

T-10311

TYLER BROOKS

~~Richard Matteson~~ CGCS MgrName Pendleton Country Club

By _____

Address 69772 Hwy 395 SouthPendleton, OR 97801541 443-8874 pendletoncc@yahoo.comChange in POD / ~~POD~~ / PO11Date filed 2-8-07

Date of hearing _____

Place of hearing _____

Date of order 4-13-11 Vol. 83, page 993

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

Certificates 98154 & 98155 issued 1-14-2015

Certificate 98256 issued 2-28-2015

87012
87013

REMARKS

NOTED

CURE John Wanner #358

REC'D MAR 1 2 2007

9-6-2024 - Proposed Certificate sent

9-23-2024 - Assignment

Confederated Tribes of the Umatilla Indian Reservation 46411 Timine Way, Pendleton, OR 97801

T-10311

DESCRIPTION OF WATER RIGHT

Name of stream Birch CreekTrib. of Umatilla River County of UmatillaUse DO IR IS LV

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 12/31/1873, 1889, 1900In name of JA Guderian

_____ Adjudication, Vol. _____, page _____

App. No. _____ Per. No. _____ Cert. No. 56171

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-07</u>	<u>CURR Account</u>	<u>350.00</u>
<u>4-8-2022</u>	<u>\$350.00</u>	<u>139084</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Umatilla River Decree

COBU MAP # 2031
A-9

Mailing List for Final Transfer Correcting Certificate

Transfer Application: T-10311

Certificate: 98256 (C-98154)

Copies Mailed

by: TM
(STAFF)

on: 2.28.2025
(DATE)

Certificate/Transfer Holder: (include copy of map)

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON OR 97801

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

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 5 (auto email)
2. File
3. Vault

Other persons to receive copies: (include map):

4. Aspect Consulting LLC
John Warinner, CWRE
23321 Chisholm Trail
Bend, OR 97702

Record Marking(s):

1. Original Application# DECREE
Old Certificate# 56171



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

DATE MAILED: FEB 28 2025

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department: The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. 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 any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

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

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON OR 97801

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127.

SOURCE OF WATER: BIRCH CREEK, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 47.0 ACRES

MAXIMUM RATE: 0.58 CUBIC FEET PER SECOND

DATE OF PRIORITY: 1873 FOR 7.85 ACRES, 1889 FOR 7.85 ACRES, AND 1900 FOR 31.3 ACRES

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD # 1 - 710 FEET NORTH AND 2340 FEET WEST FROM SE CORNER, SECTION 15

A description of the place of use is as follows:

Supplemental Irrigation						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
1 N	32 E	WM	15	SW NE	2.6	1873
1 N	32 E	WM	15	SW NE	3.6	1900
1 N	32 E	WM	15	SE NW	4.05	1873
1 N	32 E	WM	15	SE NW	3.35	1889
1 N	32 E	WM	15	SE NW	14.4	1900
1 N	32 E	WM	15	NE SW	0.4	1873
1 N	32 E	WM	15	NE SW	1.2	1889
1 N	32 E	WM	15	NE SW	6.1	1900
1 N	32 E	WM	15	NW SE	0.4	1873

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.

Supplemental Irrigation						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
1 N	32 E	WM	15	NW SE	3.3	1889
1 N	32 E	WM	15	NW SE	5.5	1900
1 N	32 E	WM	15	SW SE	0.4	1873
1 N	32 E	WM	15	SW SE	1.7	1900

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM E ¼ CORNER, SECTION 22

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

Water use measurement conditions:

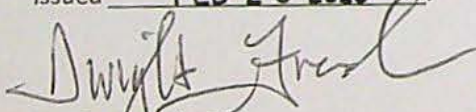
- a) The water user shall maintain and operate a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- b) The water user shall allow the water master access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS CERTIFICATE IS ISSUED TO CORRECT A SCRIVENER'S ERROR REGARDING THE ORIGINAL CERTIFICATE NUMBER AND SUPERSEDES CERTIFICATE 98154.

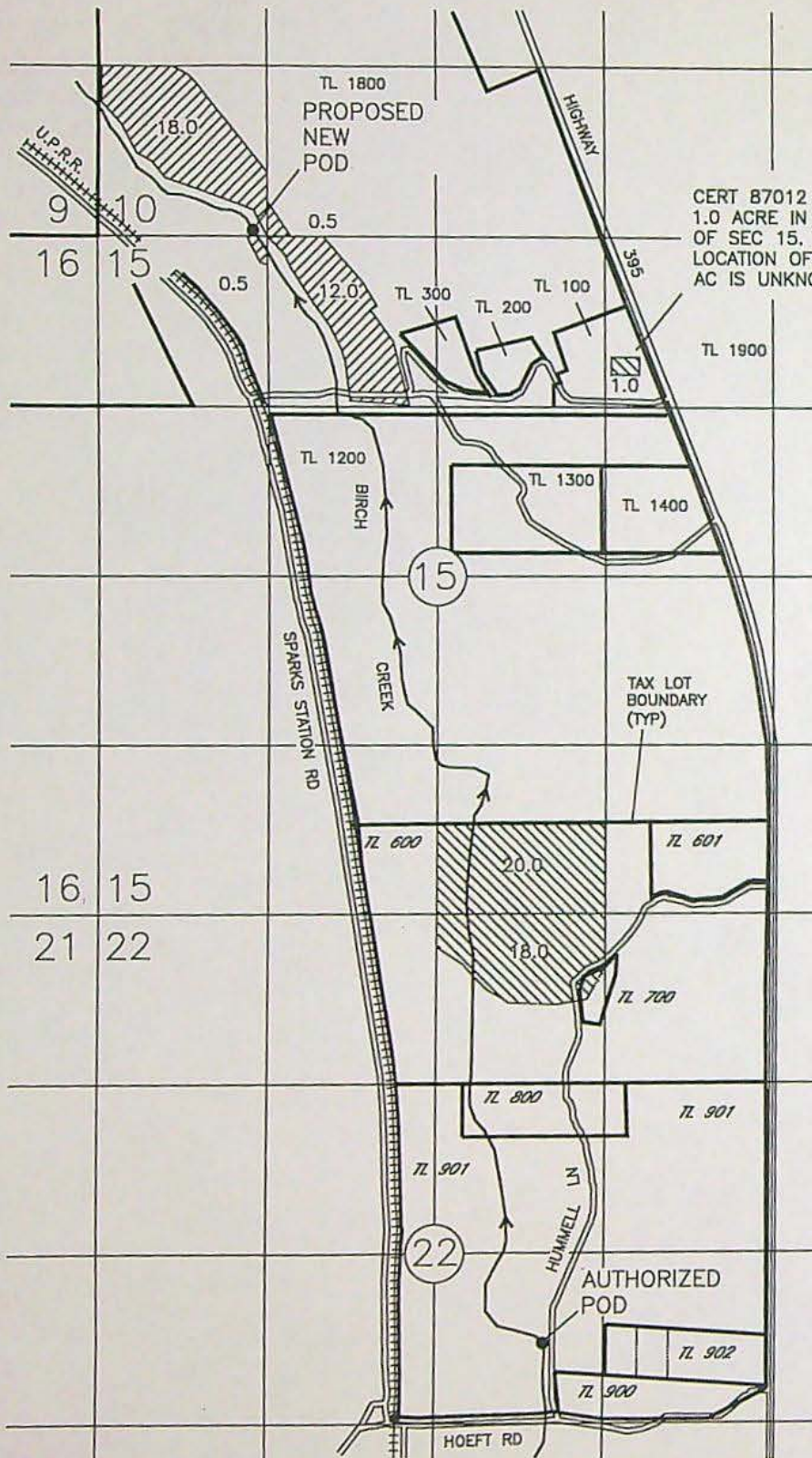
This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered April 13, 2011, at Special Order Volume 83, Page 993, approving Transfer Application T-10311, and together with Certificate 87012, supersedes Certificate 56171, State record of Water Right Certificates.

Issued FEB 28 2025



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

TRANSFER APPLICATION MAP FOR A NEW POD FOR A PORTION OF
 CERTIFICATE 87012 IN THE NAME OF THE ESTATE OF HOMER W PETERSON
 T1N, R32E, WM, SECTIONS 10 & 15 UMATILLA CO



0 1320
 SCALE IN FEET

LEGEND & LOCATION
 OF PODs

31.0 AC

PORTION OF CERT 87012
 INVOLVED IN THIS TRANSFER

39.0 AC

PORTION OF CERT 87012 NOT
 INVOLVED IN THIS TRANSFER

AUTHORIZED POD 700' S AND
 1800' W FROM THE E1/4 COR
 OF SEC 22

PROPOSED NEW POD
 40' N AND 1200' E OF THE
 SW CORNER OF SEC 10

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

DGV Consulting, PLLC
 PHONE (509) 627-8717
 dalevconsulting@gmail.com
 Date: Jan 10, 2020

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-10311

Certificate: 98154 (C-56171)
98155 (C-56172)

Copies Mailed

by: TM
(STAFF)

on: 1.14.2025
(DATE)

Certificate/Transfer Holder: (include copy of map)

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON OR 97801

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

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 5 (auto email)
2. File
3. Vault

Other persons to receive copies: (include map):

4. Aspect Consulting LLC
John Warinner, CWRE
23321 Chisholm Trail
Bend, OR 97702

Record Marking(s):

1. Original Application# DECREE
Old Certificate# 56171
2. Original Application# DECREE
Old Certificate# 56172



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

Date Mailed: JAN 14 2025

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 Jonnine Skaug at 503-979-3943.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
 46411 TIMINE WAY
 PENDLETON OR 97801

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127.

SOURCE OF WATER: BIRCH CREEK, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 47.0 ACRES

MAXIMUM RATE: 0.58 CUBIC FEET PER SECOND

DATE OF PRIORITY: 1873 FOR 7.85 ACRES, 1889 FOR 7.85 ACRES, AND 1900 FOR 31.3 ACRES

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD # 1 - 710 FEET NORTH AND 2340 FEET WEST FROM SE CORNER, SECTION 15

A description of the place of use is as follows:

Supplemental Irrigation						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
1 N	32 E	WM	15	SW NE	2.6	1873
1 N	32 E	WM	15	SW NE	3.6	1900
1 N	32 E	WM	15	SE NW	4.05	1873
1 N	32 E	WM	15	SE NW	3.35	1889
1 N	32 E	WM	15	SE NW	14.4	1900
1 N	32 E	WM	15	NE SW	0.4	1873
1 N	32 E	WM	15	NE SW	1.2	1889
1 N	32 E	WM	15	NE SW	6.1	1900
1 N	32 E	WM	15	NW SE	0.4	1873

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.

Supplemental Irrigation						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
1 N	32 E	WM	15	NW SE	3.3	1889
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1 N	32 E	WM	15	SW SE	0.4	1873
1 N	32 E	WM	15	SW SE	1.7	1900

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM E ¼ CORNER, SECTION 22

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

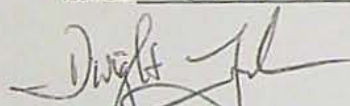
Water use measurement conditions:

- a) The water user shall maintain and operate a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- b) The water user shall allow the water master 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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered April 13, 2011, at Special Order Volume 83, Page 993, approving Transfer Application T-10311, and together with Certificate 87012, supersedes Certificate 56712, State record of Water Right Certificates.

Issued JAN 14 2025



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON OR 97801

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source:

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127.

SOURCE OF WATER: BIRCH CREEK AND MCKAY CREEK, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 1.9 ACRES

MAXIMUM RATE: 0.022 CUBIC FOOT PER SECOND

DATE OF PRIORITY: 1894

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD # 1 - 710 FEET NORTH AND 2340 FEET WEST FROM SE CORNER, SECTION 15

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	32 E	WM	15	SE SW	1.9

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q
1 N	32 E	WM	22	NW SE

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

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.

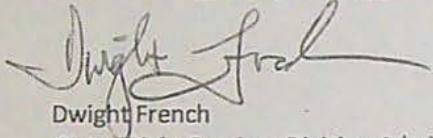
Water use measurement conditions:

- a) The water user shall maintain and operate a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- b) The water user shall allow the water master 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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered April 13, 2011, at Special Order Volume 83, Page 993, approving Transfer Application T-10311, and together with Certificate 87013, supersedes Certificate 56172, State record of Water Right Certificates.

Issued JAN 14 2025



Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

COPY

COBURN MAP # 2031

LEGEND

Point of Diversion

POD 1 located 710 feet N and 2340 feet W from SE Corner of Section 15.
Fish screen and flowmeter installed at same location.

POD 2 not developed.

Place of Use



Cert 56171 - 1873 Priority

3.99 ac supplemental to Cert 57558
3.86 ac supplemental to Cert 84481



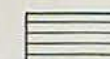
Cert 56171 - 1889 Priority

3.81 ac supplemental to Cert 57558
4.04 ac supplemental to Cert 84481



Cert 56171 - 1900 Priority

15.5 ac supplemental to Cert 57558
15.8 ac supplemental to Cert 84481



Cert 56172 - 1894 Priority (change boundary shape only)

1.9 ac supplemental to Cert 84481



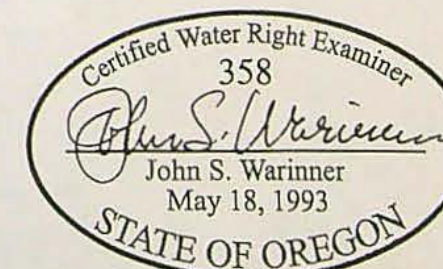
Cert 57558 - Primary Groundwater Right



Cert 84481 - Primary Groundwater Right



400 200 0 400 Feet



CLAIM OF BENEFICIAL USE MAP
Transfer 10311
Place of Use and Point of Diversion

in the name of
CTUIR

21 JUN 2022

SECTION 15
T1N, R32E, WM
UMATILLA COUNTY

SW NE

1200

SE NE

L2

1300

1400

L3

NW SE NE SE

E 1/4 Corner (no monument)

SE NW

NE SW

SPARKS STATION ROAD

Bitch Creek

POND

Cert 56172
1.9 acres
New boundary

POD 1

S 1/4 Corner (no monument)

SW SE SE SE

15 14
22 23

Mailing List for Proposed Transfer Certificate(s)

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>9-6-2024</u>	(DATE)

Transfer Application: T-10311

Certificate: ***** (C-56171)
 ***** (C-56172)

Certificate/Transfer Holder: (include copy of map)
PENDLETON COUNTRY CLUB INC
69772 HWY 395 S
PENDLETON, OR 97801

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? NO

Copies of Proposed Transfer Certificate(s) to be sent to:

1. Watermaster District #: 5
2. File

Other persons to receive copies: (include map):

3. John Warinner, CWRE

Current Landowner:

4. CTUIR
46411 Timine Way
Pendleton OR 97801

Record Marking(s):

1. Original Application# DECREE
Old Certificate# 56171
2. Original Application# DECREE
Old Certificate# 56172



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

Date Mailed: **SEP 06 2024**

Reference: Transfer T-10311

Enclosed are proposed certificates of water right and a map(s). The proposed certificates represents the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous transfer holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificates, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificates.

If you do not agree with the proposed certificates, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificates.

If your name is not listed on the proposed certificates, and you are the current landowner, and would like to have the final certificates issued in your name, you may apply through the Department to have the transfer assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you agree with the proposed certificates no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue the certificates, and if the Director signs the certificates, the recorded certificates of water right will be mailed to you.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

Sincerely,

Dwight French
Administrator Water Right Services

COPY

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PENDELTON COUNTRY CLUB INC.
69772 HWY 395 S
PENDELTON OR 97801

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

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SOURCE OF WATER: BIRCH CREEK, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 47.0 ACRES

MAXIMUM RATE: 0.58 CUBIC FEET PER SECOND

DATE OF PRIORITY: 1873 FOR 7.85 ACRES, 1889 FOR 7.85 ACRES, AND 1900 FOR 31.3 ACRES

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM E ¼ CORNER, SECTION 22

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

Water use measurement conditions:

- The water user shall maintain and operate a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- The water user shall allow the water master 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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered April 13, 2011, at Special Order Volume 83, Page 993, approving Transfer Application T-10311, and together with Certificate 87012, supersedes Certificate 56712, State record of Water Right Certificates.

Issued _____

PROPOSED
 Dwight French
 Water Right Services Division Administrator, for
 Ivan Gall, Director
 Oregon Water Resources Department

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

COPY

THIS CERTIFICATE ISSUED TO

PENDLETON COUNTRY CLUB INC.
69772 HWY 395 S
PENDLETON OR 97801

confirms the right to the use of waters as limited and conditioned below. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127.

SOURCE OF WATER: BIRCH CREEK AND MCKAY CREEK, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 1.9 ACRES

MAXIMUM RATE: 0.022 CUBIC FOOT PER SECOND

DATE OF PRIORITY: 1894

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD # 1 - 710 FEET NORTH AND 2340 FEET WEST FROM SE CORNER, SECTION 15

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	32 E	WM	15	SE SW	1.9

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q
1 N	32 E	WM	22	NW SE

The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

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 and operate a totalizing flow meter, or other suitable measuring device as approved by the Director, in good working order, at each point of diversion.
- b) The water user shall allow the water master 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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to use water for the purposes aforesaid is restricted to the lands or place of use herein described.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered April 13, 2011, at Special Order Volume 83, Page 993, approving Transfer Application T-10311, and together with Certificate 87013, supersedes Certificate 56172, State record of Water Right Certificates.

Issued _____

PROPOSED
Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, October 1, 2024 11:36 AM
To: SKAUG Jonnine L * WRD
Cc: BJORK Mary F * WRD
Subject: T-10311 (assign & proposed cert)

Hi Jonnine,

An assignment has been completed on the referenced file. This is the one where an assignment received in 2022, was never forwarded to me for processing. Tonya has mailed the assignment, but Wris hasn't been updated yet.

I'm just reaching out to let you know that I've forwarded the file to your cube for updating the name for the final certificate.

Have a great day!

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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BJORK Mary F * WRD

From: SKAUG Jonnine L * WRD
Sent: Monday, September 23, 2024 11:43 AM
To: BJORK Mary F * WRD
Subject: RE: Follow-Up re Proposed Certificates for T-10311

Yes please and then I will update for the final certificate. Thank you for taking care of that so quickly!

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, September 23, 2024 11:41 AM
To: SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Cc: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Follow-Up re Proposed Certificates for T-10311

Hi Jonnine,

No problem. I just mailed pdfs of the completed assignment and copied you. I'm forwarding the file to Tonya. Do you want me to flag it to return to you, instead of the proposed cert cart?

Mary F. Bjork
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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From: SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Sent: Monday, September 23, 2024 11:07 AM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Follow-Up re Proposed Certificates for T-10311

Thank you Mary, this was one of Brecks files, I apologize, I am not sure how I didn't catch there was an assignment that didn't get processed!

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, September 23, 2024 10:43 AM
To: Anton Chiono <AntonChiono@ctuir.org>
Cc: Gary George <gary.george@wildhorseresort.com>; SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Follow-Up re Proposed Certificates for T-10311

Hi Anton,

A review of our records indicates that the attached assignment was received with the CBU paperwork on September 8, 2022, but was not forwarded to me for assignment review and confirmation. Apologies for this oversight, we were in transition with our Customer Service Group positions at that time. The required fee of \$120 was paid, along with the \$230 CBU fee, by check #220062 for \$350 total.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

September 23, 2024

Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way
Pendleton, OR 97801

Reference: Transfer T-10311

The assignment by proof from Pendleton County Club to Confederated Tribes of the Umatilla Indian Reservation has been recorded in the records of the Water Resources Department.

The Departments records will now show Confederated Tribes of the Umatilla Indian Reservation as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. A copy of receipt number 139084 covering the recording fee is also enclosed.

Sincerely,

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

Enclosure: Original Request and Receipt #139084

cc: Data Center, OWRD (cover letter & request)
File

**Request for Assignment
By Proof of Ownership
(If Water Right Holder is Not Available)**



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

(Name of Party Requesting Assignment)

46411 TIMINE WAY PENDLETON OR 97801 (541) 276-3165
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer order /limited license/groundwater statement;
- ☐ hereby request assignment of a portion of application/permit/transfer order/limited license/groundwater statement;
(You must include a map showing the portion of the application/permit/transfer order /limited license/groundwater statement to be assigned.)

Application # _____; Permit # _____; Transfer Order # T-10311;

Limited License # _____; Groundwater Statement # _____;

PENDLETON COUNTRY CLUB

(Name of Current Holder of Record)

69772 HWY 395 SOUTH PENDLETON OR 97801 (541) 966-1655
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) DS I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) _____ I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) _____ I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) _____ I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 1 day of September, 2022
(Day) (Month) (Year)

Signature of Party Requesting Assignment Donald B. Snyser

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

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

Fee receipt # 139084

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

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

Assign by proof / Approve
WFB 9-23-2024

RECEIVED

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Monday, September 23, 2024 11:37 AM
To: Anton Chiono
Cc: Gary George; SKAUG Jonnine L * WRD; MILLER Tonya L * WRD; BJORK Mary F * WRD
Subject: RE: Follow-Up re Proposed Certificates for T-10311
Attachments: T-10311 Assignment.pdf

Thanks Anton. Please find attached the completed assignment for transfer T-10311. The address is captured as requested. I needed to confirm the physical location of both businesses because the assignment is by proof, if you tried to contact Pendleton County Club, you would be sending to Golf Course at Birch Creek, or rather the requestor.

I'll forward hard copies to support staff, I believe they mail assignments on Friday's and contact our data group at that time for online updates.

Best regards,

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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From: Anton Chiono <AntonChiono@ctuir.org>
Sent: Monday, September 23, 2024 11:08 AM
To: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: Gary George <gary.george@wildhorseresort.com>; SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Subject: RE: Follow-Up re Proposed Certificates for T-10311

Thank you Mary and no worries!

I apologize for missing the fact that we had not completed all of the spots for initials on the form—but you are indeed correct: Pendleton Country Club, Inc. dissolved in 2019 not long before the golf course was purchased by the Umatilla Tribes (you can access the articles of dissolution at the Secretary of State's website here: [Content Manager WebDrawer - SOS - Corporation - Business Entity Filing Records - 3312212 \(state.or.us\)](#)).

The Tribes do now indeed own and operate the golf course, and the physical location of both businesses is indeed 69772 HWY 395 S, Pendleton, OR 97801—but, because the business and property is now an asset of the Umatilla Tribes, it would be more appropriate for the address of the Tribes' governmental office to be on the certificates. Would that be possible? That is the address on the assignment request form (i.e., 46411 Timíne Way, Pendleton, OR 97801).

Thank you again,

Anton

Anton A. Chiono
Habitat Conservation Project Leader
CTUIR Department of Natural Resources
AntonChiono@ctuir.org
Office: (541) 429-7268
Mobile: (541) 215-0307

From: BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Sent: Monday, September 23, 2024 10:43 AM
To: Anton Chiono <AntonChiono@ctuir.org>
Cc: Gary George <gary.george@wildhorseresort.com>; SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Subject: RE: Follow-Up re Proposed Certificates for T-10311

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Hi Anton,

A review of our records indicates that the attached assignment was received with the CBU paperwork on September 8, 2022, but was not forwarded to me for assignment review and confirmation. Apologies for this oversight, we were in transition with our Customer Service Group positions at that time. The required fee of \$120 was paid, along with the \$230 CBU fee, by check #220062 for \$350 total.

The attached assignment is in order. Typically we require initials on items 2, 3 and 4 on the form. Item 3 speaks to attached proof that the permit holder of record is not available to sign the form. I find via online links that [Pendleton County Club](#) is permanently closed, and that [Golf Course at Birch Creek](#) is owned and operated by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

If you are able to confirm this information, that Pendleton County Club is permanently closed, and that Golf Course at Birch Creek is owned and operated by the CTUIR, I will be able to complete the assignment. Both businesses list(ed) 69772 HWY 395 S, Pendleton, OR 97801, as their address. Otherwise, please submit proof for item 3 on the form.

Thanks and please let me know if you have any questions,

Mary

[Mary F. Bjork](#)
Water Rights Program Analyst
725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-979-9895



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From: Anton Chiono <AntonChiono@ctuir.org>
Sent: Monday, September 23, 2024 10:16 AM
To: SKAUG Jonnine L * WRD <jonnine.l.skaug@water.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: Gary George <gary.george@wildhorseresort.com>

Subject: RE: Follow-Up re Proposed Certificates for T-10311

You don't often get email from antonchiono@ctuir.org. [Learn why this is important](#)

Thanks so much Jonnine—I wondered if it was something like that, given that it didn't follow the typical rounding convention. That makes perfect sense—thank you for your patience with my quibbling over tiny pieces of water!

And we greatly appreciate your help with the assignment paperwork. I'm looking to see if I have a signed version in my files anywhere, but, in the event that that was sent away to you with the CBU paperwork, at very least we should be able to produce the check stub demonstrating that we paid the necessary fees. But, please do let us know if/what you need if you need anything else on this end.

Thank you again,

Anton

Anton A. Chiono
Habitat Conservation Project Leader
CTUIR Department of Natural Resources
AntonChiono@ctuir.org
Office: (541) 429-7268
Mobile: (541) 215-0307

From: SKAUG Jonnine L * WRD <jonnine.l.skaug@water.oregon.gov>

Sent: Monday, September 23, 2024 10:03 AM

To: Anton Chiono <AntonChiono@ctuir.org>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: Gary George <gary.george@wildhorseresort.com>

Subject: RE: Follow-Up re Proposed Certificates for T-10311

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good morning,

I took a look at the rates that you had questions about. Attached you will find the Transfer Order for T-10311 and I highlighted the rates that were approved for each water right. Cert 56171 was issued for **1.45 cfs** total and the remaining right cert 87012 was issued for 0.87 cfs leaving 0.58 cfs for the confirming right certificate. Cert 56172 was issued for **0.27 cfs** total and the remaining right cert 87013 was issued for 0.248 cfs leaving 0.022 cfs for the confirming right certificate. We are unable to exceed the rate that was authorized under the original certificates. I have attached both remaining right certificates for you to look at. I will hold the transfer file until Mary and I can get the assignment issue resolved, I am not sure what happened, but I thank you for bringing that to our attention.

Please let me know if you have any other questions or concerns.

Thank you,
Jonnine Skaug

From: Anton Chiono <AntonChiono@ctuir.org>

Sent: Monday, September 23, 2024 9:21 AM

To: BJORK Mary F * WRD <mary.f.bjork@water.oregon.gov>; SKAUG Jonnine L * WRD

<jonnine.l.skaug@water.oregon.gov>

Cc: Gary George <gary.george@wildhorseresort.com>

Subject: Follow-Up re Proposed Certificates for T-10311

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

Good Morning Jonnine and Mary,

I work for the Umatilla Tribes and wanted to thank you for sending along the proposed water rights certificates for T-10311 (attached).

We have reviewed the proposed certificates, and had the following questions for you:

1. We'd included a request for assignment as part of the CBU and paid the necessary additional recording fee (attached); we'd ask that you please issue the new certificates in the name of the "Confederated Tribes of the Umatilla Indian Reservation";
2. The rate on Birch Creek water rights is $1/80^{\text{th}}$ cfs per acre, or 0.125. For proposed Cert. 56172, it seems that the total for 1.9 acres should be 0.024 cfs ($0.0125 * 1.9 = 0.02375$) if rounded out to the thousandths place, not 0.022 cfs;
3. Similarly, for proposed Cert. 56171, the total for 47 acres seems that it should be 0.59 cfs ($0.0125 * 47 = 0.5875$) if rounded out to the hundredths place, not 0.58 cfs.

Thank you very much for your help on this and please don't hesitate to get in touch if there's anything we can provide on this end!

All the best,

Anton

Anton A. Chiono
Habitat Conservation Project Leader
CTUIR Department of Natural Resources
AntonChiono@ctuir.org
Office: (541) 429-7268
Mobile: (541) 215-0307

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

10/14

SPECIAL WARRANTY DEED

GRANTOR'S NAME AND ADDRESS:
PENDLETON COUNTRY CLUB, A
NON-PROFIT CORPORATION
69772 S. HWY 395
PENDLETON, OR 97801

GRANTEE'S NAME AND ADDRESS:
CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON, OR 97801

After recording return to grantee herein.

**CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION
46411 TIMINE WAY
PENDLETON, OR 97801**

Until a change is requested send all tax
statements to grantee herein.

**CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION
TAX PROGRAM
46411 TIMINE WAY
PENDLETON, OR 97801**

State of Oregon
County of Umatilla



Instrument received
and recorded on
5/30/2019 11:11:50 AM

in the record of instrument
code type DE

Instrument number 2019-6860171
Fee \$101.00

Office of County Records

Steve Churchill

Records Officer
1097479 P2

Umatilla County
Received: 5/30/2019



Pendleton Country Club, a non-profit corporation, who took title as Pendleton Country Club, an Oregon corporation, Grantor, conveys and specially warrants to The Confederated Tribes of the Umatilla Indian Reservation, Grantee, the following described real property free of encumbrances except as specifically set forth herein, situated in Umatilla County, Oregon, and described on the attached and incorporated herein EXHIBIT A:

See Exhibit A, attached, which is hereby referred to and made a part hereof.

The true and actual consideration for this conveyance is set forth in the Real Estate and Equipment Contract of sale.

Dated this 29th day of May, 2019.

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.

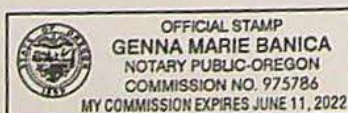
GRANTOR: PENDLETON COUNTRY CLUB, AN OREGON NON-PROFIT CORPORATION

Karen Graybeal
Karen Graybeal, Vice President

5/29/19
Date

State of Oregon
County of Umatilla

On this 29th day of May, 2019, before me personally appeared Karen Graybeal, who being duly sworn, stated that she is the Vice President of the Pendleton Country Club, a non-profit corporation, and acknowledged, the foregoing instrument to be the voluntary act and deed of the corporation, executed by authority of its board of directors.



Genna Marie Banica

Notary Public for Oregon

My commission

expires *June 11, 2022*

PIONEER TITLE CO. *97856*
109 SW COURT, PEND. OR 97801

RECEIVED

SEP 08 2022

OWRD

(1)

Exhibit A

Tract I

The South Half of the Southwest Quarter of the Northeast quarter of Section 15, Township 1 North, Range 32, East of the Willamette Meridian, Umatilla County, Oregon.

Tract II

All that portion of the South Half of the Southeast quarter of the Northeast Quarter of Section 15, Township 1 North, Range 32, East of the Willamette Meridian, Umatilla County, Oregon, which lies Westerly of the West right-of-way line of State Highway No. 395 (Aka Three Flaggs Highway);

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

Tract III

Parcels 1, 2 and 3, PARTITION PLAT NO. 2009-29 (Instrument No. 2009-5580107, Office of Umatilla County Records) located in Section 15, Township 1 North, Range 32, East of the Willamette Meridian, Umatilla County, Oregon.

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

LIST OF WATER RIGHTS

Certificate 84481
Certificate 84482
Certificate 84483
Certificate 82653

Subject to the usual printed exceptions in the standard title insurance policy and;
As disclosed by the tax rolls the premises herein described have been zoned or classified for special use.
At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

Water rights, claims to water or title to water, whether or not such rights are a matter of public record.

Easement, including the terms and provisions thereof,
Grantee: Pacific Power and Light Company
Recorded: October 26, 1945, Book 170, Page 424, Deed Records.

Easement for bridge purposes, including the terms and provisions thereof, contained under Agreement,
First Party: Edwin Hoeft, etux
Second Party: Pendleton Country Club
Recorded: April 29, 1957, Book 242, Page 44, Deed Records.

Easement, including the terms and provisions thereof,
Grantee: Cascade Natural Gas Corporation
Recorded: December 5, 1961, Book 265, Page 657, Deed Records.

Easement for public utilities and access purposes, including the terms and provisions thereof,
Grantee: Pendleton Country Club
Recorded: September 23, 2009, Instrument No. 2009-5560754, Office of Umatilla County Records.

Easements as shown on Partition Plat No. 2009-29,
Recorded: October 23, 2009, Instrument No. 2009-5580170, Office of Umatilla County Records.

Irrevocable Consent Agreement, including the terms and provisions thereof,
First Party: Pendleton Country Club
Second Party: Umatilla County
Recorded: October 27, 2009, Instrument No. 2009-5580218, Office of Umatilla County Records.

Covenant Not to Sue, including the terms and provisions thereof,
First Party: Pendleton Country Club
Second Party: Umatilla County
Recorded: October 27, 2009, Instrument No. 2009-5580219, Office of Umatilla County Records.

Easement for septic system purposes, including the terms and provisions thereof,
Grantee: Pendleton Country Club
Recorded: January 15, 2010, Instrument No. 2010-5610254, Office of Umatilla County Records.

Conditions, Covenants and Restrictions, including the terms and provisions thereof, contained in Declaration,
Recorded: January 27, 2010, Instrument No. 2010-5610707, Office of Umatilla County Records.

RECEIVED

SEP 08 2

OWRD

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

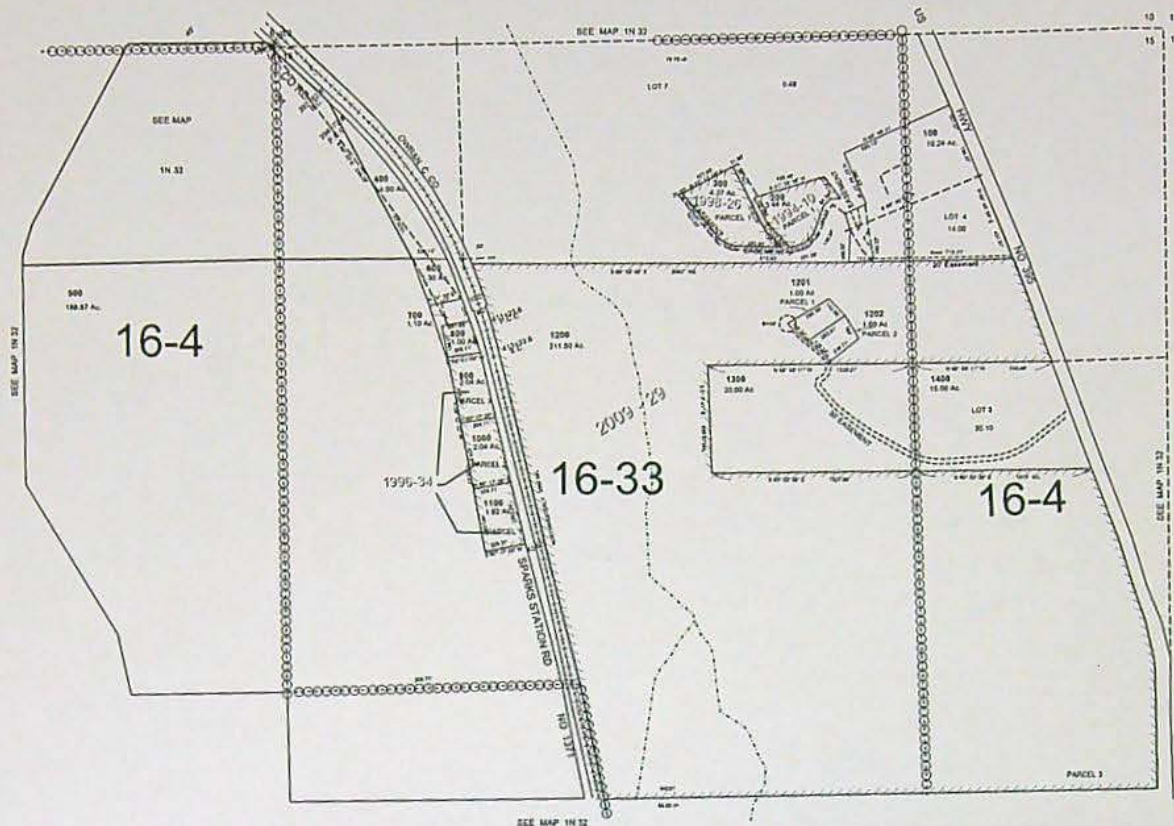


SEC 15 T1N R32E WM
UMATILLA COUNTY, OR

SCALE: 1" = 400'

1N 32 15

AERIAL PHOTO NO. 3P-91, 4P-4,
180
184



Revised: 12/2009

1N 32 15

Work copy

(Brecks Old work)

LAST REVIEW OCT 2021

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-10311	Date:	2024
WRD Reviewer (CW)	Breck	Date:	Aug 2024
WRD Peer Reviewer (PR)	J. Stang		

Both Decrees

ORIGINAL CERT:	CHANGE REQUESTED:	RR Cert:
56171	<input checked="" type="checkbox"/> POU <input checked="" type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE	87012
56172	<input type="checkbox"/> POU <input checked="" type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE	87013
	<input type="checkbox"/> POU <input type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE	
	<input type="checkbox"/> POU <input type="checkbox"/> POD/POA <input type="checkbox"/> APOD/APOA <input type="checkbox"/> USE	

PREPARATION:

<input checked="" type="checkbox"/> CW	<input checked="" type="checkbox"/> PR	RESEARCH:	
		<input checked="" type="checkbox"/> CBU Report/Map	<input checked="" type="checkbox"/> Transfer Order Ord Vol spov 83 Issued Date 4-13-2011 pg 993
			<input type="checkbox"/> Assignment
			<input checked="" type="checkbox"/> Transfer Extension
		Electronic Folder:	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder	<input type="checkbox"/> Create Work Packet Folder
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SCAN: Above documents into "CBU Folder"	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SAVE: other documents in "Work Packet Folder"	
		<input checked="" type="checkbox"/> Certificate(s)	<input checked="" type="checkbox"/> Transfer App Maps (To/From)
		<input checked="" type="checkbox"/> OrMap Tax Lot Map	<input checked="" type="checkbox"/> Ownership Report
		<input type="checkbox"/> GW Conditions	<input type="checkbox"/> Mitigation
			<input checked="" type="checkbox"/> BLM Cadastral Survey
			<input type="checkbox"/> GW Logs
			<input checked="" type="checkbox"/> POU Report (conflict) [POU ONLY]
			<input type="checkbox"/> Others:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SEARCH:	
		<input checked="" type="checkbox"/> Interactive Mapper	<input type="checkbox"/> AOI
			<input checked="" type="checkbox"/> Map and TaxLot ID 1200 ± 1300
			<input type="checkbox"/> Receiving LO:
			New Landowner: CTUIR, 464 W Timineux Pendleton OR 97801

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	oDFu
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	Pre 2018 per claim yes approved letter
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Dedicated MMS tube	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	C-date: 10/1/2012	EXT C-Date: 10/1/18 completed prior to 10-2018 per claim

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verify POA/POD Location (New Only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Verify POU (New only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	POU clearly identified by Use Type/Certificate
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT
		<input type="checkbox"/> Original Cert Map for unchanged POU/POD/POA (Attached for Peer Reviewer/Data)
		<input type="checkbox"/> Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
56171	0.58cfs		0.69cfs	see Calc Sheet
56172	0.02cfs		0.69cfs	

going proposed did not develop 2nd POD

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10311, Umatilla County	)	CHANGES IN POINTS OF DIVERSION
	)	AND PLACE OF USE AND PARTIAL
	)	CANCELLATION OF CERTAIN
	)	WATER RIGHTS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

Findings of Fact

Background

1. On February 8, 2007, the Pendleton Country Club filed an application to change the point of diversion and place of use under Certificate 56171. The Department assigned the application number T-10311.
2. On August 11, 2008, the Pendleton Country Club filed an amendment to also change point of diversion under Certificate 56172. On September 7, 2010, and November 16, 2010, the applicant sent in revised maps, describing changes to the place of use under the two water rights proposed.
3. The portion of the FIRST right to be transferred is as follows:
Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)
Use: SUPPLEMENTAL IRRIGATION of 47.0 ACRES

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.

Priority Date: 1873 for 7.85 acres, 1889 for 7.85 acres and 1900 for 31.3 acres

Rate: 0.58 CUBIC FOOT PER SECOND

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E 1/4 CORNER OF SECTION 22

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SW NE	4.0
1 N	32 E	WM	15	SE NW	5.0
1 N	32 E	WM	15	NE SW	3.0
1 N	32 E	WM	15	NW SE	26.0
1 N	32 E	WM	15	SW SE	9.0

4. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

5. Application T-10311 also proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Acres (per Priority Date)		
					1873	1889	1900
1 N	32 E	WM	15	SW NE	2.6 ✓	--	3.6 ✓
1 N	32 E	WM	15	SE NW	4.05 ✓	3.35 ✓	14.4 ✓
1 N	32 E	WM	15	NE SW	0.4 ✓	1.2 ✓	6.1 ✓
1 N	32 E	WM	15	NW SE	0.4 ✓	3.3 ✓	5.5 ✓
1 N	32 E	WM	15	SW SE	0.4 ✓	--	1.7 ✓
				Sub-Totals:	7.85	7.85	31.3
				TOTAL:	47.0 Acres		

6. The portion of the SECOND water right to be transferred is as follows:
Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)
Use: SUPPLEMENTAL IRRIGATION of 1.9 ACRES
Priority Date: 1894 for Tract #1
Rate: 0.022 CUBIC FOOT PER SECOND
Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree
Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SE SW	1.9

7. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

Not developed

8. Notice of the application for transfer was published on February 20, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
10. On November 2, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2010, for the applicant to respond.
11. On November 8, 2010, the Department discovered an error in the calculation of the breakdown of acreage per Certificate 56171. The Department notified the applicant and Certified Water Rights Examiner (CWRE) about the acreage number changes. The CWRE provided a revised map to clarify the new acreages. The total amount of acres did not change, but only the breakdown of acres per each priority date, as reflected in Findings of Fact #3 and #5.
12. On November 17, 2010, the applicant requested the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
13. On January 12, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10311 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 January 18, 2011, and in The Pendleton Record newspaper

on February 24 and March 3 and 10, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

14. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch 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-10311.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

Partial Cancellation of two Water Rights

18. On November 3, 2010, Calvin Tyer, President of the Pendleton Country Club, owner of the property appurtenant to the following water rights, has submitted two voluntary cancellation affidavits meeting the requirements of ORS 540.621.

19. The portion of the FIRST water right to be cancelled is described as follows:

Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1873, 1889, 1900

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

Place of Use to be cancelled: DOMESTIC & STOCK				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SW NE
1 N	32 E	WM	15	SE NW
1 N	32 E	WM	15	NE SW
1 N	32 E	WM	15	NW SE
1 N	32 E	WM	15	SW SE

20. The portion of the SECOND water right to be cancelled is described as follows:

Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1894 for Tract #1

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

**Place of Use to be cancelled:
DOMESTIC & STOCK**

Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SE SW

Conclusions of Law

The change in points of diversion and change in place of use proposed in Transfer Application T-10311 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned water right portions should be cancelled.

Now, therefore, it is ORDERED:

1. The changes in points of diversion and place of use proposed in application T-10311 are approved and the abandoned portions of water rights are cancelled.
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 56171 and 56172 and any related decree.
3. Water right certificates 56171 and 56172 are cancelled. New certificates will be issued describing those portions of the rights not transferred or cancelled by this order.
4. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
5. The former places of use of the transferred right shall no longer receive water under the right.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

7. Water use measurement conditions:

a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.

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

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

8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 13 day of April, 2011.


Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 15 2011

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. A. GUDERIAN

of Pendleton, State of Oregon, has
a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of
irrigation of 70.0 acres, and supplemental irrigation of 47.0 acres, domestic
and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 3, at page 127; that the priority of the
right thereby confirmed dates from 1873 for 19.8 acres; 1889 for 19.8 acres and 1900
for 77.4 acres
that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.45 cubic feet
per second, subject to the provisions of paragraph 33 of said decree and all
other conditions and limitations contained in said decree

The point of diversion is located in the NW 1/4 SE 1/4, Section 22, T1N, R32E, WM;
700 feet South and 1800 feet West from East 1/4 corner Section 22.

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

A POD

POD #1

T1N R32E Sec 15 SWSE

710' N 1/2 2340' W
from SE corner Sec 15
SEE NEXT PAGE

POD #2

T1N R32E Sec 15 NESW

2265' N 1/2 3015' W from
SE corner Sec 15

T1N R32E Sec 15

SWNE	1873	1889	1900
SENE	2.6 ✓	3.35 ✓	3.6 ✓
NESW	4.05 ✓	1.2 ✓	14.4 ✓
NWSE	0.4 ✓	3.3 ✓	6.1 ✓
SWSE	0.4 ✓	—	5.5 ✓
	—	—	1.7 ✓
	7.85	7.85	31.3
			47.0

PRIMARY

1.0 acres NE 1/4 NE 1/4
12.0 acres NE 1/4 NW 1/4
0.5 acre NW 1/4 NW 1/4
20.0 acres SW 1/4 SE 1/4
Section 15

18.0 acres SW 1/4 SW 1/4
0.5 acre SE 1/4 SW 1/4
Section 10

18.0 acres NW 1/4 NE 1/4
Section 22

Township 1 North, Range 32 East, WM

SUPPLEMENTAL

4.0 acres SW 1/4 NE 1/4
5.0 acres SE 1/4 NW 1/4
3.0 acres NE 1/4 SW 1/4
26.0 acres NW 1/4 SE 1/4
9.0 acres SW 1/4 SE 1/4
Section 15

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2534, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 27, 1986, approving transfer application 5795 and includes a change from primary irrigation to supplemental irrigation authorized by the provisions of an order entered March 19, 1987.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 24 , 1987 .

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51 , page 56171

94290/SRA
T-5795

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

S. H. ROCKWELL

of Pendleton, State of Oregon, has
a right to the use of the waters of Birch Creek and McKay Creek

a tributary of Umatilla River for the purpose of
irrigation of 22.9 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 3, at page 127; that the priority of the right
thereby confirmed dates from 1894 for Tract #1 and Tract #2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 0.27 cubic foot
per second, subject to the provisions of paragraph 33 of said decree and all
other conditions and limitations contained in said decree

The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, T1N, R32E, WM.

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

PRIMARY
TRACT 1 - BIRCH CREEK

2.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 22

4.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15

PRIMARY
TRACT 2 - MCKAY CREEK

5.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 26

SUPPLEMENTAL
1.9 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15

Township 1 North, Range 32 East, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 2610, Volume 3, State Record of Water Right
Certificates, NOT modified by the provisions of orders of the Water Resources
Director entered on August 27, 1986, approving transfer application 5808, and
includes a change from primary irrigation to supplemental irrigation by the
provisions of an order entered March 19, 1987.

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.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date April 24, 1987.

/s/ William H. Young

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 56172

94280/SRA
T-5808

4 POD
T1N R32E sec 15
SWSE POD #1
7101 N 1/4 2340'
W from & corner
sec 15
NE SW
POD #2
3015' W SE corner
sec 15



Oregon
Kate Brown, Governor

COPY

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

September 9, 2022

CTUIR
46411 Timine Way
Pendleton, OR 97801

On September 8, 2022, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following Transfer(s):

T-10311

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

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

For all other questions please call our Customer Service phone: (503) 986-0900.

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-10311
John Warinner, CWRE.

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie L.
Transfer #: T-13011	
Date Received: 9/8/2022	
CWRE Name: John Warinner	
Priority Date (s): 4/5/2000	

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 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))

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)

MONEY SLIP

DATE: _____ RECEIPT #: _____

APPLICANT: _____

APPROVED FROM: _____

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

0001 TRANSFER: _____ 4716 MISC. TRANSFER: _____

0007 COPIES: _____ 0008 OTHER: _____ (IDENTIFY): _____

0002 MINIMUM: _____ 0004 MAXIMUM: _____ 0005 CASH: _____

0006 TOLERANCE: _____ 0009 TRANSFER: _____

0010 MISCELLANEOUS: _____ 4611 _____

0011 COPY & TAPES: _____

0012 RESEARCH FEES: _____

0013 MISC. REVENUE (IDENTIFY): _____

0014 DEPOSIT LNS. (IDENTIFY): _____

0015 EXTENSION OF TIME: _____

0016 WATER RIGHTS: _____

0017 SURFACE WATER: _____ 0018 _____

0019 GROUND WATER: _____ 0020 _____

0021 TRANSFER: _____

0022 WELL CONSTRUCTION: _____

0023 WELL DRILL CONSTRUCTION: _____

0024 LANDOWNER'S PERMIT: _____

0025 OTHER (IDENTIFY): _____

0026 TREASURY: _____

0027 POWER LICENSE FEE (FWNWD): _____

0028 HYDRO LICENSE FEE (FWNWD): _____

0029 HYDRO APPLICATION: _____

SPECIAL INSTRUCTIONS: _____

☐ RETURN TO APPLICANT - LETTER ATTACHED

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

139084

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM: Wildhorse Resort + Casino

BY: _____

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

☒ 120062

☐

APPLICATION	<u>T-10311</u>
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

46111

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0200 OTHER (IDENTIFY) COBU

\$350.00

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 (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT:

139084

DATED:

9/18/2022

BY:

Mindy Carlson

**CLAIM OF
BENEFICIAL USE
for Transfer with Multiple
Changes – Surface Water**



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 8" 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>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

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

☒ YES ☐ NO

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

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

1. File Information

APPLICATION # T-10311

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME CTUIR		PHONE NO. 541.276.3165	ADDITIONAL CONTACT NO. N/A
ADDRESS 46411 Timine Way			
CITY Pendleton	STATE OR	ZIP 97801	E-MAIL AntonChiono@ctuir.org

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 Pendleton Country Club		
ADDRESS 69772 Hwy 395 South		
CITY Pendleton	STATE OR	ZIP 97801

4. Date of Site Inspection:

June 17, 2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Anton Chiono	2022-06-17	Project Manager

6. County:

Umatilla

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 N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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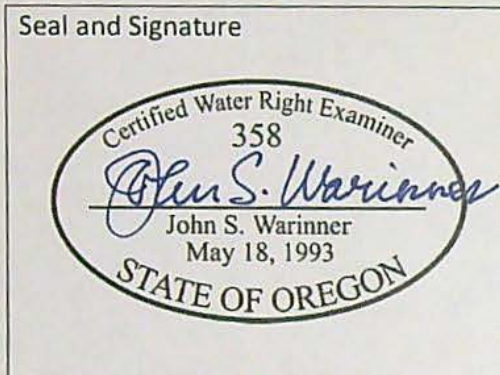
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SECTION 2
SIGNATURES

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 John Warinner		PHONE NO. 541.815.4103	ADDITIONAL CONTACT NO. N/A
ADDRESS 23321 Chisholm Trail			
CITY Bend	STATE OR	ZIP 97702	E-MAIL johnw@watersolving.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

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
	Donald G. Sampson	Executive Director	

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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

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion?

☒ YES ☐ NO

If "NO", this Section can be deleted.

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

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD 1	Birch Creek
POD 2	Birch Creek

2. Variations:

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

☒ YES ☐ NO

If yes, describe below.

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

The order authorized two new points of diversion (POD 1 and POD 2. The water user only developed one of the points (POD 1).

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD 1	0.602 cfs	0.659 cfs	N/A
POD 2	0.602 cfs	N/A	N/A

System Description

Are there multiple new or additional Points of Diversion (POD)?

☒ YES ☐ NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

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POD Name or Number this section describes: **POD 1**

A. POD System Information

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

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell	2W-10-2	83645 6.50	Centrifugal	3-inch	2-inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Baldor	10 HP

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10 HP	40 PSI	8 FEET	0 FEET	0.659 CFS

4. Provide pump calculations:

$$\text{CFS} = \text{GPM} \div 448.8 = \text{HP} \times 3960 \times \text{PUMP EFF} \div \text{TDH (ft)} \div 448.8$$

$$\text{CFS} = 10 \text{ HP} \times 0.75 \div [(40 \text{ PSI})(2.31 \text{ FT/PSI}) + 8 \text{ FT}] \div 448.8$$

$$\text{CFS} = 295.8 \text{ GPM} \div 448.8 = \underline{0.659 \text{ CFS}}$$

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)
N/A	N/A	N/A	N/A

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

6. Additional notes or comments related to the system:

Subject water rights are supplemental to primary groundwater rights and only used as an emergency backup. Intake screen and flowmeter manifolds are stored in maintenance shop.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES ☒ NO

If "NO", items 2 through 4 relating to this section may be deleted.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

YES ☒ NO

If "NO", items 2 through 4 relating to this section may be deleted.

POD Name or Number this section describes: **POD 2**

A. POD System Information

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

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
N/A	N/A	N/A	N/A	N/A	N/A

2. Motor Information

MANUFACTURER	HORSEPOWER
N/A	N/A

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
N/A	N/A	N/A	N/A	N/A

4. Provide pump calculations:

N/A

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)
N/A	N/A	N/A	N/A

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

6. Additional notes or comments related to the system:

No diversion infrastructure installed at POD 2.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES ☐ NO ☒

If "NO", items 2 through 4 relating to this section may be deleted.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

YES ☐ NO ☒

If "NO", items 2 through 4 relating to this section may be deleted.

Change #2

Change in Place of Use

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

☒ YES ☐ NO

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
47.0 (Cert 56171)	47.0
1.9 (Cert 56172)	1.9

2. Variations:

Was the use developed differently from what was authorized by the transfer final order? YES ☐ 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.")

N/A

Change #3

Change in Character of Use

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

YES ☐ NO ☒

If "NO", this Section can be deleted.

Change #4

Change in Character of Use – Reservoir

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

YES ☐ NO ☒

If "NO", this Section can be deleted.

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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	2011-04-13	
COMPLETENESS DATE FROM ORDER (C)	2012-10-01	Prior to October 2018. Specific date N/A due to change in ownership and golf course management personnel.

* 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)?

☒ YES ☐ NO

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
Special Order Vol 96	707	2018-10-01

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 ☐ NO

If "NO", items b through f relating to this section may be deleted.

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 diversion.

b. Has a meter been installed?

☒ YES ☐ NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1	McCrometer	16-07705-03	Working	560 gallons	Pre-Oct 2018
POD 2	N/A	N/A	N/A	N/A	N/A

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? ☐ YES ☐ NO ☒ N/A

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
N/A		

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
N/A		

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES ☒ NO

If "NO", item b relating to this section may be deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

☒ YES NO

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

☒ YES NO

c. When was the fish screening installed?

DATE	BY WHOM
Prior to October 2018	Pendleton Country Club maintenance personnel

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? ☒ YES NO

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

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e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?

N/A YES ☒ NO

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

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

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES ☒ NO

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

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

- a. Was the water user required to restore the riparian area if it was disturbed? YES ☒ NO
- b. Was a fishway required? YES ☒ NO
- c. Other conditions? YES ☒ NO

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

CTUIR has contacted Mark Kirsch (ODFW) regarding inspection and endorsement of the fish screen. ODFW responded that they will complete their inspection after CTUIR submittal of this CBU report.

SECTION 5

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
CBU Map	Claim of Beneficial Use Map
Request for Assignment	Request for Assignment by Proof of Ownership
Fish Screen Inspection	Fish Screen Inspection by ODFW

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 polyester 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.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map 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.

Field truthing of information previously surveyed for preparation of Transfer Map, along with aerial imagery available in ESRI ArcGIS mapping software (date, series and photo ID numbers not available).

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
- ☒ 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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STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.A. GUDERIAN
PENDLETON, OR 97801

confirms the right to use the waters of the BIRCH CREEK, a tributary of the UMATILLA RIVER for IRRIGATION of 70.0 ACRES, DOMESTIC and STOCK uses.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127. The dates of priority are 1873 for 11.95 acres, 1889 for 11.95 acres, and 1900 for 46.1 acres.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.87 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

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.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	10	SW SW	18.0
1 N	32 E	WM	10	SE SW	0.5
1 N	32 E	WM	15	NE NE	1.0
1 N	32 E	WM	15	NE NW	12.0
1 N	32 E	WM	15	NW NW	0.5
1 N	32 E	WM	15	SW SE	20.0
1 N	32 E	WM	22	NW NE	18.0
TOTAL:					70.0

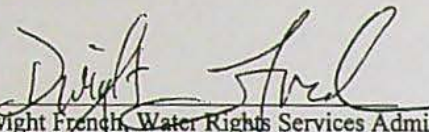
1873
3.1
1889
3.1
1900 - 66.0%

DOMESTIC and STOCK USES				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	10	SW SW
1 N	32 E	WM	10	SE SW
1 N	32 E	WM	15	NE NE
1 N	32 E	WM	15	NE NW
1 N	32 E	WM	15	NW NW
1 N	32 E	WM	15	SW SE
1 N	32 E	WM	22	NW NE

This certificate describes that portion of the water right confirmed by Certificate 56171, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 13 2011, approving Transfer Application T-10311.

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.

WITNESS the signature of the Water Resources Director, affixed APR 13 2011.


Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Pri to Supp Sp. Or. V. 11, 123

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That J. A. GUDERIAN
of Pendleton State of Oregon 97801 has a right to the use of
the waters of Birch Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 148 acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at page 127; that the priority of the right hereby confirmed dates from 1873 for 25 acres; 1889 for 25 acres and 1900 for 98 acres

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed 1.84 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 1 acre in the Northeast quarter of Northeast quarter; 9 acres in the Southwest quarter of Northeast quarter; 12 acres in the Northeast quarter of Northwest quarter; 0.5 acres in the Northwest quarter of Northwest quarter; 7 acres in the Southeast quarter of Northwest quarter; 5 acres in the Northeast quarter of Southwest quarter; 37 acres in the Northwest quarter of Southeast quarter and 40 acres in the Southwest quarter of Southeast quarter of Section Fifteen; 18 acres in the Southwest quarter of Southwest quarter and 0.5 acres in the Southeast quarter of Southwest quarter of Section Ten; 18 acres in the Northwest quarter of Northeast quarter of Section Twenty-two, Township One North, Range Thirty-two East of Willamette Meridian, in Umatilla County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State
Water Board

affixed this 29th day

of December, 1910

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper,
State Engineer, President

Attest:

R. W. Potter,
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2534

CANCELED

T-5795



Oregon

Kate Brown., Governor

Department of Fish and Wildlife
John Day Fish Screening and Passage
357 Patterson Bridge Rd.
P.O. Box 515
John Day, OR 97845
Voice: 541-575-0561
FAX (541) 575-0868
www.dfw.state.or.us/

September 14, 2016



Pendleton Country Club
c/o Troy Alderson
69772 Hwy. 395 South
Pendleton, OR 97801

Dear Mr. Alderson,

The Pendleton Country Club POD #1 screen was inspected on 12/16/2015. In reference to water right application number # T-10311, this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates 45.56067, -118.79613.

In regards to the inspection of this fish screen located on Birch Creek, here is what has been determined:

1. The screen is a Pump-Rite L250 passive suction screen.
2. This screen is approved for water use up to 250 GPM or 0.56 CFS.
3. According to Oregon Water Resources Department transfer T-10311 this diversion is allowed to take 0.58 CFS.

Feel free to contact me at 541-575-0561 or Tracy.D.Wyllie@state.or.us.

Sincerely,

Tracy Wyllie
Fish Screening and Passage Coordinator

Encl: Fish Screen Inspection Form

CC: Oregon Water Resources Department

RECEIVED BY OWRD

SEP 23 2016

SALEM, OR



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

Applicant

Name: Pendleton Country Club, c/o Troy Alderson

Address: 69772 Hwy. 395 South, Pendleton, OR 97801 Phone 541-443-8873

Application Number: _____ Water Right Certificate Number: _____
Water Right Amount (cfs) 0.58 Water Right Transfer Number: T-10311

Diversion

Stream: Birch Creek Tributary to: Umatilla River

Address (if different than applicants): _____

Diversion Type (gravity or pump): Pump Location: T: 1N R: 32E, S: 15

GPS Coordinates: Lat: 45.56067, Long: -118.79613

Pump Information

Brand: Cornell Horsepower: 10 hp Intake Size: 4"

Screen Information

Type/Brand: Pump-Rite Installed by: D.L. Johnson Irrigation Services

Date Installed: December 16, 2015 Date of Inspection: December 16, 2015

Manufacturer: Pump Rite Model #: L250

Inspected by: Tracy Wyllie Agency: Oregon Department of Fish & Wildlife

Comments:

- ☒ Screen meets current state criteria for fish protection.
- ☐ Screen does not meet current state criteria for fish protection
- ☐ Another screen inspection should be done before water use begins.
- ☐ Fish passage meets current criteria
- ☐ Fish passage does not meet current criteria
- ☐ Fish passage not required
- ☐ Bypass structure meets current state criteria
- ☐ Bypass does not meet current state criteria
- ☒ Bypass Structure not required

RECEIVED BY OWRD

SEP 23 2016

SALEM, OR



Oregon

Kate Brown, Governor

Department of Fish and Wildlife
John Day Fish Screening and Passage
357 Patterson Bridge Rd.
P.O. Box 515
John Day, OR 97845
Voice: 541-575-0561
FAX (541) 575-0868
www.dfw.state.or.us/

September 14, 2016



Pendleton Country Club
c/o Troy Alderson
69772 Hwy. 395 South
Pendleton, OR 97801

Dear Mr. Alderson,

The Pendleton Country Club POD #2 screen was inspected on 06/16/2016. In reference to water right application number # T-10311, this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates 45.565, -118.79869.

In regards to the inspection of this fish screen located on Birch Creek, here is what has been determined:

1. The screen is a Pump-Rite ML-130 passive suction screen.
2. This screen is approved for water use up to 130 GPM or 0.29 CFS.
3. According to Oregon Water Resources Department transfer T-10311 this diversion is allowed to take 0.022 CFS.

Feel free to contact me at 541-575-0561 or Tracy.D.Wyllie@state.or.us.

Sincerely,

Tracy Wyllie
Fish Screening and Passage Coordinator

Encl: Fish Screen Inspection Form

CC: Oregon Water Resources Department

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SEP 23 2016

SALEM, OR



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

Applicant

Name: Pendleton Country Club, c/o Troy Alderson

Address: 69772 Hwy. 395 South, Pendleton, OR 97801 Phone 541-443-8873

Application Number: _____ Water Right Certificate Number: _____
Water Right Amount (cfs) 0.022 Water Right Transfer Number: T-10311

Diversion

Stream: Birch Creek Tributary to: Umatilla River

Address (if different than applicants): _____

Diversion Type (gravity or pump): Pump Location: T: 1N R: 32E, S: 15

GPS Coordinates: Lat: 45.565, Long: -118.79869

Pump Information

Brand: Honda Horsepower: 7.4 hp Intake Size: 3"

Screen Information

Type/Brand: Pump-Rite Installed by: D.L. Johnson Irrigation Services

Date Installed: June 16, 2016 Date of Inspection: June 16, 2016

Manufacturer: Pump Rite Model #: ML-130

Inspected by: Tracy Wyllie Agency: Oregon Department of Fish & Wildlife

Comments:

- ☒ Screen meets current state criteria for fish protection.
- ☐ Screen does not meet current state criteria for fish protection.
- ☐ Another screen inspection should be done before water use begins.
- ☐ Fish passage meets current criteria
- ☐ Fish passage does not meet current criteria
- ☐ Fish passage not required
- ☐ Bypass structure meets current state criteria
- ☐ Bypass does not meet current state criteria
- ☒ Bypass Structure not required

RECEIVED BY OWRD

SEP 23 2016

SALEM, OR

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

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN
of Time for Transfer Application T-10311,	)	EXTENSION OF TIME
Umatilla County)	

Applicant

PENDLETON COUNTRY CLUB
ATTN BOB CHAMBERS
69772 HWY 395 SOUTH
PENDLETON OR 97801

Authority

OAR 690-380-6020 establish an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

Findings of Fact

1. On July 1, 2015, the Department received an application for extension of time for Transfer Application T-10311.
2. The Department issued an order approving Transfer Application T-10311 on April 13, 2011. The order was recorded in Special Order Volume 83, Pages 993-997. The order set a transfer completion date of October 1, 2012.
3. The Department issued an order approving extension of time on January 6, 2015. The order was recorded in Special Order Volume 93, Pages 1085-1086. The order extended the transfer completion date to October 1, 2015.
4. The applicant has completed the purchase and installation of flow meters.
5. To fully complete the change, the applicant must install fish screens. The cost share funding for the fish screens will be made available in the Spring of 2016.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2018.

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.

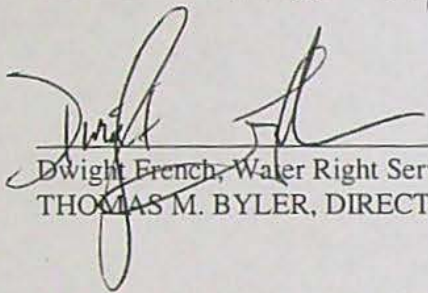
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10311.

Now, therefore, it is ORDERED:

The time for completion of the changes in place of use authorized by T-10311 shall be extended to October 1, 2018.

Dated at Salem, Oregon this 4 day of August, 2015.


Dwight French, Water Right Services Administrator, for
THOMAS M. BYLER, DIRECTOR

Mailing date: AUG 06 2015



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

August 5, 2015

PENDLETON COUNTRY CLUB INC.
ATTN: BOB CHAMBERS
69772 HWY 395 S
PENDLETON, OR 97801

Reference: File T-10311

We have received your application for extension of the time limit to make complete application of water under T-10311.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2018. The order approving the extension was entered August 4, 2015, at Volume 96, Page 707-708.

If you have any questions, please contact Codi Holmes at (503) 986-0898.

Sincerely,

Bethanie Williamson
Water Right Services Support
Transfers and Conservation Section

enclosure

Transfer 10311APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at
http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteria_review.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Pendleton Country Club

(Name of Applicant)

of 69772 Hwy 395 South

(Mailing Address)

Pendleton

(City)

state of Oregon97801

(Zip Code)

541-443-8823

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

point of diversion/appropriation

place of use

character of use

of water under the terms of an order of the Water Resources Director entered on April 13, 2011,approving Transfer 10311, in the name of Bob Chambersfor Section 15, T1N, R32E, W1M Umatilla County(47 acres)

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 2015:

Summary of current water rights status, revised water rights transfer application, water right summary map. We have upgraded the wiring for our pump at POD-1 and obtained a flow meter for that pump, been approved for funding for passive fish screens for POD-1 + POD-2 from ODFW for 2 3" intakes
(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

We have filed applications for cost share for the fish screens and have been approved but the funding was pulled for other uses and won't be available until Spring of 2016. We must install approved fish screens to demonstrate our system for final approval.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because We cannot afford the cost of these screens for our

backup system. When funding becomes available we will install them and complete our demonstration of benefit use as soon as possible.

And request that the time for completion be extended to October 1, 2018.

Bob Chambers
(Signature of applicant)

P.C.C. Vice president

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

RECEIVED BY OWRD

JUL 01 2015

SALEM, OR

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

From: **HOLMES Codi N** codi.n.holmes@state.or.us
Subject: Extension of Time
Date: June 25, 2015 at 12:40 PM
To: Bob Chambers bobsmailbox@charter.net

Bob-

Attached is a copy of the extension of time. Please be sure to ask for ample time to complete the project. Also, as I mentioned in my phone call, my manager has agreed to waive the fee this time. Please attached a copy of this email to your extension application. Let me know if you have any additional questions or concerns.

Codi Holmes
Natural Resource Specialist
Oregon Water Resources
503-986-0898

RECEIVED BY OWRD

JUL 01 2015

SALEM, OR

Memo

To: File T-10311
From: Codi Holmes
cc: Dwight French
Date: June 25, 2015
Re: Waiving the Extension of Time Application Fee

Today, I talked with Robert Chambers the Vice President of Pendleton County Club regarding the time frame of their transfer. Per Mr. Chambers, the Club is unable to complete their approved changes per the extended completion date of October 1, 2015. The Pendleton Country Club applied for the first extension on Dec. 24, 2014, requesting an extension from the original completion date of Oct. 1, 2012 to October 1, 2015. At the time of extension request, the applicants had not installed the fish screens or the flow meters. Per Mr. Chambers the flow meters have been installed. Also, he stated at the time of the extension, they had approved funding from ODFW for the fish screen that would be released on July 1, 2015. He received notification from ODFW that funding will not be available as previously approved due to 'drought' conditions and other projects needing the money. However, that funding would be available again in January 2016. He also made comment that the particular stream he is withdrawing water from is running dry and he may not even be able to use that stream at least once beneficially by Oct. 1, 2015.

Mr. Chambers stated that this is a financial burden and he would have requested more time with the first extension if he had known too. Per Dwight French, the Oregon Water Resources has agreed to waive the extension of time fee of \$575.00.

Dwight French OK
6-25-15



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

January 22, 2015

Pendleton Country Club
69772 Hwy 395 s
Pendleton OR 97801

Reference: File Transfer T-10311

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2015. The order approving the extension was entered January 6, 2015, at Volume 93, Page 1085.

If you have any questions, please contact the transfer section at 503-986-0807.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

enclosure

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

In the Matter of Application for Extension)
of Time for Transfer of Water Right)
Authorized by T-10311, Umatilla County)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Authoity

OAR 690-380-7200 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfers.

Applicant

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

Findings of Fact

1. On December 24, 2014, the Department received from Troy Alderson, Greens Superintendent of the Pendleton Country Club, an application for extension of time for transfer of water right.
2. The Department issued an order approving Transfer Application T-10311 on April 13, 2011. The order was recorded in Special Order Volume 83, Pages 993 – 998. The order set a transfer completion date of October 1, 2012.
3. The applicant asserts that an accounting of current appurtenant water rights and final proof survey has been accomplished but that an approved fish screen and flow meter have not been purchased or installed.
4. The applicant has requested the time for completion of the changes be extended to October 1, 2015, to allow time to complete the approved changes.

Conclusions of Law

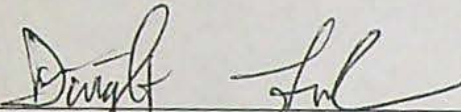
Pursuant to OAR 690-380-7200, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10311.

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.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10311 shall be extended to October 1, 2015.

Dated at Salem, Oregon this 6 day of January, 2015.



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

Mailing date: JAN 23 2015



Transfer 10311

APPLICATION FOR EXTENSION OF TIME
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at
http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Pendleton Country Club

of 69772 Hwy 395 South (Name of Applicant)

state of OREGON (Mailing Address)

97801 (Zip Code)

Pendleton (City)

541 443-8873 (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

☒ point of diversion/appropriation ☒ place of use ☒ character of use

of water under the terms of an order of the Water Resources Director entered on Apr 13, 20 11,

approving Transfer 10311, in the name of TROY ALDERSON

for Section 15, T1N, R32E, WM, Umatilla County

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 20 12:

Summary of current water rights status, revised water rights transfer application, and water rights summary map.

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Install an approved fish screen and flow meter.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because an approved fish screen and flow meter have not been purchased and installed.

And request that the time for completion be extended to October 1, 20 15.

Troy Alderson
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

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

RECEIVED BY OWRD

DEC 24 2014

SALEM, OR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 15, 2007

RICHARD J MATTESON
PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON OR 97801

Reference: Transfer 10311

On February 8, 2007 we received your water right transfer application requesting point of diversion change for use of water from BIRCH CREEK, tributary to UMATILLA RIVER. The fees for this transfer application have been deducted from the Confederated Tribe Customer Account.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. 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 transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5
John Warinner, CWRE
Tim Bailey, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/20/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UMATILLA
Transfer: 10311
Water Right: CERT 56171
Priority Date: 1873, 1900
Name: PENDLETON COUNTRY CLUB
Address: 69772 HWY 395 S; PENDLETON OR 97801
Change: POD
Source: BIRCH CREEK
Authorized POD: T1N R32E 22
Proposed POD: T1N R32E 15

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. A. GUDERIAN

of Pendleton, State of Oregon, has
a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of
irrigation of 70.0 acres, and supplemental irrigation of 47.0 acres, domestic
and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 3, at page 127; that the priority of the
right thereby confirmed dates from 1873 for 19.8 acres; 1889 for 19.8 acres and 1900
for 77.4 acres
that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1.45 cubic feet
per second, subject to the provisions of paragraph 33 of said decree and all
other conditions and limitations contained in said decree

The point of diversion is located in the NW 1/4 SE 1/4, Section 22, T1N, R32E, WM;
700 feet South and 1800 feet West from East 1/4 corner Section 22.

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

SEE NEXT PAGE

PRIMARY

1.0 acres NE 1/4 NE 1/4
12.0 acres NE 1/4 NW 1/4
0.5 acre NW 1/4 NW 1/4
20.0 acres SW 1/4 SE 1/4
Section 15

18.0 acres SW 1/4 SW 1/4
0.5 acre SE 1/4 SW 1/4
Section 10

18.0 acres NW 1/4 NE 1/4
Section 22

Township 1 North, Range 32 East, WM

SUPPLEMENTAL

4.0 acres SW 1/4 NE 1/4
5.0 acres SE 1/4 NW 1/4
3.0 acres NE 1/4 SW 1/4
26.0 acres NW 1/4 SE 1/4
9.0 acres SW 1/4 SE 1/4
Section 15

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2534, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 27, 1986, approving transfer application 5795 and includes a change from primary irrigation to supplemental irrigation authorized by the provisions of an order entered March 19, 1987.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 24, 1987.

/s/ William H. Young
Water Resources Director



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904

April 14, 2011

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

REFERENCE: Transfer Application T-10311

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@ wrd.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #5
John Warinner, CWRE

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10311, Umatilla County	)	CHANGES IN POINTS OF DIVERSION
	)	AND PLACE OF USE AND PARTIAL
	)	CANCELLATION OF CERTAIN
	)	WATER RIGHTS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

Findings of Fact

Background

1. On February 8, 2007, the Pendleton Country Club filed an application to change the point of diversion and place of use under Certificate 56171. The Department assigned the application number T-10311.
2. On August 11, 2008, the Pendleton Country Club filed an amendment to also change point of diversion under Certificate 56172. On September 7, 2010, and November 16, 2010, the applicant sent in revised maps, describing changes to the place of use under the two water rights proposed.
3. The portion of the FIRST right to be transferred is as follows:
Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)
Use: SUPPLEMENTAL IRRIGATION of 47.0 ACRES

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.

Priority Date: 1873 for 7.85 acres, 1889 for 7.85 acres and 1900 for 31.3 acres

Rate: 0.58 CUBIC FOOT PER SECOND

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SW NE	4.0
1 N	32 E	WM	15	SE NW	5.0
1 N	32 E	WM	15	NE SW	3.0
1 N	32 E	WM	15	NW SE	26.0
1 N	32 E	WM	15	SW SE	9.0

4. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

5. Application T-10311 also proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Acres (per Priority Date)		
					1873	1889	1900
1 N	32 E	WM	15	SW NE	2.6	--	3.6
1 N	32 E	WM	15	SE NW	4.05	3.35	14.4
1 N	32 E	WM	15	NE SW	0.4	1.2	6.1
1 N	32 E	WM	15	NW SE	0.4	3.3	5.5
1 N	32 E	WM	15	SW SE	0.4	--	1.7
			Sub-Totals:		7.85	7.85	31.3
			TOTAL:		47.0 Acres		

6. The portion of the SECOND water right to be transferred is as follows:
Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)
Use: SUPPLEMENTAL IRRIGATION of 1.9 ACRES
Priority Date: 1894 for Tract #1
Rate: 0.022 CUBIC FOOT PER SECOND
Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree
Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SE SW	1.9

7. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

8. Notice of the application for transfer was published on February 20, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
10. On November 2, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2010, for the applicant to respond.
11. On November 8, 2010, the Department discovered an error in the calculation of the breakdown of acreage per Certificate 56171. The Department notified the applicant and Certified Water Rights Examiner (CWRE) about the acreage number changes. The CWRE provided a revised map to clarify the new acreages. The total amount of acres did not change, but only the breakdown of acres per each priority date, as reflected in Findings of Fact #3 and #5.
12. On November 17, 2010, the applicant requested the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
13. On January 12, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10311 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 January 18, 2011, and in The Pendleton Record newspaper

on February 24 and March 3 and 10, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

14. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch 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-10311.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

Partial Cancellation of two Water Rights

18. On November 3, 2010, Calvin Tyler, President of the Pendleton Country Club, owner of the property appurtenant to the following water rights, has submitted two voluntary cancellation affidavits meeting the requirements of ORS 540.621.

19. The portion of the FIRST water right to be cancelled is described as follows:

Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1873, 1889, 1900

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

Place of Use to be cancelled: DOMESTIC & STOCK				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SW NE
1 N	32 E	WM	15	SE NW
1 N	32 E	WM	15	NE SW
1 N	32 E	WM	15	NW SE
1 N	32 E	WM	15	SW SE

20. The portion of the SECOND water right to be cancelled is described as follows:

Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1894 for Tract #1

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

**Place of Use to be cancelled:
DOMESTIC & STOCK**

Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SE SW

Conclusions of Law

The change in points of diversion and change in place of use proposed in Transfer Application T-10311 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned water right portions should be cancelled.

Now, therefore, it is ORDERED:

1. The changes in points of diversion and place of use proposed in application T-10311 are approved and the abandoned portions of water rights are cancelled.
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 56171 and 56172 and any related decree.
3. Water right certificates 56171 and 56172 are cancelled. New certificates will be issued describing those portions of the rights not transferred or cancelled by this order.
4. The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
5. The former places of use of the transferred right shall no longer receive water under the right.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

7. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 13 day of April, 2011.


Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 15 2011

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J.A. GUDERIAN
PENDLETON, OR 97801

confirms the right to use the waters of the BIRCH CREEK, a tributary of the UMATILLA RIVER for IRRIGATION of 70.0 ACRES, DOMESTIC and STOCK uses.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127. The dates of priority are 1873 for 11.95 acres, 1889 for 11.95 acres, and 1900 for 46.1 acres.

The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.87 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

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.

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

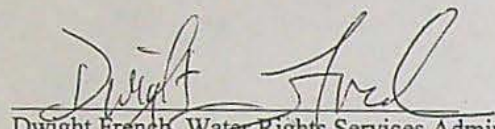
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	10	SW SW	18.0
1 N	32 E	WM	10	SE SW	0.5
1 N	32 E	WM	15	NE NE	1.0
1 N	32 E	WM	15	NE NW	12.0
1 N	32 E	WM	15	NW NW	0.5
1 N	32 E	WM	15	SW SE	20.0
1 N	32 E	WM	22	NW NE	18.0
TOTAL:					70.0

DOMESTIC and STOCK USES				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	10	SW SW
1 N	32 E	WM	10	SE SW
1 N	32 E	WM	15	NE NE
1 N	32 E	WM	15	NE NW
1 N	32 E	WM	15	NW NW
1 N	32 E	WM	15	SW SE
1 N	32 E	WM	22	NW NE

This certificate describes that portion of the water right confirmed by Certificate 56171, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 13 2011, approving Transfer Application T-10311.

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.

WITNESS the signature of the Water Resources Director, affixed APR 13 2011.



Dwight French, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

S. H. ROCKWELL
PENDLETON OR 97801

confirms the right to use the waters of the BIRCH CREEK and McKAY CREEK, tributaries to the UMATILLA RIVER for IRRIGATION of 21.0 ACRES, DOMESTIC and STOCK USE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is 1894 for TRACT #1 and TRACT #2.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.248 CUBIC FOOT PER SECOND, subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	22	NW SE

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

PRIMARY IRRIGATION TRACT#1 - BIRCH CREEK					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SE SW	4.0
1 N	32 E	WM	22	NE NW	2.0

PRIMARY IRRIGATION TRACT#2 - McKAY CREEK					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	26	NW SE	5.0
1 N	32 E	WM	26	SW SE	10.0

This certificate describes that portion of the water right confirmed by Certificate 56172, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered

APR 13 2011 approving Transfer Application T-10311.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed APR 13 2011.


Dwight Freneh, Water Rights Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Water Right Transfer Cover Sheet

Transfer T- 10311

Transfer Specialist: KDD

Transfer Type: Reg ▲ POD and POU

Applicant Name/Address: Pendleton Country Club 69772 HWY 395 S Pendleton, OR 97801	Agent Name/Address:	Rec Landowner Name/Address:
CWRE Name/Number: John Warinner	Irr. District Name/Address:	Affected Gov'ts Name/Address: Umatilla Co. 216 SE 4 th , Pendleton
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	Umatilla River Decree		56171	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	87012
<input type="checkbox"/>	<input type="checkbox"/>	Umatilla River Decree		56172	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	87013
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: 2/8/2007	Proposed Action(s):	
Fees Pd:	WM District: #5	ODFW District:
Initial Notice:	WM Review sent:	ODFW Review sent: Feb. 28, 2007
Acknowledgement Letter Sent <input type="checkbox"/>	GW Review sent:	

Processing Dates & Actions

Deficiency Contacts: 7/6/2009

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: 11/17/2010

Affid of Pub Rec'd: _____

☒ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

☒ WM measurement contact sheet sent, or ☐ N/A

PD Signed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☒ Remaining Rights

☒ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: <u>SWP</u>	Coordinator: <u>SWP</u>
Date: _____	Date: <u>1/11/11</u>	Date: <u>4/12/11</u>
Comments/Special Issues:		

Special Order Volume: Vol 83 Pages 993

Final Order Signature Date: APR 13 2011

Notice of FO email'd to processors 4-13-11

Ken/Mike/dorothy

APPLICATION					
PR	CW		PR	CW	
	<input checked="" type="checkbox"/>	Appropriately signed		<input checked="" type="checkbox"/>	Appropriate Fees Paid
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	All required Attachments Received	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Overpayment of Fees, Refund Request with FO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ditch Company, Irr. Dist. and/or BOR sent copies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

WATER RIGHT SUBJECT TO TRANSFER					
PR	CW		PR	CW	
	<input checked="" type="checkbox"/>	The right been exercised according to terms & conditions of certificate.		<input checked="" type="checkbox"/>	Delivery system has the capacity to fully divert the rate/duty of the right.
	<input checked="" type="checkbox"/>	No information in record that suggests forfeiture.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	No conflicts identified on conflict report and report is printed.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Affidavits for rights to be canceled /diminished.			

APPLICATION MAP					
PR	CW		PR	CW	
	<input checked="" type="checkbox"/>	Original CWRE Signature		<input checked="" type="checkbox"/>	The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
	<input checked="" type="checkbox"/>	All authorized and proposed POD's/POA's and POU's shown and clearly labeled.		<input checked="" type="checkbox"/>	Metes and bounds for the POD's/POA's are properly described on the map.
	<input checked="" type="checkbox"/>	The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.		<input type="checkbox"/>	Application map acres match the tabulation on the certificate and FPS and/or Decree map
	<input checked="" type="checkbox"/>	Have necessary aerial photos, if applicable			

DETERMINING THE "FROM" AND "TO" LANDS					
(Make working copy of application and certificates to mark on)					
PR	CW		PR	CW	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only the authorized POD's/POA's and POU's to be transferred are listed.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the quantity of water being transferred, cancelled, and remaining

INJURY REVIEWS/COMMENTS/CONDITIONS						
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ODFW	<input checked="" type="checkbox"/>	Fish Screens	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ground water				
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Watermaster	<input type="checkbox"/>	Headgate	<input type="checkbox"/>	When in the judgment
			<input type="checkbox"/>	Measuring Devices	<input type="checkbox"/>	When in the judgment
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Injury	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conditions to Avoid Enlargement/Injury	<input type="checkbox"/>	Enlargement	<input type="checkbox"/>	Yes
			<input checked="" type="checkbox"/>	No		

OWNERSHIP					
PR	CW		PR	CW	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The deed/ROI matches the "from" lands.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The applicant is the owner of the "from" lands.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	All owners on the deed/ROI have signed the application.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Have current tax lot map.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	If necessary, there is a notarized, signed statement of consent from landowners other than applicant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Agent has authorization to make decisions.

DPD		PD		FO		DETERMINATION / FINAL ORDER
PR	CW	PR	CW	PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Format matches current template
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct address?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorized "from lands" info matches Certificate(s)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorized POD(s)/POA(s) matches Certificate(s)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed POD(s)/POA(s) matches transfer application and map?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching Watermaster review?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching Ground water review?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Correct findings and conditions matching ODFW recommendations?
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hidden findings unveiled?

DPD		PD		COVER LETTER
PR	CW	PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Format matches current template
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Spell checked?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Correct address?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Content matches determination?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Special findings/conditions described?

PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Format matches current template
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Content matches PD info?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spell checked?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Correct address?

PR	CW	REMAINING RIGHT CERTIFICATE
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Table Format matches current template
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Content format matches original certificate
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spell checked?
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address matches originating certificate?

PR	CW	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Determination and remaining acres combined match acres under originating certificate?

COMMENTS
application amended to include Certificate 56172 change in POD

RECEIVED

FEB 22 2007

Oregon Department of Fish and Wildlife **Pendleton Dist. Office**
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10311

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____, tributary to _____. Because,
(Stream) _____

(Please attach any available supporting information.)

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

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☒ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

RECEIVED

FEB 28 2007

Please return all 4 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1271

WATER RESOURCES DEPT
SALEM, OREGON

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

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

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

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

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Timothy D. Bailey
Signature

Timothy D. Bailey
Printed Name

District Fish Biologist
Title

(541) 276-2344
Phone

RECEIVED

FEB 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

Transfer # 10311

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

- ☒ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: Mike Jensen

Address: PO Box 515

City/State/Zip: John Day, OR 97845

Phone: (541) 575-0561

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

ODFW staff name: Tim Bailey

Address: 73471 Myfinger Lane

City/State/Zip: Pendleton, OR 97801

Phone: (541) 276-2344



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10311

Review Due Date: _____

Applicant Name: Pendleton Country Club

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

Reviewer(s): Tony Justus

Date of Review: Sep. 10, 2010

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Birch Creek is regulated every year for insufficient water to serve all rights.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☒ If you check the box, describe and, if possible, estimate the losses: 1%
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. The checked water control and measurement conditions should be included in the transfer:

Headgates: <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
--	--	---	---

Measurement Devices:

☐ The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

Surface Water Diversion or Groundwater Point of Appropriation:

☐ The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.

☒ Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)

- Before water use may begin under this order, the water user shall install a totalizing flow meter*, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation.
- The water user shall maintain the meters or measuring devices in good working order.
- 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.

Reservoirs:

☐ The Director may require the water user to install staff gages or other suitable measuring devices that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.

☐ Water use measurement conditions: (if this condition is selected, also fill in the top sections of page 3)

- Before water use may begin under this order, the water user shall install staff gages*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
- Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

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

☐ Weir ☐ Submerged Orifice ☐ Other: _____
☐ Parshall Flume ☐ Flow Restrictor

Oregon Water Resources Department**Measurement Condition Information for the Applicant**
(to be sent with the Draft Preliminary Determination or Final Order)Transfer #: T-10311

- ☒ A Flowmeter will be required to be installed **prior to diversion of water** at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Tony JustusDistrict: 5Address: 116 SE Dorian Ave.City/State/Zip: Pendleton, OR. 97801Phone: 541-278-5456Email: Tony.G.JUSTUS@wrđ.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

The seal of the United Mine Workers of America, featuring a central emblem surrounded by the text "UNITED MINE WORKERS OF AMERICA".

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

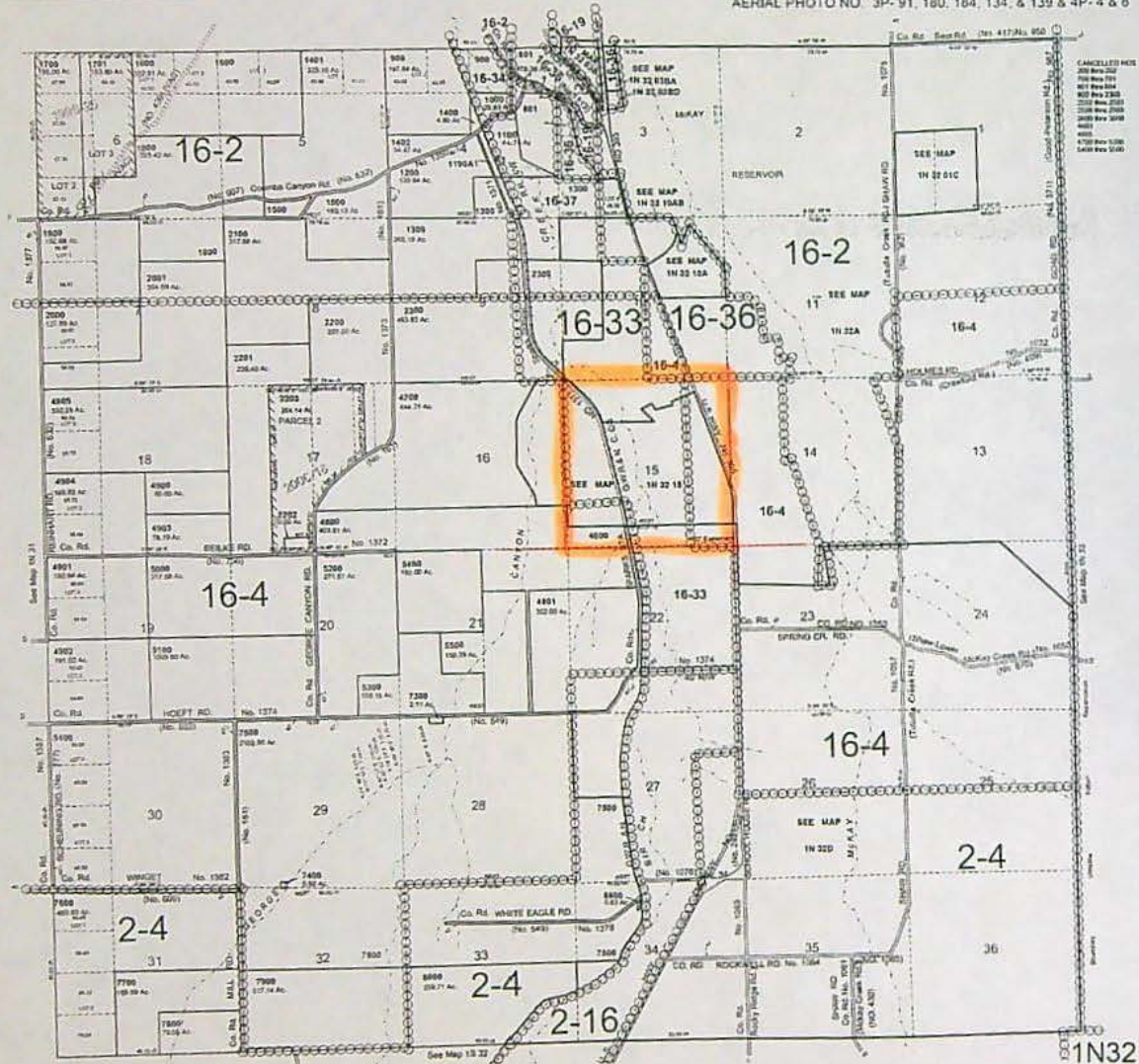
T1N R32E WM UMATILLA CO.

142108

SCALE: 1" = 2000'

1N 32

AERIAL PHOTO NO. 3P-91, 180, 184, 134 & 139 & 4P-4 & 8



UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

August 4, 2010 1:08:02 pm

Account # [REDACTED] Map # 1N3215-00-01200 Code - Tax # [REDACTED]	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL
Legal Descr PARTITION PLAT 2009-29 Lot - PARCEL 3	
Mailing Name PENDLETON COUNTRY CLUB Agent In Care Of Mailing Address 69772 S HWY 395 PENDLETON, OR 97801	Deed Reference # See Record Sales Date/Price See Record Appraiser BAKER, STEVE

Prop Class	551	MA	SA	NH	Unit
RMV Class	551	06	77	000	32593-3

Situs Address(s)	Situs City
ID# 69772 S HWY 395	PENDLETON

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR %
1604	Land	47,197	62,470	Land	100
	Impr.	0	0	Impr.	
Code Area Total		47,197	62,470	62,470	
1633	Land	964,575	1,002,840	Land	100
	Impr.	13,640	13,640	Impr.	
Code Area Total		978,215	1,016,480	1,016,480	
Grand Total		1,025,412	1,078,950	1,078,950	

					Land Breakdown						
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
1604	6	R		EFU	Farm Use Zoned	100	A	35.00	4-6		
1604	7	R		EFU	Farm Use Zoned	100	A	20.16	7-6		
1604	5	R		EFU	Rural Site	100	A	6.00	L		
Code Area Total								61.16			0.00
1633	1	R		EFU	Commercial Site	100	A	112.34	G-C		
1633	2	R		EFU	Farm Use Zoned	100	A	3.00	2-O		
1633	3	R		EFU	Farm Use Zoned	100	A	19.00	3-O		
1633	4	R		EFU	Farm Use Zoned	100	A	16.00	7-6		
Code Area Total								150.34			0.00
Grand Total								211.50			0.00

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
1633	1	1995	300	Farm Bldg	100	2,800			13,640
Grand Total						2,800			13,640

Exemptions/Special Assessments/Potential Liability	
Code Area	Type
1604	NOTATION(S): POTENTIAL ADDL TAX LIABILITY ADDED 2005 SPLIT CODE SPLIT CODES: 100623-1604, 100554-1633
1633	NOTATION(S): POTENTIAL ADDL TAX LIABILITY ADDED 2005 SPLIT CODE SPLIT CODES: 100623-1604, 100554-1633

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

August 4, 2010 1:52:46 pm

Account # [REDACTED] Map # 1N2215-00-01201-1 Code - Tax # [REDACTED] Legal Descr PARTITION PLAT 2009-29 Lot - PARCEL 1 Mailing Name PENDLETON COUNTRY CLUB Agent In Care Of Mailing Address 69772 S HWY 395 PENDLETON, OR 97801	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # See Record Sales Date/Price See Record Appraiser SALTER, JON
---	--

Prop Class	570	MA	SA	NH	Unit
RMV Class	400	06	77	000	32593-3

Situs Address(s)		Situs City			
Value Summary					
Code Area	AV	RMV	RMV Exception	CPR %	
1633 Land	32,510	32,510	Land	32,510	100
Impr.	0	0	Impr.	0	
Code Area Total	32,510	32,510		32,510	
Grand Total	32,510	32,510		32,510	

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
1633		R		EFU	Rural Site	100	A	1.00	L		
Grand Total								1.00			0.00

Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #			Trended RMV
Grand Total							0				0

Appr Maint: 2010 - SEGREGATION - TO

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

August 4, 2010 1:53:13 pm

Account # [REDACTED]	Tax Status ASSESSABLE
Map # 1N3215-00-01202	Acct Status ACTIVE
Code - Tax # [REDACTED]	Subtype NORMAL
Legal Descr PARTITION PLAT 2009-29	
Lot - PARCEL 2	
Mailing Name PENDLETON COUNTRY CLUB	Deed Reference # See Record
Agent	Sales Date/Price See Record
In Care Of	Appraiser SALTER, JON
Mailing Address	
69772 S HWY 395	
PENDLETON, OR 97801	

Prop Class	570	MA	SA	NH	Unit
RMV Class	400	06	77	000	32593-3

Situs Address(s)		Situs City			
Value Summary					
Code Area	AV	RMV	RMV Exception	CPR %	
1633 Land	32,510	32,510	Land	32,510	100
Impr.	0	0	Impr.	0	
Code Area Total	32,510	32,510		32,510	
Grand Total	32,510	32,510		32,510	

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
1633		R		EFU	Rural Site	100	A	1.00	L		
Grand Total								1.00			0.00

Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
Grand Total							0		0		

Appr Maint: 2010 - SEGREGATION - TO

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

August 4, 2010 1:08:30 pm

Account # [REDACTED]
 Map # 1N3215-00-01300
 Code - Tax # [REDACTED]
 Legal Descr See Record

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Mailing Name PENDLETON COUNTRY CLUB
 Agent
 In Care Of
 Mailing Address

Deed Reference # See Record
 Sales Date/Price See Record
 Appraiser BAKER, STEVE

69772 S HWY 395
 PENDLETON, OR 97801

Prop Class 551 MA SA NH Unit
 RMV Class 551 06 77 101 32594-1

Situs Address(s)	Situs City
ID# 69772 S HWY 395	PENDLETON

Value Summary				
Code Area	AV	RMV	RMV Exception	CPR %
1633 Land	15,832	18,400	Land	0
Impr.	472,770	472,770	Impr.	0
Code Area Total	488,602	491,170		0
Grand Total	488,602	491,170		0

Land Breakdown										
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class
1633	2	R		EFU	Farm Use Zoned	100	A	4.00	3-6	
1633	3	R		EFU	Farm Use Zoned	100	A	3.00	4-6	
1633	4	R		EFU	Farm Use Zoned	100	A	2.00	6-6	
1633	1	R		EFU	Rural Site	100	A	11.00	L	
Grand Total								20.00		0.00

Improvement Breakdown										Trended
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #		RMV
1633	1	1957	563	Entertainment - golf course/driving range	100	0				472,770
Grand Total									0	472,770

Exemptions/Special Assessments/Potential Liability										
Code Area	Type									
1633		NOTATION(S): POTENTIAL ADDL TAX LIABILITY ADDED 2005								

PP Account(s): 1633-130744

UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

August 4, 2010 1:08:49 pm

Account # [REDACTED] Map # 1N3215-00-01400 Code - Tax # [REDACTED] Legal Descr See Record Mailing Name PENDLETON COUNTRY CLUB Agent In Care Of Mailing Address 69772 S HWY 395 PENDLETON, OR 97801	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # See Record Sales Date/Price See Record Appraiser FIFE, TERRY
---	--

Prop Class	550	MA	SA	NH	Unit
RMV Class	550	06	77	000	32644-1

Situs Address(s)	Situs City
ID# 69772 S HWY 395	PENDLETON

Value Summary					
Code Area		AV	RMV	RMV Exception	CPR %
1604	Land	1,743	5,920	Land	0
	Impr.	0	0	Impr.	0
Code Area Total		1,743	5,920		0
Grand Total		1,743	5,920		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
1604	1	R		EFU	Farm Use Zoned	100	A	8.00	4-6		
1604	2	R		EFU	Farm Use Zoned	100	A	1.00	6-6		
1604	3	R		EFU	Farm Use Zoned	100	A	6.00	7-6		
Grand Total								15.00			0.00

Improvement Breakdown										Trended RMV
Code Area	ID#	Yr Built	Stat Class	Description	Improvement	TD%	Total Sq. Ft.	Ex%	MS Acct #	
Grand Total										0

Code Area		Exemptions/Special Assessments/Potential Liability								
1604		NOTATION(S): POTENTIAL ADDL TAX LIABILITY ADDED 2005								



Umatilla Assessment and Taxation Web Query

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[S = Summary Report](#)
[G = Legal Report](#)
[L = Ledger Report](#)
[T = Tax Summary Report](#)
[I = Inprocess](#)
[U = Unworkable](#)
[F = Foreclosure](#)
[C = Code Areas](#)

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Goto Page: Go Showing Page: 1 of 1 (4 records found)

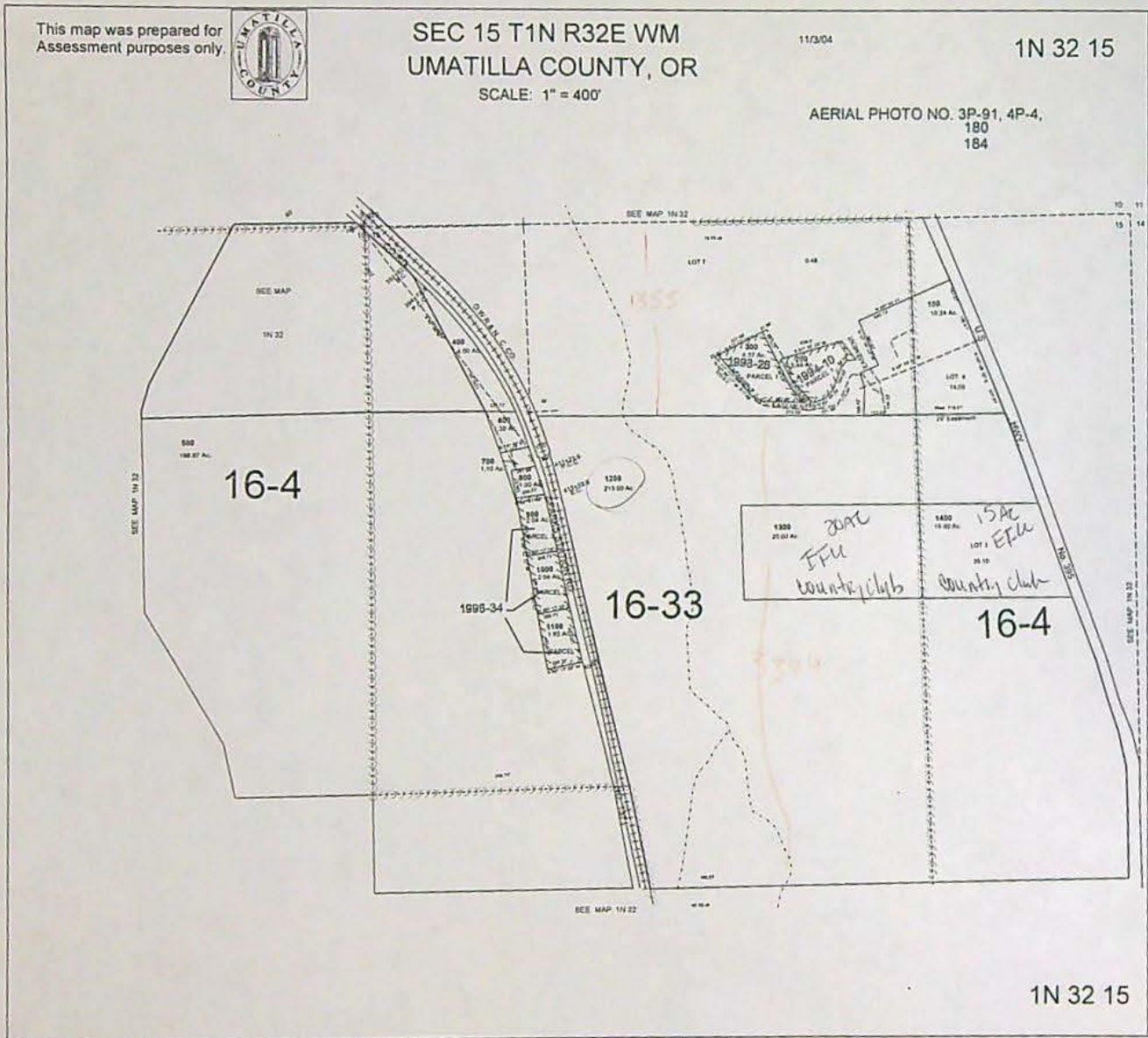
D S L T	Acct #	Roll	Property Address	Mailing Name	Map & Taxlot	I U F C
<u>D</u> <u>S</u> <u>L</u> <u>I</u>	100554	R	69772 S HWY 395	PENDLETON COUNTRY CLUB	1N32150001200	2
<u>D</u> <u>S</u> <u>L</u> <u>I</u>	100555	R	69772 S HWY 395	PENDLETON COUNTRY CLUB	1N32150001300	1
<u>D</u> <u>S</u> <u>L</u> <u>I</u>	100624	R	69772 S HWY 395	PENDLETON COUNTRY CLUB	1N32150001400	1
<u>D</u> <u>S</u> <u>I</u>	130744	P	69772 S HWY 395	PENDLETON COUNTRY CLUB		1

[Previous](#)
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1201
1202

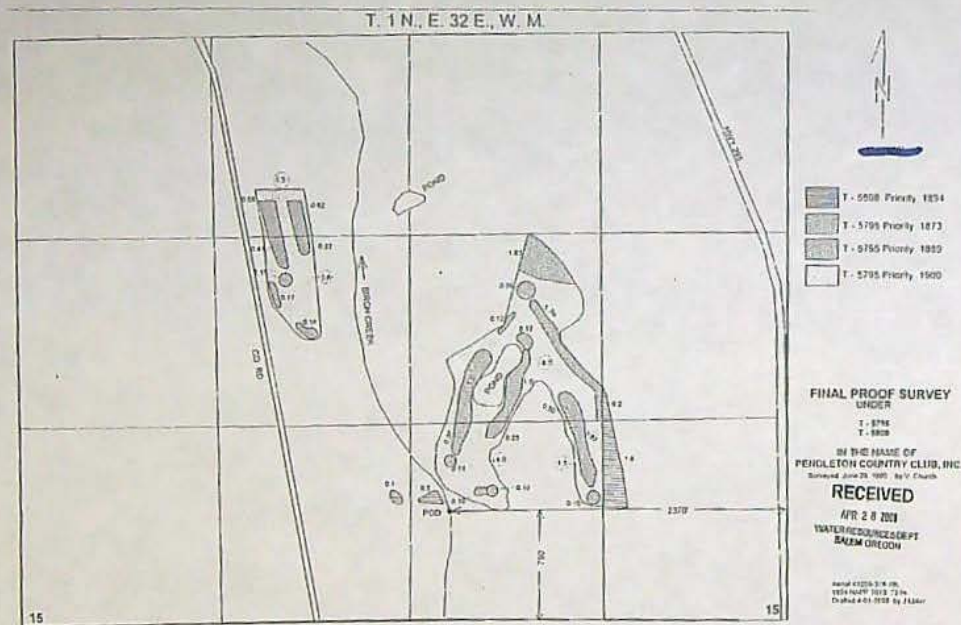
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20.16
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11234 commercial EFU
3.0 } Farm Use.
19.0 }
18.0 }
82.3 152.34



1355
3300
-660
5315

6-219



SCALE: 1" = 1320



Oregon Water Resources Web Mapping Application (beta)

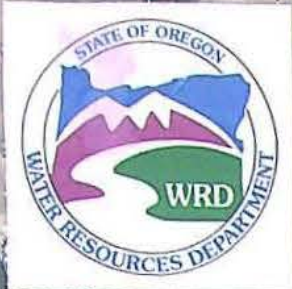
Map Contents

- ☒ OWRD Data
 - ☒ Rule Boundaries
 - ☒ Political Boundaries
 - ☒ Water Availability
 - ☐ Water Rights
 - ☒ Surface water
- ☒ Base Data
 - ☐ Political Boundaries
 - ☐ PLS
 - ☐ Roads
 - ☐ Surface water
 - ☐ Topography
- ☒ Imagery
 - ☒ Aerial Photography
 - ☐ USGSquads

Results

Getting Information. . .





Skyview
Memorial Park

McK

1"=660'

BM 1454

Pendleton
Country Club

15

395

Well

Text

BM



Ken Dowden

BOARD Mtg.

22nd

From: Ken Dowden
Sent: Tuesday, March 30, 2010 8:36 AM
To: 'Chris Fulton'
Cc: Tony Justus
Subject: RE: Pendleton Country Club (T-10311)
Thanks Chris. Sounds great.

I have reserved the conference room for 8:30, and I have asked Tony Justus to join us.

Let me know if there is anything specific that you need copies of and I will have those ready for you. I will definitely have copies of the maps available for you.

See you then.

From: Chris Fulton [mailto:ChrisFulton@ctuir.org]
Sent: Monday, March 29, 2010 4:34 PM
To: Ken Dowden
Subject: RE: Pendleton Country Club (T-10311)

Ken,

I may not have the jargon down, I guess "trading" is not the term I should have used. At any rate, Wednesday morning would work fine. Shall we say 8:30am at your office?

Chris Fulton
Fisheries Habitat Biologist
Umatilla Basin Fisheries Habitat Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way
Pendleton, OR 97801

(541) 429-7263 (o)
(509) 540-2372 (c)
chrisfulton@ctuir.org

From: Ken Dowden [mailto:dowdenkd@wrdd.state.or.us]
Sent: Monday, March 29, 2010 4:30 PM
To: Chris Fulton
Subject: RE: Pendleton Country Club (T-10311)

Hi Chris.

I'm not sure about any trading but would sure like to discuss what I have on my plate and what is needed to move forward on the country club's transfer.

I can arrange any time here in the conference room to meet with you this week. I had a big meeting out in Hermiston all morning today. That is it for me for the week.

I would like to get caught up on a few things, how about this Wednesday morning? Any time.

Just let me know.

Thanks.

From: Chris Fulton [mailto:ChrisFulton@ctuir.org]

7/8/2010

Sent: Monday, March 29, 2010 3:45 PM
To: Ken Dowden
Cc: Mike Lambert
Subject: RE: Pendleton Country Club (T-10311)

Hi Ken,

Well, I'm back to work after a 2-week absence. Would you like to meet to discuss a plan for the possibility of trading surface rights for ground rights at both the Peterson and Broun dams? I typically work Monday – Thursday, 7:30-5:30. What does your schedule look like?

Thanks,

Chris Fulton
Fisheries Habitat Biologist
Umatilla Basin Fisheries Habitat Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way
Pendleton, OR 97801

(541) 429-7263 (o)
(509) 540-2372 (c)
chrisfulton@ctuir.org

From: Ken Dowden [mailto:dowdenkd@wrdd.state.or.us]
Sent: Monday, March 15, 2010 9:42 AM
To: Chris Fulton
Cc: Mike Lambert
Subject: RE: Pendleton Country Club (T-10311)

Thanks Chris, I look forward to working with you on this when you return.

We can discuss a plan then.

If I may add, enjoy these types of "vacations" now because they'll be grown and on their own before you know it. Take lots of pictures.

From: Chris Fulton [mailto:ChrisFulton@ctuir.org]
Sent: Monday, March 15, 2010 9:30 AM
To: Ken Dowden
Cc: Mike Lambert
Subject: RE: Pendleton Country Club (T-10311)

Hello Ken,

Thanks for the information and getting in touch. This is definitely something our program wants to pursue. The Umatilla Fish Habitat Program here at CTUIR has gone through multiple staff changes in a relatively short amount of time, consequently this process has unfortunately been left on the "back burner" but now it is time to renew this effort.

I am the assistant fish habitat biologist for our program, and Mike Lambert is our Project Leader. Unfortunately, I am currently on a 2 week "vacation" in order to care for our 3-month old son, but will be back in the office on Monday, March 29th. For the next two weeks, I will only be able to provide a limited amount of attention to this process, but look forward to getting back to work and continuing the effort in a couple of weeks. Feel free to contact my supervisor, Mike Lambert, if you have any questions or concerns. I will be checking my email daily as well.

Thanks,

Chris Fulton
(509) 540-2372 (cell number)

7/8/2010

From: Ken Dowden [mailto:dowdenkd@wrdd.state.or.us]
Sent: Fri 3/12/2010 4:27 PM
To: Chris Fulton
Cc: Tony Justus; Mike Ladd
Subject: Pendleton Country Club (T-10311)

Hello Mr. Fulton, my name is Ken Dowden with the Water Resources Department here in Pendleton, OR. I process water right transfer applications for the North Central Region, OWRD.

Tony Justus, Watermaster whom you just met up with yesterday provided me your name and number to get ahold of you. I have hopes of bringing you up to speed on the Pendleton Country Club's water right transfer application on Birch Creek and appreciate any new interest in this transfer that could potentially be thrown at it.

In February of 2007, the Department received a transfer application filed by Mr. R.H. Lewis, Fisheries Biologist w/CTUIR. Mr. Lewis explained in the cover letter accompanying the application that CTUIR expected to file some six applications for changes in points of diversion. Upon receipt of this transfer application T-10311, Tony Justus, in preparing his Watermaster injury review, determined that some of the water rights were not described accurately enough and requested our staff Assistant Watermaster June Miller develop a new map to perhaps better describe a couple of the rights under the ownership of the country club.

Over time other circumstances have prevented other applications on Birch Creek from being filed. (*from the six proposed*)

I have worked in the past with the former General Manager Richard Matteson, and now is Tyler Brooks at the PCC, but have not resolved the mapping issues plaguing the application.

At this point, the transfer application has been on "administrative hold" until March 1 and I would like to move forward with their request. Currently the transfer is set up for **rejection** because the application is not complete.

If there is anything you wish for Pendleton Country Club to know, the new Manager's name out there is Tyler Brooks @ (541) 443-8874. If there is anything I can do to facilitate some coordination with the PCC, again, with hopes of getting this transfer moving again, let me know.

Thanks.

Ken Dowden
N.C. Region Transfer Specialist
Oregon Water Resources Department
116 S.E. Dorion Ave.
Pendleton, Oregon 97801
ph# (541) 278-5456

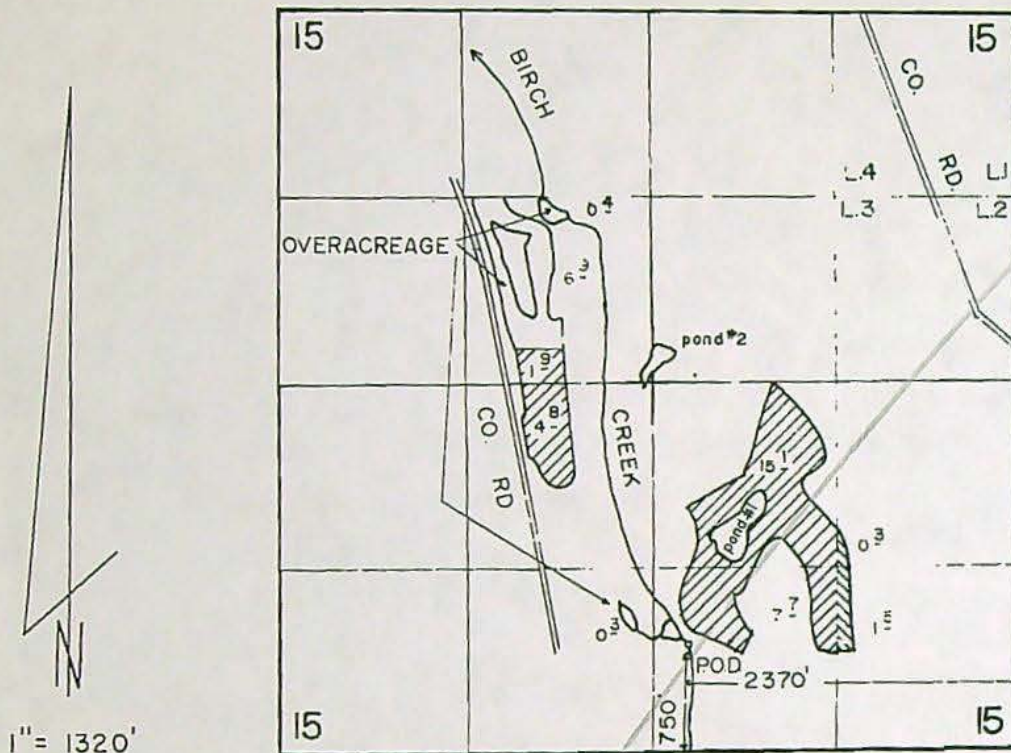
REC'D SEP 07 2010

PENDLETON COUNTRY CLUB
DISTRIBUTION OF PLACE OF USE FOR CERTIFICATE 56171
 August 26, 2010

QTR-QTR	Priority	56171 ACRES	Tees/Greens	Fairways	Rough	SUM	SUM
SW NE	1873	6.2	0.8	1.8		2.6	6.2
SW NE	1889					0.0	
SW NE	1900				3.6	3.6	
SE NW	1873	21.8	1.2	2.9		4.1	21.8
SE NW	1889			3.4		3.4	
SE NW	1900				14.3	14.3	
NE SW	1873	7.7	0.4			0.4	7.7
NE SW	1889			1.2		1.2	
NE SW	1900			1.1	5.0	6.1	
SE SW	1873	0.0				0.0	0.0
SE SW	1889					0.0	
SE SW	1900					0.0	
NW SE	1873	9.2	0.4			0.4	9.2
NW SE	1889			3.3		3.3	
NW SE	1900				5.5	5.5	
SW SE	1873	2.1	0.4			0.4	2.1
SW SE	1889					0.0	
SW SE	1900				1.7	1.7	
		47.0	3.2	13.7	30.1	47.0	47.0

1873	7.9	distributed to match splits by Tony Justus
1889	7.9	
1900	31.2	
TOTAL	47.0	

T. 1 N., R. 32 E., W.M.



PRIORITY 1894 (SUPPLEMENTAL) T 5808



PRIORITY 1873 1889 1890 (SUPPLEMENTAL) T 5795

FINAL PROOF SURVEY

UNDER

T 5795

T 5808.

Application No. Permit No.

IN NAME OF

PENDLETON COUNTRY CLUB, INC.

Surveyed JUNE 29 1990, by V.L. CHURCH

11-30-90 DSM
41059-378-19L

RECEIVED

JUL 23 1986

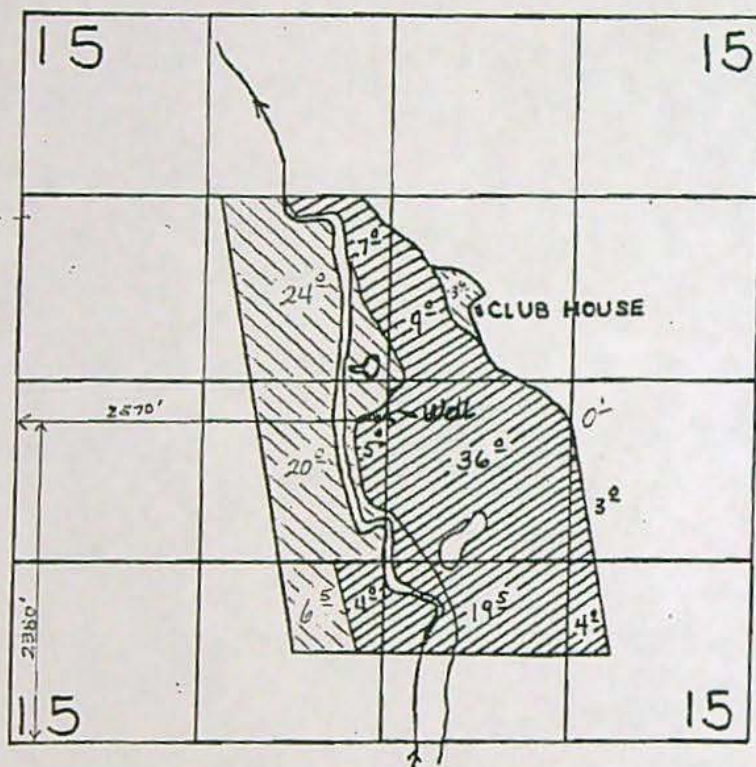
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP 22 1986

WATER RESOURCES DEPT
SALEM, OREGON

T. 1N. R. 32E. W.M.



1" = 1320'



Cert 30216 Primary Rights.



New Primary Rights under App. #11524.

Application No. G-11524

Permit No. G10675

10311

File Edit View Favorites Tools Help

Back Forward Stop Search Folders

Address C:\Transfers\Done2009\10311 Go

Folders	Name	Date Modified	Size	Type
Done2004	10311-dPD REJECT.doc	9/9/2009 9:22 AM	131 KB	Microsoft Word Doc...
Done2005	10311-deficiencies 02.doc	7/6/2009 1:17 PM	56 KB	Microsoft Word Doc...
Done2006	Transfer App-1.doc	1/23/2009 10:50 AM	157 KB	Microsoft Word Doc...
Done2007	Suppl_Form_A 56171.doc	1/23/2009 10:45 AM	225 KB	Microsoft Word Doc...
Done2008	Suppl_Form_A 56172.doc	1/23/2009 10:40 AM	226 KB	Microsoft Word Doc...
Done2009	Supplemental_Form_A.doc	1/23/2009 10:39 AM	225 KB	Microsoft Word Doc...
8494	MEMO TO THE FILE.doc	9/9/2009 9:37 AM	27 KB	Microsoft Word Doc...
9891	10311-dPDapprove.doc	1/20/2009 5:18 PM	114 KB	Microsoft Word Doc...
10171	JUNEdeficiencies.wpd	8/4/2008 8:41 AM	3 KB	WordPerfect 7 Doc...
10282				
10311				
10405				
10430				
10543				
10555				
10617				
10630				
10640 GR mod				
10654_hstoric				
10789 ind TEMP				
10884 GR Mod				
10885 GR Mod				
InnDistricts				
USFS Corncob vs Davis				
ELECTRONIC DOCUMENT STORAGE				
Fee Schedule				
Fish Friendly				
Groundwater Registrations				
Instream Transfers Lease				
map_files				
Maps ARC view				
Maps Decree				
MikesProjects				
ODFW				
ORS and OAR				
Parrow Archives				
Porf				
Presentation_displays				
PROCESSING TOOLS				
DDPNECleared				

Type: Microsoft Word Document Author: Nicole Charlson Title: OWRD Application for Water Right Transfer Date Modified: 1/23/2009 157 KB My Computer

JUNE SENT OUT DEF. LETTER AUG 1, 2008

T-10331

mtg w/ RICHARD MATTESON AUG. 13th 2008
ph mtg w/ " " AUG. 14, 2008

mtg on AUG 15, 2008 w/ MATTESON \$600 for ADI

OCT 13th 2008 CALLED J. WARMER, ON STATUS OF HIS MAPS

JAN 21, 2009
mtg in CONFERENCE

ph mtg w/ TYLER BROOKS 1/22/09

CALLED TYLER BROOKS ON JAN 22, 2009

e-mail to JOHN WARMER JANUARY 23, 2009 EXPLANATION

1887 1900
0.1
4.0
2.6
16.7
7.9
-36.3

1887 1900
2.6
5.1
7.7

1813
1.3
1.0
0.4
4.2
1.1/80

DEC. 12 w/ JOHN WARMER
WENT OVER MAPS and APPLICATION
JULY 6th SENT SECOND DEFERENCE

INSTREAM WATER RIGHT

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

confirms the right to use the waters of BIRCH CREEK, a tributary of the UMATILLA RIVER, in the UMATILLA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN BIRCH CREEK FROM THE CONFLUENCE OF THE EAST AND WEST FORKS OF BIRCH CREEK (SECTION 17, T 1 S, R 32 E, W.M.) TO THE MOUTH (SECTION 13, T 2 N, R 32 E, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is NOVEMBER 3, 1983.

The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - NOV 30	8
DEC 1 - JAN 31	20
FEB 1 - MAY 31	30
JUN 1 - JUN 30	20
JUL 1 - JUL 31	12
AUG 1 - SEP 30	8

This instream water right shall not have priority over domestic or livestock uses or waters to be legally stored or legally released from storage.

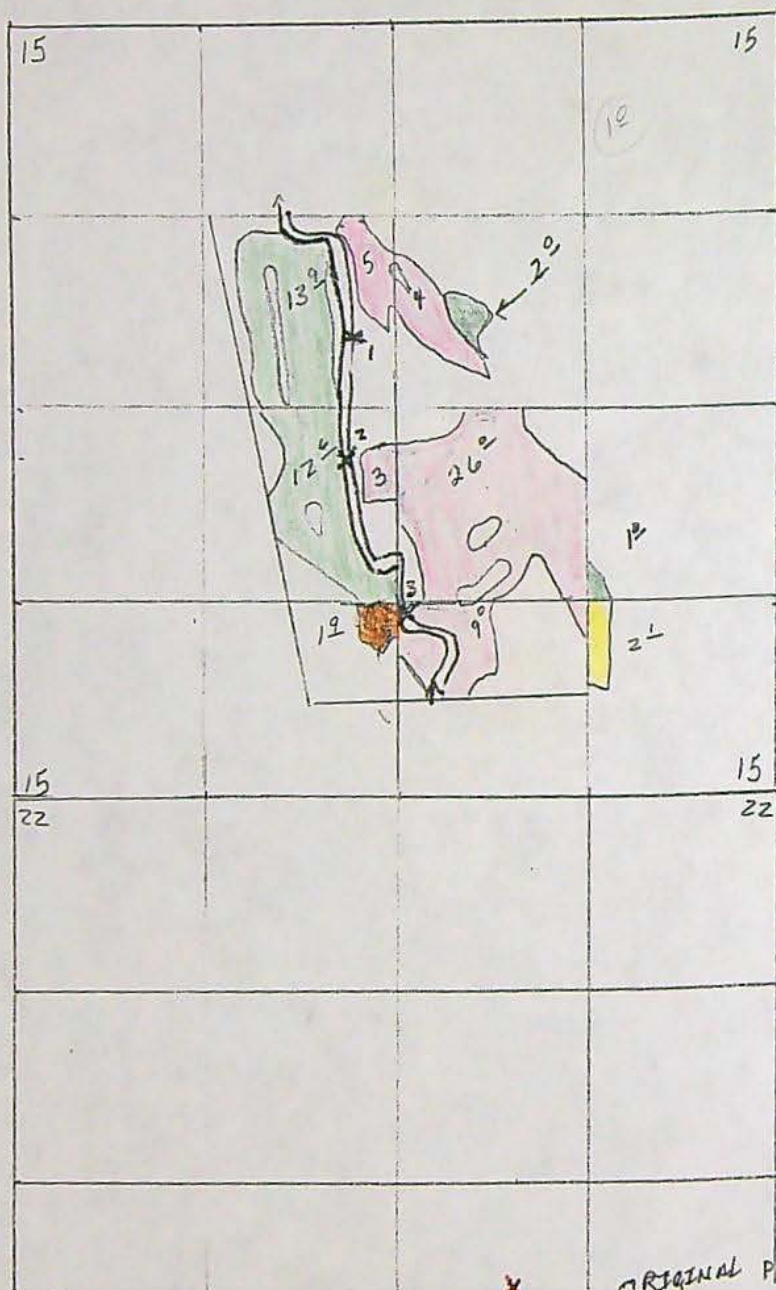
Witness the signature of the Water Resources Director affixed this 1st day of February, 1989.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates number 59836.

MF220

copy from
map Tony
had



- T-5795 (3 pods) (295)(s) (C2534)
- C# 56171 rr original pod (0) (2534) (47)(s)
- T-5808 (3 pods) 21(s) (C2410)
- C# 56172 (0) original pod (C2610) (See 22) (BRAIN CR.) 12(s)

POD = CERT. #56171

X ORIGINAL POD

3.5 of SW SE

- 1) SHOULD AMEND APPLICATION TO INCLUDE Δ POD of C# 56171 (IN PEAK, UNDERLAYING OLD EMBROIDERY TRANSFER)
- 2)
- 3) STILL NEED THREE P.O.D's ?
- 4) NEED CANCELLATION AFFIDAVIT FOR

RECEIVED

JUL 23 1986

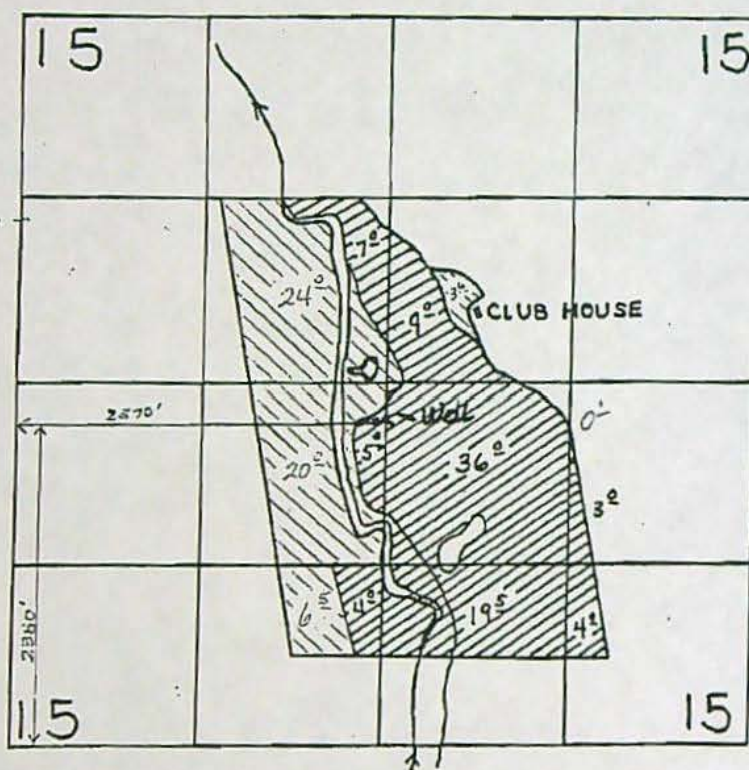
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

SEP 22 1986

WATER RESOURCES DEPT
SALEM, OREGON

T. 1N. R. 32E. W.M.



1" = 1320'



Cert 30216 Primary Rights.

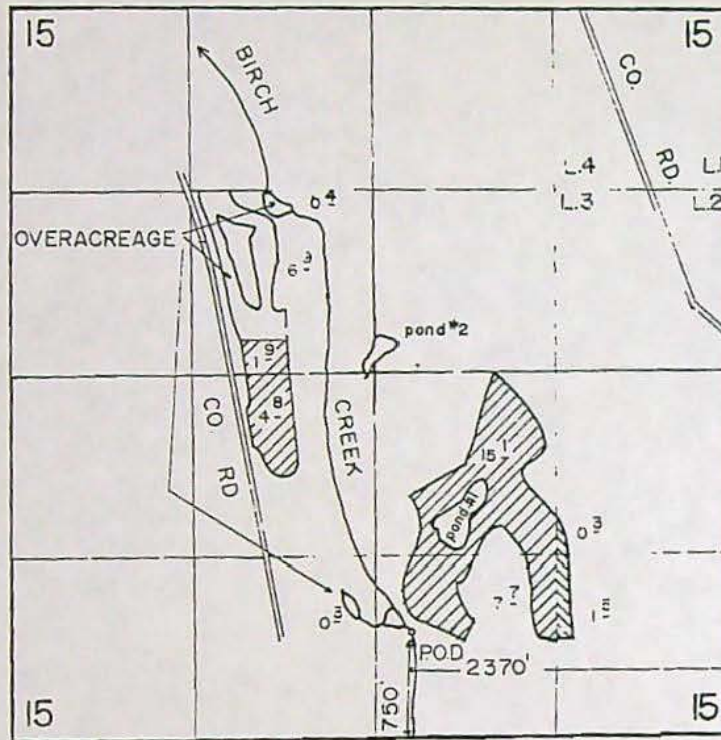
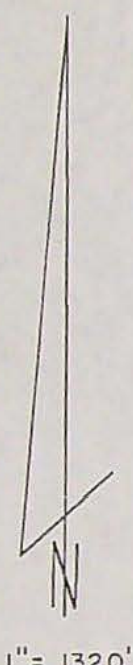


New Primary Rights under App. #11524.

Application No. G-11524

Permit No. G10675

T. 1 N., R. 32 E., W.M.



PRIORITY 1894 (SUPPLEMENTAL) T 5808



PRIORITY 1873 1889 1890 (SUPPLEMENTAL) T 5795

FINAL PROOF SURVEY

UNDER

T 5795

T 5808.

Application No. Permit No.

IN NAME OF

PENDLETON COUNTRY CLUB, INC.

Surveyed JUNE 29 1990, by V.L. CHURCH

NOTE:





THIS MAP HAS BEEN
SUPERSEDED BY MAP
PREPARED BY JUNE MILLER
(ARE INFO (P. 29))

11-30-90 DSM
41059-378-19L

T. 1 N., E. 32 E., W. M.



1" = 400'

-  T - 5808 Priority 1894
-  T - 5795 Priority 1873
-  T - 5795 Priority 1889
-  T - 5795 Priority 1900

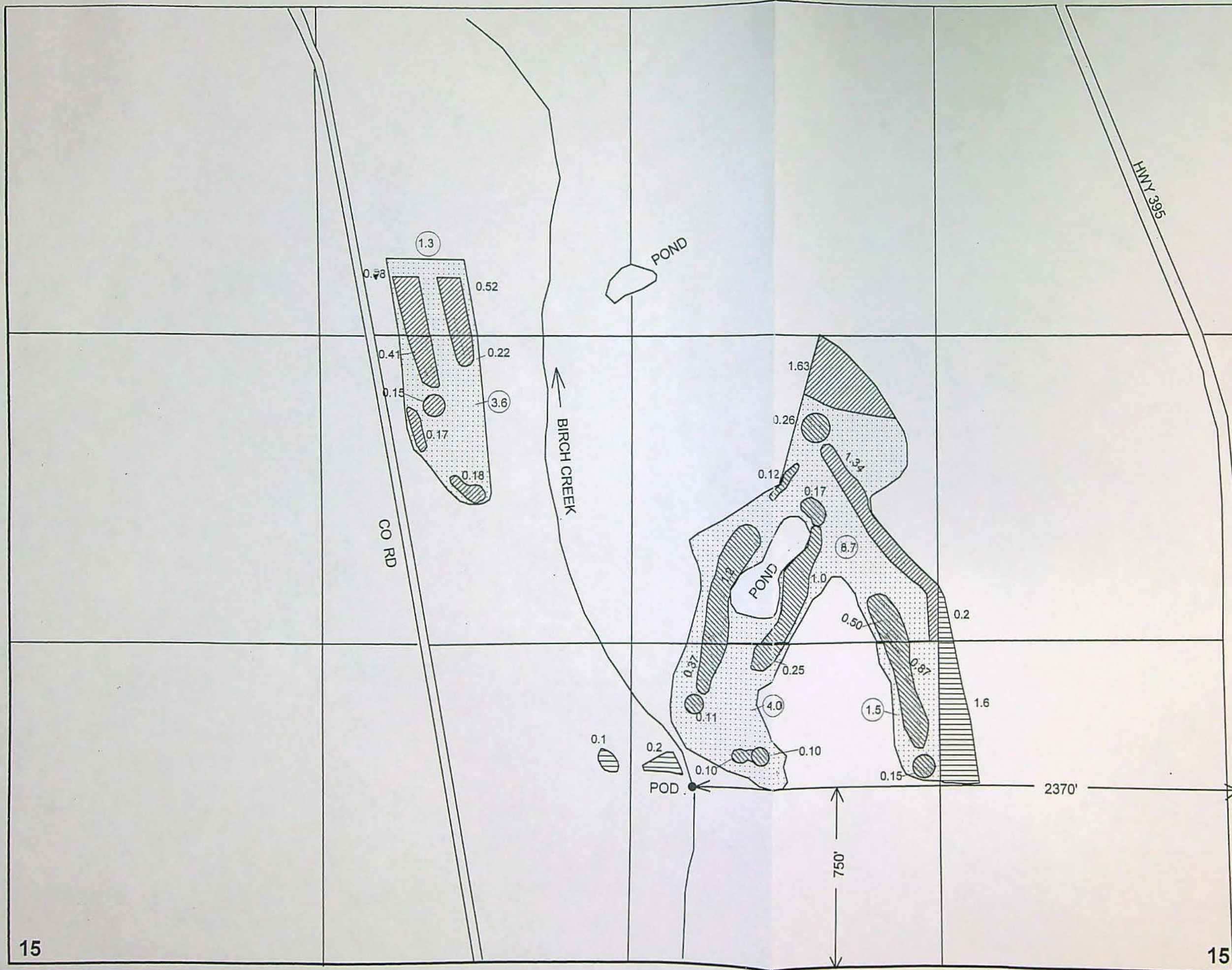
**FINAL PROOF SURVEY
UNDER**

T - 5795
T - 5808

**IN THE NAME OF
PENDLETON COUNTRY CLUB, INC.**

Surveyed June 29, 1990, by V. Church

Aerial 41059-378-19L
1994 NAPP 7013 72 Hi
Drafted 4-01-2008 by J Miller



John Warinner

From: Ken Dowden [dowdenkd@wrd.state.or.us]
Sent: Friday, January 23, 2009 9:57 AM
To: John Warinner
Subject: Transfer Appl. Forms for Pendleton CC (T-10311)
Attachments: TransferApp-1.doc; Suppl_Form_A 56171.doc; Suppl_Form_A 56172.doc

As promised, attached are the three forms which should provide you with a headstart on getting the application amended/updated.

They are:

- Transfer application itself
- Supplemental Form A - Cert# 56171
- Supplemental Form A - Cert# 56172

After consulting with the club, you will find out the whether:

- 1) they are moving any of the C# 56172, or simply a ▲ Point of Diversion (1.9 acres)
- 2) determining the ▲ Place of Use of the 47.0 acres (supplemental)
- 3) they are going with 3 new Points of Diversion or just the 1 POD

Ken Dowden

N.C. Region Transfer Specialist
Oregon Water Resources Department
116 S.E. Dorion Ave.
Pendleton, Oregon 97801
ph# (541) 278-5456

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 1 North Range: 32 East Section: 15 Records per Page: 7 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	NE NE	NW NE	SE NE	SW NE	SW NW	SE NW	SE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select App:G 16962 *		11/15/2007	IRRIGATION									32.3		6.47	39	40	17					
Additional Info: COHO INC. App: G16962																						
Select Cert:2497 OR CN		12/31/1889	IRRIGATION, CN LIVESTOCK AND DOMESTIC														75		0.5			
Additional Info: GEO W BUSH Decree: UMATILLA RIVER Cert: 2497																						
Select Cert:2534 OR CN			IRRIGATION CN					1		9		12	0.5		7	5				37	40	
Additional Info: J A GUDERIAN Decree: UMATILLA RIVER Cert: 2534																						
Select Cert:2610 OR CN		12/31/1894	IRRIGATION, CN LIVESTOCK AND DOMESTIC														8					
Additional Info: S H ROCKWELL Decree: UMATILLA RIVER Cert: 2610																						
Select Cert:28597 OR *		5/19/1953	IRRIGATION														8.2			18.2	4.6	
Additional Info: J L/GOLDIE B ELDRIDGE App: U606 Permit: U555 Cert: 28597																						
Select Cert:29146 OR CN	T8318	3/12/1956	IRRIGATION CN									2.7	3	2.8								
Additional Info: WILLIAM EDLRIDGE App: G262 Permit: G185 Cert: 29146																						
Select Cert:30216 OR CN		3/23/1956	DOMESTIC CN																			
Additional Info: PENDLETON COUNTRY CLUB INC. App: G278 Permit: G236 Cert: 30216																						

1 2 3 4 5

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

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	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 QQ	
Select Cert:30216 OR CN Additional Info: PENDLETON COUNTRY CLUB INC. App: G278 Permit: G236 Cert: 30216		3/23/1956	IRRIGATION	CN						12.6					31	25			10.5	0.1	22.4	5.4			
Select Cert:56170 RR * Additional Info: GEO W BUSH Decree: UMATILLA RIVER Cert: 56170		12/31/1889	IRRIGATION, LIVESTOCK AND DOMESTIC															5							
Select Cert:56171 RR * Additional Info: J A GUDERIAN Decree: UMATILLA RIVER Cert: 56171	T10311	12/31/1900	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							4					5	3					26	9			
Select Cert:56171 RR * Additional Info: J A GUDERIAN Decree: UMATILLA RIVER Cert: 56171	T10311		IRRIGATION					1				12	0.5									20			
Select Cert:56172 RR * Additional Info: S H ROCKWELL Decree: UMATILLA RIVER Cert: 56172		12/31/1894	IRRIGATION, LIVESTOCK AND DOMESTIC (Suppl'mtl)															5.9							
Select Cert:57558 RR * Additional Info: PENDLETON COUNTRY CLUB INC. App: G278 Permit: G236 Cert: 57558		3/23/1956	IRRIGATION							3.6					24	20			6.5	0.1					
Select Cert:65983 OR * Additional Info: JAMES M BROWN App: G11497 Permit: G10611 Cert: 65983		3/21/1986	IRRIGATION						0.9																
1 2 3 4 5																									

1 2 3 4 5

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

Water Rights Platcard Report

Meridian: WILLAMETTE ▼ Township: 1 North ▼ Range: 32 East ▼ Section: 15 ▼ Records per Page: 7 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	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	Unkown QQ
Select	Cert:65983 OR *		3/21/1986	IRRIGATION			4		2.5																
	Additional Info: JAMES M BROWN App: G11497 Permit: G10611 Cert: 65983																								
Select	Cert:75579 OR CN		8/29/1977	IRRIGATION	CN				2.6	30.5			0.3	16.6											
	Additional Info: RONALD F HOEFT App: G8414 Permit: G7967 Cert: 75579																								
Select	Cert:75579 OR CN		8/29/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN								22.4	10.3											
	Additional Info: RONALD F HOEFT App: G8414 Permit: G7967 Cert: 75579																								
Select	Cert:75580 OR *		3/9/1977	IRRIGATION									10.4	9.8											
	Additional Info: EDWIN HOEFT App: S55452 Permit: S41823 Cert: 75580																								
Select	Cert:76272 RR *		8/29/1977	IRRIGATION					0.7	27.4			0.3	16.6											
	Additional Info: RONALD F HOEFT App: G8414 Permit: G7967 Cert: 76272																								
Select	Cert:76272 RR *		8/29/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									22.4	10.3											
	Additional Info: RONALD F HOEFT App: G8414 Permit: G7967 Cert: 76272																								
Select	Cert:79761 RR *		3/12/1956	IRRIGATION											1.63	0.69	0.18								
	Additional Info: WILLIAM ELDRIDGE App: G262 Permit: G185																								

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 1 North Range: 32 East Section: 15 Records per Page: 7 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(100):	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 QQ
Select Cert:82653 CF *		3/23/1956	DOMESTIC							*														
Additional Info: PENDLETON COUNTRY CLUB INC. App: G278 Permit: G236 Cert: 82653																								
Select Inchoate: T 5795 CF (REG) *			SUPPLEMENTAL IRRIGATION (Suppl'mtl)							(4)					(2)	(2)					(10.5)	(11)		
Additional Info: PENDLETON COUNTRY CLUB INC. Decree: UMATILLA RIVER																								
Select Inchoate: T 5808 CF (REG) *		12/31/1894	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			(2.1)		
Additional Info: PENDLETON COUNTRY CLUB INC. Decree: UMATILLA RIVER																								
Select Inchoate: T 8301 CF (REG) *		8/29/1977	IRRIGATION						(3.1)															
Additional Info: ROY L COMRIE App: G8414 Permit: G7967																								
Select Inchoate: T 8301 CF (REG) *		8/29/1977	IRRIGATION			4		(1.9)																
Additional Info: ROY L COMRIE App: G8414 Permit: G7967																								
Select Inchoate: T 8318 CF (REG) *		3/12/1956	IRRIGATION										(1.07)	(2.31)	(2.62)									
Additional Info: SUSAN KOELLER App: G262 Permit: G185																								
Select Permit:G 10675 *			IRRIGATION							9					11	3				5	36	19.5	4	
Additional Info: PENDLETON COUNTRY CLUB INC. App: G11524 Permit: G10675																								
1 2 3 4 5																								

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

Water Rights Platcard Report

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): 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	Unkown QQ
Select Permit:G 10675 *			RECREATION															*		*	*		
Additional Info: PENDLETON COUNTRY CLUB INC. App: G11524 Permit: G10675																							
1 2 3 4 5																							

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

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 1 North Range: 32 East Section: 22 Records per Page: 7 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160)	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	Unkown QQ
Select Cert:2497 OR CN Additional Info: GEO W BUSH Decree: UMATILLA RIVER Cert: 2497		12/31/1889	IRRIGATION, CN LIVESTOCK AND DOMESTIC						11	18		1												
Select Cert:2534 OR CN Additional Info: J A GUDERIAN Decree: UMATILLA RIVER Cert: 2534			IRRIGATION CN						18															
Select Cert:2579 OR CN Additional Info: LOUIS MALE Decree: UMATILLA RIVER Cert: 2579			IRRIGATION, CN LIVESTOCK AND DOMESTIC															5				25		
Select Cert:2610 OR CN Additional Info: S H ROCKWELL Decree: UMATILLA RIVER Cert: 2610		12/31/1894	IRRIGATION, CN LIVESTOCK AND DOMESTIC									2												
Select Cert:28597 OR * Additional Info: J L/GOLDIE B ELDRIDGE App: U606 Permit: U555 Cert: 28597		5/19/1953	IRRIGATION					1.6	32.4	24.2		12.2			8.6	7.3					23.2			
Select Cert:28599 OR * Additional Info: J L/GOLDIE B ELDRIDGE App: G219 Permit: G137 Cert: 28599		1/24/1956	IRRIGATION					30.7	3	0.1	33.8									34.5	2.6			
Select Cert:49735 RR CN Additional Info: LOUIS MALE Decree: UMATILLA RIVER App: 3160 Cert: 49735			IRRIGATION, CN LIVESTOCK AND DOMESTIC															5				25		

12

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

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 1 North Range: 32 East Section: 22 Records per Page: 7 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Cert:50922 RR CN Additional Info: LOUIS MALE Decree: UMATILLA RIVER Cert: 50922			IRRIGATION, LIVESTOCK AND DOMESTIC	CN															5				25	
Select Cert:54769 RR CR * Additional Info: LOUIS MALE Decree: UMATILLA RIVER Cert: 54769			DOMESTIC																*				*	
Select Cert:54769 RR CR * Additional Info: LOUIS MALE Decree: UMATILLA RIVER Cert: 54769			IRRIGATION																5				25	
Select Cert:54769 RR CR * Additional Info: LOUIS MALE Decree: UMATILLA RIVER Cert: 54769			LIVESTOCK																*				*	
Select Cert:56170 RR * Additional Info: GEO W BUSH Decree: UMATILLA RIVER Cert: 56170		12/31/1889	IRRIGATION, LIVESTOCK AND DOMESTIC					11	18		1													
Select Cert:56171 RR * Additional Info: J A GUDERIAN Decree: UMATILLA RIVER Cert: 56171		T10311	IRRIGATION					18																
Select Cert:56172 RR * Additional Info: S H ROCKWELL Decree: UMATILLA RIVER Cert: 56172		12/31/1894	IRRIGATION, LIVESTOCK AND DOMESTIC (Suppl'mtl)								2													

Ken Dowden

From: Tony Justus
Sent: Wednesday, December 19, 2007 9:21 AM
To: 'Ken.D.DOWDEN@wrд.state.or.us'
Subject: FW: Pendleton Country Club, Inc.

Attachments: Pendleton Country Club FPS.pdf

Ken, FYI, this may result in changes to current transfer T-10311.

From: Gerry Clark
Sent: Tuesday, December 18, 2007 5:12 PM
To: Tony Justus
Subject: RE: Pendleton Country Club, Inc.

Tony,

I checked the files and found that Final Proof Surveys were completed for the files. I have attached the requested maps.



Pendleton Country
Club FPS.pdf...

We will update WRIS to indicate that the FPS were completed and I will forward the files to Larry Nunn to review.

In June's field inspection for the Ground Water file, she indicated that the area developed was as proposed by the application (inspection).

The FPS map prepared by Vern indicates that they were over acreage.

Let me know if you need any additional information.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrд.state.or.us/>

From: Tony Justus
Sent: Friday, December 14, 2007 1:13 PM
To: Gerry Clark
Subject:

Pendleton Country Club about 1986 went through several processes to get water rights where they needed them. They filed Transfers T-5808 and T-5795 as well as a new permit, G-10675 which is application # G-11524. Based on our intranet certificate tracking data base it appears to me that final proof surveys have not been completed or submitted for any of these actions. Please verify that is the case. If they have been submitted, I would like copies of the final proof surveys. If not, then what is the procedure for us getting them completed? I believe these would have been before we implemented CWRE processes.



STATE OF OREGON

County of UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11524 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Pendleton Country Club, Inc., Highway 395, Pendleton, Oregon, 97801, phone 278-0355, for use of the waters from one well,

for the PURPOSE of Irrigation of 87.5 acres and maintenance of two ponds for recreation uses to include hazards and aesthetic purposes, being 1.09 cubic feet per second for irrigation and 0.05 cfs for recreation,

that the PRIORITY OF THE RIGHT dates from May 12, 1986 for water for irrigation and November 3, 1986 for water for recreation,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.14 cubic feet per second,

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: 2380 feet North and 2570 feet East from the Southwest corner of Section 15, being within the NE 1/4 SW 1/4 Section 15, Township 1 North, Range 32 East, WM, in the County of Umatilla.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 1 North, Range 32 East, WM Section 15	SW1/4 NE1/4	9.0 acres
	SE1/4 NW1/4	7.0 acres
	NE1/4 SW1/4	5.0 acres
	SE1/4 SW1/4	4.0 acres
	NE1/4 SE1/4	3.0 acres
	NW1/4 SE1/4	36.0 acres
	SW1/4 SE1/4	19.5 acres
	SE1/4 SE1/4	4.0 acres

Township 1 North, Range 32 East, WM Section 15	SE 1/4 NW 1/4	MAINTENANCE OF
	NW 1/4 SE 1/4	PONDS
	SW 1/4 SE 1/4	

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 1/80 of one cubic foot per second per acre, 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.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 26, 1988, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1988.

Complete application of the water to the proposed use shall be made on or before October 1, 1989.

Witness my hand this 26th day of February, 1987.

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION G-11524

PERMIT

G10675

Tony Justus

From: Gerry Clark
Sent: Tuesday, December 18, 2007 5:12 PM
To: Tony Justus
Subject: RE: Pendleton Country Club, Inc.

Attachments: Pendleton Country Club FPS.pdf

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Pendleton Country
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Let me know if you need any additional information.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

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Sent: Friday, December 14, 2007 1:13 PM
To: Gerry Clark
Subject:

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April 24, 2008

Gerry,

Here is the map for the Pendleton Country Club for Transfers 5808 and 5795 that Larry sent me the files to finish.

I did not find a corner to reference the diversion from, therefore assumed from the topographic map to the SE SE, Section 15. I did try and find this corner, however must be under the asphalt on highway 395.

I did take a gps reading at the diversion.

All the acres are covered under both transfers.

Larry asked me to send the map and the acres identifying the transfers, 1/4 1/4 acres and priorities.

If you have any questions, please let me know.

Thank you

June Miller



Pendleton Country Club
69772 Hwy 395 South
Pendleton, OR 97801

APR 11 2011

WATER RESOURCES DEPT
SALEM, OREGON

				Company ID	Order ID			
				114	390			
Order Type	Columns	Inches	Times Run	Description	First Run	Last Run	Amount Owed	
Legal	2	4.5	3	Water Right Transfer T-10311	2/24/11	3/10/11	\$175.50	
							Total Due: \$175.50	

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

} ss.

COUNTY OF UMATILLA

I, Marguerite Maznaritz, being first duly sworn, depose and say that I am the publisher of **THE PENDLETON RECORD**, a newspaper of general circulation, as defined by sections 193.010, 193.020 O.R.S.; printed and published at Pendleton in the aforesaid county and state; that:

Legal Notice

**Water Rights Transfer
T 10311**

Pendleton Country Club

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 consecutive weeks in the following issues:

February 24, March 3, 10, 2011

Marguerite Maznaritz

Subscribed and sworn to before me this 18th day of

March 2011

Blake K. Allstott
Notary Public for Oregon

My commission expires:
8th day of April 2014



RECEIVED

APR 11 2011

WATER RESOURCES DEPT
SALEM, OREGON

Legal Notice

**Notice of Preliminary Determination for
Water Right Transfer T-10311**

T-10311 filed by Pendleton Country Club, 69772 Hwy 395 South, Pendleton, OR 97801, proposes to change the place of use and points of diversion for portions of two existing water rights. Certificate 56172 allows the use of 0.022 cfs (priority date of 1894) and Certificate 56171 allows the use of 0.58 cfs (priority date of 1873 for 7.9 acres, 1889 for 7.9 acres and 1900 for 31.2 acres) both from a diversion in Sec. 22, 71N, R32E, W.M., on Birch Creek, tributary to the Umatilla River, for irrigation in Sec. 15. The applicant proposes to change the point of diversion for both rights downstream approximately 4,500 feet to new POD#1 and approximately 5,700 feet downstream to POD#2 both within Sec. 15, T1N R32E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-2110 and 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest for and/or additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is March 10, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published in the Pendleton Record on February 24, March 3, 10, 2011.



Oregon

John A. Kitzhaber, MD, Governor

January 12, 2011

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

SUBJECT: Transfer Application T-10311

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10311. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

Because the new points of diversion are more than ¼ mile from the authorized points of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by February 28, 2011.

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 (503) 986-0890 or Dorothy.I.Pedersen@wr.d.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services

cc: Tony G. Justus, District 5 Watermaster
John S. Warinner, CWRE: at FOUNTAINHEAD, 1204 Alvarado Terrace, Walla Walla, WA. 99362

encs

Pd Noticed

1-18-11 3/10
Affid. of Pub due 2/28
5 left reminders 3/7
FO due 4/11 4/1



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10311, Umatilla County	)	PROPOSING APPROVAL OF
	)	CHANGES IN POINTS OF DIVERSION
	)	AND PLACE OF USE AND PARTIAL
	)	CANCELLATION OF CERTAIN
	)	WATER RIGHTS

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON, OR 97801

Findings of Fact

Background

1. On February 8, 2007, the Pendleton Country Club filed an application to change the point of diversion and place of use under Certificate 56171. The Department assigned the application number T-10311.
2. On August 11, 2008, the Pendleton Country Club filed an amendment to also change point of diversion under Certificate 56172. On September 7, 2010, and November 16, 2010, the applicant sent in revised maps, describing changes to the place of use under the two water rights proposed.
3. The portion of the FIRST right to be transferred is as follows:
Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)
Use: SUPPLEMENTAL IRRIGATION of 47.0 ACRES
Priority Date: 1873 for 7.85 acres, 1889 for 7.85 acres and 1900 for 31.3 acres
Rate: 0.58 CUBIC FOOT PER SECOND

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.
--

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 22

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SW NE	4.0
1 N	32 E	WM	15	SE NW	5.0
1 N	32 E	WM	15	NE SW	3.0
1 N	32 E	WM	15	NW SE	26.0
1 N	32 E	WM	15	SW SE	9.0

4. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

5. Application T-10311 also proposes to change the place of use for the above described water right to:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	Acres (per Priority Date)		
					1873	1889	1900
1 N	32 E	WM	15	SW NE	2.6	--	3.6
1 N	32 E	WM	15	SE NW	4.05	3.35	14.4
1 N	32 E	WM	15	NE SW	0.4	1.2	6.1
1 N	32 E	WM	15	NW SE	0.4	3.3	5.5
1 N	32 E	WM	15	SW SE	0.4	--	1.7
Sub-Totals:					7.85	7.85	31.3
TOTAL:					47.0 Acres		

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

Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)

Use: SUPPLEMENTAL IRRIGATION of 1.9 ACRES

Priority Date: 1894 for Tract #1

Rate: 0.022 CUBIC FOOT PER SECOND

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 N	32 E	WM	15	SE SW	1.9

7. Application T-10311 proposes to change the point of diversion for the above described water right downstream approximately 4,500 feet to new POD #1 and to add new POD #2 located approximately 5,700 feet downstream:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	15	SW SE	POD #1 - 710 FEET NORTH AND 2340 FEET WEST FROM THE SE CORNER OF SECTION 15
1 N	32 E	WM	15	NE SW	POD #2 - 2265 FEET NORTH AND 3015 FEET WEST FROM THE SE CORNER OF SECTION 15

8. Notice of the application for transfer was published on February 20, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
10. On November 2, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 4, 2010, for the applicant to respond.
11. On November 8, 2010, the Department discovered an error in the calculation of the breakdown of acreage per Certificate 56171. The Department notified the applicant and Certified Water Rights Examiner (CWRE) about the acreage number changes. The CWRE provided a revised map to clarify the new acreages. The total amount of acres did not change, but only the breakdown of acres per each priority date, as reflected in Findings of Fact #3 and #5.
12. On November 17, 2010, the applicant requested the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

13. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

14. A diversion structure and ditch 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-10311.
15. The proposed change would not result in enlargement of the rights.
16. The proposed change would not result in injury to other water rights.

Partial Cancellation of two Water Rights

17. On November 3, 2010, Calvin Tyler, President of the Pendleton Country Club, owner of the property appurtenant to the following water rights, has submitted two voluntary cancellation affidavits meeting the requirements of ORS 540.621.

18. The portion of the FIRST water right to be cancelled is described as follows:

Certificate: 56171 in the name of J. A. GUDERIAN (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1873, 1889, 1900

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	700 FEET SOUTH AND 1800 FEET WEST FROM THE E¼ CORNER OF SECTION 22

Place of Use to be cancelled: DOMESTIC & STOCK				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SW NE
1 N	32 E	WM	15	SE NW
1 N	32 E	WM	15	NE SW
1 N	32 E	WM	15	NW SE
1 N	32 E	WM	15	SW SE

19. The portion of the SECOND water right to be cancelled is described as follows:

Certificate: 56172 in the name of S. H. ROCKWELL (confirmed by Umatilla River decree)

Use: DOMESTIC and STOCK USE

Priority Date: 1894 for Tract #1

Limit/Duty: subject to the provisions of Paragraph 33 of said decree and all other conditions and limitations contained in said decree

Source: BIRCH CREEK, a tributary to the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 N	32 E	WM	22	NW SE	-- not specified

Place of Use to be cancelled: DOMESTIC & STOCK				
Twp	Rng	Mer	Sec	Q - Q
1 N	32 E	WM	15	SE SW

Determination and Proposed Action

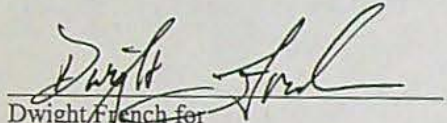
The change in points of diversion and change in place of use proposed in Transfer Application T-10311 appear to be with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned water right portions should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned rights will be cancelled.

If application T-10311 is approved, the final order will include the following:

1. *The changes in points of diversion and place of use proposed in application T-10311 are approved and the abandoned portions of water rights are cancelled.*
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 56171 and 56172 and any related decree.*
3. *Water right certificates 56171 and 56172 are cancelled. New certificates will be issued describing those portions of the rights not transferred or cancelled by this order.*
4. *The quantity of water diverted at the new points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.*
5. *The former places of use of the transferred right shall no longer receive water under the right.*
6. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
7. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*

- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 12 day of January 2010.


Dwight French for
PHILIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrdd.state.or.us.

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

**Notice of Preliminary Determination for
Water Right Transfer T-10311**

T-10311 filed by Pendleton Country Club, 69772 Hwy 395 South, Pendleton, OR 97801, proposes to change the place of use and points of diversion for portions of two existing water rights. Certificate 56172 allows the use of 0.022 cfs (priority date of 1894) and Certificate 56171 allows the use of 0.58 cfs (priority date of 1873 for 7.9 acres, 1889 for 7.9 acres and 1900 for 31.2 acres) both from a diversion in Sec. 22, T1N, R32E, W.M., on Birch Creek, tributary to the Umatilla River, for irrigation in Sec. 15. The applicant proposes to change the point of diversion for both rights downstream approximately 4,500 feet to new POD#1 and approximately 5,700 feet downstream to POD#2 both within Sec. 15, T1N, R32E, W.M.. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540, OAR 690-380-2110 and 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Ken Dowden

To: Tyler Brooks
Subject: RE: Pioneer Title, Report No. 87687

Thanks Tyler. I will print out this e-mail, place into the file, and send off to Salem when the report shows up.

Thanks again!

From: Tyler Brooks [<mailto:pendletoncc@yahoo.com>]
Sent: Wednesday, November 17, 2010 10:53 AM
To: Ken Dowden
Subject: RE: Pioneer Title, Report No. 87687

I have read and agree with the terms and conditions of the document and I wish to proceed forward. I am okay with the new findings of acreage numbers and the new map that John just drafted reflecting the small changes.

Tyler Brooks, PGA
Head Golf Professional/Club Manager
Pendleton Country Club
541-443-8874
Visit www.pendletoncc.com for more information regarding Pendleton Country Club

--- On Wed, 11/17/10, Ken Dowden <dowdenkd@wrд.state.or.us> wrote:

From: Ken Dowden <dowdenkd@wrд.state.or.us>
Subject: RE: Pioneer Title, Report No. 87687
To: "Tyler Brooks" <pendletoncc@yahoo.com>
Date: Wednesday, November 17, 2010, 8:25 AM

Tyler, yes, please bring the hard copy by or drop in the mail.

John Warinner

From: Ken Dowden [dowdenkd@wrd.state.or.us]
Sent: Monday, November 15, 2010 12:49 PM
To: John Warinner
Cc: 'Tyler Brooks'; Tony Justus
Subject: RE: Pendleton Country Club (T-10311)

The map looks great John. Thanks for the quick turn-around on this.

Please go ahead and send in the stamped and signed final. And again, sorry for the confusion.

Then Tyler, if you are in agreement with the new numbers, I will add a Findings of Fact to the Preliminary Determination eluding to this amendment of the map and subsequent breakdown in acreages.

Also, Tyler, when you get the Ownership report from the Title Company, and you agree with everything contained in the draft of the Preliminary Determination, then send in this written approval and ownership report, and I will get this file off to Salem for the issuance of the Preliminary Determination, signed by the Director.

Thanks again for keeping on top of this!

From: John Warinner [<mailto:johnw@watersolving.com>]
Sent: Monday, November 15, 2010 11:37 AM
To: Ken Dowden
Cc: Tony Justus; 'Tyler Brooks'
Subject: RE: Pendleton Country Club (T-10311)

Ken –

A revised map is attached.

All the acreage changes were made within the SE NW quarter-quarter section.

Please review this and confirm that it makes the adjustments you requested.

When I receive your confirmation, I will print, sign and send copies to you and Tyler.

Thank you,
JohnW

John Warinner, PE, CWRE
FOUNTAINHEAD
1204 Alvarado Terrace
Walla Walla, WA 99362

(509) 529-2646 office
(509) 520-4103 mobile
johnw@watersolving.com

From: Ken Dowden [<mailto:dowdenkd@wrld.state.or.us>]
Sent: Tuesday, November 09, 2010 8:15 AM
To: Tyler Brooks; John Warinner
Cc: Tony Justus
Subject: RE: Pendleton Country Club (T-10311)

Okay, let me try this again!

My math was off below, lost a lot of sleep over this..... (it was only 0.1 acres total)

From: Ken Dowden
Sent: Monday, November 08, 2010 3:48 PM
To: 'Tyler Brooks'
Cc: 'John Warinner'
Subject: Pendleton Country Club (T-10311)

Hello Gentlemen. You two have probably received the draft of the Preliminary Determination (dPD) I sent out last Friday by now.

In re-examining the records from the recent Cert#84483, we now have found an error in our calculations under the breakdown of the 1873 and 1889 priority dates acreages. Appears nothing more than a rounding error, but, we cannot short change the other two landowners (Homer Peterson & James Hummel) who may be filing transfers shortly based on the same water right (remaining portion) and same scenario we've just plowed our way through. Although this adjustment seems small, it is best to take care of this error now before we issue the Final Order approving the transfer, finalizing the numbers.

We found the following, appearing at the bottom of Page 1 of 6 of the dPD, under Findings of Fact #3:

Priority Date: 1873 for 7.9 acres, 1889 for 7.9 acres and 1900 for 31.2 acres

What we now find is:

Authorized Place of Use:

Twp	Rng	Mer	Sec	PRIORITY DATE (Acres)			User
				1873	1889	1900	
1N	32E	WM	15	7.85	7.85	31.3	Pendleton Country Club

What this means unfortunately is that the map will need to be adjusted to "shave" off essentially 0.1 acres from some $\frac{1}{4}$ $\frac{1}{4}$ portion, being 0.05 acres of the 1873 and 0.05 acres of the 1889 somewhere. I would just take it from the largest polygons, and change just the annotation box of the acreage amount per each priority date, and not so much re-drawing of any of the shapes (polygons). Then somewhere, add the 0.1 acres to a 1900 priority date polygon.

I am sorry for any inconvenience this may cause.

John Warinner

From: John Warinner [johnw@watersolving.com]
Sent: Monday, August 30, 2010 9:33 AM
To: 'Ken Dowden'
Cc: 'Tyler Brooks'
Subject: RE: Pendleton Country Club (T-10311)
Attachments: Transfer Map PCC 56171 56172 30AUG10.pdf

Ken/Tyler –

Please disregard previous map (dated 27AUG2010).
 I noticed a few clerical errors (qtr-qtr sections).
 Then decided to revise the note at top of map legend.

Hopefully this one (30 AUG 2010) can be considered FINAL.

Thank you,
 JohnW

From: John Warinner [mailto:johnw@watersolving.com]
Sent: Friday, August 27, 2010 4:44 PM
To: 'Ken Dowden'
Cc: 'Tyler Brooks'
Subject: RE: Pendleton Country Club (T-10311)

Ken –

Attached is a revised Detail Map that includes the changes you requested during our meeting this morning.

Please review this carefully and give me the OK before I print, sign, mail final copies of this map.

Thank you,
 JohnW

From: Ken Dowden [mailto:dowdenkd@wrdd.state.or.us]
Sent: Friday, August 27, 2010 3:27 PM
To: 'Tyler Brooks'
Cc: Chris Fulton; John Warinner
Subject: Pendleton Country Club (T-10311)

Hello Gentlemen.

Thanks to all of you for your efforts in getting this important file moving again. We are now very close to completing the application and map where I can finalize my review and soon send out the draft of the Preliminary Determination (dPD), proposing approval of your transfer. I will receive the final amended "detail" map from John soon.

As discussed, assuming the affidavits for the stock and domestic portions come in relatively quickly, I will be sending out this draft by end of next week I hope. With that said, there were two topics that

were very far off in the future considering where this transfer was over three years ago, but now, well, we're here. I think best to bring up these topics now so you won't feel blindsighted by these requests coming out in upcoming letters. Of course this was all explained to Richard Matteson a couple of years ago.

All transfers, at this juncture, once we know the file is headed towards approval, my cover letter will ask the Club to now submit a report of landownership for the lands to which the water rights are appurtenant. The report must be prepared by a title company. The title company's report must either be: 1) prepared within three months of this draft Preliminary Determination, or 2) reflect ownership information within three months of the recording of any water right conveyance agreements for the property in the county deed records, if any exist. Once I receive this report, and all checks out, I will have completed the field portion of the transfer and will then ship the file to Salem for final processing.

Also, customary and routine for transfers proposing changes in point(s) of diversion over a quarter mile, and/or having intervening points of diversion between the authorized and new POD's, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice is required in statute and must be published at least once a week for three consecutive weeks. **We will provide a copy of the required notice to you** upon issuance of the Preliminary Determination, the next step. This actual PD will come from Salem with Director's signature. That is a couple of weeks down the road.

More to come. Please call me if you have questions.

Thanks again.

Mike Ladd

From: Ken Dowden
Sent: Wednesday, November 18, 2009 11:32 AM
To: Mike Ladd; Tyler Brooks
Subject: RE: Request for administrative hold
Hello Tyler.

Thanks for taking the time to speak with us again with the hopes of completing this transfer.

Your request for more time is certainly valid and believe is a worthwhile investment in sorting all the issues out in order to move forward. I will update our database with a March 1, 2010 date to get back to you. However, I look forward to working with you before then.

If you need more than 90 days, certainly let us know.

Ken

From: Mike Ladd
Sent: Wednesday, November 18, 2009 9:49 AM
To: Tyler Brooks
Cc: Ken Dowden
Subject: RE: Request for administrative hold

Thanks Tyler, good talking to you this morning. I will have Ken respond with most likely a 90 day administrative hold. This will give you some time to get your hands around the transfer and get your superintendent involved and then set up a meeting with us in December or January.

Michael F. Ladd
Regional Manager
North Central Region
Oregon Water Resources
116 SE Dorion
Pendleton, Oregon 97801
(541) 278-5456
(541) 278-0287 Fax
Michael.F.Ladd@wrd.state.or.us

From: Tyler Brooks [mailto:pendletoncc@yahoo.com]
Sent: Wednesday, November 18, 2009 8:59 AM
To: Mike Ladd
Subject: Request for administrative hold

Mike,
I would like to request an administrative hold on our transfer. I look forward to meeting with you in the future and getting this project finished.

Thanks for your help.

Tyler Brooks
Manager/Head Golf Professional
Pendleton Country Club

11/18/2009

Ken Dowden

From: Ken Dowden
Sent: Wednesday, November 18, 2009 11:32 AM
To: Mike Ladd; Tyler Brooks
Subject: RE: Request for administrative hold
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Michael F. Ladd
Regional Manager
North Central Region
Oregon Water Resources
116 SE Dorion
Pendleton, Oregon 97801
(541) 278-5456
(541) 278-0287 Fax
Michael.F.Ladd@wrdd.state.or.us

From: Tyler Brooks [<mailto:pendletoncc@yahoo.com>]
Sent: Wednesday, November 18, 2009 8:59 AM
To: Mike Ladd
Subject: Request for administrative hold

Mike,
I would like to request an administrative hold on our transfer. I look forward to meeting with you in the future and getting this project finished.

Thanks for your help.

Tyler Brooks
Manager/Head Golf Professional
Pendleton Country Club

11/18/2009

443-8874



OREGON WATER RESOURCES
DEPARTMENT & UMATILLA COUNTY
WATERMASTERS OFFICE

N.C. Region & Dist #5
116 S.E. Dorion Ave.
Pendleton, OR 97801

ph# (541) 278-5456
Fax # (541) 278-0287

443-2323

To: TYLER BROOKS
PENDLETON COUNTRY CLUB

Date: 9/30/09

From: MIKE LADD

Pages: 3 (INCLUDING COVER)

Message:

HERE IS A COPY OF THE LETTER WE SENT
OUT REGARDING YOUR TRANSFER APPLICATION
T-10311.

IF YOU NEED OR WOULD LIKE A FACE TO FACE
MEETING, PLEASE LET ME KNOW. OTHERWISE
WILL YOU PLEASE LET ME KNOW WHAT OPTION YOU
WOULD LIKE TO PURSUE:

1. HAVE WRD REJECT TRANSFER
 2. HAVE PENDLETON COUNTRY CLUB WITHDRAW THE TRANSFER
 3. ASK FOR AN "ADMINISTRATIVE HOLD" ON THE TRANSFER
- THANKS -- MIKE LADD



Oregon

Theodore R. Kulongoski, Governor

July 6, 2009

— file copy

Water Resources Department
North Central Region
116 S.E. Dorian Avenue
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

PENDLETON COUNTRY CLUB
Attn: TYLER BROOKS
and/or ROBERT J. BLANC
69772 HWY 395 SOUTH
PENDLETON, OR 97801

SUBJECT: Transfer Application T-10311

Mr. Brooks and/or Mr. Blanc,

I am continuing my review of your water right transfer application for changes in POINTS OF DIVERSION and PLACE OF USE under portions of water right Certificates 56171 and 56172. There are a couple of issues that still need to be resolved before I can continue processing your transfer.

I have met with your Certified Water Rights Examiner (CWRE), John Warinner three times here in this office to go over the mapping deficiencies. The original CWRE map contained several deficiencies in its layout in describing the water rights proposed to be modified. Specifically, our staff has found several of the polygons on lands do not appear to match the subject water rights.

It appears that the map does not adequately represent Birch Creek surface water rights and how they mesh with the groundwater rights. In-depth review by the Watermaster staff has found it difficult to determine which acres are irrigated from which point(s) diversion or proposed point(s) diversion. To that end, the major mapping errors are described as follows:

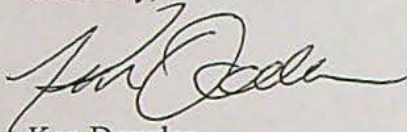
- 1) **CERTIFICATE 56171** --- basically move the Supplemental acreages under C# 56171 and place onto the June Miller Final Proof map supplied to Mr. Warinner, but not overlapping the acreages under Certificates 84482 and 84483. The goal is to place the 47.0 acres of supplemental on top of the groundwater primary rights, essentially filling in the rest of the "voids" and covering all the fairways and such. Again the amended map must describe which acres are to be irrigated from which new proposed POD(s).
- 2) **CERTIFICATE 56172** --- essentially determine where the new change in place of use will occur, determine and map what acreage will be irrigated from which new point of diversion.
- 3) **CERTIFICATES 84482 AND 84483** --- should the new amended map include these new certificates for a change in POD to manage the rights from the new POD(s)?
- 4) Does the Club plan to construct three new POD's or just one?
- 5) The map lacks descriptions of the water conveyance systems to each parcel. In other words, the map must contain the layout of pipelines, ditches and/or pump stations.

The complexity of the amount of water rights and specific acreages attached to the priority dates and their associated POD's must be cleared on the map by the applicant. The Department depends on understanding whether the new point(s) of diversion will be used to irrigate all the lands, or the parcels you describe by hachuring each water right, consistent with the breakdown of each priority date for a couple of the water rights identified.

The last time we met with Mr. Warinner was this past January and I have not heard or received any new amended maps and/or new application reflecting the map. Please consult with your water rights examiner Mr. Warinner and make the above described needed corrections to the map and application. As mentioned above, the Department has met with Mr. Warinner and provided multiple work copies of maps and partially completed draft application forms to complete the project. We will continue with issuance of a draft of the Preliminary Determination once we receive your amended map(s) and application supporting the new map. If we do not receive your amended map and application by August 6, 2009, a Preliminary Determination may be issued denying the application as incomplete.

If you should have any questions regarding the above information, please contact me at (541) 278-5456, or by my e-mail which is Ken.D.Dowden@ wrd.state.or.us.

Sincerely,



Ken Dowden
Field Services Division

cc: Tony Justus, District 5 Watermaster
John Warinner, CWRE → address: FOUNTAINHEAD, 1204 Alvarado Terrace, Walla Walla, WA. 99362

enc

REC'D AUG 15 2008

TRANSFER OF WATER RIGHTS (CHANGES TO WATER RIGHTS)
(OAR Chapter 690, Divisions 380 and 385)

I. Regular Transfers, Permit Amendments and Water Right Exchanges

A type of change is any of the following: place of use, point of diversion/appropriation, or character of use.

Base: minimum fee for one change to
a single water right or permit \$400.00

PLUS:

Each additional water right or permit \$200.00

Each additional type of change requested: \$400.00

Each change in place of use or type of use or
water exchange

\$200.00 for each cubic foot per second (cfs)
or fraction thereof in addition to the 1st cfs*

CERT. #56172
add'l \$200 for C# 56171

DEAR SARAH

PLEASE accept this check for 600.00 to AMMEND
our application T-10311 to include AN ADDITIONAL
water right AND change in place of use. Ken Dowdow in
the Pendleton office is working with us in getting this done.

Best Regards.

Richard Hyatt

PLEASE ADDRESS ALL future correspondence to Robert J. Blane,
President of Pendleton Country Club. 69772 Hwy 395 S.
Pendleton, OR. 541-443-8874



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Central Region
116 S.E. Dorian Avenue
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

August 1, 2008

Richard J. Matteson
Pendleton Country Club
69772 Hwy. 395 South
Pendleton, Oregon 97801

Attn: Richard J. Matteson,

First off, I want to thank you for coming in and visiting with me this morning on your transfer application 10311.

I returned your transfer application, previously submitted, for amendments.

As we discussed you may want to file for a place of use move, along with the points of diversion, for lands under water right certificate 56171.

You may want to include water right certificate 56172 with the transfer, as the diversion for this right is upstream in section 22 as well.

Additional fees would need to be submitted if you plan to add another change to the existing water right C-56171, as well as fees to include C-56172 in your transfer application.

Please call me if you have any questions.

Thank you for your time.

Sincerely,

June Miller
Assistant Regional Watermaster

cc: Tony Justus - Watermaster, District 5
Ken Dowden - Transfer Specialist



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 15, 2007

RICHARD J MATTESON
PENDLETON COUNTRY CLUB
69772 HWY 395 SOUTH
PENDLETON OR 97801

Reference: Transfer 10311

On February 8, 2007 we received your water right transfer application requesting point of diversion change for use of water from BIRCH CREEK, tributary to UMATILLA RIVER. The fees for this transfer application have been deducted from the Confederated Tribe Customer Account.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. 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 transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5
John Warinner, CWRE
Tim Bailey, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/20/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: UMATILLA
Transfer: 10311
Water Right: CERT 56171
Priority Date: 1873, 1900
Name: PENDLETON COUNTRY CLUB
Address: 69772 HWY 395 S; PENDLETON OR 97801
Change: POD
Source: BIRCH CREEK
Authorized POD: T1N R32E 22
Proposed POD: T1N R32E 15

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of UMATILLA)

We, Pendleton Country Club, located at 69772 Hwy 395 South,
OREGON 97, phone 541-443-4653, being first duly sworn,
depose and say:

1. We are the legal owners of the property described as tax lot numbers 1200, 1201, 1202, 1300, and 1400, within Section 15, in Township 1 North, Range 32 East, of the Willamette Meridian, in Umatilla County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 56171, issued to J.A. GUDERIAN, with a date of priority of 1873, 1889 and 1900, for the use of the waters of Birch Creek, a tributary of the Umatilla River, for the purpose of DOMESTIC and STOCK uses is appurtenant to our property;
3. We have abandoned any and all interest in the portions of this water right shown on the attached map and described as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	DOMESTIC and STOCK
SE $\frac{1}{4}$ NE $\frac{1}{4}$	DOMESTIC and STOCK
SE $\frac{1}{4}$ NW $\frac{1}{4}$	DOMESTIC and STOCK
NE $\frac{1}{4}$ SW $\frac{1}{4}$	DOMESTIC and STOCK
NW $\frac{1}{4}$ SE $\frac{1}{4}$	DOMESTIC and STOCK
SW $\frac{1}{4}$ SE $\frac{1}{4}$	DOMESTIC and STOCK

SECTION 15

TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; and,

4. We request that said portion of the right described above be canceled.

Calvin T. President
Signature of Legal Owner/Representative

10-29-10
Date

Signature of Co-Owner

Date

Subscribed and Sworn to Before Me this 29th day of October, 2010.



Alescia Kay Rosenbalm
Notary Public for Oregon

My Commission Expires 2/17/14

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

AFFIDAVIT FOR THE PARTIAL CANCELLATION OF A
WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of UMATILLA)

We, Pendleton Country Club, located at 69772 Hwy 395 South,
OREGON 97, phone 541-443-4653, being first duly sworn,
depose and say:

1. We are the legal owners of the property described as Tax Lot number 1200, within Section 15, in Township 1 North, Range 32 East, of the Willamette Meridian, in Umatilla County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number 56172, issued to S.H. ROCKWELL, with a date of priority of 1894, for the use of the waters of Birch Creek, a tributary of the Umatilla River, for the purpose of DOMESTIC and STOCK uses is appurtenant to our property;
3. We have abandoned any and all interest in the portions of this water right shown on the attached map and described as follows:

SE 1/4 SW 1/4 DOMESTIC and STOCK
SECTION 15
TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; and,

4. We request that said portions of the right described above be canceled.

Calvin Tyer President
Signature of Legal Owner/Representative

10-29-10
Date

Signature of Co-Owner

Date

Subscribed and Sworn to Before Me this 29th day of October, 2010.



Alescia Kay Rosenbalm
Notary Public for Oregon

My Commission Expires 2/17/11

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **93782**

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

INVOICE # _____

 RECEIVED FROM: PENDLETON COUNTY
 BY: CLUBS

APPLICATION	
PERMIT	
TRANSFER	<u>T-10311</u>

CASH: ☐ CHECK: # 4808 OTHER: (IDENTIFY) ☐TOTAL REC'D \$ 600.00**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES		\$
OTHER: (IDENTIFY)	RECEIVED OVER THE COUNTER	\$

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	\$ <u>600.00</u>		

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		\$

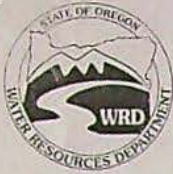
TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **93782** DATED: 8/18/08 BY: [Signature]



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

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

2. APPLICANT INFORMATION

Name: Pendleton Country Club (attn: Richard J. Matteson, CGCS General Manager)
First Last

Address: 69772 Hwy. 395 South

Pendleton Oregon 97801
City State Zip

Phone: 541-443-8874 N/A
Home Work Other

Fax: _____ E-Mail address: richard@pendletoncc.com

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: N/A John N/A Warinner
First Last

Address: N/A Fountainhead 1204 Alvarado Terrace

N/A Walla Walla N/A WA N/A 99362
City State Zip

Phone: N/A N/A N/A 509-520-4103
Home Work Other

Fax: N/A E-Mail address: N/A

- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

RECEIVED

T 10311

FEB 01 2007

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.	Certificated Right	Point of Diversion	56171
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

as per 8/15/06 letter from Richard Mathem SDP 12/5/10

☒ Place of Use ☒ Point of Diversion ☐ Additional Point of Diversion

☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation

☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): Enable removal of dam to improve fish passage in Birch Creek

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Headgate upstream of diversion dam diverts water from Birch Creek into conveyance ditch. Water flows in conveyance ditch to two hydraulically connected storage ponds. Pump station lifts water from the second pond into pressurized mainline. Water is distributed in mainline and applied to golf course and associated landscaping with automatically and independently operated sprinklers. Greens, tees, fairways and roughs can be irrigated independently.

- System capacity: .60 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

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SALEM, OREGON** FS

8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): N/A N/A
First Last

Address: N/A

N/A N/A N/A
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): N/A
First Last

Address: _____

City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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9. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☐ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

- ☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not Required if all of the following are met:
- ❶ In EFU zone or irrigation district,
 - ❷ Change in place of use only,
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ❹ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 350.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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WATER RESOURCES DEPT
SALEM, OREGON

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

10. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

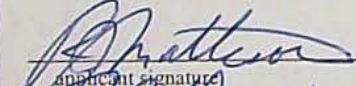

☒ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer (attached)** signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.)

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

 applicant signature	Richard J. Matteson (General Manager) name (print)	Jan. 29, 2007 date
 applicant signature	ROBERT T. BROOKS (CURRENT MANAGER) name (print)	8/27/2010 date

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WATER RESOURCES DEPT
SALEM, OREGON

FS

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 56171

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

THIS SUPPLEMENTAL
 FORM A SUPERSEDES
 FEBRUARY 01, 2007
 FORM A

[Signature]
 9/27/10

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	56171	Umatilla River Decree
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: J. A. GUDERIAN
- County: UMATILLA
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 1873, 1889, 1900

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: BIRCH CREEK
- Tributary to: Umatilla River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☒ Yes ☐ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? Cert[#]s 84481, 84482 & 84483. However, no conflict in that the Dept. is requiring landowner to place this supplemental WR onto these primaries as per new FP map. (J. Miller 2009)

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

▪ Certificate Number or other identifying number: 56171

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Birch Creek 1873, 1889, 1900	1 N	32 E	WM	22	NW SE		700 feet South & 1800 feet West from the E¼ Corner of Section 22.

▪ Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	N / A								

▪ Certificate Number or other identifying number: 56171

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided** only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
(BIRCH CREEK)							
1873, 1889, 1900	1 N	32 E	WM	15	SW NE		4.0
1873, 1889, 1900	1 N	32 E	WM	15	SE NW		5.0
1873, 1889, 1900	1 N	32 E	WM	15	NE SW		3.0
1873, 1889, 1900	1 N	32 E	WM	15	NW SE		26.0
1873, 1889, 1900	1 N	32 E	WM	15	SW SE		9.0
per Watermaster // breakdown of Priority Dates							
1873	7.9 ac						
1889	7.9 ac						
1900	31.2 ac						

▪ Certificate Number or other identifying number: 56171.

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table *only* if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Birch Cr. POD#1	1 N	32 E	WM	15	SW SE		710 feet North and 2340 Feet West from the SE Corner, Section 15.
Birch Cr. POD#2	1 N	32 E	WM	15	NE SW		2265 feet North and 3015 feet West from the SE Corner, Section 15.

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s) N/A

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: 56171.

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source (BIRCH CREEK)	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
1873, 1889, 1900 (acreages to be broken down by each priority)	1 N	32 E	WM	15			NEW Amended MAP
1873	1 N	32 E	WM	15	SW NE		2.6
1900	1 N	32 E	WM	15	SW NE		3.6
1873	1 N	32 E	WM	15	SE NW		4.1
1889	1 N	32 E	WM	15	SE NW		3.4
1900	1 N	32 E	WM	15	SE NW		14.3
1873	1 N	32 E	WM	15	NE SW		0.4
1889	1 N	32 E	WM	15	NE SW		1.2
1900	1 N	32 E	WM	15	NE SW		6.1
1873	1 N	32 E	WM	15	NW SE		0.4
1889	1 N	32 E	WM	15	NW SE		3.3
1900	1 N	32 E	WM	15	NW SE		5.5
1873	1 N	32 E	WM	15	SW SE		0.4
1900	1 N	32 E	WM	15	SW SE		1.7
					TOTAL:		47.0

Remarks: We desire to change the point of diversion to an existing point of diversion with with infrastructure already in place for our other Birch Creek rights. In other words, to better utilize the resources we currently have available. This supplemental water will be placed onto primaries in accordance with layout provided by Department because of new Final Proof Survey Map just completed.

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 56172

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____
<input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	<input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	<input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)
<input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.)		<input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
<input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)		
<input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.)		
<input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		

THIS SUPPLEMENTAL
 FORM A SUPERSEDES
 FEBRUARY 01 2007 FORM A
[Signature]
 8/27/10

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	56172	Umatilla River Decree
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: S. H. ROCKWELL
- County: UMATILLA
- Authorized Use(s) to be Affected by Transfer: Supplemental irrigation of 1.9 ac.
- Priority Date(s): 1894

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Birch Creek and McKay Creek
- Tributaries of the: Umatilla River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☒ Yes ☐ No ☒ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers?

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

▪ Certificate Number or other identifying number: 56172.

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Birch Creek 1894	1 N	32 E	WM	22	NW SE		not specified on Certificate

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	N / A								

▪ Certificate Number or other identifying number: 56172

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided only** for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Birch Cr. 1894	1 North	32 East	WM	15	SE SW	1200	1.9 acres
▲ POD only							

▪ Certificate Number or other identifying number: 56172

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Birch Cr. POD#1	1 N	32 E	WM	15	SW SE	--	710 feet North and 2340 Feet West from the SE Corner, Section 15.
Birch Cr. POD#2	1 N	32 E	WM	15	NE SW	--	2265 feet North and 3015 feet West from the SE Corner, Section 15.

▪ Certificate Number or other identifying number: 56172.

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s) N/A

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	N / A									

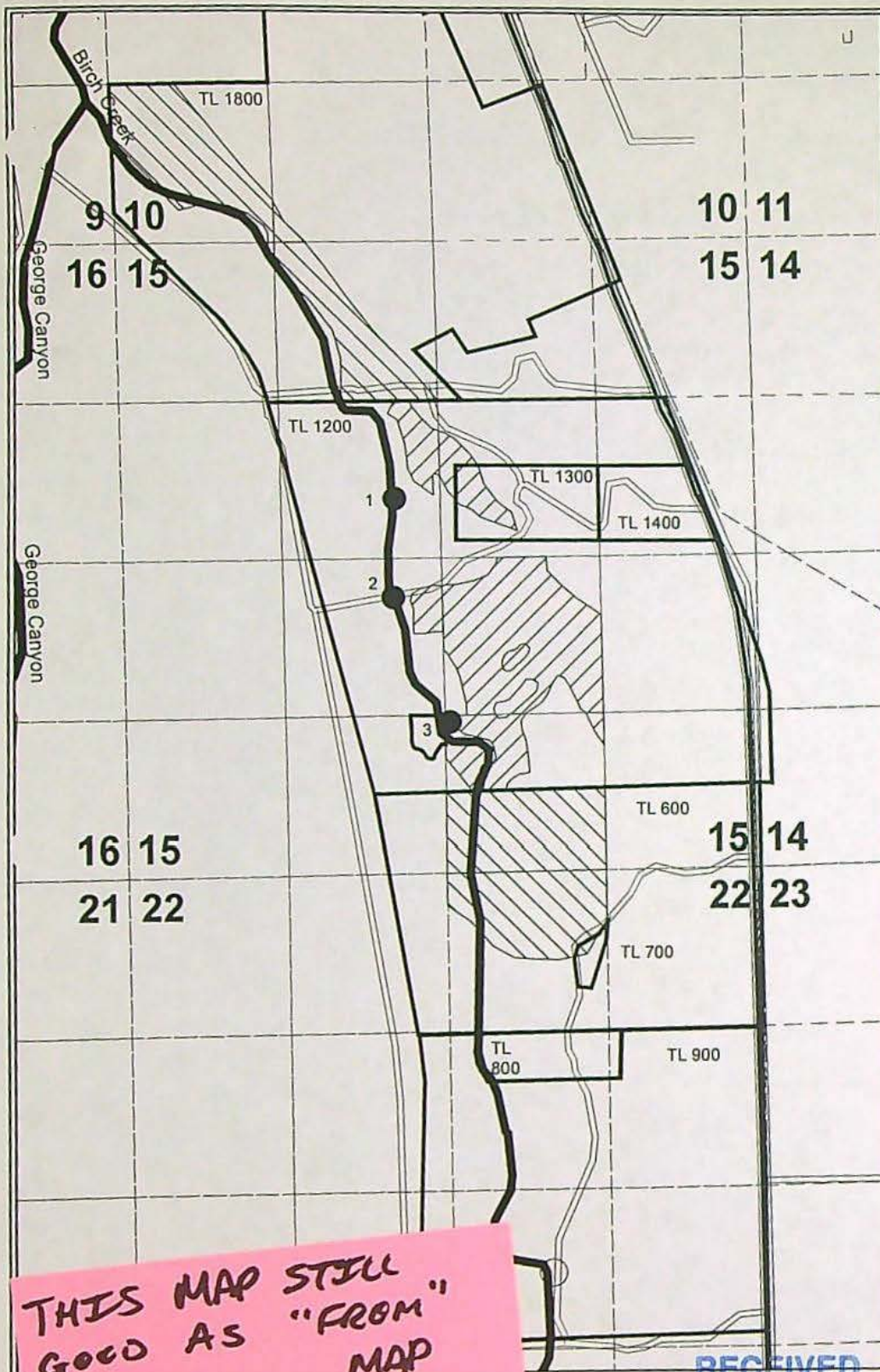
Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A - Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
	N / A						

Remarks: We desire to change the point of diversion to an existing point of diversion with with infrastructure already in place for our other Birch Creek rights. In other words, to better utilize the resources we currently have available.



T1N, R32E, WM
Sections 10, 15 & 22
Umatilla County



1 inch = 1320 feet

LEGEND

- **Authorized POD**
Transfer FROM Authorized POD located 700 feet S and 1800 feet W from the East Quarter-Corner of Section 22
- **Proposed POD**
Proposed POD 1 located 2121 feet S and 2351 feet E from NW Corner of Section 15
Proposed POD 2 located 2310 feet N and 2124 feet E from SW Corner of Section 15
Proposed POD 3 located 1300 feet N and 2590 feet W from SE Corner of Section 15
- POU Included in Transfer**
4.0 ac in SW/NE S15
5.0 ac in SE/NW S15
3.0 ac in NE/SW S15
26.0 ac in NW/SE S15
9.0 ac in SW/SE S15

Place of Use for various priority dates clarified on separate map.
- POU Not Included**
18.0 ac in SW/SW S10
0.5 ac in SE/SW S10
12.0 ac in NE/NW S15
0.5 ac in NW/NW S15
20.0 ac in SW/SE S15
18.0 ac in NW/NE S22

THIS MAP STILL
GOOD AS "FROM"
MAP

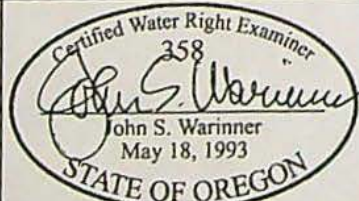
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T 10311

WATER RESOURCES DEPT
SALEM, OREGON

purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

TRANSFER MAP

Change in POD
Certificate 56171

in the name of
PENDLETON COUNTRY CLUB

Revised 31 DEC 2006

LEGEND

+ **Proposed POD**
See main Transfer Map

WHITE 1900 Priority Date

See main Transfer Map

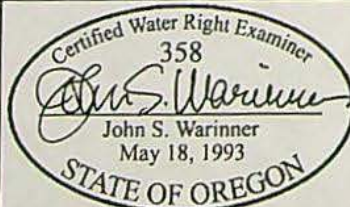
Revised 31 DEC 2006

3

FEB 01 2007

FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



PROPOSED CHANGES

Authorized POD/POU (Transfer FROM) shown on Transfer Map dated 31 DEC 2006. This map replaces Detail Map dated 31 DEC 2006.

Point of Diversion

POD 1 located 710 feet N and 2340 feet W from SE Corner of Section 15.

POD 2 located 2265 feet N and 3015 feet W from SE Corner of Section 15.



Place of Use



Cert 56171 - 1873 Priority



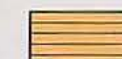
Cert 56171 - 1889 Priority



Cert 56171 - 1900 Priority



Cert 56172 - No Change in Place of Use (POD only)



Cert 84482 - 1894 Priority - Existing Supplemental Surface Water Right



Cert 84483 - 1873 Priority - Existing Supplemental Surface Water Right



Cert 84483 - 1889 Priority - Existing Supplemental Surface Water Right



Cert 84483 - 1900 Priority - Existing Supplemental Surface Water Right



Cert 57558 - Primary Groundwater Right



Cert 84481 - Primary Groundwater Right



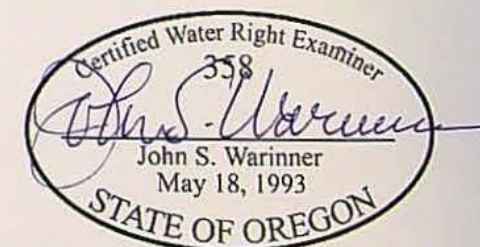
400 200 0 400 Feet

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership lines.



Fountainhead

1204 Alvarado Terrace • Walla Walla, WA 99362
Phone: 509.529.2646 • www.watersolving.com



TRANSFER MAP (DETAIL)
Place of Use and Point of Diversion
Certificates 56171 and 56172

in the name of
PENDLETON COUNTRY CLUB

Revised: 15 NOV 2010
replaces Detail Map dated 31 DEC 2006

SECTION 15
T1N, R32E, WM
UMATILLA COUNTY

1873

2.6

1201

1202

1900

14.4

1873

4.05

1889

3.35

1900

3.6

1300

1400

U.S. ROUTE 395

SE NW

NE SW

NW SE NE SE

POD 2

1889

3.3

1873

0.4

1873

0.4

1889

1.2

1900

5.5

1900

6.1

Cert 56172
Same acreage
New shape

POD 1

1900

1.7

1873

0.4

SE SW

S 1/4 Corner (no monument)

SW SE SE SE

15 14

22 23

SPARKS STATION ROAD

Birch Creek

E 1/4 Corner (no monument)



Pendleton Country Club

REC'D DEC 21 2010

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JAN 03 2011

WATER RESOURCES DEPT
SALEM, OREGON

I, R.J. Pettichord, Greens Superintendent for Pendleton Country Club, do swear that I've been employed with Pendleton country Club since 1998. I also swear that during the time period between 2003 and 2007, that Pendleton Country Club was ready, willing and able to draw water from birch creek at our point of diversion..


Signature of Affiant

12-16-2010
Date

Signed and sworn to (or affirmed) before me this 16 day of Dec, 2010.


Notary Public for Oregon



My Comission Expires September 1, 2013

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

Applicant(s): Pendleton Country Club

Mailing Address: 69772 HWY 395 South

City: PENDLETON

State: OR

Zip Code: 97801

Daytime Phone: 541-443-8874

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>1 North</u>	<u>32 East</u>	<u>15</u>	<u>SW NE</u> <u>SW NW</u>	<u>1200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
<u>1 North</u>	<u>32 East</u>	<u>15</u>	<u>E½ SW</u>	<u>1200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
<u>1 North</u>	<u>32 East</u>	<u>15</u>	<u>SE¼</u>	<u>1200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
<u>1 North</u>	<u>32 East</u>	<u>15</u>	<u>SW NE</u>	<u>1300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Umatilla County

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JAN 03 2011

B. Description of Proposed Use

WATER RESOURCES DEPT
SALEM, OREGON

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) Birch Creek

Estimated quantity of water needed: 0.60 cfs ☒ 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:

Asking to change the POD on Birch Creek downstream to the Club's property and to transfer the place of use of 48.9 acres to better match the underlying Primary groundwater rights. Pump stations will be installed to lift water into the Country Club's pressurized mainline water delivery system and distributed throughout golf course and associated landscaping.

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.

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

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

Pre-existing use.

Name: CAROL JOHNSON Title: Planner
 Signature: Carol Johnson Phone: 541-278-1225 Date: 12/21/10
 Government Entity: Umatilla County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

RECEIVED

JAN 03 2011

WATER RESOURCES DEPT
SALEM, OREGON

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

REC'D DEC 21 2010

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

State of Oregon)
) ss

County of UMATILLA)

I, RJ Pettichord, in my capacity as Superintendent,
mailing address 69772 Hwy 395 S. Pendleton OR 97801,
telephone number (541) 443-8823, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 56171 AND 56172; 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)
56171	1	N	32	E	WM	15	SW	NE		4.0
56171	1	N	32	E	WM	15	SE	NW		5.0
56171	1	N	32	E	WM	15	NE	SW		3.0
56171	1	N	32	E	WM	15	NW	SE		26.0
56171	1	N	32	E	WM	15	SW	SE		9.0
56172	1	N	32	E	WM	15	SE	SW		1.9

RECEIVED

JAN 03 2011

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)

WATER RESOURCES DEPT
SALEM, OREGON

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


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


Signature of Affiant

12-16-2010
Date

Signed and sworn to (or affirmed) before me this 16th day of December, 2010.




Notary Public for Oregon

My Commission Expires: September 1, 2013

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

RECEIVED

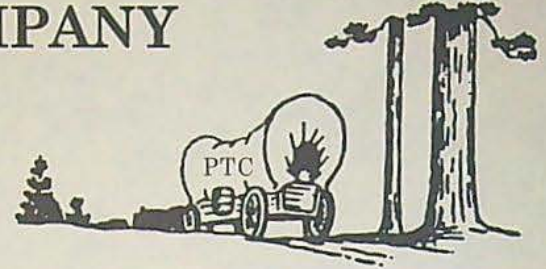
JAN 03 2011

WATER RESOURCES DEPT
SALEM, OREGON

PIONEER TITLE COMPANY

REC'D NOV 22 2010

P.O. Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O. Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: Pendleton Country Club
69772 Hwy 395 S
Pendleton, OR 97801

Attn: Tyler

Order No: 87687
Your No : 00000
Owner : PENDLETON COUNTRY CLUB
Report : Lot Book Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Lot Book Report Guarantee	\$0.00		\$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

SEE ATTACHED DESCRIPTION

And as of November 05, 2010, at 5 o'clock P.M., we find that the last document of record runs to:

PENDLETON COUNTRY CLUB, INC., an Oregon Corporation

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

1. 2010-2011 Taxes \$469.29 Unpaid.
(code 16-4, Map No. 1N-35-15, Tax lot No. 1200, Serial No. 100623)
Tract I.
2. 2010-2011 Taxes, \$9,314.77 Unpaid.
(code 16-33, Map No. 1N-35-15, Tax lot No. 1200, Serial No. 100554)
Tract I.
3. 2010-2011 Taxes \$6,200.98 Unpaid.
(code 16-33, Map No. 1N-32-15, Tax lot No 1300, Serial No. 100555)
Tract II.
4. 2010-2011 Taxes \$22.94 Unpaid.
(code 16-4, Map No. 1N-32-15, Tax lot No. 1400, Serial No. 100624)
Tract III.

5. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

Tracts I, II & III.

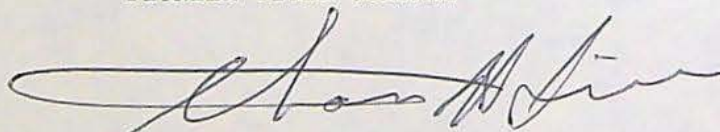
6. City Liens, County Liens, Special Assessments if any.
7. Deed of Trust, including the terms and provisions thereof, given to secure a note for \$640,000.00, with interest thereon,
Grantor : Pendleton Country Club, who acquired title as Pendleton Country Club, Inc., an Oregon corporation
Trustee : Pioneer Title Company
Beneficiary : Columbia River Bank
Dated : February 8, 2002
Recorded : February 11, 2002, Instrument No. 2002-4060147, Office of County Records, Umatilla County, Oregon.

Said trust deed was modified by instrument recorded December 8, 2004, Instrument No. 2004-4730521, Office of County Records, Umatilla County, Oregon.

This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY



Thomas H. Smith
Vice President

THS/thb

TRACT I:

Parcel 3, PARTITION PLAT No. 2009-29, recorded October 23, 2009, Instrument No. 2009-5580107, Office of County Records, Umatilla County, Oregon, located in Section 15, Township 1 North, Range 32, East, Willamette Meridian, Umatilla County, Oregon.

TRACT II:

South Half of Southwest Quarter of Northeast Quarter of Section 15, Township 1 North, Range 32, East of the Willamette Meridian, Umatilla County, Oregon.

TRACT III:

That portion of South Half of Southeast Quarter of Northeast Quarter of Section 15, Township 1 North, Range 32, lying Westerly of Westerly right of way line of State Highway no. 395, aka Three Flaggs Highway, all being East of the Willamette Meridian, Umatilla County, Oregon.

PIONEER TITLE COMPANY

PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services you are utilizing, the types of nonpublic personal information that we may collect include:

- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting agency.

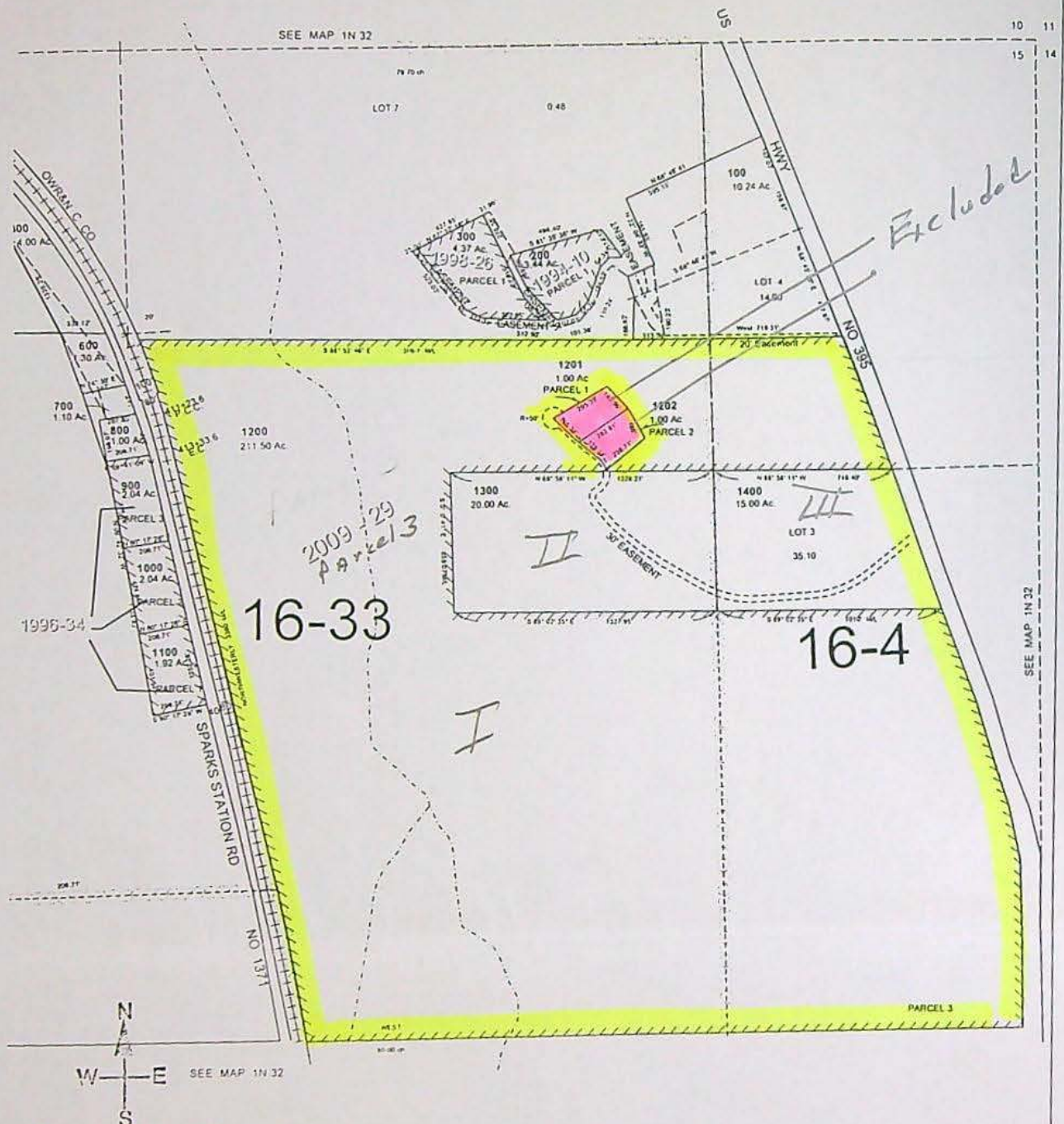
USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

114 54 15

AERIAL PHOTO NO. 3P-91, 4P-4,
180
184



Revised: 12/2/09

1N 32 15

MAP NO_

1N32-15



To: Herb Mosgar
OR Water Resources Department
725 Summer St., NE, Suite A
Salem, OR 97301-1271
(503) 986-0804

23 January 07

From: R.H. Lewis
Fisheries Biologist
CTUIR
PO Box 638
Pendleton, OR 97801

Subject: Customer Account for Application Fees

Acting on the advice of Ms. Dorothy Pedersen of your Department and on behalf of water right holders in the Birch Cr. watershed, CTUIR expects to file some six applications for change in the point of diversion within the next few weeks. This is a request for ODWR to establish an account by means of the enclosed check which will cover the filing fee of \$350 per application.

We wish to establish the account with the associated fees in advance of application submittal in order that the fees can be charged to our internal budget before 1 February 07.

A check is enclosed in the amount of \$2,100.

RECEIVED

FEB 01 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10311



LETTER OF TRANSMITTAL

PO Box 638, Pendleton, OR 97801, Telephone: (541) 276-4109; Fax: (541) 966-2397

To:
State of Oregon
Water Resources Department
Attn: Herb Mosgar

Date: January 31, 2007

Project: Applications for Water Right Transfer

Regarding: Establish account to process applications

We are sending: Attached Under Separate Cover

Copies	Date	Description
1	01/31/07	Applications for Water Right Transfer
1	01/31/07	Check for \$2,100

These are transmitted as checked below:

☒ For Your Use ☐ As Requested ☐ Returned
☐ For Review and Comment ☐ Other (see remarks)

We are sending via:

☐ US Mail ☒ Overnight ☐ Courier

Remarks:

Request to set-up account with enclosed payment, we have one application signed and notarized at this time, others to follow.

Copy To:

Signed:

Julie A. Burke
Julie A. Burke, Administrative Manager

RECEIVED

FEB 01 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10311

Ken Dowden

From: Ken Dowden
Sent: Wednesday, September 15, 2010 10:48 AM
To: 'Chris Fulton'
Cc: Dave Nelson
Subject: RE: PCC H2O transfer app

Well Chris, it is that time of year again!

I just called Salem and spoke with Mr. Dave Nelson, Administrative Services (ph# 503-986-0924), and he states that the CTUIR account **CA #0023** contains a balance of \$1400.00 in it.

It appears that R.H. Lewis, Fisheries @ CTUIR in January of 2007 submitted a check in the amount of \$2100.00 to the Department for Birch Creek project and several potential transfers to be filed. That account has had two withdrawals filed against it and inventory shows:

▲ 3/15/2007	\$350.00 for this transfer appears
▲ 1/8/2009	\$350.00 for (<i>unknown</i>)

Balance of \$1400.00 remains in account.

On a side note, the amendment to the Pendleton CC transfer application T-10311 back in August of 2008 required an additional amount of \$600, which the Club promptly paid. That receipt was just hand delivered to Tyler Brooks at the recent conference we had with John Warinner here in the office last month.

If you need receipts of other sorts from the account, I am cc'ing Mr. Nelson and you may contact him directly, if indeed they had been sent out three years ago.

Other than that, peachy. (*sort of*)

From: Chris Fulton [mailto:ChrisFulton@ctuir.org]
Sent: Wednesday, September 15, 2010 9:37 AM
To: Ken Dowden
Subject: PCC H2O transfer app

Hi Ken,

How's Roundup treating you? Can you even find a place to park to get into your office? Hah.

Hey I just wanted to touch base to ask if it would be possible to get a statement regarding the previous fees CTUIR paid toward the POD transfer application that is currently in process for the country club. Quite a while back, when I met with you and Tony at your office, you had mentioned that OWRD was holding some fees that had been paid pursuant to this process that is now, thankfully, near completion.

If I could get a statement detailing the funds paid along with the dates, it would be very helpful to
 9/15/2010

me to be able to show that statement to my superiors here at CTUIR (essentially, I'd like to be able to show that these funds were well spent, once the process is complete and the country club has a confirmed POD removed from Broun dam). I realize that receipts of some sort may have already been issued to my predecessor(s) here at CTUIR, but if so, they've been lost in the shuffle prior to my employment here.

I hope this isn't too onerous a task to ask of you, let me know if this is not something you can facilitate.

Thanks Ken,

Chris Fulton
Fisheries Habitat Biologist
Umatilla Basin Fisheries Habitat Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way
Pendleton, OR 97801

(541) 429-7263 (o)
(509) 540-2372 (c)
chrisfulton@ctuir.org

OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: Confederated Tribes of Umatilla Indian Reservation

Activity Date: February 8, 2007

Please complete and leave at the WRIG counter.

Transaction Description	Number of items or hours	Project Name	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account					
Copying					
Faxing					
Research					
Other: Transfer App.	1	T-10311	R.H. Lewis	Sarah Henderson	\$350.00
Other:					

Your account may be required to provide an account project number per your accounting department. If required, please have your project number ready upon any service request.

per DAVE NELSON

CA # 0023

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 56171

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input checked="" type="checkbox"/> Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT
SALEM, OREGON

T 10311

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	56171	
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: J.A. GUDERIAN
- County: UMATILLA
- Authorized Use(s) to be Affected by Transfer: Irrigation, domestic and stock use.
- Priority Date(s): 1873 (19.8 acres) 1889 (19.8 acres) and 1900 (77.4 acres)

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Birch Creek

Tributary to: Umatilla River

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☒ Yes ☐ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers?

Cert. 28597 (Permit U555P)

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

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▪ Certificate Number or other identifying number: 56171

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
		1 N	32 E	WM	22	NW SE	N/A	700 ft. S and 1800 ft W East Quarter-Corner of Sec 22

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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WATER RESOURCES DEPT
SALEM, OREGON

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

- Certificate Number or other identifying number: _____

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
POD #1	1 N	32 E	WM	15	SE NW	N/A	2121 ft S and 2351 ft E from NW Corner of Sec 15
POD#2	1 N	32 E	WM	15	NE SW	N/A	2310 ft N and 2124 ft E from SW Corner of Sec 15
POD#3	1 N	32 E	WM	15	SW SE	N/A	2590 ft W from SE Corner of Section 15

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

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Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

▪ Certificate Number or other identifying number: _____

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

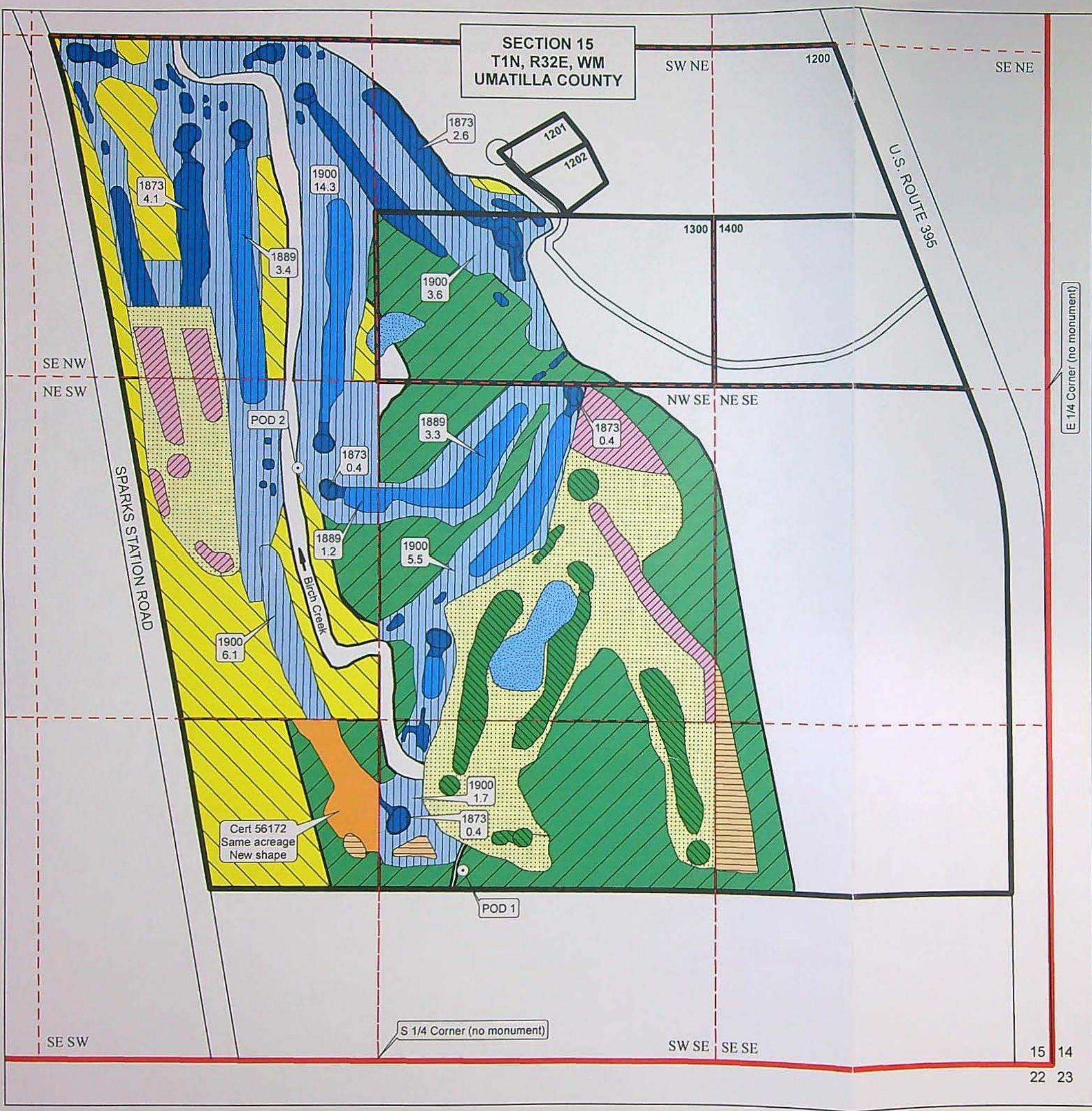
Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

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SALEM, OREGON



PROPOSED CHANGES

Authorized POD/POU (Transfer FROM) shown on Transfer Map dated 31 DEC 2006. This map replaces Detail Map dated 31 DEC 2006.

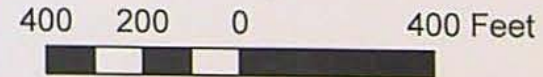
Superseded by map rec'd 11/16/10
 REC'D SEP 07 2010

Point of Diversion

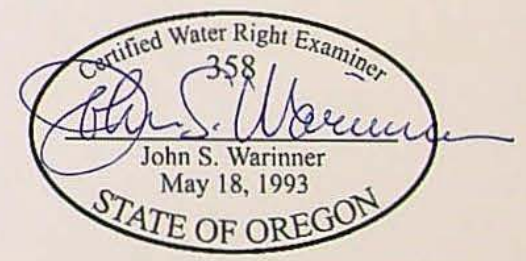
POD 1 located 710 feet N and 2340 feet W from SE Corner of Section 15.
 POD 2 located 2265 feet N and 3015 feet W from SE Corner of Section 15.

Place of Use

- Cert 56171 - 1873 Priority
- Cert 56171 - 1889 Priority
- Cert 56171 - 1900 Priority
- Cert 56172 - No Change in Place of Use (POD only)
- Cert 84482 - 1894 Priority - Existing Supplemental Surface Water Right
- Cert 84483 - 1873 Priority - Existing Supplemental Surface Water Right
- Cert 84483 - 1889 Priority - Existing Supplemental Surface Water Right
- Cert 84483 - 1900 Priority - Existing Supplemental Surface Water Right
- Cert 57558 - Primary Groundwater Right
- Cert 84481 - Primary Groundwater Right



The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership lines.



Fountainhead
 1204 Alvarado Terrace • Walla Walla, WA 99362
 Phone: 509.529.2646 • www.watersolving.com

TRANSFER MAP (DETAIL) Place of Use and Point of Diversion Certificates 56171 and 56172

in the name of
 PENDLETON COUNTRY CLUB

Revised: 30 AUG 2010
 replaces Detail Map dated 31 DEC 2006



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SEP 08 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: CTVIR

46411 Timine way, Pendleton OR 97801

Transaction Type: Cash

Fees Received: \$ 350.00

☐ Cash

☒ Check:

Check No. 220062

Name(s) on Check: Wildhorse Resort & Casino

Address on Check: _____

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 L

(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.