

T-10349

T-10349

TEMPORARY

Name L & L Farms c/o Robert Leoy

By _____

Address 822 Highway 395 S. #423Hermiston, OR 97838541-481-6045 541-481-6049 FaxChange in POU APOADate filed 3-19-07

Date of hearing _____

Place of hearing _____

Date of order 5-31-07 Vol. 72, page 208

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream WellsTrib. of Umatilla R County of UmatillaUse IR Im

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 6/12/1972In name of J R Simplot Co.

_____ Adjudication, Vol. _____, page _____

App. No. G5820 Per. No. G5812 Cert. No. 79993

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/19/07</u>	<u>236⁰⁰</u>	<u>86719</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: William Portaly PO Box 643 Stanfield OR 97875 541-561-7259 cell
541-449-1327
 Westland Irrigation District PO Box 944 Hermiston OR 97838
 Umatilla County 216 SE 4th Pendleton OR 97801
 CLO: J. R. Simplot Company PO Box 27 Boise ID 83707

See T-10348

REC'D APR 12 2007

J R SIMPLOT (SPARKS) TO L & L FARMS
2007

TEMPORARY WATER RIGHTS TRANSFER

T3N, R28E WM

T2N, R28E WM

SPARKS WELL LOCATED AT 1300' N AND 60' W FROM THE SE CORNER NW 1/4 SE 1/4 OF SECTION 34, T3N, R28E WM

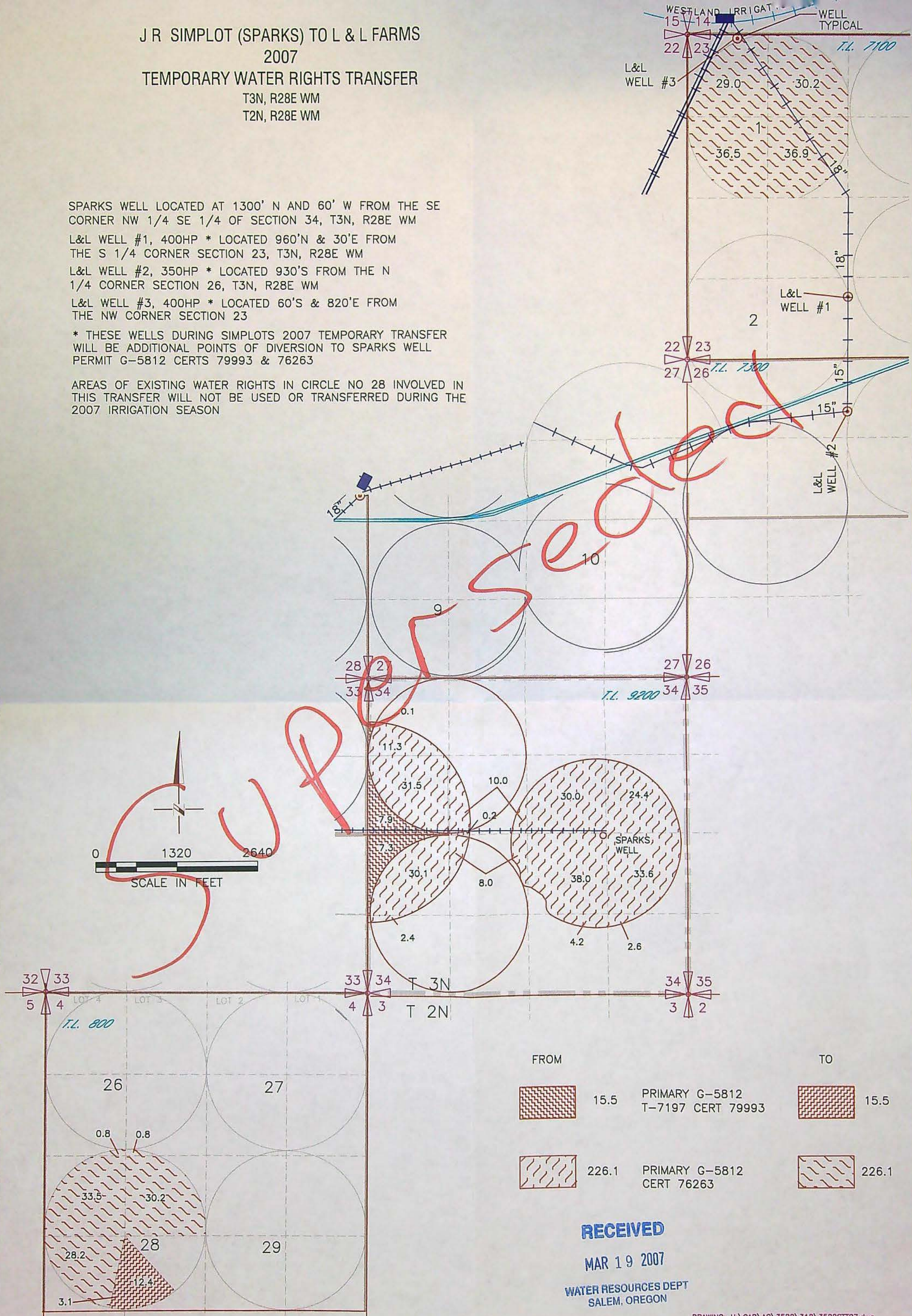
L&L WELL #1, 400HP * LOCATED 960'N & 30'E FROM THE S 1/4 CORNER SECTION 23, T3N, R28E WM

L&L WELL #2, 350HP * LOCATED 930'S FROM THE N 1/4 CORNER SECTION 26, T3N, R28E WM

L&L WELL #3, 400HP * LOCATED 60'S & 820'E FROM THE NW CORNER SECTION 23

* THESE WELLS DURING SIMPLOTS 2007 TEMPORARY TRANSFER WILL BE ADDITIONAL POINTS OF DIVERSION TO SPARKS WELL PERMIT G-5812 CERTS 79993 & 76263

AREAS OF EXISTING WATER RIGHTS IN CIRCLE NO 28 INVOLVED IN THIS TRANSFER WILL NOT BE USED OR TRANSFERRED DURING THE 2007 IRRIGATION SEASON



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.

AMENDED TRANSFER T-10349
R SIMPLOT (SPARKS) TO L & L FARMS
2007
TEMPORARY WATER RIGHTS TRANSFER
T3N, R28E WM
T2N, R28E WM
MAY 3 2007

SPARKS WELL LOCATED AT 1300' N AND 60' W FROM THE SE CORNER NW 1/4 SE 1/4 OF SECTION 34, T3N, R28E WM

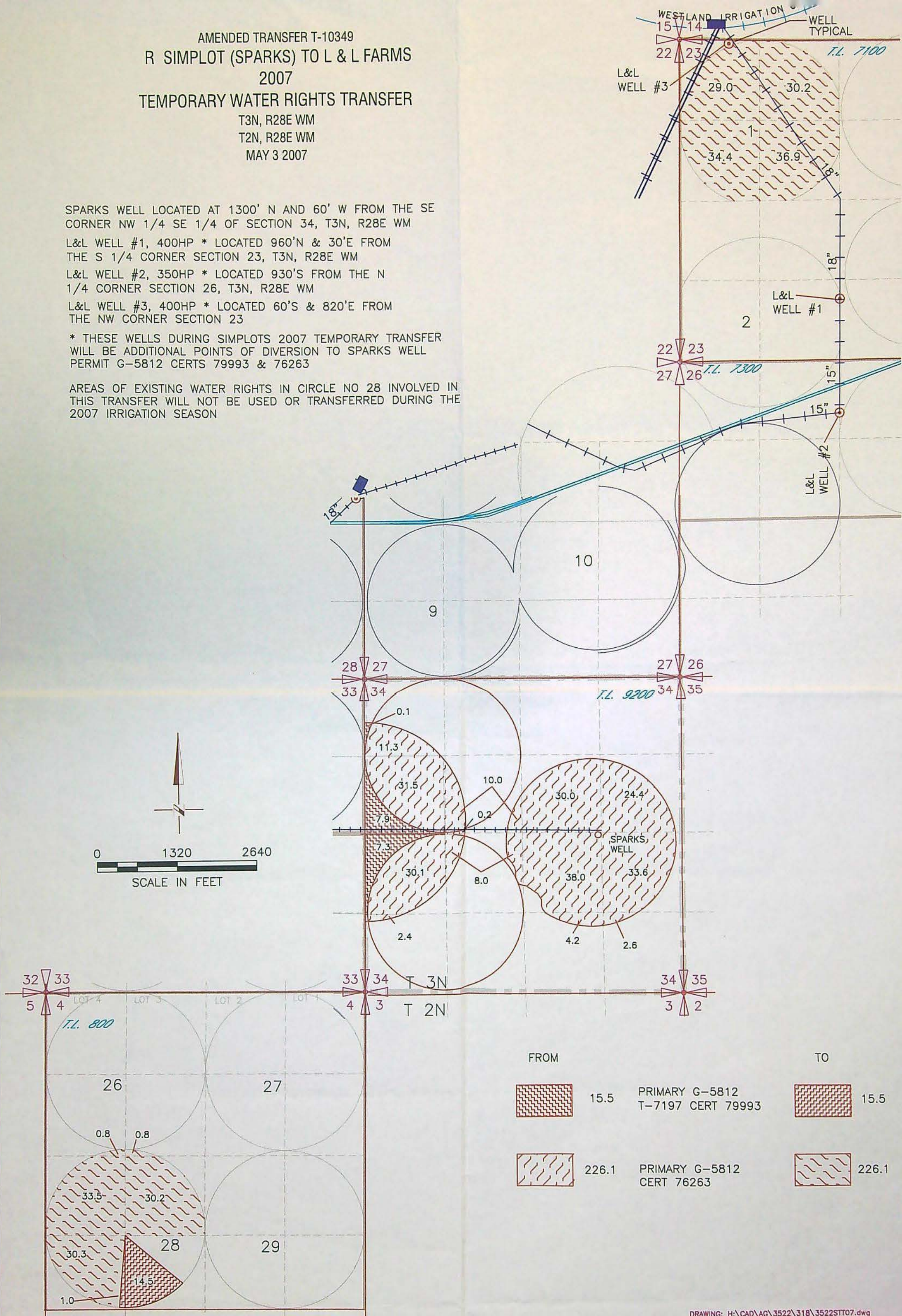
L&L WELL #1, 400HP * LOCATED 960'N & 30'E FROM THE S 1/4 CORNER SECTION 23, T3N, R28E WM

L&L WELL #2, 350HP * LOCATED 930'S FROM THE N 1/4 CORNER SECTION 26, T3N, R28E WM

L&L WELL #3, 400HP * LOCATED 60'S & 820'E FROM THE NW CORNER SECTION 23

* THESE WELLS DURING SIMPLOTS 2007 TEMPORARY TRANSFER WILL BE ADDITIONAL POINTS OF DIVERSION TO SPARKS WELL PERMIT G-5812 CERTS 79993 & 76263

AREAS OF EXISTING WATER RIGHTS IN CIRCLE NO 28 INVOLVED IN THIS TRANSFER WILL NOT BE USED OR TRANSFERRED DURING THE 2007 IRRIGATION SEASON



FROM

TO



15.5

PRIMARY G-5812
T-7197 CERT 79993



15.5



226.1

PRIMARY G-5812
CERT 76263



226.1

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

DRAWING: H:\CAD\AG\3522\318\3522STT07.dwg
PRINTED BY: Roger Willard on 05/03/07 12:49 PM

SCM Consultants, Inc.
A Tetra Tech Company

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Rights Files

Date: May 11, 2007

From: Michael J. Zwart

Subject: Application Review: T-10349, Robert Levy, L & L Farms
(Temporary Transfer)

This application proposes an additional POA and change in POU to make up a possible deficiency in quantity late in the season. All wells involved (Sparks and L & L Farms) are within Subarea A of the Stage Gulch Critical Ground Water Area and develop basalt aquifers.

I find that the proposed change may be made without injury provided the following: the rights are valid and the Watermaster can approve the proposal.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson
FIELD TRANSFER PROCESSOR WORKING ON THIS TRANSFER

DATE: 5-9-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Mike Zwart
Signed by injury reviewer

SUBJECT:

TEMPORARY TRANSFER # 10349 ~~10349~~ Date Signed May 11, 2007

A change in:

POU APOA of water.

In the name(s) of

Robert Levy - L & L Farms

In my opinion (assuming the right is valid), the proposed change

☒ MAY BE MADE WITHOUT INJURY

☐ WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



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

June 1, 2007


ROBERT LEVY
L & L FARMS
822 HWY 395 S #423
HERMISTON OR 97838

Reference: Temporary Transfer 10349

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

The change shall be effective at the end of the 2006 irrigation season. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.

Sincerely,

 Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #5
William Porfily, Agent
Westland Irrigation District

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10349, Umatilla County)	TEMPORARY CHANGE IN PLACE OF
)	USE AND ADDITIONAL POINTS OF
)	APPROPRIATION

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation 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.

Applicant

L & L FARMS, c/o Robert Levy
822 HIGHWAY 395 S. #423
HERMISTON, OR 97838

Findings of Fact

1. On March 19, 2007, L & L Farms, c/o Robert Levy filed an application to temporarily change the place of use and add additional points of appropriation under Certificates 76263 and 79993 for a period of one year. The Department assigned the application number T-10349.
2. Robert Levy specified water use on the proposed "TO" lands under existing Certificates 76050, 75121, 81417 and 83083 (which superseded 81417), will not be used during the course of the 2007 Irrigation Season, and are fully described in Findings of Fact #5 and #8.
3. The first right to be transferred is as follows:

Certificate: 76263 in the name of J. R. SIMPLOT CO. (perfected under Permit G-5812)

Use: IRRIGATION of 226.1 ACRES

Priority Date: JUNE 12, 1972

Rate: 2.83 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Source: A WELL in the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	34	NW SE	1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF THE NW¼ SE¼, SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	TL#	Q-Q	Acres
3 N	28 E	WM	34	9200	SW NE	30.0
3 N	28 E	WM	34	9200	SE NE	24.4
3 N	28 E	WM	34	9200	NW NW	11.3
3 N	28 E	WM	34	9200	SW NW	31.5
3 N	28 E	WM	34	9200	SE NW	10.0
3 N	28 E	WM	34	9200	NE SW	8.0
3 N	28 E	WM	34	9200	NW SW	30.1
3 N	28 E	WM	34	9200	SW SW	2.4
3 N	28 E	WM	34	9200	NE SE	33.6
3 N	28 E	WM	34	9200	NW SE	38.0
3 N	28 E	WM	34	9200	SW SE	4.2
3 N	28 E	WM	34	9200	SE SE	2.6
TOTAL:						226.1

4. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Application T-10349 proposes to add additional points of appropriation an average of approximately 1.9 miles north and east from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	23	SW SE	L & L WELL #1 - 960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NE NW	L & L WELL #2 - 930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26
3 N	28 E	WM	23	NW NW	L & L WELL #3 - 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

5. Application T-10349 proposes to change the place of use of the right to:
IRRIGATION

Twp	Rng	Mer	Sec	TL#	Q-Q	Acres
2 N	28 E	WM	4	800	SW NW	0.8*
2 N	28 E	WM	4	800	SE NW	0.8*
2 N	28 E	WM	4	800	NE SW	30.2*
2 N	28 E	WM	4	800	NW SW	33.5*
2 N	28 E	WM	4	800	SW SW	30.3*
3 N	28 E	WM	23	7100	NE NW	30.2**
3 N	28 E	WM	23	7100	NW NW	29.0**
3 N	28 E	WM	23	7100	SW NW	34.4**
3 N	28 E	WM	23	7100	SE NW	36.9**
TOTAL:						226.1

* Note: L & L Farms states that the existing 95.6 acres under Certificate 83083 within Section 4 ("TO" lands) will not be used this 2007 season. In addition, the existing rights under Certificates 76050 and 75121, modified under transfer application T-10251, within Section 4 will not be used this 2007 season.

**** Note:** L & L Farms states that the existing water rights (Certificates 76799, 79439, 76051 and 76717) on the "TO" lands in Section 23 have been transferred off under the associated transfer T-10348 to avoid conflict.

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

Certificate: 79993 in the name of J R SIMPLOT CO. (perfected under Permit G-5812)

Use: IRRIGATION of 15.5 ACRES

Priority Date: JUNE 12, 1972

Rate: 0.19 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3 acre feet per acre per year

Source: A WELL in the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	34	NW SE	SPARKS WELL - 1300 FEET NORTH AND 60 FEET WEST FROM THE SE CORNER OF THE NW¼ SE¼, SECTION 34

Authorized Place of Use:

IRRIGATION

Twp	Rng	Mer	Sec	TL#	Q-Q	Acres
3 N	28 E	WM	34	9200	NW NW	0.1
3 N	28 E	WM	34	9200	SW NW	7.9
3 N	28 E	WM	34	9200	SE NW	0.2
3 N	28 E	WM	34	9200	NW SW	7.3

7. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Application T-10349 proposes to add points of appropriation an average of approximately 1.9 miles north and east from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	28 E	WM	23	SW SE	L & L WELL #1 - 960 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 23
3 N	28 E	WM	26	NE NW	L & L WELL #2 - 930 FEET SOUTH FROM THE N¼ CORNER OF SECTION 26
3 N	28 E	WM	23	NW NW	L & L WELL #3 - 60 FEET SOUTH AND 820 FEET EAST FROM THE NW CORNER OF SECTION 23

8. Application T-10349 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	TL#	Q-Q	Acres
2 N	28 E	WM	4	800	SW SW	1.0*
2 N	28 E	WM	4	800	SE SW	14.5*

* Note: L & L Farms states that the existing water rights (Certificates 76050, 75121 and 83083) on the "TO" lands in Section 4 will not be used this 2007 season.

9. Notice of the application for temporary transfer was published April 3, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
10. Application T-10349 proposes to temporarily transfer water rights within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.
11. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

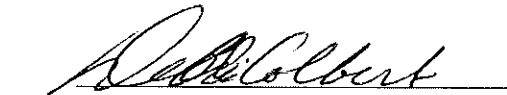
1. The temporary changes in Place of use and Additional Points of Appropriation are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.
2. The use of water under Certificate 83083 within Section 4 ("TO" lands) will not be used this 2007 season, as described in Findings of Fact #5. In addition, the existing rights under Certificates 76050, 75121 and 83083 (which superseded 81417), modified under transfer application T-10251, within Section 4 will not be used this 2007 season, as described in Findings of Fact #8.

Now, therefore, it is ORDERED:

1. The changes in place of use and add additional points of appropriation proposed in application T-10349 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2007 irrigation season.
3. The use shall revert to the authorized places of use at the end of the 2007 irrigation season. The authorization to use the additional points of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificates 76263 and 79993 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 76263 and 79993.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water rights described by Certificates 76263 and 79993 shall continue to be in accordance with the terms and conditions of Certificates 76263 and 79993.

Dated at Salem, Oregon this 31st day of May 2007.


Phillip C. Ward, Director

Mailing Date: JUN 04 2007

Temporary Transfer

Water Right Transfer Checklist

Transfer T-10349

Transfer Specialist: KDD

Transfer Type: POU and APOA

Applicant Name/Address: L&L Farms; Robert Levy, 822 Hwy 395 South #423, Hermiston, OR 97838

Agent Name/Address: William Porfily, PO Box 643, Stanfield, OR 97875

CWRE Name/Number: _____

Rec Landowner Name/Address: _____

Irr. District Name/Address: Westland Irrigation District, PO Box 944, Hermiston, OR 97838

Affected Gov'ts Name/Address: _____

Commentors: 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"/>	G-5820	G-5812	76263	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	---
<input type="checkbox"/>	<input type="checkbox"/>	G-5820	G-5812	79993	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	---
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: _____	Proposed Action(s): POU POD HST APOD USE OTHER: _____	
Fees Pd: _____	WM District: _____	ODFW District: _____
Initial Notice: _____	WM Review sent: _____	ODFW Review sent: _____
Acknowledgement Letter Sent <input type="checkbox"/>		GW Review sent: _____

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

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

Last Day Published: _____

PD Mailed: _____

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: <u>5-31-07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>MLP</u>
Date: _____	Date: _____	Date: <u>5/31/07</u>
Comments/Special Issues: _____		

Special Order Volume: Vol 72 Pages 208 Final Order Signature Date: 5-31-07

Notice of FO email'd to processors Ken/Mike



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-10349

Review Due Date: 5-8-07

Applicant Name: L & L Farms

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

Reviewer(s): Tony Justus

Date of Review: Apr. 30, 2007

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:
Source is a well within Stage Gulch Critical Groundwater Area and wells in this area are regulated each year by allocation.
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: _____
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: See transfer 10348 the 'to' lands in SWNW appear to be 34.4 acres.

CORRECTED w/ 5/7/07 MAP
and Attached APPC.
KD

10. What alternatives may be available for addressing any issues identified above: change the to acres is SWNW of Section 23 to 34.4 acres.
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input checked="" 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.
Headgates	<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.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TONY AMSTAD
16300 SW 192ND
SHERWOOD, OR 97140

L & L FARMS - ROBERT LEVY
822 HWY 395 S #423
HERMISTON, OR 97838

confirms the right to use the waters of UMATILLA RIVER, tributary to COLUMBIA RIVER, for IRRIGATION of 574.00 ACRES and SUPPLEMENTAL IRRIGATION of 1508.80 ACRES. The use allowed herein may be made anytime between November 15 and June 15 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

This right was perfected under Permit S-48968. The date of priority is AUGUST 10, 1981. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 50.0 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	SURVEY COORDINATES
3 N	29 E	WM	21	SW NE			WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM W1/4 CORNER OF SECTION 21

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.50 acre-feet per acre for each acre irrigated during the period from November 15 to the last day of February of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.50 acre-feet for each acre irrigated in any one year, provided further, that the part declared herein to be supplemental irrigation, the right allowed may, in the interest of conserving ground water supplies, be exercised at times when water is available in the ground water supply provided the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

This is a final order in other than 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 OR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The use of water during the period from November 15 to the last day of February of each year shall not establish priority against future appropriation for beneficial use or storage for such beneficial uses, other than similar rights for irrigation from November 15 to the last day of February.

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

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

IRRIGATION							
TWP	RNG	MER	SEC	Q-Q	GLot	DLC	ACRES
2 N	28 E	WM	4	NE NE	1		34.00
2 N	28 E	WM	4	NW NE	2		33.90
2 N	28 E	WM	4	SW NE			29.20
2 N	28 E	WM	4	SE NE			29.20
2 N	28 E	WM	4	NE NW	3		34.20
2 N	28 E	WM	4	NW NW	4		34.30
2 N	28 E	WM	4	SW NW			28.90
2 N	28 E	WM	4	SE NW			28.90
2 N	28 E	WM	4	NE SW			24.70
2 N	28 E	WM	4	NW SW			33.50
2 N	28 E	WM	4	SW SW			13.20
2 N	28 E	WM	4	NE SE			33.50
2 N	28 E	WM	4	NW SE			33.00
2 N	28 E	WM	4	SW SE			28.50
2 N	28 E	WM	4	SE SE			28.70
3 N	28 E	WM	32	NE NW			31.00
3 N	28 E	WM	32	NW NW			31.70
3 N	28 E	WM	32	SW NW			31.90
3 N	28 E	WM	32	SE NW			31.50
3 N	28 E	WM	33	SW SW			0.10
3 N	28 E	WM	33	SE SW			0.10
TOTAL:							574.00

SUPPLEMENTAL IRRIGATION							
TWP	RNG	MER	SEC	Q-Q	GLot	DLC	ACRES
2 N	28 E	WM	4	NE SW			9.00
2 N	28 E	WM	4	NW SW			0.10
2 N	28 E	WM	4	SW SW			14.70
2 N	28 E	WM	4	SE SW			27.90
3 N	28 E	WM	23	NE SE			30.30
3 N	28 E	WM	23	NW SE			31.30
3 N	28 E	WM	23	SW SE			23.70
3 N	28 E	WM	23	SE SE			21.70
3 N	28 E	WM	26	NE NE			30.20
3 N	28 E	WM	26	NW NE			35.70
3 N	28 E	WM	26	SW NE			35.20
3 N	28 E	WM	26	SE NE			28.10
3 N	28 E	WM	27	NE NW			28.40
3 N	28 E	WM	27	NW NW			30.40

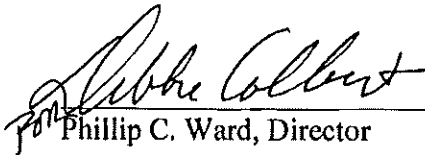
SUPPLEMENTAL IRRIGATION							
TWP	RNG	MER	SEC	Q-Q	GLot	DLC	ACRES
3 N	28 E	WM	28	SW SW			4.70
3 N	28 E	WM	28	SE SW			4.60
3 N	28 E	WM	28	SW SE			4.70
3 N	28 E	WM	29	SE SW			5.40
3 N	28 E	WM	29	SW SE			5.60
3 N	28 E	WM	29	SE SE			4.70
3 N	28 E	WM	32	NE NE			36.70
3 N	28 E	WM	32	NW NE			36.90
3 N	28 E	WM	32	SW NE			32.20
3 N	28 E	WM	32	SE NE			32.00
3 N	28 E	WM	33	NE NE			31.30
3 N	28 E	WM	33	NW NE			36.50
3 N	28 E	WM	33	SW NE			31.00
3 N	28 E	WM	33	SE NE			31.00
3 N	28 E	WM	33	NE NW			36.50
3 N	28 E	WM	33	NW NW			35.90
3 N	28 E	WM	33	SW NW			32.00
3 N	28 E	WM	33	SE NW			32.40
3 N	28 E	WM	33	NE SW			29.20
3 N	28 E	WM	33	NW SW			30.90
3 N	28 E	WM	33	SW SW			32.60
3 N	28 E	WM	33	SE SW			30.40
3 N	28 E	WM	33	NE SE			31.10
3 N	28 E	WM	33	NW SE			31.20
3 N	28 E	WM	33	SW SE			32.70
3 N	28 E	WM	33	SE SE			32.30
3 N	29 E	WM	19	SW SW	4		11.50
3 N	29 E	WM	19	SE SW			4.50
3 N	29 E	WM	29	SW NW			7.40
3 N	29 E	WM	29	NW SW			6.10
3 N	29 E	WM	30	NE NE			28.90
3 N	29 E	WM	30	NW NE			34.00
3 N	29 E	WM	30	SW NE			36.20
3 N	29 E	WM	30	SE NE			39.20
3 N	29 E	WM	30	NE NW			38.00
3 N	29 E	WM	30	NW NW	1		57.30
3 N	29 E	WM	30	SW NW	2		50.10
3 N	29 E	WM	30	SE NW			29.60
3 N	29 E	WM	30	NE SE			37.20
3 N	29 E	WM	30	NW SE			31.80
3 N	29 E	WM	30	SW SE			33.60
3 N	29 E	WM	30	SE SE			32.20
TOTAL:							1508.80

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

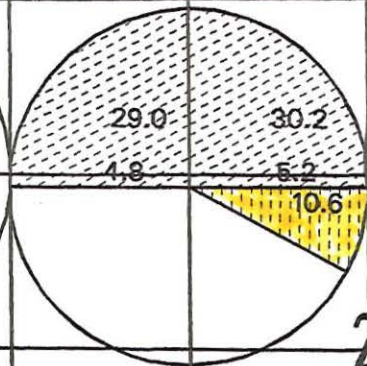
This certificate describes that portion of the water right confirmed by Certificate 81417, State Record of Water Right Certificates, DIMINISHED from irrigation to supplemental irrigation by the provisions of an order of the Water Resources Director entered JAN 19 2007 and recorded in Special Order Volume 71, Page 44, approving Transfer Application 10251. This certificate supersedes Certificate 81417.

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.

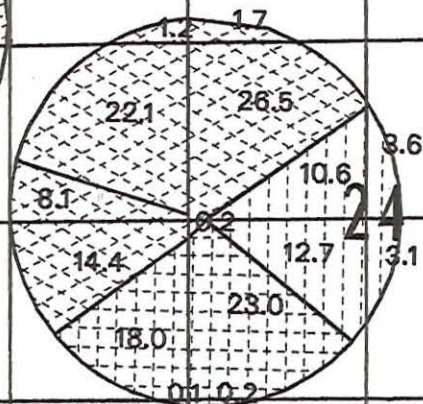
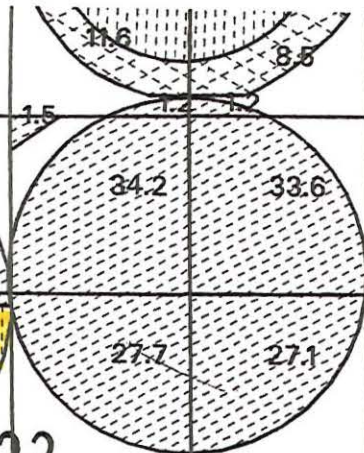
WITNESS the signature of the Water Resources Director, affixed JAN 19 2007.


Phillip C. Ward, Director

Mailing Date: JAN 22 2007



23



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26

WID

311



DEC
CO



DEC
MAI

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

L & L FARMS
P.O. BOX 611
ECHO, OREGON 97826

confirms the right to use the waters of THREE WELLS, in the SPIKES GULCH RIVER BASIN, for PRIMARY IRRIGATION OF 8.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 472.4 ACRES.

This right was perfected under Permit G-8570. The date of priority is APRIL 19, 1979. This right is limited to not more than 6.01 CUBIC FEET PER SECOND, BEING 2.0 CFS FROM WELL 1, 2.01 CFS FROM WELL 2, AND 2.0 CFS FROM WELL 3; or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 23, T 3 N, R 28 E, W.M.;
960 FEET NORTH AND 30 FEET EAST FROM S $\frac{1}{4}$ CORNER, SECTION 23.
WELL 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 26, T 3 N, R 28 E, W.M.;
930 FEET SOUTH FROM N $\frac{1}{4}$ CORNER, SECTION 26.
WELL 3 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, T 3 N, R 28 E, W.M.;
60 FEET SOUTH AND 820 FEET EAST FROM NW CORNER, SECTION 23.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

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

	SUPPLEMENTAL	PRIMARY
NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.6 ACRES	1.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$		1.0 ACRES
SECTION 26		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.4 ACRES	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.8 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	35.2 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 ACRES	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.4 ACRES	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30.4 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.8 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.6 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.9 ACRES	3.1 ACRES
Section 27		
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.		

T-8394
Dist. Temp
for 2000

T-8142 T 7701

C# 75121

NE¼ SE¼	38.8 ACRES	0.7 ACRE
NW¼ SE¼	39.9 ACRES	
SW¼ SE¼	16.0 ACRES	
SE¼ SE¼	13.6 ACRES	2.0 ACRES

Section 27

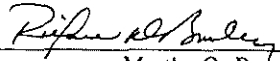
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

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.

This certificate is issued to confirm a diminution to supplemental irrigation approved by an order of the Water Resources Director entered September 3, 1997, and supersedes Certificate 51783, State Record of Water Right Certificates.

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

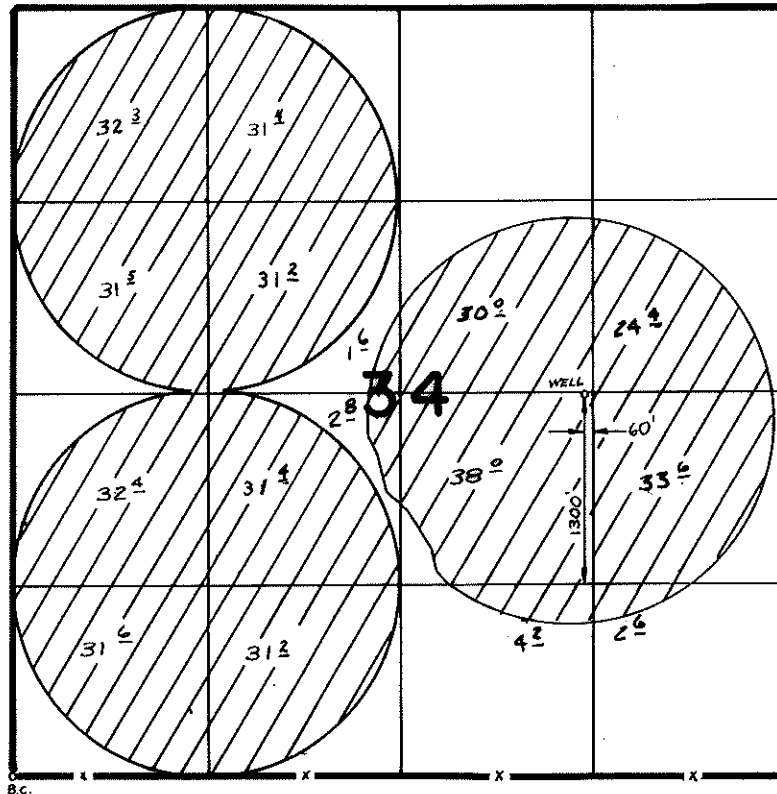
WITNESS the signature of the Water Resources Director, affixed September 3, 1997.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75121.

T. 3N. R. 28E. W. M.



FINAL PROOF SURVEY
UNDER

RECEIVED

JUN 2 1982

WATER RESOURCES DEPT
SALEM, OREGON

Application No. **G-5820** Permit No. **G-5812**
IN NAME OF

David Sparks

Surveyed *4-30* 19*78*, by *R. BARWIN*

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TEEL IRRIGATION DISTRICT
32327 OREGON TRAIL ROAD
ECHO, OREGON 97826

confirms part of the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 4471.3 acres.

This right was perfected under Permit 25924. The date of priority is JUNE 27, 1958. This right is limited to 30.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW ¼ NE ¼, SECTION 21, T 3 N, R 29 E, W.M.; WESTLAND CANAL - NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST, 2913.19 FEET FROM THE WEST ¼ CORNER OF SECTION 21.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), and 4.5 acre-feet for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

		IRRIGATED ACRES	
SE ¼ SE ¼		14.2	
SECTION 13			14.2 ACRES
SW ¼ NW ¼		31.7	
SE ¼ NW ¼		21.1	
NE ¼ SW ¼		31.4	
NW ¼ SW ¼		32.6	
SW ¼ SW ¼		40.2	
SE ¼ SW ¼		35.6	
NE ¼ SE ¼		30.3	
NW ¼ SE ¼		31.3	
SW ¼ SE ¼		23.7	
SE ¼ SE ¼		21.7	
SECTION 23			299.6 ACRES
NE ¼ NE ¼		30.0	
NW ¼ NE ¼		30.4	
SW ¼ NE ¼		38.4	
SE ¼ NE ¼		32.4	
NE ¼ NW ¼		32.0	
NW ¼ NW ¼		30.4	
SW ¼ NW ¼		34.0	
SE ¼ NW ¼		38.4	
NE ¼ SW ¼		36.5	
NW ¼ SW ¼		29.6	
SW ¼ SW ¼		32.8	
SE ¼ SW ¼		31.6	
NE ¼ SE ¼		30.1	
NW ¼ SE ¼		35.2	
SW ¼ SE ¼		32.4	
SE ¼ SE ¼		32.8	
SECTION 25			527.0 ACRES

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

T 8418

ur 2000
Dist Temp
T-8344

T-8394 T-8403 T-8406 T-8393 T-8391 8142, 8146, 8142, 7717, 7722

C# 76051

		IRRIGATED ACRES	
NE ¼ NE ¼		30.2	
NW ¼ NE ¼		35.7	
SW ¼ NE ¼		35.2	
SE ¼ NE ¼		28.1	
NE ¼ NW ¼		14.2	
NW ¼ NW ¼		16.7	
SE ¼ NW ¼		2.0	
SW ¼ SW ¼		0.2	
SE ¼ SW ¼		26.3	
SECTION 26			188.6 ACRES
NE ¼ NE ¼		36.4	
NW ¼ NE ¼		26.8	
SW ¼ NE ¼		21.2	
SE ¼ NE ¼		6.8	
SE ¼ NW ¼		0.6	
SECTION 27			91.8 ACRES
NE ¼ NE ¼		33.0	
NW ¼ NE ¼		33.0	
SW ¼ NE ¼		29.4	
SE ¼ NE ¼		29.4	
NE ¼ NW ¼		31.3	
NW ¼ NW ¼		31.2	
SW ¼ NW ¼		31.0	
SE ¼ NW ¼		30.8	
NE ¼ SW ¼		30.5	
NW ¼ SW ¼		30.2	
SW ¼ SW ¼		39.0	
SE ¼ SW ¼		39.0	
NE ¼ SE ¼		27.2	
NW ¼ SE ¼		28.0	
SW ¼ SE ¼		35.9	
SE ¼ SE ¼		30.9	
SECTION 28			509.8 ACRES
NE ¼ NE ¼		30.5	
NW ¼ NE ¼		29.7	
SW ¼ NE ¼		29.6	
SE ¼ NE ¼		30.0	
NE ¼ NW ¼		28.7	
NW ¼ NW ¼		33.1	
SW ¼ NW ¼		33.1	
SE ¼ NW ¼		28.5	
NE ¼ SW ¼		28.3	
NW ¼ SW ¼		29.7	
SW ¼ SW ¼		33.7	
SE ¼ SW ¼		36.5	
NE ¼ SE ¼		30.0	
NW ¼ SE ¼		26.2	
SW ¼ SE ¼		34.9	
SE ¼ SE ¼		36.9	
SECTION 29			499.4 ACRES
NE ¼ NE ¼		0.2	
SE ¼ NE ¼		0.3	
SECTION 30			0.5 ACRES
NE ¼ NE ¼		36.7	
NW ¼ NE ¼		36.9	
SW ¼ NE ¼		23.9	
NE ¼ NW ¼		5.4	
SECTION 32			102.9 ACRES

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

		IRRIGATED ACRES	
NE ¼ NE ¼		31.3	
NW ¼ NE ¼		36.5	
SW ¼ NE ¼		31.0	
SE ¼ NE ¼		31.0	
NE ¼ NW ¼		36.9	
NW ¼ NW ¼		36.3	
SW ¼ NW ¼		32.0	
SE ¼ NW ¼		32.4	
SECTION 33			267.4 ACRES
NE ¼ NW ¼		1.3	
SECTION 35			1.3 ACRES
TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.			
SW ¼ SW ¼		7.0	
SECTION 16			7.0 ACRES
SE ¼ SE ¼		0.5	
SECTION 17			0.5 ACRES
NE ¼ NE ¼		5.6	
SW ¼ NE ¼		30.4	
SE ¼ NE ¼		37.0	
SW ¼ NW ¼		6.5	
SE ¼ NW ¼		19.7	
NE ¼ SW ¼		39.8	
NW ¼ SW ¼		50.8	
SW ¼ SW ¼		41.9	
SE ¼ SW ¼		29.9	
NE ¼ SE ¼		38.1	
NW ¼ SE ¼		40.0	
SW ¼ SE ¼		37.7	
SE ¼ SE ¼		35.6	
SECTION 19			413.0 ACRES
NE ¼ NE ¼		28.3	
NW ¼ NE ¼		16.8	
SW ¼ NE ¼		40.0	
SE ¼ NE ¼		40.0	
NE ¼ SW ¼		31.6	
NW ¼ SW ¼		35.0	
SW ¼ SW ¼		39.8	
SE ¼ SW ¼		40.0	
NE ¼ SE ¼		40.0	
NW ¼ SE ¼		38.1	
SW ¼ SE ¼		25.9	
SE ¼ SE ¼		37.6	
SECTION 20			413.1 ACRES
NE ¼ NW ¼		13.1	
NW ¼ NW ¼		40.0	
SW ¼ NW ¼		39.8	
SE ¼ NW ¼		10.2	
NE ¼ SW ¼		12.0	
NW ¼ SW ¼		39.3	
SW ¼ SW ¼		38.8	
SE ¼ SW ¼		6.4	
SECTION 21			199.6 ACRES
NE ¼ NW ¼		2.9	
NW ¼ NW ¼		25.9	
SW ¼ NW ¼		4.8	
SECTION 28			33.6 ACRES
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.			

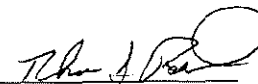
		IRRIGATED ACRES	
NE ¼ NE ¼		39.7	
NW ¼ NE ¼		34.0	
SW ¼ NE ¼		33.8	
SE ¼ NE ¼		36.7	
NE ¼ NW ¼		39.7	
NW ¼ NW ¼		34.4	
SW ¼ NW ¼		39.6	
SE ¼ NW ¼		35.6	
NE ¼ SW ¼		31.2	
NW ¼ SW ¼		39.0	
SW ¼ SW ¼		40.0	
SE ¼ SW ¼		32.7	
SECTION 29			436.4 ACRES
NE ¼ NE ¼		37.1	
NW ¼ NE ¼		35.5	
SW ¼ NE ¼		36.2	
SE ¼ NE ¼		39.2	
NE ¼ NW ¼		38.0	
NW ¼ NW ¼		57.3	
SW ¼ NW ¼		50.1	
SE ¼ NW ¼		29.6	
NE ¼ SE ¼		37.2	
NW ¼ SE ¼		31.8	
SW ¼ SE ¼		33.6	
SE ¼ SE ¼		40.0	
SECTION 30			465.6 ACRES
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.			
TOTAL			4471.3 ACRES

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.

This certificate is issued to correctly describe the point of diversion, and supersedes Certificate 75120, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed May 25, 1999.


for Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76051.

TEEL FP

Tell 25924

1907 WID

WID
(1901)
21.7
10.0
31.7

4.8

10.6

21.1

31.7

14.1

14.3

31.3

18.5

17.1

40.2

35.6

23.3

12.1

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33.0

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14.7

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29.4

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31.2

0.6

21.2

3.2

23.6

1.5

38.8

36.6

35.2

27.2

31.0

32.0

40.0

38.8

24.7

21.5

29.8

30.9

32.0

28.9

17.0

13.6

0.2

26.3

40.0

1.3

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

In the Matter of Transfer Application
T-10251, Umatilla County

) **F I N A L O R D E R**
) **APPROVING A DISTRICT**
) **PERMANENT TRANSFER AND**
) **DIMINUTION OF A WATER RIGHT**

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

WESTLAND IRRIGATION DISTRICT
P.O. BOX 944
HERMISTON, OR 97838

Findings of Fact

1. On October 16, 2006, Westland Irrigation District filed a district transfer application, subsequently amended, to permanently change the place of use under Certificates 76050 and 75121 and diminish a portion of Certificate 81417 from irrigation to supplemental irrigation. The Department assigned the application number T-10251.
2. The applicant requested the transfer be processed concurrently with Transfer Application T-8418.
3. Notice of the application for transfer was published pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.

WID STATES WILL
NOT BE USING
THESE RIGHTS
(STILL INCOMPLETE UNDER TR. ORDER)
DURING 2007.

(T-10251) (LANDS)

SEE MAP FOR
SECTION 4 RIGHTS
BROUGHT IN →

This order is subject to judicial review under ORS 540.580 and within the 60 day time period specified by ORS 540.580 you may either petition for judicial review or. A petition for reconsideration may be granted within 60 days following the date the petition was

C# 76050
and 75121
and Now 83083

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

Certificate: 76050, issued in the name of Teel Irrigation District

Use: Irrigation

Priority Date: April 22, 1955

Rate & Duty: 1/40th cfs per acre irrigated not to exceed 4.5 acre-feet per acre per irrigation season

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	29 E	W.M.	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21.

Authorized Place of Use:

IRRIGATION - CERTIFICATE 76050							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
3 N	28 E	W.M.	27	NE SE	7404	7.20	L & L FARMS
3 N	28 E	W.M.	27	NW SE	7404	9.40	L & L FARMS
3 N	28 E	W.M.	27	SW SE	7404	16.00	L & L FARMS
3 N	28 E	W.M.	27	NW NE	7404	13.60	L & L FARMS
TOTAL:						46.20	

Application T-10251 proposes to change the place of use to:

IRRIGATION - CERTIFICATE 76050							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
2 N	28 E	W.M.	4	NE SW	800	3.50	L & L FARMS
2 N	28 E	W.M.	4	NW SW	800	0.10	L & L FARMS
2 N	28 E	W.M.	4	SW SW	800	14.70	L & L FARMS
2 N	28 E	W.M.	4	SE SW	800	27.90	L & L FARMS
TOTAL:						46.20	

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

Certificate: 75121, issued in the name of L & L Farms

Use: Supplemental Irrigation

Priority Date: April 19, 1979

Rate & Duty: 1/80th cfs per acre irrigated not to exceed 3.0 acre-feet per acre per irrigation season

Source: Wells 1, 2 and 3 in the Spikes Gulch River Basin

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	28 E	W.M.	23	SW SE	Well 1 - 960 feet North and 30 feet East from S¼ Corner of Section 23
3 N	28 E	W.M.	26	NW NE	Well 2 - 930 feet South from N¼ Corner of Section 26
3 N	28 E	W.M.	23	NW NW	Well 3 - 60 feet South and 820 feet East from NW Corner of Section 23

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION - CERTIFICATE 75121							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
3 N	28 E	W.M.	27	NE SE	7404	7.20	L & L FARMS
3 N	28 E	W.M.	27	NW SE	7404	9.40	L & L FARMS
3 N	28 E	W.M.	27	SW SE	7404	16.00	L & L FARMS
3 N	28 E	W.M.	27	SE SE	7404	13.60	L & L FARMS
TOTAL:						46.20	

Application T-10251 proposes to change the place of use to:

SUPPLEMENTAL IRRIGATION - CERTIFICATE 75121							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
2 N	28 E	W.M.	4	NE SW	800	3.50	L & L FARMS
2 N	28 E	W.M.	4	NW SW	800	0.10	L & L FARMS
2 N	28 E	W.M.	4	SW SW	800	14.70	L & L FARMS
2 N	28 E	W.M.	4	SE SW	800	27.90	L & L FARMS
TOTAL:						46.20	

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

Certificate: 75121, issued in the name of L & L Farms

Use: Irrigation

Priority Date: April 19, 1979

Rate & Duty: 1/80th cfs per acre irrigated not to exceed 3.0 acre-feet per acre per irrigation season

Source: Wells 1, 2 and 3 in the Spikes Gulch River Basin

Authorized Points of Appropriation:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	28 E	W.M.	23	SW SE	Well 1 – 960 feet North and 30 feet East from S¼ Corner of Section 23
3 N	28 E	W.M.	26	NW NE	Well 2 – 930 feet South from N¼ Corner of Section 26
3 N	28 E	W.M.	23	NW NW	Well 3 – 60 feet South and 820 feet East from NW Corner of Section 23

Authorized Place of Use:

IRRIGATION - CERTIFICATE 75121							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
3 N	28 E	W.M.	26	NW NW	7400	1.80	L & L FARMS
3 N	28 E	W.M.	26	NW SW	7400	1.00	L & L FARMS
3 N	28 E	W.M.	27	NE SE	7404	0.70	L & L FARMS
3 N	28 E	W.M.	27	SE SE	7404	2.00	L & L FARMS
TOTAL:						5.50	

Application T-10251 proposes to change the place of use to:

IRRIGATION - CERTIFICATE 75121							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
2 N	28 E	W.M.	4	NE SW	800	5.50	L & L FARMS
TOTAL:						5.50	

7. The portion of the fourth right to be modified by the transfer and diminished from irrigation to supplemental irrigation is as follows:

Certificate: 81417, issued in the name of Tony Amstad and
L & L Farms – Robert Levy

Use: Irrigation

Priority Date: August 10, 1981

Rate & Duty: 1/40th cfs per acre irrigated not to exceed 1.5 acre-feet per acre irrigated between November 15 and the last day of February. Together with the amount secured under any other right the duty shall not exceed 4.5 acre-feet in any one year. To conserve ground water, the supplemental irrigation portion of this right may be exercised when water is available from the ground water supply provided the total quantity diverted from all sources does not exceed the limitations of the right.

Source: Umatilla River, tributary to Columbia River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	QTR-QTR	SURVEY COORDINATES
3 N	29 E	W.M.	21	SW NE	Westland Canal - North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ Corner of Section 21.

Authorized Place of Use:

IRRIGATION - CERTIFICATE 81417							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
2 N	28 E	W.M.	4	NE SW	800	5.50	L & L FARMS
TOTAL:						5.50	

Application T-10251 proposes to diminish the right from irrigation to supplemental irrigation at the following location:

IRRIGATION - CERTIFICATE 81417							
TWP	RNG	MER	SEC	QTR-QTR	TL	AC	USER
2 N	28 E	W.M.	4	NE SW	800	5.50	L & L FARMS
TOTAL:						5.50	

8. The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
9. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
10. The proposed change in place of use would not result in enlargement of the rights.
11. The proposed change in place of use would not result in injury to other water rights.

Conclusions of Law

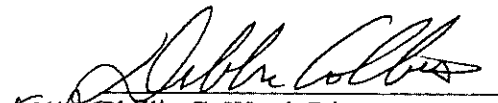
The proposed changes in place of use in Transfer Application T-10251 satisfy the requirements of ORS 540.574(3) and 540.580.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 76050, 75121 and 81417 are approved.
2. The right to the use of water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 76050, 75121 and 81417 and any related decree.
3. The former places of use shall no longer be irrigated as part of these water rights.
4. The water right evidenced by Certificate 81417 is diminished from irrigation to supplemental irrigation as described in *Finding of Fact #7*.
5. The proposed changes shall be completed on or before October 1, 2008.

6. A Claim of Beneficial Use and Final Proof Map shall be submitted by the applicant to the Department by October 1, 2009.
7. Certificates 76050 and 75121 are modified. The Department will issue a superseding certificate describing the rights when it determines that is necessary for record keeping.

Dated at Salem, Oregon this 19th day of January, 2007.


For Phillip C. Ward, Director

Mailing Date: JAN 22 2007

"FROM" LANDS

TOWNSHIP 3N RANGE 28E W.M.

SECTION 34

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																415	E 1061	CANCELLED
																2832	1346	
																Supplemental		
																U-712	U-662	CANCELLED
																Supplemental		
																U-725	U-661	CANCELLED
																32422	25924	14
																T-7197	V-53P, 1137	
																G-5820	G-5812	51295
																R-85285	R-13872	
																V-53P, 1137	new poll	
																T-7197	G-5812	79993
																G-5820	G-5812	76263
																	LL 977	GOOD THRU 12/31/06

OUT

NO CONFLICTS NO SUPPL.

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
E	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR				LEGAL SUBDIVISION AS SHOWN				ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES										
34	42 ⁵³			42 ⁸⁴	43 ⁰⁹													
34	42 ⁵³	40	40	42 ⁸⁴	43 ⁰⁹	40	40	40	40	40	40					2832	1546	CANCELLED
34	42 ⁵³	40	40	42 ⁸⁴	43 ⁰⁹	40	40	40	40	40	40					415	E-106	CANCELLED
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[illegible]

[illegible][illegible]

NO CONFLICT. ALL WR'S (SEEN ABOVE)
WERE/ARE TRANSFERRED OUT IN T-10348.

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: 76263

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input 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 checked="" 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 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.)	<input checked="" 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.)	<div style="text-align: center;">Proposed new use:</div> <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.) <div style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">MAR 19 2007</div> <div style="text-align: center;">WATER RESOURCES DEPT SALEM, OREGON</div>

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>76263</u> Certificate Number	<u>G-5812</u> 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. R. Simplot Company
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): June 12, 1972

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: Sparks Well

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? _____

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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SALEM, OREGON**

- Certificate Number or other identifying number: **76263**

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)
UMAT 1224	Sparks Well June 12, 1972	3N	28E	WM	34	NW SE	9200	1300 ft N & 60 ft W from the SE Corner, NW ¼ SE ¼ Sec. 34

- 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
See Attached Well Log									

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WATER RESOURCES DEPT
SALEM, OREGON

▪ Certificate Number or other identifying number: **76263**

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 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 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)
Sparks Well June 12, 1972	3N	28E	WM	34	SW NE	9200	30.0
Sparks Well June 12, 1972	3N	28E	WM	34	SE NE	9200	24.4
Sparks Well June 12, 1972	3N	28E	WM	34	NW NW	9200	11.3
Sparks Well June 12, 1972	3N	28E	WM	34	SW NW	9200	31.5
Sparks Well June 12, 1972	3N	28E	WM	34	SE NW	9200	10.0
Sparks Well June 12, 1972	3N	28E	WM	34	NE SW	9200	8.0
Sparks Well June 12, 1972	3N	28E	WM	34	NW SW	9200	30.1
Sparks Well June 12, 1972	3N	28E	WM	34	SW SW	9200	2.4
Sparks Well June 12, 1972	3N	28E	WM	34	NE SE	9200	33.6
Sparks Well June 12, 1972	3N	28E	WM	34	NW SE	9200	38.0
Sparks Well June 12, 1972	3N	28E	WM	34	SW SE	9200	4.2
Sparks Well June 12, 1972	3N	28E	WM	34	SE SE	9200	2.6
							226.1

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**WATER RESOURCES DEPT
SALEM, OREGON**

▪ Certificate Number or other identifying number: 76263

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)
Additional POA L&L Farms Well 1	3N	28E	WM	23	SW SE	7100	960 ft N and 30 ft E from the S ¼ Cor. Section 23
Additional POA L&L Farms Well 2	3N	28E	WM	26	NE NW	7300	930 ft S from the N ¼ Cor. Section 26
Additional POA L&L Farms Well 3	3N	28E	WM	23	NW NW	7100	60 ft S and 820 ft E from the NW Cor. Section 23

- 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.

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
See Attached Well Logs										

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■ Certificate Number or other identifying number: 76263

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)
Sparks Well & L&L Farms Wells 1, 2, & 3	3N	28E	WM	23	NE NW	7100	30.2
Sparks Well & L&L Farms Wells 1, 2, & 3	3N	28E	WM	23	NW NW	7100	29.0
Sparks Well & L&L Farms Wells 1, 2, & 3	3N	28E	WM	23	SW NW	7100	36.5
Sparks Well & L&L Farms Wells 1, 2, & 3	3N	28E	WM	23	SE NW	7100	36.9
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	SW NW	800	0.8*
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	SE NW	800	0.8*
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	NE SW	800	30.2*
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	NW SW	800	33.5*
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	SW SW	800	28.2*
							226.1

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Remarks: *Existing water rights located in these areas will not be used or transferred during the 2007 irrigation season.

** Existing water rights located on to ground in section 23 are transferred off in 2007 District temporary transfer.

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: 79993

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input 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 checked="" 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.)	<p style="text-align: center;">Proposed new use:</p> <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.) <div style="text-align: center;"> RECEIVED MAR 19 2007 WATER RESOURCES DEPT SALEM, OREGON </div>

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>79993</u>	<u>G-5812</u>
	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. R. Simplot Company
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): June 12, 1972

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: Sparks Well

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? _____

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: 79993

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)
UMAT 1224	Sparks Well June 12, 1972	3N	28E	WM	34	NW SE	9200	1300 ft N & 60 ft W from the SE Corner, NW ¼ SE ¼ Sec. 34

- 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
See Attached Well Log									

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■ Certificate Number or other identifying number: 79993

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 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 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)
Sparks Well June 12, 1972	3N	28E	WM	34	NW NW	9200	0.1
Sparks Well June 12, 1972	3N	28E	WM	34	SW NW	9200	7.9
Sparks Well June 12, 1972	3N	28E	WM	34	SE NW	9200	0.2
Sparks Well June 12, 1972	3N	28E	WM	34	NW SW	9200	7.3
						Total	15.5

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**WATER RESOURCES DEPT
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▪ Certificate Number or other identifying number: 79993

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)
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	SW SW	800	3.1*
Sparks Well & L&L Farms Wells 1, 2, & 3	2N	28E	WM	4	SE SW	800	12.4*
							15.5

Remarks: *Existing water rights located in these areas will not be used or transferred during the 2007 irrigation season.

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■ Certificate Number or other identifying number: 79993

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)
Additional POA L&L Farms Well 1	3N	28E	WM	23	SW SE	7100	960 ft N and 30 ft E from the S ¼ Cor. Section 23
Additional POA L&L Farms Well 2	3N	28E	WM	26	NE NW	7300	930 ft S from the N ¼ Cor. Section 26
Additional POA L&L Farms Well 3	3N	28E	WM	23	NW NW	7100	60 ft S and 820 ft E from the NW Cor. Section 23

- 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.

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
See Attached Well Logs										

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SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86719**

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

INVOICE # _____

RECEIVED FROM: Westland Enterprises
BY: LIC

APPLICATION	
PERMIT	
TRANSFER	<u>T-10349</u>

CASH: ☐ CHECK: # 94271 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 236.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 236.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **86719**

DATED: 3/19/07 BY: Van L. DeBry



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 checked="" type="checkbox"/> Temporary Transfer | <input type="checkbox"/> Permanent |
| • total number of years: <u>One</u> | <input type="checkbox"/> Time-Limited |
| (begin year: <u>April 2007</u>) | <input type="checkbox"/> Drought Transfer |
| (end year: <u>October, 2007</u>) | <input type="checkbox"/> Other |

2. APPLICANT INFORMATION

Name: L& L Farms c/o Robert Levy

First

Last

Address: 822 Highway 395 S. #423

Hermiston,

OR

97838

City

State

Zip

Phone: (541)481-6045

Home

Work

Other

Fax: (541) 481-6049

E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: William Porfily

First

Last

Address: P.O. Box 643, 415 E. Wheeler

Stanfield,

OR

97875

City

State

Zip

Phone: (541)449-1327 Cell (541)561-7259

Home

Work

Other

Fax: (541)449-1327

E-Mail address: bporfily@my180.net

- 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.

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.		G-5812	79993
2.		G-5812	76263
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

☒ 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): To irrigate high value crops from wells which requires late irrigation season water.

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.

Please refer to delivery system map that is attached

- System capacity: 3.0 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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SALEM, OREGON

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:

Westland Irrigation District, P.O. Box 944, Hermiston, OR 97838

- 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).

Umatilla County, 216 SE 4th, Pendleton, OR 97801

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10349

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): J. R. Simplot Company
First Last

Address: P.O. Box 27,

Boise ID 83707
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): _____
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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SALEM, OREGON**

I 10349

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:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 236.00
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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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	Robert Levy name (print)	3-15-2007 date
 applicant signature	 name (print)	 date

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NOTICE TO WATER WELL CONTRACTOR

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

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

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

(Do not write above this line)

NOV 1 1976

State Permit No.

State Well No.

SPARKS

(1) OWNER:

Name Glen Maddox
Address P. O. Drawer P, Moses Lake, Wa. 98837

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☒
16" Diam. from +1 ft. to 44 ft. Gage .250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Valley Pump
Yield: 3260 gal./min. with 17 ft. drawdown after 8 hrs.

" " " " " " " "

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

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 44 ft.

Diameter of well bore to bottom of seal 26 in.

Diameter of well bore below seal 15 in.

Number of sacks of cement used in well seal 105 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons of water _____ lbs./100 gals.

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

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

WATER RESOURCES DEPT.
(10) LOCATION OF WELL:

County Umatilla Driller's well number #1
1/4 1/4 Section 34 T. 3N R. 28E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 404 ft.

Static level 425 ft. below land surface. Date 9/20/76

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing

Depth drilled 830 ft. Depth of completed well 830 ft.

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

MATERIAL	From	To	SWL
Top Soil	0	2	
Gravel cemented	2	36	
Basalt broken brown	36	39	
Basalt med hard brown	39	57	
Basalt med black	57	77	
Basalt hard black	77	100	
Basalt soft blk(quartz & clay)	100	117	
Basalt hard black	117	144	
Basalt soft brown	144	160	
Basalt soft black	160	177	
Basalt med black	177	186	
Basalt soft black & blue clay	186	200	
Basalt soft black	200	227	
Basalt med black	227	262	
Basalt soft black	262	270	
Basalt hard black	270	272	
Basalt soft black	272	287	
Basalt med black	287	295	
Basalt hard black	295	330	

Work started 8/20 19 76 Completed 9/10 19 76

Date well drilling machine moved off of well 9/10 19 76

Drilling Machine Operator's Certification:

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

[Signed] Richard F. Rist Date 10/1 19 76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1007

Water Well Contractor's Certification:

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

Name Steve Moore
(Person, firm or corporation) (Type or print)

Address P. O. Box P, Moses Lake, Wa. 98837

[Signed] Steve Moore
(Water Well Contractor)

Contractor's License No. 628 Date 10/1 19 76

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

10349

WATER WELL REPORT UMAT

STATE OF OREGON
(Please type or print)

(Do not write above this line)

Page 2

State Well No.

State Permit No. G-5812

(1) OWNER:

Name Glen Maddox
Address P. O. Box P, Moses Lake, Wa. 98837

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☐

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☐ No.

Type of perforator used

Size of perforations in. by in.
..... perforations from ft. to ft.
..... perforations from ft. to ft.
..... perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

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

" " " " "

" " " " "

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

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used

Well sealed from land surface to ft.

Diameter of well bore to bottom of seal in.

Diameter of well bore below seal in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons

of water lbs./100 gals.

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

Did any strata contain unusable water? ☐ Yes ☐ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☐ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Umatilla Driller's well number #1
1/4 1/4 Section 34 T. 3N R. 28E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.

Static level ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled ft. Depth of completed well ft.

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

MATERIAL	From	To	SWL
Basalt soft black	330	339	
Basalt hard black	339	362	
Basalt soft black	362	404	
Basalt hard black	404	486	
Basalt soft blk & clay seams	486	498	
Basalt soft black	498	535	
Basalt med black	535	559	
Basalt brown & black water	559	561	
Basalt soft black	561	569	
Basalt med black	569	584	
Basalt soft black 621 water	584	660	
Basalt hard black 646 water	660	666	
Basalt soft black 700 water	666	707	
Basalt hard black	707	732	
Basalt soft black broken	732	740	
Basalt red soft 740 water	740	750	
Basalt hard black	750	804	
Basalt soft black 810 water	804	830	
825 water.			

Work started 19 Completed 19

Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification:

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

[Signed] Date, 19.....
(Drilling Machine Operator)

Drilling Machine Operator's License No.

Water Well Contractor's Certification:

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

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

Address

[Signed]
(Water Well Contractor)

Contractor's License No. Date, 19.....

(USE ADDITIONAL SHEETS IF NECESSARY)

MAR 19 2007

SP45656-119

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

MAY 25 1976

WATER RESOURCES DEPT. No.

SALEM, OREGON

(1) OWNER:

Name L & L Farms Inc.
Address 807 W. TAMARACK
HERMISTON, OREGON

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
16" Diam. from +1 ft. to -49 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: 2000+ gal./min. with _____ ft. drawdown after _____ hrs.

" AIR LIFT " " " " "

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

Artesian flow NONE g.p.m.

Temperature of water 66 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used NEAT CEMENT

Well sealed from land surface to 49 ft.

Diameter of well bore to bottom of seal 20 in.

Diameter of well bore below seal 16 in.

Number of sacks of cement used in well seal 50 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons

of water _____ lbs./100 gals.

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

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County WATKINS Driller's well number 04-76
SW 1/4 SE 1/4 Section 26 T. 3N R. 28 E. W.M.
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 306 ft.

Static level 330 ft. below land surface. Date 4-20-76

Artesian pressure NONE lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 16" to 45"

Depth drilled 1,012 ft. Depth of completed well 1,012 ft.

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

MATERIAL	From	To	SWL
SILT, SAND	0	14	
GRAVEL, CLAY	14	30	
MED. HARD BROWN BASALT	30	65	
HARD GREY	65	85	
MED. HARD GREY	85	127	
SOFT GREY	127	135	
HARD GREY	135	256	
MED. HARD GREY	256	281	
HARD GREY	281	306	
SOFT, BROKEN, SERMS	306	331	WATER
HARD GREY	331	452	
BROKEN GREY W/SLAPSTONE	452	456	WATER
HARD GREY BASALT	456	588	
BROKEN W/SEAM	588	638	WATER
HARD GREY	638	888	
BROKEN W/SLAPSTONE	888	913	WATER
HARD GREY BASALT	913	913	
BROKEN BASALT	913	988	WATER
HARD GREY BASALT	988	1012	

Work started 2-26 1976 Completed 4-20 1976

Date well drilling machine moved off of well 4-24 1976

Drilling Machine Operator's Certification:

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

[Signed] Robert A. Wallace Date 5-23 1976
(Drilling Machine Operator)

Drilling Machine Operator's License No. 886

Water Well Contractor's Certification:

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

Name Wallace Well Drilling Co.
(Person, firm or corporation) (Type or print)

Address Box 392 PENDLETON

[Signed] Robert A. Wallace
(Water Well Contractor)

Contractor's License No. 583 Date 5-23 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP45656-110

WATER RESOURCES DEPT
SALEM, OREGON

10349

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310

#2- within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAY 25 1976 State Well No.

3N/28E-26

State Permit No.

L&L#2

(1) OWNER:

Name L & L FARMS INC.Address P.O. Box 611
ECHO, ORE.

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

16" Diam. from 0 ft. to 81 ft. Gage 1250

" Diam. from " ft. to " ft. Gage "

" Diam. from " ft. to " ft. Gage "

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.

perforations from " ft. to " ft.

perforations from " ft. to " ft.

perforations from " ft. to " ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from " ft. to " ft.

Diam. Slot size Set from " ft. to " ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static levelWas a pump test made? ☐ Yes ☒ No. If yes, by whom?

Yield: 1000 gal./min. with " ft. drawdown after " hrs.

" " " " " " "

" " " " " " "

Baller test gal./min. with " ft. drawdown after " hrs.

Artesian flow NONE g.p.m.

Temperature of water 67 Depth artesian flow encountered NONE ft.

(9) CONSTRUCTION:

Well seal—Material used HEAT CEMENT

Well sealed from land surface to 81 ft.

Diameter of well bore to bottom of seal 20 in.

Diameter of well bore below seal 14 in. TO 450 FT.

Number of sacks of cement used in well seal 50 sacks

Number of sacks of bentonite used in well seal " sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons 5 GAL. WATER

of water PER BAG CEMENT lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs " Size: location " ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? " depth of strata "

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel: "

Gravel placed from " ft. to " ft.

(10) LOCATION OF WELL:

County UMATILLA Driller's well number 7-76NE 1/4 NW 1/4 Section 26 T. 3N R. 28 E. W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 327 ft.

Static level 330 ft. below land surface. Date 5-7-76

Artesian pressure NONE lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 14" TO 450 ft.

Depth drilled 911 ft. Depth of completed well 911 ft.

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

MATERIAL	From	To	SWL
SAND, SILT	0	4	
CLAY	4	12	
GRAVEL	12	38	
BROWN BASALT	38	67	
HARD GREY BASALT	67	145	
BROKEN RED BASALT	145	165	
HARD GREY BASALT	165	274	
BROKEN GREY BASALT	274	295	
HARD GREY BASALT	295	327	
BROKEN / SOAPSTONE	327	341	WATER
HARD GREY BASALT	341	425	
BROKEN GREY SOAPSTONE	425	435	WATER
HARD GREY BASALT	435	601	
BROKEN GREY BASALT	601	608	
HARD GREY BASALT	608	615	
BROKEN GREY BASALT	615	650	
MED. HARD GREY	650	870	
BROKEN GREY BASALT	870	901	WATER
HARD GREY BASALT	901	911	

Work started 4-26 1976 Completed 5-7 1976

Date well drilling machine moved off of well 5-7 1976

Drilling Machine Operator's Certification:

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

[Signed] Loereth A. Wallace 5-23 1976
(Drilling Machine Operator)

Drilling Machine Operator's License No. 886

Water Well Contractor's Certification:

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

Name WALLACE Well Drilling Co.
(Person, firm or corporation) (Type or print)

Address Box 122 PENDLETON OR.

[Signed] Loereth A. Wallace
(Water Well Contractor)

Contractor's License No. 583 Date 5-23 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45658-119

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

10349

NOTICE TO WATER WELL CONTRACTOR

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

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

JAN 19 1977

WATER RESOURCES DEPT.

State Well No.

State Permit No.

SALEM, OREGON

(10) LOCATION OF WELL:

County UMATILLA Driller's well number

NW 1/4 NW 1/4 Section 23 T. 3N. R. 28 E. W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 40 ft.

Static level 51 ft. below land surface. Date 12-18-76

Artesian pressure NONE lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8" below

Depth drilled 936 ft. Depth of completed well 936 ft.

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

MATERIAL	From	To	SWL
SANDY SOIL	0	12	
SOFT BROWN BASALT	12	40	water
HARD GREY BASALT	40	127	
BROKEN RED W/SLAPSTONE	127	140	water
GREY BASALT	140	172	
BROKEN RED W/SLAPSTONE	172	190	water
VERY HARD GREY BASALT	190	272	
GREY W/SLAPSTONE	272	277	
MED. HARD GREY BASALT	277	415	
VERY HARD GREY	415	478	
SOFT GREY BASALT	478	489	
HARD GREY	489	638	
SOFT GREY	638	645	
MED. HARD GREY	645	670	
BROKEN RED	670	702	water
HARD GREY	702	814	
BROKEN GREY	814	842	water
HARD GREY	842	912	
BROKEN GREY	912	936	water

Work started 12-3 19 76 Completed 12-18 19 76

Date well drilling machine moved off of well 12-18 19 76

Drilling Machine Operator's Certification:

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

[Signed] Richard L. Loe Date 1-17, 19 77

(Drilling Machine Operator)

Drilling Machine Operator's License No. 886

Water Well Contractor's Certification:

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

Name WALLACE WELL DRG. CO.

(Person, firm or corporation)

(Type or print)

Address LENDLETON, ORE.

[Signed] Ed Wallace

(Water Well Contractor)

Contractor's License No. 583 Date 1-17, 19 77

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

MAR 19 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10349

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

RECEIVED

MAY 17 1993

WATER RESOURCES DEPT.
SALEM, OREGON

(START CARD)

3N/28E/236
46860

(1) OWNER:

Name L & L Farms
Address P.O. Box 63
City Echo State OR Zip 97826

(2) TYPE OF WORK:

☐ New Well ☒ Deepen ☒ Recondition ☐ Abandon

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 1055 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
14"	0 600	N/A			
8"	600 1055				

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

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
1500+		1055	1 hr.

Temperature of Water 62° Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ No ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Umatilla Latitude _____ Longitude _____
Township 3N N or S. Range 28E E or W. WM.
Section 23 NW ¼ NW ¼
Tax Lot 7100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Echo, OR 97826

(10) STATIC WATER LEVEL:

349 ft. below land surface. Date 1-26-93
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 978

From	To	Estimated Flow Rate	SWL
978	986	300	

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
Reconditioning & Deepening Procedure:			
Existing hole was:			
14" from 0 to 500			
8" from 500 to 936			
Well was reamed to 14" from 500 to 600.			
Well was deepened from 936 to 1055.			
Gray basalt	936	978	
Black basalt with green soapstone	978	986 WB	
Gray basalt	986	1055	

Date started 12-22-93 Completed 1-26-93

(unbonded) Water Well Constructor Certification:

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

WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:

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

WWC Number 1218
Signed Petrus Wallace Date 2-20-93

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT

SECOND COPY - CONSTRUCTOR

THIRD COPY - CUSTOMER

9809C 10/9

WATER RESOURCES DEPT.
SALEM, OREGON

10349

**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
County of Umatilla)

I, Robert Levy, in my capacity as an Owner,

mailing address 822 HWY 395 S. #423, Hermiston, Oregon 97838

telephone number (541) 481-6045, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, 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.

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

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
			Certificate 76263			
3 N	28 E	WM	34	SW NE		30.0
3 N	28 E	WM	34	SE NE		24.4
3 N	28 E	WM	34	N NW W		11.3
3 N	28 E	WM	34	SW NW		31.5
3 N	28 E	WM	34	SE NW		10.0
3 N	28 E	WM	34	NE SW		8.0
3 N	28 E	WM	34	N SW W		30.1
3 N	28 E	WM	34	SW SW		2.4
3 N	28 E	WM	34	NE SE		33.6
3 N	28 E	WM	34	N SE W		38.0
3 N	28 E	WM	34	SW SE		4.2
3 N	28 E	WM	34	SE SE		2.6
					Total	226.1
			Certificate 79993			

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10349

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
3N	28 E	WM	34	N NW W		0.1
3N	28 E	WM	34	SW NW		7.9
3N	28 E	WM	34	SE NW		0.2
3N	28 E	WM	34	N SW W		7.3
					Total	15.5

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

During the 2002 Irrigation Season these acres were irrigated in L&L Farm's circles 6 and 14 authorized with Temporary Transfer T-9077. Potatoes were grown in Circle #14 and Alfalfa was grown in circle #6. During the 2003 Irrigation Season these acres were irrigated in L&L Farm's circles 13 & 20 authorized with Temporary Transfer T-9363. Potatoes were grown in these two circles

5. The water delivery system used to apply water as authorized by the right is described below:

Please refer to Irrigation delivery system map

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the 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 the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 15th day of March, 2007.

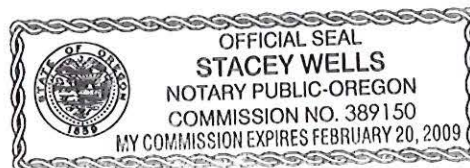
Notary Public for Oregon

My Commission Expires: 02-20-09

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WATER RESOURCES DEPT
SALEM, OREGON



AFFIDAVIT OF CONSENT

State of Idaho)
) SS
County of Ada)

I, Gray Young, Associate General Counsel and Assistant Secretary for J. R. Simplot Company, being first duly sworn, depose and say:

1. J. R. Simplot Company owns the Oregon Water Resources Department ("OWRD") certificate nos. 76263, which is authorized for irrigation use and 79993, which is authorized for irrigation and industrial use;
2. J. R. Simplot Company is leasing the land described by the irrigated places of use under OWRD certificate nos. 76263 and 79993 to Westland Enterprises, LLC ("Westland");
3. J. R. Simplot Company hereby consents to the 2007 Temporary Transfer of all of OWRD certificate no. 76263 and that portion of OWRD certificate no. 79993 certified by the OWRD for irrigation use to Westland.

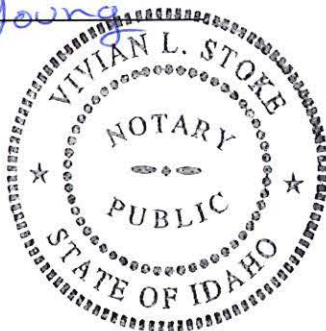
J. R. Simplot Company

By: Gray Young
Gray Young,
Associate General Counsel
and Assistant Secretary

3/9/07
Date

State of Idaho
County of Ada

Subscribed and Sworn to Before Me this 9th day of March 2007 by
Gray Young



Vivian L. Stone
Notary Public – State of Idaho
My commission expires: 8-12-2010

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MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

10349



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. **THIS FORM IS NOT REQUIRED IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: L & L Farms

Address: 822 Highway 395 S. #423

City: Hermiston State: OR Zip: 97838 Day Phone: (541)481-6045

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designated (e.g. Rural Residential/RR-5)	Water to be: (Check all that apply)			Proposed Land Use
TL 7100, T3N, R28E, WM & TL 800, T2N, R28E, WM	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Supplemental Irrigation
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla County

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households)
☐ Other

Briefly describe: This transfer proposes to transfer well water rights to circles with high value crops of potatoes and alfalfa insuring that I have irrigation water late in the irrigation season to finish raising and harvesting of these crops.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water

Indicate the estimated quantity of water the use will require: 4.5 ☒ CFS ☐ GPM ☐ Acre-Feet (Source)

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WATER RESOURCES DEPT
SALEM, OREGON

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Type of Land Use Approval Needed (3.g. plan amendments, rezones, conditional use permits, etc.)	City Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: 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
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: J.R. Cook Date: 3-6-07

Title: Asst. Planning Dir Phone: 541.278.6251

Signature: [Signature]

C. Additional Comments

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

This LUCS signature based upon land use only. This
does not verify state compliance w/ state land use laws
and/or statewide planning goals and guidelines

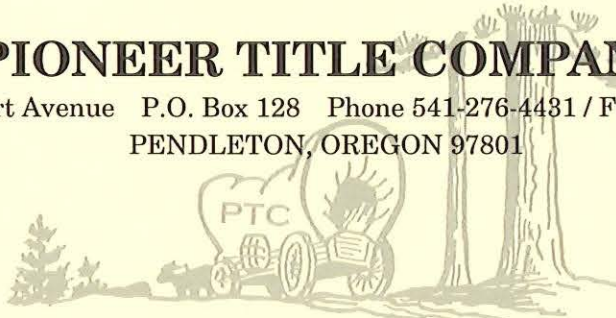
Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

PIONEER TITLE COMPANY

126 S.E. Court Avenue P.O. Box 128 Phone 541-276-4431 / Fax 541-276-2007

PENDLETON, OREGON 97801

Pioneer Escrow, Inc.
178 S. Main
Milton-Freewater, OR 97862
Ph. 541-938-3327
Fx. 541-938-5089



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.
132 S.E. Court Avenue P.O. Box 1538 Ph. 541-276-5114 / Fx. 541-276-0484
Pendleton, OR 97801

To: William I. Porfily
P.O. Box 643
Stanfield, OR 97875

Order No: 80757
Your No : n/a
Owner : JR SIMPLOT CO
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:

All of Section 34, Township 3 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

And as of February 15, 2007, at 5 o'clock P.M., we find that the last document of record runs to:

J.R. SIMPLOT COMPANY, a Nevada corporation

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2006-2007 Taxes, \$639.72 paid in full.
Code No. 5-4, Map No. 3N-28, Tax Lot 9200, Serial No. 107414

1. County Liens, Special Assessments if any.
2. 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.

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.

RECEIVED

MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

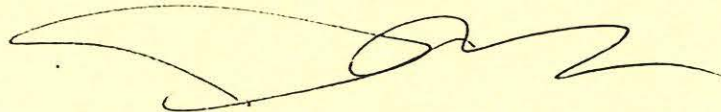
I 10349

William I. Porfily
Report No. 80757

-2-

Very truly yours,

PIONEER TITLE COMPANY

A handwritten signature in dark ink, appearing to read 'Jeremy S. Parker', with a stylized, flowing script.

Jeremy S. Parker
Title Examiner

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MAR 19 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10349

PIONEER TITLE COMPANY

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PRIVACY POLICY

MAR 19 2007

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

WATER RESOURCES DEPT
SALEM, OREGON

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:

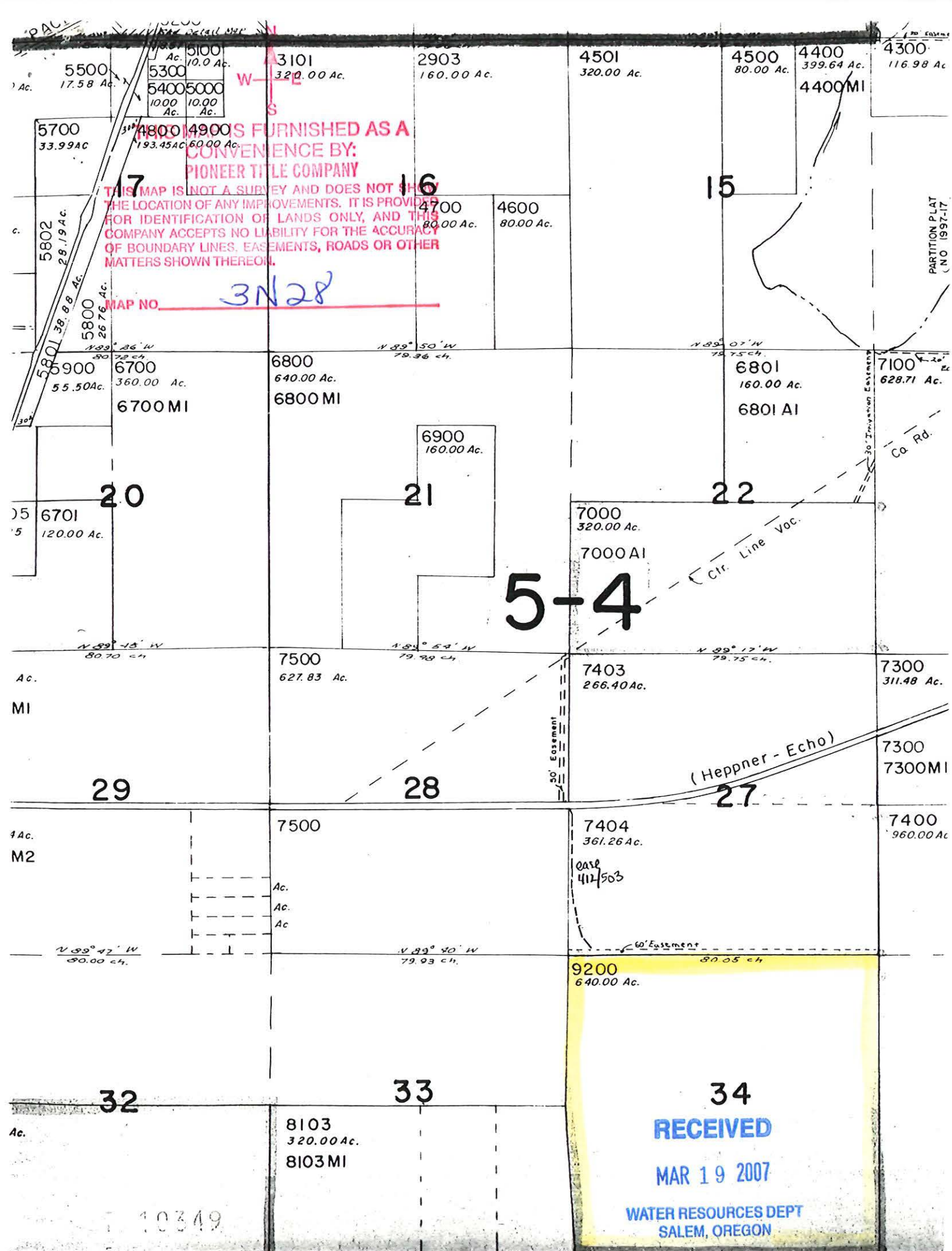
- A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- B. Information about your transactions with us, our affiliated companies, or others; and
- C. Information we receive from a consumer reporting 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.

1 3349





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

April 9, 2007

ROBERT LEVY
L&L FARMS
822 HWY 395 S #423
HERMISTON OR 97838

Reference: Temporary Transfer 10349

On March 19, 2007 we received your water right transfer application requesting place of use, and additional point of appropriation changes for use of water from A WELLS, tributary to UMATILLA RIVER. The application was accompanied by \$236. Our receipt 86719 is enclosed.

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.

Pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be transferred and the land to which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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)986-0900.

cc: Watermaster #5
William Porfily, Agent
Westland Irrigation District
JR Simplot Company
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 04/03/2007

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: 10349
Water Right: CERT 79993,76263
Priority Date: 1972
Name: L & L FARMS C/O ROBERT LEVY
Address: 822 HIGHWAY 395 S #423; HERMISTON OR 97838
Change: POU/APOA
Source: WELLS
Authorized APOA: T3N R28E 34
Proposed APOA: T3N R28E 23,26
Authorized POU: T3N R28E 34
Proposed POU: T3N R28E 23
T2N R28E 4

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.

TRANSFER CHECK OFF LIST

TRANSFER FILE #
DATE RECEIVED
DATE MONBY SLIPPED
DATE RECEIPTED
VALID WATER RIGHT?
TEMP ALT AC
TEMP Div 15

10349
3-19-07
3-19-07
3-19-07
X Yes No
IRR DIST
ISWR

PERM AMEND
DIV 15

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) X NO

FOLDER FILLED OUT* Yes

ENTERED IN DB Yes

CONTENTS MARKED
COLOR CODED
4 COPIES MADE & STAMPED

Yes
X Yes
Yes

CERTIFICATE MARKED
CERTIFICATE COPIED
PULL APPLICATIONS
APP FOLDER MARKED
FINAL PROOF MAP COPIED
PERMIT MARKED
PERMIT COPIED
PERMIT MAP COPIED
DECRBB MARKED
DECRBB COPIED
ADJUDICATION MAP COPIED

Yes
Yes
Yes
Yes
Yes
NO
|
|
|
|
|

ENTRIES CHECKED
PUBLIC NOTICE DATE
LETTER SENT
COPY TO WM
BLUE FORM TO WM
COPY TO GW
BLUE FORM TO GW
COPY TO CWRE
LETTER TO ODFW
TRANSFER SENT TO:

4-3-07
yes
yes
yes
yes
no
no
yes
yes
Ken

CHECKED BY
(PREPARED & COPIED)
Irrigation District
Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
POA, APOA, or [SW TO GW ONLY(as POD)]
Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his
ALL Surface water POU/USE (POD and APOD FISH SCREENS)
SW --- NCR --- SCR --- ER

INIT FOLDER
yes
yes (copy of app & map)

PRINT DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER