNNYSIDE WA 98944-9793

Map and Taxlot

23S33E00-00-05901

Owner

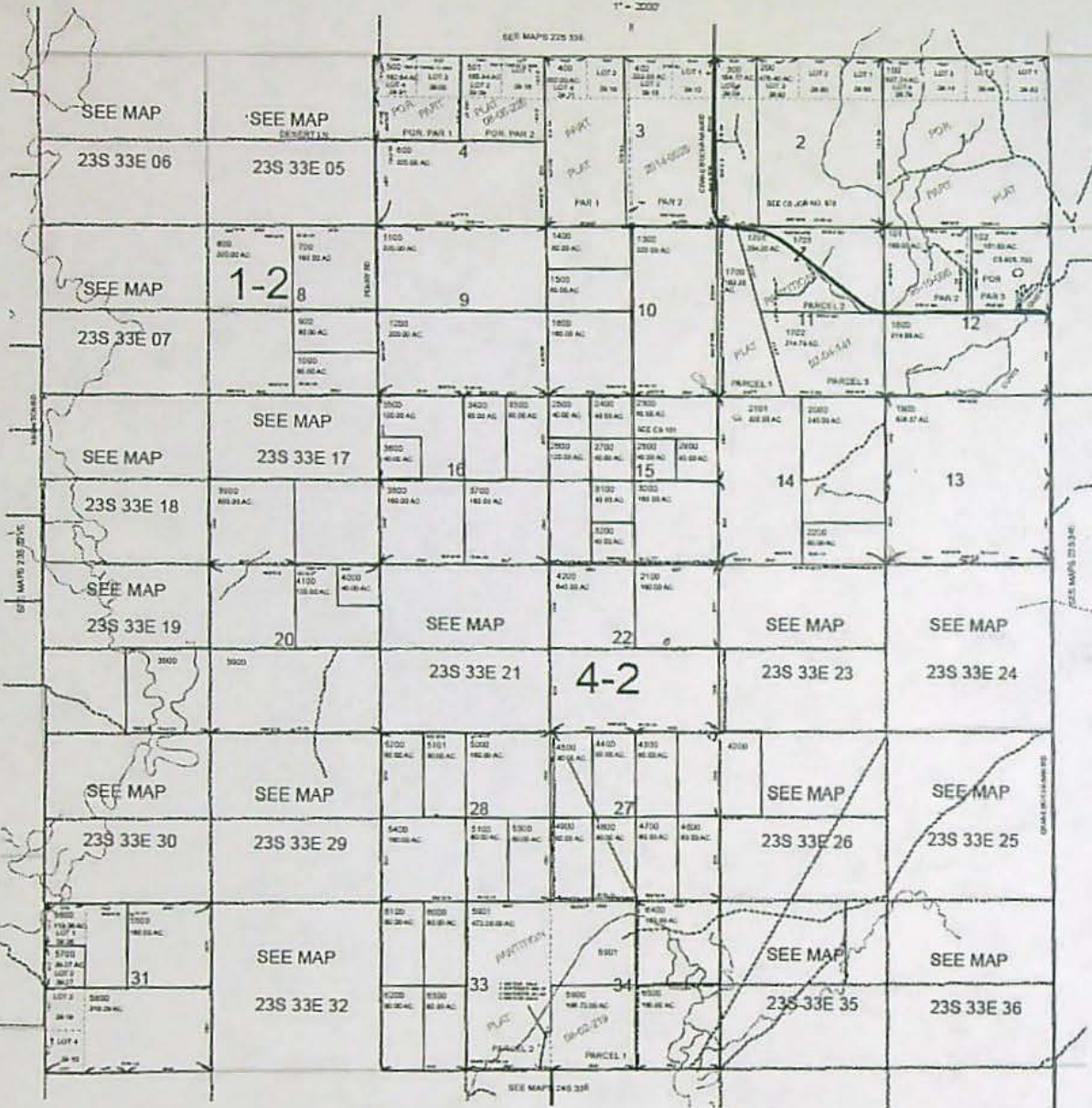
SUNNYSIDE DAIRY LLC

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.23S. R.33E. W.M.
HARNEY COUNTY

23S33E

Canceled Nos.
401
THRU
1203M1
1203M2
THRU
1203M1
THRU
4103M1
4103M2
THRU
4103M1
4103M2
THRU
5103M1
5103M2
THRU
5103M1
5103M2
THRU
6103M1
6103M2
THRU



PRINTED ON 1/15/2018
23S33E

T-13756:



Oregon Water Resources Department Water Rights Platcard Report

[Main](#) [Help](#)
[Return](#) [Contact](#)

Search Criteria

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q180	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown CO
Select Permit: G 7885 CN Additional Info: FIRST NATIONAL BANK App: G8059 Permit: G7885		4/25/1977	IRRIGATION	CN				39.7	19.2	39.7	40				3.2	3.2				40	39.7	19.2	39.7	
Select Permit: G 11735 CN Additional Info: JOHN GEHRKE JR App: G12859 Permit: G11735		4/3/1992	IRRIGATION	CN				37.1	11.5	37.1	40									40	37.1	11.5	37.1	
Select Permit: G 15769 CN Additional Info: STEVEN DUNTEN App: G16193 Permit: G15769		2/23/2004	IRRIGATION	CN								31.4	31.4	31.4	31.4									
Select App: G 17638 WD Additional Info: SUNNYSIDE DAIRY LLC App: G17638		3/22/2013	IRRIGATION	WD				40	40	40	40									40	40	40	40	
Select Inchoate: T 13756 CF (REG) * Additional Info: SUNNYSIDE DAIRY LLC App: G13373 Permit: G12027		4/23/1993	IRRIGATION																	(30.9)			(30.7)	
Select Inchoate: T 13756 CF (REG) * Additional Info: SUNNYSIDE DAIRY LLC App: G234 Permit: G144		2/14/1956	IRRIGATION					(31.3)	(30)	(29.4)	(30.6)										(30)	(29.8)		
Select App: P 77597 * Additional Info: ERNEST C STARBUCK App: P77597		1/3/1995	LIVESTOCK																					

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



Search Criteria

Meridian:

Township:

Range:

Section:

Records per Page:

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	00/40/01/00	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown
Select Permit: G 7885 CN Additional Info: FIRST NATIONAL BANK App: G8059 Permit: G7885		4/25/1977	IRRIGATION	CN						3.2		19.2	39.7	40	39.7	39.7	40	39.7	19.2		3.2			
Select Permit: G 11735 CN Additional Info: JOHN GEHRKE JR App: G12859 Permit: G11735		4/3/1992	IRRIGATION	CN								11.5	37.1	40	37.1	37.1	40	37.1	11.5					
Select App: G 17638 WD Additional Info: SUNNYSIDE DAIRY LLC App: G17638		3/22/2013	IRRIGATION	WD								40	40	40	40	40	40	40	40					
Select Inchoate: T 13756 CF (REG) * Additional Info: SUNNYSIDE DAIRY LLC App: G13373 Permit: G12027		4/23/1993	IRRIGATION													(30.8)	(29.8)	(29.8)	(30.8)					
Select Inchoate: T 13756 CF (REG) * Additional Info: SUNNYSIDE DAIRY LLC App: G234 Permit: G144		2/14/1956	IRRIGATION									(32.8)	(31)	(27.1)	(28.8)									
Select Inchoate: T 13346 CF (REG) * Additional Info: RATTLESNAKE CREEK LAND AND CATTLE CO. App: G4806 Permit: G4330		9/23/1968	SUPPLEMENTAL IRRIGATION (Supplmtl)																	(8.6)	(8.6)			

Acreage Legend: 12.25 Regular acreage

12.25 Acreage is on a canceled right

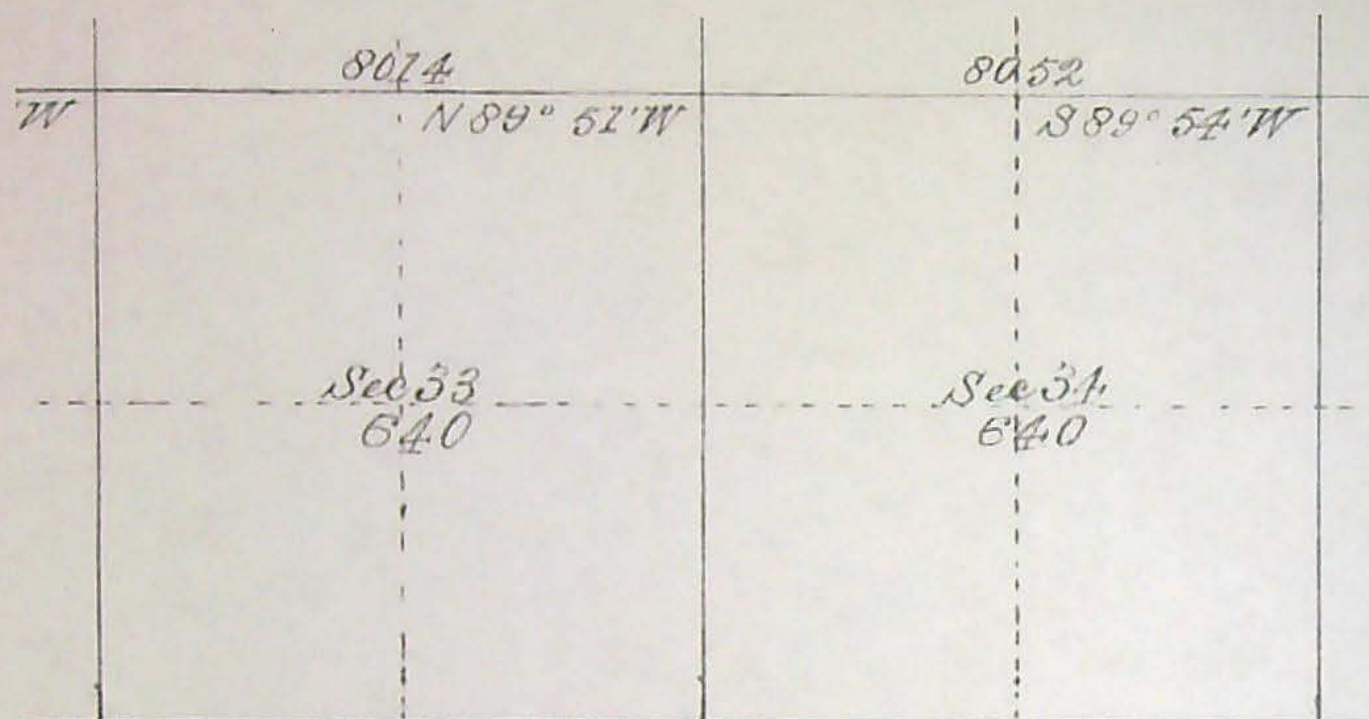
(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)

[12.25] Acreage has been suspended

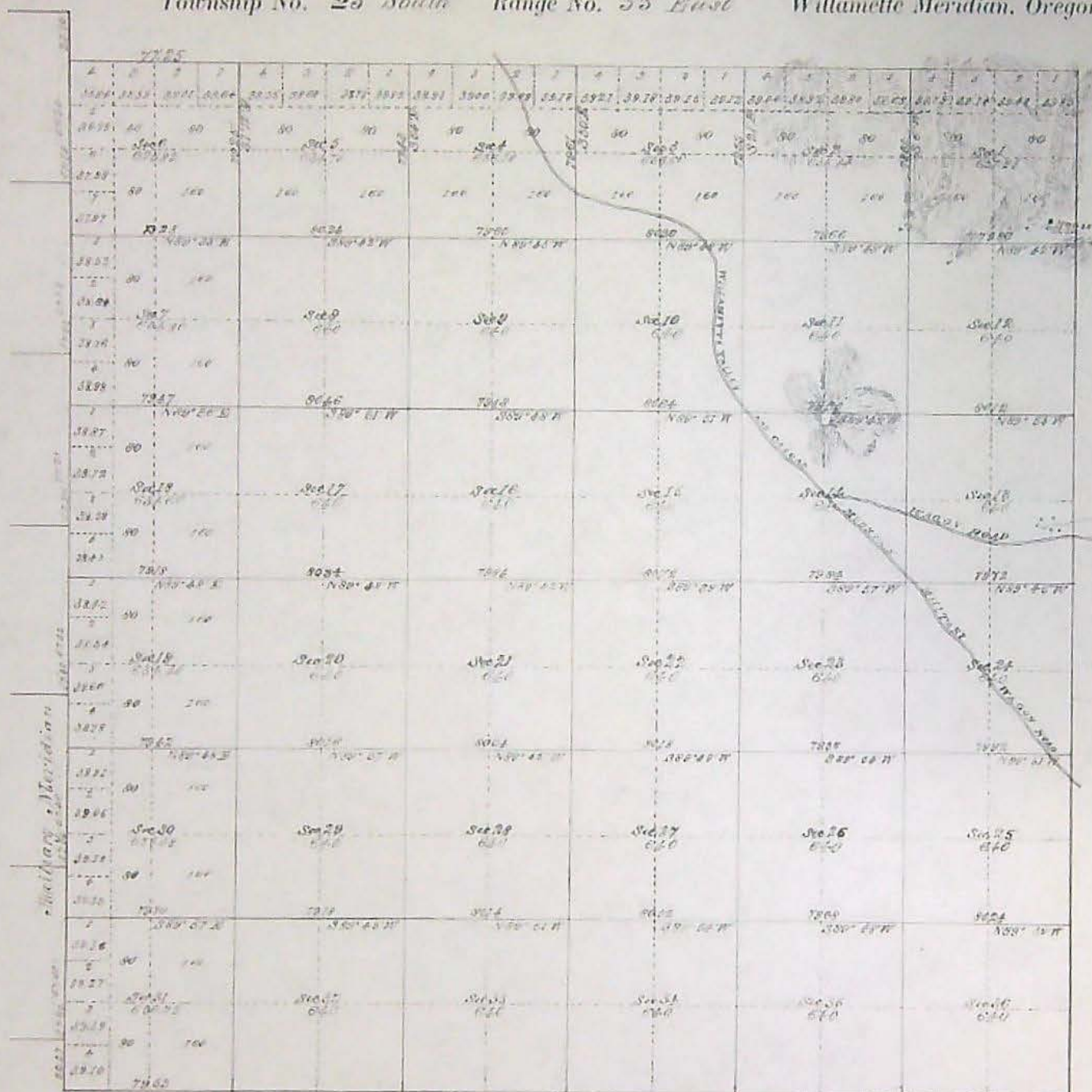
* Acreage is not specified

T-13756:

Portion cadastral survey T23S, R33E, W.M - Sections 33 & 34 - 1884-04-09:



Township No. 23 South Range No. 33 East Willamette Meridian, Oregon.



Total number of Acres 22,983.28

SURVEY DESIGNATED.	BY WHOM SURVEYED.	NO.	DATE OF CONTRACT.	AMOUNT OF SURVEY.	WHEN SURVEYED.	MEAN DECLINATION.
				Acres. | Poles. | Links.		

Theat
No. 23.

T-13756:

Oregon Water Resources Department
Water Rights Mapping Tool

Main Help
Return Contact Us

OWRD Only

Search

Search: Water Right by File

Application:

Permit:

Certificate:

Claim:

Transfer:

Snap ID:

POD Source: Equal

Irr. District:

(Draw box on map)

Points of Diversion (Count: 4)

Places of Use (Count: 4)

Identify Non-Water Right Features

Tax Lots

Layers

Tools

POD POU Irrigation Districts AOI MCWC Planned POU

Q All Fields Search...


ID (select) Organization Website Data Source

Switch Basemap
Measurement

23S33E
24S33E
Lane 14
Lane 13.1 n

0.2 0.4mi

T-13756:


Oregon Water Resources Department
Water Rights Mapping Tool

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Search

Search: Water Right by File

Application:

Permit:

Certificate:

Claim:

Transfer: T 13756

Snap ID:

POD Source: Equal

Irr. District:

(Draw box on map.)

Points of Diversion: (Count: 4)

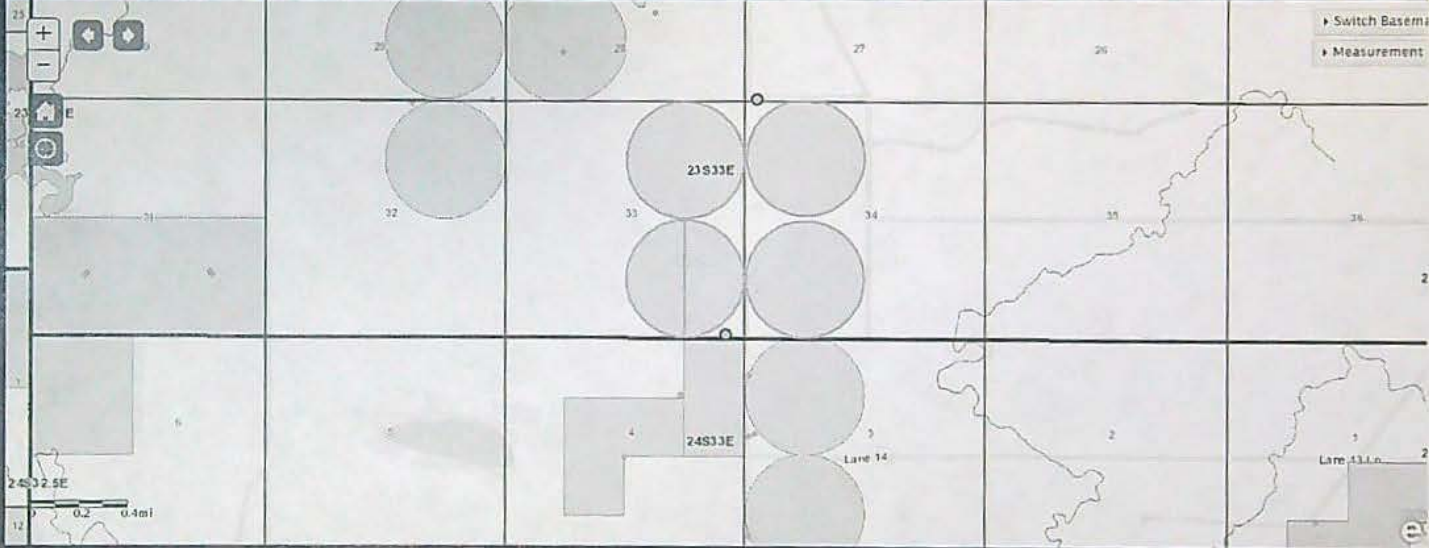
Places of Use: (Count: 2)

Identify Non-Water Right Features

Tax Lots

Layers

Tools



POD POU Irrigation Districts AOI MCWC Planned POU

All Fields Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Duty	Rate cfs	Rate cfs Est.	Max Rate cfs	Acre ft	Acre ft Est	Max Rate Acre ft	Stream Name
1	190237	Details	Map WR	Inchoate: T 13756 CF	GW			SUNNYSIDE DAIRY	IRRIGATION	04/23/1993	-	3	1.13999	Yes	2.2799	-	-	MALHEUR SL > MALHEUR L
2	190238	Details	Map WR	Inchoate: T 13756 CF	GW			SUNNYSIDE DAIRY	IRRIGATION	04/23/1993	-	3	1.13999	Yes	2.2799	-	-	MALHEUR SL > MALHEUR L
3	190239	Details	Map WR	Inchoate: T 13756 CF	GW			SUNNYSIDE DAIRY	IRRIGATION	02/14/1956	-	1	1.85000	Yes	3.76000000	-	-	MALHEUR SL > MALHEUR L

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JERRY L RANK AND GAYLA ANN RANK
65341 CRANE BUCHANAN RD
BURNS OR 97720

confirms the right to use the waters of A WELL in the HOT SPRINGS SLOUGH BASIN for IRRIGATION of 182.6 ACRES.

This right was perfected under Permit G-12027. The date of priority is APRIL 23, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.28 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
24 S	34 E	WM	30	SW SW	4		1310 FEET NORTH & 153 FEET EAST FROM SW CORNER, SECTION 30

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The period of allowed use is March 1 through October 31.

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

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
24 S	34 E	WM	30	NE SW			30.8
24 S	34 E	WM	30	NW SW	3		27.2
24 S	34 E	WM	30	SW SW	4		29.2
24 S	34 E	WM	30	SE SW			35.2
24 S	34 E	WM	30	NW SE			33.9
24 S	34 E	WM	30	SW SE			24.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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 either 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

IRRIGATION							
TwP	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
24 S	34 E	WM	31	NW NE			1.4
24 S	34 E	WM	31	NE NW			0.6
24 S	34 E	WM	31	NW NW	1		0.2

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

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the permit.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall report a March static water level in the well(s) to the Groundwater Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements.

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference level is 51.5 below ground surface.

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

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

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

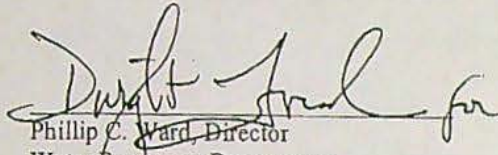
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

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

Issued JUN 18 2008


Phillip C. Ward, Director
Water Resources Department

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SUNNYSIDE DAIRY, LLC
4581 MAPLE GROVE ROAD
SUNNYSIDE, WA 99844

confirms the right to use the waters of FIVE ROSSBERG WELLS, in the MALHEUR LAKE BASIN for IRRIGATION OF 300.8 ACRES.

This right was perfected under Permit G-144. The date of priority is FEBRUARY 14, 1956. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.76 CUBIC FEET PER SECOND (CFS), BEING 0.94 CFS FROM WELL 1, 0.94 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, 0.16 CFS FROM WELL 4, AND 0.78 CFS FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SE SE	WELL 1 - 780 FEET NORTH AND 170 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 - 1260 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 - 1410 FEET NORTH AND 1020 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	SW NE	WELL 4 - 3480 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 - 3950 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 31

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

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.

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

IRRIGATION WELLS 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE NW		35.9
24 S	34 E	WM	31	NW NW	1	37.2
24 S	34 E	WM	31	SW NW	2	37.0
24 S	34 E	WM	31	SE NW		38.5
TOTAL						148.6

IRRIGATION WELLS 1, 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE SW		39.2
24 S	34 E	WM	31	NW SW	3	36.5
24 S	34 E	WM	31	SW SW	4	36.9
24 S	34 E	WM	31	SE SW		39.6
TOTAL						152.2

This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for non-completed additional points of appropriation approved by an order of the Water Resources Director entered June 27, 2007, at Special Order Volume 72, Pages 514-518, approving Transfer Application T-10149 and supersedes Certificate 36878, State Record of Water Right Certificates.

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

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

WITNESS the signature of the Water Resources Director, affixed JAN 26 2015.


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

CLAIM OF BENEFICIAL USE MAP

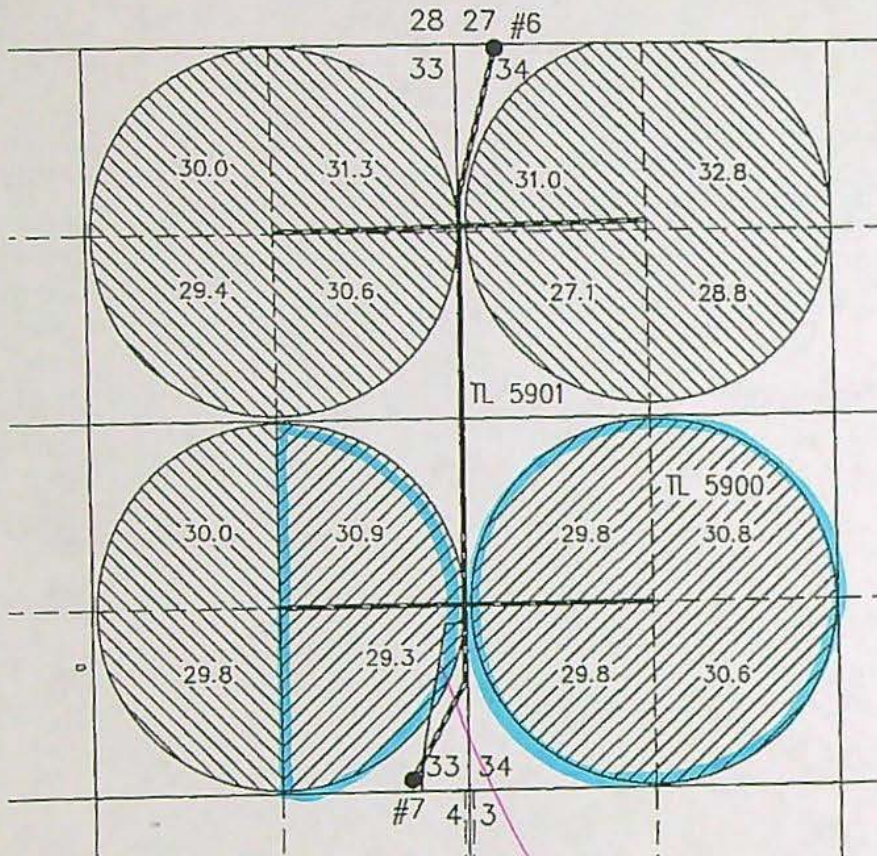
TO CHANGE PLACE OF USE AND
ADD POINTS OF APPROPRIATION
PER T-13756
FOR SUNNYSIDE DAIRY, LLC

TOWNSHIP 23 SOUTH, RANGE 33 EAST, SECTIONS 33 & 34, W.M.
TAX LOTS 5900 & 5901

RECEIVED

JUL 20 2023

OWPC



● **WELL 6 (HARN 52027)**

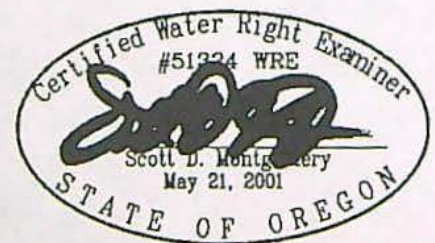
EXISTING WELL IN THE NW 1/4 NW 1/4 SECTION 34,
T23S R33E, W.M. LOCATED 25 FEET SOUTH AND 285
FEET EAST FROM THE NW CORNER OF SECTION 34.

METER IS APPROXIMATELY 6.0 FEET SW'LY ALONG
DELIVERY PIPE FROM WELL.

● **WELL 7 (HARN 621)**

EXISTING WELL IN THE SE 1/4 SE 1/4 SECTION 33,
T23S R33E, W.M. LOCATED 80 FEET NORTH AND 400
FEET WEST FROM THE SE CORNER OF SECTION 33.

METER IS APPROXIMATELY 6.0 FEET N'LY ALONG
DELIVERY PIPE FROM WELL.



RENEWAL DATE: 12/31/2024

THIS MAP IS FOR THE PURPOSE OF LOCATING A
WATER RIGHT ONLY AND HAS NO INTENT TO
PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF
PROPERTY LINES

PREPARED FOR:

SUNNYSIDE DAIRY, LLC
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.
P.O. BOX 767
(541) 548-5833
TERREBONNE, OR 97760
www.APEandS.com

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-13756, Harney County	)	POINTS OF APPROPRIATION AND PLACES
	)	OF USE

Authority

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

Applicant

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

Findings of Fact

1. On April 20, 2015, the Department issued a Final Order (Special Order Volume 95, Page 937), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
2. On March 26, 2020, the Department issued a Final Order (Special Order Volume 116, Page 353), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
3. On June 17, 2021, SUNNYSIDE DAIRY, LLC (Sunnyside), ROSALIO BRAMBILA, MANAGER, filed an application to change the points of appropriation and to change the places of use

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.

under Certificates 84202 and 89855. The Department assigned the application number T-13756.

4. Notice of the application for transfer was published on July 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On November 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13756 to the applicants. The Department's Groundwater Section determined that the proposed changes would interfere substantially with exempt use groundwater users, and that the proposed wells are within, near, or surrounded by, an area of observed groundwater level decline. The draft Preliminary Determination cover letter set forth a deadline of December 17, 2021, for the applicants to respond.
6. On December 16, 2021, the Department received correspondence from Schwabe, Williamson & Wyatt (Schwabe), Attorney, on behalf of the applicant. Schwabe indicated that the Department's Groundwater Section was applying the wrong legal standard in determining injury. Schwabe also acknowledged that Sunnyside had been using water on the proposed "TO" lands under Temporary Transfer Applications T-11985 and T-13199 for seven consecutive irrigation seasons. Schwabe requested the Department to address the issues identified and conduct a proper injury review.
7. On December 24, 2021, the Department received a report of ownership from Schwabe, however, an Affidavit of Consent by Deeded Landowner would be needed, due to a small portion of the place of use extending onto a neighbor's property.
8. On January 3, 2022, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On July 31, 2022, the Department's Groundwater Section completed a re-review of the proposed points of appropriation and determined that injury or enlargement would not occur.
10. On August 5, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13756 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 6, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
11. On September 22, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13756 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 27, 2022, and in the Burns Times Herald newspaper on September 28 and October 5, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

12. The first right to be transferred is as follows:

Certificate: 84202 in the name of JERRY L. RANK AND GAYLA ANN RANK (perfected under Permit G-12027)

Use: IRRIGATION of 182.6 ACRES

Priority Date: APRIL 23, 1993

Rate: 2.28 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL in the HOT SPRINGS SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	30	SW SW	4	WELL 8 - 1310 FEET NORTH AND 153 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	30	NE SW		30.8
24 S	34 E	WM	30	NW SW	3	27.2
24 S	34 E	WM	30	SW SW	4	29.2
24 S	34 E	WM	30	SE SW		35.2
24 S	34 E	WM	30	NW SE		33.9
24 S	34 E	WM	30	SW SE		24.1
24 S	34 E	WM	31	NW NE		1.4
24 S	34 E	WM	31	NE NW		0.6
24 S	34 E	WM	31	NW NW	1	0.2
TOTAL						182.6

13. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	5.66 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	6.43 mi.

14. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
23 S	33 E	WM	33	NE SE	5901	30.9
23 S	33 E	WM	33	SE SE	5901	29.3
23 S	33 E	WM	33	SE SE	5900	1.4
23 S	33 E	WM	34	NE SW	5900	30.8
23 S	33 E	WM	34	NW SW	5900	29.8
23 S	33 E	WM	34	SW SW	5900	29.8
23 S	33 E	WM	34	SE SW	5900	30.6
TOTAL						182.6

15. The second right to be transferred is as follows:

Certificate: 89855 in the name of SUNNYSIDE DAIRY LLC (perfected under Permit G-144)

Use: IRRIGATION of 300.8 ACRES

Priority Date: FEBRUARY 14, 1956

Rate: 3.76 CUBIC FEET PER SECOND (CFS), BEING 0.94 CFS FROM WELL 1, 0.94 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, 0.16 CFS FROM WELL 4, AND 0.78 CFS FROM WELL 5

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FIVE ROSSBERG WELLS, in the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SW NE	WELL 4 - 3480 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 - 3950 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 - 1410 FEET NORTH AND 1020 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 1 - 780 FEET NORTH AND 170 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 - 1260 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION WELLS 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE NW		35.9
24 S	34 E	WM	31	NW NW	1	37.2
24 S	34 E	WM	31	SW NW	2	37.0
24 S	34 E	WM	31	SE NW		38.5
TOTAL						148.6

IRRIGATION WELLS 1, 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE SW		39.2
24 S	34 E	WM	31	NW SW	3	36.5
24 S	34 E	WM	31	SW SW	4	36.9
24 S	34 E	WM	31	SE SW		39.6
TOTAL						152.2

16. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in Miles (mi.)				
						WELL 1	WELL 2	WELL 3	WELL 4	WELL 5
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	7.14 mi.	7.05 mi.	6.63 mi.	6.50 mi.	6.26 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	7.92 mi.	7.81 mi.	7.45 mi.	7.27 mi.	7.02 mi.

17. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE NE	31.3
23 S	33 E	WM	33	NW NE	30.0
23 S	33 E	WM	33	SW NE	29.4
23 S	33 E	WM	33	SE NE	30.6
23 S	33 E	WM	33	NW SE	30.0
23 S	33 E	WM	33	SW SE	29.8
23 S	33 E	WM	34	NE NW	32.8
23 S	33 E	WM	34	NW NW	31.0
23 S	33 E	WM	34	SW NW	27.1
23 S	33 E	WM	34	SE NW	28.8
TOTAL					300.8

Transfer Review Criteria (OAR 690-380-4010)

18. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13756.
20. The proposed changes would not result in enlargement of the rights.
21. The proposed changes would not result in injury to other water rights.
22. Certificate 84202 contains the following decline and interference condition:

Use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference level is 51.5 below ground surface.
23. On July 13, 2022, the Department's Groundwater Section determined the reference level for the proposed "TO" wells, under Certificate 84202, shall be the first March measurement after water use began under the first temporary transfer T-11985. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621), as measured on March 21, 2016.
24. All other application requirements are met.

Conclusions of Law

The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 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 Certificates 84202 and 89855, and any related decree.
3. Water right Certificates 84202 and 89855 are cancelled.
4. Under Certificate 84202, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 8).
5. Under Certificate 89855, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, Well 3, Well 4, and Well 5).
6. Under Certificate 84202, use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

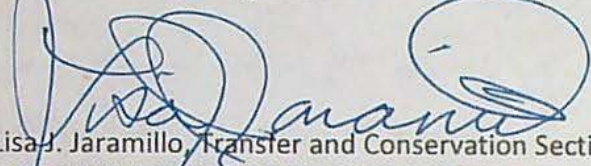
The Water Resources Department has determined that the initial water level in the well(s) is those of the March 21, 2016, report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621).

7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
9. The former places of use of the transferred rights shall no longer receive water under the rights.

10. 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.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

NOV 28 2022


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

Mailing date: **NOV 29 2022**

RECEIVED

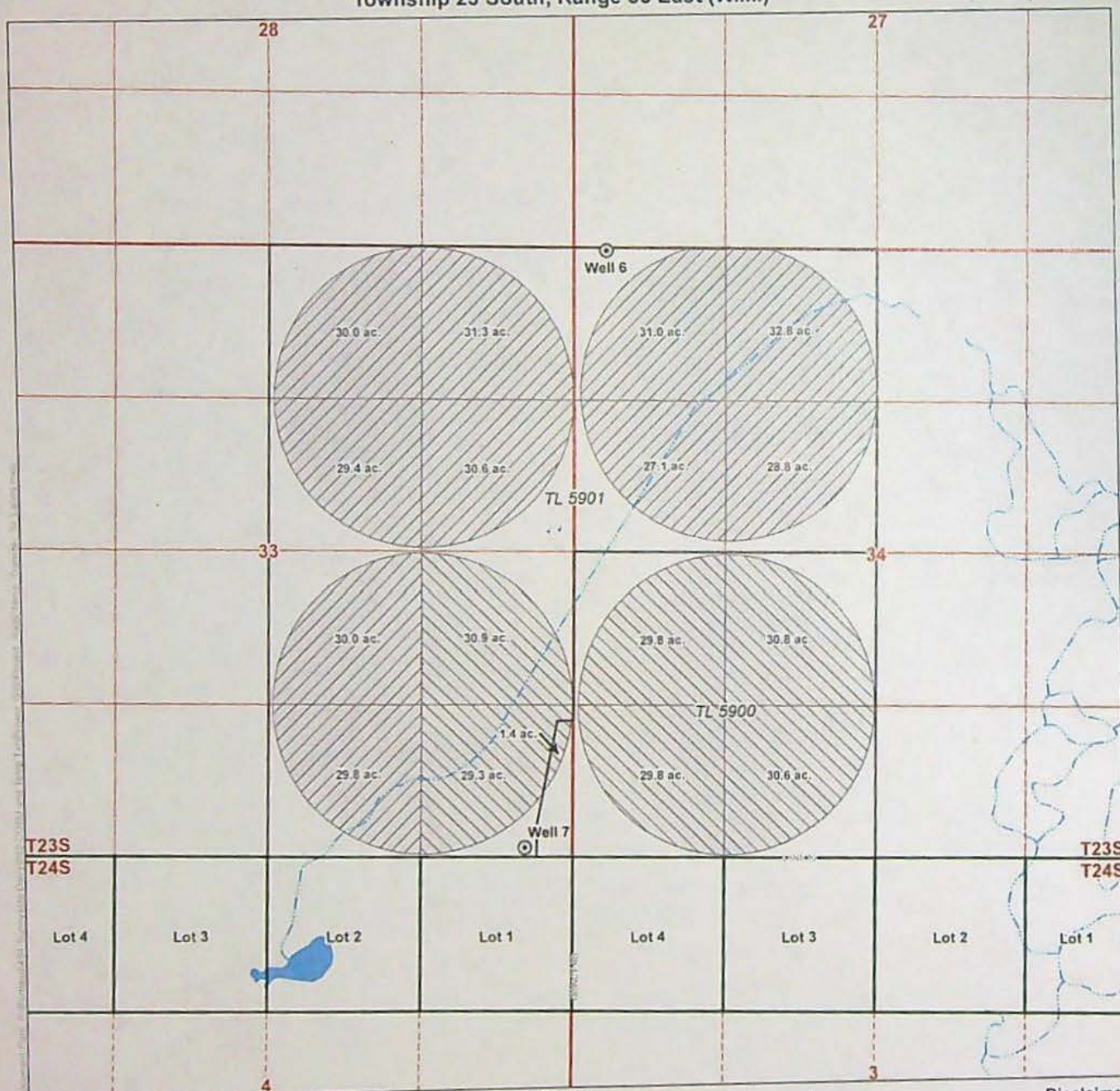
JUN 17 2021

OWRD

Application for Permanent Transfer Sunnyside Dairy LLP TO LANDS

Certificate 84202 (Permit G-12027) and Certificate 89855 (Permit G-144)

Township 23 South, Range 33 East (W.M.)



LEGEND

- ⊙ Point of Appropriation (POA)
- Place of Use (POU)
 - ▨ Certificate 84202
 - ▨ Certificate 89855
- All Other Features
 - Government Lots
 - Tax Lots
 - Waterbodies
 - ~ Watercourses

POA LOCATION DESCRIPTIONS

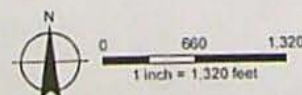
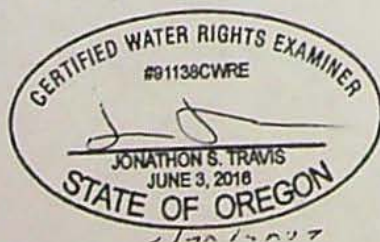
- Well 6
Located 25 feet South and 285 feet East from the NW corner of Section 34 Township 23 South, Range 33 East (W.M.)
- Well 7
Located 80 feet North and 400 feet West from the SE corner of Section 33, Township 23 South, Range 33 East (W.M.)

Disclaimer

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

Map Notes

Date: February 20, 2015
Data Sources: OWRD, US BLM, USGS, ESRI
Prepared By: GeoEngineers, Inc





Application for Permanent Transfer Sunnyside Dairy LLP FROM LANDS

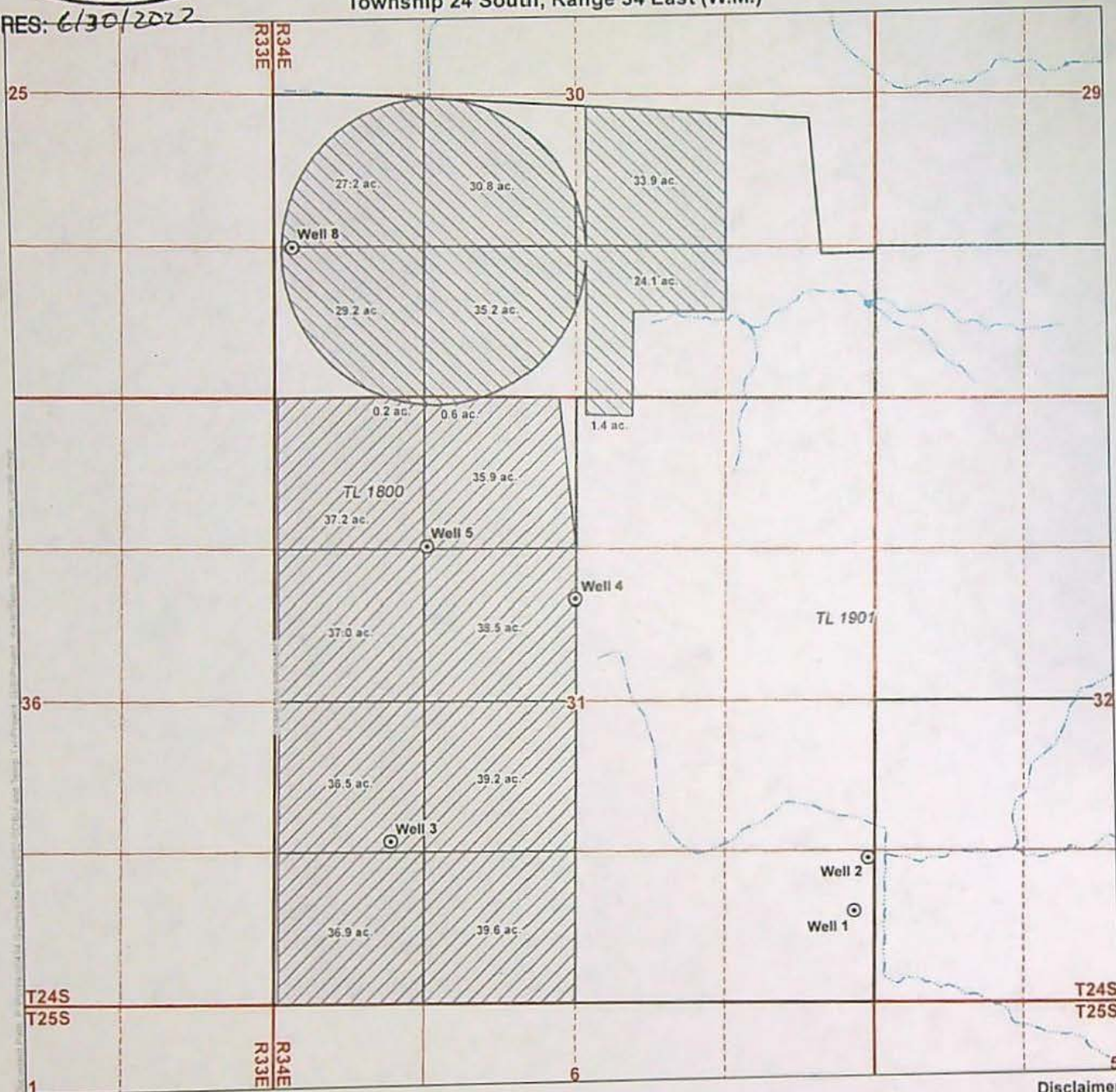
RECEIVED

JUN 17 2021

OWRD

Certificate 84202 (Permit G-12027) and Certificate 89855 (Permit G-144)
Township 24 South, Range 34 East (W.M.)

EXPIRES: 6/30/2022



LEGEND

- ⊙ Point of Appropriation (POA)
- Place of Use (POU)
 - Certificate 84202
 - Certificate 89855
- All Other Features
 - Government Lots
 - Tax Lots
 - Waterbodies
 - Watercourses

POA LOCATION DESCRIPTIONS

- Well 1**
Located 780 feet North and 170 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 2**
Located 1,260 feet North and 60 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 3**
Located 1,410 feet North and 1,020 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 4**
Located 3,480 feet North and 2,660 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 5**
Located 3,950 feet North and 1,320 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 8**
Located 1,310 feet North and 153 feet East from the SW corner of Section 30, Township 24 South, Range 34 East (W.M.)

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



Map Notes
Date: February 19, 2015
Data Sources: OWRD, US BLM, USGS, ESRI
Prepared By: GeoEngineers, Inc.

0 660 1,320
1 inch = 1,320 feet

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 # 141395 INVOICE #

RECEIVED FROM: Sunnyside Dairy, LLC BY:

CASH: ☐ CHECK: # 21227 OTHER: (IDENTIFY)

APPLICATION PERMIT TRANSFER T-13756

TOTAL REC'D \$1,894.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R12974-25 \$
0413 OTHER: (IDENTIFY) Certificate Reimbursement Authority \$1,894.00

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 EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$
0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

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

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: 141395 DATED 8-14-23 BY: [Signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

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HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 141395 DATED 8-14-23 BY: [Signature]

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

Sunnyside Dairy, LLC

1,894.00

RECEIVED
AUG 14 2023
OWRD

Sunnyside Dairy, LLC
Oregon Water Resources Department
Date 8/9/2023 Type Bill T-13756
Original Amt. 1,894.00
Balance Due 1,894.00
Discount 8/9/2023
Check Amount
Payment 1,894.00
21227



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R12974-25

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

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department

725 Summer Street NE
Salem OR 97301-1271
Phone: 503-979-3208

Email: Kerry.L.Kavanagh@water.oregon.gov

Applicant's Information

Name: Rosalio Brambila

Company: Sunnyside Dairy, LLC

Address: 4581 Maple Grove Rd
Sunnyside WA 98944
Phone: 509-837-4779

Email*: rosalio@sunnysidedairy.com

Applicant's Representative

Name: Scott Montgomery

Title: Representative

Company: All Points Engineering & Surveying, Inc.

Address: PO Box 767
Terrebonne OR 97760

Phone: 541-548-5833

Email*: scott@apeands.com

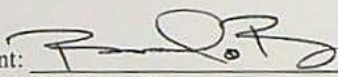
*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

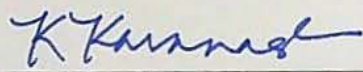
- Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Transfer Application Number: T-13756)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Sunnyside Dairy, LLC 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.
- 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 has been received by OWRD.
- Consideration.** Sunnyside Dairy, LLC shall pay OWRD in advance for actual costs incurred by OWRD. Sunnyside Dairy, LLC agrees to pay the full amount of ~~\$1894~~ 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 cost of performing the work is less than payments received, OWRD will refund the difference. If the actual cost of processing exceeds the estimate, the Applicant can either amend the Agreement or amend the Agreement to reflect the increase in cost. The payment does not include the statutory application processing and filing fees.
- Confidentiality.** Sunnyside Dairy, LLC agrees that any information provided to OWRD under this Agreement will be subject to the Oregon Public Records Act and considered public records.
- 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.

RECEIVED
AUG 14 2023
OWRD

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. 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.
11. **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.
12. **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.
13. **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.
14. **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.

Applicant: 
Name: Rosalio Brambila
Company: Sunnyside Dairy, LLC
Date: 8-9-23

For OWRD: 
Name: Kerry Kavanagh
Water Right Services Division
Date: 8-18-2023

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Monday, August 07, 2023 4:14 PM
To: rosario@sunnysidedairy.com; Scott
Cc: KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R12974-25 for Sunnyside Dairy, LLC involving Application T-13756
Attachments: RA contract_T-13756.pdf; RA estimate request_T-13756.pdf; RA estimate receipt_T-13756.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



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

RECEIVED FROM: Sunnyside Dairy, LLC APPLICATION T-13756
BY: PERMIT
TRANSFER

CASH: CHECK: # 21221 OTHER: (IDENTIFY)
TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT
0407 COPIES 47126 R12974-25 \$
0413 OTHER: (IDENTIFY) Cert. of Completion \$ 125.00
0243 I/S Lease 0244 Muni Water Mgmt. Plan Authority 0245 Cons. Water

4270 WRD OPERATING ACCT
MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS: EXAM FEE RECORD FEE
0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION EXAM FEE LICENSE FEE
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 RECEIVED
OBJ. CODE VENDOR # OVER THE COUNTER
DESCRIPTION \$

RECEIVED FROM: Sunnyside Dairy, LLC APPLICATION T-13756
BY: PERMIT
TRANSFER

CASH: CHECK: # 21221 OTHER: (IDENTIFY)
TOTAL REC'D \$ 125.00

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HYDRO APPLICATION \$

TREASURY OTHER / RDX
FUND TITLE RECEIVED
OBJ. CODE VENDOR # OVER THE COUNTER
DESCRIPTION \$

Sunnyside Dairy, LLC

RECEIVED
JUL 20 2023
OWRD

125.00

Sunnyside Dairy, LLC
Oregon Water Resources Department
Date 7/10/2023 Type Reference Bill - WS Permit Fee
Original Amt. 125.00 Balance Due 125.00
1/19/2023 Discount
Check Amount Payment 125.00
21221



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

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

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) T-13756

Applicant Information		Applicant's Representative/Contact
Name:	Sunnyside Dairy, LLC	All Points Engr & Surveying, Inc
Address:	4581 Maple Grove Rd	PO Box 767
	Sunnyside, WA 98944	Terrebonne, OR 97760
Phone:	509-837-4779	541-548-5833
Fax:	_____	_____
E-Mail Address:	rosalio@sunnysidedairy.com	scott@apeands.com

I certify that I (check one):

- ☐ have previously filed a Claim of Beneficial Use
☒ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost 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 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 Claim of Beneficial Use 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
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

I certify that I am the (check one):

- ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Rosalio Brambila

Signature: [Signature]

RECEIVED

JUL 20 2023

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R12 974 25



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 28, 2022

ROSALIO BRAMBILA
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

REFERENCE: Transfer Application T-13756

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 temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

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

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
Molly Reid, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGES IN
T-13756, Harney County	)	POINTS OF APPROPRIATION AND PLACES
	)	OF USE

Authority

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

Applicant

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

Findings of Fact

1. On April 20, 2015, the Department issued a Final Order (Special Order Volume 95, Page 937), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
2. On March 26, 2020, the Department issued a Final Order (Special Order Volume 116, Page 353), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
3. On June 17, 2021, SUNNYSIDE DAIRY, LLC (Sunnyside), ROSALIO BRAMBILA, MANAGER, filed an application to change the points of appropriation and to change the places of use

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.

under Certificates 84202 and 89855. The Department assigned the application number T-13756.

4. Notice of the application for transfer was published on July 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On November 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13756 to the applicants. The Department's Groundwater Section determined that the proposed changes would interfere substantially with exempt use groundwater users, and that the proposed wells are within, near, or surrounded by, an area of observed groundwater level decline. The draft Preliminary Determination cover letter set forth a deadline of December 17, 2021, for the applicants to respond.
6. On December 16, 2021, the Department received correspondence from Schwabe, Williamson & Wyatt (Schwabe), Attorney, on behalf of the applicant. Schwabe indicated that the Department's Groundwater Section was applying the wrong legal standard in determining injury. Schwabe also acknowledged that Sunnyside had been using water on the proposed "TO" lands under Temporary Transfer Applications T-11985 and T-13199 for seven consecutive irrigation seasons. Schwabe requested the Department to address the issues identified and conduct a proper injury review.
7. On December 24, 2021, the Department received a report of ownership from Schwabe, however, an Affidavit of Consent by Deeded Landowner would be needed, due to a small portion of the place of use extending onto a neighbor's property.
8. On January 3, 2022, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On July 31, 2022, the Department's Groundwater Section completed a re-review of the proposed points of appropriation and determined that injury or enlargement would not occur.
10. On August 5, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13756 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 6, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
11. On September 22, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13756 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 27, 2022, and in the Burns Times Herald newspaper on September 28 and October 5, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

12. The first right to be transferred is as follows:

Certificate: 84202 in the name of JERRY L. RANK AND GAYLA ANN RANK (perfected under Permit G-12027)
Use: IRRIGATION of 182.6 ACRES
Priority Date: APRIL 23, 1993
Rate: 2.28 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL in the HOT SPRINGS SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	30	SW SW	4	WELL 8 - 1310 FEET NORTH AND 153 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	30	NE SW		30.8
24 S	34 E	WM	30	NW SW	3	27.2
24 S	34 E	WM	30	SW SW	4	29.2
24 S	34 E	WM	30	SE SW		35.2
24 S	34 E	WM	30	NW SE		33.9
24 S	34 E	WM	30	SW SE		24.1
24 S	34 E	WM	31	NW NE		1.4
24 S	34 E	WM	31	NE NW		0.6
24 S	34 E	WM	31	NW NW	1	0.2
TOTAL						182.6

13. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	5.66 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	6.43 mi.

14. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
23 S	33 E	WM	33	NE SE	5901	30.9
23 S	33 E	WM	33	SE SE	5901	29.3
23 S	33 E	WM	33	SE SE	5900	1.4
23 S	33 E	WM	34	NE SW	5900	30.8
23 S	33 E	WM	34	NW SW	5900	29.8
23 S	33 E	WM	34	SW SW	5900	29.8
23 S	33 E	WM	34	SE SW	5900	30.6
TOTAL						182.6

15. The second right to be transferred is as follows:

Certificate: 89855 in the name of SUNNYSIDE DAIRY LLC (perfected under Permit G-144)

Use: IRRIGATION of 300.8 ACRES

Priority Date: FEBRUARY 14, 1956

Rate: 3.76 CUBIC FEET PER SECOND (CFS), BEING 0.94 CFS FROM WELL 1, 0.94 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, 0.16 CFS FROM WELL 4, AND 0.78 CFS FROM WELL 5

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FIVE ROSSBERG WELLS, in the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SW NE	WELL 4 - 3480 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 - 3950 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 - 1410 FEET NORTH AND 1020 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 1 - 780 FEET NORTH AND 170 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 - 1260 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION WELLS 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE NW		35.9
24 S	34 E	WM	31	NW NW	1	37.2
24 S	34 E	WM	31	SW NW	2	37.0
24 S	34 E	WM	31	SE NW		38.5
TOTAL						148.6

IRRIGATION WELLS 1, 2, 3, 4, AND 5						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE SW		39.2
24 S	34 E	WM	31	NW SW	3	36.5
24 S	34 E	WM	31	SW SW	4	36.9
24 S	34 E	WM	31	SE SW		39.6
TOTAL						152.2

16. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in Miles (mi.)				
						WELL 1	WELL 2	WELL 3	WELL 4	WELL 5
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	7.14 mi.	7.05 mi.	6.63 mi.	6.50 mi.	6.26 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	7.92 mi.	7.81 mi.	7.45 mi.	7.27 mi.	7.02 mi.

17. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE NE	31.3
23 S	33 E	WM	33	NW NE	30.0
23 S	33 E	WM	33	SW NE	29.4
23 S	33 E	WM	33	SE NE	30.6
23 S	33 E	WM	33	NW SE	30.0
23 S	33 E	WM	33	SW SE	29.8
23 S	33 E	WM	34	NE NW	32.8
23 S	33 E	WM	34	NW NW	31.0
23 S	33 E	WM	34	SW NW	27.1
23 S	3E'E	WM	34	SE NW	28.8
TOTAL					300.8

Transfer Review Criteria (OAR 690-380-4010)

18. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13756.
20. The proposed changes would not result in enlargement of the rights.
21. The proposed changes would not result in injury to other water rights.
22. Certificate 84202 contains the following decline and interference condition:

Use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference level is 51.5 below ground surface.
23. On July 13, 2022, the Department's Groundwater Section determined the reference level for the proposed "TO" wells, under Certificate 84202, shall be the first March measurement after water use began under the first temporary transfer T-11985. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621), as measured on March 21, 2016.
24. All other application requirements are met.

Conclusions of Law

The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

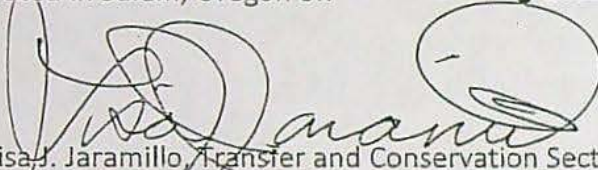
1. The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 84202 and 89855, and any related decree.
3. Water right Certificates 84202 and 89855 are cancelled.
4. Under Certificate 84202, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 8).
5. Under Certificate 89855, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, Well 3, Well 4, and Well 5).
6. Under Certificate 84202, use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the March 21, 2016, report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621).

7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
9. The former places of use of the transferred rights shall no longer receive water under the rights.

10. 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.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **NOV 28 2022**


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

Mailing date: **NOV 29 2022**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-13756

Transfer Specialist: *Cory C.*

Transfer Type: Regular Transfer

Applicant: <i>Sunnyside Dairy, LLC</i> ROSALIO BRAMBILA, <i>manager</i> 4581 MAPLE GROVE RD SUNNYSIDE, WA 98944 Email: <i>lax</i> Phone:		Agent: <input type="checkbox"/> N/A MOLLY REID 8019 W QUINAULT AVE SUITE 201 KENNEWICK, WA 99336 Email: Phone:	
Irrigation District: <input type="checkbox"/> N/A Email:		CWRE: <input type="checkbox"/> N/A Email:	
Affected Local Gov'ts: <input type="checkbox"/> N/A County Of Harney Email:		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email:	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email:		Receiving Landowner: <input type="checkbox"/> N/A Email:	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-13373	G-12027	84202	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-234	G-144	89855	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: June 17, 2021	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 4770.00	WM District: 10	ODFW District:
Initial Public Notice: July 13, 2021	WM Review sent: <i>1626 N+E.</i>	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <i>18/24</i> <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input checked="" type="checkbox"/> N/A	<i>INJURY</i>
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

> 7 mi Δ. Went for BOR.

> .25 mi = Newspaper Burns Times-Herald

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>10-25</i> Initials: <i>B</i>	Date: <i>10/27/21</i> Initials: <i>Joan</i>	Date: <i>11/5/21</i> Initials: <i>PKS</i>	Date: <i>11/5/21</i> Initials: <i>PKS</i>	Date: <i>11-17</i> Initials: <i>11-17-21</i>	CW Sent: <i>11-17-21</i>	N/A
PD	Date: <i>8/9/22</i> Initials: <i>cc</i>	Date: <i>8.15.22</i> Initials: <i>PKS</i>	Date: <i>8/17/22</i> Initials: <i>PKS</i>	Date: <i>8/17/22</i> Initials: <i>PKS</i>	Date: <i>9/9/22</i> Initials: <i>cc</i>	Date: <i>9/9/22</i>	Date: <i>9/20/2022</i>
FO	Date: <i>10/21/22</i> Initials: <i>cc</i>	Date: <i>10/25/22</i> Initials: <i>AD</i>	Date: <i>11/4/22</i> Initials: <i>PKS</i>	Date: <i>11/10/22</i> Initials: <i>cc</i>	Date: <i>11/18/22</i> Initials: <i>cc</i>	Date: <i>11/18/22</i>	Date: <i>11/28/2022</i>

Revised DPD 7/18/22 cc 7-22-22 B 8/2/22 PKS 8/18/22 cc 11/28/2022

Special Issues: _____

Special Order Volume: Vol. *127* Pages *77-84*

OWRD

Date
8/30/2022
Type
Bill
Reference
T-13756Original Amt.
288.00Balance Due
288.00

8/31/2022

Discount

Payment

288.00

288.00

Check Amount

19147

Sunnyside Dairy, LLC For T-13756 Notice

288.00

OWRD

RECEIVED
SEP 02 2022

RECEIVED

SEP 02 2022

OWRD

Caseworker: cc

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 # 139063

INVOICE #

RECEIVED FROM:

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 288.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

\$

OTHER:

(IDENTIFY)

\$ 288.00

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:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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: 139063

DATED: 9-2-2022

BY: [Signature]

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

Attached is a check for \$288.00 (PCA #46118) for Newspaper Notice for Transfer T-13756 made out to Oregon Water Resources Department (or WRD)

- "for T-13756 NOTICE" written on front of check

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

PUBLIC NOTICE

Notice of Preliminary Determination for Water Right Transfer T-13756

T-13756 filed by Sunnyside Dairy, LLC, Rosalio Brambila, Manager, 4581 Maple Grove Rd., Sunnyside, WA 98944, proposes a change in points of appropriation and places of use under Certificates 84202 and 89855. Certificate 84202 allows the use of 2.28 cubic feet per second (cfs) from a well in Sec. 30, T24S, R34E, WM for irrigation in Sects. 30 and 31, T24S, R34E, WM. Certificate 89855 allows the use of 3.76 cfs from five wells in Sec. 31, T24S, R34E, WM for irrigation in Sec. 31, T24S, R34E, WM. The applicant proposes to move the points of appropriation to Sects. 33 and 34, T23S, R33E, WM, and to change the places of use to Sects. 33 and 34, T23S, R33E, WM. 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, 10/05/2022. 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.

Publish Sept 28 and Oct 5, 2022

RECEIVED

OCT 07 2022

OWRD

RECEIVED

OCT 07 2022

OWRD

BURNS TIMES-HERALD

355 N. Broadway, Burns, Oregon 97720

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

(
(S.S.

County of Harney

I Terri L. Smith, being first and duly sworn, depose and say that I am the Advertising Manager of the Burns Times-Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published at Burns, in the aforesaid County and State by the Burns Times-Herald that the

Public Notice: T-13756

a printed copy of which is hereto annexed, was published in the said newspaper for

2

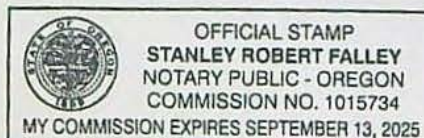
successive and consecutive weeks in the following issues:

Dates of Publication: 28th September & 5th October 2022

Signed Terri L. Smith
By Terri L. Smith, Advertising Manager
The Burns Times-Herald

Subscribed and sworn before me this 5 day of OCT 2022.

Stanley Robert Falley
Notary Public for Oregon



No. _____

STATE OF OREGON
for the
COUNTY OF HARNEY

Filed _____, 21

Clerk

Deputy

From the Office of _____

Attorney for _____



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 22, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

SUBJECT: Water Right Transfer Application T-13756

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13756. 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.

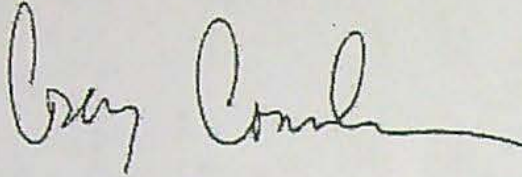
A public notice is being published in the Department's weekly publication and in the Burns Times Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department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

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

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

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane", with a long horizontal flourish extending to the right.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13756
 District 10 Watermaster *(via e-mail)*
 Molly Reid, Agent for the applicant *(via e-mail)*
 Shonee Langford, Attorney *(via e-mail)*

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13756, Harney County	)	PROPOSING APPROVAL OF CHANGES IN
	)	POINTS OF APPROPRIATION AND PLACES
	)	OF USE

Authority

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

Applicant

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

Findings of Fact

1. On April 20, 2015, the Department issued a Final Order (Special Order Volume 95, Page 937), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
2. On March 26, 2020, the Department issued a Final Order (Special Order Volume 116, Page 353), approving a temporary change in place of use and points of appropriation under Certificates 84202 and 89855 for a period of 5 years.
3. On June 17, 2021, SUNNYSIDE DAIRY, LLC (Sunnyside), ROSALIO BRAMBILA, MANAGER, filed an application to change the points of appropriation and to change the places of use under Certificates 84202 and 89855. The Department assigned the application number T-13756.

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. Notice of the application for transfer was published on July 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On November 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13756 to the applicants. The Department's Groundwater Section determined that the proposed changes would interfere substantially with exempt use groundwater users, and that the proposed wells are within, near, or surrounded by, an area of observed groundwater level decline. The draft Preliminary Determination cover letter set forth a deadline of December 17, 2021, for the applicants to respond.
6. On December 16, 2021, the Department received correspondence from Schwabe, Williamson & Wyatt (Schwabe), Attorney, on behalf of the applicant. Schwabe indicated that the Department's Groundwater Section was applying the wrong legal standard in determining injury. Schwabe also acknowledged that Sunnyside had been using water on the proposed "TO" lands under Temporary Transfer Applications T-11985 and T-13199 for seven consecutive irrigation seasons. Schwabe requested the Department to address the issues identified and conduct a proper injury review.
7. On December 24, 2021, the Department received a report of ownership from Schwabe, however, an Affidavit of Consent by Deeded Landowner would be needed, due to a small portion of the place of use extending onto a neighbor's property.
8. On January 3, 2022, the applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On July 31, 2022, the Department's Groundwater Section completed a re-review of the proposed points of appropriation and determined that injury or enlargement would not occur.
10. On August 5, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13756 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 6, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
11. The first right to be transferred is as follows:

Certificate:	84202 in the name of JERRY L. RANK AND GAYLA ANN RANK (perfected under Permit G-12027)
Use:	IRRIGATION of 182.6 ACRES
Priority Date:	APRIL 23, 1993
Rate:	2.28 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each

acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL in the HOT SPRINGS SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	30	SW SW	4	WELL 8 - 1310 FEET NORTH AND 153 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	30	NE SW		30.8
24 S	34 E	WM	30	NW SW	3	27.2
24 S	34 E	WM	30	SW SW	4	29.2
24 S	34 E	WM	30	SE SW		35.2
24 S	34 E	WM	30	NW SE		33.9
24 S	34 E	WM	30	SW SE		24.1
24 S	34 E	WM	31	NW NE		1.4
24 S	34 E	WM	31	NE NW		0.6
24 S	34 E	WM	31	NW NW	1	0.2
TOTAL						182.6

12. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	5.66 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	6.43 mi.

13. Transfer Application T-13756 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
23 S	33 E	WM	33	NE SE	5901	30.9
23 S	33 E	WM	33	SE SE	5901	29.3
23 S	33 E	WM	33	SE SE	5900	1.4
23 S	33 E	WM	34	NE SW	5900	30.8
23 S	33 E	WM	34	NW SW	5900	29.8
23 S	33 E	WM	34	SW SW	5900	29.8
23 S	33 E	WM	34	SE SW	5900	30.6
TOTAL						182.6

14. The second right to be transferred is as follows:

Certificate: 89855 in the name of SUNNYSIDE DAIRY LLC (perfected under Permit G-144)

Use: IRRIGATION of 300.8 ACRES

Priority Date: FEBRUARY 14, 1956

Rate: 3.76 CUBIC FEET PER SECOND (CFS), BEING 0.94 CFS FROM WELL 1, 0.94 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, 0.16 CFS FROM WELL 4, AND 0.78 CFS FROM WELL 5

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FIVE ROSSBERG WELLS, in the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SW NE	WELL 4 - 3480 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 - 3950 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 - 1410 FEET NORTH AND 1020 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 1 - 780 FEET NORTH AND 170 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 - 1260 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE NW		35.9
24 S	34 E	WM	31	NW NW	1	37.2
24 S	34 E	WM	31	SW NW	2	37.0
24 S	34 E	WM	31	SE NW		38.5
TOTAL						148.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE SW		39.2
24 S	34 E	WM	31	NW SW	3	36.5
24 S	34 E	WM	31	SW SW	4	36.9
24 S	34 E	WM	31	SE SW		39.6
TOTAL						152.2

15. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in Miles (mi.)				
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	WELL 1	WELL 2	WELL 3	WELL 4	WELL 5
						7.14 mi.	7.05 mi.	6.63 mi.	6.50 mi.	6.26 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	7.92 mi.	7.81 mi.	7.45 mi.	7.27 mi.	7.02 mi.

16. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE NE	31.3
23 S	33 E	WM	33	NW NE	30.0
23 S	33 E	WM	33	SW NE	29.4
23 S	33 E	WM	33	SE NE	30.6
23 S	33 E	WM	33	NW SE	30.0
23 S	33 E	WM	33	SW SE	29.8
23 S	33 E	WM	34	NE NW	32.8
23 S	33 E	WM	34	NW NW	31.0
23 S	33 E	WM	34	SW NW	27.1
23 S	3E E	WM	34	SE NW	28.8
TOTAL					300.8

Transfer Review Criteria (OAR 690-380-4010)

17. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13756.
19. The proposed changes would not result in enlargement of the rights.
20. The proposed changes would not result in injury to other water rights.
21. Certificate 84202 contains the following decline and interference condition:

Use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well(s) is those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference level is 51.5 below ground surface.

22. On July 13, 2022, the Department's Groundwater Section determined the reference level for the proposed "TO" wells, under Certificate 84202, shall be the first March measurement after water use began under the first temporary transfer T-11985. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621), as measured on March 21, 2016.
23. All other application requirements are met.

Determination and Proposed Action

The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 appear 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-13756 is approved, the final order will include the following:

- 1. The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 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 Certificates 84202 and 89855, and any related decree.*
- 3. Water right Certificates 84202 and 89855 are cancelled.*
- 4. Under Certificate 84202, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 8).*
- 5. Under Certificate 89855, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, Well 3, Well 4, and Well 5).*
- 6. Under Certificate 84202, use of water from the well(s) shall not be allowed if well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years; or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years; or (C) a water level decline of 25 or more feet; or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.*

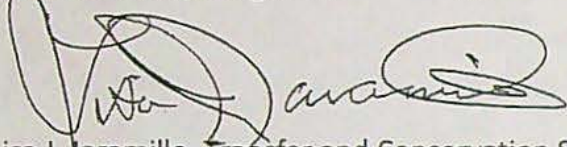
The Water Resources Department has determined that the initial water level in the well(s) is those of the March 21, 2016, report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced. The reference levels are 37.10 feet below land surface (BLSD) for Well 6 (HARN 52027) and 44.07 feet BLSD for Well 7 (HARN 621).

- 7. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 8. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 9. The former places of use of the transferred rights shall no longer receive water under the rights.*

10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

SEP 22 2022



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

This Preliminary Determination was prepared by: Corey Courchane. If you have any questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

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.



111 W Washington St., Burns, OR 97720
PHONE (541)573-2039 FAX (541)573-5844

LOT BOOK REPORT

Nikos Klingenberg
Schwabe, Williamson & Wyatt
1211 SW 5th Ave., Ste. 1900
Portland, OR 97204

December 20, 2021
Title Number: 515938AM
Title Officer: Stan Falley
Client File #:
Fee: \$200.00

We have searched our Tract Indices as to the following described property:

Subject Property Address: Bare Land, Harney County OR
43151 Eagle Ln, Burns, OR 97720 (Harney County, OR)

Legal Description:

See attached Exhibit 'A'

And dated as of: November 30, 2021, at 7:30 a.m.

We find that the last deed of record runs to:

Sunnyside Dairy, LLC, a Washington Limited Liability Company (Parcel A)
Jerry L. Rank and Nancy D. Rank, as tenants by the entirety (Parcel B)

We also find the following apparent monetary encumbrances within ten years prior to the effective date hereof and the following unpaid taxes and city liens:

1. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$40,500,000.00
Trustor/Grantor: Sunnyside Dairy, LLC
Trustee: AmeriTitle
Beneficiary: Canadian Imperial Bank of Commerce
Dated: December 21, 2020
Recorded: December 23, 2020
Instrument No.: 20201656
(Affects Parcel A)
2. Taxes assessed under Code No. 0420 Account No. 93132 Map No. 24S34E000001901
The 2021-2022 Taxes: \$1,498.31
Balance Due: \$24.47, plus interest, unpaid.

3. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$135,000.00

Trustor/Grantor: Jerry L. Rank and Nancy D. Rank, as Tenants by the Entirety

Trustee: AmeriTitle

Beneficiary: Bank of Eastern Oregon

Dated: September 20, 2019

Recorded: October 2, 2019

Instrument No.: 20191274

(Affects Parcel B)

4. N/A

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following:

N/A

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: This Lot Book Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation or entity of any kind should use this report as a basis to produce a title insurance product, it should be understood that it is clearly outside of Oregon law. Any liability hereunder is limited to the amount paid for said report.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 515938AM

Parcel A

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 34 E., W.M.:

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$.

ALSO all that portion of Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 30, lying South and West of the following described line:

Beginning at the West quarter corner of said Sec. 30;

thence S. 87°34'30" E., 4669.44 feet, along an existing fence line;

thence S. 05°07'50" E., 1187.52 feet, along an existing fence line;

thence N. 88°18'40" E., 468.66 feet, along an existing fence line, to the section line common to Sections 29 and 30, said point being N. 00°01'00" W., 1259.56 feet from the Southeast corner of said Sec. 30;

thence N. 88°18'40" E., 2642.00 feet, more or less, along an existing fence line, to the North-South centerline of said Sec. 29.

Parcel B

A parcel of land located in Sections 29, 31 and 32, Township 24 South, Range 34 East, Willamette Meridian, Harney County, Oregon, according to the official plat thereof as follows:

Parcel No. 1 of Partition Plat No. 2017-0844, recorded June 30, 2017, Instrument No. 20170844, Harney County Records.

EXHIBIT A TO TRUST DEED

Exhibit A to FIRST AMENDMENT TO TRUST DEED dated as of December 21, 2020, for reference purposes, by and between SUNNYSIDE DAIRY, LLC, a Washington limited liability company, as "Grantor" and CANADIAN IMPERIAL BANK OF COMMERCE, as "Beneficiary."

Description of Property

PARCEL A:

Two parcels of land located in Sections 33 and 34, of Twp. 23 S., R. 33 E., W.M., Harney County, Oregon, more particularly described as follows:

Parcels No. 1 and 2 of Partition Plat No. 08-02-219, recorded February 11, 2008, Instrument No. 20080226, Harney County Records.

PARCEL B:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 34 E., W.M.:

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$.

ALSO all that portion of Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 30, lying South and West of the following described line:

Beginning at the West quarter corner of said Sec 30;

thence S. 87°34'30" E., 4669.44 feet, along an existing fence line;

thence S. 05°07'50" E., 1187.52 feet, along an existing fence line;

thence N. 88°18'40" E., 468.66 feet, along an existing fence line, to the section line common to Sections 29 and 30, said point being N. 00°01'00" W., 1259.56 feet from the Southeast corner of said Sec. 30;

thence N. 88°18'40" E., 2642.00 feet, more or less, along an existing fence line, to the North-South centerline of said Sec. 29.

PARCEL C:

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 30., W.M.: (North of the lake)

Sec. 2: E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 10: W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 12: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 13: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

In Twp. 26 S., R. 31 E., W.M.: (North of the lake)

Sec. 7: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 18: The North 2.5 acres of the South 7.5 acres of the West 15 acres of the East 25 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the South 2.5 acres of the North 7.5 acres of the West 15 acres of the East 25 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; the South 5 acres of the West 15 acres of the East 25 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

In Twp. 26 S., R. 30 E., W.M.: (North of the lake)

Sec. 10: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 12: SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

In Twp. 26 S., R. 31 E., W.M.: (North of the lake)

Sec. 17: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 18: Lots 1 and 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the North 5 acres of the West 15 acres of the East 25 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Land in Harney County, Oregon, as follows:

In Twp. 26 S., R. 31 E., W.M.: (North of Malheur Lake)

Sec. 17: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

PARCEL D:

INTENTIONALLY OMITTED

PARCEL E:

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 33 E., W.M.:

Sec. 3: Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Street Addresses of Property

68153 Quincy Rd, Burns, OR 97720 (Simpson)

65339 Crane Buchanan Rd, Burns, OR 97720 (Rank)

330042 Weaver Springs Road, Burns, OR 97720 (Krazy Acres)

Burns, Harney County, OR (Neill)

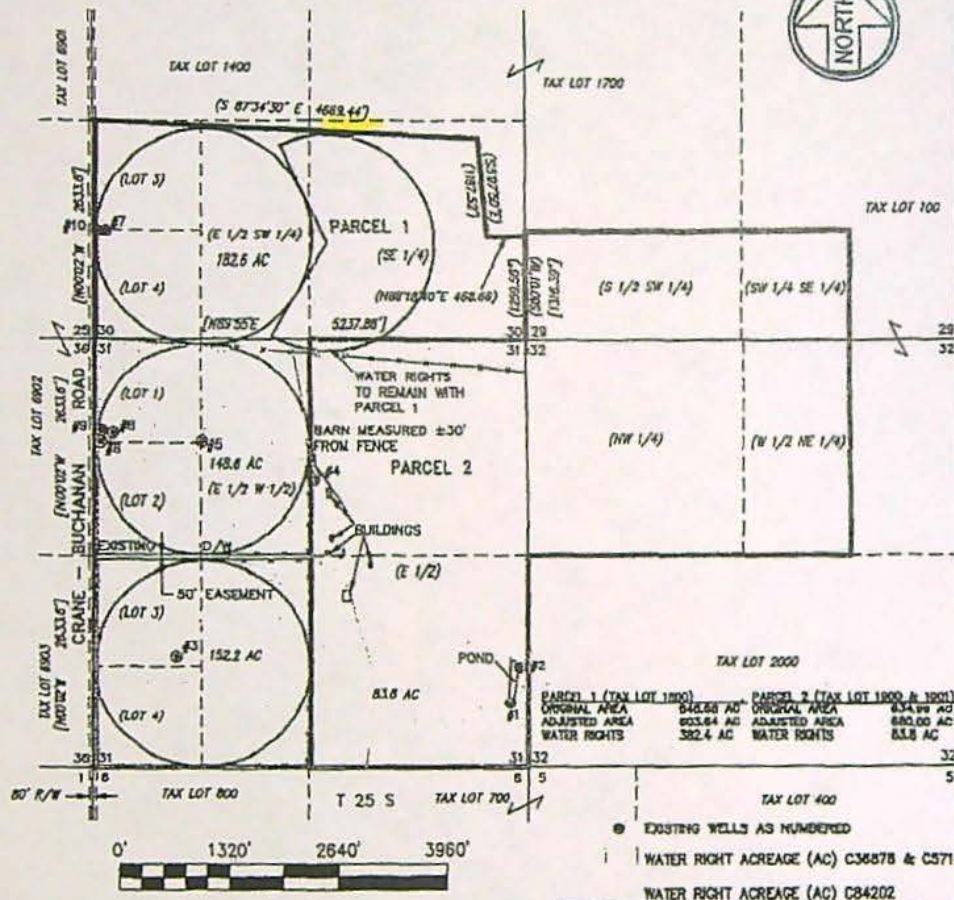
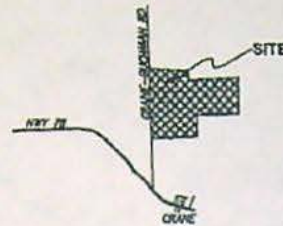
EXHIBIT B**MAP TO ACCOMPANY
APPLICATION FOR PROPERTY
LINE ADJUSTMENT**

BETWEEN TAX LOTS 1800 & 1900
IN TAX MAP 24 34 00, HARNEY COUNTY, OR

THIS MAP WAS DRAFTED USING AVAILABLE SURVEY RECORDS BELOW, LAKE
COUNTY ASSESSOR'S MAP 342400, AND USDA FSA 2012 AERIAL IMAGERY.

PROPOSED EASEMENT SHOWN HEREON ARE FOR PRIVATE ACCESS AND
UTILITY USE TO BENEFIT BOTH PARCELS.

THE EXISTING DRIVEWAY "D/W" HAS ELECTRICITY & TELECOMMUNICATIONS
UTILITIES ON POLES ALONGSIDE.

VICINITY MAP
NOT TO SCALE

TAX MAP & LOT 24340000 01800 & 01900
DEED RECORD 2004-1023 & 2005-2522
OWNERS/APPLICANTS JERRY RANK, OWNER
P.O. BOX 845
CRANE OR 97732
SUNNYSIDE DAIRY, APPLICANT
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944
GROSS AREAS 648.68 ACRES & 624.96 ACRES
ZONE EFURU-1 EXCLUSIVE FARM USE
RURAL USE

SITE PLAN

DRAWN:	DATE	SUNNYSIDE DAIRY
edm	4/6/2013	4581 MAPLE GROVE RD.
APPROVED:	DATE	SUNNYSIDE, WA 98944
		PRELIM.DWG
SCALE:	SHEET	PROJECT NO.
SHOWN	1 of 1	13019

ALL POINTS ENGINEERING & SURVEYING
P.O. BOX 787 (CRR) TERREBONNE, OREGON 97780
PHONE (541) 910-0933 www.APEandS.com

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.24S. R.34E. W.M.
HARNEY COUNTY

1" = 2000'

SEE MAP 24S 34E

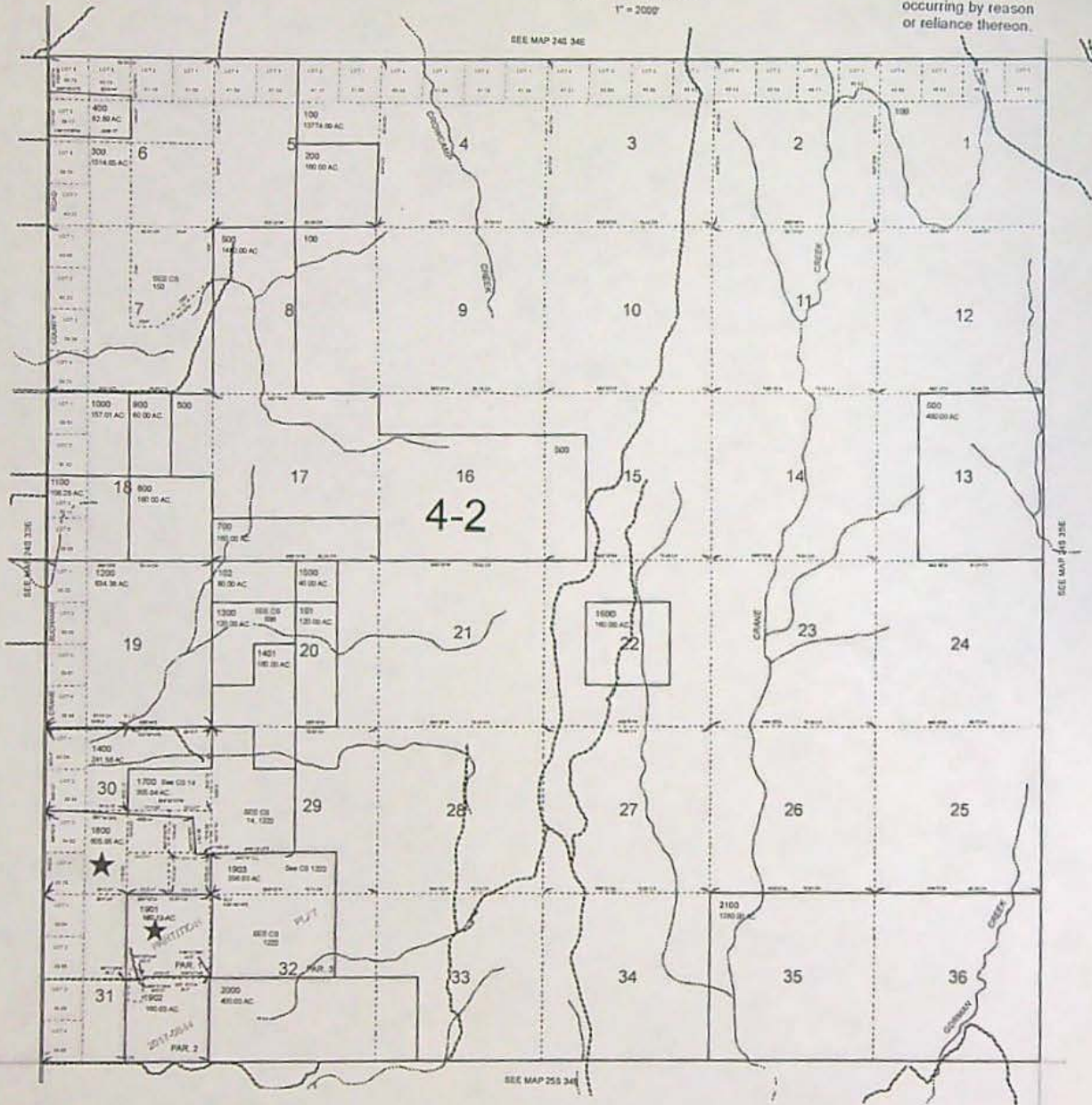


COMPLIMENTS OF
AmeriTitle

This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.
No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.

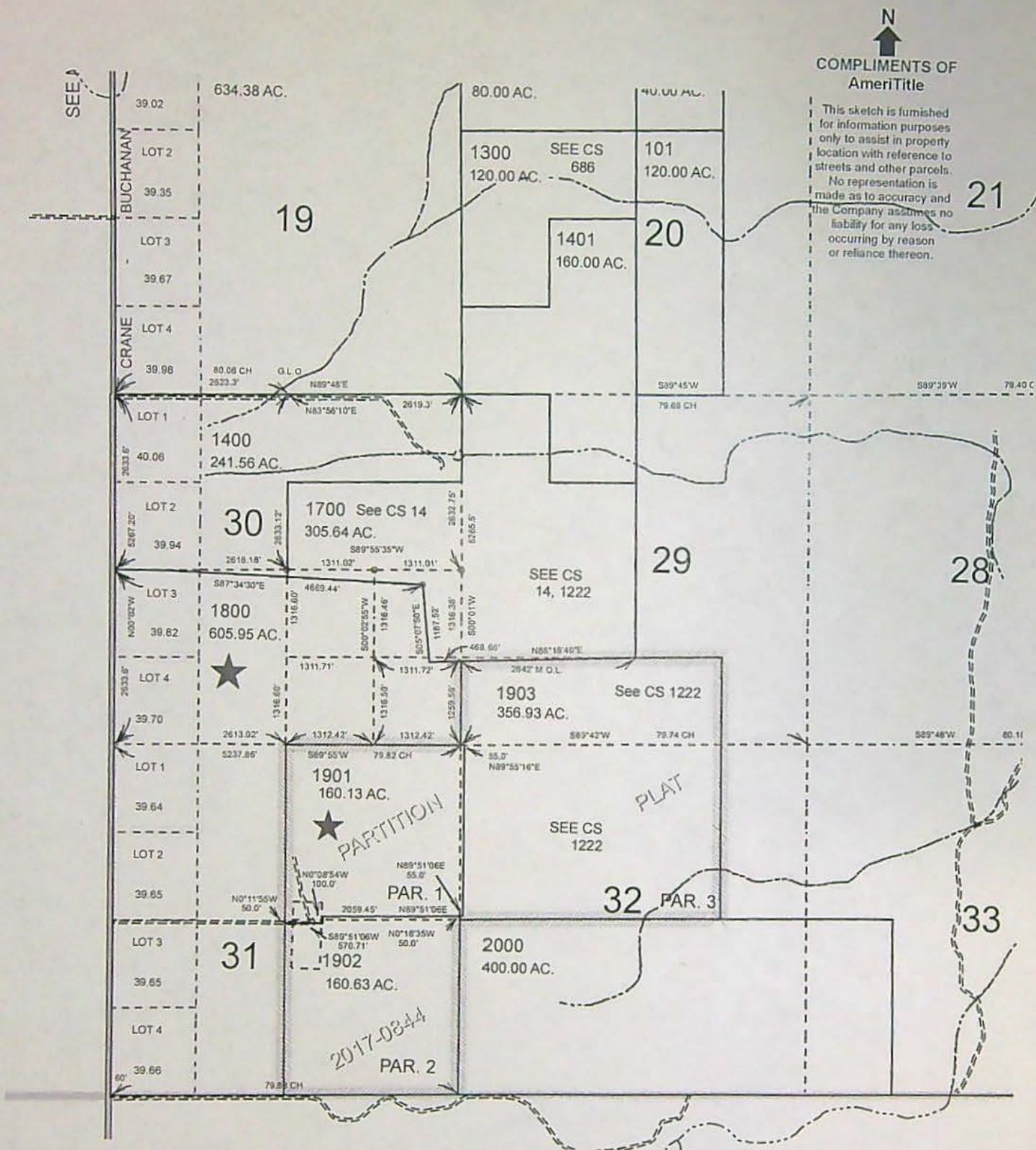
24S34E

Cancelled Nos.
301
302
1900 (2013)



PRINTED ON 9/12/2017

24S34E



N
COMPLIMENTS OF
AmeriTitle

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason or reliance thereon.

2017-0344
PAR. 2

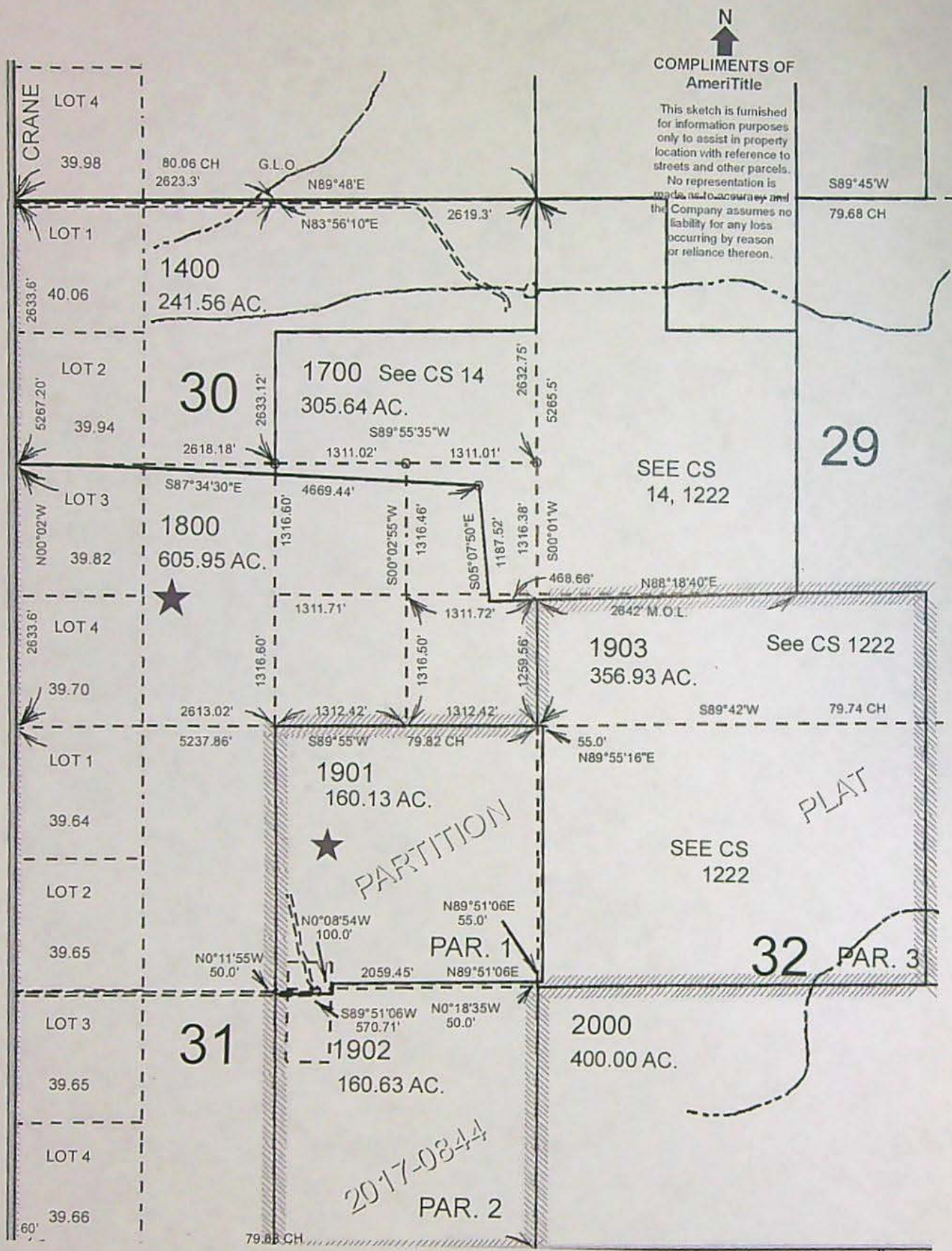


EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 24 S., R. 34 E., W.M.:

Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$.

ALSO all that portion of Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Sec. 30, lying South and West of the following described line:

Beginning at the West quarter corner of said Sec. 30;

thence S. 87°34'30" E., 4669.44 feet, along an existing fence line;

thence S. 05°07'50" E., 1187.52 feet, along an existing fence line;

thence N. 88°18'40" E., 468.66 feet, along an existing fence line, to the section line common to Sections 29 and 30, said point being N. 00°01'00" W., 1259.56 feet from the Southeast corner of said Sec. 30;

thence N. 88°18'40" E., 2642.00 feet, more or less, along an existing fence line, to the North-South centerline of said Sec. 29.

SMITH Tamera L * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Friday, December 24, 2021 1:27 PM
To: SMITH Tamera L * WRD
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]
Attachments: Lot_Book_Report_Snapshot_2.pdf; map.pdf

Tamera,

Please see attached ownership report. I thought I had submitted this already, but apparently not. My apologies for submitting a day late. After receiving the report, we discovered that consent would be needed due to a small portion of the place of use extending onto a neighbor's property. We are working on it and will get back to you next week.

Best,

Shonee

Shonee Langford

Of Counsel

D: 503-540-4261

C: 503-807-2082

slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT

CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Wednesday, December 15, 2021 8:24 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

Request for submission of extension for ownership report for T-13756 Sunnyside Dairy to Thursday, December 23, 2021 is granted.

Thank you for your inquiry.

Kindest regards,
Tamera Smith

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, December 14, 2021 6:22 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,

I will be submitting the applicant's response to the draft preliminary determination on or before the Dec. 17 deadline. Out of an abundance of caution, I would also like to request an extension through Dec. 23 to submit the ownership report. We're in the process of securing one, but it may not be ready by Dec. 17. The delay is my fault and not the applicant's.

Please let me know if that will be acceptable.

Sincerely,

Shonee

Shonee Langford

Of Counsel

D: 503-540-4261

C: 503-807-2082

slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT

CLIENT SHOWCASE | INNOVATING FOR GOOD

From: Molly A. Reid <mreid@geoengineers.com>

Sent: Thursday, December 9, 2021 3:50 PM

To: Langford, Shonee D. <SLangford@SCHWABE.com>

Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

Shonee: This goes to your capable hands.....

Molly

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>

Sent: Thursday, December 9, 2021 3:36 PM

To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>; Molly A. Reid <mreid@geoengineers.com>

Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

[EXTERNAL]

Good afternoon,

A reminder that response deadline is next Friday, December 17.

Kindest regards,

Tamera

From: SMITH Tamera L * WRD

Sent: Wednesday, November 17, 2021 9:09 AM

To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>

Cc: Molly A. Reid <mreid@geoengineers.com>; JOHNSON JR * WRD <JR.Johnson@oregon.gov>

Subject: T-13756 Sunnyside Dairy draft Preliminary Determination



THIS SPACE R

HARNEY COUNTY, OR 2013-0862
DEEDWD 06/21/2013 10:25 AM
Total:\$51.00



00006090201300008620040047

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Derrin E. Robinson, Harney County Clerk



After recording return to:

Sunnyside Dairy, LLC, a Washington limited liability company

4581 Maple Grove Road

Sunnyside, WA 98944

Until a change is requested all tax statements shall be sent to the following address:

Sunnyside Dairy, LLC, a Washington limited liability company

4581 Maple Grove Road

Sunnyside, WA 98944

Escrow No. RB0709145

Title No. 0020895

SWD r.020212

STATUTORY WARRANTY DEED

Jerry L. Rank and Gayla Ann Rank, as tenants by the entirety,

Grantor(s), hereby convey and warrant to

Sunnyside Dairy, LLC, a Washington limited liability company,

Grantee(s), the following described real property in the County of HARNEY and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

10678

24S 34E 1800

10679

24S 34E 1900

The true and actual consideration for this conveyance is \$1,550,000.00 A PORTION WHICH IS PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

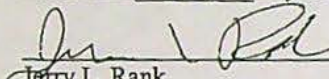
SUBJECT TO a reservation of a non-exclusive easement fifty (50') feet in width for private access and utility use, which use is over and across the property described above in this deed, at the location and for the benefit of and appurtenant to "Parcel 2" as shown on that certain site plan map attached as Exhibit B to Harney County Planning Department Findings and Decision recorded May 6, 2013 as Instrument No. 2013-0621; provided however, that Grantee or its successors may relocate the easement, at Grantee's expense, so long as Grantor has continuous access.

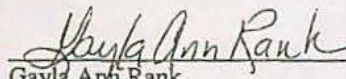
SUBJECT TO a reservation of a non-exclusive use of grazing land lying easterly of irrigated land located in the Southeast ¼ of Section 30 of the subject property, which use is for the benefit of and appurtenant to "Parcel 2" as shown on that certain site plan map attached as Exhibit B to Harney County Planning Department Findings and Decision recorded May 6, 2013 as Instrument No. 2013-0621; provided, however, that Grantee may terminate such grazing right and use by Grantor by paying to Grantor the amount of \$50,000.00, and further Grantor shall be responsible for keeping livestock out of irrigated land of Grantee,

and Grantee may terminate such grazing right in the event that Grantor fails to maintain fences to keep livestock out of irrigated land or in the event livestock enter irrigated land.

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

Dated this 21 day of June, 2013

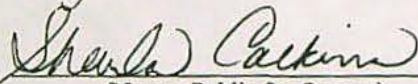

Jerry L. Rank


Gayla Ann Rank

State of Oregon
County of HARNEY

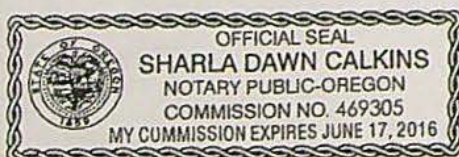
This instrument was acknowledged before me on June 21, 2013 by Jerry L. Rank.

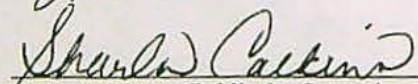



(Notary Public for Oregon)
My commission expires June 17, 2016

State of Oregon
County of HARNEY

This instrument was acknowledged before me on June 21, 2013 by Gayla Ann Rank.




(Notary Public for Oregon)
My commission expires June 17, 2016

ZA100

After recording return to:

Jerry and Nancy Rank

Po Box 845

Crane, OR 97732

Until a change is requested all tax statements
shall be sent to the following address:

NO CHANGE

HARNEY COUNTY, OR

DEED-BSD

2017-0995

08/04/2017 02:27 PM

Pgs=2

Total:\$46.00



00014690201700009950020025

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Co.
Clerk's records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

K&R Farms, LLC,

hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey
unto

Jerry L. Rank and Nancy D. Rank, as tenants by the entirety

hereinafter called Grantee, and unto Grantee's heirs, successors and assigns all of that certain real property with
the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the
County of Harney, State of Oregon, described as follows, to wit:

T 24 S., R 34 E., W.M. TL 1901

LAND IN HARNEY COUNTY, OREGON, AS FOLLOWS:

IN TOWNSHIP 24 S., RANGE 34 E., W.M.

PARCEL 1 OF PARTITION PLAT AS DESCRIBED IN
INSTRUMENT #2017-0844, RECORDED JUNE 30, 2017,

HARNEY COUNTY PLAT RECORDS.

The true and actual consideration paid for this transfer, stated in terms of dollars, is to change vesting.

However, the actual consideration consists of or includes other property or value given or promised which is the whole / part
of the consideration.

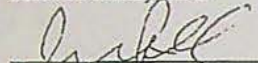
To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall
be made so that this deed shall apply equally to corporations and to individuals.

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

In Witness Whereof, the grantor has executed this instrument this 4 day of August, 2017 if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

K&R Farms, LLC



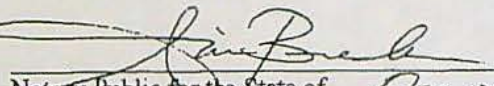
Jerry L Rank, Member

State of Oregon } ss
County of Harney}

On this 4 day of August, 2017, before me, a Notary Public in and for said state, personally appeared Jerry L Rank, known or identified to me to be the Managing Member in the Limited Liability Company known as K&R Farms, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for the State of Oregon
Residing at: Burns
Commission Expires: 4-3-20

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Friday, December 24, 2021 1:27 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,

Please see attached ownership report. I thought I had submitted this already, but apparently not. My apologies for submitting a day late. After receiving the report, we discovered that consent would be needed due to a small portion of the place of use extending onto a neighbor's property. We are working on it and will get back to you next week.

Best,

Shonee

Shonee Langford
Of Counsel
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Wednesday, December 15, 2021 8:24 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

Request for submission of extension for ownership report for T-13756 Sunnyside Dairy to Thursday, December 23, 2021 is granted.

Thank you for your inquiry.

Kindest regards,
Tamera Smith

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, December 14, 2021 6:22 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,

SMITH Tamera L * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Monday, January 3, 2022 2:55 PM
To: SMITH Tamera L * WRD
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]
Attachments: Authorization to Pursue Transfer.pdf

Tamera,
Pursuant to OAR 690-380-4010(5)(c)(C), I have attached "documentation demonstrating that the applicant is authorized to pursue the transfer" of the 1.4 acres located in the NWNE Section 31, T24S, R34E, W.M. The rest of the water rights proposed for transfer are on property owned by the applicant Sunnyside Dairy LLC.

The attached bill of sale provides signed/notarized documentation of Jerry and Gayla Rank's sale of the 1.4 acres to Sunnyside, as of June 21, 2013 (as part of the sale of 182.6 acres of water rights under Certificate 84202).

Shonee

Shonee Langford
Of Counsel
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Thursday, December 30, 2021 11:50 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Corrected year due to 2022*

From: SMITH Tamera L * WRD
Sent: Thursday, December 30, 2021 11:47 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

As you may recall, the Department approved your request for an extension to provide proof of ownership by December 23, 2021. You sent in partial ownership information on December 24, 2021. Please forward any remaining ownership paperwork by January 6, 2021*.

Kindest regards,
Tamera Smith

BILL OF SALE

THIS INDENTURE WITNESSETH, for good and valuable consideration, we the undersigned sellers, hereby grant, bargain, sell, transfer and deliver unto Sunnyside Dairy, LLC, a Washington limited liability company hereinafter called buyer, the following described personal property, now being and situate 65339 Crane Buchanan Road in State of OREGON, County of HARNEY to-wit:

Water rights as set forth on the map attached to this bill of sale.

Wells, pumps, electrical panels located on Tax Lot 1800 of Tax Map 24S 34E 1800 and more fully described on the statutory warranty deed from Sellers to Buyer delivered contemporaneous with this bill of sale.

Four pivots with pumps and equipment used in connection with the pivots

TO HAVE AND TO HOLD, the same unto the buyer and buyer's executors, administrators, successors and assigns forever.

And we, the sellers, hereby covenant to and with the said buyer that we are the owners of said personal property; that the same is free from all encumbrances except none

AND

that we have a good right to sell the same, and that we, our heirs, executors and administrators shall warrant and defend the same against the lawful claims of all persons whomsoever, and shall execute such further documents as may be reasonably necessary to transfer such equipment or rights to the buyer.

WITNESS OUR hands this 21 day of June, 2013

Jerry L. Rank
Jerry L. Rank

Gayla Ann Rank
Gayla Ann Rank

RECEIVED

JAN 03 2013

QWRD

STATE OF OREGON)
) ss.
County of Harney)

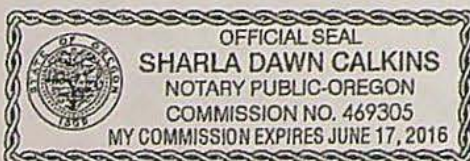
Jerry L. Rank and Gayla Ann Rank, being first duly sworn, depose and say that they are the sole owner(s) of the property described in the foregoing bill of sale, that the same has been paid in full, and that on this date the same is free and clear of liens and encumbrances of every kind and nature.

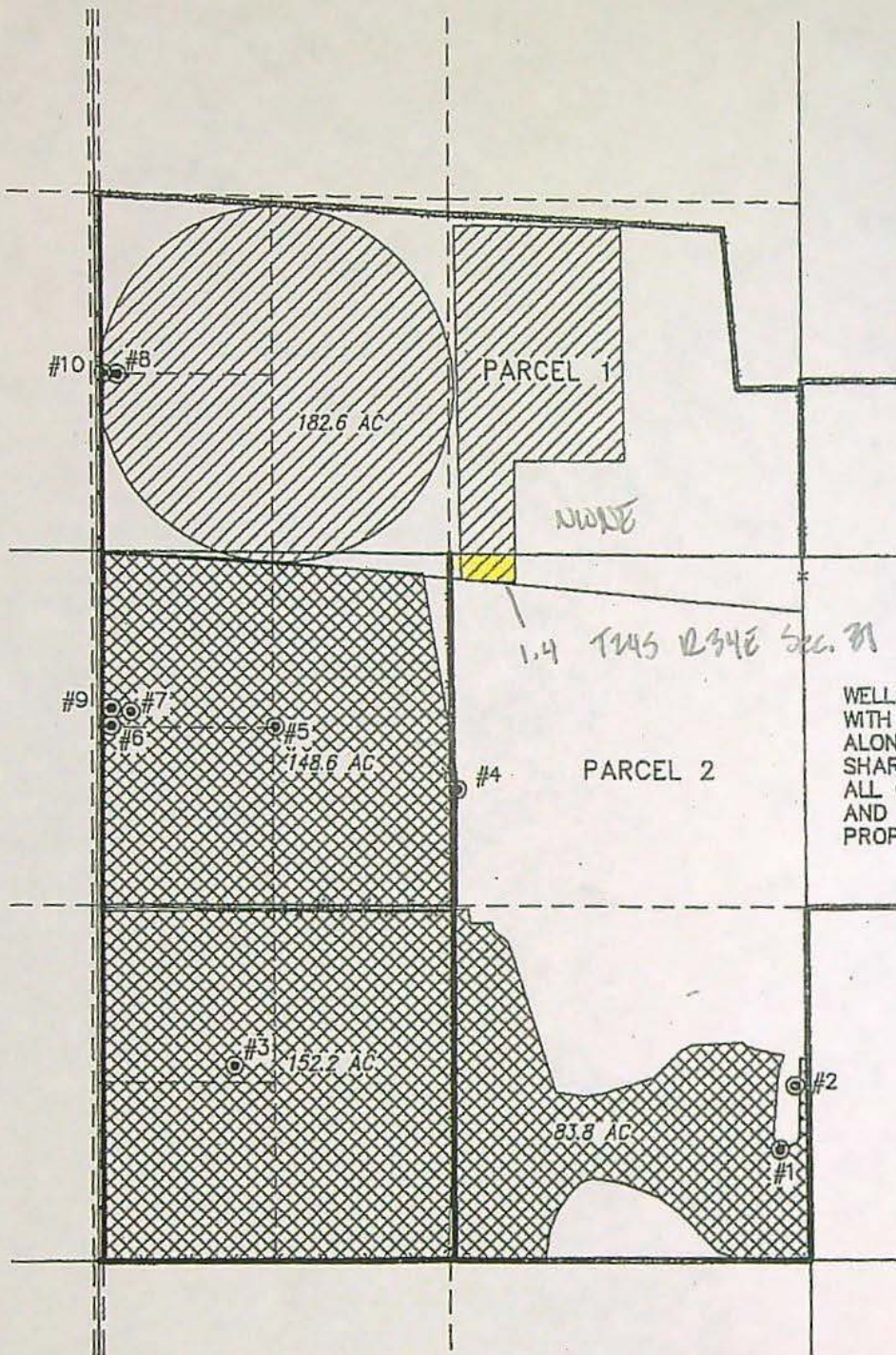
Jerry L. Rank
Jerry L. Rank

Gayla Ann Rank
Gayla Ann Rank

Subscribed and sworn to before me this 21 day of June, 2013.

Sharla Dawn Calkins
Notary Public for OREGON
My Commission expires June 17, 2016





WELLS 1, 2, & 4 TO REMAIN
WITH PROPOSED PARCEL 2,
ALONG WITH 1.04 CFS TO BE
SHARED FROM ALL WELLS.
ALL OTHER WELLS SHOWN
AND 3.77 CFS TO GO WITH
PROPOSED PARCEL 1.

RECEIVED

JAN 08 2022

OWRD

TAX MAP & LOT

24340000 01800 & 01900

DEED RECORD

2004-1023 & 2005-2522

⊙ EXISTING WELLS

⊗ WATER RIGHT ACREAGE (AC) T10149 (REPLACED C36878 & C57148)
300.8 ACRES REMAIN WITH PARCEL 1
83.8 ACRES REMAIN WITH PARCEL 2

⊗ WATER RIGHT ACREAGE (AC) C84202
ALL 182.6 ACRES REMAIN WITH PARCEL 1

RECORDATION REQUESTED BY:

BANK OF EASTERN OREGON
BURNS BRANCH
293 N BROADWAY
BURNS, OR 97720

WHEN RECORDED MAIL TO:

BANK OF EASTERN OREGON
BURNS BRANCH
293 N BROADWAY
BURNS, OR 97720

SEND TAX NOTICES TO:

JERRY L RANK
NANCY D RANK
PO BOX 845
CRANE, OR 97732

HARNEY COUNTY, OR
MTG-DOT

2019-1274

10/02/2019 02:09:02 PM

Pgs= 7

\$111.00

I, Derrin Robinson, County Clerk for Harney County, Oregon, certify that the instrument identified herein was recorded in the Co. Clerk's records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



FOR RECORDER'S USE ONLY



HLP0369

DEED OF TRUST

THIS DEED OF TRUST is dated September 20, 2019, among JERRY L RANK and NANCY D RANK, as tenants by the entirety, whose address is 65341 CRANE BUCHANAN RD, BURNS, OR 97720 ("Grantor"); BANK OF EASTERN OREGON, whose address is BURNS BRANCH, 293 N BROADWAY, BURNS, OR 97720 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and AMERITITLE, whose address is 111 W WASHINGTON, BURNS, OR 97720 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, represented in the Note dated September 20, 2019, in the original principal amount of \$135,000.00, from Grantor to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in HARNEY County, State of Oregon:

A parcel of land located in Sections 29, 31 and 32, Township 24 South, Range 34 East, Willamette Meridian,
Harney County, Oregon, according to the official plat thereof as follows:

Parcel No. 1 of Partition Plat No. 2017-0844, recorded June 30, 2017, Instrument No. 20170844, Harney County Records.

The Real Property or its address is commonly known as 43151 EAGLE LANE, BURNS, OR 97720.

CROSS-COLLATERALIZATION. In addition to the Note, this Deed of Trust secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the 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 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.

Duty to Maintain. Grantor shall maintain the Property in tenable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or

threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Deed of Trust, including the obligation to indemnify and defend, shall survive the payment of the indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such improvements with improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Oregon law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialman's lien, or other lien could be asserted on account of the work, services, or materials and the cost exceeds \$5,000.00. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Administrator of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain flood insurance, if available, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan. Flood insurance may be purchased under the National Flood Insurance Program, from private insurers providing "private flood insurance" as defined by applicable federal flood insurance statutes and regulations, or from another flood insurance provider that is both acceptable to Lender in its sole discretion and permitted by applicable federal flood insurance statutes and regulations.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property if the estimated cost of repair or replacement exceeds \$5,000.00. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed

Improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the indebtedness secured by this Deed of Trust; (2) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the indebtedness or on payments of principal and interest made by Grantor.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Real and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all

such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Grantor pays all the indebtedness when due, and otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Grantor fails to make any payment when due under the Indebtedness.

Other Defaults. Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Grantor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Environmental Default. Failure of any party to comply with or perform when due any term, obligation, covenant or condition contained in any environmental agreement executed in connection with the Property.

Default in Favor of Third Parties. Should Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Grantor's ability to repay the Indebtedness or Grantor's ability to perform Grantor's obligations under this Deed of Trust or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The death of Grantor, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Creditor or Foreclosure Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any property securing the Indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Breach of Other Agreement. Any breach by Grantor under the terms of any other agreement between Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Grantor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any guarantor, endorser, surety, or accommodation party of any of the Indebtedness or any guarantor, endorser, surety, or accommodation party dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

Right to Cure. If any default, other than a default in payment, is curable and if Grantor has not been given a notice of a breach of the same provision of this Deed of Trust within the preceding twelve (12) months, it may be cured if Grantor, after Lender sends written notice to Grantor demanding cure of such default: (1) cures the default within fifteen (15) days; or (2) if the cure requires more than fifteen (15) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. If this Deed of Trust is foreclosed by judicial foreclosure, Lender will be entitled to a judgment which will provide that if the foreclosure sale proceeds are insufficient to satisfy the judgment, execution may issue for the amount of the unpaid balance of the judgment.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

Collect Rents. Lender shall have the right, without notice to Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with

the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fifteen (15) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of HARNEY County, State of Oregon. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Grantor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

NOTICES. Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Governing Law. This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Oregon without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the State of Oregon.

Joint and Several Liability. All obligations of Grantor under this Deed of Trust shall be joint and several, and all references to Grantor shall mean each and every Grantor. This means that each Grantor signing below is responsible for all obligations in this Deed of Trust.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is

required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any person or circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other person or circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

Successors and Assigns. Subject to any limitations stated in this Deed of Trust on transfer of Grantor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Deed of Trust and the Indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Deed of Trust or liability under the Indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

Waive Jury. All parties to this Deed of Trust hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against any other party.

Waiver of Homestead Exemption. Grantor hereby releases and waives all rights and benefits of the homestead exemption laws of the State of Oregon as to all indebtedness secured by this Deed of Trust.

Commercial Deed of Trust. Grantor agrees with Lender that this Deed of Trust is a commercial deed of trust and that Grantor will not change the use of the Property without Lender's prior written consent.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means BANK OF EASTERN OREGON, and its successors and assigns.

Borrower. The word "Borrower" means JERRY L RANK and NANCY D RANK and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Default. The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto or intended to protect human health or the environment.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

Grantor. The word "Grantor" means JERRY L RANK and NANCY D RANK.

Guaranty. The word "Guaranty" means the guaranty from guarantor, endorser, surety, or accommodation party to Lender, including without limitation a guaranty of all or part of the Note.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum, including crude oil and any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust. Specifically, without limitation, Indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Deed of Trust.

Lender. The word "Lender" means BANK OF EASTERN OREGON, its successors and assigns.

Note. The word "Note" means the promissory note dated September 20, 2019, in the original principal amount of \$135,000.00 from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of the Note is October 10, 2039.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means AMERITITLE, whose address is 111 W WASHINGTON, BURNS, OR 97720 and any substitute or successor trustees.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

x Jerry L Rank
JERRY L RANK

x Nancy D Rank
NANCY D RANK

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Oregon
COUNTY OF Harney

)
) SS
)



On this day before me, the undersigned Notary Public, personally appeared JERRY L RANK and NANCY D RANK, to me known to be the individuals described in and who executed the Deed of Trust, and acknowledged that they signed the Deed of Trust as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 23rd day of September, 2019.

By Laura R Georges
Notary Public in and for the State of Oregon

Residing at 293 N. Broadway Burns
My commission expires 10-09-22

REQUEST FOR FULL RECONVEYANCE
(To be used only when obligations have been paid in full)

To: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by this Deed of Trust. All sums secured by this Deed of Trust have been fully paid and satisfied. You are hereby directed, upon payment to you of any sums owing to you under the terms of this Deed of Trust or pursuant to any applicable statute, to cancel the Note secured by this Deed of Trust (which is delivered to you together with this Deed of Trust), and to reconvey, without warranty, to the parties designated by the terms of this Deed of Trust, the estate now held by you under this Deed of Trust. Please mail the reconveyance and Related Documents to:

Date: _____

Beneficiary: _____

By: _____

Its: _____

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.24S. R.34E. W.M.
HARNEY COUNTY

1" = 2000'

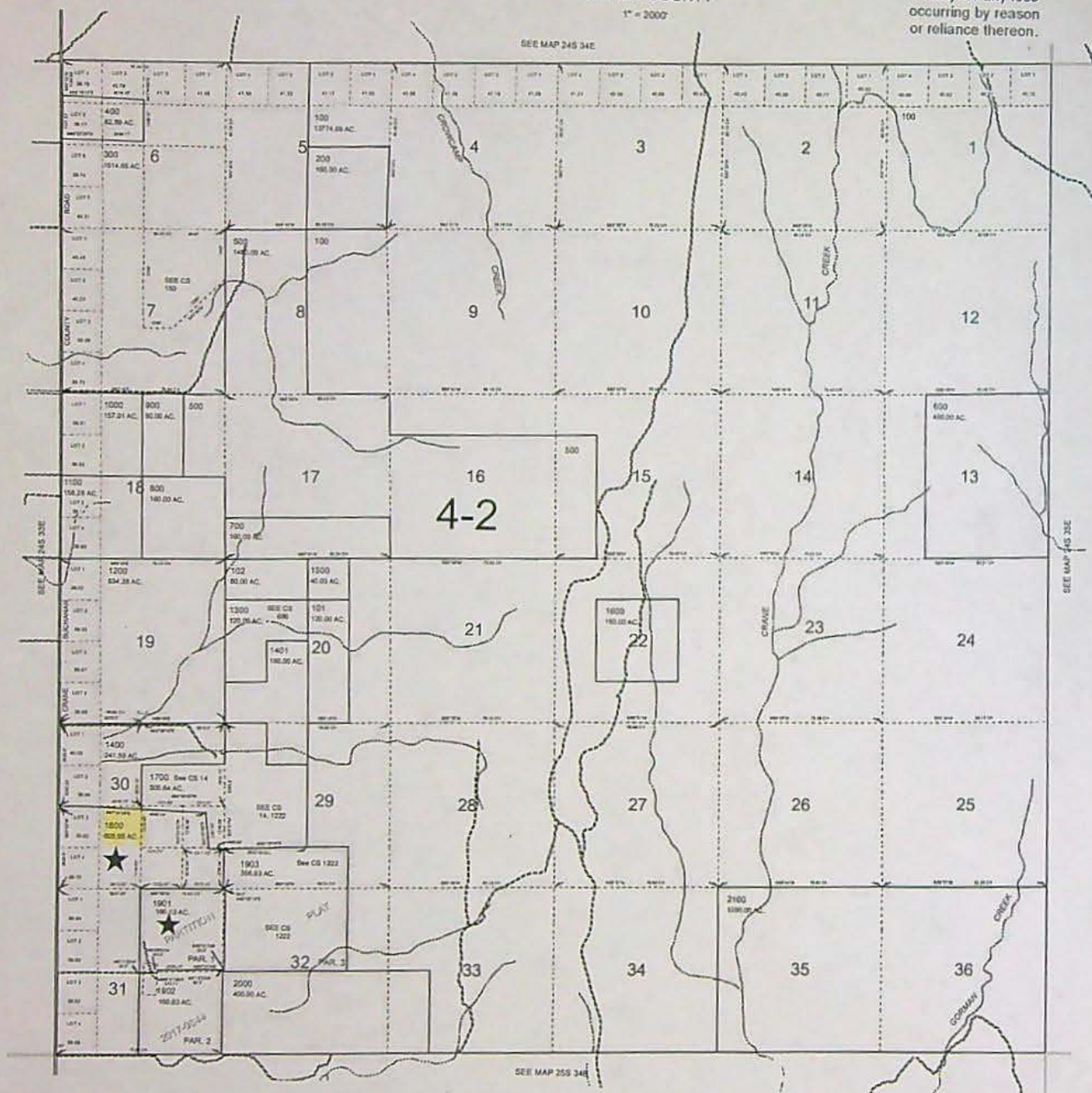
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↑
COMPLIMENTS OF
AmeriTitle

This sketch is furnished
for information purposes
only to assist in property
location with reference to
streets and other parcels.

No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.

24S34E

Cancelled Nos.
301
302
1900 (2013)



PRINTED ON 8/12/2017

24S34E



COMPLIMENTS OF
AmeriTitle

This sketch is furnished
only to assist in property
location with reference to
streets and other parcels.
No representation is
made as to accuracy and
the Company assumes no
liability for any loss
occurring by reason
or reliance thereon.

21

28

33

SEE A

BUCHANAN

CRANE

634.38 AC.

80.00 AC.

40.00 AC.

19

1300
120.00 AC.

SEE CS
686

101
120.00 AC.

1401
160.00 AC.

20

80.06 CH
2623.3'

1400
241.56 AC.

S89°45'W

S89°32'W

79.46'

1400
241.56 AC.

1700 See CS 14
305.64 AC.

SEE CS
14, 1222

29

30

1800
605.95 AC.

1903
356.93 AC.

See CS 1222

1901
160.13 AC.

SEE CS
1222

32

PAR. 3

31

20-17-0344
PAR. 2

2000
400.00 AC.

39.02

LOT 2

39.35

LOT 3

39.67

LOT 4

39.98

LOT 1

40.06

LOT 2

39.94

LOT 3

39.82

LOT 4

39.70

LOT 1

39.64

LOT 2

39.65

LOT 3

39.65

LOT 4

39.66

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

NOT OFFICIAL VALUE

December 16, 2021 3:49:04 pm

Account # XXXXXXXXXX
 Map # 24S34E000001901
 Code - Tax # XXXXXXXXXX

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

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

Mailing Name RANK, JERRY L & NANCY D

Deed Reference # 2017-995

Agent

Sales Date/Price 08-04-2017 / \$0.00

In Care Of

Appraiser TAMMY ATTLEBERGER

Mailing Address PO BOX 845
 CRANE, OR 97732-0845

Prop Class 551 MA SA NH Unit
 RMV Class 551 04 00 042 11154-1

Situs Address(s)	Situs City
ID# 43151 EAGLE LN	BURNS

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0420 Land	79,750			Land	0
Impr.	125,720			Impr.	0
Code Area Total	205,470	150,960	126,500		0
Grand Total	205,470	150,960	126,500		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
0420	3	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100 A	51.35	5	006*	28,240
0420	4	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100 A	15.72	6	006*	5,500
0420	5	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100 A	92.06	7A	006*	27,620
0420	6	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100 A	1.00	HS	006*	390
0420	7	<input type="checkbox"/>		EFRU-1	Farm Use Zoned	100 A	0.00	IW	006*	6,000
0420					SITE AMENTIES	100				12,000
Grand Total							160.13			79,750

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV
0420	12		110	Residential Other Improvements	100	0		1,620
0420	10		110	Residential Other Improvements	100	0		10
0420	4		303	GP SHED	100	288		1,140
0420	3		110	Residential Other Improvements	100	0		3,710
0420	11		304	GP BUILDING	100	1,800		5,460
0420	9	1999	337	HAY COVER	100	5,616		22,250
0420	8		380	QUONSET	100	5,500		48,110
0420	1	1934	131	One story	100	2,944		43,420
Grand Total							16,148	125,720

SUMMARY OF TAX ACCOUNT

HARNEY COUNTY TAX COLLECTOR

HARNEY COUNTY COURTHOUSE

BURNS, OREGON 97720

(541) 573-8365

16-Dec-2021

Tax Account #	██████	Lender Name	
Account Status	A	Lender ID	
Roll Type	Real	Property ID	0420
Situs Address	43151 EAGLE LN BURNS OR 97720	Interest To	Jan 15, 2022

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2021	ADVALOREM	\$24.47	\$24.47	\$0.00	\$0.00	\$1,498.31	Nov 15, 2021
2020	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,456.35	Nov 15, 2020
2019	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,412.76	Nov 15, 2019
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,373.19	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,337.53	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,687.50	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,612.45	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,307.96	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$2,243.83	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,310.25	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,289.73	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,288.60	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,270.00	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,235.91	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$1,201.00	Nov 15, 2007
Total		\$24.47	\$24.47	\$0.00	\$0.00	\$24,525.37	

Recording Requested By and
When Recorded Mail to:
Peter J. Muckleston, Esq.
Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300
Seattle, WA 98104

HARNEY COUNTY, OR 2020-1656
MTG-DOT 12/23/2020 01:31:02 PM
Pgs= 9 \$136.00

I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Co.
Clerk's records.

Derrin Robinson

Derrin E. Robinson, Harney County Clerk



(Space Above This Line For Recorder's Use)

**FIRST AMENDMENT TO LINE OF CREDIT TRUST DEED, ASSIGNMENT OF LEASES AND RENTS,
SECURITY AGREEMENT AND FIXTURE FILING**

GRANTOR: SUNNYSIDE DAIRY, LLC
TRUSTEE AMERITITLE
BENEFICIARY CANADIAN IMPERIAL BANK OF COMMERCE

RECORDING NO. OF PRIOR RECORDED DOCUMENT: Harney County No. 20140182

The maximum principal amount to be advanced under the line of credit secured by
this line of credit instrument is \$40,500,000.

The maturity date of the credit agreement secured by this line of credit instrument,
exclusive of any option to renew or extend such maturity date, is December 18, 2045.

Tax Account Map Numbers for the property subject to the lien of this instrument are: Account No. 10055 Map No. 23S 33E Tax Lot 5900; Account No. 93224 Map No. 23S 33E Tax Lot 5901; Account No. 10678 Map No. 24S 34E Tax Lot 1800; Account No. 45024 Map No. 26S 30N Tax Lot 400; Account No. 47444 Map No. 26S 30N Tax Lot 500; Account No. 45032 Map No. 26S 30N Tax Lot 600; Account No. 92980 Map No. 26S 30N Tax Lot 1704; Account No. 45030 Map No. 26S 30N Tax Lot 2600; Account No. 45021 Map No. 26S 30N Tax Lot 2700; Account No. 45050 Map No. 26S 30N Tax Lot 2800; Account No. 45022 Map No. 26S 30N Tax Lot 3100; Account No. 47501 Map No. 26S 30N Tax Lot 3300; Account No. 45026 Map No. 26S 30N Tax Lot 3400; Account No. 45025 Map No. 26S 30N Tax Lot 3600; Account No. 47647 Map No. 26S 30N Tax Lot 3800; Account No. 45054 Map No. 26S 30N Tax Lot 3900; Account No. 45056 Map No. 26S 30N Tax Lot 4000; Account No. 45055 Map No. 26S 30N Tax Lot 4100; Account No. 45058 Map No. 26S 30N Tax Lot 4200; Account No. 45057 Map No. 26S 30N Tax Lot 4300; Account No. 45059 Map No. 26S 30N Tax Lot 4400; Account No. 45151 Map No. 26S 31N Tax Lot 1300; Account No. 45169 Map No. 26S 31N 17 Tax Lot 200; Account No. 45172 Map No. 26S 31N 17 Tax Lot 600; Account No. 47469 Map No. 26S 31N 18 Tax Lot 100; Account No. 45174 Map No. 26S 31N 18 Tax Lot 200; Account No. 45179 Map No. 26S 31N 18 Tax Lot 300; Account No. 45177 Map No. 26S 31N 18 Tax Lot 500; Account No. 45176 Map No. 26S 31N 18 Tax Lot 600; Account No. 45178 Map No. 26S 31N 18 Tax Lot 700; Account No. 45175 Map No. 26S 31N 18 Tax Lot 800; Account No. 47614 Map No. 26S 31N 18 Tax Lot 1000; Account No. 10377 Map No. 24S 33E Tax Lot 100.

FIRST AMENDMENT TO LINE OF CREDIT TRUST DEED

This First Amendment to Line of Credit Trust Deed ("Amendment") dated December 21, 2020, for reference purposes, is entered into by and between SUNNYSIDE DAIRY, LLC, a Washington limited liability company, as grantor ("Grantor"), whose address is 4581 Maple Grove Road, Sunnyside, WA 98944, and CANADIAN IMPERIAL BANK OF COMMERCE, as beneficiary ("Beneficiary"), whose address is 595 Bay Street, Suite 500, Toronto, Ontario M5G 2C2, Canada.

Factual Background

A. Grantor executed a certain Line of Credit Trust (the "Trust Deed") for the benefit of Beneficiary, dated for reference purposes, January 31, 2014, and recorded on February 24, 2014, as Instrument Number 20140182, Official Records of Harney County, State of Oregon.

B. Global Agrarian Holdings Ltd. ("Borrower") has requested Beneficiary to make additional advances and certain other financial accommodations to Borrower, which Grantor has agreed to guaranty.

C. Grantor and Beneficiary desire to amend the Trust Deed as set forth below.

Agreement

Therefore, Grantor and Beneficiary agree as follows:

1. All capitalized terms not otherwise defined herein shall have the meanings given to them in the Trust Deed.

2. The Debt Instrument secured by the Trust Deed has changed or has been modified. Accordingly, Paragraph 2.1 of the Trust Deed which describes the Debt Instrument is hereby modified to read as follows in its entirety:

2.1 Purpose of Securing. Grantor makes the grant, conveyance, transfer and assignment set forth in Section 1, makes the assignment set forth in Section 3, and grants the security interest set forth in Section 4, all for the purpose of securing the following obligations (the "Secured Obligations") in any order of priority that Beneficiary may choose:

(a) Payment of all obligations of Grantor to Beneficiary arising under that certain Amended and Restated Guaranty Agreement dated January 31, 2014, for reference purposes, as amended pursuant to that certain First Amendment to Amended and Restated Guaranty Agreement dated October 21, 2014, for reference purposes, and as amended pursuant to that certain Second Amendment to Amended and Restated Guaranty Agreement dated December 21, 2020, for reference purposes, given by Grantor to Beneficiary in support of the present and future obligations of Global Agrarian Holdings Ltd. to Beneficiary (the "Debt Instrument"). This Trust Deed also secures payment of all obligations of Grantor under the Debt Instrument which arise after the Debt Instrument is extended, renewed, modified or amended pursuant to any written agreement between Grantor and Beneficiary, and all obligations of Grantor under any successor agreement or instrument which restates and supersedes the Debt Instrument in its entirety;

(b) Payment and performance of all obligations of Grantor under this Trust Deed;

(c) Payment and performance of all obligations of Grantor under any Swap Contract with respect to which there is a writing evidencing the parties' agreement that said Swap Contract shall be secured by this Trust Deed. "Swap Contract" means any document, instrument or

agreement with Beneficiary, now existing or entered into in the future, relating to an interest rate swap transaction, forward rate transaction, interest rate cap, floor or collar transaction, any similar transaction, any option to enter into any of the foregoing, and any combination of the foregoing, which agreement may be oral or in writing, including, without limitation, any master agreement relating to or governing any or all of the foregoing and any related schedule or confirmation, each as amended from time to time; and

(d) Payment and performance of all future advances and other obligations that Grantor (or any successor in interest to Grantor) may agree to pay and/or perform (whether as principal, surety or guarantor) to or for the benefit of Beneficiary, when a writing signed by Grantor (or any successor in interest to Grantor) evidences said parties' agreement that such advance or obligation be secured by this Trust Deed.

This Trust Deed does not secure any obligation which expressly states that it is unsecured, whether contained in the foregoing Debt Instrument or in any other document, agreement or instrument.

Notwithstanding any provision to the contrary, "Secured Obligations" secured hereby shall not include obligations arising under any Swap Contract to the extent that the grant of a lien hereunder to secure such Swap Contract would violate the Commodity Exchange Act by virtue of the Grantor's failure to constitute an "eligible contract participant" as defined in the Commodity Exchange Act at the time such grant of such lien becomes effective with respect to such Swap Contract. "Commodity Exchange Act" means 7 U.S.C. Section 1 et seq., as amended from time to time, any successor statute, and any rules, regulations and orders applicable thereto.

3. Paragraph 3.1 of the Mortgage is hereby modified to read as follows in its entirety:

3.1 Assignment. Grantor assigns to Beneficiary all rents, royalties, issues, profits, revenue, income and proceeds of the Property, whether now due, past due or to become due, including all prepaid rents and security deposits (collectively, the "Rents"), and confers upon Beneficiary the right to collect such Rents with or without taking possession of the Property. In the event that anyone establishes and exercises any right to develop, bore for or mine for any water, gas, oil or mineral on or under the surface of the Property, any sums that may become due and payable to Grantor as bonus or royalty payments, and any damages or other compensation payable to Grantor in connection with the exercise of any such rights, shall also be considered Rents assigned under this Paragraph.

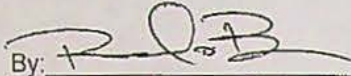
4. Except as provided in this Amendment, the terms of the Trust Deed remain in full force and effect.

UNDER OREGON LAW, MOST AGREEMENTS, PROMISES AND COMMITMENTS BY BENEFICIARY CONCERNING LOANS AND OTHER CREDIT EXTENSIONS WHICH ARE NOT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES, OR SECURED SOLELY BY THE GRANTOR'S RESIDENCE MUST BE IN WRITING, EXPRESS CONSIDERATION AND BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF BENEFICIARY TO BE ENFORCEABLE.

[Signature page follows]

IN WITNESS WHEREOF, Grantor and Beneficiary have executed this Amendment as of the date first above written.

SUNNYSIDE DAIRY, LLC

By: 

Printed Name: Rosalio Brambila

Title: Manager

CANADIAN IMPERIAL BANK OF COMMERCE

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF WASHINGTON)

COUNTY OF Yakima)

This record was acknowledged before me on December 21, 2020, by Rosalio Brambila as Manager of SUNNYSIDE DAIRY, LLC, a Washington limited liability company.

Stamp



Signature

Notary Public for the State of Washington
My commission expires 8-1-2024

PROVINCE OF BRITISH COLUMBIA

CITY OF VANCOUVER

This record was acknowledged before me on _____, 2020, by _____
as _____ of CANADIAN IMPERIAL BANK OF
COMMERCE.

Stamp

Signature

Notary Public for the Province of
British Columbia
My commission does not expire

agreement may be oral or in writing, including, without limitation, any master agreement relating to or governing any or all of the foregoing and any related schedule or confirmation, each as amended from time to time; and

(d) Payment and performance of all future advances and other obligations that Grantor (or any successor in interest to Grantor) may agree to pay and/or perform (whether as principal, surety or guarantor) to or for the benefit of Beneficiary, when a writing signed by Grantor (or any successor in interest to Grantor) evidences said parties' agreement that such advance or obligation be secured by this Trust Deed.

This Trust Deed does not secure any obligation which expressly states that it is unsecured, whether contained in the foregoing Debt Instrument or in any other document, agreement or instrument.

Notwithstanding any provision to the contrary, "Secured Obligations" secured hereby shall not include obligations arising under any Swap Contract to the extent that the grant of a lien hereunder to secure such Swap Contract would violate the Commodity Exchange Act by virtue of the Grantor's failure to constitute an "eligible contract participant" as defined in the Commodity Exchange Act at the time such grant of such lien becomes effective with respect to such Swap Contract. "Commodity Exchange Act" means 7 U.S.C. Section 1 et seq., as amended from time to time, any successor statute, and any rules, regulations and orders applicable thereto.

3. Paragraph 3.1 of the Mortgage is hereby modified to read as follows in its entirety:

3.1 Assignment. Grantor assigns to Beneficiary all rents, royalties, issues, profits, revenue, income and proceeds of the Property, whether now due, past due or to become due, including all prepaid rents and security deposits (collectively, the "Rents"), and confers upon Beneficiary the right to collect such Rents with or without taking possession of the Property. In the event that anyone establishes and exercises any right to develop, bore for or mine for any water, gas, oil or mineral on or under the surface of the Property, any sums that may become due and payable to Grantor as bonus or royalty payments, and any damages or other compensation payable to Grantor in connection with the exercise of any such rights, shall also be considered Rents assigned under this Paragraph.

4. Except as provided in this Amendment, the terms of the Trust Deed remain in full force and effect.

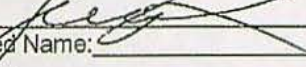
UNDER OREGON LAW, MOST AGREEMENTS, PROMISES AND COMMITMENTS BY BENEFICIARY CONCERNING LOANS AND OTHER CREDIT EXTENSIONS WHICH ARE NOT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES, OR SECURED SOLELY BY THE GRANTOR'S RESIDENCE MUST BE IN WRITING, EXPRESS CONSIDERATION AND BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF BENEFICIARY TO BE ENFORCEABLE.

IN WITNESS WHEREOF, Grantor and Beneficiary have executed this Amendment as of the date first above written.

SUNNYSIDE DAIRY, LLC

CANADIAN IMPERIAL BANK OF COMMERCE

By: _____
Printed Name: _____
Title: _____

By: 
Printed Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF WASHINGTON

CITY OF _____

This record was acknowledged before me on _____, 2020, by _____
as _____ of SUNNYSIDE DAIRY, LLC, a Washington
limited liability company.

Stamp

Signature

Notary Public for the State of Washington

My commission expires _____

PROVINCE OF BRITISH COLUMBIA

CITY OF VANCOUVER

This record was acknowledged before me on December 18, 2020, by SAM RIDDINGTON
as AUTHORIZED SIGNATORY of CANADIAN IMPERIAL BANK OF
COMMERCE.

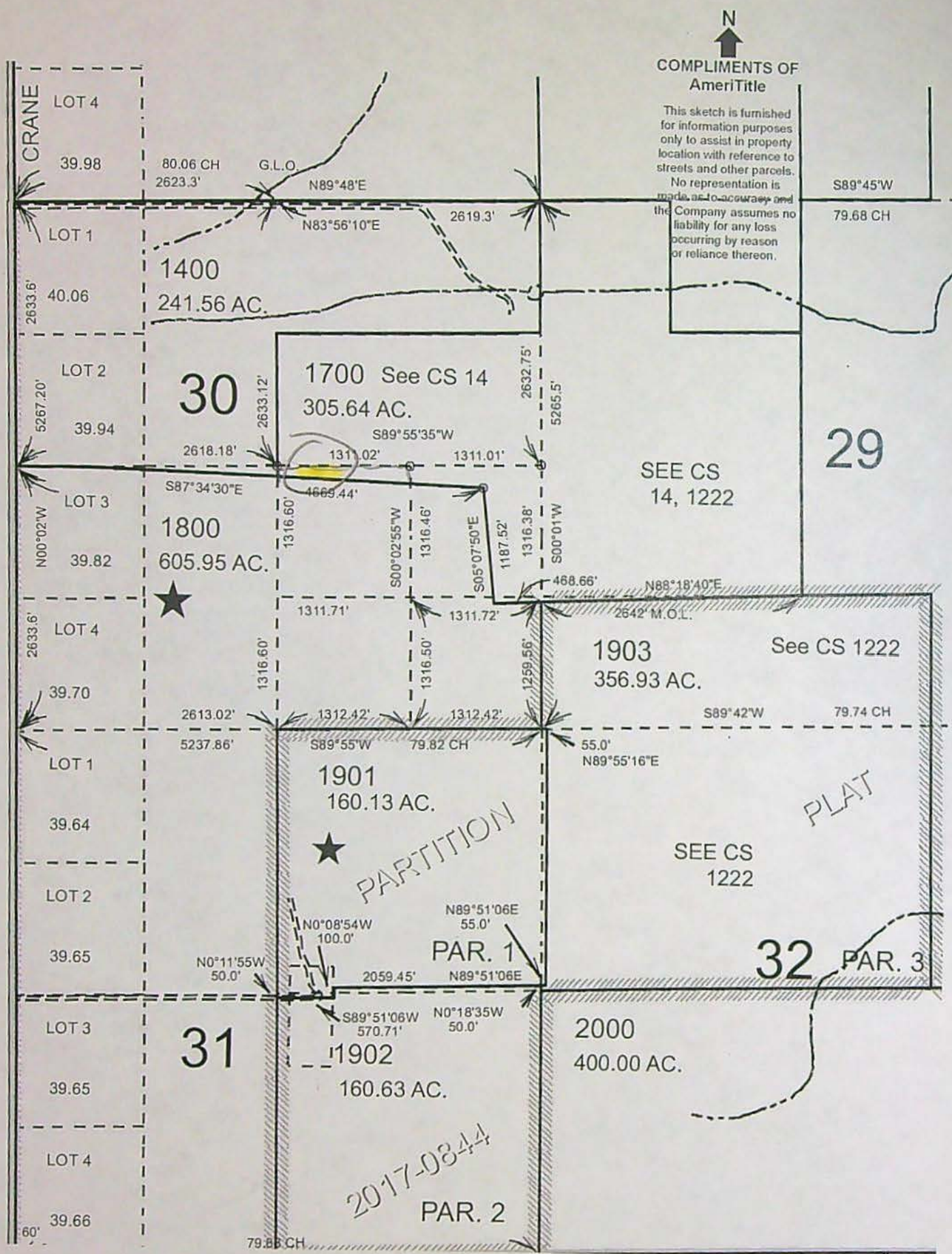
Stamp

Signature

Notary Public for the Province of
British Columbia

My commission does not expire

JOEL A. CAMLEY
GOWLING WLG (CANADA) LLP
BARRISTER & SOLICITOR
550 BURNARD STREET - SUITE 2300
VANCOUVER, BRITISH COLUMBIA V6C 2B5
TELEPHONE: (604) 443-7602



SMITH Tamera L * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Thursday, December 16, 2021 11:46 AM
To: SMITH Tamera L * WRD
Cc: JARAMILLO Lisa J * WRD; STARNES Patrick K * WRD; 'Rosalio Brambila'; Andy Root; Molly A. Reid
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]
Attachments: 13756 - DPD (002).pdf; 13756 - dpd cov.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Tamera,

This firm represents applicant Sunnyside Dairy, LLC ("Sunnyside") in the matter of Transfer T-13756. Sunnyside responds to the attached draft preliminary determination ("DPD") and cover letter as follows:

1. The department has applied the wrong legal standard for determining injury in this case. In other recent cases, the department has confirmed that the injury standard for groundwater reviews is "substantial interference" – a term that is defined by rule, and which requires well owners to fully develop the aquifer. But in this case and many others, we have noticed that the department's groundwater reviewers are applying a different standard (a mere "increase in interference"). Multiple DPD findings refer to "interference" or "increased interference," which are not the correct legal standards for determining injury. The groundwater review forms do not even ask the reviewer to apply the correct standard.
2. Sunnyside has been using water on the proposed "to" lands under temporary transfers T-11985 and T-13199 for seven (7) consecutive irrigation seasons. To Sunnyside's knowledge, the department has received zero complaints of injury from neighboring water users, including those listed in DPD Findings 10 and 11. Static water levels have remained reasonably stable throughout that time period compared to other areas in the Harney Basin. The March 2016 measurement was the first annual measurement under T-11985 and should be considered the reference level for evaluating water level trends in the "to" wells.
3. The department cannot require Sunnyside to secure other water users' consent to injury, unless and until the department applies the correct legal standard and determines that injury is occurring according to that standard. Sunnyside therefore will not be submitting written consent from any other landowner at this time.
4. For the same reasons, the department's findings regarding seasonal interference drawdown do not support a finding of injury (see Finding 12). The correct legal standard is "substantial interference" as defined by rule.
5. Even if the department could find injury based on seasonal interference drawdown (which it cannot do), only one of the two water rights proposed for transfer contains a drawdown condition addressing hydraulic interference in neighboring wells. At a minimum, Finding 12 should be revised to clarify that the hydraulic interference condition does not appear in or apply to Sunnyside's water use under Certificate 89855 (300.8 acres; priority date 2/14/1956).

We urge the department to address these issues and conduct a proper injury review before issuing the Preliminary Determination. The department has no authority to deny the transfer based on application of the wrong legal standard

for determining injury. As noted in previous emails, Sunnyside is in the process of securing the required ownership report and intends to submit it by the extended deadline of Dec. 23, 2021.

Please let us know if you have questions or need additional information.

Shonee

Shonee Langford

Of Counsel
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Wednesday, December 15, 2021 8:24 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

Request for submission of extension for ownership report for T-13756 Sunnyside Dairy to Thursday, December 23, 2021 is granted.

Thank you for your inquiry.

Kindest regards,
Tamera Smith

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, December 14, 2021 6:22 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,
I will be submitting the applicant's response to the draft preliminary determination on or before the Dec. 17 deadline. Out of an abundance of caution, I would also like to request an extension through Dec. 23 to submit the ownership report. We're in the process of securing one, but it may not be ready by Dec. 17. The delay is my fault and not the applicant's.

Please let me know if that will be acceptable.

Sincerely,

Shonee

Shonee Langford

Of Counsel

D: 503-540-4261

C: 503-807-2082

slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT

CLIENT SHOWCASE | INNOVATING FOR GOOD

From: Molly A. Reid <mreid@geoengineers.com>

Sent: Thursday, December 9, 2021 3:50 PM

To: Langford, Shonee D. <SLangford@SCHWABE.com>

Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

Shonee: This goes to your capable hands.....

Molly

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>

Sent: Thursday, December 9, 2021 3:36 PM

To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>; Molly A. Reid <mreid@geoengineers.com>

Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

[EXTERNAL]

Good afternoon,

A reminder that response deadline is next Friday, December 17.

Kindest regards,

Tamera

From: SMITH Tamera L * WRD

Sent: Wednesday, November 17, 2021 9:09 AM

To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>

Cc: Molly A. Reid <mreid@geoengineers.com>; JOHNSON JR * WRD <JR.Johnson@oregon.gov>

Subject: T-13756 Sunnyside Dairy draft Preliminary Determination

Good morning,

Please see the draft Preliminary Determination for T-13756 Sunnyside Dairy, attached.

Kindest regards,

TAMERA SMITH

REIMBURSEMENT AUTHORITY (EXPEDITED PROGRAM) TRANSFER CASEWORKER

725 Summer St. NE, Suite A | Salem, Oregon 97301 | PLEASE NOTE NEW PHONE: 503-979-9607

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13756, Harney County

)
)
)
)
)

D R A F T PRELIMINARY
DETERMINATION PROPOSING DENIAL OF
A CHANGE IN POINTS OF APPROPRIATION
AND PLACE OF USE

Authority

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

Applicant

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA, MANAGER
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

Findings of Fact

1. On June 17, 2021, SUNNYSIDE DAIRY, LLC, ROSALIO BRAMBILA, MANAGER, filed an application to change the points of appropriation and to change the place of use under Certificates 84202 and 89855. The Department assigned the application number T-13756.
2. Notice of the application for transfer was published on July 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be transferred is as follows:

Certificate:	84202 in the name of JERRY L. RANK AND GAYLA ANN RANK (perfected under Permit G-12027)
Use:	IRRIGATION of 182.6 ACRES
Priority Date:	APRIL 23, 1993
Rate:	2.28 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL in the HOT SPRINGS SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	30	SW SW	4	1310 FEET NORTH AND 153 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	30	NE SW		30.8
24 S	34 E	WM	30	NW SW	3	27.2
24 S	34 E	WM	30	SW SW	4	29.2
24 S	34 E	WM	30	SE SW		35.2
24 S	34 E	WM	30	NW SE		33.9
24 S	34 E	WM	30	SW SE		24.1
24 S	34 E	WM	31	NW NE		1.4
24 S	34 E	WM	31	NE NW		0.6
24 S	34 E	WM	31	NW NW	1	0.2
TOTAL						182.6

4. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	5.66 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	6.43 mi.

5. Transfer Application T-13756 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
23 S	33 E	WM	33	NE SE	5901	30.9

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
23 S	33 E	WM	33	SE SE	5901	29.3
23 S	33 E	WM	33	SE SE	5900	1.4
23 S	33 E	WM	34	NE SW	5900	30.8
23 S	33 E	WM	34	NW SW	5900	29.8
23 S	33 E	WM	34	SW SW	5900	29.8
23 S	33 E	WM	34	SE SW	5900	30.6
TOTAL						182.6

6. The second right to be transferred is as follows:

Certificate: 89855 in the name of SUNNYSIDE DAIRY LLC (perfected under Permit G-144)

Use: IRRIGATION of 300.8 ACRES

Priority Date: FEBRUARY 14, 1956

Rate: 3.76 CUBIC FEET PER SECOND (CFS), BEING 0.94 CFS FROM WELL 1, 0.94 CFS FROM WELL 2, 0.94 CFS FROM WELL 3, 0.16 CFS FROM WELL 4, AND 0.78 CFS FROM WELL 5

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FIVE ROSSBERG WELLS, in the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	34 E	WM	31	SW NE	WELL 4 - 3480 FEET NORTH AND 2660 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NE NW	WELL 5 - 3950 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	NW SW	WELL 3 - 1410 FEET NORTH AND 1020 FEET EAST FROM THE SW CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 1 - 780 FEET NORTH AND 170 FEET WEST FROM THE SE CORNER OF SECTION 31
24 S	34 E	WM	31	SE SE	WELL 2 - 1260 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE NW		35.9
24 S	34 E	WM	31	NW NW	1	37.2
24 S	34 E	WM	31	SW NW	2	37.0
24 S	34 E	WM	31	SW NW		38.5
TOTAL						148.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	34 E	WM	31	NE SW		39.2
24 S	34 E	WM	31	NW SW	3	36.5
24 S	34 E	WM	31	SW SW	4	36.9
24 S	34 E	WM	31	SE SW		39.6
TOTAL						152.2

7. Transfer Application T-13756 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in Miles (mi.)				
23 S	33 E	WM	33	SE SE	WELL 7 (HARN 621) - 80 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 33	WELL 1	WELL 2	WELL 3	WELL 4	WELL 5
						7.14 mi.	7.05 mi.	6.63 mi.	6.50 mi.	6.26 mi.
23 S	33 E	WM	34	NW NW	WELL 6 (HARN 52027) - 25 FEET SOUTH AND 285 FEET EAST FROM THE NW CORNER OF SECTION 34	7.92 mi.	7.81 mi.	7.45 mi.	7.27 mi.	7.02 mi.

8. Transfer Application T-13756 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	33 E	WM	33	NE NE	31.3
23 S	33 E	WM	33	NW NE	30.0
23 S	33 E	WM	33	SW NE	29.4
23 S	33 E	WM	33	SE NE	30.6
23 S	33 E	WM	33	NW SE	30.0
23 S	33 E	WM	33	SW SE	29.8
23 S	33 E	WM	34	NE NW	32.8
23 S	33 E	WM	34	NW NW	31.0
23 S	33 E	WM	34	SW NW	27.1
23 S	3E E	WM	34	SE NW	28.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
TOTAL					300.8

9. The groundwater review states that the changes in points of appropriation (wells) and changes in places of use will result in injury as defined in OAR 690-380-0100(3). The pumping of the proposed wells will result in interference with an entirely different group of water rights. The proposed wells are within, near, or surrounded by, an area of observed groundwater level decline.
10. The proposed changes will interfere with other existing groundwater rights, resulting in injury to those rights. The injured water rights are listed as follows:

Certificate No. or Permit No.	Name on Certificate or Permit	Priority Date
C-63702	Louis Farms Inc.	9/21/1982
C-91907	421 Duffield LLC	8/6/1975
C-91908	421 Duffield LLC	8/18/1975
C-91909	421 Duffield LLC	3/26/1984
Permit G-12756	David and Paula Lynn	10/17/1995
Permit G-13645	Andy Root	8/10/1998
Permit G-15214	Dave Meditz	10/9/2001
Permit G-16378	Bo Thorenfeldt	8/20/2007
Permit G-17788	Oregon Dept. of State Lands and James Harvey	8/3/2009

11. The Department's Groundwater Section determined that the proposed changes could interfere substantially with exempt use groundwater users. The injured exempt well users are listed as follows:

Well ID No.	Owner Name on Well Log	Well Completed Date
HARN 702	Joe Valentine	5/30/1980
HARN 707	Everett Pearson	10/20/1967
HARN 991	Meadowland Ranches	7/22/1974
HARN 992	Dewey Kiem	4/24/1965
HARN 1883	Tim Clemens	6/13/1991
HARN 2064	Walt McEwen	1/27/1995
HARN 50512	Bob McDonald	3/29/2000
HARN 50714	Don Edwards	9/30/2001
HARN 50933	Steven Dunten	4/1/2003
HARN 51225	David Meditz	11/3/2005
HARN 51315	Dave Thomas	10/21/2006
HARN 51365	T.V. Leach	6/30/2007
HARN 51683	David Lynn	11/28/2009
HARN 52346	Unknown	12/31/1968

12. On August 24, 2021, the Department determined that the proposed change would likely result in an increase in interference in other groundwater rights. The proposed wells are either within, near, or surrounded by an area of observed groundwater level decline. Their development is likely to worsen the groundwater level decline in this area. The nearest authorized well to the proposed wells is POD 1 under Permit G-12756 (HARN 977), which is located approximately 2000 feet from proposed well HARN 621. The potential increase in drawdown was calculated using the Theis equation. The values used for the calculation are conservative and appropriate until better values become available. The calculation used an intermediate storage coefficient (0.001). The transmissivity used in the calculation (2800 ft²/day) is the average derived from specific capacity data from pump tests in nearby wells. At the pro-rated pumping rate of the full duty over the full irrigation season (2.98 cfs), the results show an increase in drawdown of approximately 43 feet; which exceeds the 25 foot interference trigger associated with Certificate 84202.

In order to evaluate the increased interference associated with the authorized use, the final order approving temporary Transfer T-13199 includes a condition requiring use of water from the authorized wells be discontinued if the water level in observation well HARN 52050 shows more than 81 feet of seasonal interference. The Department has been monitoring water levels at HARN 52050 since August 12, 2020, and installed an automatic water level recorder on October 26, 2020. Available data demonstrates that the seasonal interference drawdown at HARN 52050 has exceeded 81 feet during both the 2020 and 2021 irrigation seasons. This indicates that the 25 foot interference threshold at HARN 977 is likely exceeded.

Transfer Review Criteria (OAR 690-380-4010)

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13756.
15. The proposed change would not result in enlargement of the rights.
16. As outlined in Findings of Fact Nos. 10, 11, and 12, the proposed changes will result in injury to other existing groundwater rights and exempt use wells.

Determination and Proposed Action

The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 appear to be NOT consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. The changes cannot be effected without injury to other groundwater rights and exempt use wells. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

If Transfer Application T-13756 is approved, notwithstanding the Department's preliminary determination that the transfer will result in injury, and all necessary notarized affidavits of consent to the transfer are submitted for existing groundwater rights and exempt use wells injured as a result of this transfer, then Transfer Application T-13756 may be approved. If approved, the change and subsequent use of water shall be subject to the following conditions:

- 1. The changes in points of appropriation and changes in place of use proposed in Transfer Application T-13756 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 Certificates 84202 and 89855, and any related decree.*
- 3. Water right Certificates 84202 and 89855 are cancelled.*
- 4. Under Certificate 84202, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 8).*
- 5. Under Certificate 89855, the quantity of water diverted at the new points of appropriation (Well 6 and Well 7), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1, Well 2, Well 3, Well 4, and Well 5).*
- 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 appropriation, (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 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, 2023**. 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, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or tamera.l.smith@oregon.gov



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

NOVEMBER 17, 2021

VIA E-MAIL

SUNNYSIDE DAIRY, LLC
ROSALIO BRAMBILA
4581 MAPLE GROVE RD.
SUNNYSIDE, WA 98944

SUBJECT: Water Right Transfer Application T-13756

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13756. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed changes will cause injury to other groundwater rights. The issues that we have identified could be resolved by one of the following alternatives:

- A notarized copy of the Affidavit Consenting to Proposed Water Right Transfer (Consent to Injury), enclosed, must be signed by all water right holders who may be injured, as listed in the draft Preliminary Determination, OR
- Withdraw the application.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. **Provide a written response** by DECEMBER 17, 2021, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **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%20to%20transfer%20form.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.

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 appropriation, 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 (see below). 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.

Conditions to your water right...

If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

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

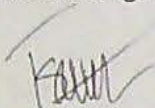
- 1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and

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 your response to withdraw the application or the items listed above by DECEMBER 17, 2021, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at tamera.l.smith@oregon.gov or 503-979-9607, if I may be of assistance.

Kindest regards,



Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13756
JR Johnson, District 10 Watermaster *(via e-mail)*
Molly Reid, Agent for the applicant *(via e-mail)*

encs

SMITH Tamera L * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Monday, January 3, 2022 2:55 PM
To: SMITH Tamera L * WRD
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]
Attachments: Authorization to Pursue Transfer.pdf

Tamera,

Pursuant to OAR 690-380-4010(5)(c)(C), I have attached "documentation demonstrating that the applicant is authorized to pursue the transfer" of the 1.4 acres located in the NWNE Section 31, T24S, R34E, W.M. The rest of the water rights proposed for transfer are on property owned by the applicant Sunnyside Dairy LLC.

The attached bill of sale provides signed/notarized documentation of Jerry and Gayla Rank's sale of the 1.4 acres to Sunnyside, as of June 21, 2013 (as part of the sale of 182.6 acres of water rights under Certificate 84202).

Shonee

Shonee Langford
Of Counsel
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Thursday, December 30, 2021 11:50 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Corrected year due to 2022*

From: SMITH Tamera L * WRD
Sent: Thursday, December 30, 2021 11:47 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

As you may recall, the Department approved your request for an extension to provide proof of ownership by December 23, 2021. You sent in partial ownership information on December 24, 2021. Please forward any remaining ownership paperwork by January 6, 2021*.

Kindest regards,
Tamera Smith

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Friday, December 24, 2021 1:27 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,

Please see attached ownership report. I thought I had submitted this already, but apparently not. My apologies for submitting a day late. After receiving the report, we discovered that consent would be needed due to a small portion of the place of use extending onto a neighbor's property. We are working on it and will get back to you next week.

Best,

Shonee

Shonee Langford
Of Counsel
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT
CLIENT SHOWCASE | INNOVATING FOR GOOD

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Wednesday, December 15, 2021 8:24 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Good morning Shonee,

Request for submission of extension for ownership report for T-13756 Sunnyside Dairy to Thursday, December 23, 2021 is granted.

Thank you for your inquiry.

Kindest regards,
Tamera Smith

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, December 14, 2021 6:22 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination [IWOV-pdx.FID4459630]

Tamera,

I will be submitting the applicant's response to the draft preliminary determination on or before the Dec. 17 deadline. Out of an abundance of caution, I would also like to request an extension through Dec. 23 to submit the ownership report. We're in the process of securing one, but it may not be ready by Dec. 17. The delay is my fault and not the applicant's.

Please let me know if that will be acceptable.

Sincerely,

Shonee

Shonee Langford

Of Counsel

D: 503-540-4261

C: 503-807-2082

slangford@schwabe.com

SCHWABE, WILLIAMSON & WYATT

CLIENT SHOWCASE | INNOVATING FOR GOOD

From: Molly A. Reid <mreid@geoengineers.com>
Sent: Thursday, December 9, 2021 3:50 PM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

Shonee: This goes to your capable hands.....

Molly

From: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Sent: Thursday, December 9, 2021 3:36 PM
To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>; Molly A. Reid <mreid@geoengineers.com>
Subject: FW: T-13756 Sunnyside Dairy draft Preliminary Determination

[EXTERNAL]

Good afternoon,

A reminder that response deadline is next Friday, December 17.

Kindest regards,
Tamera

From: SMITH Tamera L * WRD
Sent: Wednesday, November 17, 2021 9:09 AM
To: 'Rosalio Brambila' <rosalio@sunnysidedairy.com>
Cc: Molly A. Reid <mreid@geoengineers.com>; JOHNSON JR * WRD <JR.Johnson@oregon.gov>
Subject: T-13756 Sunnyside Dairy draft Preliminary Determination

Good morning,

Please see the draft Preliminary Determination for T-13756 Sunnyside Dairy, attached.

BILL OF SALE

THIS INDENTURE WITNESSETH, for good and valuable consideration, we the undersigned sellers, hereby grant, bargain, sell, transfer and deliver unto Sunnyside Dairy, LLC, a Washington limited liability company hereinafter called buyer, the following described personal property, now being and situate 65339 Crane Buchanan Road in State of OREGON, County of HARNEY to-wit:

Water rights as set forth on the map attached to this bill of sale.

Wells, pumps, electrical panels located on Tax Lot 1800 of Tax Map 24S 34E 1800 and more fully described on the statutory warranty deed from Sellers to Buyer delivered contemporaneous with this bill of sale.

Four pivots with pumps and equipment used in connection with the pivots

TO HAVE AND TO HOLD, the same unto the buyer and buyer's executors, administrators, successors and assigns forever.

And we, the sellers, hereby covenant to and with the said buyer that we are the owners of said personal property; that the same is free from all encumbrances except none

AND

that we have a good right to sell the same, and that we, our heirs, executors and administrators shall warrant and defend the same against the lawful claims of all persons whomsoever, and shall execute such further documents as may be reasonably necessary to transfer such equipment or rights to the buyer.

WITNESS OUR hands this 21 day of June, 2013

Jerry L. Rank
Jerry L. Rank

Gayla Ann Rank
Gayla Ann Rank

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JAN 03 2022

QWRD

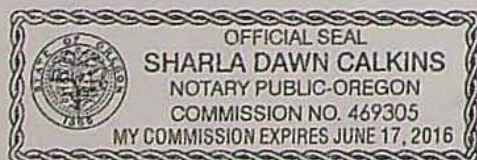
STATE OF OREGON)
) ss.
County of Harney)

Jerry L. Rank and Gayla Ann Rank, being first duly sworn, depose and say that they are the sole owner(s) of the property described in the foregoing bill of sale, that the same has been paid in full, and that on this date the same is free and clear of liens and encumbrances of every kind and nature.

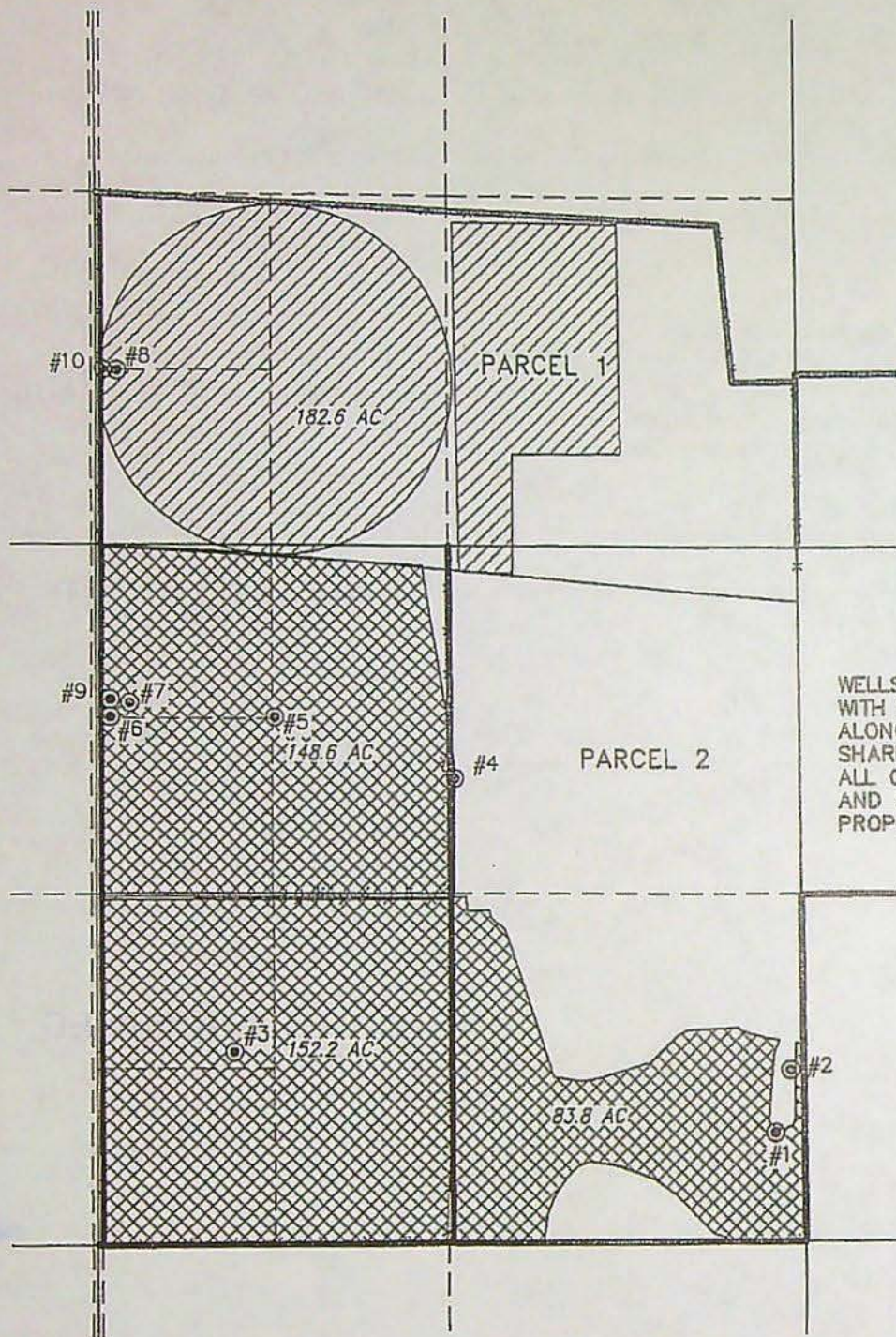
Jerry L. Rank
Jerry L. Rank

Gayla Ann Rank
Gayla Ann Rank

Subscribed and sworn to before me this 21 day of June, 2013.



Sharla Dawn Calkins
Notary Public for OREGON
My Commission expires June 17, 2016



WELLS 1, 2, & 4 TO REMAIN
WITH PROPOSED PARCEL 2,
ALONG WITH 1.04 CFS TO BE
SHARED FROM ALL WELLS.
ALL OTHER WELLS SHOWN
AND 3.77 CFS TO GO WITH
PROPOSED PARCEL 1.

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JAN 09 2022

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TAX MAP & LOT

24340000 01800 & 01900

DEED RECORD

2004-1023 & 2005-2522

⊙ EXISTING WELLS



WATER RIGHT ACREAGE (AC) T10149 (REPLACED C36878 & C57148)
300.8 ACRES REMAIN WITH PARCEL 1
83.8 ACRES REMAIN WITH PARCEL 2



WATER RIGHT ACREAGE (AC) C84202
ALL 182.6 ACRES REMAIN WITH PARCEL 1

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)
County of HARNEY) ss

I, ROSALIO BRAMBILA, in my capacity as FARM MANAGER,
mailing address 4581 MAPLE GROVE ROAD, SUNNYSIDE, WA 89844
telephone number (509)837-4779, 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 # 84202 AND 89855 UNDER T-13199 AND T-11985; **OR**

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

Certificate #	Township	Range	Mer	Sec	1/4 1/4	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.): ALFALFA, GRASS/PASTURE

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

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Signature of Affiant

6-14-21

Date

Signed and sworn to (or affirmed) before me this 14 day of June, 2021.



Michelle Z. Rhode
Notary Public for Oregon in and for the State of WA

My Commission Expires: 12/30/24

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

Pump 1

HARNEY ELEC COOPERATIVE, INC.

05/24/2021 11:20:42 am

CUSTOMER PROFILE/BILLING HIST

Page: 1

Customer: [REDACTED] Name: SUNNYSIDE DAIRY LLC Phone: 509-837-4779 Ext: [REDACTED]
 Addl Name: Address: 4581 MAPLE GROVE RD Home: [REDACTED]
 Addl Phone: SUNNYSIDE WA 98944-9793 Mobl: [REDACTED]
 Busn: [REDACTED]
 Fax: [REDACTED]

Account: [REDACTED] Cycle Code: 2 Invoice Group: 1778
 Provider: COOP - HARNEY ELECTRIC COOP Service: ELEC - ELECTRIC SERVICE

AR Information:

Total AR:	1,006.77	Budget Due:	.00	Annual Due:	.00
Total Current:	1,006.77	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/28/2020 Payment Amt: -.93

Location: 6822 Srv Map Loc: B103
 Srv Desc: 100+6 HP IRR
 Srv Address: NORTH JMK FARMS
 Prim Rate Sched:IR1

Emergency Addr:
 District Office: B - HINES OFFICE
 Board Dist: 1 - JOE CRONIN
 Srv Area: 14 - CRANE - BUCHANAN

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
May 2020	1,894	64.680	64.680	1188.000	.000
Jun 2020	39,751	64.680	64.680	26011.000	.000
Jul 2020	4,126	61.030	61.030	2815.000	.000
Aug 2020	29,064	62.350	62.350	19642.000	.000
Sep 2020	28,491	62.490	62.490	20618.000	.000
Oct 2020	6,311	62.490	62.490	4823.000	.000
Nov 2020	24	61.490	61.490	65.000	.000
Dec 2020	14	1.770	1.770	35.000	.000
Totals:	109,675	440.980	440.980	75197.000	.000
Averages:	13,709	55.123	55.123	9399.625	.000

Billing History Revenue Summary:

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 JUN 17 2021
 OWRD

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JUN 17 2021

OWRD

HARNEY ELEC COOPERATIVE, INC.

05/24/2021 11:20:42 am

CUSTOMER PROFILE/BILLING HIST

Page: 2

Rev YrMo	Bill Dt	Revenue	Demand	Device	PCA	Other	Tax	Adjust	Total
May 2020	05/06/2020	156.26	.00	.00	.00	-22.92	.00	.00	133.34
Jun 2020	06/05/2020	2,881.95	.00	.00	.00	-576.39	.00	.00	2,305.56
Jul 2020	07/06/2020	299.14	.00	.00	.00	-59.83	.00	.00	239.31
Aug 2020	08/05/2020	2,107.14	.00	.00	.00	-421.43	.00	.00	1,685.71
Sep 2020	09/03/2020	2,065.60	.00	.00	.00	-413.12	.00	.00	1,652.48
Oct 2020	10/02/2020	457.55	.00	.00	.00	-91.51	.00	.00	366.04
Nov 2020	11/06/2020	1.98	.00	.00	.00	-.40	.00	.00	1.58
Dec 2020	12/07/2020	1.16	.00	.00	.00	-.23	.00	.00	.93
Totals:		\$7,970.78	\$.00	\$.00	\$.00	\$-1,585.83	\$.00	\$.00	\$6,384.95
Averages:		\$996.35	\$.00	\$.00	\$.00	\$-198.23	\$.00	\$.00	\$798.12

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JUN 17 2021

Pump 2

OWRD

HARNEY ELEC COOPERATIVE, INC.

05/24/2021 11:19:24 am

CUSTOMER PROFILE/BILLING HIST

Page: 1

Customer: [REDACTED]

Name: SUNNYSIDE DAIRY LLC
 Addl Name:
 Address: 4581 MAPLE GROVE RD
 SUNNYSIDE WA 98944-9793

Phone
 Home: 509-837-4779
 Mobil:
 Busn:
 Fax:

Ext
 Addl Phone
 Ext
 Home:
 Mobil:
 Busn:
 Fax:

Account: [REDACTED]

Cycle Code: 2

Invoice Group: 1778

Provider: COOP - HARNEY ELECTRIC COOP

Service: ELEC - ELECTRIC SERVICE

AR Information:

Total AR:	1,108.80	Budget Due:	.00	Annual Due:	.00
Total Current:	1,108.80	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 10/26/2020 Payment Amt: -883.92

Location: 7683

Srv Map Loc: AD131AL010L7L6
 Srv Desc: 100 hp irr
 Srv Address: NORTH OF JMK
 Prim Rate Sched: IR1

Emergency Addr:
 District Office: B - HINES OFFICE
 Board Dist: 1 - JOE CRONIN
 Srv Area: 14 - CRANE - BUCHANAN

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
May 2020	4,800	83.600	83.600	1160.000	.000
Jun 2020	52,040	84.400	84.400	12240.000	.000
Jul 2020	18,640	84.400	84.400	4280.000	.000
Aug 2020	47,000	81.600	81.600	10480.000	.000
Sep 2020	44,240	81.200	81.200	9920.000	.000
Oct 2020	15,240	81.200	81.200	3280.000	.000
Nov 2020	0	.000	.000	.000	.000
Dec 2020	0	.000	.000	.000	.000
Totals:	181,960	496.400	496.400	41360.000	.000
Averages:	22,745	62.050	62.050	5170.000	.000

Billing History Revenue Summary:

HARNEY ELEC COOPERATIVE, INC.

05/24/2021 11:19:24 am

CUSTOMER PROFILE/BILLING HIST

Page: 2

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Rev YrMo	Bill Dt	Revenue	Demand	Device	PCA	Other	Tax	Adjust	Total
May 2020	05/06/2020	396.00	.00	.00	.00	-70.86	.00	.00	325.14
Jun 2020	06/05/2020	3,772.90	.00	.00	.00	-754.58	.00	.00	3,018.32
Jul 2020	07/06/2020	1,351.40	.00	.00	.00	-270.28	.00	.00	1,081.12
Aug 2020	08/05/2020	3,407.50	.00	.00	.00	-681.50	.00	.00	2,726.00
Sep 2020	09/03/2020	3,207.40	.00	.00	.00	-641.48	.00	.00	2,565.92
Oct 2020	10/02/2020	1,104.90	.00	.00	.00	-220.98	.00	.00	883.92
Totals:		\$13,240.10	\$.00	\$.00	\$.00	\$-2,639.68	\$.00	\$.00	\$10,600.42
Averages:		\$2,206.68	\$.00	\$.00	\$.00	\$-439.95	\$.00	\$.00	\$1,766.74

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JUN 17 2021

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HARNEY ELEC COOPERATIVE, INC.

Pump 3

05/24/2021 11:21:16 am

CUSTOMER PROFILE/BILLING HIST

Page: 1

Customer: [REDACTED]

Name: SUNNYSIDE DAIRY LLC
 Addl Name:
 Address: 4581 MAPLE GROVE RD
 SUNNYSIDE WA 98944-9793

Phone
 Home: 509-837-4779
 Mobil:
 Busn:
 Fax:

Ext
 Home:
 Mobil:
 Busn:
 Fax:

Ext

Account: [REDACTED]

Cycle Code: 2

Invoice Group: 1778

Provider: COOP - HARNEY ELECTRIC COOP

Service: ELEC - ELECTRIC SERVICE

AR Information:

Total AR:	2,178.00	Budget Due:	.00	Annual Due:	.00
Total Current:	2,178.00	Curr Budget:	.00	Curr Annual:	.00
Total 30 Days:	.00	Past Budget:	.00	Past Annual:	.00
Total 60 Days:	.00				
Total 90 Days:	.00				

Payment Information:

Payment Date: 12/28/2020 Payment Amt: -21.12

Location: 7658

Srv Map Loc: B109A
 Srv Desc: 200+33 hp irr
 Srv Address: BURNS
 Prim Rate Sched: IRI

Emergency Addr:
 District Office: B - HINES OFFICE
 Board Dist: 1 - JOE CRONIN
 Srv Area: 14 - CRANE - BUCHANAN

Billing History Usage Summary:

Rev YrMo	Usage	Act Dmd	Bld Dmd	KVAR Usage	KVA Use
May 2020	7,720	155.600	155.600	6080.000	.000
Jun 2020	85,080	155.600	155.600	65560.000	.000
Jul 2020	9,480	132.400	132.400	7760.000	.000
Aug 2020	64,360	143.600	143.600	49600.000	.000
Sep 2020	65,880	132.800	132.800	50880.000	.000
Oct 2020	22,760	133.600	133.600	18560.000	.000
Nov 2020	120	133.600	133.600	200.000	.000
Dec 2020	320	1.600	1.600	400.000	.000
Totals:	255,720	988.800	988.800	199040.000	.000
Averages:	31,965	123.600	123.600	24880.000	.000

Billing History Revenue Summary:

RECEIVED

HARNEY ELEC COOPERATIVE, INC.

05/24/2021 11:21:16 am

CUSTOMER PROFILE/BILLING HIST

Page: 2

RECEIVED

JUN 17 2021

OWRD

Rev YrMo	Bill Dt	Revenue	Demand	Device	PCA	Other	Tax	Adjust	Total
May 2020	05/06/2020	636.90	.00	.00	.00	-119.04	.00	.00	517.86
Jun 2020	06/05/2020	6,168.30	.00	.00	.00	-1,233.66	.00	.00	4,934.64
Jul 2020	07/06/2020	687.30	.00	.00	.00	-137.46	.00	.00	549.84
Aug 2020	08/05/2020	4,666.10	.00	.00	.00	-933.22	.00	.00	3,732.88
Sep 2020	09/03/2020	4,776.30	.00	.00	.00	-955.26	.00	.00	3,821.04
Oct 2020	10/02/2020	1,650.10	.00	.00	.00	-330.02	.00	.00	1,320.08
Nov 2020	11/06/2020	9.90	.00	.00	.00	-1.98	.00	.00	7.92
Dec 2020	12/07/2020	26.40	.00	.00	.00	-5.28	.00	.00	21.12
Totals:		\$18,621.30	\$.00	\$.00	\$.00	\$-3,715.92	\$.00	\$.00	\$14,905.38
Averages:		\$2,327.66	\$.00	\$.00	\$.00	\$-464.49	\$.00	\$.00	\$1,863.17

WATER WELL REPORT
STATE OF OREGON

State Well No. 24/34E-31B1
State Permit No. S-144 dda(1)

(1) OWNER:

Name John W. Rossberg
Address Box 443
Burns, Oregon

(2) LOCATION OF WELL:

County HARNEY Owner's number, if any—1
1/4 1/4 Section 31 T. 24S R. 34E W.M.
Bearing and distance from section or subdivision corner
E 4167'

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☐

" Diam. from None ft. to None ft. Gage
" Diam. from None ft. to None ft. Gage
" Diam. from None ft. to None ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

SIZE of perforations (in. by in.)
perforations from None ft. to None ft.
perforations from None ft. to None ft.
perforations from None ft. to None ft.
perforations from None ft. to None ft.
perforations from None ft. to None ft.

(8) SCREENS:

Well screen installed ☐ Yes ☐ No

Manufacturer's Name None
Type None Model No. None
Diam. None Slot size None Set from None ft. to None ft.
In. None Slot size None Set from None ft. to None ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: None
Gravel placed from None ft. to None ft.
Was a surface seal provided? ☐ Yes ☒ No To what depth? None ft.
Material used in seal—
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? None Depth of strata None
Method of sealing strata off None

(10) WATER LEVELS:

Static level 21 ft. below land surface Date 8/1/60
Artesian pressure None lbs. per square inch Date None

Log Accepted by:

[Signed] John W. Rossberg Date 8/1/60
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom? None

Yield: 600 gal./min. with 57 ft. drawdown after 24 hrs.

" " " "

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well _____ inches.

Depth drilled 132 ft. Depth of completed well 132 ft.

Formation: Describe by color, character, size of material and structure, and
show thickness of aquifers and the kind and nature of the material in each
stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	8
HARD PAN	8	21
SAND STONE (WATER)	21	30
BLUE & YELLOW CLAY	30	60
COURSE GRAVEL	60	66
BOULDERS	66	73
HARD ROCK	73	75
PUMIC ROCK &	75	132
PUMIC SAND		

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JUN 17 2021

OWRD

THIS WELL DRILLED
WITH ROTARY 32"
DOWN TO 68 FT.
DRILLED 12" WITH
CABLE DOWN TO 132 FT.

This well is complete needs
more work & casing

Work started 8/1 1957 Completed 8/1 1960

(13) PUMP:

Manufacturer's Name FAIRBANKS MORSE
Type: 5" Turbine H.P. BELT

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

NAME John W. Rossberg
(Person, firm, or corporation) (Type or print)

Address Box 443 BURNS, OREGON

Driller's well number 272

[Signed] John W. Rossberg
(Well Driller)

License No. 272 Date 8/1 1960

State Well No. 24/34 - 31 (11)
County Harney
Application No. dda (1)

OWNER: Rossberg OWNER'S NO. 1

Description of measuring point: Top of 8x8 timber, 5' above LSD - No casing in wall.

[illegible]

REMARKS: _____ RECEIVED _____

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OWRD

(1) OWNER:

Name John W. Rossberg
Address Box 443 Burns, Oreg.

(2) LOCATION OF WELL:

County Harney Owner's number, if any 2
R. F. D. or Street No. Box 443 Burns Oreg.
Bearing and distance from section or subdivision corner
Extrem. NE corner of R
ELEV. - 4167'

(3) TYPE OF WORK (check):

New well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐
Cable ☐
Dug Well ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

FROM	ft. to	ft.	Diam.	Gage or Wall	Diameter of Bore	from ft.	to ft.
0'	"68"	"	32"	189		"	"
"	"	"	"	"		"	"
"	"	"	"	"		"	"
"	"	"	"	"		"	"

If gravel packed

Type and size of shoe or well ring none Size of gravel:

Describe joint WELDED

(7) PERFORATIONS:

Type of perforator used

SIZE	of perforations	in., length, by	in.
FROM	ft. to	ft.	No. of rows
"	"	"	"
"	"	"	"
"	"	"	"
"	"	"	"

SCREENS:

Give Manufacturer's Name, Model No. and Size none

(8) CONSTRUCTION:

Was a surface sanitary seal provided? ☐ Yes ☒ No To what depth ft.

Were any strata sealed against pollution? ☐ Yes ☒ No

If yes, note depth of strata

FROM	ft. to	ft.
"	"	"

METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 18 ft.

Standing level before perforating 18 ft.

Standing level after perforating 18 ft.

Log Accepted by: John W. Rossberg

[Signed] John W. Rossberg Dated 8-20-51, 1951
Owner

(10) WELL TESTS:

Was a pump test made? ☒ Yes ☐ No If yes, by whom?

Yield: 800 gal./min. with 60 ft. draw down after 24 hrs.

" " " "

" " " "

Artesian flow g.p.m.

Shut-in pressure lbs. per square inch.

Bailer test g.p.m. with ft. drawdown

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

Was electric log made of well? ☐ Yes ☒ No

(11) WELL LOG:

Diameter of well, 32 inches.

Total depth 128 ft. Depth of completed well 128 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

ft. to	ft.
0"	"6' TOP SOIL
6"	"16' Hard C. Clay
16"	"24' Sandy stone water
25"	"35' fine stone
35"	"45' SAND GRAVEL
45"	"50' Small Rock water
50"	"58' PUMPS SAND
58"	"70' SANDSTONE
70"	"102' BLUE SHALE

102' 126' CLAY. CINDERS

126' 128' RIVER BED SAND
GRAVEL

" " Deepen - to 301 ft. 1960

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

" " " "

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JUN 17 2021

OWRD

Ground elevation at well site feet above mean sea level.

Work started FEB 25 1956 Completed AUG 20 1956

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Jack McBlure
(Person, firm, or corporation) (Typed or printed)

Address C. R. & NE OREGON

Driller's well number

[Signed] Jack McBlure
Well Driller

License No. 124 Dated June 1, 1957

State Well No. 24/34-31 R 2
County Harney dda/2
Application No. G 234

OWNER: Jahn Rassburg OWNER'S NO. 2

Description of measuring point: Top of casing at LSD

ELEV. - 4167'

[illegible]

REMARKS:

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM 10, OREGON
within 30 days from the date
of well completion.

RECEIVED

JUL 26 1962

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

OBSERVATION WELL

State Well No. 24/34-31M

State Permit No. M

(1) OWNER:

Name JOHN ROSSBURG
Address CRAIN OREGON

(2) LOCATION OF WELL:

County Clatsop Driller's well number #3 NEW
NE 1/4 SW 1/4 Section 31 T24S R34E W.M.
Bearing and distance from section or subdivision corner
NO. EAST CORNER OF LOT 4

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☒ Driven ☐
Irrigation ☒ Test Well ☐ Other ☐ Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(5) TYPE OF WELL:

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 110 ft. Gage 31/4
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used TORCH
Size of perforations 1/4 in. by 4 in.
1000 perforations from 50 ft. to 100 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No
Manufacturer's Name _____
Model No. _____
Slot size _____ Set from _____ ft. to _____ ft.
Diam. Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:

Well seal—Material used in seal _____
Depth of seal _____ ft. Was a packer used? _____
Diameter of well bore to bottom of seal _____ in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth _____
Was a drive shoe used? ☐ Yes ☒ No
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/4 to 3/4 in.
Gravel placed from TOP ft. to 110 ft.
Did any strata contain unusable water? ☒ Yes ☐ No
Type of water? SIFT Depth of strata 90'
Method of sealing strata off _____

(10) WATER LEVELS:

Static level 12 ft. below land surface Date July 10-62
Artesian pressure _____ lbs. per square inch Date _____

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? ROSSBURG & S.
Yield: 600 gal./min. with 70 ft. drawdown after 5 hrs.

Bailer test gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow g.p.m. Date _____

Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing _____
Depth drilled 110 ft. Depth of completed well 110 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	23
CLAY & FINE SAND	23	61
GRAVEL COURSE	61	94
CLAY BROWN	94	110

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JUN 17 2021

OWRD

Work started MAY 14 19 62 Completed JUNE 10 19 62
Date well drilling machine moved off of well _____ 19 _____

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME MCGUIRE DRILLING Co
(Person, firm or corporation) (Type or print)

Address Box 909 BURNS ORE

Drilling Machine Operator's License No. _____

[Signed] J. L. McGuire
(Water Well Contractor)

Contractor's License No. 383 Date July 10, 1962

(USE ADDITIONAL SHEETS IF NECESSARY)

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OBSERVATION WELL

File Original and
First Copy with the
STATE ENGINEER,
SALEM, OREGON

AUG 17 1960 WATER WELL REPORT
STATE ENGINEER STATE OF OREGON

State Well No. 24/34/E-316
State Permit No. 144 acb

(1) OWNER:

Name John W. Rorsberg
Address Box 443
Burns, Oregon

(2) LOCATION OF WELL:

County Harney Owner's number, if any— #4
1/4 Section 31 T. 24S R. 34E W.M.
Bearing and distance from section or subdivision corner

ELEV. - 4142'

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☐
14" Diam. from 0 ft. to 9 ft. Gage 8
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

SIZE of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

In. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Was a surface seal provided? ☐ Yes ☒ No To what depth? ft.

Material used in seal—

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata

Method of sealing strata off

(10) WATER LEVELS:

Static level 26 ft. below land surface Date 3/28/60

Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] John W. Rorsberg Date 8/13, 1960
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom? -

Yield: 200 gal./min. with 100 ft. drawdown after 2 hrs.

" " " "

" " " "

Ballor test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 11 inches.

Depth drilled 305 ft. Depth of completed well 305 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	9
HARD PAN	9	24
BROWN SAND STONE	24	47
PUMICE-ROCK	47	69
BLUE LAY	69	142
BLACK LAVA ROCK	142	285
RED CINDER ROCK	285	300
BLACK LAVA ROCK	300	305

all seems to pour
in the rock we went
there was filled with
a green & yellow
soap stone material.
Preventing water from
entering well

Work started 2/3 1960 Completed 3/28 1960

(13) PUMP:

Manufacturer's Name NONE

Type: H.P. JUN 17 2021

Well Driller's Statement:

This well was drilled under my jurisdiction and this is true to the best of my knowledge and belief.

NAME John W. Rorsberg

(Person, firm, or corporation) (Type or print)

Address Box 443 Burns, Oreg.

Driller's well number

[Signed] John W. Rorsberg

(Well Driller)

License No. 272 Date 8/13, 1960

WATER WELL REPORT
STATE OF OREGON

State Well No. 24/34E-31C
State Permit No. 144 bac

(1) OWNER:

Name John W. Rossberg
Address Box 443
Burns, Oregon

(2) LOCATION OF WELL:

County Harney Owner's number, if any— #5
1/4 Section 31 T. 24S R. 34E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☐
14" Diam. from 0 ft. to 16 ft. Gage 8
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

SIZE of perforations in. by in.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Slot size _____ Set from _____ ft. to _____ ft.
Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth? _____ ft.
Material used in seal— Cement
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level 25 1/2 ft. below land surface Date 7/5/60
Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by:

[Signed] John W. Rossberg 7/5-1960
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? DRILLER

Yield: 22.5 gal./min. with 58 ft. drawdown after 600 hrs.

" " " "

" " " "

Ball test gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m. Date _____

Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 14 1/2 inches.

Depth drilled 603 ft. Depth of completed well 503 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
14" TO 26 1/2" TOP SOIL	0	7
HARD PAN	7	28
SAND STONE (WATER)	28	45
BLUE CLAY	45	111
PUMICE ROCK	111	154
LAYERS CLAY & ROCK	154	248
LAVA ROCK	248	265
GREY BASALT	265	283
REDUCED TO 12" AT 265'		
BLUE & YELLOW CLAY	283	390
BLACK LAVA ROCK	390	476
RED CINDER ROCK	476	503

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JUN 17 2021

OWRD

Work started 3/15 1958 Completed 6/13 1959

(13) PUMP:

Manufacturer's Name Fairbanks Morse
Type: 4" Turbine H.P. 5

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME John W. Rossberg
(Person, firm, or corporation) (Type or sign)

Address Box 443 Burns, Oreg

Driller's well number _____

[Signed] John W. Rossberg
(Well Driller)

License No. 272 Date 7/5-1960

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

WATER WELL REPORT

RECEIVED

DEC 24 1974

State Well No. 235/32E-33d

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

STATE OF OREGON

(Please type or print)

STATE ENGINEER

State Permit No.

16.5' N 1/4 E of SW cor. 1/4 of SE 1/4 sec 33, 23rd

(1) OWNER:

Name Harman Schimbecker
Address 8006 NE 125 Ave
Vancouver, Washington

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

14" Diam. from 0 ft. to 257 ft. Gage .025
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory Perforated

Size of perforations 3/16 in. by 3 in. X
11,850 perforations from 20 ft. to 257 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.
" " " " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 24 in.
Diameter of well bore below seal 24 in.
Number of sacks of cement used in well seal 15 sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite

Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 minus

Gravel placed from 20 ft. to 257 ft.

(10) LOCATION OF WELL:

County HARNEY Driller's well number
SE 1/4 SE 1/4 Section 33 T. 23 R. 33 E W.M.
Bearing and distance from section or subdivision corner 6' So
20'E of the NW corner of the SE 1/4 of the SE 1/4

(11) WATER LEVEL: Completed well.

Depth at which water was first found 15 ft.
Static level 7 ft. below land surface. Date 12/18/74
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 257 ft. Depth of completed well 257 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Topsoil Sandy	0	5	
Sandstone Brown	5	17	15
Clay Br to Blue	17	43	
Gravel, fine, unconsol.	43	52	
Claystone, hard	52	67	
Gravel, med, unconsol.	67	70	
Sand Black	70	100	
Clay, gray, soft	100	150	
Clay, blue, soft	150	197	
Sandstone, green	197	203	
Gravel, fine	203	205	
Claystone, gray	205	231	
Claystone, brown	231	257	

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JUN 17 2021

OWRD

Work started 12/10 19 74 Completed 12/13 19 74
Date well drilling machine moved off of well 12/13 19 74

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] W.D. Penhale Date 12/18, 1974
(Drilling Machine Operator)

Drilling Machine Operator's License No. 491

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Western Drilling Co. (Type or print)
(Person, firm or corporation)

Address Box 751

[Signed] John W. McMath (Water Well Contractor)

Contractor's License No. 426 Date 12/18, 1974

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

SEP 12 1974 State Well No.

STATE ENGINEER
SALEM, OREGON

245/34E-30

(1) OWNER:

Name Crase Land & Cattle
Address Crase Oreg

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
12" Diam. from 0 ft. to 135 ft. Gage 260
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.
Type of perforator used Torch
Size of perforations 6 in. by 1/4 in.
6 Perforations from 25 ft. to 125 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Self
Yield: 1500 gal./min. with 28 ft. drawdown after 10 hrs.
" " " "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 55 Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 22 ft.
Diameter of well bore to bottom of seal 24 in.
Diameter of well bore below seal 24 in.
Number of sacks of cement used in well seal 9 sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 x 3/8
Gravel placed from 22 ft. to 125 ft.

(10) LOCATION OF WELL:

County Harney Driller's well number
1/4 1/4 Section 30 T. 24 R. 34 E W.M.
Bearing and distance from section or subdivision corner
on Lot 4

(11) WATER LEVEL: Completed well.

Depth at which water was first found 30 ft.
Static level 22 ft. below land surface. Date 8/11/74
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 0
Depth drilled 134 ft. Depth of completed well 125 ft.
Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil	0	3	
Hardpan	3	30	
Sand Fine & Clay Green	30	35	30
Sand Fine Brown	35	125	22
Clay & Gravel Brown	125	135	22

Work started 8/10 1974 Completed 8/26 1974
Date well drilling machine moved off of well 8/28 1974

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

(Signed) John W. Messberg Date 8/28, 1974
(Drilling Machine Operator)
Drilling Machine Operator's License No. 259

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name John W. Messberg
(Person, firm or corporation) (Type or print)
Address P.O. Box 160 Eugene, Oreg
(Signed) John W. Messberg
(Water Well Contractor)
Contractor's License No. 222 Date 8/28, 1974

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45650-119

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 112499

START CARD # 1022349

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

1) LAND OWNER

Owner Well I.D.

First Name

Last Name

Company SUNNYSIDE DAIRY LLCAddress 4581 MAPLE GROVE RDCity SUNNYSIDEState WA.Zip 98944

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion☐ Alteration (repair/recondition)☐ Abandonment

(3) DRILL METHOD

☒ Rotary Air ☒ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud☐ Reverse Rotary☐ Other

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community☐ Industrial/Commercial☐ Livestock☐ Dewatering☐ Injection☐ Thermal☐ Other(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)Depth of Completed Well 500 ft.

BORE HOLE

SEAL

Dia	From	To	Material	From	To	Amount	Scks/lbs
24"	0	29	BENTONITE	0	29	36	SLICKS
20"	29	335					
12"	335	500					

How was seal placed: Method

☐ A ☐ B ☐ C ☐ D ☐ E☒ Other POURED DRYBackfill placed from 0 ft. to 335 ft. MaterialFilter pack from 0 ft. to 335 ft. Material GRAVEL Size 3/8Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Csng	Liner	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		20"	+	1 1/2	30	.250	✓		✓	
		12"	+	1 1/2	335	.188	✓		✓	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)Temporary casing ☐ Yes Diameter From To

(7) PERFORATIONS/SCREENS

Perforations Method FACTORY

Screens Type Material

Perf	Csng	Liner	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele pipe size
✓		✓		230	335	3/16	3	4560	PIPE

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

1000 200' 1Temperature 67 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County HARNEY Twp 23 No (S) Range 33 (E) or W. W.M.Sec 34 NW 1/4 of the NW 1/4 Tax Lot 5901

Tax Map Number

Lot

Lat " or " DMS or DD

Long " or " DMS or DD

Street Address of Well (or nearest address) 5901 QUINCEY RD.CRANE

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				
Completed Well	<u>3-16-14</u>	<u>-</u>		<u>21</u>

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES

Depth water was first found 10'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>2-24-14</u>	<u>10'</u>	<u>15'</u>	<u>5</u>			<u>10'</u>
<u>3-16-14</u>	<u>35</u>	<u>390</u>	<u>1000 +</u>			<u>21</u>

(11) WELL LOG

RECEIVED BY OWRD

Material	From	To
<u>SANDY TOPSOIL</u>	<u>0</u>	<u>4</u>
<u>TAN CLAY - BRN SAND</u>	<u>4</u>	<u>15</u>
<u>GRY CLAY - BRN SAND</u>	<u>15</u>	<u>23</u>
<u>DARK GRAY CLAY</u>	<u>23</u>	<u>35</u>
<u>FRACT. GRAY CLAY - SAND</u>	<u>35</u>	<u>150</u>
<u>DARK GRAY STICKY CLAY + LIGHT GREEN</u>		
<u>CLAYSTONE LAYERS WITH SAND</u>	<u>150</u>	<u>253</u>
<u>LIGHT GREEN CLAYSTONE WITH</u>		
<u>SAND + GRAVEL</u>	<u>253</u>	<u>300</u>
<u>GRAY PUMICE</u>	<u>300</u>	<u>325</u>
<u>GRN. CLAYSTONE - BLACK SAND</u>	<u>325</u>	<u>340</u>
<u>BLACK SANDSTONE</u>	<u>340</u>	<u>390</u>
<u>GRN. CLAY - CLAYSTONE LAYERS</u>	<u>390</u>	<u>500</u>

Date Started 2-23-14Completed 3-16-14

(unbonded) Water Well Constructor Certification

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

License Number 1739Date 3-23-14Signed Chris V. J.

(bonded) Water Well Constructor Certification

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

License Number 1355Date 3-23-14Signed Arthur L. J.

Contact Info. (optional)


RECEIVED

JUN 17 2021

RECEIVED

JUN 17 2021

OWRD

GEOENGINEERS 

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

June 14, 2021

Kelly Starnes, Transfer Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Permanent Transfer Application for Sunnyside Dairy, LLC
Certificates 84202 and 89855

Dear Mr. Starnes:

Enclosed please find a reimbursement authority estimate request and completed permanent transfer application with supporting documents submitted on behalf of our client, Sunnyside Dairy, LLC. A check in the amount of \$4,770.00 for application fees and a check in the amount of \$125 for the reimbursement authority estimate are also enclosed.

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

Sincerely,

Molly Reid

Molly Reid
Senior Planner

Cc: Sunnyside Dairy, LLC
File



Sunnyside Dairy, LLC
4581 Maple Grove Road
Sunnyside, WA. 98944
509-837-4779 office 509-837-4372 fax

June 24, 2021

Tamera Smith, Caseworker
Transfer Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Additional Fees for Sunnyside Dairy Transfer Application submitted June of 2021

Dear Ms. Smith:

Enclosed please find the additional \$350 in fees to complete the submittal of a transfer application on behalf of Sunnyside Dairy LLC. The additional fees are submitted per your email request of June 22, 2021.

Thank you for your assistance.

Sincerely,

Rosalio Brambila, Manager
Sunnyside Dairy LLC
4581 Maple Grove Road
Sunnyside, WA 98944

Cc: Molly Reid, GeoEngineers, Inc.

RECEIVED

JUN 30 2021

OWRD

Date 6/25/2021
Type Bill
Reference 84202 & 89855

Original Amt. 350.00

Balance Due 350.00

6/25/2021

Discount

Payment 350.00

Check Amount 350.00

Sunnyside Dairy, LLC

RECEIVED
JUN 30 2021
OWRD

350.00

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 # 135705

INVOICE #

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 350.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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

RECEIVED
OVER THE COUNTER

RECEIPT: 135705

DATED: 6-30-2021 BY: #3

6/11/2021

4,770.00

6669

RECEIVED

JUN 17 2021

OWRD

KEY BANK - GENER Certificates 84202 and 89855

4,770.00

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 # 135566

INVOICE #

RECEIVED FROM: Sunnyside Dairy, LLC.
BY:CASH: ☐ CHECK: # 66669 OTHER: (IDENTIFY) ☐APPLICATION
PERMIT
TRANSFER T-13756TOTAL REC'D \$ 4,770.00

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 EXAM FEE 0202 RECORD FEE \$

0203 GROUND WATER \$ 0204 \$

0205 TRANSFER \$ 4,770.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$

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: 135566

DATED: 6-17-2021 BY: [Signature]

Application for Permanent Water Right 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 transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 2 List them here: Certificates 84202 and 89855**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

JUN 17 2021

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

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	\$1,160
	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$ 930
3	Number of water rights included in transfer <u>2 (3a)</u> Subtract 1 from the number in 3a above: <u>1 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$ 520
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$ 410
5	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 example below*): <u>6.04 (5a)</u> Subtract 1.0 from the number in 5a above: <u>5.04 (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>6 (5c)</u> and multiply 5c by \$350, then enter on line 5 »	5	\$1,750
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$4,770
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	\$4,770

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).

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Sunnyside Dairy, LLC (Rosalio Brambila, Manager)			PHONE NO. (509) 837-4779 office	ADDITIONAL CONTACT NO. (509) 840-4099 Cell
ADDRESS 4581 Maple Grove Road				FAX NO.
CITY Sunnyside	STATE WA	ZIP 99844	E-MAIL rosalio@sunnysidedairy.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

RECEIVED

JUN 17 2021

OWRD

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:
Moving water rights off of less productive lands and putting them on more arable and productive lands.

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

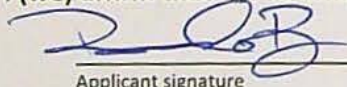
Check One Box

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

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: Burns Times-Herald.
- 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).

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


Applicant signature

Rosalio Brambila, Sunnyside Dairy
Print Name (and Title if applicable)

6-14-21
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME N/A			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

RECEIVED

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Describe any special ownership circumstances here: _____

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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. (Tip: Complete and attach Supplemental Form D.)

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



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

ENTITY NAME Harney County Planning Department	ADDRESS 450 North Buena Vista Avenue	
CITY Burns	STATE OR	ZIP 97720

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # **89855**

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Description of Water Delivery System

JUN 17 2021

System capacity: **3.76** cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **60hp, 40hp, 30hp and 25hp submersible pumps at the wells – water is pumped into 8-inch and 6-inch above-ground mainlines, to center pivots, and to above ground mainlines with handlines.**

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-___)	Twsp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1071	24 S	34 E	31	SE	SE	1901	780'N and 170'W from the SE corner of Section 31
Well 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1072	24 S	34 E	31	SE	SE	1901	1260'N and 60'W from the SE corner of Section 31
Well 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1069	24 S	34 E	31	NW	SW	1800	1410'N and 1020'E from the SW corner of Section 31
Well 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1067	24 S	34 E	31	SW	NE	1901	3480'N and 2660'E from the SW corner of Section 31
Well 5	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1068	24 S	34 E	31	NE	NW	1800	3950'N and 1320'E from the SW corner of Section 31
Well 6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52027	23 S	33 E	34	NW	NW	5901	25'S and 258'E from the NW corner of Section 34
Well 7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 621	23 S	33 E	33	SE	SE	5901	80'N and 400'W from the SE corner of Section 33

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

☒ Place of Use (POU)

☒ Point of Appropriation/Well (POA)

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 # 89855

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
24	S	34	E	31	NE	NW	1800		35.9	Irrigation	POA # 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	NE	NE	5901		31.3	Irrigation	POA # 6,7	1956
24	S	34	E	31	NW	NW	1800	1	37.2	Irrigation	POA # 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	NW	NE	5901		30.0	Irrigation	POA # 6,7	1956
24	S	34	E	31	SW	NW	1800	2	37.0	Irrigation	POA # 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	SW	NE	5901		29.4	Irrigation	POA # 6,7	1956
24	S	34	E	31	SE	NW	1800		38.5	Irrigation	POA # 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	SE	NE	5901		30.6	Irrigation	POA # 6,7	1956
24	S	34	E	31	NE	SW	1800		39.2	Irrigation	POA # 1, 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	NW	SE	5901		30.0	Irrigation	POA # 6,7	1956
24	S	34	E	31	NW	SW	1800	3	36.5	Irrigation	POA # 1, 2, 3, 4, 5	1956	POU/POA	23	S	33	E	33	SW	SE	5901		29.8	Irrigation	POA # 6,7	1956
24	S	34	E	31	SW	SW	1800	4	36.9	Irrigation	POA # 1, 2, 3, 4, 5	1956	POU/POA	23	S	33	E	34	NE	NW	5901		32.8	Irrigation	POA # 6,7	1956
24	S	34	E	31	SE	SW	1800		39.6	Irrigation	POA # 1, 2, 3, 4, 5	1956	POU/POA	23	S	33	E	34	NW	NW	5901		31.0	Irrigation	POA # 6,7	1956
														23	S	33	E	34	SW	NW	5901		27.1	Irrigation	POA # 6,7	1956
														23	S	33	E	34	SE	NW	5901		28.8	Irrigation	POA # 6,7	1956
TOTAL ACRES:									300.8				TOTAL ACRES:									300.8				

Additional remarks: _____.

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: C.84202.

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

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

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

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

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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
Well 1	Yes	HARN 1071	132'	See	Well	Log				
Well 2	Yes	HARN 1072	128'	See	Well	Log				
Well 3	Yes	HARN 1069	110'	See	Well	Log				
Well 4	Yes	HARN 1067	305'	See	Well	Log				
Well 5	Yes	HARN 1068	503'	See	Well	Log				
Well 6	Yes	HARN 52027	500'	See	Well	Log				
Well 7	Yes	HARN 621	257'	See	Well	Log				

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 # 89855

List the change proposed for the acreage in each 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.

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CERTIFICATE # 84202

Description of Water Delivery System

System capacity: 2.28 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. 40 hp, 30hp and 25 hp submersible pumps at the wells, water is pumped into 8 inch above ground mainlines to center pivots; and to wheel lines and hand lines.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 8	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	HARN 1061	24 S	34 E	30	SW	SW	1800	1310 Feet North & 153 Feet East from SW Corner, Section 30
Well 6	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 52027	23 S	33 E	34	NW	NW	5901	25'S and 258'E from the NW corner of Section 34
Well 7	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	HARN 621	23 S	33 E	33	SE	SE	5901	80'N and 400'W from the SE corner of Section 33

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

☒ Place of Use (POU)

☒ Point of Appropriation/Well (POA)

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 # 84202

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
24	S	34	E	30	NE	SW	1800		30.8	Irrigation	POA #8	1993	POU/POA	23	S	33	E	33	NE	SE	5901		30.9	Irrigation	POA # 6, 7	1993
24	S	34	E	30	NW	SW	1800	3	27.2	Irrigation	POA #8	1993	POU/POA	23	S	33	E	33	SE	SE	5901		29.3	Irrigation	POA # 6, 7	1993
24	S	34	E	30	SW	SW	1800	4	29.2	Irrigation	POA #8	1993	POU/POA	23	S	33	E	33	SE	SE	5900		1.4	Irrigation	POA # 6, 7	1993
24	S	34	E	30	SE	SW	1800		35.2	Irrigation	POA #8	1993	POU/POA	23	S	33	E	34	NE	SW	5900		30.8	Irrigation	POA # 6, 7	1993
24	S	34	E	30	NW	SE	1800		33.9	Irrigation	POA #8	1993	POU/POA	23	S	33	E	34	NW	SW	5900		29.8	Irrigation	POA # 6, 7	1993
24	S	34	E	30	SW	SE	1800		24.1	Irrigation	POA #8	1993	POU/POA	23	S	33	E	34	SW	SW	5900		29.8	Irrigation	POA # 6, 7	1993
24	S	34	E	31	NW	NE	1800		1.4	Irrigation	POA #8	1993	POU/POA	23	S	33	E	34	SE	SW	5900		30.6	Irrigation	POA # 6, 7	1993
24	S	34	E	31	NE	NW	1800		0.6	Irrigation	POA #8	1993	POU/POA													
24	S	34	E	31	NW	NW	1800	1	0.2	Irrigation	POA #8	1993	POU/POA													
TOTAL ACRES:									182.6					TOTAL ACRES:									182.6			

Additional remarks: _____.

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Certificate # 84202**For Place of Use or Character of Use Changes****OWRD**

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: C.89855.

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

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

Ground water supplemental Permit or Certificate # N/A.

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

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

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

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
Well 6	Yes	HARN 52027	500'	See	Well	Log				
Well 7	Yes	HARN 621	257'	See	Well	Log				
Well 8	Yes	HARN 1061	135'	See	Well	Log				

Land Use Information Form



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

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Applicant(s): Sunnyside Dairy, LLC

Mailing Address: 4581 Maple Grove Road

City: Sunnyside

State: WA

Zip Code: 99844

Daytime Phone: (509) 837-4779

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	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>23S</u>	<u>33E</u>	<u>33</u>	<u>East half</u>	<u>5901</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>23S</u>	<u>33E</u>	<u>33</u>	<u>East half</u>	<u>5900</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>23S</u>	<u>33E</u>	<u>34</u>	<u>West half</u>	<u>5900</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>23S</u>	<u>33E</u>	<u>34</u>	<u>West half</u>	<u>5901</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Harney County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 6.04 ☒ 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:

Propose to transfer water rights (Certificates 84202 and 89855) from one Sunnyside property to another Sunnyside property to accommodate crops on more arable and productive ground.

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

JUN 17 2021

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): HC20 3.020 / EFLV-2
- ☐ 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: Brendon McMillan Title: Planning Director
 Signature: [Signature] Phone: (911) 573-6655 Date: 4/29/2021
 Government Entity: Harney 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: _____



Application for Permanent Transfer Sunnyside Dairy LLP FROM LANDS

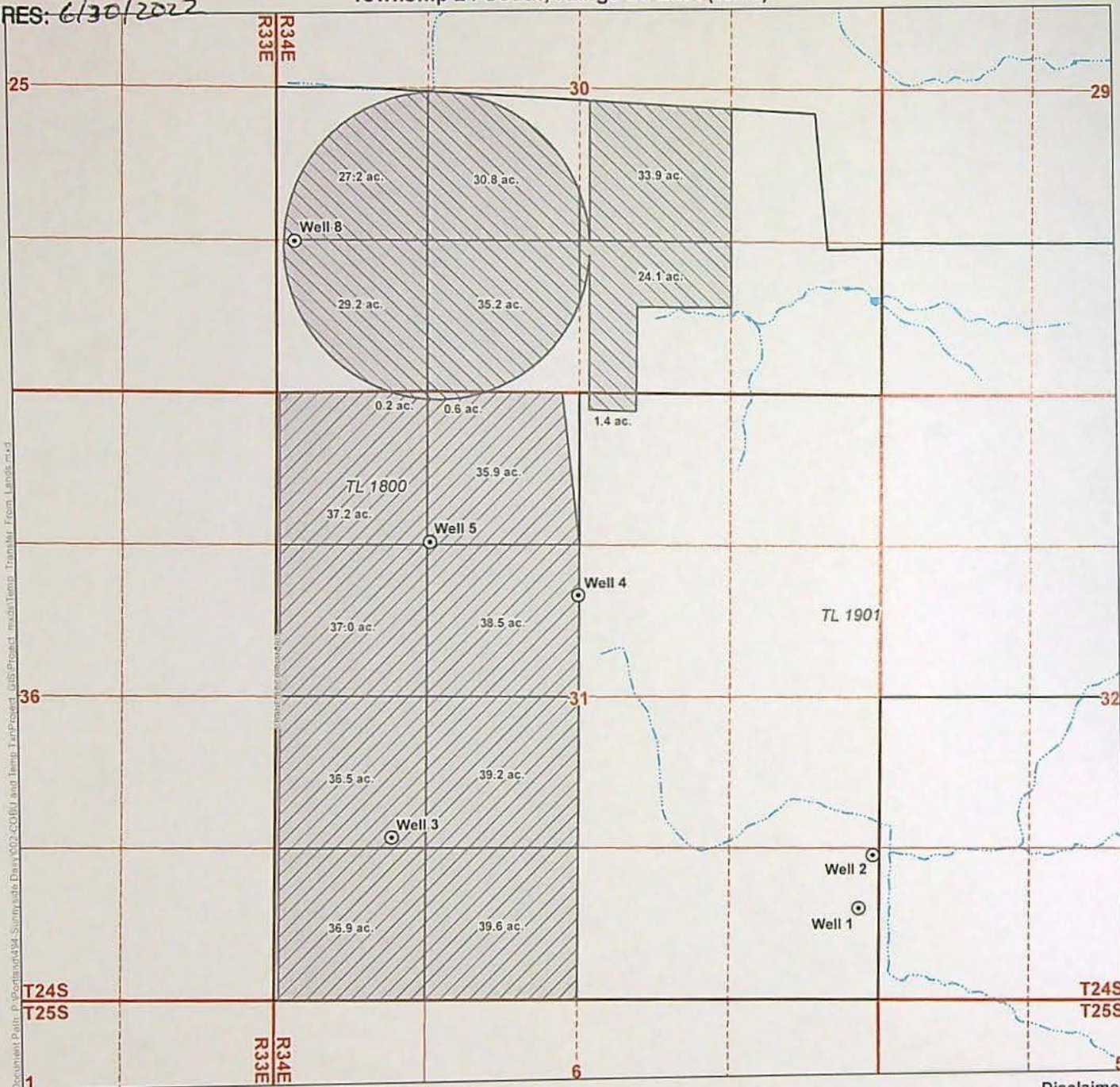
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Certificate 84202 (Permit G-12027) and Certificate 89855 (Permit G-144)
Township 24 South, Range 34 East (W.M.)

EXPIRES: 6/30/2022



LEGEND

- Point of Appropriation (POA)
- Place of Use (POU)
- Certificate 84202
- Certificate 89855
- All Other Features
- Government Lots
- Tax Lots
- Waterbodies
- Watercourses

POA LOCATION DESCRIPTIONS

- Well 1
Located 780 feet North and 170 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 2
Located 1,260 feet North and 60 feet West from the SE corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 3
Located 1,410 feet North and 1,020 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 4
Located 3,480 feet North and 2,660 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 5
Located 3,950 feet North and 1,320 feet East from the SW corner of Section 31, Township 24 South, Range 34 East (W.M.)
- Well 8
Located 1,310 feet North and 153 feet East from the SW corner of Section 30, Township 24 South, Range 34 East (W.M.)

Disclaimer

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

Map Notes

Date: February 19, 2015
Data Sources: OWRD, US BLM, USGS, ESRI
Prepared By: GeoEngineers, Inc.



0 660 1,320
1 inch = 1,320 feet

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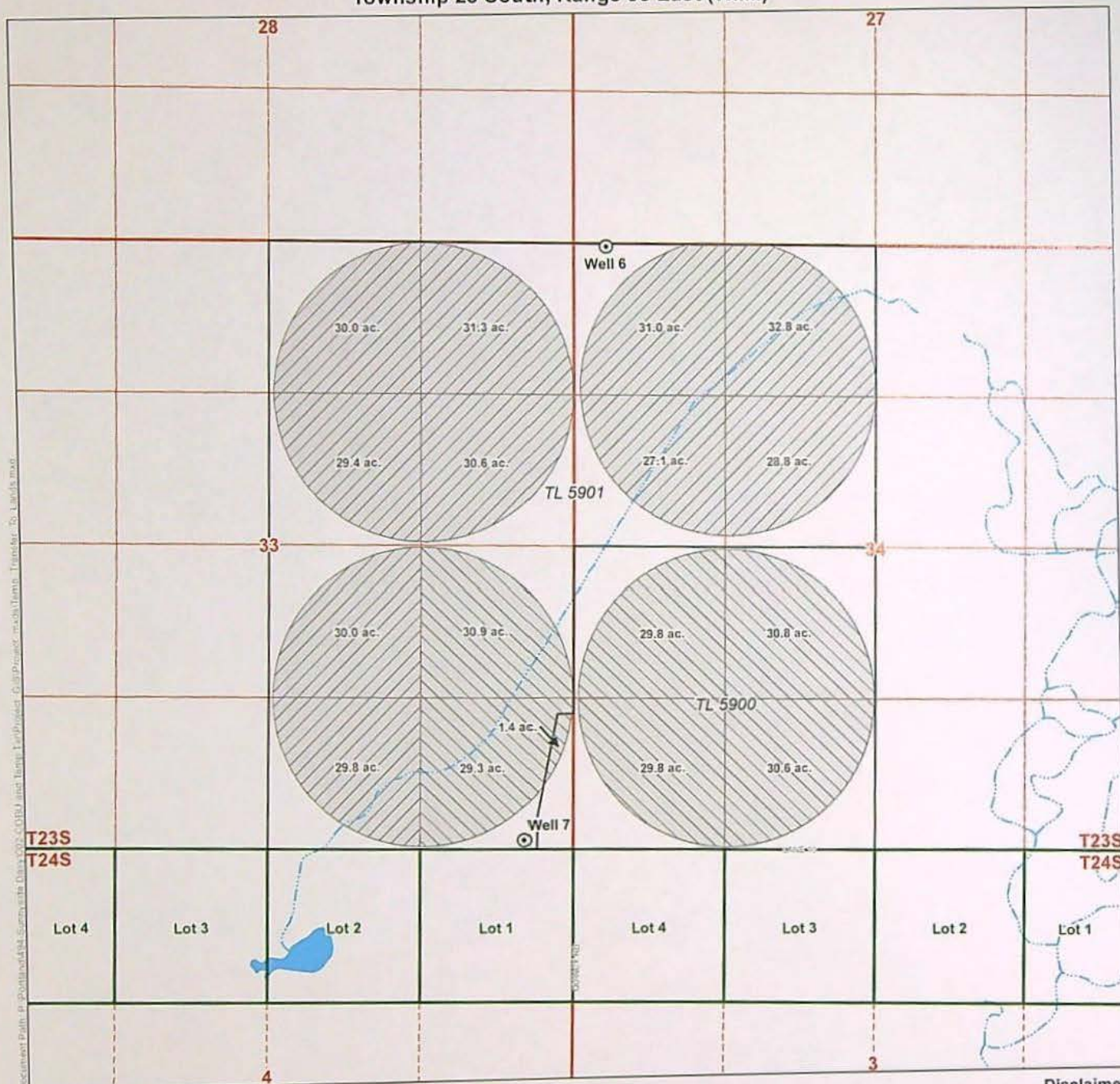
JUN 17 2021

OWRD

Application for Permanent Transfer Sunnyside Dairy LLP TO LANDS

Certificate 84202 (Permit G-12027) and Certificate 89855 (Permit G-144)

Township 23 South, Range 33 East (W.M.)



LEGEND

● Point of Appropriation (POA)

Place of Use (POU)

□ Certificate 84202

□ Certificate 89855

All Other Features

□ Government Lots

□ Tax Lots

■ Waterbodies

~ Watercourses

POA LOCATION DESCRIPTIONS

Well 6

Located 25 feet South and 285 feet East from the NW corner

of Section 34, Township 23 South, Range 33 East (W.M.)

Well 7

Located 80 feet North and 400 feet West from the SE corner

of Section 33, Township 23 South, Range 33 East (W.M.)

Disclaimer

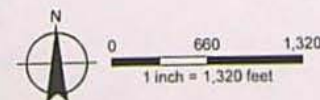
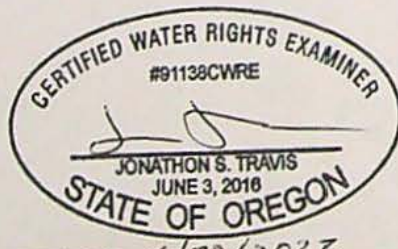
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Map Notes

Date: February 20, 2015

Data Sources: OWRD, US BLM, USGS, ESRI

Prepared By: GeoEngineers, Inc.



EX-100 6/30/2022

Date 7/10/2021
Type Bill
Reference T-13756

Original Amt.
1,014.74

Balance Due
1,014.74

Check Amount

7/20/2021
Discount

Payment
1,014.74
1,014.74

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 # 135949

INVOICE #

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 1,014.74

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER:

(IDENTIFY)

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

TC162 DEPOSIT LIAB. (IDENTIFY)

0240 EXTENSION OF TIME

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$

\$

EXAM FEE

\$

0202

0204

0219

0220

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY)

CARD#

CARD#

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:

135949

DATED:

7-26-2021

BY:

V3

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

Sunnyside Dairy, LLC

OWRD

JUL 26 2021

RECEIVED

1,014.74

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-309-23**

RECEIVED

JUL 26 2021

OWRD

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Sunnyside Dairy, 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: 503 986-0886
Fax: 503 986-0901
Email: patrick.k.starnes@oregon.gov

Applicant's Information

Name: Sunnyside Dairy, LLC
Contact: Rosalio Brambila
Address: 4581 Maple Grove Road
Sunnyside, WA 98944

Phone: (509) 837-4779
Fax:
Email: rosalio@sunnysidedairy.com

Applicant's Representative

Name: GeoEngineers Inc.
Contact: Molly Reid
Address: 8019 W Quinault Ave., Ste 201
Kennewick, WA 99336

Phone: (509) 298-2846
Cell: (541) 310-7264
Email: mreid@geoengineers.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-13756)

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 **\$1,014.74**. Applicant agrees to pay the full amount of **\$1,014.74** 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:

Rosalia Brambila / manager
Name/Title:

7-20-2021

Date

For OWRD:

Dwight French
Dwight French – Administrator

7/28/21

Date

Mail signed Agreement to:

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 12, 2021

SUNNYSIDE DAIRY LLC
ROSALIO BRAMBILA
4581 MAPLE GROVE RD
SUNNYSIDE, WA 98944

Reference: Application T-13756

On June 17, 2021, we received your water right Transfer application. The application was accompanied by \$4770.00. Our receipt number 135566 is enclosed.

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

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

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

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

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

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

Cc: Watermaster Dist. #10 (*via email*)
Molly Reid, Agent
Harney County

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 135557

INVOICE # _____

RECEIVED FROM: Sunnyside Dairy, LLC
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER T-13756

CASH: ☐ CHECK: # 16668 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11309-23 \$ _____
0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 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 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 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:

135557

DATED: 6-17-2021 BY: [Signature]

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

KEY BANK - GENER Certificates 84202 and 89855

125.00

RECEIVED
JUN 17 2021
OWRD

Sunnyside Dairy, LLC
Oregon Water Resources Department
BURNS - FIXED ASSETS:230B - IMPRO Certificates 84202 and 89855

6/11/2021

125.00

6668



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.

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-13756 Not assigned yet

	Applicant Information	Applicant's Representative/Contact
Name:	Sunnyside Dairy, LLC; Rosalio Brambila	Molly Reid, GeoEngineers Inc.
Address:	4581 Maple Grove Road	8019 W. Quinault Avenue, Suite 201
	Sunnyside, WA 98944	Kennewick, WA 99336
Phone:	(509) 837-4779	(509) 298-2846
Fax:		(541) 310-7264 Cell
E-Mail Address:	rosalio@sunnysidedairy.com	mreid@geoengineers.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) business 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

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: Molly Reid, GeoEngineers Inc.

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R11-309- 23

RECEIVED

JUN 17 2021

OWRD

Regular Permanent Water Right Transfer Application Checklist

Checked by FB Date 6.22.21

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☐ 2. Are fees included and correct? Fee paid: 4770
If not, the correct fee would be: 5120, so the amount missing is: 350

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved:

89855, 84282

Changes: POU, POA

cfs involved: _____

Source: _____

21160
930
520
410

3020

3350
6

2100

C 89855
300.8 acres = 3.76 cfs

C 84282

182.6 a " 2.28 cfs

6.04 cfs

2100 → Pd. 1750

350

5120

6-22. short 350 email agent + applicant



RECEIVED

JUL 20 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunnyside Dairy LLC
4581 Maple Grove Rd. Sunnyside WA 98944

Transaction Type: RA

Fees Received: \$ 125

☐ Cash

☒ Check;

Check No. 21221

Name(s) on Check: Sunnyside Dairy LLC

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

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

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

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

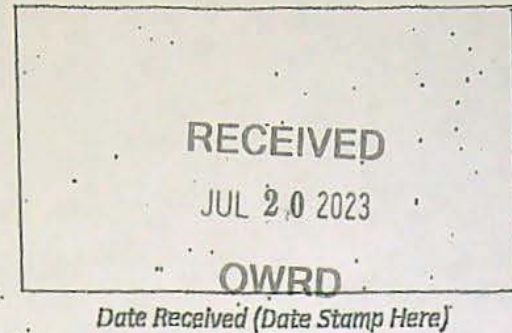
Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Livner
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunnyside Dairy LLC
4581 Maple Grove Rd. Sunnyside WA 98944

Transaction Type: CHECK

Fees Received: \$ 230.00

☐ Cash

☒ Check:

Check No. 21220

Name(s) on Check: Same as above

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Corvrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



RECEIVED

JUN 30 2021

OWRD

RECEIVED

JUN 30 2021

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunnyside Dairy, LLC

4581 Maple Grove Rd. Sunnyside, WA 98944

Transaction Type: Additional Fees for T-application

Fees Received: \$ 350.00

☐ Cash

☒ Check:

Check No. 6672

Name(s) on Check: SAME

Address on Check: SAME

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: E. Middleton

(Name of OWRD staff)

Instructions for OWRD staff:

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