

T-10417

T-10417

Name Tom Kennedy
JUDITH L. KENNEDY (HUSBAND & WIFE)
Address 71433 SW Lake Dr
Pendleton OR 97801
541-276

Change in POU POA
Date Filed 6/27/07
Initial notice date 7-3-07
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 6-3-08 Vol 75 Page 128

C-Date _____
COBU due date _____
COBU Received date 12/28/2009 postcard mailed
Certificate issued RR 84206
DEC 20 2013 84727

Assignments: REC'D SEP 17 2007 *[Signature]*

Irrigation District NO

Agent N/A

CWRE John Warriner
CC's list umatilla County C/O: David Umberger 72529 Umberger Road Pendleton OR 97801
R/O: same as Applicant 71100 Tutuilla Creek Rd Pendleton OR 97801

- Oversized map - Location

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well
Trib. of Patawas Creek
Use Ir County Umatilla
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App # G 9613 *more notes* Per # 6 8964 Cert # 76524 PR Date 1980
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____

Contact: David Umberger

FEEES PAID
Date 6/27/07 Amount 700.00 Receipt # 88370

FEEES REFUNDED
Date _____ Amount _____ Receipt# _____

SECTION 35, T2N, R32E, WM
UMATILLA COUNTY



⊙ **Point of Appropriation (POA)**

Groundwater well in basalt aquifer located in NW/4, SW/4, Section 35 at a distance 1040 feet S and 1047 ft E from W Quarter-Corner of Section 35. Well Log UMAT 55751. Flowmeter located in pump house 20 feet south of well.

----- **Conveyance**

Buried 3-inch mainline feeding riser valves/hydrants. Water applied to grass pasture with Nelson SR75 Big Guns mounted on two Kifco automated, hard-hose travelers.

 **Place of Use**

40.0 acres, including:
 8.6 acres in the NE/SW of Section 35 (TL 900)
 6.9 acres in the NW/SW of Section 35 (TL 900)
 9.0 acres in the SW/SW of Section 35 (TL 900)
 14.4 acres in the SE/SW of Section 35 (TL 900 + 1100)
 0.7 acres in the SW/SE of Section 35 (TL 1100)
 0.4 acres in the SE/SE of Section 35 (TL 1100)

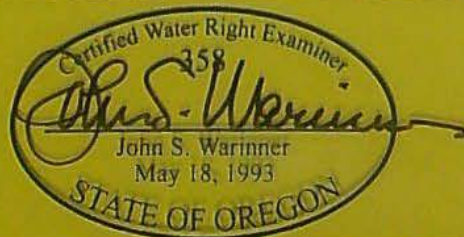
Up to 0.5 acre of non-commercial lawn and garden in vicinity of home is irrigated as exempt domestic use.

RECEIVED
 DEC 24 2018
 WATER RESOURCES DEPT
 CAPITAL OPERATIONS



1 in = 1320 ft

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



Prepared By
FOUNTAINHEAD
 1204 Alvarado Terrace
 Walla Walla, WA 99362
 509.529.2646 phone

CLAIM OF BENEFICIAL USE
Transfer 10417

in the name of
TOM & JUDITH KENNEDY

Revised 16 NOV 2009

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

RECEIPT # **88370**

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

INVOICE # _____

RECEIVED FROM: Thomas M Kennedy

BY: _____

APPLICATION	
PERMIT	
TRANSFER	7-10417

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

1091 _____

TOTAL REC'D \$ 700.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE		RECORD FEE
0201 SURFACE WATER \$ _____	0202	\$ _____
0203 GROUND WATER \$ _____	0204	\$ _____
0205 TRANSFER \$ <u>700.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **88370** DATED: 6/27/07 BY: L. Pasolun

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

Mailing List for Transfer Certificate

Application: T-10417

Certificate: 88727

Certificate/Transfer Holder: (include copy of map)

TOM AND JUDITH L KENNEDY
71100 TUTUILLA CREEK RD
PENDLETON OR 97801

Copies Mailed	
By: RA/C	(SUPPORT STAFF)
on: DEC 20 2013	(DATE)

Copies of final Certificate to be sent to:

1. Watermaster # 05 (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map))

JOHN WARNINNER, CWRE

Record Marking(s):

1. Original Application# G-9613
2. Old Certificate# 76524



Oregon

John A. Kitzhaber, MD, Governor

~~11/13~~ F
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Date Mailed: December 20, 2013

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TOM AND JUDITH L KENNEDY
 71100 TUTUILLA CREEK RD
 PENDLETON OR 97801

confirms the right to use the waters of A WELL, within the PATAWA CREEK BASIN for IRRIGATION of 40.0 ACRES.

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	32 E	WM	35	NW SW	1040 FEET SOUTH AND 1047 FEET EAST FORM W1/4 CORNER, SECTION 35

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

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	32 E	WM	35	NE SW	8.6
2 N	32 E	WM	35	NW SW	6.9
2 N	32 E	WM	35	SW SW	9.0
2 N	32 E	WM	35	SE SW	14.4
2 N	32 E	WM	35	SW SE	0.7
2 N	32 E	WM	35	SE SE	0.4

The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water available from the original point of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	33 E	WM	32	SW SW	1320 FEET NORTH AND 1310 FEET EAST FROM SW CORNER, SECTION 32

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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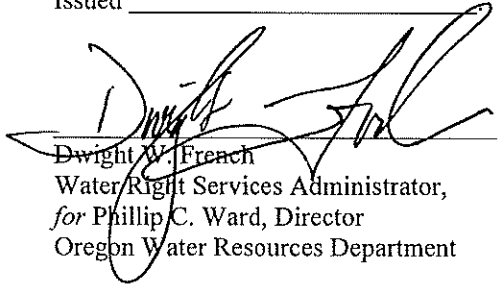
Water shall be acquired from the same aquifer as the original point of appropriation (UMAT 1060/1061).

The water user shall maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated.

This certificate is issued to confirm a CHANGE IN POINT OF APPROPRIATION AND PLACE OF USE approved by an order of the Water Resources Director entered JUNE 3, 2008, at Special Order Volume 75, Page 128, approving Transfer Application 10417, and together with Certificate 84206, supercedes Certificate 76524, State record of Water Right Certificates.

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

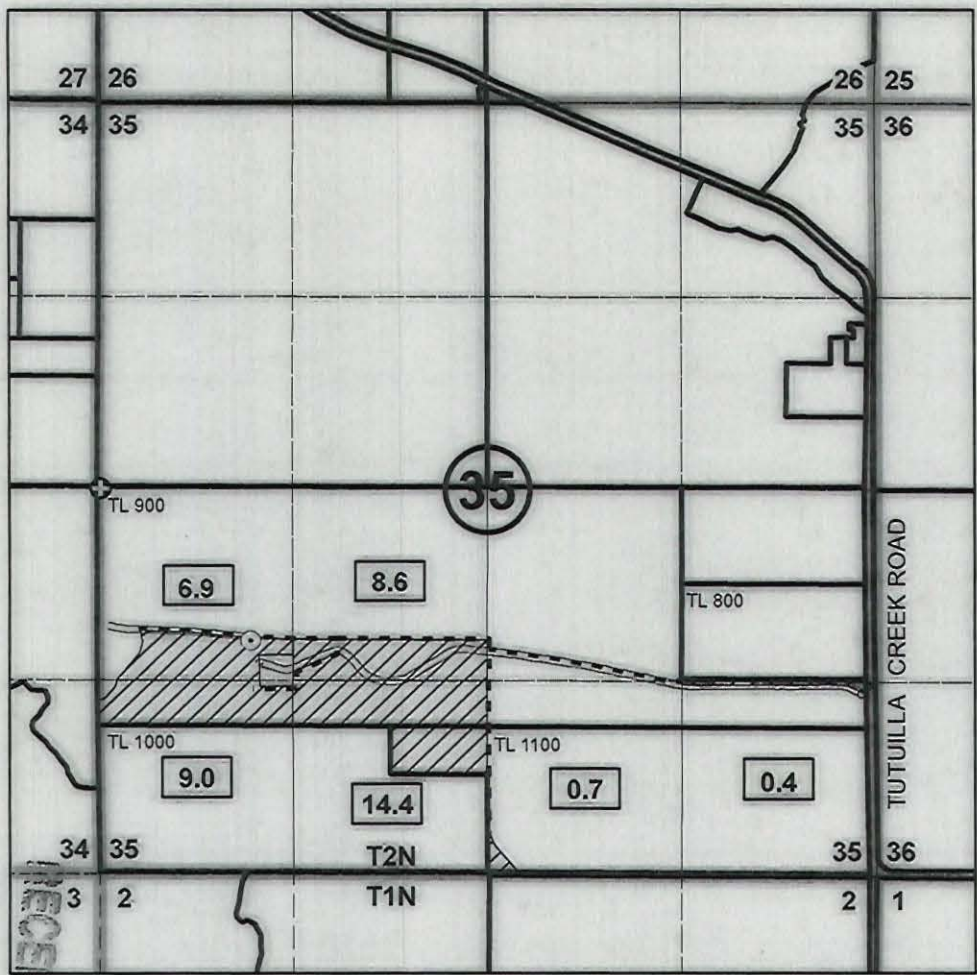
Issued DEC 20 2013




Dwight W. French
Water Right Services Administrator,
for Phillip C. Ward, Director
Oregon Water Resources Department

SECTION 35, T2N, R32E, WM
UMATILLA COUNTY

COPY



- ⊙ **Point of Appropriation (POA)**
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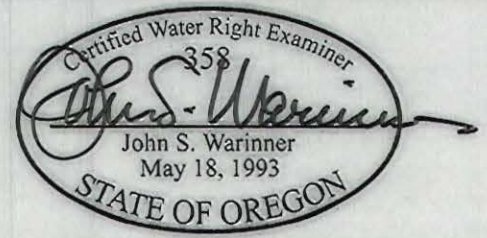
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RECEIVED
 DEC 24 2009
 WATER RESOURCE DIVISION
 UMATILLA COUNTY



1 in = 1320 ft

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Prepared By
FOUNTAINHEAD
 1204 Alvarado Terrace
 Walla Walla, WA 99362
 509.529.2646 phone

CLAIM OF BENEFICIAL USE
Transfer 10417
 in the name of
TOM & JUDITH KENNEDY
 Revised 16 NOV 2009

MEMO

TO: FILE F-10417

FROM: June 8/8/13

DATE: 7.17, 2013

RE: DETERMINATION OF PROOF

I've determined that a ___ PROPOSED FINAL certificate should be prepared and mailed to the permit holder consistent with:

___ Permit Transfer

___ FPS COBU

As described in the permit/transfer but as clarified by the ___ FPS ___ COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

___ Conflict? No ___ Yes: _____

___ stamped PROPOSED or assign Cert # 88727

Draft certificate(s) are available in the transfer directory.

Water Organization identified using area of interest tool? No ___ Yes, cc: _____

Check ownership; and if there is a new owner, add them to the mailing list.

Prepare a mailing list.

Record marking: App _____ Cert _____

NOTES:

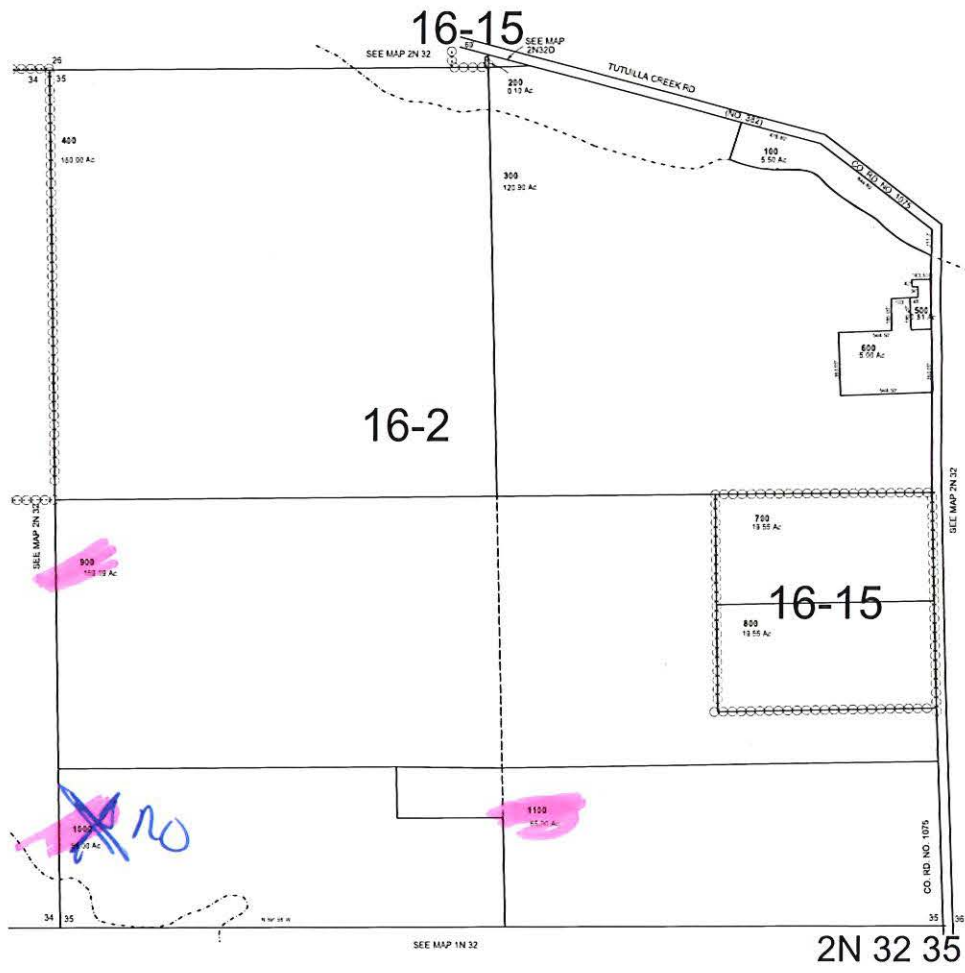
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

SEC 35 T2N R32E WM
UMATILLA COUNTY

3/9/05

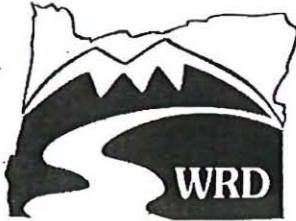
2N 32 35

1"=400'



Completion Checklist for CWRE Claims of Beneficial Use

Application # _____
 Permit # _____
 Transfer # T-10417
 Date 12/28/09
 Reviewer Comnick



Date Received	<u>12/24/2009</u>
CWRE Name	<u>John Wasinnes</u>
Claim Logged	<u>12/28/2009</u>
File Marked	<u>2</u>
Oversized Map #	_____
Read the file and attach a copy of the permit or transfer final order. _____	

postcard mailed 12/29/2009

Map Review:

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

Report Review:

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

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

Map and COBU reviewed
 Conflict check (include copy of plat card printout) Any Conflicts? _____
 Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

_____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

CLAIM OF BENEFICIAL USE

A fee of \$150 must accompany this form to be accepted for permits with a priority date of July 9, 1987, or later. (ORS 536.050(1)(x))

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4). Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent.

A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
T-10417	T-10417

2. Property owner (current owner information)

a. Individuals

Name	Tom and Judith Kennedy	
Mailing Address	71100 Tutuilla Creek Road	
City/State/Zip	Pendleton, OR 97801	
Phone #	(541) 278-4735	
Fax #	N/A	
e-mail address	N/A	

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	Tom and Judith Kennedy	
Mailing Address	71100 Tutuilla Creek Road	
City/State/Zip	Pendleton, OR 97801	

4. Date of Site Inspection: November 13, 2009

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

Name	Date	Association with the project
Tom Kennedy	13 NOV 09	Owner

6. County: Umatilla

7. Tax Lot Information:

Tax map number	Tax lot number
2N 32 35	900, 1000, 1100

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

Name	N/A
Contact Person and Title	N/A
Mailing Address	N/A
City/State/Zip	N/A
Phone #	N/A

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

Water is appropriated from the basalt groundwater aquifer via a groundwater well. Water is distributed throughout the place of use with a buried mainline equipped with riser valves/hydrants. Two hard-hose, self-propelled traveling guns are used to apply water to most of the place of use. A small portion of the place of use is irrigated with solid-set sprinklers. Water is used to irrigate grass pasture and a smaller area of turf/landscape.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Authorized POA (POA 1)	UMAT 55751	L-83496

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

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
A well (basalt)	Patawa Creek Basin

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4. Point of diversion/appropriation location:

(DLC, Government Lot, ¼ ¼, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NW¼ SW¼, Section 35, T2N, R32E	1040 ft S and 1047 ft E from W¼ Corner of Sec 35

5. Developed use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Grass pasture	March – October	0.5 cfs
Total Quantity of Water			0.5 cfs

6. Place of use being claimed for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
N/A	N/A	NE SW	35	2N	32E	IR	8.6	0.0
N/A	N/A	NW SW	35	2N	32E	IR	6.9	0.0
N/A	N/A	SW SW	35	2N	32E	IR	9.0	0.0
N/A	N/A	SE SW	35	2N	32E	IR	14.4	0.0
N/A	N/A	SW SE	35	2N	32E	IR	0.7	0.0
N/A	N/A	SE SE	35	2N	32E	IR	0.4	0.0
Total Acres Irrigated							40.0	0.0

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

Removable well cap

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
See Well Log UMAT 55751 (attached)						

In addition to the information requested in item “2” above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-5, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

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DEC 24 2009

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Goulds	5RWALC	N/A	Submersible	N/A	3-inch

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
NEMA	N/A	20 hp	3500	230VAC

3. Meter information

Required?	Make	Serial #	Condition	Current meter reading	Notes
YES	Data Industrial	SDI-BN2-001200	Working	0.0 gpm	System not running

4. Measurement device description

Device description	Condition (working or not)	Notes
Electrical meter	Working	Dedicated to well

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
N/A (system not operating)	N/A	N/A	N/A

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
20 hp	50 psi	190 feet	0 to -40 feet	0.46 cfs

7. Provide pump calculations in the box below:

$GPM = HP \times 3960 \times \text{pump eff} \div TDH_{ft}$
 $TDH = \text{lift (water level)} + \text{operating pressure} + \text{head loss}$
 $HL = 4.55 * GPM^{1.85} * \text{PipeLength (ft)} / (C^{1.85} * \text{PipeID (in)}^{4.867})$
 (to calculate HL need to consider water flow split in two directions from well)
 (so GPM for this portion of calculation based on 112 gpm (0.25 cfs))
 $= 4.55 * 112^{1.85} * 1000 \text{ ft} / (130^{1.85} * 3^{4.867}) = 38 \text{ FT}$
 $TDH = 190 \text{ ft} - 40 \text{ ft} + (50 \text{ psi} * 2.31 \text{ ft/psi}) + 38 \text{ ft} = 304 \text{ FT}$
 $GPM = 20 \times 3960 \times 0.8 \div 304 = 208 \text{ GPM}$
 $CFS = GPM \div 448.8 \text{ cfs/gpm} = 208/448.8 = 0.46 \text{ CFS}$

RECEIVED

DEC 24 2009

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
3-inch	5000 feet	PVC	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground	Notes
2-inch	1200 feet	HDPE	Above	2 traveler reels x 600 feet/reel

10. Sprinkler information

Make	Model	Size	Operating psi	Sprinkler output	Total number of sprinklers	Maximum number used	Total sprinkler output
Nelson	SR75	0.6	50 psi	70 gpm	2	2	0.31 cfs
Hunter	MP1000	0.43	40 psi	0.43 gpm	144	144	0.13 cfs
Hunter	MP3000	2.12	40 psi	2.12 gpm	10	10	0.05 cfs
Hunter	MP3000	3.64	40 psi	3.64 gpm	2	2	0.02 cfs

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

11. Additional notes or comments related to the system:

Sprinkler output = 2 guns x 70 gpm/gun ÷ 448.8 gpm/cfs = 0.31 cfs Sprinkler output = 144 MP1000 x 0.43 gpm/spr ÷ 448.8 gpm/cfs = 0.13 cfs Sprinkler output = 10 MP3000 x 2.12 gpm/spr ÷ 448.8 gpm/cfs = 0.05 cfs Sprinkler output = 2 MP3000 x 3.64 gpm/spr ÷ 448.8 gpm/cfs = 0.02 cfs TOTAL Sprinkler output = 0.31 cfs + 0.13 cfs + 0.05 cfs + 0.02 cfs = <u>0.51 cfs</u>

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

Final Order Issue Date: **03 JUN 2008**

	Dates from permit or transfer final order	Date accomplished (must be within period between permit or transfer final order issuance and the date to completely apply water)	Description of actions taken by water user to comply with the time limits
Begin construction	N/A	20 JUN 2006	Began constructing groundwater well
Complete construction	N/A	AUG 2009	Finished installing irrigation system
Complete application of water	01 OCT 2009	SEP 2009	Applied water to irrigate grass/landscape

RECEIVED

DEC 24 2009

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? NO

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? NO

4. Pump Test (Required for ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? NO

**If "NO", items b through d relating to this section can be deleted

5. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require installation of a meter or approved measuring device? YES

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

**If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES

c. Provide the date the meter was installed:

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

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

Name	Title	Approximate date
N/A	N/A	N/A

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

g. Have the reports been submitted? N/A

If the reports have not been submitted, attach a copy of the reports if available.

6. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the system? NO

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

**If "NO" or "NA", items b through j relating to this section can be deleted

7. By-pass Devices

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

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

**If "NO" or "NA", items b through d relating to this section can be deleted

8. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

- a. Did the permit or transfer final order contain any other condition? YES

If "YES", identify the condition and describe the water users actions to comply with the condition(s):

4. Water shall be acquired from same aquifer as the original POA (UMAT 1060/1061). New well (UMAT 55751) does appropriate water from same aquifer (basalt).

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order:

VAR 1. Hydraulic capacity if irrigation system (0.46-0.51 cfs) appears to be slightly less than maximum authorized rate (0.50 cfs).

Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
COBU Map	Claim of Beneficial Use Map
Well Log	Well Log UMAT 55751

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
POA 1	0.50 cfs	0.46-0.51 cfs	N/A	0.46 cfs	40.0	40.0

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Claim of Beneficial Use Map

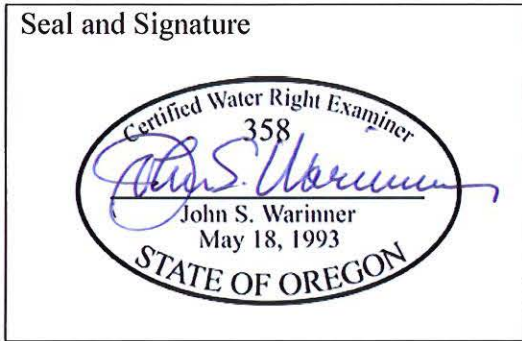
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

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

GPS (Trimble GeoXH with sub-meter accuracy) and 2005 aerial photo from Oregon Imagery Explorer. Coordinate system used for COBU is NAD83 State Plane Oregon North Zone.

CWRE Statement, Seal and Signature

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



Permit or Transfer Holders Signature or Acknowledgement

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

Signature Tom Kennedy Tom Berrod x 15 Dec 09
Print or type name Date

Signature Judith Kennedy Judith Kennedy 15 Dec 09
Print or type name Date

RECEIVED

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

06-26-2006

WELL LABEL # L 83496

START CARD # 187040

CORRECTION-Section 9

(1) LAND OWNER
Owner Well I.D.
First Name TOM Last Name KENNEDY
Company
Address 4440 SW LAKE DR
City PENDLETON State OR Zip 97801

(2) TYPE OF WORK
[X] New Well [] Deepening [] Conversion
[] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD
[X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud
[] Reverse Rotary [] Other

(4) PROPOSED USE
[X] Domestic [] Irrigation [] Community
[] Industrial/ Commercial [] Livestock [] Dewatering
[] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION
Special Standard [] Attach copy
Depth of Completed Well 470.00 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, sacks/lbs. Rows include Bentonite and Cement.

How was seal placed: Method [] A [] B [X] C [] D [] E
[X] Other PURED 3/8 CHIPS
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [] Yes Type Amount

(6) CASING/LINER
Table with columns: Casing, Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd.

Shoe [] Inside [X] Outside [] Other Location of shoe(s) 190
Temp casing [] Yes Dia From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Table with columns: Perf/Screen, Casing/Liner, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/pipe size.

(8) WELL TESTS: Minimum testing time is 1 hour
[] Pump [] Bailer [X] Air [] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Table with columns: From, To, Description, Amount, Units. Includes temperature and water quality concerns.

(9) LOCATION OF WELL (legal description)
County Umatilla Twp 2.00 N N/S Range 32.00 E E/W WM
Sec 35 SW 1/4 of the SW 1/4 Tax Lot 1000 4000
Tax Map Number Lot
Lat ° 0 ' " or DMS or DD
Long ° 0 ' " or DMS or DD
[] Street address of well [] Nearest address

71100 TUTUILLA RD PENDLETON, OR

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Predeepening
Completed Well
Flowing Artesian? [] Dry Hole? []

WATER BEARING ZONES
Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft).

(11) WELL LOG
Ground Elevation
Material From To
SOIL 0 2
BROWN BASALT 2 9
BLACK BASALT 9 260
BROWN BASALT 260 285
BLACK BASALT 285 325
BROWN BASALT 325 335
BLACK BASALT 335 445
BROWN BASALT/TAN CLAYSTONE 445 460
BLACK BASALT 460 470

RECEIVED RECEIVED
JUL 20 2006 DEC 24 2009
WATER RESOURCES DEPT SALEM, OREGON WATER RESOURCES DEPT SALEM, OREGON

Date Started 06-20-2006 Completed 06-23-2006

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

License Number 1735 Date 06-26-2006
Electronically Filed
Signed CHAD COURTNEY (E-filed)

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

License Number 544 Date 06-26-2006
Electronically Filed
Signed LARRY BURD (E-filed)
Contact Info (optional)

0.0125 cfs per acre

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. UMBARGER
72529 UMBARGER ROAD
PENDLETON, OREGON 97801

RR = 171.67 acres @ 2.14 cfs

confirms the right to use the waters of A WELL in the PATAWA CREEK BASIN for IRRIGATION OF ~~211.67~~ ACRES.

171.67

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 32, T 2 N, R 33 E, W.M.; 1320 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER, SECTION 32.

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

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

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES	T-10417	RR
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES		40.0
SECTION 30				
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	ACRES		40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.9	ACRES		19.9
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.85	ACRES		10.85
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.92	ACRES		20.92
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES	-40.0	0
SECTION 32				

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 53554, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 25 2000, approving Transfer Application 8373

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

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

WITNESS the signature of the Water Resources Director,

affixed APR 25 2000.

/s/ Thomas J. Paul (for)
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 76524.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 19, 2008

TOM KENNEDY
71433 SW LAKE DR
PENDLETON OR 97801

Reference: Transfer 10417

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

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

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

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #5
John Warinner, CWRE
David Umbarger

Enclosure



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

In the Matter of Transfer Application) FINAL ORDER
T-10417, Umatilla County) APPROVING A CHANGE IN PLACE
) OF USE AND POINT OF
) APPROPRIATION

Authority

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

Applicant

TOM and JUDITH L. KENNEDY
71433 SW LAKE DRIVE
PENDLETON, OR 97801

Findings of Fact

Background

1. On June 27, 2007 Tom and Judith Kennedy filed an application to change the place of use and point of appropriation under a portion of Certificate 76524. The Department assigned the application number T-10417.
2. The portion of the right to be transferred is as follows:

Certificate: 76524 in the name of DAVID L. UMBARGER (perfected under Permit G-8964)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 13, 1980

Rate: 0.50 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, not to exceed 3.0 ACRE-FEET per acre irrigated during the irrigation season of each year

Source: A WELL within the PATAWA CREEK basin

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

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	33 E	WM	32	SW SW	1320 FEET NORTH AND 1310 FEET EAST FROM SW CORNER OF SECTION 32.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	33 E	WM	32	NW SE	40.0

3. Application T-10417 proposes to change the place of use of the above described lands under Certificate 76524 to:

Proposed Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	32 E	WM	35	NE SW	8.6
2 N	32 E	WM	35	NW SW	6.9
2 N	32 E	WM	35	SW SW	9.0
2 N	32 E	WM	35	SE SW	14.4
2 N	32 E	WM	35	SW SE	0.7
2 N	32 E	WM	35	SE SE	0.4
TOTAL:					40.0

4. Application T-10417 also proposes to change the point of appropriation for the new place of use described above approximately three miles due west to a new well located:

Proposed Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	32 E	WM	35	NW SW	1040 FEET SOUTH AND 1047 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 35

5. Notice of the application for transfer was published on July 3, 2007 pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On March 11, 2007 the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10417 to the applicant. The draft Preliminary Determination set forth a deadline of April 11, 2008 for the applicant to respond. On March 21, 2008 the applicant requested that the Department proceed with issuance of a Preliminary Determination.
7. On April 2, 2008 the Department issued a preliminary determination proposing to approve Transfer T-10417 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on April 8, 2008 and in *The Pendleton Record* newspaper on April 17, 24 and May 1, 2008 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. The Department has determined that the proposed point of appropriation (UMAT 55751) located as described in Findings of Fact #4 above, will develop the same source of water as the authorized existing wells (UMAT 1060/1061).
10. A well, 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 Application T-10417.
11. The proposed changes will not result in enlargement of the right.
12. The proposed changes will not result in injury to other water rights.

Conclusions of Law

The changes in place of use and point of appropriation proposed in application T-10417 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

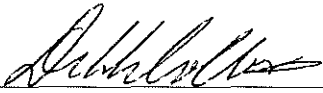
Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in application T-10417 are approved.
2. Water right certificate 76524 is cancelled. Certificate 84206 will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 76524 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 1060/1061).
5. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. The former place of use of the transferred right shall no longer receive water under the right.
7. Prior to diverting water, the water user shall install an in-line flow meter 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. The water user shall maintain and operate the measuring device as required by the Department.

8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 3rd day of June 2008.



Phillip C. Ward, Director

B

Mailing Date: JUN 20 2008

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. UMBARGER
72529 UMBARGER RD
PENDLETON, OR 97801

confirms the right to use the waters of A WELL, within the PATAWA CREEK BASIN for IRRIGATION of 171.67 ACRES.

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.14 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 N	33 E	WM	32	SW SW	1320 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER OF SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	33 E	WM	30	SW SE	40.00
2 N	33 E	WM	30	SE SE	40.00
2 N	33 E	WM	32	NE SW	40.00
2 N	33 E	WM	32	NW SW	19.90
2 N	33 E	WM	32	SW SW	10.85
2 N	33 E	WM	32	SE SW	20.92

This certificate describes that portion of the water right confirmed by Certificate 76524, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 3, 2008, approving Transfer Application T-10417.

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

WITNESS the signature of the Water Resources Director, affixed June 3, 2008.


Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10417

Transfer Specialist: KDD/Kody

Transfer Type: **▲ POA, POU**

Applicant Name/Address: TOM and JUDITH L. KENNEDY, 71433 SW LAKE DR., PENDLETON, OR 97801

Agent Name/Address: _____

CWRE Name/Number: John Warinner, CWRE 358

Rec Landowner Name/Address: _____

Irr. District Name/Address: _____

Affected Gov'ts Name/Address: Umatilla County

Commentors: Name/Address: _____

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>		G-8964	76524	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>84206</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>6/27/2007</u>	Proposed Action(s): POU POD HST APOD USE OTHER: ▲ POA, POU	
Fees Pd: _____	WM District: <u>#5</u>	ODFW District: _____
Initial Notice: <u>7/3/2007</u>	WM Review sent: <u>7/12/2007</u>	ODFW Review sent: _____
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <u>10/1/2007</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

not required

DPD Mailed: 3/11/2008

Affid of Pub Rec'd: _____

ODFW contact sheet sent with DPD, or N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

Electronic Files uploaded

Preliminary Determination

PD Cover letter

Fee Refund Due

PD Notice

Remaining Rights

File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>JK</u>	Reviewer: <u>JK</u>
Date: _____	Date: <u>3/31/08</u>	Date: _____
Coordinator: _____	Coordinator: <u>ADP</u>	Coordinator: <u>ADP</u>
Date: _____	Date: <u>4/3/08</u>	Date: <u>4/3/08</u>

Comments/Special Issues:

Special Order Volume: Vol 74 Pages 128 Final Order Signature Date: 6-3-08

Notice of FO email'd to processors Ken/Kody/mike Kelly

Application

- The type of change is clearly indicated.
- The application is appropriately signed.
- Appropriate fees were paid. If overpayment, Refund Request to be sent with FO
- 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/decree maps for the rights. Application map matches certificate FPS. *(past transfer proof)*
- 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 checked="" type="checkbox"/> land-use form |
| <input checked="" type="checkbox"/> deed/ROLI | <input checked="" type="checkbox"/> certificate | <input checked="" type="checkbox"/> fees paid | <input checked="" type="checkbox"/> well logs | <input checked="" type="checkbox"/> plat card |
| <input type="checkbox"/> audit | <input checked="" type="checkbox"/> dpd | | | |

- Reviews/comments/conditions received? Watermaster ODFW GW
- Headgate When in the judgment Prior to diverting Existing and maintain
- Measuring Devices When in the judgment Prior to diverting Existing and maintain

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury -

*SIGN OFF BY
TREBAC
SUPERVISOR/AGENT*

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,

} ss.

COUNTY OF UMATILLA

I, Marguerite Maznaritz, being first duly sworn, depose and say that I am the publisher of **THE PENDLETON RECORD**, a newspaper of general circulation, as defined by sections 193.010, 193.020 O.R.S.; printed and published at Pendleton in the aforesaid county and state; that:

Notice of Final Order for Water Right Transfer T-10417

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three consecutive weeks in the following issues:

3 insertions, April 17, 24, May 1, 2008

Marguerite Maznaritz

Subscribed and sworn to before me this 2 day of

May 20 08

Mary Jo Hartwell
Notary Public for Oregon

My commission expires: 29 day of Dec 20 08



Legal Notice

Notice of Final Order for Water Right Transfer T-10417

T-10417 filed by TOM and JUDITH L. KENNEDY, of 71433 SW LAKE DR., PENDLETON, OR 97801, proposes to change the place of use and point of appropriation under an existing water right. Certificate 76524 (priority date of March 13, 1980) allows the use of 0.50 cubic foot per second, from a well located within the SW1/4 SW1/4, Sec 32, T2N, R33E, W.M., for irrigation. The applicant proposes to change the place of use and point of appropriation (well) approximately 16,000 feet west to a new well site within the SW1/4, Sec 35, T2N, R32E, for irrigation in Section 35. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is May 1, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Printed in The Pendleton Record newspaper on April 17, 24 and May 1, 2008.





Oregon

Theodore R. Kulongoski, Governor

pd Noticed
4-8-08

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

April 2, 2008

TOM and JUDITH L. KENNEDY
71433 SW LAKE DRIVE
PENDLETON, OR 97801

SUBJECT: Transfer Application T-10417

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10417. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

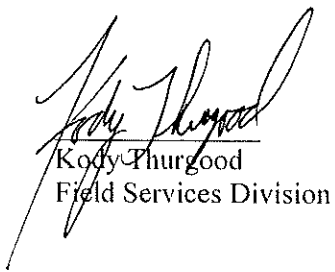
Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department; however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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

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

Please do not hesitate to contact me at 503-986-0892 or by email at Kody.J.Thurgood@wrd.state.or.us, if I may be of assistance.

Sincerely,



Kody Thurgood
Field Services Division

cc: Tony Justus, District #5 Watermaster
John S. Warinner, CWRE

Enclosure

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10417, Umatilla County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE AND
)	POINT OF APPROPRIATION

Authority

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

Applicant

TOM and JUDITH L. KENNEDY
71433 SW LAKE DRIVE
PENDLETON, OR 97801

Findings of Fact

Background

1. On June 27, 2007 Tom and Judith Kennedy filed an application to change the place of use and point of appropriation under a portion of Certificate 76524. The Department assigned the application number T-10417.

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

Certificate: 76524 in the name of DAVID L. UMBARGER (perfected under Permit G-8964)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 13, 1980

Rate: 0.50 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, not to exceed 3.0 ACRE-FEET per acre irrigated during the irrigation season of each year

Source: A WELL within the PATAWA CREEK basin

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	33 E	WM	32	SW SW	1320 FEET NORTH AND 1310 FEET EAST FROM SW CORNER OF SECTION 32.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	33 E	WM	32	NW SE	40.0

3. Application T-10417 proposes to change the place of use of the above described lands under Certificate 76524 to:

Proposed Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	32 E	WM	35	NE SW	8.6
2 N	32 E	WM	35	NW SW	6.9
2 N	32 E	WM	35	SW SW	9.0
2 N	32 E	WM	35	SE SW	14.4
2 N	32 E	WM	35	SW SE	0.7
2 N	32 E	WM	35	SE SE	0.4
TOTAL:					40.0

4. Application T-10417 also proposes to change the point of appropriation for the new place of use described above approximately three miles due west to a new well located:

Proposed Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	32 E	WM	35	NW SW	1040 FEET SOUTH AND 1047 FEET EAST FROM THE W¼ CORNER OF SECTION 35

5. Notice of the application for transfer was published on July 3, 2007 pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On March 11, 2007 the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10417 to the applicant. The draft Preliminary Determination set forth a deadline of April 11, 2008 for the applicant to respond. On March 21, 2008 the applicant requested that the Department proceed with issuance of a Preliminary Determination.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. The Department has determined that the proposed point of appropriation (UMAT 55751) located as described in Findings of Fact #4 above, will develop the same source of water as the authorized existing well (UMAT 1060/1061).
9. A well, 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 Application T-10417.
10. The proposed changes will not result in enlargement of the right.
11. The proposed changes will not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use and point of appropriation proposed in application T-10417 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

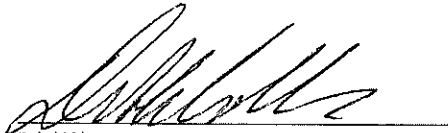
If application T-10417 is approved, the final order will include the following:

1. *The changes in place of use and point of appropriation proposed in application T-10417 are approved.*
2. *Water right certificate 76524 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 76524 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 1060/1061).*
5. *The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *The former place of use of the transferred right, shall no longer receive water under the right.*
7. *Prior to diverting water, the water user shall install an in-line flow meter 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. The water user shall maintain and operate the measuring device as required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water*

Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 2nd day of April 2008.


Phillip C. Ward, Director

Mailing Date: APR 04 2008

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Final Order for
Water Right Transfer T-10417**

T-10417 filed by TOM and JUDITH L. KENNEDY, of 71433 SW LAKE DR., PENDLETON, OR 97801, proposes to change the place of use and point of appropriation under an existing water right. Certificate 76524 (priority date of March 13, 1980) allows the use of 0.50 cubic foot per second, from a well located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 32, T2N, R33E, W.M., for irrigation. The applicant proposes to change the place of use and point of appropriation (well) approximately 16,000 feet west to a new well site within the SW $\frac{1}{4}$, Sec 35, T2N, R32E, for irrigation in Section 35. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L UMBARGER
 72529 UMBARGER RD
 PENDLETON, OR 97801

confirms the right to use the waters of A WELL, within the PATAWA CREEK BASIN for IRRIGATION of 171.67 ACRES.

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.14 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 N	33 E	WM	32	SW SW	1320 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER, SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	33 E	WM	30	SW SE	40.00
2 N	33 E	WM	30	SE SE	40.00
2 N	33 E	WM	32	NE SW	40.00
2 N	33 E	WM	32	NW SW	19.90
2 N	33 E	WM	32	SW SW	10.85
2 N	33 E	WM	32	SE SW	20.92

This certificate describes that portion of the water right confirmed by Certificate 76524, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 10417.

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

WITNESS the signature of the Water Resources Director, affixed _____.

 Phillip C. Ward, Director

Ken Dowden

From: Tom Kennedy [TmKennedy@InterpathLab.com]

Sent: Friday, March 21, 2008 2:05 PM

To: Ken Dowden

Subject: Water transfer application T-10417

Ken,

We have reviewed the draft Preliminary Determination letter and it appears to be fine except for the clerical changes we discussed on the phone. Tom Kennedy



INTERPATH

LABORATORY

Tom Kennedy

General Manager

1100 Southgate, Suite 13

Pendleton, Or. 97801

Phone: (541) 278-4735

Fax: (541) 278-4761

TMKennedy@InterpathLab.com

Serving Oregon, Washington, and Idaho

NC Reg



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-10417

Review Due Date: 8-1-07

Applicant Name: Tom Kennedy

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Tony Justus

Date of Review: Jul. 12, 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: A Google Earth map of area appears to indicate the land is not in production. I have insufficient personal information regarding the parcel and do not intent to file a cancellation affidavit.
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Source is a basalt well and we have not regulated that source in this area.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

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

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JUL 16 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

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:

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

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

REC'D OCT 09 2007

Ken

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:



Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE:

~~8-3-07~~ 7-3-07

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Mike Zwart date signed 10/1/2007
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # 10417

A change in: POU POD POA USE of water.

In the name(s) of Tom Kennedy.

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

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

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

The existing right may not be valid because _____

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

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

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

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

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

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

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files

Date: October 1, 2007

From: Michael J. Zwart

Subject: Application Review: T-10417, Tom Kennedy

This application proposes a change in POA and POU as a result of purchase of a portion of a water right. The authorized well (UMAT 1061/1060) and the proposed well (UMAT 55751) both develop the same basalt ground-water source.

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

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. UMBARGER
72529 UMBARGER ROAD
PENDLETON, OREGON 97801

confirms the right to use the waters of A WELL in the PATAWA CREEK BASIN for IRRIGATION OF 211.67 ACRES.

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW¼ SW¼, SECTION 32, T 2 N, R 33 E, W.M.; 1320 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER, SECTION 32.

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

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

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

SW¼ SE¼ 40.0 ACRES
SE¼ SE¼ 40.0 ACRES

SECTION 30

NE¼ SW¼ 40.0 ACRES
NW¼ SW¼ 19.9 ACRES
SW¼ SW¼ 10.85 ACRES
SE¼ SW¼ 20.92 ACRES

NW¼ SE¼ 40.0 ACRES

SECTION 32

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 53554, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 25 2000, approving Transfer Application 8373

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

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

WITNESS the signature of the Water Resources Director,

affixed APR 25 2000.

/s/ Thomas J. Paul (for)
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 76524.



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one

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

COPY

2. APPLICANT INFORMATION

Name: Tom and Judith L. Kennedy
First Last

Address: 714 33 SW Lake Dr (71100 Tutuilla Creek Rd)
Bendleton Oregon 97801
City State Zip

Phone: 541-276-2782 541-278-4735 cell 541-379-7499
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: NA
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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JUN 27 2007

- 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 SALEM, OREGON
 - Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

10417

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.)*

AUTHORIZED
PROPOSED

	Application / Decree	Permit / Previous Transfer	Certificate
1.	UMAT 1060/1061	G 8964	76524
2.	UMAT 55751		
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): sale of water right and use of own well on owned property ✓

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.

15 hp submersible pump, buried main line of 6", 4", & 2" pipe with runs up to 1500ft ✓

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

10417

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JUN 27 2007

WATER RESOURCES DEP.
SALEM, OREGON

6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Umatilla County

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**WATER RESOURCES DEPT
SALEM, OREGON**

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): David Umbarger
First Last

Address: 72529 Umbarger Road
Pendleton Oregon 97801
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): Tom Kennedy
First Last

Address: 71100 Tutuilla Creek Road
Pendleton Oregon 97801
City State Zip

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

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9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

Water Right Transfer
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

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Land Use Information Form:

Enclosed; *or*

Not Required if all of the following are met:

- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
- ❹ Irrigation only.

Fees:

Amount enclosed: \$ 700
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

10. SIGNATURES

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


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

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

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

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

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

 applicant signature	<u>Tom Kennedy</u> name (print)	<u>21 June 07</u> date
<i>SEE ORIGINAL FOR MRS. KENNEDY'S SIGNATURE</i>		
_____ applicant signature	_____ name (print)	_____ date

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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: 76524

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input type="checkbox"/> Certificated Right	<u>76524</u> Certificate Number	<u>68964</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: David Umbarger
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): March 13, 1980

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: ground

Tributary to: South Fork Coyote Creek (Patawa Creek Basin)

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 76 524

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
UMAT 1060/1061	Well-Badelt 3/13/80	2N	33E	W	32	Center of SW ¼	11500	1320 ft W and 1310 ft E from SW corner of Section 32

▪ 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.

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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
10417									

▪ Certificate Number or other identifying number: 76 524 ✓

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)
Basalt well	2N	32 E	W	35	NW SW	900	1040 ft S and 1047 ft E of the ^W quarter corner of section 35. ✓

- 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:

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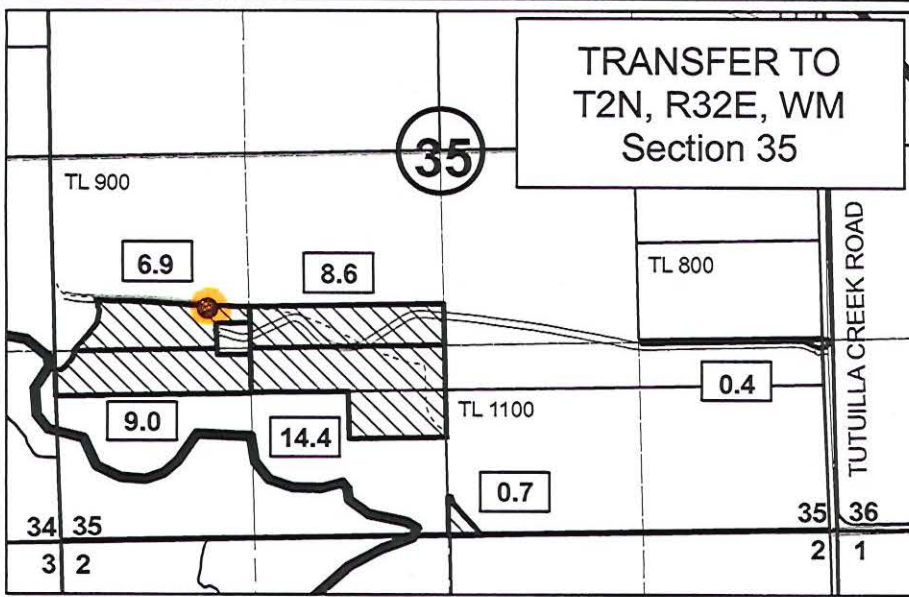
Construction of Proposed Point(s) of Appropriation or Well(s)

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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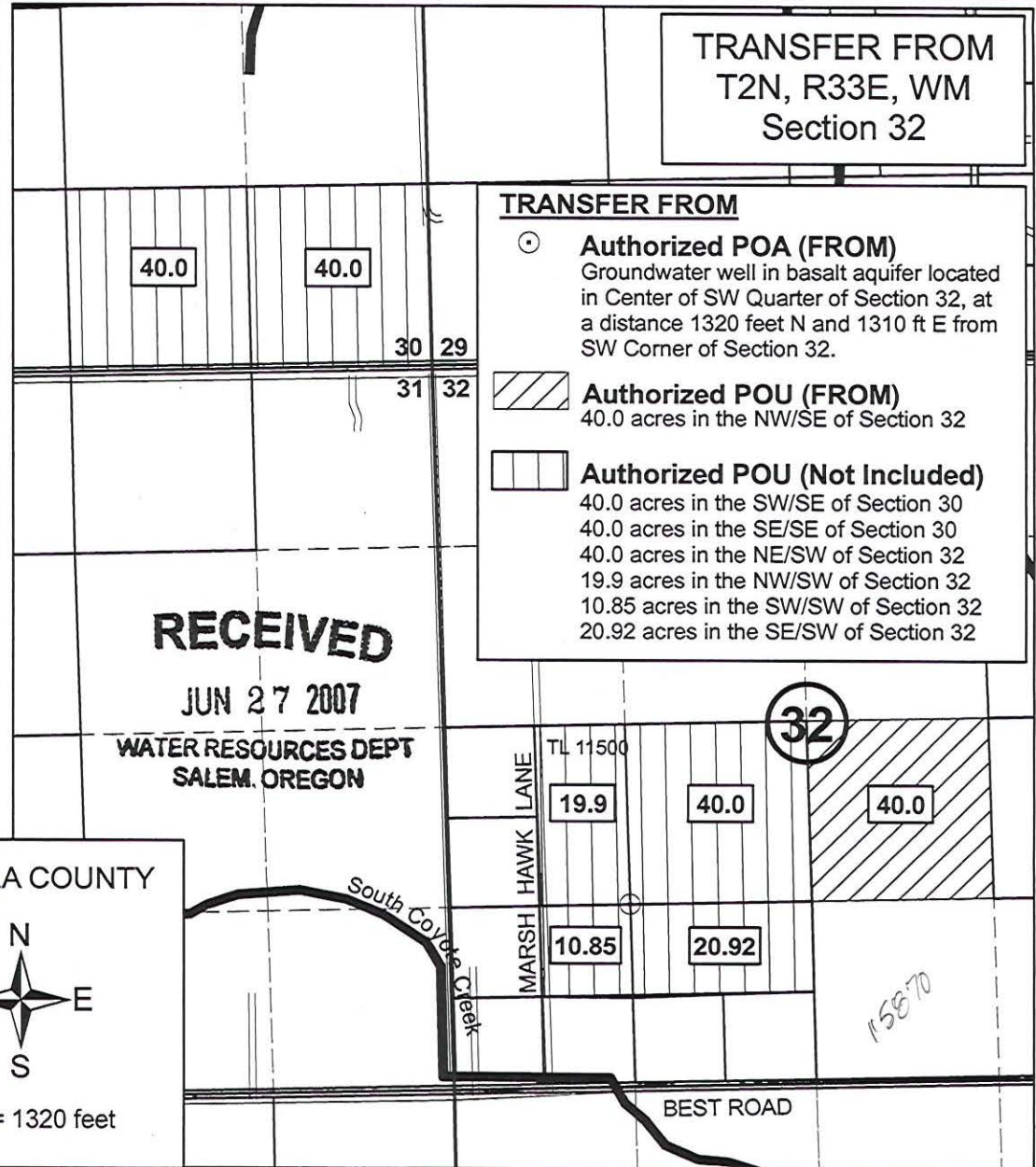
TRANSFER TO
T2N, R32E, WM
Section 35



TRANSFER FROM
T2N, R33E, WM
Section 32

TRANSFER FROM

- **Authorized POA (FROM)**
Groundwater well in basalt aquifer located in Center of SW Quarter of Section 32, at a distance 1320 feet N and 1310 ft E from SW Corner of Section 32.
- ▨ **Authorized POU (FROM)**
40.0 acres in the NW/SE of Section 32
- ▤ **Authorized POU (Not Included)**
40.0 acres in the SW/SE of Section 30
40.0 acres in the SE/SE of Section 30
40.0 acres in the NE/SW of Section 32
19.9 acres in the NW/SW of Section 32
10.85 acres in the SW/SW of Section 32
20.92 acres in the SE/SW of Section 32

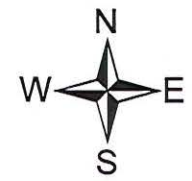


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SALEM, OREGON

UMATILLA COUNTY



1 inch = 1320 feet

TRANSFER TO

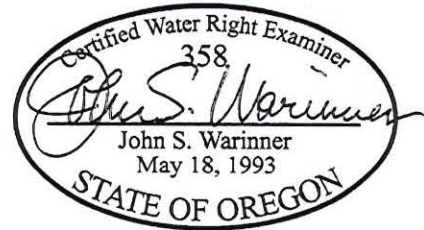
- **Proposed POA**
Groundwater well in basalt aquifer located in NW/4, SW/4, Section 35 at a distance 1040 feet S and 1047 ft E from W Quarter-Corner of Section 35

▨ **Proposed POU (TO)**

- 40.0 acres, including:
 - 8.6 acres in the NE/SW of Section 35 (TL 900)
 - 6.9 acres in the NW/SW of Section 35 (TL 900)
 - 9.0 acres in the SW/SW of Section 35 (TL 900)
 - 14.4 acres in the SE/SW of Section 35 (TL 900 + 1100)
 - 0.7 acres in the SW/SE of Section 35 (TL 1100)
 - 0.4 acres in the SE/SE of Section 35 (TL 1100)

Up to 0.5 acre of non-commercial lawn and garden in vicinity of home will be irrigated as part of exempt domestic use.

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



Prepared By
FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

Prepared For
TOM KENNEDY
71433 SW Lake Drive
Pendleton, OR 97801
541.276.2782 phone

TRANSFER MAP
Certificate 76524
Change Place of Use & Point of Appropriation

Revised 28 MAY 2007

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

WATER WELL REPORT

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JUL 16 1980

2N/33E-2706

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

STATE OF OREGON
(Please type or print)

WATER RESOURCES DEPT.
SALEM, OREGON

UMAT
1061

(1) OWNER:
Name DAVE UMBARGER
Address S. RESERVATION
PENDLETON OR

(2) TYPE OF WORK (check):
New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):
Rotary Driven Domestic Industrial Municipal
Cable Jetted Irrigation Test Well Other
Bored

(5) CASING INSTALLED: Threaded Welded
12" Diam. from 125 ft. to 12 ft. Gage 250
" Diam. from " ft. to " ft. Gage
" Diam. from " ft. to " ft. Gage

(6) PERFORATIONS: Perforated? Yes No.
Type of perforator used
Size of perforations in. by in.
perforations from " ft. to " ft.
perforations from " ft. to " ft.
perforations from " ft. to " ft.

(7) SCREENS: Well screen installed? Yes No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from " ft. to " ft.
Diam. Slot size Set from " ft. to " ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was pump test made? Yes No If yes, by whom? FARMER
Yield: 1500 gal./min. with 160 ft. drawdown after 4 hrs.
" " " " " "
" " " " " "
Ballor test gal./min. with " ft. drawdown after " hrs.
Artisan flow g.p.m.
Temperature of water 62 Depth artesian flow encountered " ft.

(9) CONSTRUCTION:
Well seal—Material used PORTLAND CEMENT
Well sealed from land surface to 125 ft.
Diameter of well bore to bottom of seal 15 1/2 in.
Diameter of well bore below seal 12 1/4 in.
Number of sacks of cement used in well seal 55 sacks
How was cement grout placed? TRENIE

Was a drive shoe used? Yes No Plugs Size, location " ft.
Did any strata contain unusable water? Yes No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? Yes No Size of gravel:
Gravel placed from " ft. to " ft.

(10) LOCATION OF WELL:
County UMATILLA Driller's well number
NW 1/4 SW 1/4 Section 29 T. 2N R. 33E W.M.
Bearing and distance from section or subdivision corner
12" well

(11) WATER LEVEL: Completed well.
Depth at which water was first found 75 ft.
Static level 40 ft. below land surface. Date 11-30-79
Artesian pressure 3 lbs. per square inch. Date 11-30-79

(12) WELL LOG: Diameter of well below casing 12 1/4
Depth drilled 750 ft. Depth of completed well 750 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL	0	6	
CLAY	6	28	
SANDSTONE	28	120	
BASALT Black	120	275	
BASALT BROWN SOFT	275	295	
Black	295	435	
" w/SS	435	455	
Black	455	495	
RED w/SS	495	515	
Black	515	535	
" w/SS	535	595	
"	595	735	
" w/SS	735	750	

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AUG 18 1980

WATER RESOURCES DEPT
SALEM, OREGON

Work started 11-28 1979 Completed 12-6 1979
Date well drilling machine moved off of well 12-6 1979

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Jay Burt Date 12-6, 1979
(Drilling Machine Operator)
Drilling Machine Operator's License No. 544 933

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Jay Burt Well Drilling Inc.
(Person, firm or corporation) (Type of print)
Address Pendleton OR
[Signed] Jay Burt
(Water Well Contractor)
Contractor's License No. 544 Date 12-6, 1979

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(USE ADDITIONAL SHEETS IF NECESSARY)

SP4565-119

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WATER RESOURCES DEPT
SALEM, OREGON

10417

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

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

UMAT
1060

State Well No. 2N/33E-29CB

State Permit No. _____

SEE ALSO 1061

(1) OWNER:

Name DAVE UMBARGER
Address S RESERVATION
PENDLETON OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Recovery Driven
Casing Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:

Threaded Welded

_____ " Diam. from EXISTING ft. Gage _____

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

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

(6) PERFORATIONS:

Perforated? Yes No.

Type of perforator used _____

Size of perforations _____ in. by _____ in.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name _____

Type _____ Model No. _____

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

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 1585 gal./min. with 252 ft. drawdown after 7 hrs.

" " " " " "

" " " " " "

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

Artesian flow _____ g.p.m.

Temperature of water 74° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used NA

Well sealed from land surface to _____ ft.

Diameter of well bore to bottom of seal _____ in.

Diameter of well bore below seal _____ in.

Number of sacks of cement used in well seal _____ sacks

How was cement grout placed? _____

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

Did any strata contain unusable water? Yes No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? Yes No Size of gravel _____

(10) LOCATION OF WELL:

County UMATILLA Driller's well number _____

NW 1/4 SW 1/4 Section 29 T. 2N R. 33E W.M.

Bearing and distance from section or subdivision corner _____

12" WELL

(11) WATER LEVEL: Completed well.

Depth at which water was first found 783 ft.

Static level _____ ft. below land surface. Date _____

Artesian pressure 5 lbs. per square inch. Date 1-8-80

(12) WELL LOG:

Diameter of well below casing _____

Depth drilled 215 ft. Depth of completed well 965 ft.

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

MATERIAL	From	To	SWL
BASALT Black	750	783	
" Black + BROWN	783	790	
" Black	790	800	
" " w/SS	800	815	
" " " w/SS	815	892	
" " " w/SS	892	903	
" " " w/SS	903	925	
" BROWN-RED	925	950	
" Black	950	965	

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FEB 22 1980

WATER RESOURCES DEPT
SALEM, OREGON

Work started 1-2 1980 Completed 1-8 1980

Date well drilling machine moved off of well 1-9 1980

Drilling Machine Operator's Certification:

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

[Signed] Jerry Bund Date 1-9, 1980
(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Jerry Bund Well Drilling Inc
(Person, firm or corporation) (Type or print)

Address PENDLETON OR

[Signed] Jerry Bund
(Water Well Contractor)

Contractor's License No. 544 Date 1-9 1980

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WATER RESOURCES DEPT
SALEM OREGON

10417

A Amendment

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

WELL LABEL # L 83496
 START CARD # 187040

(1) LAND OWNER Owner Well I.D. _____
 First Name Tom Last Name Kennedy
 Company _____
 Address 4440 Lake Drive
 City Pendleton State OR Zip 97801

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard Attach copy
 Depth of Completed Well 470 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
12	0	18	Bentonite	0	18	14	S
8	18	470	Cement	150	190	10	S

How was seal placed: Method A B C D E
 Other Paired 3/8 chips
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wid	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	<input checked="" type="checkbox"/>	2	18	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	0	190	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type _____ Material _____

Perf/Screen	Casing/Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/pipe size

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100		470	1
75		370	1
50		270	1

Temperature 59 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
 County Umatilla Twp 2 N/S Range 32 EAV WM
 Sec 35 SW 1/4 of the SW 1/4 Tax Lot 900
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address
7100 Tutwiler Creek Rd
Pendleton OR 97801

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL(psi)	+	SWL(ft)
Completed Well				

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
6-23-07	90	91	5			60
6-23-07	260	285	3			187
6-23-07	445	460	100			187

(11) WELL LOG

Material	From	To	Ground Elevation
soil	0	2	
Brown Basalt	2	9	
Black Basalt	9	260	
Brown Basalt	260	285	
Black Basalt	285	325	
Brown Basalt	325	355	
Black Basalt	355	445	
Brown Basalt / Tan Claystone	445	460	
Black Basalt	460	470	

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JUN 27 2007
WATER RESOURCES DEPT
SALEM, OREGON

Date Started 6-20-07 Completed 6-23-07
 (unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number 1735 Date 6-12-07
 Password: (if filing electronically) _____
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 544 Date 6-12-07
 Password: (if filing electronically) _____
 Signed Jerry Baird
 Contact Info (optional) _____

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

06-26-2006

WELL LABEL # L 83496

START CARD # 187040

(1) LAND OWNER Owner Well I.D.
First Name TOM Last Name KENNEDY
Company
Address 4440 SW LAKE DR
City PENDELTON State OR Zip 97801

(2) TYPE OF WORK [X] New Well [] Deepening [] Conversion
[] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD
[X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Cable Mud
[] Reverse Rotary [] Other

(4) PROPOSED USE [X] Domestic [] Irrigation [] Community
[] Industrial/ Commercial [] Livestock [] Dewatering
[] Thermal [] Injection [] Other

(5) BORE HOLE CONSTRUCTION Special Standard [] (Attach copy)
Depth of Completed Well 470.00 ft.

Table with columns: Dia, From, To, Material, SEAL From, To, Amt, sacks/lbs. Rows include Bentonite and Cement seal data.

How was seal placed: Method [] A [] B [X] C [] D [] E
[X] Other PURED 3/8 CHIPS
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [] Yes Type Amount

(6) CASING/LINER Table with columns: Casing, Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd. Includes diagrams for casing types.

Shoe [] Inside [X] Outside [] Other Location of shoe(s) 190
Temp casing [] Yes Dia From To

(7) PERFORATIONS/SCREENS Table with columns: Perf/ Screen, Casing/ Liner, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/ pipe size.

(8) WELL TESTS: Minimum testing time is 1 hour
Pump [] Bailer [] Air [X] Flowing Artesian []
Table with columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr)

Temperature 59 °F Lab analysis [] Yes By
Water quality concerns? [] Yes (describe below)
Table with columns: From, To, Description, Amount, Units

(9) LOCATION OF WELL (legal description)
County Umatilla Twp 2.00 N N/S Range 32.00 E E/W WM
Sec 35 SW (NW) 1/4 of the SW 1/4 Tax Lot 1000 (900)
Tax Map Number Lot
Lat ° 0 ' " or DMS or DD
Long ° 0 ' " or DMS or DD
[] Street address of well [] Nearest address
71100 TUTUILLA RD PENDELTON, OR

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft)
Existing Well / Predeepening
Completed Well
Flowing Artesian? [] Dry Hole? []

WATER BEARING ZONES Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft)

(11) WELL LOG Table with columns: Material, From, To. Includes SOIL, BROWN BASALT, BLACK BASALT, BROWN BASALT/TAN CLAYSTONE, BLACK BASALT. Includes 'RECEIVED JUN 27 2007 WATER RESOURCES DEPT SALEM, OREGON' stamp.

Date Started 06-20-2006 Completed 06-23-2006

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

License Number 1735 Date 06-26-2006
Electronically Filed
Signed CHAD COURTNEY (E-filed)

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

License Number 544 Date 06-26-2006
Electronically Filed
Signed LARRY BURD (E-filed)
Contact Info (optional)

10417

▪ Certificate Number or other identifying number: 76 524

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
UMAT 1060/1061	Well-Booth 3/13/80	2N	33E	W	32	Center of SW ¼	11500	1320 ft N and 1310 ft E from SW corner of Section 32

▪ 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.

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WATER RESOURCES DEPT
SALEM, OREGON

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
10417									

▪ Certificate Number or other identifying number: 76524

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)
Basalt Well	2N	32E	W	35	NW SW	900	1040 ft S and 1047 ft E of the ^W quarter corner of section 35.

- 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:

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SALEM, OREGON

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

1 10477

▪ Certificate Number or other identifying number: 76 524

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

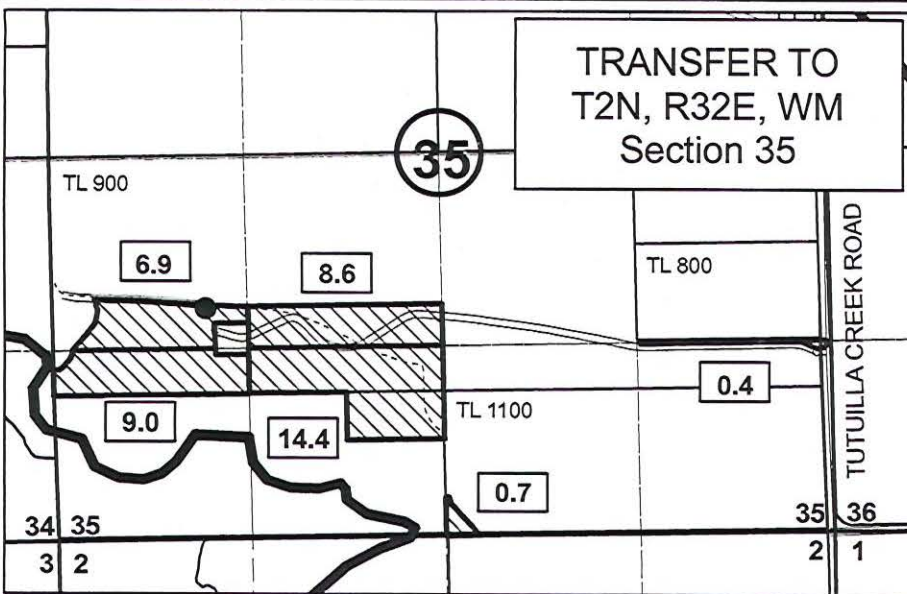
Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Basalt	2N	32E	W	35	NE SW	900	8.6
Basalt	2N	32E	W	35	NW SW	900	6.9
Basalt	2N	32E	W	35	SW SW	900	9.0
Basalt	2N	32E	W	35	SE SW	900	14.4
Basalt	2N	32E	W	35	SW SE	900	0.7
Basalt	2N	32E	W	35	SE SE	900	0.4

Remarks: Well log shows tax lot number as 1000.
The correct tax lot number is 900

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 WATER RESOURCES DEPT
 SALEM, OREGON

10417

TRANSFER TO
T2N, R32E, WM
Section 35



TRANSFER TO

- **Proposed POA**
Groundwater well in basalt aquifer located in NW/4, SW/4, Section 35 at a distance 1040 feet S and 1047 ft E from W Quarter-Corner of Section 35

▨ **Proposed POU (TO)**

- 40.0 acres, including:
- 8.6 acres in the NE/SW of Section 35 (TL 900)
 - 6.9 acres in the NW/SW of Section 35 (TL 900)
 - 9.0 acres in the SW/SW of Section 35 (TL 900)
 - 14.4 acres in the SE/SW of Section 35 (TL 900 + 1100)
 - 0.7 acres in the SW/SE of Section 35 (TL 1100)
 - 0.4 acres in the SE/SE of Section 35 (TL 1100)

Up to 0.5 acre of non-commercial lawn and garden in vicinity of home will be irrigated as part of exempt domestic use.

16,000 feet due west

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JUN 27 2007

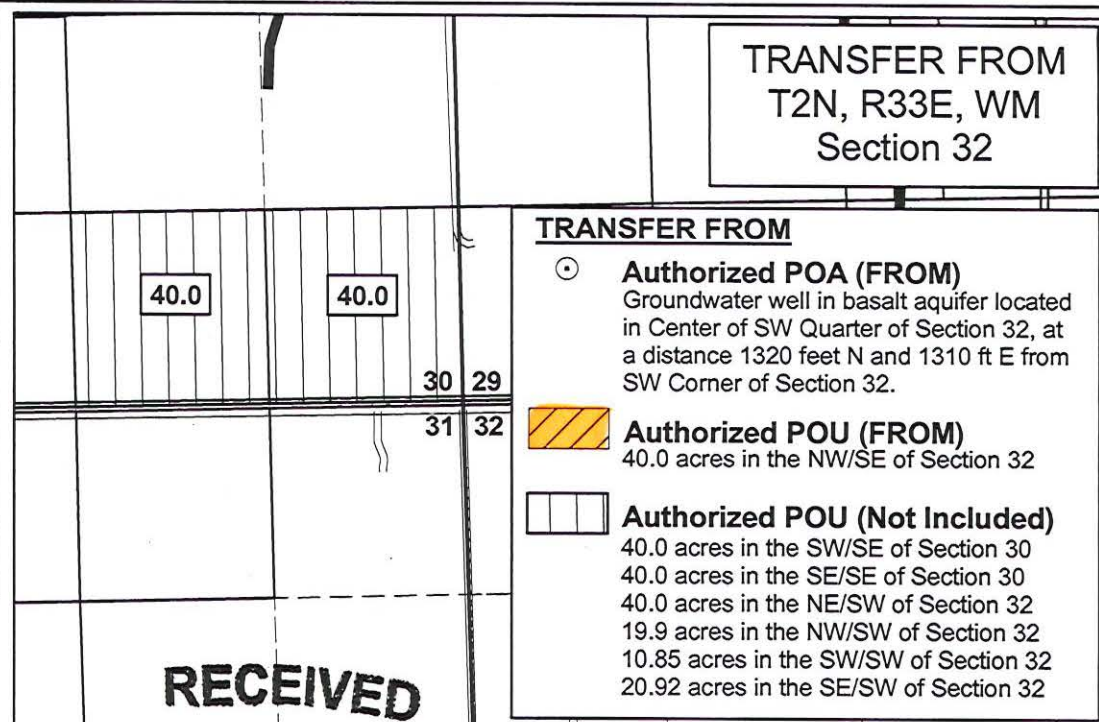
WATER RESOURCES DEPT
SALEM, OREGON

UMATILLA COUNTY



1 inch = 1320 feet

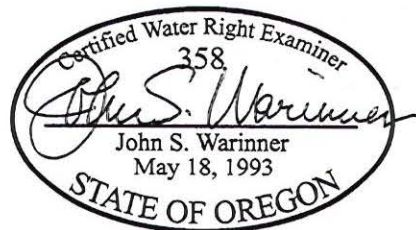
TRANSFER FROM
T2N, R33E, WM
Section 32



TRANSFER FROM

- **Authorized POA (FROM)**
Groundwater well in basalt aquifer located in Center of SW Quarter of Section 32, at a distance 1320 feet N and 1310 ft E from SW Corner of Section 32.
- ▨ **Authorized POU (FROM)**
40.0 acres in the NW/SE of Section 32
- ▨ **Authorized POU (Not Included)**
40.0 acres in the SW/SE of Section 30
40.0 acres in the SE/SE of Section 30
40.0 acres in the NE/SW of Section 32
19.9 acres in the NW/SW of Section 32
10.85 acres in the SW/SW of Section 32
20.92 acres in the SE/SW of Section 32

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



Prepared By
FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

Prepared For
TOM KENNEDY
71433 SW Lake Drive
Pendleton, OR 97801
541.276.2782 phone

TRANSFER MAP
Certificate 76524
Change Place of Use & Point of Appropriation

Revised 28 MAY 2007

NOTICE TO WATER WELL CONTRACTOR

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

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

JUL 16 1980

Well No. 2N/33E-29ab

WATER RESOURCES DEPT.

SALEM, OREGON

UMAT
1061

(1) OWNER:

Name DAVE UMBARGER
Address 3. RESERVATION
PORTLAND OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
 Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:

Threaded Welded
12" Diam. from 125 ft. to 127 ft. Gage 250
" Diam. from " ft. to " ft. Gage
" Diam. from " ft. to " ft. Gage

(6) PERFORATIONS:

Perforated? Yes No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? Yes No

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was pump test made? Yes No If yes, by whom? FARMER
Yield: 1500 gal./min. with 160 ft. drawdown after 4 hrs.

Baller test gal./min. with " ft. drawdown after " hrs.
Artesian flow g.p.m.

Temperature of water 62 Depth artesian flow encountered " ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT
Well sealed from land surface to 125 ft.
Diameter of well bore to bottom of seal 15 1/2 in.
Diameter of well bore below seal 12 1/4 in.
Number of sacks of cement used in well seal 55 sacks
How was cement grout placed? Tremie

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

Did any strata contain unusable water? Yes No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? Yes No Size of gravel:

Gravel placed from " ft. to " ft.

(10) LOCATION OF WELL:

County UMATILLA Driller's well number
NW 1/4 SW 1/4 Section 29 T. 2N R. 33E W.M.
Bearing and distance from section or subdivision corner
12" well

(11) WATER LEVEL: Completed well.

Depth at which water was first found 75 ft.
Static level 40 ft. below land surface. Date 11-30-79
Artesian pressure 3 lbs. per square inch. Date 11-30-79

(12) WELL LOG:

Diameter of well below casing 12 1/4
Depth drilled 750 ft. Depth of completed well 750 ft.

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

MATERIAL	From	To	SWL
SOIL	0	6	
CLAY	6	28	
SANDSTONE	28	120	
BASALT Black	120	275	
BASALT BROWN SOFT	275	295	
Black	295	435	
" w/SS	435	455	
Black	455	495	
Red w/SS	495	515	
Black	515	535	
" w/SS	535	595	
" w/SS	595	735	
" w/SS	735	750	

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AUG 18 1980

WATER RESOURCES DEPT

SALEM, OREGON

Work started 11-28 1979 Completed 12-6 1979

Date well drilling machine moved off of well 12-6 1979

Drilling Machine Operator's Certification:

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

[Signed] Jay Bural Date 12-6, 1979
(Drilling Machine Operator)

Drilling Machine Operator's License No. 544 933

Water Well Contractor's Certification:

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

Name Jay Bural Well Drilling Inc.
(Person, firm or corporation) (Type or print)

Address Portland OR

[Signed] Jay Bural
(Water Well Contractor)

Contractor's License No. 544 Date 12-6, 1979

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(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

JUN 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10417

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

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

(Do not write above this line)

UMAT
1060

State Well No. 2N/33E-29CB

State Permit No. _____

(1) OWNER:

Name DAVE UMBARGER
Address S RESERVATION
PENDLETON OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Recovery Driven
Casing Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:

Threaded Welded

" Diam. from EXISTING ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? Yes No

Type of perforator used _____

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

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name _____

Type _____ Model No. _____

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

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 1585 gal./min. with 252 ft. drawdown after 7 hrs.

" " " " " "

" " " " " "

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

Artesian flow _____ g.p.m.

Temperature of water 74° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used NA

Well sealed from land surface to _____ ft.

Diameter of well bore to bottom of seal _____ in.

Diameter of well bore below seal _____ in.

Number of sacks of cement used in well seal _____ sacks

How was cement grout placed? _____

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

Did any strata contain unusable water? Yes No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? Yes No Size of gravel _____

(10) LOCATION OF WELL:

County UMATILLA Driller's well number _____

NW 1/4 SW 1/4 Section 29 T. 2N R. 33E W.M.

Bearing and distance from section or subdivision corner _____

12" WELL

(11) WATER LEVEL: Completed well.

Depth at which water was first found 783 ft.

Static level _____ ft. below land surface. Date _____

Artesian pressure 5 lbs. per square inch. Date 1-8-80

(12) WELL LOG:

Diameter of well below casing _____

Depth drilled 215 ft. Depth of completed well 965 ft.

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

MATERIAL	From	To	SWL
BASALT Black	750	783	
" Black + BROWN	783	790	
" Black	790	800	
" " w/SS	800	815	
" " w/SS	815	892	
" " w/SS	892	903	
" " w/SS	903	925	
" BROWN-RED	925	950	
" Black	950	965	

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FEB 22 1980

WATER RESOURCES DEPT
SALEM, OREGON

Work started 1-2 1980 Completed 1-8 1980

Date well drilling machine moved off of well 1-9 1980

Drilling Machine Operator's Certification:

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

[Signed] Gary Burd Date 1-9, 1980

(Drilling Machine Operator)

Drilling Machine Operator's License No. 933

Water Well Contractor's Certification:

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

Name Gary Burd Well Drilling Inc.

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

Address PENDLETON OR

[Signed] Gary Burd

(Water Well Contractor)

Contractor's License No. 544 Date 1-9 1980

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JUN 27 2007

WATER RESOURCES DEPT
SALEM OREGON

10417

A Amendment

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

WELL LABEL # L 83496
 START CARD # 187040

(1) LAND OWNER Owner Well I.D. _____
 First Name Tom Last Name Kennedy
 Company _____
 Address 4440 Lane Drive
 City Pendleton State OR Zip 97801

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 470 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
12	0	18	Bentonite	0	18	14	S
8	18	470	Cement	150	190	10	S

How was seal placed: Method A B C D E
 Other Paved 3/8 chips
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wid	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8		2	18	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	6		0	190	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100		470	1
75		370	1
50		270	1

Temperature 59 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
 County Umatilla Twp 2 N/S Range 32 E/W WM
 Sec 35 ~~36~~ 1/4 of the SW 1/4 Tax Lot 900
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address

7100 Tutwiler ~~Creek Rd~~
Pendleton OR 97801

(10) STATIC WATER LEVEL Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening	Completed Well

 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
6-23-07	90	91	5		60
6-23-07	260	285	3		187
6-23-07	445	460	100		187

(11) WELL LOG Ground Elevation _____

Material	From	To
soil	0	2
Brown Basalt	2	9
Black Basalt	9	260
Brown Basalt	260	285
Black Basalt	285	325
Brown Basalt	325	335
Black Basalt	335	445
Brown Basalt / Tan Claystone	445	460
Black Basalt	460	470

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SALEM, OREGON

Date Started 6-20-07 Completed 6-23-06

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 License Number 1738 Date 6-12-07
 Password: (if filing electronically) _____
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 License Number 544 Date 6-12-07
 Password: (if filing electronically) _____
 Signed Larry Baird
 Contact info (optional) _____

110417

WELL LABEL # L 83496

START CARD # 187040

(1) LAND OWNER Owner Well I.D. _____
 First Name TOM Last Name KENNEDY
 Company _____
 Address 4440 SW LAKE DR
 City PENDLETON State OR Zip 97801

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard Attach copy
 Depth of Completed Well 470.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
12	0	18	Bentonite	0	18	14	S
8	18	470	Cement	150	190	10	S

How was seal placed: Method A B C D E
 Other PURED 3/8 CHIPS
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8		2	18	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	6		0	190	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) 190
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrm/slot width	Slot length	# of slots	Tele/ pipe size

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100		470	1
75		370	1
50		270	1

Temperature 59 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
 County Umatilla Twp 2.00 N N/S Range 32.00 E E/W WM
 Sec 35 SW (NW) 1/4 of the SW 1/4 Tax Lot ~~1000~~ (900)
 Tax Map Number _____ Lot _____
 Lat _____ ° 0 ' " or _____ DMS or DD
 Long _____ ° 0 ' " or _____ DMS or DD
 Street address of well Nearest address
 71100 TUTUILLA RD PENDLETON, OR

(10) STATIC WATER LEVEL
 Date _____ SWL(psi) + SWL(ft)
 Existing Well / Predeepening _____
 Completed Well _____
 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
06-23-2006	90	91	.5		60
06-23-2006	260	285	3		187
06-23-2006	445	460	100		187

(11) WELL LOG Ground Elevation

Material	From	To
SOIL	0	2
BROWN BASALT	2	9
BLACK BASALT	9	260
BROWN BASALT	260	285
BLACK BASALT	285	325
BROWN BASALT	325	335
BLACK BASALT	335	445
BROWN BASALT/TAN CLAYSTONE	445	460
BLACK BASALT	460	470

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JUN 27 2007

WATER RESOURCES DEPT
 SALEM, OREGON

Date Started 06-20-2006 Completed 06-23-2006

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

License Number 1735 Date 06-26-2006
 Electronically Filed
 Signed CHAD COURTNEY (E-filed)

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

License Number 544 Date 06-26-2006
 Electronically Filed
 Signed LARRY BURD (E-filed)
 Contact Info (optional)

10417

"TO" LANDS

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 North Range: 32 East Section: 35 Records per Page: 6 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(460):	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	
<u>Select</u> App:G 16706 WD Additional Info: TOM KENNEDY App: G16706		8/9/2006	FIRE PROTECTION	WD												*	*	*	*				*	*	
<u>Select</u> Cert:56285 OR * Additional Info: GERALD L ODMAN App: G10655 Permit: G9759 Cert: 56285		2/18/1982	IRRIGATION																	18.3					
<u>Select</u> Cert:65146 RR CN Additional Info: O P BOWMAN Decree: UMATILLA RIVER Cert: 65146		12/31/1900	IRRIGATION	CN				7	5																
<u>Select</u> App:G 16706 WD Additional Info: TOM KENNEDY App: G16706		8/9/2006	IRRIGATION	WD												10	10	8	11				0.5	0.5	
<u>Select</u> Cert:82472 OR * Additional Info: WARREN STEWART App: G10771 Permit: G9870 Cert: 82472			IRRIGATION																	18.7					
<u>Select</u> Cert:2492 OR CN Additional Info: O P BOWMAN Decree: UMATILLA RIVER Cert: 2492		12/31/1900	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				7	5																

Acreege Legend: 12.25 Regular acreege 12-25 Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended * Acreege is not specified

NO CONFLICTS

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 2 North Range: 32 East Section: 35 Records per Page: 6

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
<u>Select</u> Cert:68258 OR CN Additional Info: U.S. BUREAU OF RECLAMATION App: R7526 Permit: R584 Cert: 68258		9/9/1920	STORAGE	CN												*	*	*	*				*	
<u>Select</u> Cert:76087 CF * Additional Info: U.S. BUREAU OF RECLAMATION; PACIFIC NW REGION App: R7526 Permit: R584 Cert: 76087		9/9/1920	STORAGE														*	*				*		
<u>Select</u> App:G 16706 WD Additional Info: TOM KENNEDY App: G16706		8/9/2006	WILDLIFE	WD												*	*	*	*			*	*	

1 2

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

Water Rights Platcard Report

"FROM" LANDS

Meridian: WILLAMETTE Township: 2 North Range: 33 East Section: 32 Records per Page: 6 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 Inchoate: T 8373 CF (REG) *		3/13/1980	IRRIGATION														(10.05)	(19.6)	(9.54)					
Additional Info: DAVID L UMBARGER App: G9613 Permit: G8964																								
Select Cert:53487 OR *		2/27/1981	IRRIGATION					39			40													
Additional Info: GEORGE DIGGINS App: G10183 Permit: G9224 Cert: 53487																								
Select Cert:53488 OR *	T10121	6/28/1982	IRRIGATION					39	40		39				40									
Additional Info: GEORGE DIGGINS App: G10759 Permit: G9883 Cert: 53488																								
Select Cert:53554 OR CN		3/13/1980	IRRIGATION													40	40	40	40		40			
Additional Info: DAVID L UMBARGER App: G9613 Permit: G8964 Cert: 53554																								
Select Cert:76524 RR *	T10417	3/13/1980	IRRIGATION													40	19.9	10.85	20.92		40			
Additional Info: DAVID L UMBARGER App: G9613 Permit: G8964 Cert: 76524																								
Select Permit:S 45120 CN		8/27/1980	ROAD CONSTRUCTION														*					*	*	
Additional Info: NORTHWEST PIPELINE CORP. App: S60549 Permit: S45120																								

Acreage Legend: 12.25 Regular acreage ±2.25 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

OKAY SUBJECT RIGHT

NO CONFLICTS



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
07/03/2007**

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. 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: Umatilla
Transfer: T -10417
Water Right: Cert:76524 RR *
Priority Date: 1980
Name: TOM KENNEDY
Address: 71433 SW LAKE DR; PENDLETON OR 97801
Change: POU, POA
Source: A WELL > PATAWA CREEK
Authorized POU: T2N R33E 32
Proposed POU: T2N R32E 35
Authorized POA: T2N R33E 32
Proposed POA: T2N R32E 35

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.



Oregon

Theodore R. Kulongoski, Governor

file copy

Water Resources Department
North Central Region
116 S.E. Dorian Avenue
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

March 11, 2008

TOM and JUDITH ^{L.} KENNEDY
71433 SW LAKE DRIVE
PENDLETON, OR 97801

SUBJECT: Application T-10417

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-10417. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because the new point of appropriation (well) is more than a ¼ mile from the authorized point of appropriation, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of this required notice to you upon issuance of the next document to go out, called the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response. If we do not receive your response by April 11, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at (541) 278-5456 or Ken.D.Dowden@wrp.state.or.us if I may be of assistance.

Sincerely,

Ken Dowden
Field Services Division

cc: Tony Justus, District #5 Watermaster
John S. Warinner, CWRE → address: FOUNTAINHEAD, 1860 Blue Creek Rd., Walla Walla, WA 99362

enc

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

In the Matter of Transfer Application
T-10417, Umatilla County

)
)
)
)
)
)

D R A F T
PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE AND
POINT OF APPROPRIATION

Authority

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

Applicant

TOM and JUDITH R. KENNEDY
71433 SW LAKE DRIVE
PENDLETON, OR 97801

Findings of Fact

Background

1. On June 27, 2007, Tom and Judith Kennedy filed an application to change the place of use and point of appropriation under a portion of Certificate 76524. The Department assigned the application number T-10417.

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

Certificate: 76524 in the name of DAVID L. UMBARGER (perfected under Permit G-8964)

Use: IRRIGATION of 40.0 ACRES

Priority Date: MARCH 13, 1980

Rate: 0.50 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, not to exceed 3.0 ACRE-FEET per acre irrigated during the irrigation season of each year

Source: A WELL within the PATAWA CREEK basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	33 E	WM	32	SW SW	1320 FEET NORTH & 1310 FEET EAST FROM SW CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	33 E	WM	32	NW SE	40.0

3. Application T-10417 proposes to change the place of use of the above described lands under Certificate 76524 to:

Proposed Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
2 N	32 E	WM	35	NE SW	8.6
2 N	32 E	WM	35	NW SW	6.9
2 N	32 E	WM	35	SW SW	9.0
2 N	32 E	WM	35	SE SW	14.4
2 N	32 E	WM	35	SW SE	0.7
2 N	32 E	WM	35	SE SE	0.4

4. Application T-10417 also proposes to change the point of appropriation for the new place of use described above approximately 16,000 feet due west to the a new well located:

Proposed Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
2 N	32 E	WM	35	NW SW	1040 FEET SOUTH AND 1047 FEET EAST FROM THE W¼ CORNER OF SECTION 35

5. Notice of the application for transfer was published on July 3, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

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. The Department has determined that the proposed point of appropriation (UMAT 55751) will develop the same source of water as the authorized existing well (UMAT 1060/1061), located as described in Findings of Fact #4 above.
8. A well, 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 Application T-10417.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use and point of appropriation proposed in application T-10417 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10417 is approved, the final order will include the following:

- 1. The changes in place of use and point of appropriation proposed in application T-10417 are approved.*
- 2. Water right certificate 76524 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 76524 and any related decree.*
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 1060/1061).*
- 5. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 6. The former place of use of the transferred right shall no longer receive water under the right.*
- 7. Prior to diverting water, the water user shall install an in-line flow meter 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. The water user shall maintain and operate the measuring device as required by the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrд.state.or.us.



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

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

2. APPLICANT INFORMATION

Name: Tom Kennedy
First Last

Address: 714 33 SW Lake Dr (71100 Tutuilla Creek Rd)
Bendleton Oregon 97801
City State Zip

Phone: 541-276-2782 541-278-4735 cell 541-379-7499
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: N/A
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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WATER RESOURCES DEPT
 SALEM, OREGON

T 10417

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.	UMAT 1060/1061	G 8964	76524
2.	UMAT 55751		
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): sale of water right and use of own well on owned property

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.

15 hp submersible pump, buried main line of 6", 4", & 2" pipe with runs up to 1500ft

- System capacity: one 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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WATER RESOURCES DEPT
SALEM, OREGON

1 10417

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).

Umatilla County

T 10417



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): David Umbarger
First Last

Address: 72529 Umbarger Road
Pendleton Oregon 97801
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): Tom Kennedy
First Last

Address: 71100 Tutuilla Creek Road
Pendleton Oregon 97801
City State Zip

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

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SALEM, OREGON

T 10417

9. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

Water Right Transfer
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

Temporary Transfer or Historical POD Change
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

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

The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

10417

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: \$ 700
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

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

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

10. SIGNATURES

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




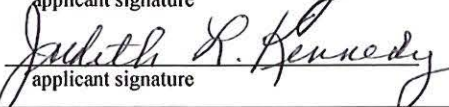
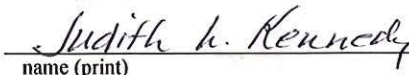

In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership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

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

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

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

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

 applicant signature	 name (print)	 date
 applicant signature	 name (print)	 date

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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: <u>76524</u>
--

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input type="checkbox"/> Certificated Right	<u>76 524</u> Certificate Number	<u>6 8964</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: David Umbarger
- County: Umatilla
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): March 13, 1980

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: ground

Tributary to: South Fork Coyote Creek (Patama Creek Basin)

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 76 524

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
UMAT 1060/1061	Well-Basalt 3/13/80	2N	33E	W	32	Center of SW ¼	11500	1320 ft W and 1310 ft E from SW corner of Section 32

▪ 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.

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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
T 10417									

▪ Certificate Number or other identifying number: 76524

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)
Basalt Well	2N	32E	W	35	NW SW	900	1040 ft S and 1047 ft E of the ^{w.} quarter corner of section 35.

- 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:

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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

T 10417

▪ Certificate Number or other identifying number: 76 524

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) N/A – Instream Water Right Transfer
 (NOTE: Complete this table only if a Change in Place of Use is being proposed.)

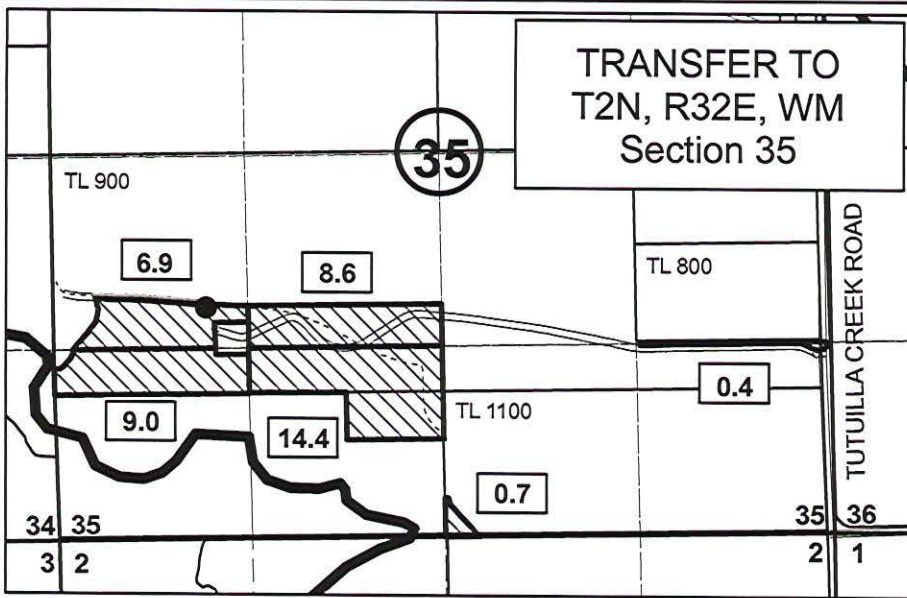
Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Basalt	2N	32E	W	35	NE SW	900	8.6
Basalt	2N	32E	W	35	NW SW	900	6.9
Basalt	2N	32E	W	35	SW SW	900	9.0
Basalt	2N	32E	W	35	SE SW	900	14.4
Basalt	2N	32E	W	35	SW SE	900	0.7
Basalt	2N	32E	W	35	SE SE	900	0.4

Remarks: Well log shows tax lot number as 1000.
The correct tax lot number is 900

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TRANSFER TO
T2N, R32E, WM
Section 35



TRANSFER TO


- **Proposed POA**
Groundwater well in basalt aquifer located in NW/4, SW/4, Section 35 at a distance 1040 feet S and 1047 ft E from W Quarter-Corner of Section 35

 **Proposed POU (TO)**

- 40.0 acres, including:
- 8.6 acres in the NE/SW of Section 35 (TL 900)
 - 6.9 acres in the NW/SW of Section 35 (TL 900)
 - 9.0 acres in the SW/SW of Section 35 (TL 900)
 - 14.4 acres in the SE/SW of Section 35 (TL 900 + 1100)
 - 0.7 acres in the SW/SE of Section 35 (TL 1100)
 - 0.4 acres in the SE/SE of Section 35 (TL 1100)

Up to 0.5 acre of non-commercial lawn and garden in vicinity of home will be irrigated as part of exempt domestic use.

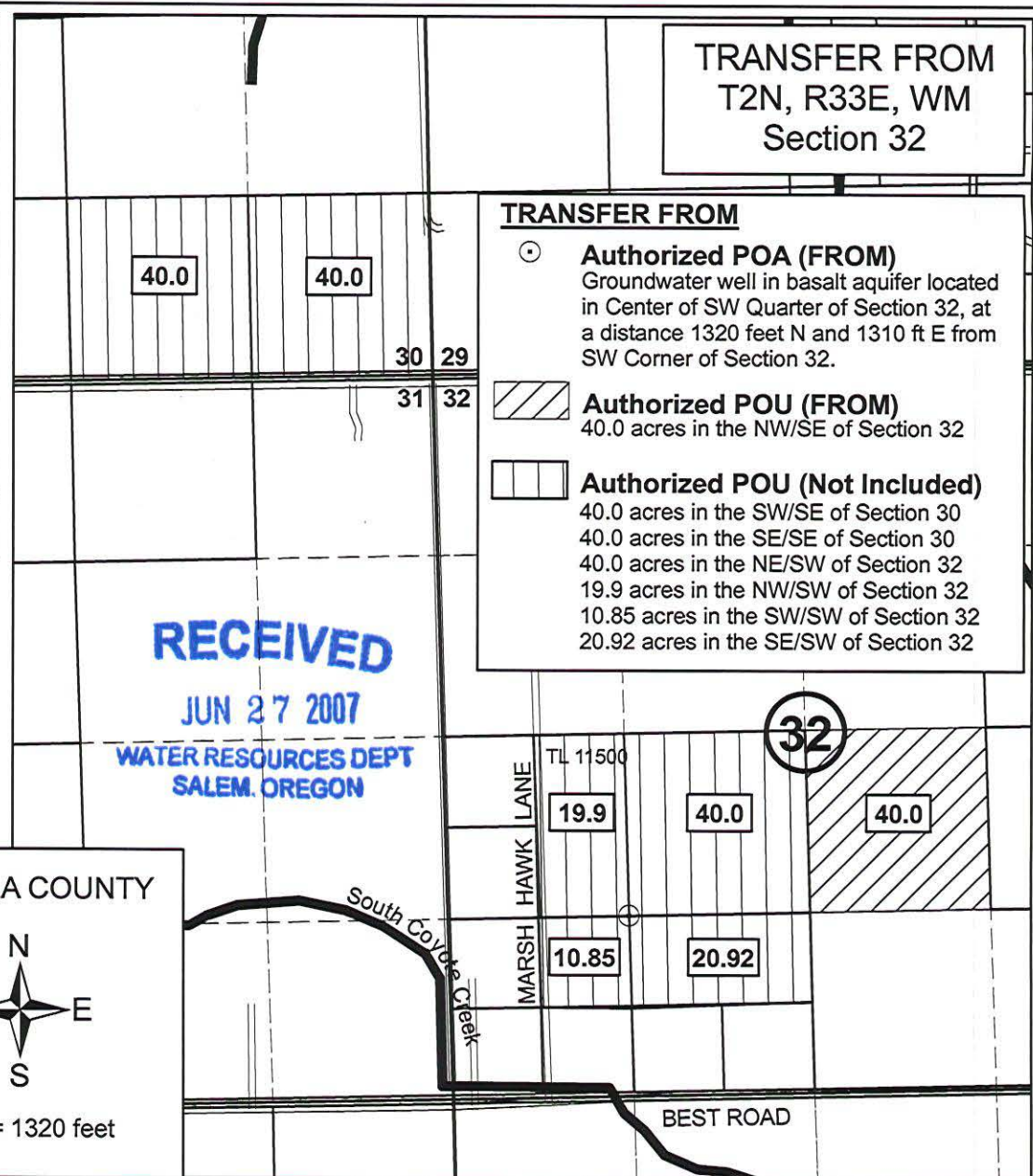
UMATILLA COUNTY





1 inch = 1320 feet

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TRANSFER FROM
T2N, R33E, WM
Section 32



TRANSFER FROM

- **Authorized POA (FROM)**
Groundwater well in basalt aquifer located in Center of SW Quarter of Section 32, at a distance 1320 feet N and 1310 ft E from SW Corner of Section 32.
-  **Authorized POU (FROM)**
40.0 acres in the NW/SE of Section 32
-  **Authorized POU (Not Included)**
40.0 acres in the SW/SE of Section 30
40.0 acres in the SE/SE of Section 30
40.0 acres in the NE/SW of Section 32
19.9 acres in the NW/SW of Section 32
10.85 acres in the SW/SW of Section 32
20.92 acres in the SE/SW of Section 32

The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.

Certified Water Right Examiner
358
John S. Warinner
John S. Warinner
May 18, 1993
STATE OF OREGON

Prepared By
FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

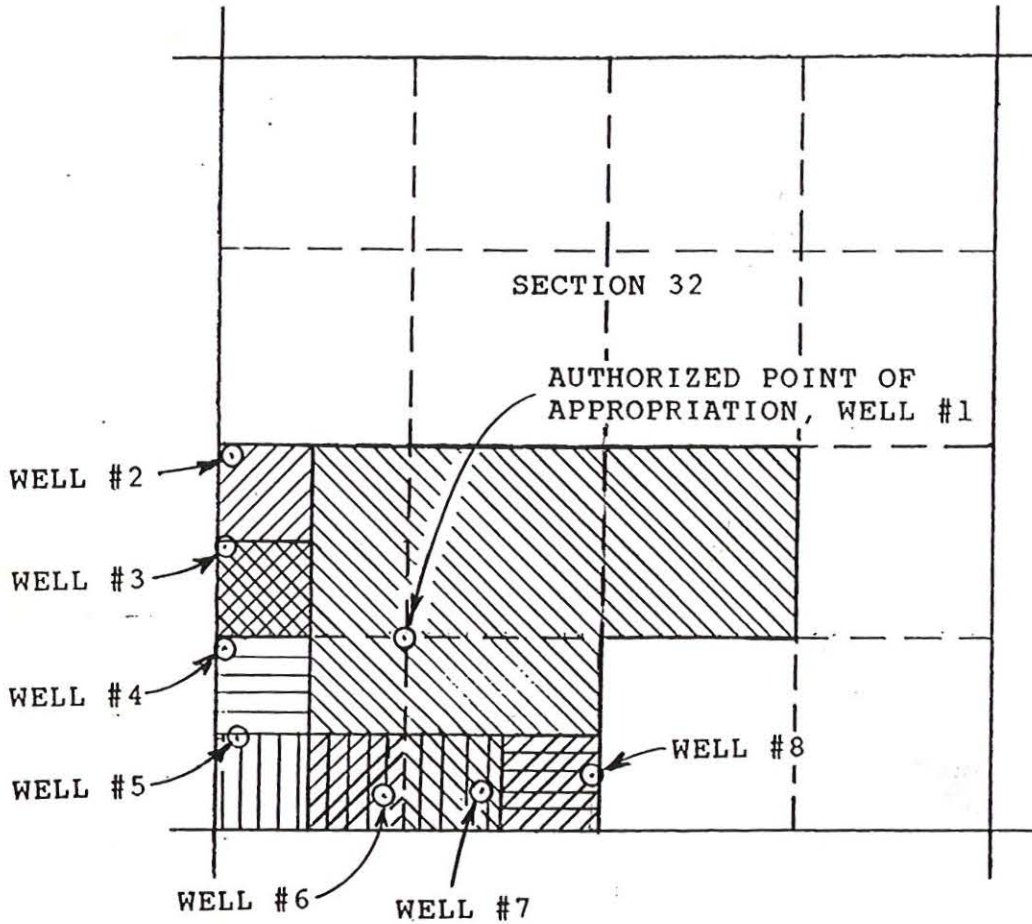
Prepared For
TOM KENNEDY
71433 SW Lake Drive
Pendleton, OR 97801
541.276.2782 phone

TRANSFER MAP
Certificate 76524
Change Place of Use &
Point of Appropriation

Revised 28 MAY 2007

MAP TO ACCOMPANY TRANSFER APPLICATION
ADDITIONAL POINTS OF APPROPRIATION
PERMIT G-8964 CERTIFICATE V. 48, PG. 53554
NW 1/4, SW 1/4; SW 1/4, SW 1/4 AND SE 1/4, SW 1/4, SECTION 32
T. 2 N., R. 33 E., W.M., UMATILLA COUNTY, OREGON

SHEET 1 OF 2



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SCALE:
1" = 1320'

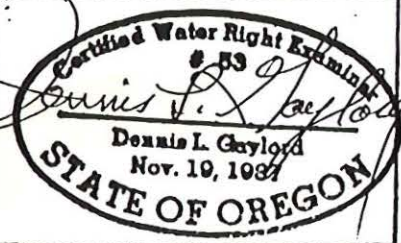
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SEE SHEET 2 FOR LEGEND AND NOTES.

T 10417

T-8373

THIS MAP IS PREPARED FOR THE EXPRESS PURPOSE TO SHOW WATER APPROPRIATION AND USE. IT IS NOT INTENDED TO SHOW OR LOCATE PROPERTY OWNERSHIP LINES.



DENNIS L. GAYLORD, CWRE
71614 S.W. LAKE DRIVE
PENDLETON, OR 97801
541-276-6260
APRIL 1, 1999



NOTICE TO WATER WELL CONTRACTOR

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

WATER RESOURCES DEPARTMENT

SALEM, OREGON 97310

within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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JUL 16 1980

Well No. 2N/33E-27eb

WATER RESOURCES DEPT.

SALEM, OREGON

RECEIVED FEB 22 1980
WATER RESOURCES DEPT
SALEM, OREGON

UMAT
1061

(1) OWNER:

Name DAVE UMBARGER
Address 3. RESERVATION
PENDLETON OR

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
 Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:

Threaded Welded
12" Diam. from 12.5 ft. to 12 ft. Gage 250
" Diam. from " ft. to " ft. Gage "
" Diam. from " ft. to " ft. Gage "

(6) PERFORATIONS:

Perforated? Yes No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? Yes No

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom? FARMER
Yield: 1500 gal./min. with 160 ft. drawdown after 4 hrs.

Baller test gal./min. with " ft. drawdown after " hrs.
Annular flow g.p.m.

Temperature of water 62 Depth artesian flow encountered " ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT
Well sealed from land surface to 12.5 ft.
Diameter of well bore to bottom of seal 15 1/2 in.
Diameter of well bore below seal 12 1/4 in.
Number of sacks of cement used in well seal 55 sacks
How was cement grout placed? TRENIE

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

Method of sealing strata off

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

Gravel placed from " ft. to " ft.

(10) LOCATION OF WELL:

County UMATILLA Driller's well number
NW 1/4 SW 1/4 Section 29 T. 2N R. 33E W.M.
Bearing and distance from section or subdivision corner

12" well

(11) WATER LEVEL: Completed well.

Depth at which water was first found 75 ft.
Static level 40 ft. below land surface. Date 11-30-79
Artesian pressure 3 lbs. per square inch. Date 11-30-79

(12) WELL LOG:

Diameter of well below casing 12 1/4

Depth drilled 750 ft. Depth of completed well 750 ft.

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

MATERIAL	From	To	SWL
SOIL	0	6	
CLAY	6	28	
SANDSTONE	28	120	
BASALT Black	120	275	
BASALT BROWN SOFT	275	295	
Black	295	435	
" w/SS	435	455	
Black	455	495	
Red w/SS	495	515	
Black	515	535	
" w/SS	535	595	
"	595	735	
" w/SS	735	750	

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SALEM, OREGON

Work started 11-28 1979 Completed 12-6 1979

Date well drilling machine moved off of well 12-6 1979

Drilling Machine Operator's Certification:

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

[Signed] Jay Burt Date 12-6, 1979
(Drilling Machine Operator)

Drilling Machine Operator's License No. 544 933

Water Well Contractor's Certification:

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

Name Jay Burt Well Drilling Inc.
(Person, firm or corporation) (Type or print)

Address Pendleton OR

[Signed] Jay Burt
(Water Well Contractor)

Contractor's License No. 544 Date 12-6, 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

JUN 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10417

A Amendment

WELL LABEL # L 83496

START CARD # 187040

(1) LAND OWNER Owner Well I.D. _____

First Name Tom Last Name Kennedy
 Company _____
 Address 4440 Lane Drive
 City Pendleton State OR Zip 97801

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

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community

Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)

Depth of Completed Well 470 ft.

BORE HOLE			SEAL			sacks/lbs	
Dia	From	To	Material	From	To	Amt	lbs
12	0	18	Bentonite	0	18	14	S
8	18	470	Cement	150	190	10	S

How was seal placed: Method A B C D E

Other Paired 3/8 chips

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

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	8	2	18	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	6	0	190	.25	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____

Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____ Material _____

Perf/Screen	Casing/Liner	Screen Dia	From	To	Scrns/slot width	Slot length	# of slots	Tele/pipe size

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100		470	1
75		370	1
50		270	1

Temperature 59 °F Lab analysis Yes By _____

Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Umatilla Twp 2 N/S Range 32 E/W WM
 Sec 35 MU 1/4 of the SW 1/4 Tax Lot 900
 Tax Map Number _____ Lot _____
 Lat _____ ° 0' _____ " or _____ DMS or DD
 Long _____ ° 0' _____ " or _____ DMS or DD

Street address of well 7100 Tutwiler Creek Rd
 Nearest address Pendleton OR 97801

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+ SWL (ft)
Existing Well / Predeepening			
Completed Well			

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
6-23-07	90	91	5		60
6-23-07	260	285	3		187
6-23-07	445	460	100		187

(11) WELL LOG Ground Elevation _____

Material	From	To
soil	0	2
Brown Basalt	2	9
Black Basalt	9	260
Brown Basalt	260	285
Black Basalt	285	325
Brown Basalt	325	335
Black Basalt	335	445
Brown Basalt / Tan Claystone	445	460
Black Basalt	460	470

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Date Started 6-20-07 Completed 6-23-06

(unbonded) Water Well Constructor Certification

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

License Number 1735 Date 6-12-07

Password: (if filing electronically) _____

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 544 Date 6-12-07

Password: (if filing electronically) _____

Signed Larry Beard

Contact Info (optional) _____

T 10417

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

06-26-2006

WELL LABEL # L 83496

START CARD # 187040

(1) LAND OWNER Owner Well I.D. _____

First Name TOM Last Name KENNEDY

Company _____

Address 4440 SW LAKE DR

City PENDLETON State OR Zip 97801

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

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community

Industrial/ Commercial Livestock Dewatering

Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)

Depth of Completed Well 470.00 ft.

BORE HOLE			SEAL			sacks/ lbs	
Dia	From	To	Material	From	To	Amt	lbs
12	0	18	Bentonite	0	18	14	S
8	18	470	Cement	150	190	10	S

How was seal placed: Method A B C D E

Other PURED 3/8 CHIPS

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

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8	<input checked="" type="checkbox"/>	2	18	.25	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	6	<input type="checkbox"/>	0	190	.25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) 190

Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100		470	1
75		370	1
50		270	1

Temperature 59 °F Lab analysis Yes By _____

Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Umatilla Twp 2.00 N N/S Range 32.00 E E/W WM

Sec 35 SW (NW) 1/4 of the SW 1/4 Tax Lot 1000 (900)

Tax Map Number _____ Lot _____

Lat _____ ° 0 ' _____ " or _____ DMS or DD

Long _____ ° 0 ' _____ " or _____ DMS or DD

Street address of well Nearest address

71100 TUTUILLA RD PENDLETON, OR

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening _____

Completed Well _____

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
06-23-2006	90	91	.5		60
06-23-2006	260	285	3		187
06-23-2006	445	460	100		187

(11) WELL LOG

Ground Elevation _____

Material	From	To
SOIL	0	2
BROWN BASALT	2	9
BLACK BASALT	9	260
BROWN BASALT	260	285
BLACK BASALT	285	325
BROWN BASALT	325	335
BLACK BASALT	335	445
BROWN BASALT/TAN CLAYSTONE	445	460
BLACK BASALT	460	470

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Date Started 06-20-2006 Completed 06-23-2006

(unbonded) Water Well Constructor Certification

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

License Number 1735 Date 06-26-2006

Electronically Filed

Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification

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

License Number 544 Date 06-26-2006

Electronically Filed

Signed LARRY BURD (E-filed)

Contact Info (optional)

T 10417

To Whom It may Concern:

I, Jerry L. Lauer, in my capacity as superintendent for the Umatilla Agency, Bureau of Indian Affairs do hereby authorize and agree to the transfer of 40 acres of Groundwater rights (Permit G-8964, Certificate 76524) located in the NW ¼ of the SE ¼ of Section 32, Township 2 North, Range 33 East, W.M. (UM17A).

Jerry L. Lauer, Superintendent
B.I.A. Umatilla Agency



Signed this 28th day of February, 2007


STATE OF OREGON)
) ss
County of Umatilla)

February 28, 2007

Personally appeared the above named Jerry L. Lauer and acknowledged the foregoing instrument to be his voluntary act.

Before me:




Notary Public for Oregon
My commission expires: 06-17-2010

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**WATER RESOURCES DEPT
SALEM, OREGON**

Molly Reid

From: Molly Reid
Sent: Thursday, June 21, 2007 4:41 PM
To: Doug Parrow
Cc: Dorothy Pedersen; Tony Justus
Subject: RE: Umbarger/Kennedy Transfer

Doug: I was able to retrieve the ownership of lands to be involved in the Umbarger/Kennedy place of use transfer (Tax Lot 10300, 2N 33E) by accessing the Umatilla County Assessment and Taxation Web Query. The Real Property Assessment Report shows the USA Department of Interior as the owner of the lands within that tax lot. Forty acres of this tax lot have water rights from Dave Umbarger's well (certificate #76524). I have made a copy of the assessment report for assessment year 2007, along with a copy of the tax lot map to show the tax lot in question. I will mail these copies to you tomorrow, along with a copy of this e-mail. I will also provide copies to Dave Umbarger and Tom Kennedy. Thank you for your help. Molly

Molly Reid, Assistant Watermaster, 6-21-2007

From: Doug Parrow
Sent: Thursday, June 21, 2007 11:42 AM
To: Molly Reid
Cc: 'Dorothy Pedersen'
Subject: RE: Umbarger/Kennedy Transfer

Molly,

We understand that the applicants are not able to obtain a report of ownership and lien information demonstrating that the BIA is the owner of the lands involved in the transfer because the title company has not been able to locate a deed for the property. As an alternative, we will accept a copy of information that you are able to retrieve from Umatilla County's records showing the BIA as the owner of the land accompanied by a memo from you confirming that you did retrieve the information from the county's records. As we discussed, by having a Department employee retrieve and copy the information, we avoid the possibility that a future applicant could create and submit similar ownership documentation that is fraudulent.

Doug

From: Molly Reid
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Cc: Dorothy Pedersen; Tony Justus
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Doug: Tom Kennedy will be submitting a POA and POU transfer next week. The water right is in the name of Umbarger and will be coming from grounds they irrigate. This is one we talked about earlier, where the "from" lands are lands owned by BIA on the Indian Reservation, but the water right is in the name of Umbarger (basically they put a water right on BIA ground that they were farming.) A signed and notarized letter of consent from Jerry Lauer, Superintendent for the Umatilla Indian Reservation, identifying the grounds from which the water is being removed will be included. The title company has been unable to locate a deed for the BIA property, therefore, at this time unable to locate anything concrete that says they own it. I have notified Dorothy of this issue, and I understand this is potentially not a problem until the preliminary determination is sent out. What sort of documentation will they have to get, as this is an unusual circumstance? You and I had discussed this before, but I wanted to jog your memory as I know it may be some time before the transfer is picked up and worked on, and I will be gone. Can we discuss this next week sometime so that I may at least give Mr. Kennedy and the Umbarger's options on what they may need to do? The transfer ap will be sent off regardless as he wants to get it in before the fees increase. Thanks for your help. Molly

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 10417

10417

UMATILLA COUNTY ASSESSOR
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2007

6/21/2007 11:26:49 AM

Account # [REDACTED]
 Map # 2N3300-00-10300
 Code - Tax # 1602-136930

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Owner USA DEPT OF INTERIOR

Deed Reference # UNKNOWN

Agent

Sales Date/Price UNKNOWN

In Care Of

Legal Description UNKNOWN

Mailing Address

Appraiser CHARLTON, KEVIN

PO BOX 638
 PENDLETON, OR 97801

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 SALEM, OREGON

		MA	SA	NH	Unit
Prop Class	971	06	84	000	110431-1
RMV Class	000				

Situs Address(s)	Situs City
ID#	

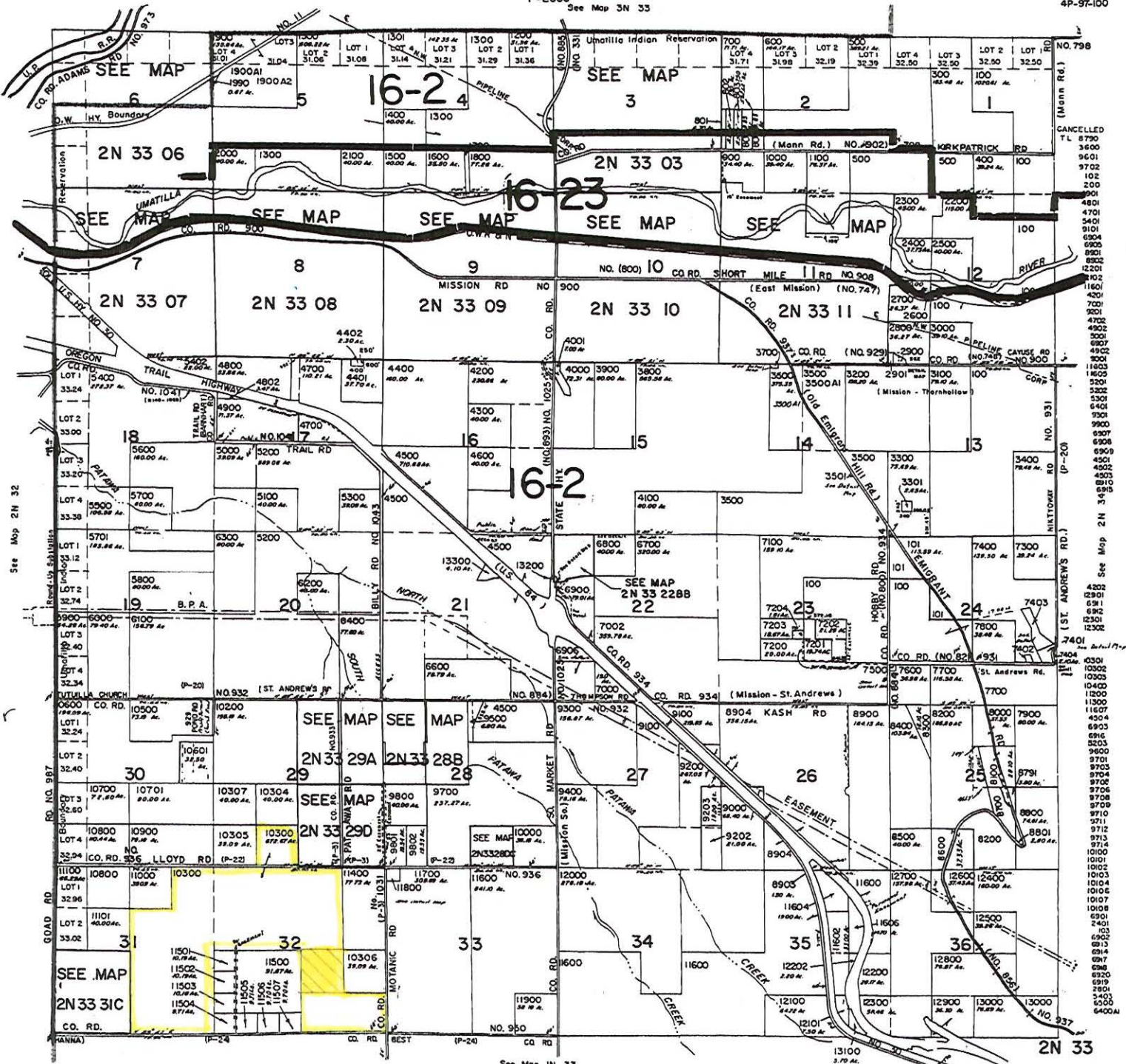
Value Summary						
Code Area		AV	RMV	RMV Exception		CPR
1602	Impr.	0	105,000	Impr.	0	100
	Land	0	385,710	Land	0	
Code Area Total		0	490,710		0	
Grand Total		0	490,710		0	

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
1602	1	R	AG-1	Exempt	0	A	672.67	L		
Code Area Total							672.67			0
Grand Total							672.67			0.00

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
1602	1	1994	131	One story	0		
1602	2	1994	131	One story	0		
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description


1"=2000'
See Map 3N 33



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JUN 27 2007
WATER RESOURCES DEPT
SALEM, OREGON

Re: Kennedy transfer
unbarger

 water right to be transferred off O#76524 of tax lot 10300.

See Map 2N 32

See Map IN 33

NO. 798
CANCELLED TL 8790
3460
9601
9702
102
200
9901
4801
4701
5401
9101
6904
6905
8902
12201
1032
11601
4201
7001
9201
4702
4902
5201
6207
4902
11603
11605
5201
5202
5301
6401
9301
9900
6907
6908
6909
4501
4502
4503
6910
6911
12302
4202
12301
6911
6912
12301
12302
4301
10302
10303
10400
1200
11500
11607
4504
6903
6916
5203
9600
9701
9703
9704
9706
9706
9709
9710
9711
9712
9713
9714
10100
10101
10102
10103
10104
6100E
10107
10108
6901
2401
6902
6903
6914
6917
6918
6919
6920
3403
6500
6400

Re: ^{Tom} Kennedy transfer

Molly Reid

From: Dorothy Pedersen
Sent: Friday, June 22, 2007 10:40 AM
To: Molly Reid
Subject: RE: Umbarger/Kennedy e-mail

Molly,

Yes, what you wrote looks good to me. If you put that into a memo or printed out email and sign and date it, that should suffice, based on the conversation I had with Doug about this.

Thank you for your help.

Dorothy

Dorothy Pedersen
(503) 986-0890

From: Molly Reid
Sent: Friday, June 22, 2007 10:22 AM
To: Dorothy Pedersen
Subject: Umbarger/Kennedy e-mail

Hi Dorothy: Just wanted to make sure you got a copy of my response to Doug re: Umbarger/Kennedy transfer ap to be submitted and the steps I took to get the ownership information. Does it look okay. I want to get copies of this off to both Umbarger and Kennedy today, so that I can respond to questions before I leave on Wednesday. Just want to make sure that what I wrote on how I got the info is sufficient for what he was asking. Thanks, Molly

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JUN 25 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

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WATER RESOURCES DEPT
SALEM, OREGON

UMATILLA COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2007

6/21/2007 11:26:49 AM

Account # XXXXXXXXXX
 Map # 2N3300-00-10300
 Code - Tax # 1602-136930

Tax Status NONASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Owner USA DEPT OF INTERIOR

Deed Reference # UNKNOWN

Agent

Sales Date/Price UNKNOWN

In Care Of

Legal Description UNKNOWN

Mailing Address

Appraiser CHARLTON, KEVIN

PO BOX 638
 PENDLETON, OR 97801

		MA	SA	NH	Unit
Prop Class	971	06	84	000	110431-1
RMV Class	000				

Situs Address(s)	Situs City
ID#	

Value Summary						
Code Area		AV	RMV	RMV Exception		CPR
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1602	2	1994	131	One story	0		
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Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description

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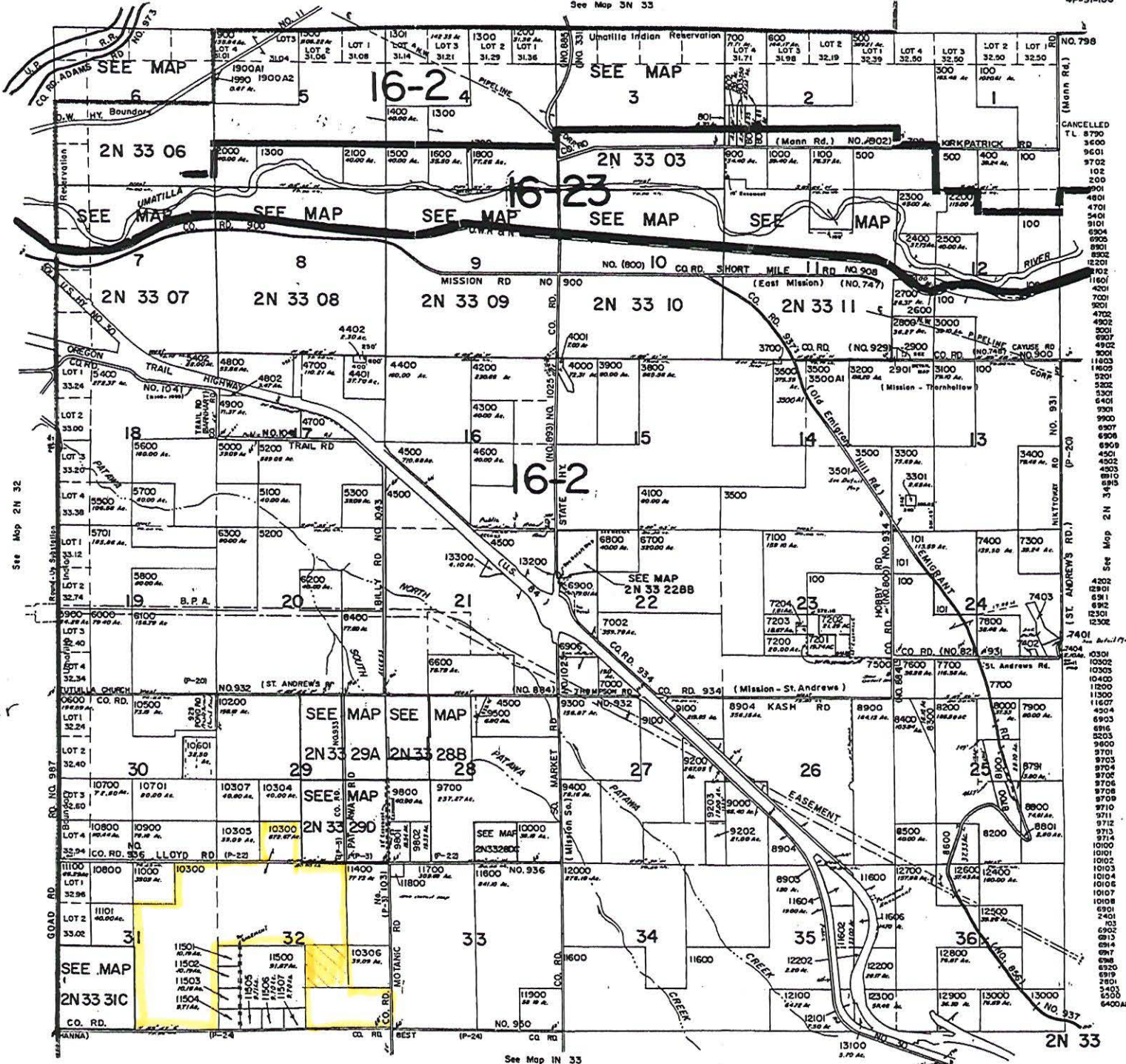
JUN 25 2007

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 SALEM, OREGON

1 10417
 PAccountNumbers

1"=2000'
See Map 3N 33

1 10417



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WATER RESOURCES DEPT
SALEM, OREGON

Re: Kennedy transfer
Umberger

Water right to be transferred
off C#76524

See Map 2N 32 34S

See Map IN 33

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID L. UMBARGER
72529 UMBARGER ROAD
PENDLETON, OREGON 97801

confirms the right to use the waters of A WELL in the PATAWA CREEK BASIN for IRRIGATION OF 211.67 ACRES.

This right was perfected under Permit G-8964. The date of priority is MARCH 13, 1980. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.64 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 32, T 2 N, R 33 E, W.M.; 1320 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER, SECTION 32.

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

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

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES
SECTION 30		

NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.9	ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.85	ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.92	ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	ACRES

SECTION 32

TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 53554, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 25 2000, approving Transfer Application 8373

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SALEM, OREGON

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

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

WITNESS the signature of the Water Resources Director,

affixed APR 25 2000.

/s/ Thomas J. Paul (for)

Martha O. Pagel, Director

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**WATER RESOURCES DEPT
SALEM, OREGON**

T 104 7

Recorded in State Record of Water Right Certificates numbered 76524.



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Tom Kennedy
Mailing Address: 71433 SW Lake Dr # 71100 Tutuilla Creek Road
City: Pendleton State: OR Zip: 97801 Day Phone: 541-278-4735

This application is related to a Measure 37 claim. [] Yes [X] No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 7 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Handwritten entries include 2N 32E 35 NW SW 900 EFU and 2N 32E 35 SE SE 1100 EFU.

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water []
Water-Right Transfer [X]
Exchange of Water []
Allocation of Conserved Water []
Limited Water Use License []
Permit Amendment or Ground Water Registration Modification []

Source of water: [] Reservoir/Pond [X] Ground Water [] Surface Water (name) _____

Estimated quantity of water needed: 120 [] cubic feet per second [] gallons per minute [X] acre-feet

Intended use of water: [X] Irrigation [] Commercial [] Industrial [] Domestic for _____ household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other _____

Briefly describe: Water to be used for crop production

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

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

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WATER RESOURCES DEPT
SALEM, OREGON

T 10417

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.056.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
N/A	N/A	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

This sign-off signifies compliance w/ the land use only. Does not signify WRD compliance w/ statewide planning goals or that water supply is w/in the requirements for "carrying capacity."

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WATER RESOURCES DEPT
SALEM, OREGON

Name: J.R. Cook Title: Asst. Planning Dir.
 Signature: [Signature] Phone: 541.278.6251 Date: 5-8-07
 Government Entity: Umatilla County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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

State of Oregon)
County of Umatilla) ss

I, David L. Umbarger, in my capacity as owner,
mailing address 72529 Umbarger Rd., Pendleton, Oregon 97801
telephone number (541) 276-4664, 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)
2	N	33	E		32	NW1/4 of the SE1/4		40 acres

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JUN 27 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10417

(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):
Wheat and Alfalfa hay.

5. The water delivery system used to apply water as authorized by the right is described below:
1320 feet of 6 inch aluminum mainline with valves every 50 feet.

One 1320 foot, 5 inch diameter wheeline with sprinklers every 40 feet.

1320 feet of 4 inch diameter handline with sprinklers every 40 feet.

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

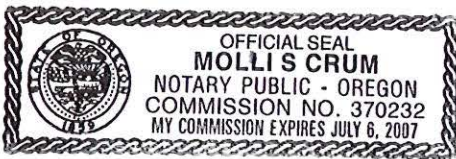
- Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- Records such as Farm Service Agency crop reports, irrigation district records, an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

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Paul R. Uby
Signature of Affiant

6-19-07
Date

Signed and sworn to (or affirmed) before me this 19th day of June, 2007.



Mollie S. Crum
Notary Public for Oregon

My Commission Expires: 7-6-2007

10417

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

CURRENT BILL BECOMES PAST DUE AFTER

06/27/07

ACCOUNT NUMBER [REDACTED]

BALANCE BROUGHT FORWARD00

Yes, I would like to donate to UCARE \$ _____
 UMATILLA ELECTRIC COOPERATIVE matches every dollar donated to UCARE

1

MO-05 01 80 51759403

CURRENT BILLING 1,500.88

TOTAL AMOUNT DUE 1,500.88

DAVID L UMBARGER
 72529 UMBARGER LN
 PENDLETON OR 97801-7003



Name: **DAVID L UMBARGER**
 Account: [REDACTED] 1 01 Service Address: 125 HP 60HP BOOST 1 CIRCL

Meter Number	Rate Type	Service from	Periods To	# of Days	Meter Reading Previous	Meter Reading Present	Meter Mult	Kilowatt Hours Used
1288888	47A	05/01	06/01	31	47,349	47,960	40	24,440

AMOUNT DUE/
CANTIDAD DEBIDA

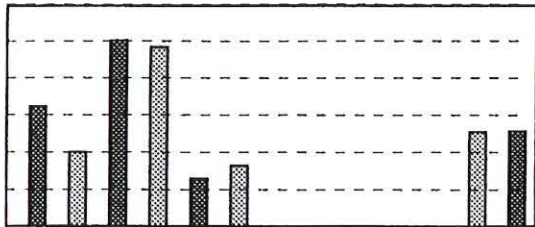
Monthly Basic Charge		\$51.00
Day Time Energy Usage	12,040 kWh @ \$.04560	\$549.02
Night Time Energy Usage	12,400 kWh @ \$.04110	\$509.64
BPA Summer Seasonal Adjustment	24,440 kWh @ \$.00760	\$185.74 CR
kW Peak Demand	112.32 kW @ \$3.60000	\$404.35
Power Factor Adjustment	7.63 kW @ \$ 3.60	\$27.47
Apr 06 Availability Demand	127.32 kW @ \$ 1.14	\$145.14

Current Bill Becomes Past Due	06/27/07	\$1,500.88
Beginning Balance		\$1,666.17
Payment Received	05/23/07	\$1,666.17 CR
	Thank You	
	Total Due	\$1,500.88

Your Average Daily KWH Usage by Month

Period Ending	Avg Daily Temperature	Total KWH	Average KwH/Day	Cost Per Day
05/07	61	24,440	788	48.41
05/06	61	30,440	981	52.71

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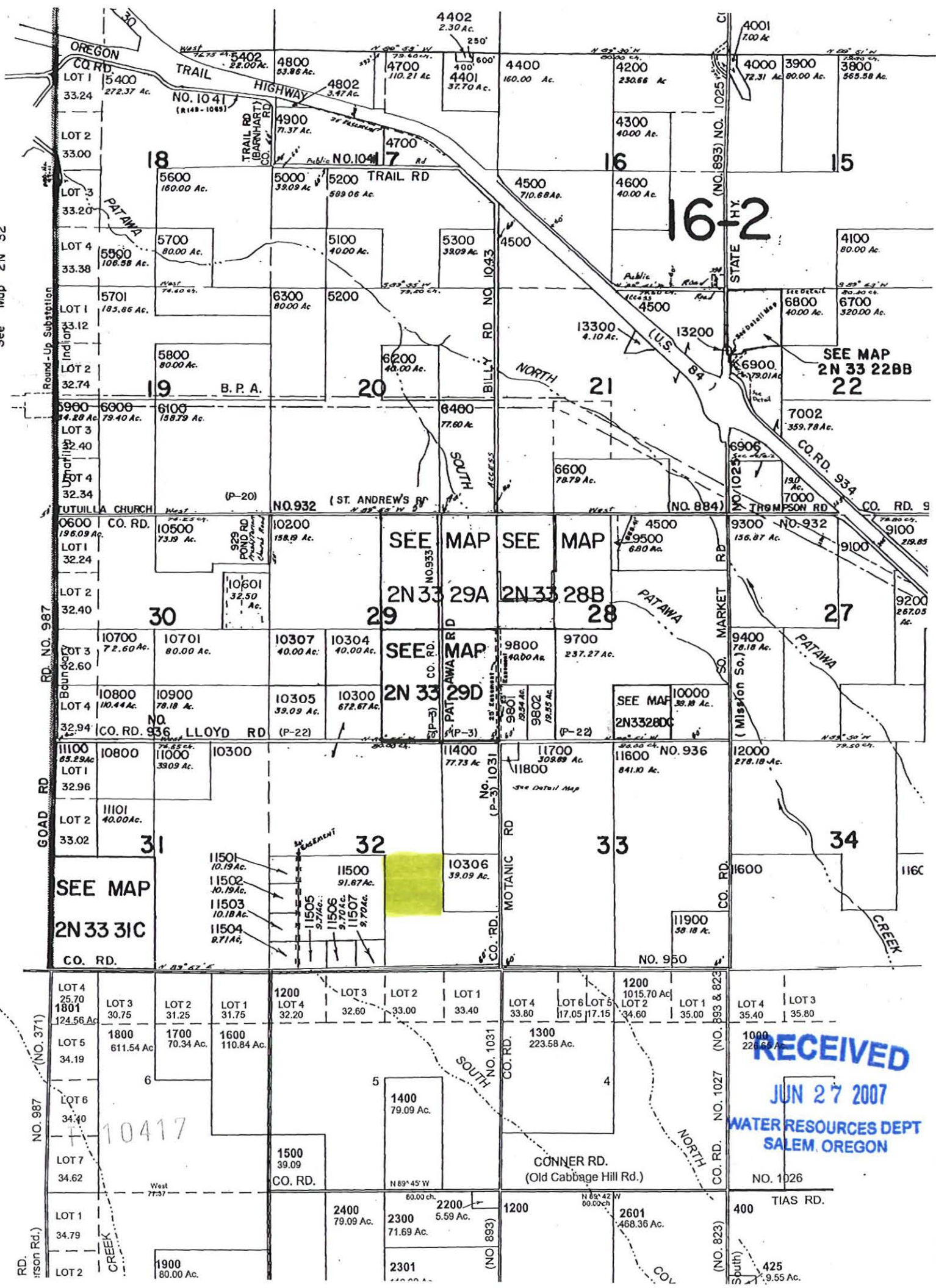
It's time once again to be thinking about HYDROMANIA! This dynamic fun-filled, hands-on science camp is for students who have completed the fourth and fifth grade. The Boardman camp is June 25-July 6. Camps in Hermiston are July 9-20 and July 23-August 3. Registration is on a first come first served basis. Contact our office for details at 541-567-6414 or 1-800-452-2273.

1 10419 A S O N D J F M A M

9% APR Interest Will Be Charged On Past Due Accounts. All Payments Must Be US Currency.

PREVIOUS MONTHS' AMOUNT DUE	PAYMENTS AND CREDITS (-) SINCE LAST BILLING	CURRENT BILLING	TOTAL AMOUNT DUE/ CANTIDAD TOTAL QUE SE DEBE
1,666.17	1,666.17	1,500.88	1,500.88

See Map 2N 32



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 SALEM, OREGON

10417

RD. NO. 987

GOAD RD

NO. 987

RD. (son Rd.)

Round-Up Substation

Lot 1

Lot 2

Lot 3

Lot 4

Lot 1

Lot 2

Lot 1

33.12

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Well#: 2N-33-32c

Flowmeter make: McCrometer

Serial No: 80-8-324

Owner: Dave Umbarger

Meter Reads in: acft x .01

Address: 72529 Umbarger Rd

City: Pendleton, Oregon, 97801

Power Meter Serial No: 01-288-888

Multiplier:

Permit No: G-8964

Priority Date: 3/13/1980

Tax Lot#: 11500

County: Umatilla

No. Of Acres: 211.67 (P) (was 280)

Duty=635 acre feet, Rate=1187 gpm

Dave: 276-4664, cell #969-8151

Steve Umbarger: 278-2100 cell #969-8153

Remarks: 2/14/05: FM and PM removed as new pump house is being built. 2/16/05 Steve called in the flowmeter reading. Flowmeter is in for repairs.

Date	Flowmeter Reading	Power Meter Reading	Use
01/25/2001	5125.24	21429	
01/29/2002	5255.51	23946	130.27 acft
01/17/2003	5400.97	27084 (042)	145.46 acft
02/09/2004	5616.79	31767 (042)	215.82 acft
02/16/2005	5788.62 called in by Steve	Meter removed	171.83 acft
11/15/2005	6101.72	41115 (042)	313.10 acft
12/07/2006	6416.58	46743 (042)	314.86 acft

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T 10417

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

Permanent Transfer Application – OAR 690-380 3000 & 3100 Completeness Checklist

Applicant's Name: Tom Kennedy (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

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 Transfer process? [ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

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)(h)

Total Fees Paid: 700

\$350 - Base fee (1st change and 1st CFS of water)

+ \$350 - Each additional type of change requested

Fees Due (if any): _____

+ \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

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 Transfer application complete?

All required elements necessary for a complete 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.

OK

• Type of transfer application Reg per molly (dist 5) (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 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"> • Certificate # filled in on each page? (Page 1)
OK	<ul style="list-style-type: none"> • Type of change(s) proposed clear? POU/POA (Page 1)
OK	<ul style="list-style-type: none"> • Current Water Right information is complete? (Page 2)
OK	<ul style="list-style-type: none"> • If for a change in POU or USE..... (Page 2) <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? YES 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>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>
OK	<ul style="list-style-type: none"> • Location description of the authorized POA/POD to be changed. (Page 3) <p>NOTE: 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 not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>
OK	<ul style="list-style-type: none"> • Location description of the existing authorized POU and associated acres (if applicable). (Page 4) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
OK	<ul style="list-style-type: none"> • Location description of the proposed POA/POD. (Page 5) <p>NOTE: 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 not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.</p>
OK	<ul style="list-style-type: none"> • Location description of the proposed POU and associated acres (if applicable). (Page 6) <p>NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.</p>
Return back to Page 2 of transfer application	
OK	<ul style="list-style-type: none"> • The type of changes being proposed. (Page 2)
OK	<ul style="list-style-type: none"> • Reason for the transfer. (Page 2)
OK	<ul style="list-style-type: none"> • Description of current water delivery system. (Page 2)
OK	<ul style="list-style-type: none"> • System Capacity. (Page 2)

Checklist for Supplemental Form B – (Attachments)	
OK	<ul style="list-style-type: none"> • Is there a box checked in #1? (Page 1)
OK	<ul style="list-style-type: none"> • Is there a box checked in #2? (Page 1)
OK	<ul style="list-style-type: none"> • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3? (Page 1)
OK	<ul style="list-style-type: none"> • In question #4 and #5 are they filled out. (Page 2)
OK	<ul style="list-style-type: none"> • Is there a box checked in #6? (Page 2)
	<ul style="list-style-type: none"> • Is the #6 supporting documentation included with application? (Page 2)
OK	<ul style="list-style-type: none"> • Is there an original signature of the notary and notary stamp? (Page 2)
Return back to Page 3 of transfer application	
OK	<ul style="list-style-type: none"> • Affected districts and local governments. (Page 3) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	<ul style="list-style-type: none"> • Is the applicant the Landowner of the “from” and “to” Lands? YES NO (Page 4) If NO..... The applicant must list current landowner name & address.
OK	<ul style="list-style-type: none"> • Who will be responsible for completion of the changes? <i>applicant</i> (Page 4) Is a box checked? If no box is checked the applicant or agent must be contacted.
OK	<ul style="list-style-type: none"> • Map..... (Page 5) (Required to be prepared by a CWRE) unless... <ol style="list-style-type: none"> 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map <ul style="list-style-type: none"> ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA
	<ul style="list-style-type: none"> • Land Use form, <i>if applicable</i>. (Page 5) Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance and off of land originally involved in WR.
OK	<ul style="list-style-type: none"> • If a groundwater right is involved, are the well logs or a description included. (Page 5)
N/A	<ul style="list-style-type: none"> • If this is an instream water right transfer, is there a form C included and filled out. (Page 5)

OK

• Signature(s) of applicant(s):

Are one of the boxes checked?

All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: S. Henderson

Date: 6-28-07



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

July 2, 2007

TOM KENNEDY
71433 SW LAKE DR
PENDLETON OR 97801

Reference: Transfer 10417

On June 27, 2007 we received your water right transfer application. The application was accompanied by \$700.00. Our receipt 88370 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.

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

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

cc: Watermaster #5
John Warinner, CWRE
Groundwater
David Umbarger

enclosure