

T-14142

Name Threemile Canyon Farm LLCAddress 75906 Threemile Rd

Boardman OR 97818

gharris@rdoffutt.com

Change in POUDate Filed 1-5-2023Initial notice date 1/24/2023

DPD issued date

PD issued date

PD notice date

Date of FO 8/21/2025 Vol 135 Page 416C-Date 10-1-2026COBU due date 10-1-2027

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Jon Travis - Jtravis@geoengineers.com

CWRE

CC's list Morrow County - Oversized map - Location

Regular

RA

T-14142

DESCRIPTION OF WATER RIGHT(s)

Name of Stream ColumbiaTrib. of Pacific OceanUse IrrigationCounty Morrow

Quantity of water (CFS)

No. of Acres

Name of ditch

App# 5549107Per # S41314Cert # 76713PR Date 11/18/1974

App#

Per #

Cert #

PR Date

FEES PAID

Date	Amount	Receipt #
<u>1-5-2023</u>	<u>\$1,360.00</u>	<u>139860</u>
<u>1-5-2023</u>	<u>9125.00</u>	<u>139857</u>
<u>3-6-2023</u>	<u>\$1,239.87</u>	<u>140246</u>

FEES REFUNDED

Amount	Receipt #
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Irrigation District

Agent Jon Travis - Jtravis@geoengineers.com

CWRE

CC's list Morrow County - Oversized map - Location

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **139857**

INVOICE # _____

RECEIVED FROM:

Yachnile Canyon Farms

BY: *HC*

CASH:

CHECK #:

OTHER: (IDENTIFY)

14235

APPLICATION

PERMIT

TRANSFER

T-14142

TOTAL REC'D

\$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

0112 OTHER: (IDENTIFY)

47124

R 11413-23

\$

\$ 125.00

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0203 GROUND WATER

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

RECORD FEE

0218 WELL DRILL CONSTRUCTOR

\$

LANDOWNER'S PERMIT

\$

OTHER (IDENTIFY)

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

\$

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

139857

DATED: *1-5-2023*

BY: *BB*

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **140246**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

INVOICE # _____

RECEIVED FROM: *Three-mile Canyon Farms, LLC*

APPLICATION	
PERMIT	
TRANSFER	<i>T-14142</i>

CASH: CHECK #: OTHER: (IDENTIFY)

014346

TOTAL REC'D **\$1,239.87**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<i>47124 R11-413-23</i>	\$
<i>0412</i>	OTHER: (IDENTIFY) <i>Rembursment Authority</i>	\$1,239.87

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **140246**

DATED: *3/4/23* BY: *Luc D. Mow*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

August 21, 2025

THREEMILE CANYON FARMS INC
GREG HARRIS
75906 THREEMILE RD
BOARDMAN, OR 97818

REFERENCE: Transfer Application T-14142

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (503) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

Stacy H. Phillips
Stacy H. Phillips
Water Rights Services Support
Transfers and Conservation Section

cc: Kenneth C. Thiemann, Watermaster Dist. # 21 (via email)
Jon S. Travis, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER
T-14142, Morrow County) APPROVING A CHANGE IN PLACE OF USE

Authority

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

Applicant

THREEMILE CANYON FARM, LLC
GREG HARRIS, FARM MANAGER
75906 THREEMILE RD
BOARDMAN, OR 97818

Findings of Fact

1. On January 5, 2023, Threemile Canyon Farm, LLC. filed an application to change the place of use under Certificate 76713. The Department assigned the application number T-14142.
2. Notice of the application for transfer was published on January 24, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 14, 2024, the Department contacted the applicant's agent regarding application deficiencies and the need for a new map and Table 2.
4. On February 22, 2024, the applicant submitted a revised map, which more accurately identifies the remaining portion of Certificate 76713, and a revised table 2 identifying the proposed place of use, resolving the deficiencies.

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

5. On December 19, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14142 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On July 7, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14142 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 8, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

Certificate: 76713 in the name of BAIC, INC. (perfected under Permit S-41314)
Use: IRRIGATION OF 4.5 ACRES
Priority Date: NOVEMBER 18, 1976
Rate: 0.11 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), PROVIDED that the combined use of water under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed 582 cubic feet per second at any one point in time, and PROVIDED FURTHER that before completion of consultation between the National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) under section 7(a)(2) of the Endangered Species Act, final agency action by the Corps and conclusion of challenges, if any, arising out of this process, water users shall not use the Willow Creek Pump Station to pump or divert water from the Columbia River at a rate greater than 480 cfs.

The amount of water used for irrigation with the amount secured under any other right existing for the same lands is further limited to 4.0 acre-feet for each acre irrigated during the irrigation season if each year, PROVIDED that the maximum volume of water diverted during the season under permits 35425, 35426, 40920, 41314, and 41645 and the certificates issued in respect hereto shall not exceed an average of 3.0 acre feet per acre times the total number of acres irrigated that season. The maximum number of acres to be irrigated under these permits and certificates is 41,000 acres.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	22 E	WM	36	NW SE	RDO RIVER PUMP STATION - 1657 FEET NORTH AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36
4 N	22 E	WM	36	NW SE	BOEING RIVER PUMP STATION - 1668 FEET NORTH AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	28	SW NW	2.4
3 N	24 E	WM	28	SE NW	2.1
Total					4.5

8. Transfer Application T-14142 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	28	NE NW	2.1
3 N	24 E	WM	28	NW NW	2.4
Total					4.5

9. The application map shows the remaining right of 35.8 acres in the NW NW, and 35.2 acres in the N E NW of Section 38, Township 3 North, Range 24 East, WM. Aerial images and the watermaster review shows that the actual acreage in these quarter quarters is approximately 30.5 acres in the NW NW and 30.7 acres in the N E NW.

10. Without a voluntary cancellation of the extraneous acres in the N E NW and NW NW of Section 38, Township 3 North, Range 24 East, WM, the remaining right will include the 35.8 and 35.2 acres recorded in the original application map.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]

11. Water has been used within the last five years prior to the submittal of Transfer Application T-14142 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14142.

13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

14. The proposed change, as conditioned, would not result in enlargement of the right.

15. The proposed change, as conditioned, would not result in injury to other existing water rights.

16. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-14142 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-14142 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 76713 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
4. Water right Certificate 76713 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

Dated in Salem, Oregon on **AUG 21 2025**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: AUG 22 2025

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAIC, INC.
75906 THREEMILE RD
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for
IRRIGATION OF 8991.9 ACRES.

This right was perfected under Permit S-41314. The date of priority is NOVEMBER 18, 1976. This right
is limited to 224.79 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the
point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	22 E	WM	36	NW SE	RDO RIVER PUMP STATION - 1657 FEET NORTH AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36
4 N	22 E	WM	36	NW SE	BOEING RIVER PUMP STATION - 1668 FEET NORTH AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36

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), PROVIDED that the combined use of water under permits 35425, 35426, 37346, 40920,
41314, and 41645 and the certificates issued in respect thereto shall not exceed 582 cubic feet per
second at any one point in time, and PROVIDED FURTHER that before completion of consultation
between the National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) under
section 7(a)(2) of the Endangered Species Act, final agency action by the Corps and conclusion of
challenges, if any, arising out of this process, water users shall not use the Willow Creek Pump Station
to pump or divert water from the Columbia River at a rate greater than 480 cfs.

The amount of water used for irrigation together with the amount secured under any other right
existing for the same lands is further limited to 4.0 acre-feet for each acre irrigated during the
irrigation season of each year, PROVIDED that the maximum volume of water diverted during a season
under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect in
thereto shall not exceed an average of 3 acre feet per acre times the total number of acres irrigated
that season. The maximum number of acres to be irrigated under these permits and certificates is
41,000 acres.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	23 E	WM	13	NE NE	0.7
3 N	23 E	WM	13	SE NE	7.3
3 N	23 E	WM	13	NE SE	5.2
3 N	23 E	WM	13	SE SE	0.3
3 N	24 E	WM	1	NE NE	28.7
3 N	24 E	WM	1	NW NE	19.3
3 N	24 E	WM	1	SW NE	27.5
3 N	24 E	WM	1	SE NE	15.9
3 N	24 E	WM	1	NE NW	33.5
3 N	24 E	WM	1	NW NW	22.7
3 N	24 E	WM	1	SW NW	35.4
3 N	24 E	WM	1	SE NW	40.0
3 N	24 E	WM	1	NE SW	27.3
3 N	24 E	WM	1	NW SW	36.5
3 N	24 E	WM	1	SW SW	40.3
3 N	24 E	WM	1	SE SW	24.4
3 N	24 E	WM	1	NE SE	16.7
3 N	24 E	WM	1	NW SE	26.5
3 N	24 E	WM	1	SW SE	40.3
3 N	24 E	WM	1	SE SE	38.2
3 N	24 E	WM	2	NE NE	34.4
3 N	24 E	WM	2	NW NE	22.6
3 N	24 E	WM	2	SW NE	32.9
3 N	24 E	WM	2	SE NE	39.7
3 N	24 E	WM	2	NE NW	28.1
3 N	24 E	WM	2	NW NW	5.8
3 N	24 E	WM	2	SW NW	14.6
3 N	24 E	WM	2	SE NW	40.2
3 N	24 E	WM	2	NE SW	32.9
3 N	24 E	WM	2	NW SW	39.7
3 N	24 E	WM	2	SW SW	36.7
3 N	24 E	WM	2	SE SW	24.0
3 N	24 E	WM	2	NE SE	32.5
3 N	24 E	WM	2	NW SE	38.2
3 N	24 E	WM	2	SW SE	39.2
3 N	24 E	WM	2	SE SE	27.8
3 N	24 E	WM	3	NE NE	2.5
3 N	24 E	WM	3	NW NE	4.4
3 N	24 E	WM	3	SW NE	38.6
3 N	24 E	WM	3	SE NE	31.5
3 N	24 E	WM	3	NE NW	4.4
3 N	24 E	WM	3	NW NW	11.9
3 N	24 E	WM	3	SW NW	35.8
3 N	24 E	WM	3	SE NW	30.0
3 N	24 E	WM	3	NE SW	14.9

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	3	NW SW	30.1
3 N	24 E	WM	3	SW SW	38.8
3 N	24 E	WM	3	SE SW	27.2
3 N	24 E	WM	3	NE SE	32.6
3 N	24 E	WM	3	NW SE	32.1
3 N	24 E	WM	3	SW SE	40.1
3 N	24 E	WM	3	SE SE	35.0
3 N	24 E	WM	4	NE NE	40.0
3 N	24 E	WM	4	NW NE	36.3
3 N	24 E	WM	4	SW NE	17.4
3 N	24 E	WM	4	SE NE	17.8
3 N	24 E	WM	4	NE NW	40.1
3 N	24 E	WM	4	NW NW	35.5
3 N	24 E	WM	4	SW NW	33.2
3 N	24 E	WM	4	SE NW	36.0
3 N	24 E	WM	4	NE SW	17.7
3 N	24 E	WM	4	NW SW	29.6
3 N	24 E	WM	4	SW SW	14.7
3 N	24 E	WM	4	SE SW	39.3
3 N	24 E	WM	4	NE SE	37.1
3 N	24 E	WM	4	NW SE	26.7
3 N	24 E	WM	4	SW SE	31.1
3 N	24 E	WM	4	SE SE	33.5
3 N	24 E	WM	5	NE NE	40.6
3 N	24 E	WM	5	NW NE	33.9
3 N	24 E	WM	5	SW NE	32.9
3 N	24 E	WM	5	SE NE	29.5
3 N	24 E	WM	5	NE NW	17.3
3 N	24 E	WM	5	SE NW	8.5
3 N	24 E	WM	5	NE SW	16.5
3 N	24 E	WM	5	SE SW	2.0
3 N	24 E	WM	5	NE SE	39.5
3 N	24 E	WM	5	NW SE	35.1
3 N	24 E	WM	5	SW SE	19.4
3 N	24 E	WM	5	SE SE	35.7
3 N	24 E	WM	7	SE SE	0.4
3 N	24 E	WM	8	NE NE	32.5
3 N	24 E	WM	8	NW NE	7.0
3 N	24 E	WM	8	SE NE	4.4
3 N	24 E	WM	8	SW SW	2.3
3 N	24 E	WM	9	NE NE	39.7
3 N	24 E	WM	9	NW NE	30.9
3 N	24 E	WM	9	SW NE	32.9
3 N	24 E	WM	9	SE NE	33.3
3 N	24 E	WM	9	NE NW	33.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	9	NW NW	23.8
3 N	24 E	WM	9	SW NW	32.1
3 N	24 E	WM	9	SE NW	38.7
3 N	24 E	WM	9	NE SW	6.0
3 N	24 E	WM	9	NW SW	1.4
3 N	24 E	WM	9	NE SE	35.3
3 N	24 E	WM	9	NW SE	38.6
3 N	24 E	WM	9	SW SE	3.1
3 N	24 E	WM	9	SE SE	13.7
3 N	24 E	WM	10	NE NE	13.7
3 N	24 E	WM	10	NW NE	29.2
3 N	24 E	WM	10	NE NW	5.5
3 N	24 E	WM	10	NW NW	19.2
3 N	24 E	WM	10	SW NW	40.1
3 N	24 E	WM	10	SE NW	11.8
3 N	24 E	WM	10	NE SW	2.2
3 N	24 E	WM	10	NW SW	31.9
3 N	24 E	WM	10	SW SW	37
3 N	24 E	WM	10	SE SW	4.5
3 N	24 E	WM	11	NW NE	0.3
3 N	24 E	WM	12	NE NE	27.3
3 N	24 E	WM	12	NW NE	21.1
3 N	24 E	WM	12	SW NE	8.9
3 N	24 E	WM	12	SE NE	30.2
3 N	24 E	WM	12	NE NW	0.2
3 N	24 E	WM	12	NW NW	3.8
3 N	24 E	WM	15	NE NW	5.0
3 N	24 E	WM	15	NW NW	20.1
3 N	24 E	WM	15	SW NW	40.2
3 N	24 E	WM	15	SE NW	20.6
3 N	24 E	WM	15	NE SW	3.2
3 N	24 E	WM	15	NW SW	16.1
3 N	24 E	WM	16	NE NE	2.9
3 N	24 E	WM	16	SE NE	15.8
3 N	24 E	WM	16	NE SE	1.7
3 N	24 E	WM	17	NW NE	0.2
3 N	24 E	WM	17	SW NE	23.3
3 N	24 E	WM	17	SE NE	1.8
3 N	24 E	WM	17	NE NW	3.1
3 N	24 E	WM	17	NW NW	10.2
3 N	24 E	WM	17	SW NW	7.3
3 N	24 E	WM	17	SE NW	39.1
3 N	24 E	WM	17	NE SW	31.8
3 N	24 E	WM	17	NW SW	18.0
3 N	24 E	WM	17	SW SW	39.8
3 N	24 E	WM	17	SE SW	29.6
3 N	24 E	WM	17	NE SE	13.1
3 N	24 E	WM	17	NW SE	40.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	17	SW SE	25.0
3 N	24 E	WM	17	SE SE	2.1
3 N	24 E	WM	18	NE NE	33.0
3 N	24 E	WM	18	NW NE	15.2
3 N	24 E	WM	18	SW NE	33.3
3 N	24 E	WM	18	SE NE	30.9
3 N	24 E	WM	18	NE NW	4.8
3 N	24 E	WM	18	NW NW	3.8
3 N	24 E	WM	18	SW NW	43.1
3 N	24 E	WM	18	SE NW	35.3
3 N	24 E	WM	18	NE SW	21.5
3 N	24 E	WM	18	NW SW	50.0
3 N	24 E	WM	18	SW SW	23.9
3 N	24 E	WM	18	SE SW	16.1
3 N	24 E	WM	18	NE SE	34.3
3 N	24 E	WM	18	NW SE	31.5
3 N	24 E	WM	18	SW SE	1.0
3 N	24 E	WM	18	SE SE	4.7
3 N	24 E	WM	19	SE NE	8.0
3 N	24 E	WM	19	NE SE	34.5
3 N	24 E	WM	19	NW SE	0.1
3 N	24 E	WM	19	SW SE	7.3
3 N	24 E	WM	19	SE SE	34.1
3 N	24 E	WM	20	NE NE	18.2
3 N	24 E	WM	20	NW NE	39.5
3 N	24 E	WM	20	SW NE	36.9
3 N	24 E	WM	20	SE NE	7.9
3 N	24 E	WM	20	NE NW	22.1
3 N	24 E	WM	20	NW NW	17.2
3 N	24 E	WM	20	SW NW	39.2
3 N	24 E	WM	20	SE NW	35.3
3 N	24 E	WM	20	NE SW	32.9
3 N	24 E	WM	20	NW SW	32.3
3 N	24 E	WM	20	SW SW	39.8
3 N	24 E	WM	20	SE SW	36.1
3 N	24 E	WM	20	NE SE	18.7
3 N	24 E	WM	20	NW SE	40.6
3 N	24 E	WM	20	SW SE	36.5
3 N	24 E	WM	20	SE SE	8.9
3 N	24 E	WM	21	NE NW	28.1
3 N	24 E	WM	21	NW NW	28.0
3 N	24 E	WM	21	SW NW	30.2
3 N	24 E	WM	21	SE NW	30.0
3 N	24 E	WM	21	NE SW	26.5
3 N	24 E	WM	21	NW SW	32.4
3 N	24 E	WM	21	SW SW	32.6
3 N	24 E	WM	21	SE SW	32.1
3 N	24 E	WM	21	SW SE	0.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	28	NW NE	0.3
3 N	24 E	WM	28	NE NW	35.2
3 N	24 E	WM	28	NW NW	35.8
3 N	24 E	WM	28	SW SW	28.9
3 N	24 E	WM	28	SE SW	25.7
3 N	24 E	WM	29	NE NE	20.8
3 N	24 E	WM	29	NW NE	39.8
3 N	24 E	WM	29	SW NE	35.5
3 N	24 E	WM	29	SE NE	7.9
3 N	24 E	WM	29	NE NW	33.1
3 N	24 E	WM	29	NW NW	30.2
3 N	24 E	WM	29	SW NW	39.5
3 N	24 E	WM	29	SE NW	35.4
3 N	24 E	WM	29	NE SW	33.1
3 N	24 E	WM	29	NW SW	29.4
3 N	24 E	WM	29	SW SW	39.5
3 N	24 E	WM	29	SE SW	36.2
3 N	24 E	WM	29	NE SE	20.1
3 N	24 E	WM	29	NW SE	39.9
3 N	24 E	WM	29	SW SE	35.7
3 N	24 E	WM	29	SE SE	8.7
3 N	24 E	WM	30	NE NE	37.7
3 N	24 E	WM	30	NW NE	13.1
3 N	24 E	WM	30	SW NE	29.7
3 N	24 E	WM	30	SE NE	30.3
3 N	24 E	WM	30	NE SW	1.3
3 N	24 E	WM	30	SW SW	12.7
3 N	24 E	WM	30	SE SW	37.0
3 N	24 E	WM	30	NE SE	29.5
3 N	24 E	WM	30	NW SE	33.6
3 N	24 E	WM	30	SW SE	30.5
3 N	24 E	WM	30	SE SE	30.4
3 N	24 E	WM	31	NE NE	28.7
3 N	24 E	WM	31	NW NE	33.6
3 N	24 E	WM	31	SW NE	20.3
3 N	24 E	WM	31	SE NE	23.4
3 N	24 E	WM	31	NE NW	20.6
3 N	24 E	WM	31	NW NW	30.9
3 N	24 E	WM	31	SW NW	36.4
3 N	24 E	WM	31	SE NW	39.1
3 N	24 E	WM	31	NE SW	33.1
3 N	24 E	WM	31	NW SW	41.3
3 N	24 E	WM	31	SW SW	44.7
3 N	24 E	WM	31	SE SW	25.4
3 N	24 E	WM	31	NE SE	36.0
3 N	24 E	WM	31	NW SE	38.3
3 N	24 E	WM	31	SW SE	38.0
3 N	24 E	WM	31	SE SE	19.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	32	NE NE	21.3
3 N	24 E	WM	32	NW NE	40.0
3 N	24 E	WM	32	SW NE	19.9
3 N	24 E	WM	32	SE NE	5.2
3 N	24 E	WM	32	NE NW	33.7
3 N	24 E	WM	32	NW NW	29.5
3 N	24 E	WM	32	SW NW	27.3
3 N	24 E	WM	32	SE NW	31.1
3 N	24 E	WM	32	NE SW	10.8
3 N	24 E	WM	32	NW SW	40.1
3 N	24 E	WM	32	SW SW	16.4
3 N	24 E	WM	32	SE SW	1.9
3 N	24 E	WM	32	NE SE	0.2
3 N	24 E	WM	32	NW SE	0.3
3 N	24 E	WM	32	SW SE	33.7
3 N	24 E	WM	32	SE SE	9.6
3 N	24 E	WM	33	NE NW	29.1
3 N	24 E	WM	33	NW NW	32.3
4 N	24 E	WM	27	NW NE	13.3
4 N	24 E	WM	27	SW NE	13.4
4 N	24 E	WM	27	NE NW	37.3
4 N	24 E	WM	27	NW NW	11.0
4 N	24 E	WM	27	SW NW	35.0
4 N	24 E	WM	27	SE NW	38.8
4 N	24 E	WM	27	NE SW	37.0
4 N	24 E	WM	27	NW SW	33.9
4 N	24 E	WM	27	SW SW	34.1
4 N	24 E	WM	27	SE SW	38.3
4 N	24 E	WM	27	NW SE	6.9
4 N	24 E	WM	27	SW SE	7.0
4 N	24 E	WM	28	NE NE	2.4
4 N	24 E	WM	28	NW NE	27.6
4 N	24 E	WM	28	SW NE	36.1
4 N	24 E	WM	28	SE NE	39.8
4 N	24 E	WM	28	NE NW	31.6
4 N	24 E	WM	28	NW NW	0.3
4 N	24 E	WM	28	SW NW	29.3
4 N	24 E	WM	28	SE NW	33.5
4 N	24 E	WM	28	NE SW	36.3
4 N	24 E	WM	28	NW SW	38.4
4 N	24 E	WM	28	SW SW	21.5
4 N	24 E	WM	28	SE SW	38.5
4 N	24 E	WM	28	NE SE	36.4
4 N	24 E	WM	28	NW SE	25.1
4 N	24 E	WM	28	SW SE	34.6
4 N	24 E	WM	28	SE SE	40.4
4 N	24 E	WM	29	SW NE	0.1
4 N	24 E	WM	29	SE NE	28.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	24 E	WM	29	SE NW	0.3
4 N	24 E	WM	29	NE SW	35.8
4 N	24 E	WM	29	NW SW	4.3
4 N	24 E	WM	29	SW SW	18.6
4 N	24 E	WM	29	SE SW	34.0
4 N	24 E	WM	29	NE SE	32.3
4 N	24 E	WM	29	NW SE	24.4
4 N	24 E	WM	29	SW SE	33.5
4 N	24 E	WM	29	SE SE	37.4
4 N	24 E	WM	30	SW SE	0.2
4 N	24 E	WM	30	SE SE	22.2
4 N	24 E	WM	31	NE NE	39.6
4 N	24 E	WM	31	NW NE	2.5
4 N	24 E	WM	31	SE NE	8.5
4 N	24 E	WM	31	NE SE	0.6
4 N	24 E	WM	32	NE NE	38.4
4 N	24 E	WM	32	NW NE	34.5
4 N	24 E	WM	32	SW NE	31.6
4 N	24 E	WM	32	SE NE	35.4
4 N	24 E	WM	32	NE NW	35.9
4 N	24 E	WM	32	NW NW	36.8
4 N	24 E	WM	32	SW NW	27.7
4 N	24 E	WM	32	SE NW	37.5
4 N	24 E	WM	32	NE SW	28.8
4 N	24 E	WM	32	NW SW	26.3
4 N	24 E	WM	32	SW SW	7.0
4 N	24 E	WM	32	SE SW	40.0
4 N	24 E	WM	32	NE SE	39.5
4 N	24 E	WM	32	NW SE	23.8
4 N	24 E	WM	32	SW SE	35.4
4 N	24 E	WM	32	SE SE	36.8
4 N	24 E	WM	33	NE NE	36.7
4 N	24 E	WM	33	NW NE	16.6
4 N	24 E	WM	33	SW NE	32.0
4 N	24 E	WM	33	SE NE	39.4

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	24 E	WM	33	NE NW	38.5
4 N	24 E	WM	33	NW NW	34.7
4 N	24 E	WM	33	SW NW	34.2
4 N	24 E	WM	33	SE NW	37.9
4 N	24 E	WM	33	NE SW	39.0
4 N	24 E	WM	33	NW SW	28.4
4 N	24 E	WM	33	SW SW	25.1
4 N	24 E	WM	33	SE SW	37.9
4 N	24 E	WM	33	NE SE	33.4
4 N	24 E	WM	33	NW SE	33.5
4 N	24 E	WM	33	SW SE	30.8
4 N	24 E	WM	33	SE SE	31.8
4 N	24 E	WM	34	NW NE	2.1
4 N	24 E	WM	34	SW NE	2.2
4 N	24 E	WM	34	NE NW	35.1
4 N	24 E	WM	34	NW NW	35.2
4 N	24 E	WM	34	SW NW	32.0
4 N	24 E	WM	34	SE NW	36.1
4 N	24 E	WM	34	NE SW	26.5
4 N	24 E	WM	34	NW SW	37.5
4 N	24 E	WM	34	SW SW	37.9
4 N	24 E	WM	34	SE SW	26.6
4 N	24 E	WM	35	NE SE	15.1
4 N	24 E	WM	35	NW SE	14.7
4 N	24 E	WM	35	SW SE	38.1
4 N	24 E	WM	35	SE SE	38.2
4 N	24 E	WM	36	NE SW	11.5
4 N	24 E	WM	36	NW SW	11.1
4 N	24 E	WM	36	SW SW	37.7
4 N	24 E	WM	36	SE SW	38.4
4 N	24 E	WM	36	NE SE	23.9
4 N	24 E	WM	36	NW SE	24.0
4 N	24 E	WM	36	SW SE	35.9
4 N	24 E	WM	36	SE SE	35.8
TOTAL					8991.9

The water user shall install, operate and maintain a continuous telemetric measurement and recording device for rate and volume of water use and shall report monthly volumes of water use to the Water Resources Department on an annual basis. The information shall be available to the State as a public record at any time. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

Certificate holders shall contribute \$1,250,000 to the Oregon Water Trust to be used for acquisition of instream water rights in tributaries of the Columbia River on the terms and conditions described in the Water Resources Department Final Order dated February 28, 2001, authorizing issuance of the Certificate.

Certificate holders shall request that the consultation between NMFS (and the USFWS if applicable) and the Corps under section 7(a)(2) of the ESA address issues related to attraction flows from existing and future pumping, screening, ongoing and future dredge operations and effects of Certificate Holders' water withdrawals on Columbia River System target flows.

During the NMFS consultation, the Certificate holders shall seek views of ODFW, provide ODFW with copies of Biological Assessment that the Corps submits to NMFS, and provide ODFW with copies of any draft Biological Opinion Certificate Holders receive from the Corps or NMFS.

Water use under this certificate shall be exercised consistent with and subject to the final conditions on water use, including screening, in the Corps permits for construction and maintenance of pump stations resulting from any NMFS consultation, following exhaustion of appeals, if any. Certificate holder shall, within 30 days following exhaustion of appeals, if any, submit to Salem office of the Water Resources Department and to the office of the applicable Watermaster District, a copy of such Corps permits.

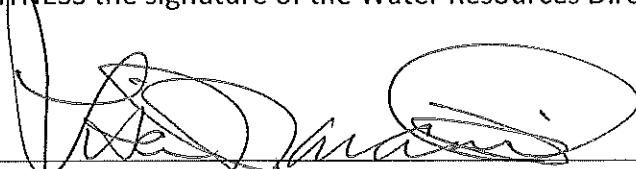
A condition of the final order extending the permit and approving issuance of this certificate is that the water user shall not farm, develop, or perform any activity in the Conservation Area described in Exhibits B and H of said order, except for activities that are in furtherance of the purpose of the Conservation Area and for activities that are consistent with implementation of any Multi-Species Candidate Conservation Agreement developed by BAIC, Inc. and approved by the U.S. Fish and Wildlife Service covering various federally unlisted upland species, including the Washington ground squirrel. In addition, the water user will not undertake any activity that is inconsistent with survival guidelines adopted pursuant to the state ESA listing process.

This certificate describes that portion of water right Certificate 76713, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 21 2025, approving Transfer Application T-14142.

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

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

WITNESS the signature of the Water Resources Director, affixed AUG 2 1 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department



Oregon

Tina Kotek, Governor

July 7, 2025

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

VIA CERTIFIED MAIL AND E-MAIL

THREEMILE CANYON FARM, LLC
GREG HARRIS, FARM MANAGER
75906 THREEMILE RD
BOARDMAN, OR 97818

SUBJECT: Water Right Transfer Application T-14142

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14142. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14142
Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)
Jon S. Travis, Agent for the applicant (*via e-mail*)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-14142, Morrow County) PROPOSING APPROVAL OF A CHANGE IN
) PLACE OF USE

Authority

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

Applicant

THREEMILE CANYON FARM, LLC
GREG HARRIS, FARM MANAGER
75906 THREEMILE RD
BOARDMAN, OR 97818

Findings of Fact

1. On January 5, 2023, Threemile Canyon Farm, LLC. filed an application to change the place of use under Certificate 76713. The Department assigned the application number T-14142.
2. Notice of the application for transfer was published on January 24, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 14, 2024, the Department contacted the applicant's agent regarding application deficiencies and the need for a new map and Table 2.
4. On February 22, 2024, the applicant submitted a revised map, which more accurately identifies the remaining portion of Certificate 76713, and a revised table 2 identifying the proposed place of use, resolving the deficiencies.
5. On December 19, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14142 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

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

Certificate: 76713 in the name of BAIC, INC. (perfected under Permit S-41314)
Use: IRRIGATION OF 4.5 ACRES
Priority Date: NOVEMBER 18, 1976
Rate: 0.11 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent), PROVIDED that the combined use of water under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed 582 cubic feet per second at any one point in time, and PROVIDED FURTHER that before completion of consultation between the National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) under section 7(a)(2) of the Endangered Species Act, final agency action by the Corps and conclusion of challenges, if any, arising out of this process, water users shall not use the Willow Creek Pump Station to pump or divert water from the Columbia River at a rate greater than 480 cfs.

The amount of water used for irrigation with the amount secured under any other right existing for the same lands is further limited to 4.0 acre-feet for each acre irrigated during the irrigation season if each year, PROVIDED that the maximum volume of water diverted during the season under permits 35425, 35426, 40920, 41314, and 41645 and the certificates issued in respect hereto shall not exceed an average of 3.0 acre feet per acre times the total number of acres irrigated that season. The maximum number of acres to be irrigated under these permits and certificates is 41,000 acres.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	22 E	WM	36	NW SE	RDO RIVER PUMP STATION - 1657 FEET NORTH AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36
4 N	22 E	WM	36	NW SE	BOEING RIVER PUMP STATION - 1668 FEET NORTH AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	28	SW NW	2.4
3 N	24 E	WM	28	SE NW	2.1
					TOTAL 4.5

7. Transfer Application T-14142 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	24 E	WM	28	NE NW	2.1
3 N	24 E	WM	28	NW NW	2.4
TOTAL					4.5

8. The application map shows the remaining right of 35.8 acres in the NW NW, and 35.2 acres in the NENW of Section 38, Township 3 North, Range 24 East, WM. Aerial images and the watermaster review shows that the actual acreage in these quarter quarters is approximately 30.5 acres in the NW NW and 30.7 acres in the NENW.

9. Without a voluntary cancellation of the extraneous acres in the NENW and NW NW of Section 38, Township 3 North, Range 24 East, WM, the remaining right will include the 35.8 and 35.2 acres recorded in the original application map.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2200]

10. Water has been used within the last five years prior to the submittal of Transfer Application T-14142 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14142.

12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

13. The proposed change, as conditioned, would not result in enlargement of the right.

14. The proposed change, as conditioned, would not result in injury to other existing water rights.

15. All other application requirements are met.

Determination and Proposed Action

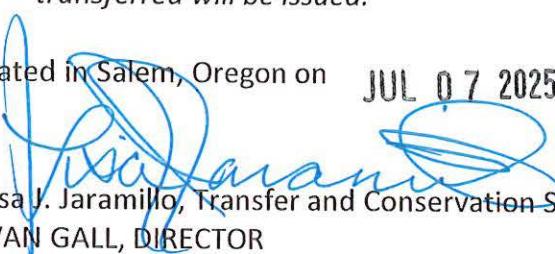
The change in place of use proposed in Transfer Application T-14142 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14142 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-14142 is approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 76713 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.*
4. *Water right Certificate 76713 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **JUL 07 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or dante.j.luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

Watermaster Review Form:

Water Right Transfer



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

Transfer Application: T-14142 CPOU

Review Due Date: 02/17/2023

Applicant Name: Threemile Canyon Farms Inc. Attn: Greg Harris

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Kenneth C. Thiemann Jr.

Date of Review: 12/08/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer?

Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source?

Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?

Yes No If "Yes", explain:

Please see attached document.

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

Please see attached document

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

Weir
 Parshall Flume
 Other: _____

Submerged Orifice
 Flow Restrictor

Oregon Water Resources Department**Measurement Condition Information for the Applicant***(To be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-14142 CPOU

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

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

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

Watermaster name: **Kenneth C. Thiemann Jr.**

District: **21**

Address: **PO Box 427**

City/State/Zip: **Condon OR 97823**

Phone: **541 969-8799**

Email: **kenneth.c.thiemann@water.oregon.gov**

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

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

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

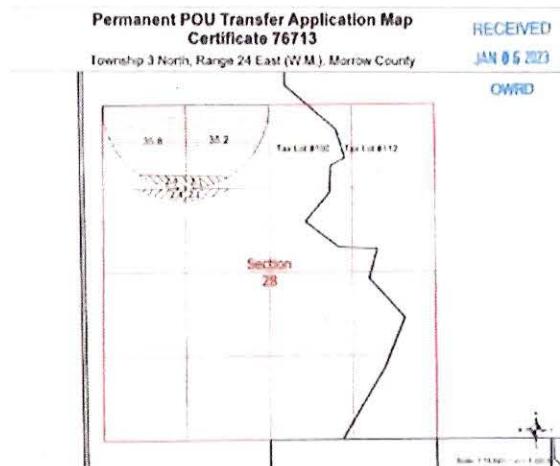
Watermaster signature

District

Date

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

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



Section 28
TAN R22E TAN R22E
Sect. 01 Sect. 02
TAN R22E TAN R22E

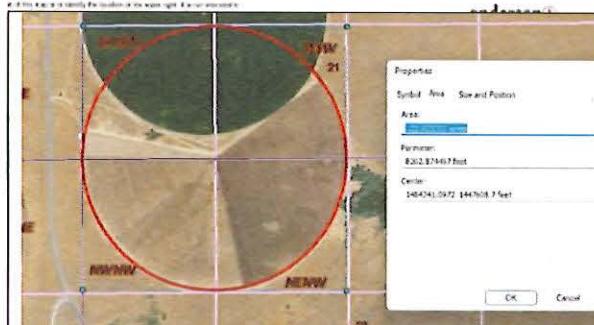
Section 28
TAN R22E TAN R22E
Sect. 01 Sect. 02
TAN R22E TAN R22E

LEGEND

- From Land
- No Land
- Remaining Right Cert. 76713
- Tax Lot

Points of Division

- ▲ RDX River Pump Station (Sect Cert.)
- Boiling River Pump Station (Sect Cert.)



Full quarter circle ~122 Ac.

T-14142 Map

showing $35.8+2.4 = 38.2$ Ac. in NW NW of Sec. 28

showing $35.2+2.1 = 37.3$ Ac. in NW NW of Sec. 28

for a total of 75.5 Ac. out of 8 Ac.

This is an enlargement of ~ 14.5 Ac. as shown in the following



Sec. 28 NE NW ~ 30.3 Ac. in production



Sec. 28 NW NW ~ 30.7 Ac. in production

MAR 06 2023

Salem, OR

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-413-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Threemile Canyon Farm, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Name: Threemile Canyon Farm Contact: Greg Harris Address: 75906 Threemile Rd. Boardman, OR 97818	Name: GeoEngineers, Inc. Contact: Molly Reid Address: 8019 W. Quinault Ave., Ste 201 Kennewick, WA 99336
Phone: 503 979-3511 Fax: 503 986-0901 Email: patrick.k.starnes@water.oregon.gov	Phone: (541) 481-9274 Fax: gharris@rdoffutt.com Email: gharris@rdoffutt.com	Phone: (541) 310-7264 Fax: mreid@geoengineers.com Email: mreid@geoengineers.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14142)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,239.87. Applicant agrees to pay the full amount of \$1,239.87 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

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

For Applicant:



Name/Title:

2/25/2023

Date

For OWRD:



Dwight French – Administrator

3-15-2023

Date

Mail signed Agreement to:

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

Received by OWRD

MAR 06 2023

Salem, OR



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14142</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Threemile Canyon Farms, Greg Harris</u>	<u>Molly Reid, GeoEngineers Inc.</u>
Address:	<u>75906 Threemile Road</u>	<u>8019 W. Quinault Avenue, Suite 201</u>
	<u>Boardman, OR 97818</u>	<u>Kennewick, WA 99336</u>
Phone:	<u>(541) 481-9274</u>	<u>(541) 310-7264 CELL</u>
Fax:	_____	_____
E-Mail Address:	<u>gharris@rdoffutt.com</u>	<u>mreid@geoengineers.com</u>

I understand the following:

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

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

I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify) _____

Name: Greg Harris, Farm Manager

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JAN 05 2023

OWRD

Signature: Greg Harris

OWRD USE ONLY: Reimbursement Authority Number: R11-4/3 -23

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: 76713

Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required if the water rights listed above and the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documents.
- N/A Affidavit(s) of Consent from Landowner(s) (if the application is for a water right on land owned by another person).
- N/A Supplemental Form D – For water rights served by an irrigation district. Complete when the transfer applicant is not the owner of the water right and the water right is located in an irrigation district. Complete when the transfer applicant is not the owner of the water right and the water right is located in an irrigation district. Complete when the transfer applicant is not the owner of the water right and the water right is located in an irrigation district.
- N/A Oregon Water Resources Department's Land Use Form. This form requires a signature from each local land use authority in which the water right is located and/or used. Not required if water is to be diverted from a surface water point of diversion to lands or if all of the following apply: a) a change in place of use, b) a change in use, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: _____ / _____ / _____

Arla -
Here is the Sec. of
State approved
signature of
Three-mile Canyon
Farms' PDV transfer.
You have all of the
PDV info.
Molly Reid

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FEB 06 2023

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

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

EE WORKSHEET for SUBSTITUTION

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Threemile Canyon Farm, LLC (Greg Harris, Farm Manager)			PHONE NO. 541-481-9274	ADDITIONAL CONTACT NO. (541) 314-8651
ADDRESS 75906 Threemile Road			FAX NO.	
CITY Boardman	STATE OR	ZIP 97818	E-MAIL gharris@rdoffutt.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Jon Travis, CWRE			PHONE NO.	ADDITIONAL CONTACT NO. 509-979-0332 Cell
ADDRESS 8019 W. Quinault Avenue, Suite 201			FAX NO.	
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL jtravis@geoengineers.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
Over time the circle has shifted northwards as recorded by newer GPS technology. This transfer application is submitted to correctly show where the 4.5 acres currently exist.

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

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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


B. Antilla

Applicant signature

Bill Antilla, President

Jan 19, 2023
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVED

FEB 06 2023

OWRD

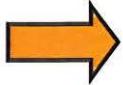
RECEIVING LANDOWNER NAME Non-Applicable		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Morrow County Planning Department	ADDRESS	
CITY Irrigon	STATE OR	ZIP 978

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED
FEB 06 2023

OWRD

Application for Permanent Water Right Transfer

O R E G O N



Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1** List them here: **76713**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503-_____ Date: _____ / _____ / _____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

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

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Threemile Canyon Farm, LLC (Greg Harris, Farm Manager)				PHONE NO. 541-481-9274	ADDITIONAL CONTACT NO. (541) 314-8651
ADDRESS 75906 Threemile Road				FAX NO.	
CITY Boardman	STATE OR	ZIP 97818	E-MAIL gharris@rdoffutt.com		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.					

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

AGENT/BUSINESS NAME Jon Travis, CWRE				PHONE NO.	ADDITIONAL CONTACT NO. 509-979-0332 Cell
ADDRESS 8019 W. Quinault Avenue, Suite 201				FAX NO.	
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL jtravis@geoengineers.com		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.					

Explain in your own words what you propose to accomplish with this transfer application, and why:
Over time the circle has shifted northwards as recorded by newer GPS technology. This transfer application is submitted to correctly show where the 4.5 acres currently exist.

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

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

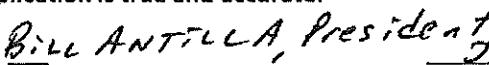
By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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




Applicant signature



Jan 19, 2023
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

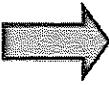
RECEIVING LANDOWNER NAME Non-Applicable		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Morrow County Planning Department	ADDRESS	
CITY Irrigon	STATE OR	ZIP 978

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 76713

Description of Water Delivery System

System capacity: 450.0 cubic feet per second (cfs) OR

 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the river at the RDO river station with combined 21,500 HP into a 72 inch buried cement SML mainline to the RDO booster station of 16,500 HP into 52,000 feet of 60 inch buried steel mainline to 17,500 feet of 42 inch buried steel CML mainline to 5,207 feet of 16 inch buried PVC, to 1,660 10 inch buried PVC to center pivots.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- <u> </u>)	Twp	Rng	Sec	<u> </u>	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4 N	22 E	36	NW SE		1657 feet North and 2166 feet West from the SE corner of Section 36
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4 N	22 E	36	NW SE		1668 feet North and 1997 feet West from the SE corner of Section 36

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

<input checked="" type="checkbox"/> Place of Use (POU)	<input type="checkbox"/> Supplemental Use to Primary Use (S to P)
<input type="checkbox"/> Character of Use (USE)	<input type="checkbox"/> Point of Appropriation/Well (POA)
<input type="checkbox"/> Point of Diversion (POD)	<input type="checkbox"/> Additional Point of Appropriation (APOA)
<input type="checkbox"/> Additional Point of Diversion (AOD)	<input type="checkbox"/> Substitution (SUB)
<input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)	<input type="checkbox"/> Government Action POD (GOV)

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

Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 76713

List the change proposed for the acreage in each $\frac{1}{4}\%$. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Additional remarks:The 4.5 acres have been consistently irrigated over the years as part of circle 642. This application is submitted to reflect the correct location as evidenced and recorded by up-to-date technology.

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **139860**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

INVOICE # _____

RECEIVED FROM: *Threemile Canyon Farms, LLC*
BY: _____

CASH: CHECK #: **14208** OTHER: (IDENTIFY)

APPLICATION	_____
PERMIT	_____
TRANSFER	<i>T-14147</i>

TOTAL REC'D **\$ 1300.00**

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 *46110*

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

WATER RIGHTS:

0201 SURFACE WATER <input type="checkbox"/> \$	0202 <input type="checkbox"/> \$
0203 GROUND WATER <input type="checkbox"/> \$	0204 <input type="checkbox"/> \$
0205 TRANSFER <input type="checkbox"/> \$1,360.00	EXAM FEE <input type="checkbox"/> \$
0218 WELL DRILL CONSTRUCTOR <input type="checkbox"/> \$	0219 <input type="checkbox"/> \$
LANDOWNER'S PERMIT <input type="checkbox"/> \$	0220 <input type="checkbox"/> \$

RECORD FEE

LICENSE FEE

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

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

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: **139860**

DATED: *1-5-2023* BY: *[Signature]*

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

- Part 1 – Completed Minimum Requirements Checklist.
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- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
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Please include a separate Part 5 for each water right. (See instructions on page 6)
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- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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- Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Evidence of Use Form not enclosed or incomplete
- Additional signature(s) required
- Part _____ Is incomplete

Other/Explanation _____

Staff: _____

503-

Date: _____ / _____ / _____

Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
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- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

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

EE WORKSHEET for SUBSTITUTION

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

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Threemile Canyon Farm, LLC (Greg Harris, Farm Manager)				PHONE NO. 541-481-9274	ADDITIONAL CONTACT NO. (541) 314-8651
ADDRESS 75906 Threemile Road				FAX NO.	
CITY Boardman	STATE OR	ZIP 97818	E-MAIL gharris@rdoffutt.com		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.					

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

AGENT/BUSINESS NAME Jon Travis, CWRE				PHONE NO.	ADDITIONAL CONTACT NO. 509-979-0332 Cell
ADDRESS 8019 W. Quinault Avenue, Suite 201				FAX NO.	
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL jtravis@geoengineers.com		
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.					

Explain in your own words what you propose to accomplish with this transfer application, and why:
Over time the circle has shifted northwards as recorded by newer GPS technology. This transfer application is submitted to correctly show where the 4.5 acres currently exist.

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

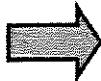
Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



B. Antilla

Applicant signature

Bill Antilla, President

Jan 19, 2023

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

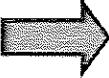
RECEIVING LANDOWNER NAME Non-Applicable		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Morrow County Planning Department	ADDRESS	
CITY Irrigon	STATE OR	ZIP 978

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

CERTIFICATE # 76713

Description of Water Delivery System

System capacity: 450.0 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the river at the RDO river station with combined 21,500 HP into a 72 inch buried cement SML mainline to the RDO booster station of 16,500 HP into 52,000 feet of 60 inch buried steel mainline to 17,500 feet of 42 inch buried steel CML mainline to 5,207 feet of 16 inch buried PVC, to 1,660 10 inch buried PVC to center pivots.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is It Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	XX	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4 N	22 E	36	NW SE		1657 feet North and 2166 feet West from the SE corner of Section 36
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4 N	22 E	36	NW SE		1668 feet North and 1997 feet West from the SE corner of Section 36

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

<input checked="" type="checkbox"/> Place of Use (POU)	<input type="checkbox"/> Supplemental Use to Primary Use (S to P)
<input type="checkbox"/> Character of Use (USE)	<input type="checkbox"/> Point of Appropriation/Well (POA)
<input type="checkbox"/> Point of Diversion (POD)	<input type="checkbox"/> Additional Point of Appropriation (APOA)
<input type="checkbox"/> Additional Point of Diversion (APOD)	<input type="checkbox"/> Substitution (SUB)
<input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)	<input type="checkbox"/> Government Action POD (GOV)

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

Yes Complete only the Proposed (“to” or “on” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.

No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 76713

List the change proposed for the acreage in each $\frac{1}{4}$ %. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Additional remarks: The 4.5 acres have been consistently irrigated over the years as part of circle 642. This application is submitted to reflect the correct location as evidenced and recorded by up-to-date technology.

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

DAVIS Arla L * WRD

From: Molly A. Reid <mreid@geoengineers.com>
Sent: Tuesday, January 24, 2023 10:05 AM
To: DAVIS Arla L * WRD
Cc: Harris, Greg; Molly A. Reid
Subject: Signed transfer ap for Threemile Canyon Farms
Attachments: Signed - Permanent Water Right Transfer.pdf

Arla: Here is the signed application from the president of the company for Threemile Canyon Farms. Hard copy will be in the mail to you shortly.

Thanks a bunch,

Molly

Molly A. Reid
Senior Planner | GeoEngineers, Inc.
Telephone: 509.209.2846
Mobile: 541.310.7264
Email: mreid@geoengineers.com

8019 W. Quinault Ave., Suite 201
Kennewick, WA 99336
www.geoengineers.com

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Confidentiality: This message is confidential and intended solely for use of the individual or entity to whom it is addressed. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

January 18, 2023

GREG HARRIS
75906 THREEMILE RD
BOARDMAN, OR 97818

Reference: Application T-14142

On January 5, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Receipt number 139860 is enclosed.

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

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #21, Kenneth C. Thiemann (*via email*)
Morrow County Planning Department
Jon S. Travis, Agent

Enclosure

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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JAN 05 2023

OWRD

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1** List them here: 76713
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____ Date: _____ / _____ / _____

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » Fee for Substitution:	3	

14142

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Threemile Canyon Farm, LLC (Greg Harris, Farm Manager)			PHONE NO. 541-481-9274	ADDITIONAL CONTACT NO. (541) 314-8651
ADDRESS 75906 Threemile Road			FAX NO.	
CITY Boardman	STATE OR	ZIP 97818	E-MAIL gharris@rdoffutt.com	
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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Jon Travis, CWRE			PHONE NO.	ADDITIONAL CONTACT NO. 509-979-0332 Cell
ADDRESS 8019 W. Quinault Avenue, Suite 201			FAX NO.	
CITY Kennewick	STATE WA	ZIP 99336	E-MAIL jtravis@geoengineers.com	
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- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

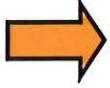
JAN 05 2023

OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
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I (we) affirm that the information contained in this application is true and accurate.




Applicant signature



Print Name (and Title if applicable)

12/06/2022
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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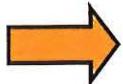
RECEIVING LANDOWNER NAME Non-Applicable		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS		FAX NO.	
CITY	STATE	ZIP	E-MAIL
Describe any special ownership circumstances:			
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner			

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Non-Applicable	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Morrow County Planning Department	ADDRESS	
CITY Irrigon	STATE OR	ZIP 978

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

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Description of Water Delivery System

System capacity: 450.0 cubic feet per second (cfs) OR
 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the river at the RDO river station with combined 21,500 HP into a 72 inch buried cement SML mainline to the RDO booster station of 16,500 HP into 52,000 feet of 60 inch buried steel mainline to 17,500 feet of 42 inch buried steel CML mainline to 5,207 feet of 16 inch buried PVC, to 1,660 10 inch buried PVC to center pivots.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4	N	22	E	36	NW SE 1657 feet North and 2166 feet West from the SE corner of Section 36
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	N/A	4	N	22	E	36	NW SE 1668 feet North and 1997 feet West from the SE corner of Section 36

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

<input checked="" type="checkbox"/> Place of Use (POU)	<input type="checkbox"/> Supplemental Use to Primary Use (S to P)
<input type="checkbox"/> Character of Use (USE)	<input type="checkbox"/> Point of Appropriation/Well (POA)
<input type="checkbox"/> Point of Diversion (POD)	<input type="checkbox"/> Additional Point of Appropriation (APOA)
<input type="checkbox"/> Additional Point of Diversion (APOD)	<input type="checkbox"/> Substitution (SUB)
<input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)	<input type="checkbox"/> Government Action POD (GOV)

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

Yes Complete only the Proposed (“to” or “on” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.

No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 76713

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Additional remarks:The 4.5 acres have been consistently irrigated over the years as part of circle 642. This application is submitted to reflect the correct location as evidenced and recorded by up-to-date technology.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers:N/A.

 Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
)
 ss

County of MORROW)

I, GREG HARRIS, in my capacity as FARM MANAGER,

mailing address 76906 THREEMILE ROAD, BOARDMAN, OR 97818

telephone number (541)481-9274, being first duly sworn depose and say:

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

Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the entire place of use for
Certificate # 76713; OR

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

Certificate #	Township	Range	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Gov't Lot or DLC	Acres (if applicable)

OR

Confirming Certificate # _____ has been issued within the past five years; OR

Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): POTATOES, CORN, CARROTS, HEMP, ONIONS, PEAS, ALFALFA

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

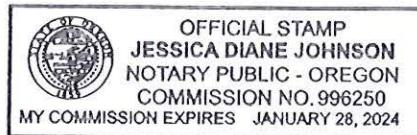


Signature of Affiant

12/06/2022

Date

Signed and sworn to (or affirmed) before me this 1st day of December, 2022.



Jessica Diane Johnson
Notary Public for Oregon

My Commission Expires: 01/28/2024

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

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Booster Pump Sub Sta Boardman Or (item#7) (meter#81957107)				
Period	On-Peak	Off-Peak	Average Temperature	Billing total
Nov-22	312000	528000	57.59	\$72,200
Oct-22	1672000	2928000	66.69	\$280,017
Sep-22	2856000	4736000	78.02	\$389,802
Aug-22	3376000	5568000	78.08	\$445,653
Jul-22	1800000	2792000	65.88	\$282,353
Jun-22	672000	1104000	55.95	\$142,704
May-22	440000	728000	46.03	\$105,009
Apr-22	640000	1072000	46.95	\$116,655
Mar-22	0	0	39.47	\$11,949
Feb-22	0	0	35.62	\$11,942
Jan-22	0	0	32.12	\$12,092
Dec-21	0	0	45.41	\$12,137
Nov-21	192000	320000	51.74	\$47,734
Oct-21	1408000	2352000	64	\$238,541
Sep-21	3424000	5688000	73.17	\$478,272
Aug-21	2288000	5312000	77.53	\$415,275
Jul-21	1904000	4368000	72.52	\$363,999
Jun-21	1256000	2136000	59.78	\$239,695
May-21	1016000	1680000	51.91	\$177,602
Apr-21	848000	1424000	45.67	\$142,976
Mar-21	32000	40000	36.14	\$32,370
Feb-21	0	0	39.29	\$12,215
Jan-21	0	0	37.93	\$14,888
Dec-20	8000	16000	41.45	\$35,296
Nov-20	720000	440000	54	\$94,841

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Willow Cove Sub Sta Boardman Or (Item#85) (Meter# 82711681)				
Period	On-Peak	Off-Peak	Average Temperature	Billing total
22-Dec	0	0	34.85	\$8,682
22-Nov	376000	624000	57.59	\$79,496
22-Oct	1400000	2320000	66.69	\$226,968
22-Sep	1944000	3224000	78.02	\$293,401
22-Aug	2304000	3784000	78.08	\$333,414
22-Jul	1488000	2328000	65.88	\$245,976
22-Jun	640000	1208000	55.95	\$148,847
22-May	488000	824000	46.03	\$113,208
22-Apr	656000	1080000	46.95	\$128,100
22-Mar	0	0	39.47	\$15,800
22-Feb	0	0	35.62	\$15,800
22-Jan	0	0	32.12	\$15,737
21-Dec	0	0	45.41	\$15,725
21-Nov	464000	776000	51.74	\$111,286
21-Oct	2264000	3784000	64	\$388,445
21-Sep	3536000	5880000	71.66	\$541,062
21-Aug	3360000	7680000	78.39	\$612,104
21-Jul	3008000	7216000	72.65	\$578,942
21-Jun	2416000	4160000	59.78	\$417,971
21-May	2144000	3560000	51.63	\$358,197
21-Apr	1696000	2808000	45.74	\$293,034
21-Mar	48000	72000	36.14	\$60,671
21-Feb	0	0	40.28	\$15,677
21-Jan	0	0	36.86	\$19,983
20-Dec	32000	24000	40.92	\$68,675
20-Nov	1768000	1144000	53.7	\$216,304

STATE OF OREGON
 COUNTY OF MORROW
 CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

BAIC, INC.
 75906 THREEMILE ROAD
 BOARDMAN, OREGON 97818

confirms the right to use the waters of the COLUMBIA RIVER a tributary of the PACIFIC OCEAN, for IRRIGATION OF 8996.4 acres.

This right was perfected under Permit 41314. The date of priority is November 18, 1976. This right is limited to 224.9 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:

RDO River Pump Station - NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 22 EAST, W.M.; 1657 FEET NORTH AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36.

Boeing River Pump Station - NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 22 EAST, W.M.; 1668 FEET NORTH AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36.

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), PROVIDED that the combined use of water under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed 582 cubic feet per second at any one point in time, and PROVIDED FURTHER that before completion of consultation between the National Marine Fisheries Service (NMFS) and the Corps of Engineers (Corps) under section 7(a)(2) of the Endangered Species Act, final agency action by the Corps and conclusion of challenges, if any, arising out of this process, water users shall not use the Willow Creek Pump Station to pump or divert water from the Columbia River at a rate greater than 480 cfs.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands is further limited to 4.0 acre-feet for each acre irrigated during the irrigation season of each year, PROVIDED that the maximum volume of water diverted during a season under permits 35425, 35426, 37346, 40920, 41314, and 41645 and the certificates issued in respect thereto shall not exceed an average of 3 acre feet per acre times the total number of acres irrigated that season. The maximum number of acres to be irrigated under these permits and certificates is 41,000 acres.

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

	ACRES		ACRES
NENE	0.7	NENE	28.7
SENE	7.3	NWNE	19.3
NESE	5.2	SWNE	27.5
SESE	0.3	SENE	15.9
SECTION 13		SECTION 1	
TOWNSHIP 3 NORTH, RANGE 23		TOWNSHIP 3 NORTH, RANGE 24	
EAST, W.M.		EAST, W.M.	

76713

EXHIBIT C-5.2

	ACRES
NENW	33.5
NWNW	22.7
SWNW	35.4
SENW	40.0
NESW	27.3
NWSW	36.5
SWSW	40.3
SESW	24.4
NESE	16.7
NWSE	26.5
SWSE	40.3
SESE	38.2
SECTION 1	
NENE	34.4
NWNE	22.6
SWNE	32.9
SENE	39.7
NENW	28.1
NWNW	5.8
SWNW	14.6
SENW	40.2
NESW	32.9
NWSW	39.7
SWSW	36.7
SESW	24.0
NESE	32.5
NWSE	38.2
SWSE	39.2
SESE	27.8
SECTION 2	
NENE	2.5
NWNE	4.4
SWNE	38.6
SENE	31.5
NENW	4.4
NWNW	11.9
SWNW	35.8
SENW	30.0
NESW	14.9
NWSW	30.1
SWSW	38.8
SESW	27.2
NESE	32.6
NWSE	32.1
SWSE	40.1
SESE	35.0
SECTION 3	
NENE	40.0
NWNE	36.3
SWNE	17.4
SENE	17.8
NENW	40.1
NWNW	35.5
SWNW	33.2
SENW	36.0
NESW	17.7
NWSW	29.6
SWSW	14.7
SESW	39.3
NESE	37.1
NWSE	26.7
SWSE	31.1
SESE	33.5
SECTION 4	
TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.	

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	ACRES
NENE	40.6
NWNE	33.9
SWNE	32.9
SENE	29.5
NENW	17.3
SENW	8.5
NESW	16.5
SESW	2.0
NESE	39.5
NWSE	35.1
SWSE	19.4
SESE	35.7
SECTION 5	
SESE	0.4
SECTION 7	
NENE	32.5
NWNE	7.0
SENE	4.4
SWSW	2.3
SECTION 8	
NENE	39.7
NWNE	30.9
SWNE	32.9
SENE	33.3
NENW	33.3
NWNW	23.8
SWNW	32.1
SENW	38.7
NESW	6.0
NWSW	1.4
NESE	35.3
NWSE	38.6
SWSE	3.1
SESE	13.7
SECTION 9	
NENE	13.7
NWNE	29.2
NENW	5.5
NWNW	19.2
SWNW	40.1
SENW	11.8
NESW	2.2
NWSW	31.9
SWSW	37.0
SESW	4.5
SECTION 10	
NWNE	0.3
SECTION 11	
NENE	27.3
NWNE	21.1
SWNE	8.9
SENE	30.2
NENW	0.2
NWNW	3.8
SECTION 12	
NENW	5.0
NWNW	20.1
SWNW	40.2
SENW	20.6
NESW	3.2
NWSW	16.1
SECTION 15	
NENE	2.9
SENE	15.8
NESE	1.7
SECTION 16	
TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.	

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EXHIBIT C-5.4

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	ACRES
NWNE	0.2
SWNE	23.3
SENE	1.8
NENW	3.1
NWNW	10.2
SWNW	7.3
SENW	39.1
NESW	31.8
NWSW	18.0
SWSW	39.8
SESW	29.6
NESE	13.1
NWSE	40.3
SWSE	25.0
SESE	2.1
SECTION 17	
NENE	33.0
NWNE	15.2
SWNE	33.3
SENE	30.9
NENW	4.8
NWNW	3.8
SWNW	43.1
SENW	35.3
NESW	21.5
NWSW	50.0
SWSW	23.9
SESW	16.1
NESE	34.3
NWSE	31.5
SWSE	1.0
SESE	4.7
SECTION 18	
SENE	8.0
NESE	34.5
NWSE	0.1
SWSE	7.3
SESE	34.1
SECTION 19	
NENE	18.2
NWNE	39.5
SWNE	36.9
SENE	7.9
NENW	22.1
NWNW	17.2
SWNW	39.2
SENW	35.3
NESW	32.9
NWSW	32.3
SWSW	39.8
SESW	36.1
NESE	18.7
NWSE	40.6
SWSE	36.5
SESE	8.9
SECTION 20	
NENW	28.1
NWNW	28.0
SWNW	30.2
SENW	30.0
NESW	26.5
NWSW	32.4
SWSW	32.6
SESW	32.1
SWSE	0.1
SECTION 21	
TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.	

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EXHIBIT C-5.5

	ACRES
NWNE	0.3
NENW	35.2
NWNW	35.8
SWNW	2.4
SENW	2.1
SWSW	28.9
SESW	25.7
SECTION 28	
NENE	20.8
NWNE	39.8
SWNE	35.5
SENE	7.9
NENW	33.1
NWNW	30.2
SWNW	39.5
SENW	35.4
NESW	33.1
NWSW	29.4
SWSW	39.5
SESW	36.2
NESE	20.1
NWSE	39.9
SWSE	35.7
SESE	8.7
SECTION 29	
NENE	37.7
NWNE	13.1
SWNE	29.7
SENE	30.3
NESW	1.3
SWSW	12.7
SESW	37.0
NESE	29.5
NWSE	33.6
SWSE	30.5
SESE	30.4
SECTION 30	
NENE	28.7
NWNE	33.6
SWNE	20.3
SENE	23.4
NENW	20.6
NWNW	30.9
SWNW	36.4
SENW	39.1
NESW	33.1
NWSW	41.3
SWSW	44.7
SESW	25.4
NESE	36.0
NWSE	38.3
SWSE	38.0
SESE	19.8
SECTION 31	
NENE	21.3
NWNE	40.0
SWNE	19.9
SENE	5.2
NENW	33.7
NWNW	29.5
SWNW	27.3
SENW	31.1
SECTION 32	
TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.	

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	ACRES
NESW	10.8
NWSW	40.1
SWSW	16.4
SESW	1.9
NESE	0.2
NWSE	0.3
SWSE	33.7
SESE	9.6
SECTION 32	
NENW	29.1
NWNW	32.3
SECTION 33	
TOWNSHIP 3 NORTH, RANGE 24 EAST, W.M.	
NWNE	13.3
SWNE	13.4
NENW	37.3
NWNW	11.0
SWNW	35.0
SENW	38.8
NESW	37.0
NWSW	33.9
SWSW	34.1
SESW	38.3
NWSE	6.9
SWSE	7.0
SECTION 27	
NENE	2.4
NWNE	27.6
SWNE	36.1
SENE	39.8
NENW	31.6
NWNW	0.3
SWNW	31.7
SENW	35.6
NESW	36.3
NWSW	38.4
SWSW	21.5
SESW	38.5
NESE	36.4
NWSE	25.1
SWSE	34.6
SESE	40.4
SECTION 28	
SWNE	0.1
SENE	28.0
SENW	0.3
NESW	35.8
NWSW	4.3
SWSW	18.6
SESW	34.0
NESE	32.3
NWSE	24.4
SWSE	33.5
SESE	37.4
SECTION 29	
SWSE	0.2
SESE	22.2
SECTION 30	
NENE	39.6
NWNE	2.5
SENE	8.5
NESE	0.6
SECTION 31	
TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.	

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	ACRES
NENE	38.4
NWNE	34.5
SWNE	31.6
SENE	35.4
NENW	35.9
NWNW	36.8
SWNW	27.7
SENW	37.5
NESW	28.8
NWSW	26.3
SWSW	7.0
SESW	40.0
NESE	39.5
NWSE	23.8
SWSE	35.4
SESE	36.8

SECTION 32

NENE	36.7
NWNE	16.6
SWNE	32.0
SENE	39.4
NENW	38.5
NWNW	34.7
SWNW	34.2
SENW	37.9
NESW	39.0
NWSW	28.4
SWSW	25.1
SESW	37.9
NESE	33.4
NWSE	33.5
SWSE	30.8
SESE	31.8

SECTION 33

NWNE	2.1
SWNE	2.2
NENW	35.1
NWNW	35.2
SWNW	32.0
SENW	36.1
NESW	26.5
NWSW	37.5
SWSW	37.9
SESW	26.6

SECTION 34

NESE	15.1
NWSE	14.7
SWSE	38.1
SESE	38.2

SECTION 35

NESW	11.5
NWSW	11.1
SWSW	37.7
SESW	38.4
NESE	23.9
NWSE	24.0
SWSE	35.9
SESE	35.8

SECTION 36

TOWNSHIP 4 NORTH, RANGE 24 EAST, W.M.
8996.4

Water user shall install, operate and maintain a continuous telemetric measurement and recording device for rate and volume of water use, and shall report monthly volumes of water use to the Water Resources Department on an annual basis. The information shall be available to the State as a public record at any time. Further, the Director may require water user to report general water use information, including the place and nature of use of water under the permit.

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Certificate holders shall contribute \$1,250,000 to the Oregon Water Trust to be used for acquisition of instream water rights in tributaries of the Columbia River on the terms and conditions described in the Water Resources Department Final Order dated February 28, 2001 authorizing issuance of this Certificate.

Certificate holders shall request that the consultation between NMFS (and the USFWS if applicable) and the Corps under section 7(a)(2) of the ESA address issues related to attraction flows from existing and future pumping, screening, ongoing and future dredge operations and effects of Certificate Holders' water withdrawals on Columbia River System target flows.

During the NMFS consultation, Certificate holders shall seek the views of ODFW, provide ODFW with copies of the Biological Assessment that the Corps submits to NMFS, and provide ODFW with copies of any draft Biological Opinion Certificate Holders receive from the Corps or NMFS.

Water use under this certificate shall be exercised consistent with and subject to the final conditions on water use, including screening, in the Corps permits for construction and maintenance of pump stations resulting from any NMFS consultation, following exhaustion of appeals, if any. Certificate holder shall, within 30 days following exhaustion of appeals, if any, submit to the Salem office of the Water Resources Department and to the office of the applicable Watermaster District, a copy of such Corps permits.

A condition of the final order extending the permit and approving issuance of this certificate is that the water user shall not farm, develop, or perform any activity in the Conservation Area described in Exhibits B and H of said order, except for activities that are in furtherance of the purpose of the Conservation Area and for activities that are consistent with implementation of any Multi-Species Candidate Conservation Agreement developed by BAIC, Inc. and approved by the U.S. Fish and Wildlife Service covering various federally unlisted upland species, including the Washington ground squirrel. In addition, the water user will not undertake any activity that is inconsistent with survival guidelines adopted pursuant to the state ESA listing process.

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.

WITNESS the signature of the Water Resources Director,

affixed this 28th day of February 2001.



Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 76713.



8019 West Quinault Avenue, Suite 201
Kennewick, Washington 99336
509.209-2846

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December 29, 2022

Kelly Starnes, Transfer Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Place of Use Transfer Application for Certificate 76713 and Reimbursement Authority Request (Threemile Canyon Farms)

Dear Kelly:

On behalf of our client, Threemile Canyon Farms, please find enclosed a place of use transfer application for Certificate 76713, and a request for reimbursement authority processing.

Should you have any questions regarding the application or estimate request, please do not hesitate to contact me.

Sincerely,

Molly Reid
Senior Planner
(509) 209-2846 Direct Line
(541) 310-7264 Cell

Enclosures: Transfer Application and Attachments

Check #014235
Check #014208

Cc: GHarris, Threemile Canyon Farms
File



14142

Permanent POU Transfer Application Map

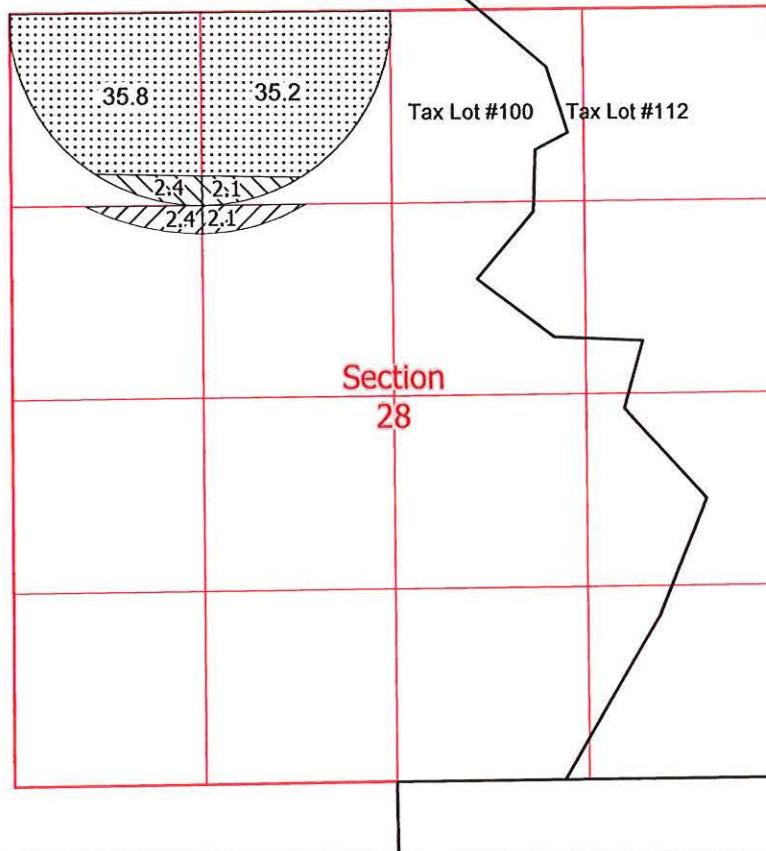
Certificate 76713

Township 3 North, Range 24 East (W.M.), Morrow County

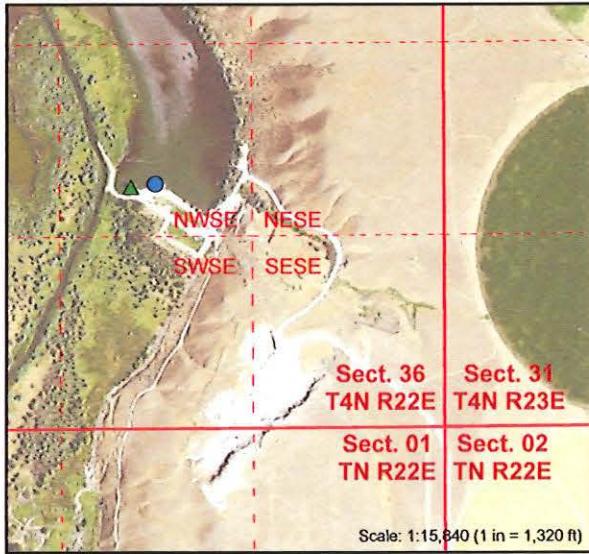
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Points of Diversion



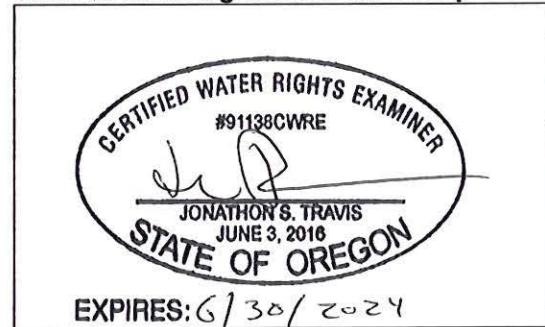
RDO RIVER PUMP STATION
NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 22 EAST, W.M.; 1657 FEET NORTH
AND 2166 FEET WEST FROM THE SE CORNER OF SECTION 36.

BOEING RIVER PUMP STATION
NW 1/4 SE 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 22 EAST, W.M.; 1668 FEET NORTH
AND 1997 FEET WEST FROM THE SE CORNER OF SECTION 36.

NOTE: The purpose of this map is to identify the location of the water right. It is not intended to provide information related to legal dimensions or location of property ownership boundaries.

Map Date: 12/14/2022 12:43 PM

Certified Water Rights Examiner Stamp



LEGEND

- From Lands
- To Lands
- Remaining Right Cert. 76713
- Tax Lot

Points of Diversion

- RDO River Pump Station (See Cert.)
- Boeing River Pump Station (See Cert.)

anderson⁺
GEOGRAPHICS

14142

Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T-14142

Checked by <u>Dante</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed					
Date <u>1-11-2023</u>						
Fee Received: \$1360	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE					
Calculated Fee: \$1360						<i>How many rights to be Transferred?</i> One
Deficiencies and Observations: None						<i>Certificate #/s</i> 76713

If OK, check box; if not, fill in.

- 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?
If not, what is missing? Whose signature is missing? _____
- 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? N/A.
Name of the District _____
- 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?
If not, you may need to contact the applicant or agent? _____
- 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (*compare with OAR 690-380-3220-may need to return*)
If no, which certificates are missing a separate Part 5, tables 1 & 2? _____
- 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?
If not, what is missing? _____. Map waiver included?
- 6. If a change in point of appropriation, have the well logs been included? N/A.
- 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? N/A.
- 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)?

Land Use Missing, BUT meets requirements for exemption _____
- 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- This application is deficient, and **CANNOT** be accepted.
It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

date _____

Permanent Transfer Application Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a)	2	0
	Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>		
	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »		
3	Number of water rights included in transfer _____ (3a)	3	0
	Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>		
	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » »		
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » »	4	0
	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » »		
	<input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » »		
6	Add entries on lines 1 through 5 above » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?	7	0
	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » »		
8	Subtract line 7 from line 6 » » » » » » » » Transfer Fee:	8	