

T-10438

T-10438

TEMPORARY

Name Jean Underhill Wilkinson

Address PO Box 266  
Dufur, OR 97021  
541 467-2281 541-993-4760 cell

Change in FOU  
Date Filed 7-27-2007  
Initial notice date 7-31-2007  
DPD issued date \_\_\_\_\_  
PD issued date \_\_\_\_\_  
PD notice date \_\_\_\_\_  
Date of FO 8-30-07 Vol 73 Page 231

C-Date \_\_\_\_\_  
COBU due date \_\_\_\_\_  
COBU Received date \_\_\_\_\_  
Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Ditch / Fifteenmile creek

Trib. of Fifteenmile creek / Columbia River

Use IK County Wasco  
Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App #	Per #	Cert #	PR Date
		<u>5674</u>	<u>1862, 1893, 1860</u>
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date

Fifteenmile Cr Decree

Date	FEES PAID	
	Amount	Receipt #
<u>7-27-07</u>	<u>260</u>	<u>88908</u>

Date	FEES REFUNDED	
	Amount	Receipt#
<u>9/9/07</u>	<u>19.32</u>	<u>88908</u>

Assignments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Irrigation District N/A

Agent N/A

CWRE N/A

CC's list City of Dufur PO Box 145 Dufur, OR 97021

Wasco County - CLO: Zipporah Dillon PO Box 294 Dufur OR 97021

RLO: Same

- 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 # **88908**

INVOICE # \_\_\_\_\_

RECEIVED FROM: <u>Martin Underhill Farms</u>	APPLICATION
BY: <u>Partnership</u>	PERMIT
CASH: <input type="checkbox"/>	TRANSFER <u>T-10438</u>
CHECK: # <u>3182</u> <input checked="" type="checkbox"/>	TOTAL REC'D <u>\$260.00</u>
OTHER: (IDENTIFY) <input type="checkbox"/>	

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$	
OTHER: (IDENTIFY)	\$	
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

**4270 WRD OPERATING ACCT**

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$
WATER RIGHTS:		RECORD FEE
0201 SURFACE WATER	EXAM FEE \$	0202 \$
0203 GROUND WATER	EXAM FEE \$	0204 \$
205 TRANSFER	EXAM FEE <u>\$260.00</u>	
WELL CONSTRUCTION		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
		0220 \$
OTHER (IDENTIFY)		

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **88908** DATED: 7/27/07 BY: L. Paulson



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

September 21, 2007

JEAN UNDERHILL WILKINSON  
PO BOX 266  
DUFUR OR 97021

Reference: Temporary Transfer 10438

Enclosed is a copy of the order approving your temporary water right transfer application. Also enclosed is a refund check in the amount of \$19.32 for excess fees collected.

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

Sincerely,

*Sarah Henderson*

*for* Doug Parrow  
Natural Resource Specialist

DP:sh

cc: Watermaster #3  
Zipporah Dillon  
City of Dufer  
Fiscal

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10438, Wasco County	)	TEMPORARY CHANGE IN POINT OF
	)	DIVERSION, ADDITIONAL POINT OF
	)	DIVERSION, PLACE OF USE,
	)	CHARACTER OF USE

**Authority**

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

JEAN UNDERHILL WILKINSON  
PO BOX 266  
DUFUR OR 97021

**Findings of Fact**

**Background**

1. On July 27, 2007, Jean Underhill Wilkinson filed an application to temporarily change the place of use under Certificate 5674 for a period of one year. The Department assigned the application number T-10438.
2. The portion of the right to be transferred is as follows:

**Certificate:** 5674 in the name of WM. T. VANDERPOOL (confirmed by the Fifteen Mile Creek Decree)

**Use:** IRRIGATION of 40.68 ACRES

**Priority Date:** 1860

**Limit/Duty:** Not to exceed 3.0 acre-feet per acre during the irrigation season

**Source:** FIFTEEN MILE CREEK, tributary to COLUMBIA RIVER

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	13 E	WM	34	NW NE	9.90
1 S	13 E	WM	34	SW NE	22.14
1 S	13 E	WM	34	NE NW	1.40
1 S	13 E	WM	34	SE NW	7.24

3. Certificate 5674 does not describe the location of the points of diversion, however, information is available from Special Order Volume 10, Page 545 and Special Order Volume 13, Page 196 indicating that the points of diversion are located as follows:

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	13 E	WM	34	SW NE	1350 FEET SOUTH AND 3270 FEET EAST FROM THE NW CORNER OF SECTION 34
1 S	13 E	WM	34	NE NW	1220 FEET SOUTH AND 2200 FEET EAST FROM THE NW CORNER OF SECTION 34
1 S	13 E	WM	34	SE NW	1620 FEET SOUTH AND 1440 FEET EAST FROM THE NW CORNER OF SECTION 34

4. Transfer Application T-10438 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	13 E	WM	34	NW NE	18.54
1 S	13 E	WM	34	NE NW	10.33
1 S	13 E	WM	34	SE NW	11.81

5. Notice of the application for temporary transfer was published on July 31, 2007, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10438.
8. The proposed change would not result in enlargement of the right if conditioned to not allow the use of the portion of the supplemental water right (evidenced by Certificate 55629) on the authorized place of use as described in Finding of Fact #2.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

### Conclusions of Law

The temporary change in place of use proposed in Transfer Application T-10438 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

#### Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Transfer Application T-10438 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 5674 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 5674.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Pursuant to ORS 690-380-8020, the former place of use (as listed in Finding of Fact #2) **shall not** be irrigated as part of Certificate 55629 during the 2007 irrigation season.
9. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
11. The use of the remaining water right described by Certificate 5674 shall continue to be in accordance with the terms and conditions of Certificate 5674.

Dated at Salem, Oregon this 30 day of August, 2007.

  
Phillip C. Ward, Director

Mailing Date SEP 24 2007

### Water Right Transfer Checklist

Transfer T-10438

Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: Jean Underhill Wilkinson, PO Box 266, Dufur, Oregon 97021

Agent Name/Address: NONE

CWRE Name/Number: NONE

Rec Landowner Name/Address: Current LO, Zipporah Dillon, PO Box 294, Dufur, Oregon 97021

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: City of Dufur, PO Box 145, Dufur, Oregon 97021

Commentors: Name/Address: NONE

**Water Rights Affected**

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>15 Mile Creek Decree</u>		5674	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>temp</u>
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions**

Rec'd: <u>07/27/07</u>	Proposed Action(s): <u>POU POD HST APOD USE OTHER: POU</u>	
Fees Pd: <u>260</u>	WM District: <u>88908 Bob Wood #3</u>	ODFW District: <u>Rod French</u>
Initial Notice: <u>07/31/07</u>	WM Review sent: <u>08/01/07</u>	ODFW Review sent: <u>08/01/07 not needed!</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>NONE</u>

**Processing Dates & Actions**

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

ODFW contact sheet sent with DPD, or  N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

**Preliminary Determination**

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due → \$19.32

PD Notice

Remaining Rights

File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <u>DJP</u>
Date: _____	Date: _____	Date: <u>8/30/07</u>
Coordinator: _____	Coordinator: _____	Coordinator: <u>DJP</u>
Date: _____	Date: _____	Date: <u>8/30/07</u>
Comments/Special Issues:		

Special Order Volume: Vol 73 Pages 231

Final Order Signature Date: 8-30-07

Notice of FO email'd to processors Susan

Review Checklist

T- 10438

Processor: \_\_\_\_\_

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. *7. years*
- If overpayment, Refund Request to be sent with FO - 19.32 refund
- Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- All required attachments received.

Water right subject to transfer

- Certificated right or Proof accepted "to the satisfaction..."
- The right been exercised according to terms & conditions of certificate.
- Delivery system has the capacity to fully divert the rate/duty of the right.
- No information in record that suggests forfeiture.
- No conflicts identified on the plat cards and plat card reports printed.
- Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- The map has an original CWRE signature.
- The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- Metes and bounds for the POD's/POA's are properly described on the map.
- The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- Map acres match the tabulation on the certificate.
- Have final proof maps/deed maps for the rights.  Application map matches certificate FPS.
- Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- Only the authorized POD's/POA's and POU's to be transferred are listed.
- Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- The applicant is the owner of the "from" lands.
- All owners on the deed/ROLI have signed the application.
- If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- |  |   |   |   |   |
|--|---|---|---|---|
| <input checked="" type="checkbox"/> application complete | <input checked="" type="checkbox"/> map | <input checked="" type="checkbox"/> FPS       | <input checked="" type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form        |
| <input checked="" type="checkbox"/> deed/ROLI            | <input type="checkbox"/> certificate    | <input checked="" type="checkbox"/> fees paid | <input type="checkbox"/> well logs                  | <input checked="" type="checkbox"/> plat card |
| <input type="checkbox"/> audit                           | <input type="checkbox"/> dpd            |   |   |   |

- Reviews/comments/conditions received?  Watermaster  ODFW  GW
- |                     |   |   |  |
|---------------------|---|---|--|
| Headgate            | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices   | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/>                      |   |  |

Injury: Y  N  Enlargement: Y  N   
 Conditions to avoid enlargement/injury -

200.00  
+ 40.68  
240.68  
pd 260-  
Refund  
19.32

# of years  
supplemental?  
exists on to +  
from (sup)  
"From" remains  
un used.

one

na



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

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input checked="" type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

*1 yr had remarks 2/20/07*

*Note: Transfer received in 2005 # 9991 This request is identical.*

COPY

## 2. APPLICANT INFORMATION

Name: Jean Underhill Wilkinson  
First Last

Address: PO Box 266

Dufur OR 97021  
City State Zip

Phone: (Office) 541-467-2281 (Cell) 541-993-4760  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: underhillfarms@ortelco.net

## 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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JUL 27 2007

**4. PROPOSED CHANGE(S) TO WATER RIGHT(S)**

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	Fifteen Mile Cr Decree		5674
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.

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

- Place of Use       Point of Diversion       Additional Point of Diversion
- Character of Use       Point of Appropriation       Additional Point of Appropriation
- Instream Transfer       Surface Water source to Ground Water source

- Reason(s) for change(s): Irrigation needed on "to" lands.

**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Pumped from creek. (2 pumps) capable of pumping 700 cfs. Wheel lines & hand lines used to irrigate approx. 60 acres of alfalfa & 60 acres of wheat.

- System capacity: 1.7 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

\_\_\_\_\_  
City of Pufur, P.O. Box 145, Pufur, OR 97021  
\_\_\_\_\_  
Wasco County  
\_\_\_\_\_  
Water Resources Department Wasco County Annex B  
\_\_\_\_\_  
Room 218

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JUL 27 2007

T 10438

421 East 7th Str.  
The Dalles, OR 97058  
FS

**8. LAND OWNERSHIP**

- Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): Zipporah Dillon  
First Last

Address: P.O. Box 294  
Dufur OR 97021  
City State Zip

*✓ consent rec'd*

- Does the applicant own the lands **TO** which the right is being transferred?  
 Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): Zipporah Dillon  
First Last

Address: P.O. Box 294  
Dufur OR 97021  
City State Zip

- Check one of the following:

The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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T 10438

JUL 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**9. ATTACHMENTS**

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

*verified w/ Wasco Co.*

**Supplemental Form A –**

**Description of Proposed Change(s) to a Water Right**

- A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

**Supplemental Form B – Evidence of Use Affidavit(s)**

- At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- The Evidence of Use Affidavit must be accompanied by supporting documentation.

**Map**

- Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

**Water Well Report(s)/Well Log(s):**

- The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

**Land Use Information Form:**

- Enclosed; *or*
- Not Required if all of the following are met:
  - ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

**Fees:**

- Amount enclosed: \$ 300 ?  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**Instream Water Right Transfers, also include:**

**Supplemental Form C – Instream Water Right Transfer**

- Complete this form to describe the desired nature and attributes for the proposed instream water right.

**Temporary Transfers, also include:**

**Recorded Deed:**

- The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

**Affidavit of Consent:**

- If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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JUL 27 2007

**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

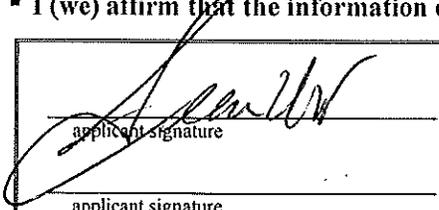
In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: *Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

 applicant signature	Jean Underhill Wilkerson name (print)	7/23/07 date
_____ applicant signature	_____ name (print)	_____ date

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T 10438

JUL 27 2007

**Water Right Transfer Supplemental Form A**  
**DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT**

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 5674

**1. TYPE OF CHANGE(S) PROPOSED**

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input checked="" type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____ <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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WATER RESOURCES DEPT  
SALEM, OR

T 10438

**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> Certificated Right	<u>5674</u> Certificate Number	<u>Fifteenmile Cr. Decree</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: WM. T. Vanderpool
- County: Wasco
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1860, 1862, 1893

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Fifteenmile Creek

Tributary to: Columbia River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

Yes     No     N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 55629

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

*Sup on them will not be exercised*

*Cert. #55629 is supplemental to both the "from" and "to" lands.*

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SALEM, OREGON

▪ Certificate Number or other identifying number: 5674

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L- )	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
all pods except North Ditch								

▪ Does the water right being transferred involve a ground water source(s)?

Yes       No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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WATER RESOURCES DEPT  
SALEM, OREGON



▪ Certificate Number or other identifying number: 5674

**3. PROPOSED CHANGES TO THE WATER RIGHT**

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)  N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

**Construction of Proposed Point(s) of Appropriation or Well(s)**

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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SALEM, OR

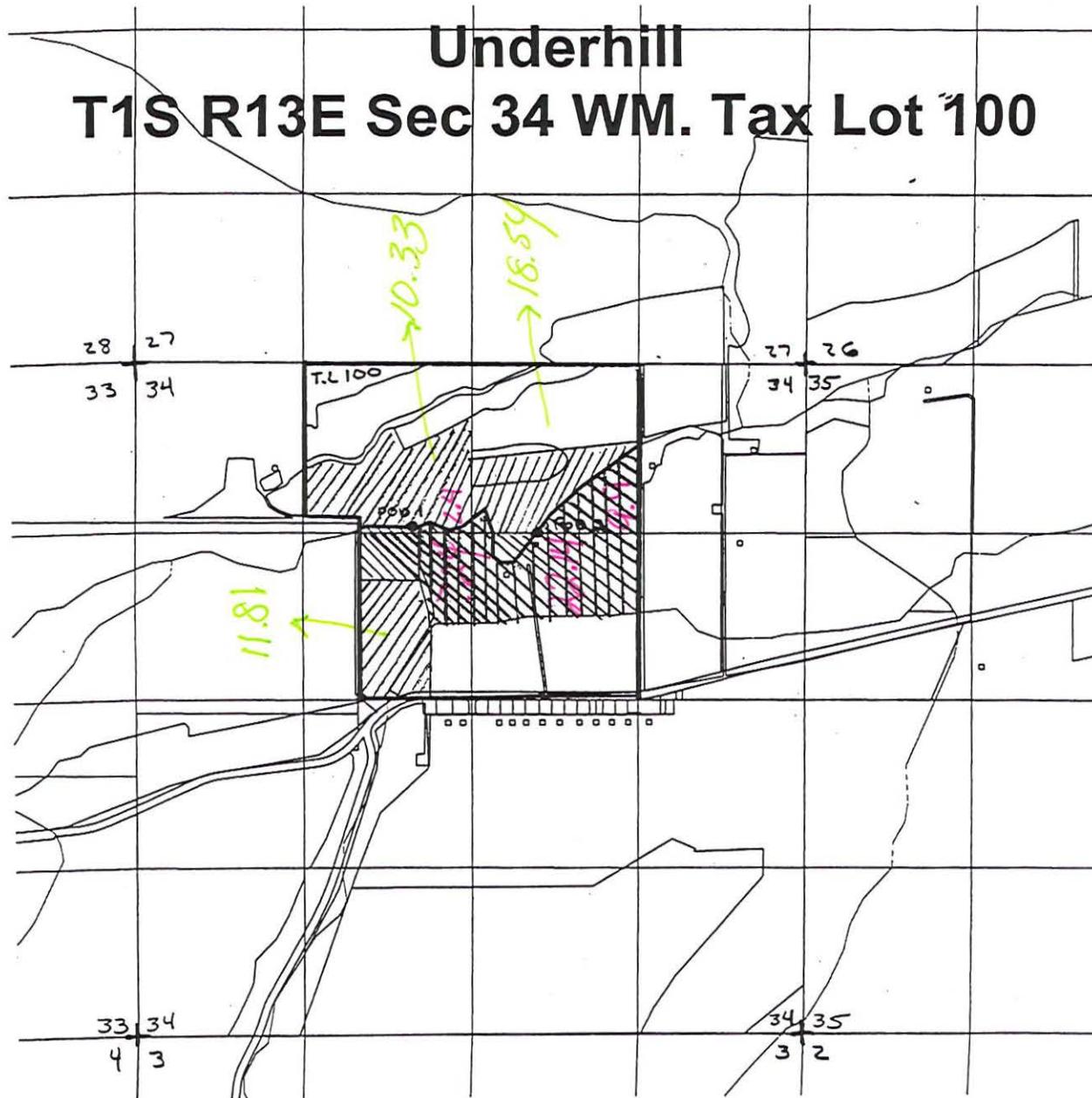


Points of Diversion

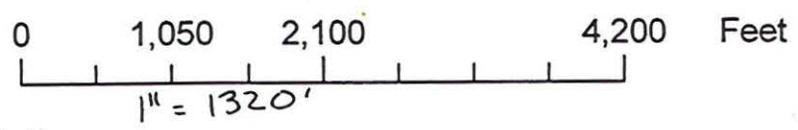
- 1) 1220' south and 2200' east from the NW corner, section 34.
- 2) 1350' south and 3270' east from the NW corner, section 34.

# Underhill

## T1S R13E Sec 34 WM. Tax Lot 100



- C-5674
- C-5674-Transfer "from" Lands
- Transfer "TO" Lands



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SALEM, OREGON

T 10438

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T- 199

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SALEM, OREGON T 10438

USDA USDA  
Farm Service Agency

### WASCO COUNTY

This acreage is for FSA program purposes only. No warranty is made for any other use.



April 05, 2007





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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10438

Review Due Date: 9-1-07

Applicant Name: Jean Underhill Wilkinson

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): Robert Wood

Date of Review: Aug. 16, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
 Yes  No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights?  Yes  No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Regulation is required every summer on Fifteenmile Creek. Regulation can begin sometime in June and will typically last through September and into October. In average water years, I will regulate back to a 1909 priority date. In drought years, regulation has gone back as far as 1860.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right?  If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: No data currently available to support or refute the existence of return flows.
4. Are there upstream water rights that would be affected by the proposed change?  
 Yes  No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach?  If you check the box, describe and, if possible, estimate the losses: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
 Yes  No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source?  Yes  No  N/A If "Yes", explain: Because this transfer is basically "flip flopping" priority dates, it is possible that the from lands could be irrigated late in the season if I am able to relax regulation enough to allow junior users to turn back on.

8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?  Yes  No  
 If "Yes", explain: \_\_\_\_\_

9. Are there other issues not identified through the above questions?  Yes  No If "Yes", explain: The From lands were probably irrigated earlier in the 2007 irrigation season. The From lands are currently planted in wheat, which is often irrigated in the spring if we don't get significant precipitation. However, I would estimate that less than 1 acre-foot per acre would have been used, leaving at least 2 acre-feet per acre available for use. Given the number of days left in the irrigation season, I don't believe they would exceed duty limitations

10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_

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

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

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

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION  
OF JAMES S. INGLES FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM FIFTEEN- )  
MILE CREEK )  
----- )

ORDER AMENDING ORDER  
OF OCTOBER 19, 1960

On October 19, 1960, the State Engineer entered an order approving the application of James S. Ingles for changes in points of diversion of water from Fifteenmile Creek, which order provided in part as follows, to-wit:

"NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water involving the Lew Henderson Ditch from Fifteen Mile Creek, to-wit:

From a point located 2970 feet south and 2970 feet west from the northwest corner of said Section 34, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 1 South, Range 13 East, W.M.

To a point to be located 1620 feet south and 1280 feet east from the northwest corner of Section 34, Township 1 South, Range 13 East, W. M.

for the irrigation of 4.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1890, and 9.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of 1893, be and the same is approved."

The change in point of diversion as above described was in fact a change from the Lew Henderson Ditch to the South Ditch. From a survey made April 18, 1962, by Mr. Thomas R. Lauer, a representative of the State Engineer, it appears the point of diversion of the South Ditch is actually located some 160 feet downstream from the point as described in the application and Order of the State Engineer approving the application.

Since the point of diversion of the South Ditch is actually located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M. instead of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, the State Engineer's Order, entered October 19, 1960, approving the application of James S. Ingles, should be amended to

correctly describe the actual location of the point of diversion of the South Ditch.

NOW, THEREFORE, it hereby is ORDERED that that part of the State Engineer's Order entered October 19, 1960 above set forth be deleted therefrom and insert in lieu thereof the following, to-wit:

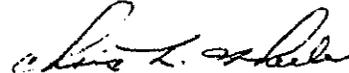
NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water involving the Lew Henderson Ditch from Fifteen-mile Creek, to-wit:

From a point located 2970 feet South and 2970 feet west from the northwest corner of said Section 34, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 1 South, Range 13 East, W. M.

To a point located 1620 feet South and 1440 feet East from the northwest corner of Section 34, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, Township 1 South, Range 13 East, W. M.

for the irrigation of 4.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1890, and 9.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of 1893, be and the same is approved.

Dated at Salem, Oregon, this 28th day of January, 1964.



CHRIS L. WHEELER  
State Engineer

*Handwritten notes:*  
Vol. 7, p. 420 & 432  
Vol. # 5601 & 5674  
By # 1000  
Date # 983  
Sp. 10 Vol. 10, p. 515

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF JAMES S. INGLES FOR THE APPRO- )  
VAL OF A CHANGE IN POINTS OF DIVER- )  
SION OF WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING  
TRANSFER NO. I-19

On June 13, 1963, James S. Ingles of Dufur, Oregon, filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered May 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of the Estate of L. E. Benedict for the use of the waters of Fifteenmile Creek for the irrigation of 4.1 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 1 South, Range 13 East, W. M., with a date of priority of 1890. In the same proceedings, a water right was established in the name of Wm. T. Vanderpool for the use of the waters of Fifteenmile Creek for the irrigation of 9.9 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 22.14 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.4 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 10.44 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, with a date of priority of 1860, and 9.36 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34, with a date of priority of 1893. These lands are irrigated by means of the South Ditch, the point of diversion of said ditch being located 1620 feet south and 1440 feet east from the northwest corner of Section 34, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, Township 1 South, Range 13 East, W.M.

*sewu*

The applicant herein, owner of the lands above described, proposes to continue the use of the South Ditch and also irrigate the lands having a water right with a date of priority of 1860 by means of two pumping plants, the points of diversions of said pumping plants to be located: (1) 1220 feet south and 2200 feet east from the northwest corner of Section 34 and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 34, Township 1 South, Range 13 East, W.M. and (2) 1350 feet south and 3270 feet east from the northwest corner

*APOD*

of Section 34, and being within the SW $\frac{1}{2}$  NE $\frac{1}{2}$ , said Section 34, Township 1 South, Range 13 East, W.M., and to irrigate the lands having water rights of 1890 and 1893 by means of diversion No. 1 as hereinbefore described, in addition to said South Ditch.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Larry W. Jebousek, Watermaster of District No. 3, has filed a report to the effect that the proposed change in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain two pumping plants, in addition to the point of diversion of the South Ditch, the points of diversion of said pumping plants to be located as follows:

- (1) 1220 feet south and 2200 feet east from the northwest corner of Section 34, and being within the NE $\frac{1}{2}$  NW $\frac{1}{2}$ , said Section 34, Township 1 South, Range 13 East, W.M., and
- (2) 1350 feet south and 3270 feet east from the northwest corner of Section 34, and being within the SW $\frac{1}{2}$  NE $\frac{1}{2}$ , said Section 34, Township 1 South, Range 13 East, W.M.

Pumping plants No. 1 and No. 2 are to be used for the irrigation of 9.9 acres in the NW $\frac{1}{2}$  NE $\frac{1}{2}$ , 22.14 acres in the SW $\frac{1}{2}$  NE $\frac{1}{2}$ , 2.4 acres in the NE $\frac{1}{2}$  NW $\frac{1}{2}$  and 10.44 acres in the SE $\frac{1}{2}$  NW $\frac{1}{2}$ , Section 34, Township 1 South, Range 13 East, W.M., with a date of priority of 1860, and pumping plant No. 1 only is to be used for the irrigation of 4.1 acres in the NE $\frac{1}{2}$  SW $\frac{1}{2}$ , with a date of priority of 1890, and 9.36 acres in the SE $\frac{1}{2}$  NW $\frac{1}{2}$ , with a date of priority of 1893, all being in Section 34, Township 1 South, Range 13 East, W.M.

It is FURTHER ORDERED that the construction work shall be completed and the change in points of diversion of water made on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion:

That the pumping plants and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 24th day of March, 1964.

*Noted as Decree  
Vol. 7 p. 420, 432  
Cent. # 5601 & 5674*

  
CHRIS L. WHEELER  
State Engineer

# Water Rights Platcard Report

*OK!* *from* *to*

Meridian: WILLAMETTE Township: 1 South Range: 13 East Section: 34 Records per Page: 100 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select <b>Cert:54586 OR *</b> Additional Info: CITY OF DUFUR App: S55089 Permit: S41380 Cert: 54586	IL52	1/10/1977	DOMESTIC					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Select <b>Cert:5601 OR CN</b> Additional Info: L E BENEDICT Decree: FIFTEEN MILE CREEK Cert: 5601		12/31/1890	IRRIGATION	CN												4.1								
Select <b>Cert:5665 OR CN</b> Additional Info: MELVIN SIGMAN Decree: FIFTEEN MILE CREEK Cert: 5665		12/31/1856	IRRIGATION	CN							1.6		38.3		11.7		3.4							
Select <b>Cert:5665 OR CN</b> Additional Info: MELVIN SIGMAN Decree: FIFTEEN MILE CREEK Cert: 5665		12/31/1885	IRRIGATION	CN							1.3	8	1.7		1.3									
Select <b>Cert:5674 OR CN</b> Additional Info: WM VANDERPOOL Cert: 5674	I15	12/31/1860	IRRIGATION	CN					9.9	22.14		2.4			10.44									
Select <b>Cert:5674 OR CN</b> Additional Info: WM VANDERPOOL Cert: 5674	I15	12/31/1862	IRRIGATION	CN					10.33			10.54												
Select <b>Cert:5674 OR CN</b> Additional Info: WM VANDERPOOL Cert: 5674	I15	12/31/1893	IRRIGATION	CN											9.36									
Select <b>Cert:9308 OR CN</b> Additional Info: MR & MRS W A WOODS App: S12606		3/14/1929	IRRIGATION	CN		5		10																

Permit: S8950 Cert: 9308																				
Select <b>Cert:9308 OR CN</b> Additional Info: MR & MRS W A WOODS App: S12606 Permit: S8950 Cert: 9308	3/14/1929	IRRIGATION	CN	6	±0															
Select <b>Cert:9308 OR CN</b> Additional Info: MR & MRS W A WOODS App: S12606 Permit: S8950 Cert: 9308	3/14/1929	IRRIGATION	CN	7			±0													
Select <b>Cert:9836 OR CN</b> Additional Info: CHASE BROTHERS App: S11800 Permit: S8202 Cert: 9836	10/14/1927	IRRIGATION	CN		±5		5													
Select <b>Cert:28277 OR CN</b> Additional Info: PAUL T HULSE App: S29752 Permit: S23434 Cert: 28277	2/18/1955	IRRIGATION	CN		9-2		±4.0													
Select <b>Cert:30857 CF CN</b> Additional Info: JAMES INGLES App: S11800 Permit: S8202 Cert: 30857	10/14/1927	IRRIGATION	CN		±5		5													
Select <b>Cert:31674 CF CR CN</b> Additional Info: JAMES INGLES App: S11800 Permit: S8202 Cert: 31674	10/14/1927	IRRIGATION	CN		±5		5													
Select <b>Cert:35097 RR *</b> Additional Info: JAMES INGLES App: S11800 Cert: 35097	10/14/1927	IRRIGATION			15															
Select <b>Cert:38291 OR *</b> Additional Info: JAMES INGELS App: S44610 Permit: S33425	3/18/1968	IRRIGATION			1.8	17.86														

NOR. ✓  
S.O.B. ✓

Cert: 38291 Select <b>Cert:38291 OR *</b>	3/18/1968	IRRIGATION	1			9.8													
Additional Info: JAMES INGELS App: S44610 Permit: S33425 Cert: 38291																			
Select <b>Cert:38291 OR *</b>	3/18/1968	IRRIGATION	2					5.6											
Additional Info: JAMES INGELS App: S44610 Permit: S33425 Cert: 38291																			
Select <b>Cert:44559 OR *</b>	10/14/1969	IRRIGATION								21.8		30	39.4	36.4	37.4	35			
Additional Info: WALTER MALCOLM FARGHER JR App: G5017 Permit: G4696 Cert: 44559																			
Select <b>Cert:47971 CF *</b>	2/18/1955	IRRIGATION		9.2		14.8													
Additional Info: PAUL T HULSE App: S29752 Permit: S23434 Cert: 47971																			
Select <b>Cert:48769 OR *</b>	5/3/1976	IRRIGATION		9															
Additional Info: PAUL & CORAMAE HULSE App: S54210 Permit: S40574 Cert: 48769																			
Select <b>Cert:49296 OR *</b>	IL62	12/13/1977	IRRIGATION	16.4		17													
Additional Info: CARLETON/PAMELA CLAUSEN App: S56922 Permit: S42707 Cert: 49296																			
Select <b>Cert:49488 CF CN</b>	12/31/1856	IRRIGATION	<b>CN</b>				0.2	33.4	12.7	0.5	7.3								
Additional Info: GENE UNDERHILL Decree: FIFTEEN MILE CREEK Cert: 49488																			
Select <b>Cert:49488 CF CN</b>	12/31/1885	IRRIGATION	<b>CN</b>	3						2.4									
Additional Info: GENE UNDERHILL Decree: FIFTEEN MILE CREEK Cert: 49488																			





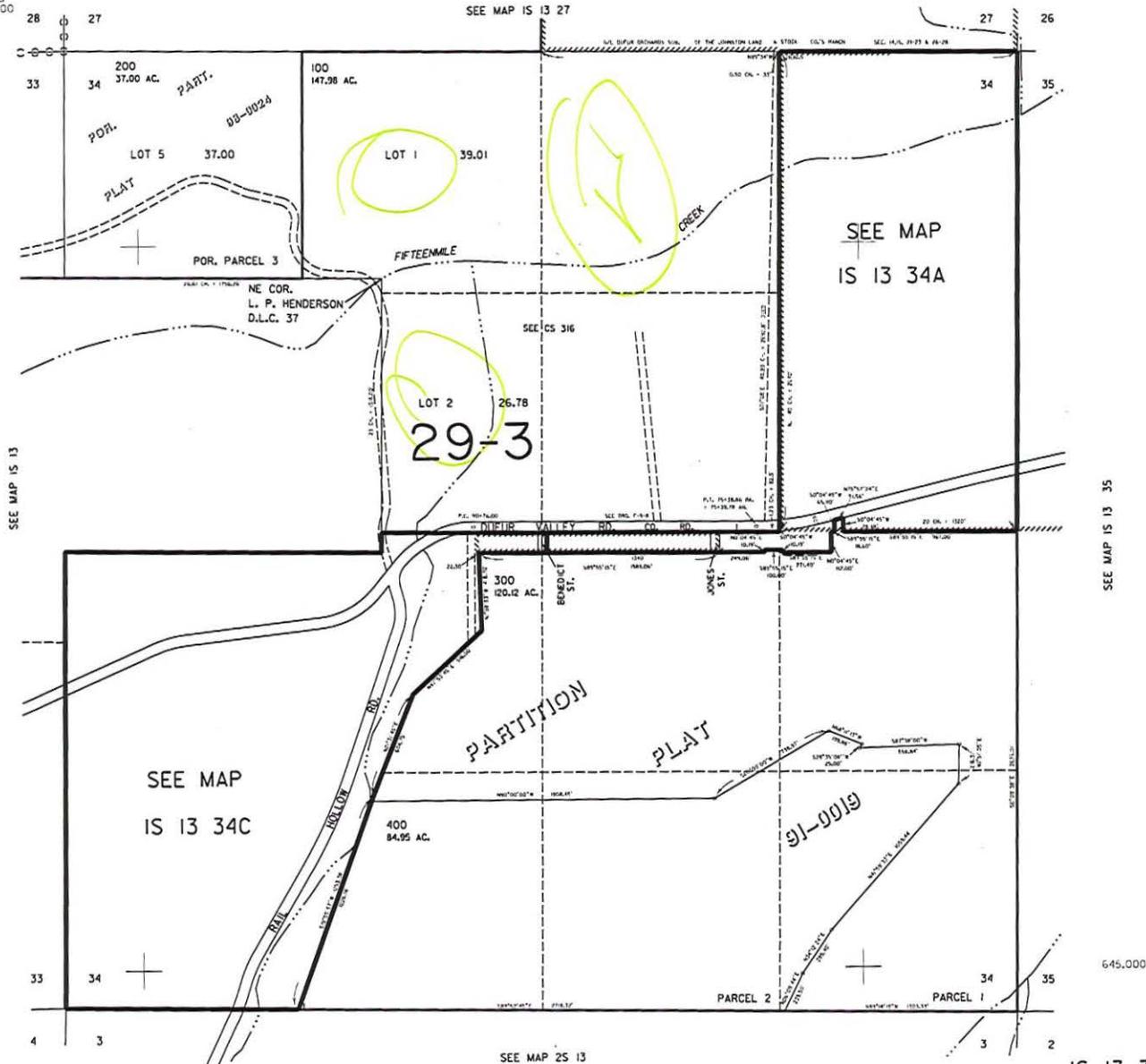
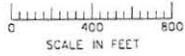
Select <b>Cert:55629 OR *</b> Additional Info: KENNETH PURDOM App: G8461 Permit: G8176 Cert: 55629	9/23/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	1	32.8															
Select <b>Cert:55629 OR *</b> Additional Info: KENNETH PURDOM App: G8461 Permit: G8176 Cert: 55629	9/23/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	2	25.4															

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

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 34 T.15S. R.12E. W.M.  
WASCO COUNTY  
1" = 400'

IS 13 34  
& INDEX



1,925,000

645,000

REVISED 11-30-98, JD

IS 13 34  
& INDEX



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

August 1, 2007

JEAN UNDERHILL WILKINSON  
PO BOX 266  
DUFUR OR 97021

Reference: Temporary Transfer 10438

On July 27, 2007 we received your water right transfer application. The application was accompanied by \$260.00. Our receipt 88908 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 change.

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

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

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #3  
City of Dufur (PO Box 145, Dufur, Oregon 97021)  
Zipporah Dillon (PO Box 294, Dufur, Oregon 97021)  
Rod French, ODFW

enclosure



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/31/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: WASCO  
Transfer: 10438  
Water Right: 5674  
Priority Date: 1860, 1862, 1893  
Name: JEAN UNDERHILL WILKINSON  
Address: PO BOX 266; DUFUR OR 97021  
Change: POU  
Source: FIFTEENMILE CREEK  
Authorized POA: T1S R13E 34  
Proposed APOA: T1S R13E 34

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Originals

ment

# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

<input type="checkbox"/> Permanent Transfer	<input type="checkbox"/> Instream Transfer
<input checked="" type="checkbox"/> Temporary Transfer	<input type="checkbox"/> Permanent
• total number of years: _____	<input type="checkbox"/> Time-Limited
(begin year: _____)	<input type="checkbox"/> Drought Transfer
(end year: _____)	<input type="checkbox"/> Other

Note: Transfer received in 2005 # 9991 This request is identical.

## 2. APPLICANT INFORMATION

Name: Jean Underhill Wilkinson  
First Last

Address: PO Box 266  
Dufur OR 97021  
City State Zip

Phone: (Office) 541-467-2281 (cell) 541-993-4760  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: underhillfarms@ortelco.net

## 3. AGENT INFORMATION

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

Name: \_\_\_\_\_  
First Last

Address: \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail address: \_\_\_\_\_

- If an agent is listed above, please check one of the following:
  - Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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T 10438

**4. PROPOSED CHANGE(S) TO WATER RIGHT(S)**

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	F. Hecram. 10 Cr Decree		5674
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.

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

- Place of Use     
  Point of Diversion     
  Additional Point of Diversion  
 Character of Use     
  Point of Appropriation     
  Additional Point of Appropriation  
 Instream Transfer     
  Surface Water source to Ground Water source

- Reason(s) for change(s): Irrigation needed on "to" lands.

**5. WATER DELIVERY SYSTEM**

- Describe the **current** water delivery system or the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Pumped from creek. (2 pumps) capable of pumping 700 cfs. Wheel lines & hand lines used to irrigate approx. 60 acres of alfalfa & 60 acres of wheat.

- System capacity: 1.7 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

T 10438

Transfer Application/2

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**6. EVIDENCE OF BENEFICIAL WATER USE**

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

**7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS**

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district?  Yes  No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity?  Yes  No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

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- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

City of Dufur, P.O. Box 145, Dufur, OR 97021  
 Wasco County  
 Water Resources Department Wasco County Annex B

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JUL 27 2007

T 10438

Room 218  
 421 East 7th St.  
 The Dalles, OR 97058  
 FS

**8. LAND OWNERSHIP**

- Does the applicant own the lands **FROM** which the right is being transferred?  Yes  No

*If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:*

Names of Current Landowner(s): Zipporah Dillon  
First Last

Address: P.O. Box 294  
Dufur OR 97021  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?  
 Yes  No  N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*If "No", provide the following information:*

Names of Receiving Landowner(s): Zipporah Dillon  
First Last

Address: P.O. Box 294  
Dufur OR 97021  
City State Zip

- Check one of the following:
  - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
  - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
  - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10438

**9. ATTACHMENTS**

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

<p><b>Supplemental Form A –</b> <b>Description of Proposed Change(s) to a Water Right</b></p> <p><input type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p><b>Supplemental Form B –</b> <b>Evidence of Use Affidavit(s)</b></p> <p><input type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input type="checkbox"/> The Evidence of Use Affidavit <b>must</b> be accompanied by <b>supporting documentation</b>.</p> <p><b>Map</b></p> <p><input type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input checked="" type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p><b>Water Well Report(s)/Well Log(s):</b></p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p><b>Land Use Information Form:</b></p> <p><input type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not Required if <b>all</b> of the following are met:</p> <ul style="list-style-type: none"><li>❶ In EFU zone or irrigation district,</li><li>❷ Change in place of use only,</li><li>❸ No structural changes needed, including diversion works, delivery facilities, other structures, <i>and</i></li><li>❹ Irrigation only.</li></ul> <p><b>Fees:</b></p> <p><input type="checkbox"/> Amount enclosed: \$ <u>300 ?</u> See the Department's Fee Schedule at <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> or call (503) 986-0900.</p> <p><u><i>Instream Water Right Transfers, also include:</i></u></p> <p><b>Supplemental Form C –</b> <b>Instream Water Right Transfer</b></p> <p><input type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u><i>Temporary Transfers, also include:</i></u></p> <p><b>Recorded Deed:</b></p> <p><input type="checkbox"/> The applicant must submit a copy of the current deed of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved.</p> <p><b>Affidavit of Consent:</b></p> <p><input type="checkbox"/> If the applicant is <b>NOT</b> the owner of record for the land <b>from</b> which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.</p> <p style="text-align: right;">T 10438 <b>RECEIVED</b> JUL 27 2007</p>
---	---

**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**10. SIGNATURES**

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

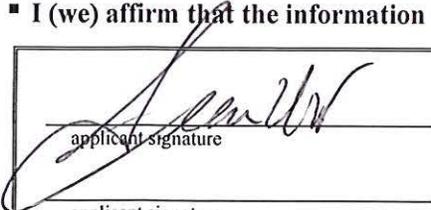
In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a **notarized statement consenting to the transfer** (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (*NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*)

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

 applicant signature	Jean Underhill Wilkerson name (print)	7/23/07 date
_____ applicant signature	_____ name (print)	_____ date

T 10438

## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 5674

#### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input checked="" type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)  <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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SALEM, OREGON

T 10438

**2. CURRENT WATER RIGHT INFORMATION**

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

<input checked="" type="checkbox"/> Certificated Right	<u>5674</u> Certificate Number	<u>Fifteenmile Cr. Decree</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____ Name of Decree	_____ Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____ Permit Number	_____ Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____ Previous Transfer Number	_____ Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: WM. T. Vanderpool
- County: Wasco
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): 1860, 1862, 1893

*If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Fifteenmile Creek

Tributary to: Columbia River

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there Other Water Rights, Permits or Ground Water Registrations associated with this land?  
 Yes     No     N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? 55629

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

Cert. #55629 is supplemental to both the "from" and "to" lands.

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**11 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

▪ Certificate Number or other identifying number: 5674

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- Does the water right being transferred involve a ground water source(s)?
  - Yes
  - No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 5674

**3. PROPOSED CHANGES TO THE WATER RIGHT**

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

**Location of Proposed Point(s) of Diversion or Appropriation:**

(i.e., the "TO" point(s) of diversion or appropriation)  N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed?  Yes  No  N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

**Construction of Proposed Point(s) of Appropriation or Well(s)**

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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SALEM, OREGON



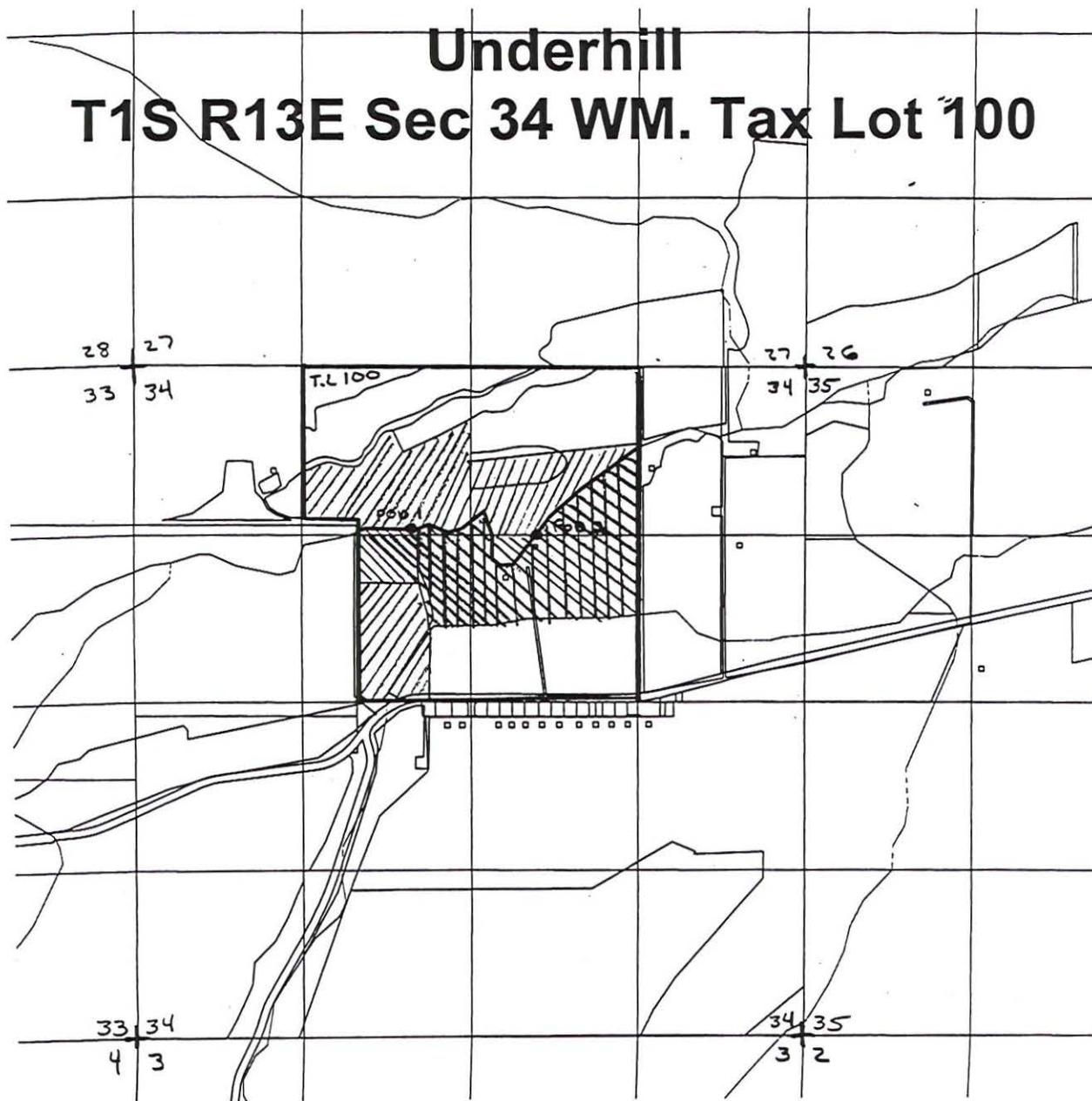
Points of Diversion

1) 1220' south and 2200' east from the NW corner, section 34.

2) 1350' south and 3270' east from the NW corner, section 34.

# Underhill

## T1S R13E Sec 34 WM. Tax Lot 100



-  C-5674
-  C-5674-Transfer "from" Lands
-  Transfer "to" Lands

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WATER RESOURCES DEPT  
SALEM, OREGON

T 10438

2007

Fm 213  
T- 199

1  
11.0

2  
41.2

4  
27.3

5  
15.2

3  
23.9

T1. S  
R 13 E  
SEC 0

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WATER RESOURCES DEPT  
SALEM, OREGON T 10438

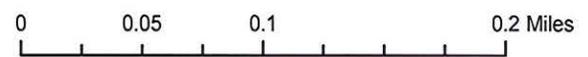
USDA  
Farm Service Agency

WASCO COUNTY

This acreage is for FSA program purposes only. No warranty is made for any other use.



April 05, 2007



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

State of Oregon )  
County of Wasco ) ss

I, Jean Underhill, in my capacity as farm manager,  
mailing address PO Box 266 Dubur, OR 97021  
telephone number (541) 467-2281, being first duly sworn depose and say:

1. I attest that:

- Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; or
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- Personal observation
- Professional expertise

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

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
1	S	13	E	Wm 34	NE NW	1.40
1	S	13	E	Wm 34	NW NE	9.90
1	S	13	E	Wm 34	SE NW	7.24
1	S	13	E	Wm 34	SW NE	22.14

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**WATER RESOURCES DEPT  
SALEM, OREGON**

(continues on reverse side)

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

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

Alfalfa & wheat

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

2 pumps in 15 mile creek capable of pumping 1.7 cfs. wheel lines & hand lines used to irrigate alfalfa & wheat.

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

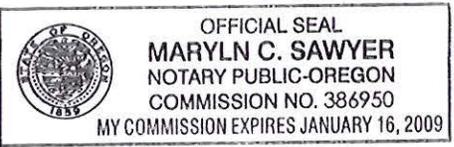
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers, from the time we took over property
- Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- Dedicated power usage records or receipts,
- Instream lease number \_\_\_\_\_,
- Other: \_\_\_\_\_

Temporary drought transfer issued in 2005 -- same property - same request

[Signature]  
Signature of Affiant

7/25/07  
Date

Signed and sworn to (or affirmed) before me this 25<sup>th</sup> day of July, 2007.



Maryln C. Sawyer  
Notary Public for Oregon

My Commission Expires: 01-16-2009

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



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

August 9, 2005

OR Department of Fish and Wildlife  
Rod French  
High Desert District Office  
3701 W 13<sup>th</sup> Street  
The Dalles, Oregon 97058

*Transfer received in 2005 same property*

Reference: Transfer # 9991 – DROUGHT TRANSFER

Enclosed for your review is a copy of a water right transfer application from **South Ditch, North Ditch and Pump Plant 2**, tributary of **Fifteenmile Creek and Columbia River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Salem office

Attention: Transfer Section  
Water Resources Department  
725 Summer Street NE Ste A  
Salem, Oregon 97301

**by September 7, 2005, or as soon as possible** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

*If you would like to speak to someone, please call Bernadette Williams at 503-986-0880, you can also email her at [Bernadette.N.WILLIAMS@wr.d.state.or.us](mailto:Bernadette.N.WILLIAMS@wr.d.state.or.us) or fax 503-986-0903.*

Enclosure

cc: Wm # 3  
Applicant

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**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10438



WASCO, OREGON

FSA-578(02-01-91) 213  
FARM NUMBER:

REPORT OF COMMODITIES  
FARM SUMMARY

PROGRAM YEAR 2007  
DATE: 04-05-2007

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

*Ingles*

Original: \_\_\_\_\_  
Revision: \_\_\_\_\_  
Cropland: 118.5  
Farmland: 145.1

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share
MARTIN UNDERHILL FARMS PARTNERSHI	6609	WHEAT	.6666	ALFAL	.6666
ZIPPORAH DILLON	2457	WHEAT	.3334	ALFAL	.3334

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	I	FG	58.80		WHEAT	SWW	I	GR	48.70	WHEAT	SWW	N	GR	11.00

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature *Dy Martin Underhill* Date *4/5/07*

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

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WATER RESOURCES DEPT  
SALEM, OREGON

WASCO, OREGON

FSA-578(02-01-91)  
FARM NUMBER: 213

REPORT OF COMMODITIES  
FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2007  
DATE: 04-05-2007

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

Original: \_\_\_\_\_  
Revision: \_\_\_\_\_  
Cropland: 118.5  
Farmland: 145.1

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Lnd Use	Rot Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/M	C/C Stat	Prod Share	Prod ID	RMA Unt	Opt Unt	C/C Type	Planting Date
199	1 DS	Ni	WHEAT	SWW	Grain		A	11.00		Y	RO	I	.6666 .3334	6609 2457				10-01-2006
	2	Ir	ALFAL		Forage		A	41.20		Y	RO	I	.6666 .3334	6609 2457				10-01-1980
	4 DS	Ir	WHEAT	SWW	Grain		A	27.30		Y		I	.6666 .3334	6609 2457				10-01-2005
	5	Ir	ALFAL		Forage		A	15.10		Y	RO	I	.6666 .3334	6609 2457				10-01-1980
	3A DS	Ir	WHEAT	SWW	Grain		A	21.40		Y		I	.6666 .3334	6609 2457				10-01-2005
	3B	Ir	ALFAL		Forage		A	2.50		Y		I	.6666 .3334	6609 2457				10-01-1980

C/C Type	Prac IU	Non-Irrig	Irrigated	C/C Type	Prac IU	Non-Irrig	Irrigated
ALFAL	I FG		58.80	WHEAT SWW	B GR	11.00	48.70

Photo Number/Legal Description: T1S R13E SEC 34 INGLES PLACE

Cropland: 118.5 Reported on Cropland: 118.50 Difference: .00 Reported on Non-Cropland: .00

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WATER RESOURCES DEPT  
SALEM, OREGON

FSA-578(02-01-91)  
FARM NUMBER: 213

REPORT OF COMMODITIES  
FARM SUMMARY

PROGRAM YEAR 2006  
DATE: 02-03-2006

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

Original: \_\_\_\_\_  
Revision: \_\_\_\_\_  
Cropland: 121.3  
Farmland: 145.1

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share	C/C	Share
MARTIN UNDERHILL FARMS PARTNERSHI	6609	WHEAT	.6666	ALFAL	.6666	FALOW	.6666
ZIPPORAH DILLON	2457	WHEAT	.3334	ALFAL	.3334	FALOW	.3334

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	I	FG	58.80		FALOW	N		11.00		OFAV		N	.00	
WHEAT	SWW	I	51.50											

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature: *[Signature]* Date: 2/03/06

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

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WATER RESOURCES DEPT  
SALEM, OREGON

T 10438

WASCO, OREGON

FSA-578(02-01-91)  
FARM NUMBER: 213

REPORT OF COMMODITIES  
FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2006  
DATE: 02-03-2006

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

Original: \_\_\_\_\_  
Revision: \_\_\_\_\_  
Cropland: 121.3  
Farmland: 145.1

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Lnd Use	Rot Unt	Reported Quantity	Determined Quantity	Crp Lnd	O/M	C/C Stat	Prod Share	Prod ID	RMA Unt	Opt Unt	C/C Type	Planting Date
0		Ni	OFAV			F FAV	A	.00					.6666 .3334	6609 2457				
C/C Type Prac IU Non-Irrig Irrigated OFAV N .00																		
Photo Number/Legal Description: None																		
Cropland: .0 Reported on Cropland: .00 Difference: .00 Reported on Non-Cropland: .00																		
199	1 <del>DS</del>	Ni	FALOW				A	11.00		Y	RO	I	.6666 .3334	6609 2457				
	2	Ir	ALFAL		Forage		A	41.20		Y	RO	I	.6666 .3334	6609 2457				10-01-1980
	4	Ir	WHEAT SWW		Grain		A	30.10		Y		I	.6666 .3334	6609 2457				10-01-2005
	5	Ir	ALFAL		Forage		A	15.10		Y	RO	I	.6666 .3334	6609 2457				10-01-1980
	3A	Ir	WHEAT SWW		Grain		A	21.40		Y		I	.6666 .3334	6609 2457				10-01-2005
	3B	Ir	ALFAL		Forage		A	2.50		Y		I	.6666 .3334	6609 2457				10-01-1980
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated ALFAL I FG 58.80 FALOW N 11.00 WHEAT SWW I GR 51.50																		
Photo Number/Legal Description: T1S R13E SEC 34 INGLES PLACE																		
Cropland: 121.3 Reported on Cropland: 121.30 Difference: .00 Reported on Non-Cropland: .00																		

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WATER RESOURCES DEPT  
SALEM, OREGON

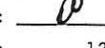
WASCO, OREGON

FSA-578(02-01-91)  
FARM NUMBER: 213

REPORT OF COMMODITIES  
FARM SUMMARY

PROGRAM YEAR 2005  
DATE: 03-25-2005

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

Original:   
Revision:   
Cropland: 120.8  
Farmland: 145.1

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Producer Name	ID	C/C	Share	C/C	Share
ROGER LYDA	9543	WHEAT	.5000	ALFAL	.5000
NORMAN C LYDA	4560	WHEAT	.5000	ALFAL	.5000

Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined	Crop Type	Prac	IU	Reported	Determined
ALFAL	I	FG	57.20		OFAV	N		.00		WHEAT	SWW	I	GR	52.60
WHEAT	SWW	N	11.00											

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature \_\_\_\_\_ Date \_\_\_\_\_

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

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SALEM, OREGON

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WASCO, OREGON

FSA-578(02-01-91) 213  
FARM NUMBER:

REPORT OF COMMODITIES  
FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2005  
DATE: 03-25-2005

Operator Name and Address ID  
MARTIN UNDERHILL FARMS PARTNERSHI  
PO BOX 266  
DUFUR, OR 97021-0266

Original:   
Revision: \_\_\_\_\_  
Cropland: 120.8  
Farmland: 145.1

Tract Number	CLU/Field	Irr Prc	C/C	Var/Type	Int Use	Lnd Use	Rpt Rpt	Reported Quantity	Determined Quantity	O/M	C/C Stat	Prod Share	Prod ID	RMA Unit	Opt Unit	C/C Type	Planting Date
0		Ni	OFAV			F FAV A		.00				.5000	9543				
												.5000	4560				
C/C Type Prac IU Non-Irrig Irrigated																	
OFAV N N .00																	
Photo Number/Legal Description: None																	
Cropland: .0 Reported: .00 Difference: .00 Reported D,E,F,G,H,J,K,L,M,N,O,P,R: .00																	
199	1 DS	Ni	WHEAT	SWW	Grain		A	11.00		RO	I	.5000	9543				10-01-2004
												.5000	4560				
	2	Ir	ALFAL		Forage		A	39.40		RO	I	.5000	9543				10-01-1980
												.5000	4560				
	4	Ir	WHEAT	SWW	Grain		A	31.00			I	.5000	9543				10-01-2004
												.5000	4560				
	5	Ir	ALFAL		Forage		A	15.10		RO	I	.5000	9543				10-01-1980
												.5000	4560				
	3A	Ir	WHEAT	SWW	Grain		A	21.60			I	.5000	9543				10-01-2004
												.5000	4560				
	3B	Ir	ALFAL		Forage		A	2.70			I	.5000	9543				10-01-1980
												.5000	4560				
C/C Type Prac IU Non-Irrig Irrigated C/C Type Prac IU Non-Irrig Irrigated																	
ALFAL I FG 57.20 WHEAT SWW B GR 11.00 52.60																	
Photo Number/Legal Description: K10L																	
Cropland: 120.8 Reported: 120.80 Difference: .00 Reported D,E,F,G,H,J,K,L,M,N,O,P,R: .00																	

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SALEM, OREGON

T 10438

COPY

# Oregon Water Resources Department



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A, Salem, OR. 97301-1271  
Phone: 503-986-0900  
<http://www.wrd.state.or.us>

## FAX TRANSMITTAL

To: Jean Underhill  
Date: 7-25-07  
From: Lisa Jaramillo

Fax Number: 541-467-2287  
Pages: 15, including cover sheet  
Phone: 503-986-0880

**Comments:**

Copies of Power Records  
from file T-9991.

**DIRECTOR'S OFFICE**

- Water Resources Commission
- Legislation and Rules
- Public Information

**FIELD SERVICES**

- Regional Liaisons
- Transfers
- Hydrographics

**NORTHWEST REGION**

- District 16 Watermaster

**ADMINISTRATIVE SERVICES**

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

Fax: 503-986-0903 or  
503-986-0904

**TECHNICAL SERVICES**

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

**WATER RIGHTS**

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

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**JUL 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**T 10438**

\*\*\* WASCO ELECTRIC CO-OP \*\*\*  
Customer Inquiry - History

MARIES1

Cust # [REDACTED] Name LYDA, ROGER Rating 8002 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	8/22/1997	CHG	8/15/97	.00	.00		23103	
-	9/23/1997	CHG	9/17/97	.00	.00		23103	
-	10/22/1997	CHG	10/16/97	277.98	277.98	4797	27900	28.720
-	11/13/1997	PAY		277.98-	.00			
-	11/24/1997	CHG	11/17/97	.00	.00		27900	
-	6/23/1998	CHG	6/17/98	265.83	265.83	4502	32402	28.190
-	7/16/1998	PAY		265.83-	.00			
-	8/24/1998	CHG	8/14/98	.00	.00		32402	
-	10/23/1998	CHG	10/15/98	279.24	279.24	4966	37368	27.600
-	11/13/1998	PAY		279.24-	.00			
-	5/24/1999	CHG	5/13/99	193.76	193.76	2533	39901	26.910
-	6/23/1999	CHG	6/15/99	359.92	553.68	7274	47175	28.150
-	6/23/1999	PAY		193.76-	359.92			
-	7/19/1999	PAY		359.92-	.00			
<b>Current</b>			<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>

Aged Bal Unpost \$ Bill Adj Adj Bal

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SALEM, OREGON

METER # 7685

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JUL 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

1.9991

T 10438

\*\*\* WASCO ELECTRIC CO-OP \*\*\*

MARIES1

Customer Inquiry - History

Cust # [redacted] Name LYDA, ROGER Rating 8002 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	10/21/1999	CHG	10/15/99	.00	.00		47175	
-	12/22/1999	CHG		41.52-	41.52-			
-	1/24/2000	CHG		.00	41.52-			
-	2/23/2000	CHG		.00	41.52-			
-	3/22/2000	CHG		.00	41.52-			
-	4/24/2000	CHG	4/12/00	.14	41.38-	4	47179	
-	5/23/2000	CHG	5/15/00	.00	41.38-		47179	
-	6/22/2000	CHG	6/15/00	381.28	339.90	8007	55186	27.260
-	7/10/2000	PAY		339.90-	.00			
-	7/24/2000	CHG	7/17/00	306.64	306.64	5807	60993	27.300
-	8/23/2000	CHG	8/14/00	374.06	680.70	7830	68823	26.960
-	8/23/2000	PAY		306.64-	374.06			
-	9/06/2000	PAY		374.06-	.00			
-	9/22/2000	CHG	9/12/00	.00	.00		68823	
-	Current		31 - 60	61 - 90	Over 90			More ...

Aged Bal Unpost \$ Bill Adj Adj Bal

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AUG 08 2005

WATER RESOURCES DEPT SALEM, OREGON

1-9991

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JUL 27 2007

WATER RESOURCES DEPT SALEM, OREGON

T 10438

\*\*\* WASCO ELECTRIC CO-OP \*\*\*

MARIES1

Customer Inquiry - History

Cust #	Name	Rating	8002	* Status *				
	LYDA, ROGER							
-----								
1=Sel 3=Print		Electric Usage	Current Read	Demand Read				
Opt	Date	Type	Rd Date	Amount	Balance	Usage	Read	Read
	10/23/2000	CHG	10/16/00	.00	.00		68823	
-	5/23/2001	CHG	5/14/01	176.24	176.24	1966	70789	27.350
-	6/07/2001	PAY		176.24-	.00			
-	6/22/2001	CHG	6/12/01	396.77	396.77	8225	79014	29.280
-	7/23/2001	CHG	7/17/01	.00	396.77		79014	
-	7/23/2001	PAY		396.77-	.00			
-	8/23/2001	CHG	8/13/01	368.92	368.92	7866	86880	25.370
-	9/24/2001	CHG	9/17/01	3.69	372.61		86880	
-	10/01/2001	PAY		372.61-	.00			
-	10/22/2001	CHG	10/11/01	409.67	409.67	8749	95629	28.050
-	11/13/2001	PAY		409.67-	.00			
-	4/23/2002	CHG	4/11/02	.00	.00		95629	
-	5/23/2002	CHG	5/13/02	311.03	311.03	6041	1670	26.410
-	6/24/2002	CHG	6/14/02	218.34	529.37	3115	4785	27.330
	Current		31 - 60	61 - 90	Over 90			More ...

Aged Bal	Unpost \$	Bill Adj	Adj Bal
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MARIES1

Customer Inquiry - History

Cust # [REDACTED] Name LYDA, ROGER Rating 8002 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	7/23/2002	CHG	7/15/02	373.94	903.31	8184	12969	23.920
-	7/23/2002	PAY		529.37-	373.94			
-	8/19/2002	PAY		373.94-	.00			
-	8/23/2002	CHG	8/12/02	289.12	289.12	5566	18535	24.970
-	9/17/2002	PAY		289.12-	.00			
-	9/23/2002	CHG	9/12/02	400.78	400.78	8344	26879	29.270
-	10/22/2002	CHG	10/15/02	.00	400.78		26879	
-	10/22/2002	PAY		400.78-	.00			
-	5/22/2003	CHG	5/09/03	.00	.00		26879	
-	6/23/2003	CHG	6/10/03	581.05	581.05	12713	39592	29.100
-	7/16/2003	PAY		581.05-	.00			
-	7/23/2003	CHG	7/09/03	374.42	374.42	7057	46649	28.390
-	8/14/2003	PAY		374.42-	.00			
-	8/22/2003	CHG	8/11/03	486.51	486.51	10412	57061	26.340
	<b>Current</b>		<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>		<b>More ...</b>	

Aged Bal Unpost \$ Bill Adj Adj Bal

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Customer Inquiry - History

MARIES1

Cust # [REDACTED] Name LYDA, ROGER Rating 8002 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	9/19/2003	PAY		486.51-	.00			
-	9/22/2003	CHG	9/10/03	592.38	592.38	13334	70395	26.500
-	10/13/2003	PAY		592.38-	.00			
-	10/23/2003	CHG	10/11/03	.00	.00		70395	
-	5/24/2004	CHG	5/10/04	.32	.32	8	70403	
-	6/23/2004	CHG	6/11/04	487.55	487.87	9109	79512	28.410
-	7/13/2004	PAY		487.87-	.00			
-	7/22/2004	CHG	7/09/04	268.11	268.11	4009	83521	25.130
-	8/13/2004	PAY		268.11-	.00			
-	8/23/2004	CHG	8/09/04	400.29	400.29	7093	90614	26.990
-	9/20/2004	PAY		400.29-	.00			
-	9/23/2004	CHG	9/10/04	395.85	395.85	7045	97659	26.400
-	10/21/2004	CHG	10/08/04	3.96	399.81		97659	
-	11/15/2004	PAY		399.81-	.00			
<b>Current</b>			<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>

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MARIES1

Customer Inquiry - History

Cust # [REDACTED] Name LYDA, ROGER Rating 8002 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
	11/23/2004	CLS	10/08/04	.00	.00		97659	

Current	31 - 60	61 - 90	Over 90	Bottom
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MARIES1

Customer Inquiry - History

Cust # [redacted] Name UNDERHILL FARMS PTSHP, MARTIN A Rating 0002

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	11/23/2004	CHG		5.00	5.00			
-	12/21/2004	CHG		.00	5.00			
-	12/22/2004	PAY		5.00-	.00			
-	2/23/2005	CHG		5.00	5.00			
-	3/23/2005	CHG		.00	5.00			
-	4/04/2005	PAY		5.00-	.00			
-	4/18/2005	PAY		5.00-	5.00-			
-	4/21/2005	CHG	4/12/05	.00	5.00-		97659	
-	5/23/2005	CHG	5/10/05	447.70	442.70	8315	5974	26.560
-	6/16/2005	PAY		442.70-	.00			
-	6/23/2005	CHG	6/10/05	319.83	319.83	5345	11319	24.630
-	7/19/2005	PAY		319.83-	.00			
-	7/22/2005	CHG	7/08/05	471.50	471.50	8759	20078	27.950
				<b>Current</b>	<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>	<b>Bottom</b>
				471.50				
				<b>Aged Bal</b>	<b>Unpost \$</b>	<b>Bill Adj</b>	<b>Adj Bal</b>	
				471.50			471.50	

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MARIES1

Customer Inquiry - History

Cust # [redacted] Name LYDA, ROGER Rating 8001 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	11/13/1998	PAY		345.40-	.00			
-	5/24/1999	CHG	5/13/99	211.48	211.48	2074	2412	35.240
-	6/23/1999	CHG	6/15/99	639.82	851.30	14616	17028	35.720
-	6/23/1999	PAY		211.48-	639.82			
-	7/19/1999	PAY		639.82-	.00			
-	7/22/1999	CHG	7/15/99	568.54	568.54	11984	29012	40.270
-	8/23/1999	CHG	8/18/99	408.31	976.85	7364	36376	38.060
-	9/16/1999	PAY		976.85-	.00			
-	10/21/1999	CHG	10/15/99	350.88	350.88	6180	42556	35.190
-	11/12/1999	PAY		350.88-	.00			
-	12/22/1999	CHG		163.00-	A 163.00-			
-	1/24/2000	CHG		.00	163.00-			
-	2/23/2000	CHG		.00	163.00-			
-	3/22/2000	CHG		.00	163.00-			
<b>Current</b>			<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>	<b>More ...</b>		

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MARIES1

Customer Inquiry - History

Cust # [redacted] Name LYDA, ROGER Rating 8001 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	4/24/2000	CHG	4/12/00	.00	163.00-		42556	
-	5/23/2000	CHG	5/15/00	.00	163.00-		42556	
-	6/22/2000	CHG	6/15/00	653.44	490.44	14306	56862	41.760
-	7/10/2000	PAY		490.44-	.00			
-	7/24/2000	CHG	7/17/00	576.41	576.41	12791	69653	35.380
-	8/23/2000	CHG	8/14/00	459.09	1035.50	9159	78812	36.920
-	8/23/2000	PAY		576.41-	459.09			
-	9/06/2000	PAY		459.09-	.00			
-	9/22/2000	CHG	9/12/00	410.26	410.26	7637	86449	37.650
-	10/11/2000	PAY		410.26-	.00			
-	10/23/2000	CHG	10/16/00	349.70	349.70	5844	92293	37.750
-	11/13/2000	PAY		349.70-	.00			
-	5/23/2001	CHG	5/14/01	317.87	317.87	5182	97475	35.420
-	6/07/2001	PAY		317.87-	.00			
<b>Current</b>			<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>

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MARIES1

Customer Inquiry - History

Cust # [redacted] Name LYDA, ROGER Rating 8001 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	6/22/2001	CHG	6/12/01	569.59	569.59	12129	9604	39.300
-	7/23/2001	CHG	7/17/01	749.20	1318.79	17667	27271	37.130
-	7/23/2001	PAY		569.59-	749.20			
-	8/17/2001	PAY		749.20-	.00			
-	8/23/2001	CHG	8/13/01	58.99	58.99	1735	29006	
-	9/24/2001	CHG	9/17/01	605.56	664.55	13679	42685	34.970
-	10/01/2001	PAY		664.55-	.00			
-	10/22/2001	CHG	10/11/01	530.49	530.49	11292	53977	36.640
-	11/13/2001	PAY		530.49-	.00			
-	4/23/2002	CHG	4/11/02	.00	.00		53977	
-	5/23/2002	CHG	5/13/02	444.49	444.49	8252	62229	40.980
-	6/24/2002	CHG	6/14/02	393.17	837.66	6631	68860	40.820
-	7/23/2002	CHG	7/15/02	727.17	1564.83	17178	86038	35.780
-	7/23/2002	PAY		837.66-	727.17			
	<b>Current</b>		<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>

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Customer Inquiry - History

MARIES1

Cust #	Name	Rating	8001	* Status *				
	LYDA, ROGER							
<b>1=Sel 3=Print</b>								
Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	8/19/2002	PAY		727.17-	.00			
-	8/23/2002	CHG	8/12/02	533.62	533.62	11383	97421	36.650
-	9/17/2002	PAY		533.62-	.00			
-	9/23/2002	CHG	9/12/02	667.25	667.25	15539	12960	34.730
-	10/22/2002	CHG	10/15/02	345.15	1012.40	5529	18489	34.460
-	10/22/2002	PAY		667.25-	345.15			
-	11/13/2002	PAY		345.15-	.00			
-	5/22/2003	CHG	5/09/03	.00	.00		18489	
-	6/23/2003	CHG	6/10/03	811.03	811.03	17847	36336	39.750
-	7/16/2003	PAY		811.03-	.00			
-	7/23/2003	CHG	7/09/03	380.04	380.04	6843	43179	31.530
-	8/14/2003	PAY		380.04-	.00			
-	8/22/2003	CHG	8/11/03	269.25	269.25	3695	46874	32.130
-	9/19/2003	PAY		269.25-	.00			
	<b>Current</b>		<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>
<b>Aged Bal</b>		<b>Unpost \$</b>	<b>Bill Adj</b>	<b>Adj Bal</b>				

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MARIES1

Customer Inquiry - History

Cust #	Name	Rating	8001	* Status *				
	LYDA, ROGER							
-----								
1=Sel 3=Print								
Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
-	9/22/2003	CHG	9/10/03	500.90	500.90	10106	56980	32.330
-	10/13/2003	PAY		500.90-	.00			
-	10/23/2003	CHG	10/11/03	404.12	404.12	7034	64014	35.590
-	11/18/2003	PAY		404.12-	.00			
-	5/24/2004	CHG	5/10/04	.00	.00		64014	
-	6/23/2004	CHG	6/11/04	730.19	730.19	13678	77692	42.210
-	7/13/2004	PAY		730.19-	.00			
-	7/22/2004	CHG	7/09/04	404.07	404.07	6602	84294	32.550
-	8/13/2004	PAY		404.07-	.00			
-	8/23/2004	CHG	8/09/04	329.32	329.32	4480	88774	35.090
-	9/20/2004	PAY		329.32-	.00			
-	9/23/2004	CHG	9/10/04	366.34	366.34	5608	94382	33.100
-	10/21/2004	CHG	10/08/04	3.66	370.00		94382	
-	11/15/2004	PAY		370.00-	.00			
	<b>Current</b>		<b>31 - 60</b>	<b>61 - 90</b>	<b>Over 90</b>			<b>More ...</b>

Aged Bal	Unpost \$	Bill Adj	Adj Bal
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MARIES1

Customer Inquiry - History

Cust # [REDACTED] Name LYDA, ROGER Rating 8001 \* Status \*

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
	11/23/2004	CLS	10/08/04	.00	.00		94382	

Current	31 - 60	61 - 90	Over 90
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Bottom

Aged Bal	Unpost \$	Bill Adj	Adj Bal
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MARIES1

Customer Inquiry - History

Cust # [REDACTED] Name UNDERHILL FARMS PTSHP, MARTIN A Rating 0002

1=Sel 3=Print

Opt	Date	Type	Rd Date	Amount	Balance	Electric Usage	Current Read	Demand Read
	11/23/2004	CHG		5.00	5.00			
	12/21/2004	CHG		.00	5.00			
	12/22/2004	PAY		5.00-	.00			
	4/21/2005	CHG	4/13/05	517.56	517.56	8530	2912	40.990
	5/23/2005	CHG	5/10/05	709.37	1226.93	13161	16073	40.990
	5/27/2005	PAY		517.56-	709.37			
	6/16/2005	PAY		709.37-	.00			
	6/23/2005	CHG	6/10/05	.00	.00		16073	
	7/22/2005	CHG	7/08/05	430.87	430.87	7128	23201	33.870

Current	31 - 60	61 - 90	Over 90	Bottom
430.87				
Aged Bal	Unpost \$	Bill Adj	Adj Bal	
430.87			430.87	

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NN

DILLON- 1473 Tubbs Lane  
Calistoga, CA 94515

Grantor's Name and Address

as above

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

as above

Until requested otherwise, send all tax statements to (Name, Address, Zip):

as above

20050223 (3)

Microfilm No.

FILED  
WASCO COUNTY

2005 JAN 13 P 2:54

KAREN LEBRETON COATS  
COUNTY CLERK



WARRANTY DEED

KNOW ALL BY THESE PRESENTS that JOHN DILLON

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by ZIPPORAH UNDERHILL DILLON

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in WASCO County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): except those of record, if any

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ VESTING CHANGE. However, the grantor represents that the consideration is in full and that the grantee has received the same.

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

In witness whereof, the grantor has executed this instrument this 11th day of January, 2005; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

X. John Dillon  
John Dillon

STATE OF OREGON, County of Alameda ) ss.  
This instrument was acknowledged before me on 1-11-05  
by John Dillon  
This instrument was acknowledged before me on 1-11-05  
by John Dillon  
as Signer  
of Warranty Deed

20050223 (3) Janie Holger  
Notary Public for Oregon  
My commission expires 11-22-08

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SALEM, OREGON

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AMERITITLE  
20050223 (3)

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

West half of Northeast Quarter; Lots 1 and 2; ALSO Beginning 20.0 chains West of ½ Mile Post on East boundary of Section 34, Township 1 South, Range 13 East of the Willamette Meridian; thence North 40.0 chains; thence West 0.50 chains; thence South 1 degree 08 minutes East 40.80 chains; thence East 1.25 chains to the point of beginning, all in Section 34, Township 1 South, Range 13 East of the Willamette Meridian in the County of Wasco and State of Oregon; EXCEPTING THEREFROM the County Road.

20050223<sup>(2)</sup>

20050223<sup>(2)</sup>

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**WATER RESOURCES DEPT  
SALEM, OREGON**

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20050223 (3)

State of California

County of Alameda } ss.

### CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On January 11, 2005 before me, Tami Hodges  
Date Printed Name of Notary Public

personally appeared John Dillon  
Printed Name(s) of Signer(s)

- personally known to me - or -
- proved to me on the basis of satisfactory evidence:
  - form(s) of identification CA DL
  - credible witness(es)

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



WITNESS my hand and official seal.

Tami Hodges  
Signature of Notary Public

(Seal)

#### OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

#### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Warranty Deed

containing 2 pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) \_\_\_\_\_  
Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer Is Representing

Additional Information	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/> Other	
T 0438	

20050223 (3)

**RECEIVED**

JUL 27 2007

WATER RESOURCES DEPT  
SALEM, OREGON

AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

State of Oregon )

County of Wasco )  
 )ss  
 )

I/We Zipporah Dillon in my  
capacity as landowner

mailing address PO Box 294 Dufur, OR 97021

telephone number 541-467-2282, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 5674

as described in Transfer Application T- \_\_\_\_\_, on the property located on

tax lot number(s) 142, Section 34, Township 1 (north or South),

Range 13 (east or west), W.M.

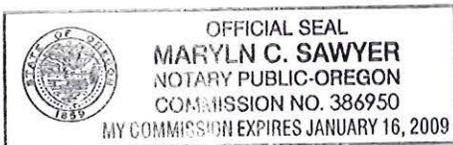
[Signature]  
Signature of Affiant

7/25/07  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this 25<sup>th</sup> day of July, 2007.



Marilyn C Sawyer  
Notary Public for Oregon

**RECEIVED** My commission expires 01-16-2009.

**JUL 27 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

T 10438



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
1	S	13	E	W.M.	34	NE NW	1.40
1	S	13	E	W.M.	34	NW NE	9.90
1	S	13	E	W.M.	34	SE NW	7.24
1	S	13	E	W.M.	34	SW NE	22.14

3. Application T-9991 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
1	S	13	E	W.M.	34	NE NW	10.33
1	S	13	E	W.M.	34	NW NE	18.54
1	S	13	E	W.M.	34	SE NW	11.81

4. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

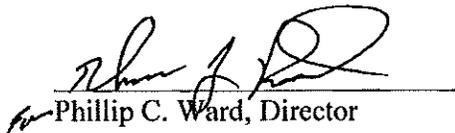
The temporary change in place of use proposed in application T-9991 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in application T-9991 is approved.
2. The proposed place of use shall revert to the authorized place of use at the end of the 2005 irrigation season or the end of the Governor's declared drought, whichever occurs first.
3. Upon approval of this transfer, the authorized place of use (FROM lands) shall not receive any water under the water rights involved with this transfer during the 2005 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 5674 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 5674.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The use of the remaining water right described by Certificate 5674 shall continue to be in accordance with the terms and conditions of Certificate 5674.

Dated at Salem, Oregon this 11<sup>th</sup> day of August, 2005.

  
Phillip C. Ward, Director

Mailing date: AUG 16 2005

Indicate in this column whether or not the item is satisfied.

## Temporary Transfer Application – OAR 690-380 3000 & 3100

### Completeness Checklist

Applicant's Name: Jean Underhill Wilkinson (Form last revised: March 13, 2007)

#### Section A – Status of Right

**Is this a Water Right that can be transferred?**

[OAR 690-380-0100(14)]

*NOTE:* The Department can accept a Transfer application for any right that is:

- 1) an adjudication with a court decree; *or*
- 2) a certificate that is not cancelled; *or*
- 3) a transfer that's been approved & A COBU has been received by the Department

OK

*If the subject right does not fall into any of the above categories, RETURN the application & fee to the applicant.*

#### Section B – Type of Change

**Is the proposed change(s) allowed under the Temporary Transfer process?**

[ORS 540.523]

*NOTE:* Only **POU** changes are allowed on Temporary Transfers.

**UNLESS...** POA/POD change is necessary to convey water to the new temp place of use.

**OR** - Character of Use of storage right (R-xxxxx)

**OR** - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

POU

*If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.*

#### Section C - Fees

**Have the appropriate fees been paid?**

Total Required Fees: \_\_\_\_\_

\_\_\_\_\_ *Fee Schedule – ORS 536.050(1)(i)*

\$175 - Base (1<sup>st</sup> CFS of water)

+ \$ 1 - Per acre of land irrigated

+ \$ 75 - For each cfs or fraction thereof beyond the 1<sup>st</sup> cfs for non-irrigated land

Total Fees Paid: 260

Fees Due (if any): \_\_\_\_\_

Refund Due (if any): \_\_\_\_\_

*If the applicant has **NOT** submitted the total fees required, RETURN the application & deficient fee to the applicant.*

#### Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

**Is the Temporary Transfer application complete?**

All required elements necessary for a complete temporary transfer application are listed below.

**Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items.** If any one of the items is deficient, then the application is incomplete.

*NOTE:* For reference, the application page number upon which each item is requested is identified.

*If the application is **NOT** complete, RETURN the application & fee to the applicant.*

• Type of transfer application clearly marks Temporary and indicates the number of years. (Page 1)

OK

• Applicant's name, mailing address and contact information. (Page 1)

N/A

• Agent's name, mailing address and contact information, *if applicable.* (Page 1)

OK

• Are the water rights to be affected by this temporary transfer listed? (Page 2)

*If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.*

Checklist for Supplemental Form A – (Attachments)	
OK	<ul style="list-style-type: none"> <li>• Certificate # filled in on each page? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Type of change(s) proposed clear? <span style="float: right;">(Page 1)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Current Water Right information is complete? <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• If for a change in POU... <span style="float: right;">(Page 2)</span></li> </ul> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? <b>YES</b> NO</p> <p>If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>OR...applicant indicates supplemental right will not be exercised on “From” lands</p> <p>Are they included in application? If not, contact applicant or agent.</p>
N/A	<ul style="list-style-type: none"> <li>• Location description of the authorized POA/POD to be changed. <span style="float: right;">(Page 3)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
	<ul style="list-style-type: none"> <li>• Location description of the existing authorized POU and associated acres (if applicable). <span style="float: right;">(Page 4)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. <span style="float: right;">40.68</span></p>
N/A	<ul style="list-style-type: none"> <li>• Location description of the proposed POA/POD. <span style="float: right;">(Page 5)</span></li> </ul> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p>_____ 1) supply a copy of the well log(s), <u>or</u></p> <p>_____ 2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
	<ul style="list-style-type: none"> <li>• Location description of the proposed POU and associated acres (if applicable). <span style="float: right;">(Page 6)</span></li> </ul> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. <span style="float: right;">40.68</span></p>
<b>Return back to Page 2 of transfer application</b>	
OK	<ul style="list-style-type: none"> <li>• The type of change(s) being proposed. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Reason for the temporary transfer. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• Description of current water delivery system. <span style="float: right;">(Page 2)</span></li> </ul>
OK	<ul style="list-style-type: none"> <li>• System Capacity. <span style="float: right;">(Page 2)</span></li> </ul>
<b>Checklist for Supplemental Form B – (Attachments)</b>	
OK	<ul style="list-style-type: none"> <li>• Is there a box checked in #1? <span style="float: right;">(Page 1)</span></li> </ul>

OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out.	(Page 2)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application?	(Page 2)
OK	• Is there an original signature of the notary and notary stamp?	(Page 2)
	<b>Return back to Page 3 of transfer application</b>	
OK	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands	(Page 3)
OK	• Is the applicant the Landowner of the "from" and "to" Lands? YES <b>NO</b> If <b>NO</b> ..... The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>Applicant</i> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
	• Map..... <input checked="" type="checkbox"/> if more than 3 rights are included in transfer, is there a separate map for each water right? <input checked="" type="checkbox"/> If larger than 8 1/2 X 14 - then 3 copies of map is needed & an electronic pdf of map <input checked="" type="checkbox"/> north arrow <input checked="" type="checkbox"/> size & scale <input type="checkbox"/> other: _____ <input type="checkbox"/> authorized acreage per 1/4 1/4 matches the water right <input checked="" type="checkbox"/> authorized POD/POA and POU ( <i>clearly shown, labeled &amp; matches application listing</i> ) <input checked="" type="checkbox"/> point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR <input checked="" type="checkbox"/> proposed POD/POA and/or POU ( <i>clearly shown, labeled &amp; matches application "proposed" listing</i> ) <input checked="" type="checkbox"/> location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
N/A	• Land Use form, <i>if applicable</i> . Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
OK	• Is a copy of the current deed included for the From lands?	(Page 5)
OK	• Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.	(Page 6)

WRD Completeness Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_