

T-10422

T-10422

Name William & Kathy Burnett

Address 550 Hinkle Rd (PO Box 365)
Stanfield, OR 97875
541-449-3652 541-449-1951 wk

Change in PO, POD
Date Filed 6-28-07

Initial notice date _____
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 1-9-09 Vol 77 Page 81

C-Date 10-1-2016
COBU due date _____
COBU Received date _____
Certificate issued _____

Assignments: REC'D SEP 28 2007
4/16/2012
BRAD & JODI GOODRICH
77513 HOOSIER RD
STANFIELD OR 97875

Irrigation District Stanfield Irrigation Dist PO Box 416 Stanfield OR 97875

Agent _____

CWRE Dale G Van Schoiack #333
CC's list City of Stanfield + Umatilla County
RIO: Carol & Terrence Goodrich 77513 Hoosier OR 97875

- Oversized map - Location

DESCRIPTION OF WATER RIGHT(S)

Name of Stream State Gulch (Stanfield Drain?)

Trib. of Umatilla River

Use _____ County Umatilla
Quantity of water (CFS) _____ No. of Acres 32.6

Name of ditch _____
App # 16662 Per # 12433 Cert # 12164 PR Date 1936
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____

MJ McDermott
EXT V. 87 pg. 346

FEES PAID		
Date	Amount	Receipt #
<u>6-28-07</u>	<u>700.00</u>	<u>88396</u>
<u>4-16-12</u>	<u>75.00</u>	<u>105478</u>
<u>4-16-12</u>	<u>500.00</u>	<u>105477</u>

FEES REFUNDED		
Date	Amount	Receipt #

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } SS

I, Dayle Stinson being duly sworn, depose and say that I am the principal clerk of the publisher of the Hermiston Herald, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the

#4497- NOTICE OF PRELIMINARY DETERMINATION

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

NOVEMBER 26, DECEMBER 3, 10, 2008

Subscribed and sworn to before me on this, 16 day of

DECEMBER, 2008

Dayle Stinson

Terri Briggs

Notary Public of Oregon



RECEIVED

DEC 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

#4497
NOTICE OF PRELIMINARY DETERMINATION
for Water Right
Transfer T-10422
T-10422 was filed
by William and Kathy S. Burnett, P.O. Box 365, Stanfield, OR 97875, proposes to change the place of use and point of diversion under a portion of an existing water right. Certificate 12164 (priority date of November 5, 1936) allows the use of 0.14 cubic foot per second, from a diversion on the Stanfield Drain within the NW 1/4 SW1/4, Sec 32, T4N, R29E, W.M., for irrigation. The applicant proposes to change the place of use and point of diversion downstream approximately 3,950 feet on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located within the SW 1/4 NW 1/4, Sec 31, T4N, R29E, for irrigation in Section 31. 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 December 3, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.
November 26, December 3, 10, 2008

Transfer T-10422

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA COUNTY

} AFFIDAVIT OF PUBLICATION

STATE OF OREGON
County of Umatilla } ss

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a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 3 successive and consecutive issues in the following issues:

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Dayle Stinson

Terri Briggs

Notary Public of Oregon



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for Water Right
Transfer T-10422
T-10422 was filed by William and Kathy S. Burnett, P.O. Box 365, Stanfield, OR 97875, proposes to change the place of use and point of diversion under a portion of an existing water right. Certificate 12164 (priority date of November 5, 1936) allows the use of 0.14 cubic foot per second, from a diversion on the Stanfield Drain within the NW 1/4 SW1/4, Sec 32, T4N, R29E, W.M., for irrigation. The applicant proposes to change the place of use and point of diversion downstream approximately 3,950 feet on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located within the SW 1/4 NW 1/4, Sec 31, T4N, R29E, for irrigation in Section 31. 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.

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REC
DEC
WATER RES
SALEM

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **88396**

INVOICE # _____

RECEIVED FROM: BJ Creative Specialties
BY: William J & Kathy Burnett

APPLICATION	
PERMIT	
TRANSFER	T-10422

CASH: CHECK.# 4065 OTHER: (IDENTIFY)

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 PLA 46111

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: **88396**

DATED: 6/28/07 BY: Diana Duchi

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **105478**

INVOICE # _____

RECEIVED FROM: Brad + Lori Goodrich
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10AZZ</u>

CASH: CHECK:# 3113 OTHER: (IDENTIFY)

TOTAL REC'D \$ 75.00

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) <u>Assignment</u>	\$ <u>75.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	RECORD FEE \$
OTHER (IDENTIFY)	\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **105478**

DATED: 4-16-12 BY: [Signature]

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **105477**

INVOICE # _____

RECEIVED FROM: Bradt Sodi
BY: Bootsch

APPLICATION	
PERMIT	
TRANSFER	<u>1-10422</u>

CASH: CHECK:# 3115 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME x-fer \$ 500.00

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	

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: **105477** DATED: 4-16-13 BY: QR

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

* Carol Goodrich
Goodropes@hotmail.
com

Brad Goodrich
Goodropes@yahoo.
com

as of 4-17-12



Oregon

John A. Kitzhaber, MD, Governor

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

May 3, 2012

William and Kathy Burnett
PO Box 365
Stanfield OR 97875

REFERENCE: Transfer 10422

We have received your application for extension of the time limit to make complete application of water under Transfer T-10422. We also have your check in the amount of \$500.00. A copy of receipt number 105477 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2016. The order approving the extension was entered April 26, 2012, at Volume 87, Page 346-347.

If you have any questions, please contact the transfer section at 503-986-0890.

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Watermaster # 5
 Brad and Jodi Goodrick, Receiving Landowner

Enclosure



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

In the Matter of Extension of Time)
Application for Transfer Application)
T-10422, Umatilla County, Oregon) **FINAL ORDER APPROVING AN
EXTENSION OF TIME**

Authority

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

Applicants

William and Kathy Burnett
P.O. Box 365
Stanfield, OR 97875

Receiving Landowners

Brad and Jodi Goodrich
77513 Hoosier Rd.
Stanfield, OR 97875

Findings of Fact

Background

1. On April 16, 2012, the Department received an application for extension of time for water right transfer T-10422 from Brad and Jodi Goodrich, the transfer receiving landowners.
2. The Water Resources Department issued an order approving Transfer Application T-10422, in the name of William and Kathy Burnett, on January 9, 2009. The order was recorded in Special Order Volume 77, at Pages 81-85. The order set a transfer completion date of October 1, 2010, and listed Terrence and Carol Goodrich as receiving landowners.
3. On April 18, 2012, the Water Resources Department approved an assignment of the transfer from receiving landowners Terrence and Carol Goodrich to Brad and Jodi Goodrich.
4. The new receiving landowners only recently became aware of the development deadline, and have to date only completed the assignment of the transfer to themselves. They have been unable to fully complete the changes due to financial reasons.
5. To fully complete the changes, it will be necessary for the receiving landowners to develop the irrigation system and put it to beneficial use on the lands.

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.

6. The receiving landowners have requested that the time for completion of beneficial use be extended to October 1, 2016.

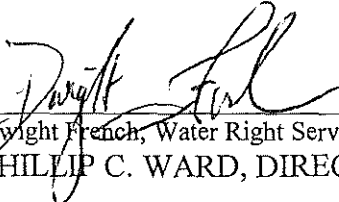
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10422 and the requested time is reasonable.

Now, therefore, it is ORDERED:

The time for completion of beneficial use authorized by T-10422 shall be extended to October 1, 2016.

Dated at Salem, Oregon this 26 day of April, 2012.



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

Mailing date: MAY 03 2012



Transfer _____

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Brad and Jodi Goodrich (Name of Applicant)

of 77513 Hoosier Rd, Stanfield (Mailing Address) (City)

state of OR, 97875, 541 9808488 or 3300 (Zip Code) (Phone Number)

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

- point of diversion/appropriation, place of use, character of use

of water under the terms of an order of the Water Resources Director entered on not, 20, approving Transfer #10422, in the name of Terrence and Carol Goodrich for tax lot 600

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

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

Nothing has been accomplished because we are new owners of this property and we were unaware of the time lapse.

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

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

Approval of the extension.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,

because we were unaware of the deadline and we need time to financially implement the irrigation system.

And request that the time for completion be extended to October 1, 2016.

Jodi Goodrich (Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

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

RECEIVED

APR 16 2012

WATER RESOURCES DEPT SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

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

April 18, 2012

Brad and Jodi Goodrich
77513 Hoosier Rd.
Stanfield, Oregon 97875

Reference: Transfer T-10422

The assignment of receiving landowner from Terrence and Carol Goodrich to Brad and Jodi Goodrich has been recorded in the records of the Water Resources Department.

The Departments records will now show Brad and Jodi Goodrich as the receiving transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 105478 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 105478

cc: Watermaster 5
William and Kathy Burnett
Data Center, OWRD (cover letter & request)
OWRD Transfers
Hydrographics
File





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

RECEIVED

APR 16 2012

WATER RESOURCES DEPT
 SALEM, OREGON

Request for Assignment

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

I, ~~Brad and Jodi Goodrich~~ ^{Terrence and Carol} Goodrich
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)
77513 Hoosier Rd Stanfield OR 97875 541-980-8488
 (Mailing Address) (City) (State) (Zip) (Phone #)
~~509-3300~~
 509 539 6020

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # N/A ; Permit # N/A ^{OR} Transfer # 10422
 License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Brad and Jodi Goodrich
 (Name of New Owner)
77513 Hoosier Rd Stanfield OR 97875 (541) 980-3300
 (Mailing Address) (City) (State) (Zip) (Phone #)
 980-8488

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form. N/A

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 17 day of April, 2012.

Applicant/Permit Holder _____
 Applicant/Permit Holder Carol Goodrich

Assignment Received
 4/18/12
 [Signature]

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
 - Fee receipt # 105478
 - For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.



Oregon

John A. Kitzhaber, MD, Governor

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

April 18, 2012

Brad and Jodi Goodrich
77513 Hoosier Rd.
Stanfield, Oregon 97875

Reference: Transfer T-10422

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Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 105478

cc: Watermaster 5
William and Kathy Burnett
Data Center, OWRD (cover letter & request)
OWRD Transfers
Hydrographics
File





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

Request for Assignment

RECEIVED

APR 16 2012

WATER RESOURCES DEPT
 SALEM, OREGON

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

I, ~~Brad and Jodi Goodrich~~ Terrence and Carol Goodrich
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)
77513 Hoosier Rd Stanfield OR 97875 541-980-8488
 (Mailing Address) (City) (State) (Zip) (Phone #)
~~OR 3300~~
509 539 6020

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # N/A; Permit # N/A; Transfer # 10422
 -OR-
 License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Brad and Jodi Goodrich
 (Name of New Owner)
77513 Hoosier Rd Stanfield OR 97875 (541) 980-3300
 (Mailing Address) (City) (State) (Zip) (Phone #)
980-8488

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form. N/A

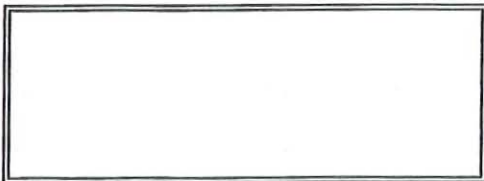
I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 17 day of April, 2012.

Applicant/Permit Holder _____
 Applicant/Permit Holder Carol Goodrich

OK 4/22/12

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

APR 20 2012

WR
 WATER RESOURCES DEPT
 SALEM, OREGON



Transfer _____

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Brad and Jodi Goodrich (Name of Applicant)

of 77513 Hoosier Rd, Stanfield (Mailing Address) (City)

state of OR, 97875, 541 980 8488 or 3300 (Zip Code) (Phone Number)

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

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

of water under the terms of an order of the Water Resources Director entered on not, 20,

approving Transfer #10422 in the name of Terrence and Carol Goodrich for tax lot 600

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

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

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Approval of the extension.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed,

because we were unaware of the deadline and we need time to financially implement the irrigation system.

And request that the time for completion be extended to October 1, 2016.

Jodi Goodrich (Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

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

RECEIVED

APR 16 2012

WATER RESOURCES DEPT SALEM, OREGON

RECEIVED

APR 20 2012

WATER RESOURCES DEPT SALEM, OREGON



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

RECEIVED

APR 16 2012

WATER RESOURCES DEPT
 SALEM, OREGON

Request for Assignment

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

I, ~~Brad and Jodi Goodrich~~ ^{Terrence and Carol} Goodrich
 (Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

77513 Hoosier Rd Stanfield OR 97875 541 980 8488
 (Mailing Address) (City) (State) (Zip) (Phone #)
~~OR 3300~~
509 539 6020

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # N/A; Permit # N/A; Transfer # 10422
 -OR-
 License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Brad and Jodi Goodrich
 (Name of New Owner)
77513 Hoosier Rd Stanfield OR 97875 (541) 980-8488
 (Mailing Address) (City) (State) (Zip) (Phone #)
980-8488
980-8300

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form. N/A

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this _____ day of _____, 20____.

Applicant/Permit Holder _____

Applicant/Permit Holder _____

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Tuesday, April 17, 2012 4:48 PM
To: carol goodrich
Cc: goodropes@yahoo.com
Subject: RE:

Thank you Carol! That is exactly what we needed.

Have a good evening

Lisa J. Jaramillo
Water Management and Conservation Analyst Water Right Services Division Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0880
Fax: 503-986-0903

-----Original Message-----

From: carol goodrich [<mailto:goodropes@hotmail.com>]
Sent: Tuesday, April 17, 2012 4:28 PM
To: Lisa Jaramillo
Subject:

here is the request for transfer on the property located at 77513 hoosier road, stanfield, or 97875. if you have any questions, please contact us. thank you.

terry and carol goodrich

509-539-6020

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Tuesday, April 17, 2012 4:59 PM
To: carol goodrich
Cc: goodropes@yahoo.com
Subject: RE: T-10422

We'll look forward to receiving the signed hard copy of the "Request for Assignment" form with your original signatures in the near future.

Thanks again,
-Lisa

Lisa J. Jaramillo
Water Management and Conservation Analyst Water Right Services Division Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0880
Fax: 503-986-0903

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Have a good evening

Lisa J. Jaramillo
Water Management and Conservation Analyst Water Right Services Division Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0880
Fax: 503-986-0903

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Sent: Tuesday, April 17, 2012 4:28 PM
To: Lisa Jaramillo
Subject:

here is the request for transfer on the property located at 77513 hoosier road, stanfield, or 97875. if you have any questions, please contact us. thank you.

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Tuesday, April 17, 2012 2:37 PM
To: goodropes@hotmail.com; goodropes@yahoo.com
Subject: Water Right Transfer T-10422 - Request for Assignment & Extension of Time
Attachments: T-10422_Request for Assignment.pdf; T-10422_Ext of Time Appl.pdf

Good afternoon Carol and Brad,

Yesterday, the Oregon Water Resources Department received a "Request for Assignment" application and an "Extension of Time" application on Transfer T-10422, along with checks in the amount of \$75 (Request for Assignment fee) and \$500 (Extension of Time fee). I have attached copies of both applications to this e-mail for your reference.

In order for the Department to be able to accept the applications, the "Request for Assignment" form must be signed by both Terrence and Carol Goodrich and dated (please see the large box on the lower portion of the form).

Once the "Request for Assignment" form is signed by Terrence and Carol Goodrich, please send:

1. A scanned copy of the signed form to me via e-mail at Lisa.J.Jaramillo@wrđ.state.or.us (if possible); **and**
2. A hard copy of the form with original signatures by U.S. Mail to:

Oregon Water Resources Department
Attn: Customer Service Group
725 Summer Street NE, Suite A
Salem, OR 97301

If you can submit the signed "Request for Assignment" within the next couple of days (by Friday, April 20, 2012), the Department will retain the applications and deposit the checks. If we do not receive the signed form by then, the Department may be unable to accept the applications and checks, at which point they would be returned to you.

Thank you for your assistance with this matter. Please feel free to contact if you have any questions. I will be available this week at 503-986-0801. As of April 23rd, I may be reached at my usual phone number at 503-986-0880. Additionally, if you have any questions relating specifically to the review of the Extension of Time Application for T-10422, please contact Dorothy Pedersen, Transfer Section Program Advisor, at 503-986-0890.

Thank you,
Lisa Jaramillo

Lisa J. Jaramillo

Water Management and Conservation Analyst
Water Right Services Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0880
Fax: 503-986-0903



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

January 20, 2009

WILLIAM & KATHY BURNETT
PO BOX 365
STANFIELD OR 97875

REFERENCE: Transfer Application T-10422

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

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

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

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

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

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #5
Dale VanSchoiack, CWRE

Enclosure

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season

Source: UMATILLA DRAINAGE DITCH - STANFIELD IRRIGATION DISTRICT (STANFIELD DRAIN), a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q
4 N	29 E	WM	32	NW NW SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	29 E	WM	32	SW NW	8.7
4 N	29 E	WM	32	NW SW	2.6

4. The applicant has submitted information that more accurately describes the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
4 N	29 E	WM	32	NW SW	775 Feet South and 560 Feet East from the W $\frac{1}{4}$ Corner of Section 32

5. Transfer Application T-10422 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Acres	Tax Lot
4 N	29 E	WM	31	NW NW	11.3	600

6. Transfer Application T-10422 also proposes to change the point of diversion approximately 3,950 feet downstream on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
4 N	29 E	WM	31	SW NW	1440 Feet South and 130 Feet East from the NW Corner of Section 31

7. 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.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

9. The distance involved between the original point of diversion (POD) and the new proposed point of diversion is over 1.5 miles. With the best available information, the Department has determined that a conveyance loss factor of 1 percent should be applied to the amount of water being protected to reach the new POD. The amount of water at full face value for the 11.3 acres to be transferred is 0.146 cubic foot per second (cfs). The 1 percent factor will reduce the amount by 0.001 cfs, which should alleviate enlargement of the right and mitigate for any potential injury to other water rights, including any intervening rights.
10. On August 18, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10422 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of September 18, 2008, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
11. On November 6, 2008, the Department issued a preliminary determination proposing to approve Transfer Application T-10422 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 November 11, 2008, and in the Hermiston Herald on November 23, December 3, and 10, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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

12. 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.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10422.
14. The proposed changes, as conditioned, would not result in enlargement of the right.
15. The proposed changes, as conditioned, would not result in injury to other water rights.

Conclusions of Law

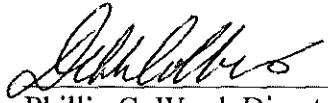
The changes in place of use and point of diversion proposed in Transfer Application T-10422 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use and point of diversion proposed in Transfer Application T-10422 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12164 and any related decree.
3. Water Right Certificate 12164 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer application.
4. The use of water under this right shall be subject to a conveyance loss of 1 percent (approximately 0.001 cfs) and to all other applicable conditions and restrictions that existed at the original point of diversion.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
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 a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
9. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.

10. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2010. 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.
11. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 9th day of January 2009.


Phillip C. Ward, Director

Mailing Date: JAN 21 2009

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

M. J. McDERMOTT
 STANFIELD, OR 97875

confirms the right to use the waters of UMATILLA DRAINAGE DITCH – STANFIELD IRRIGATION DISTRICT (Stanfield Drain), tributary to the UMATILLA RIVER, for IRRIGATION of 21.3 ACRES.

This right was perfected under Permit S-12433. The date of priority is NOVEMBER 5, 1936. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.28 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q
4 N	29 E	WM	32	NW NW SW

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

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

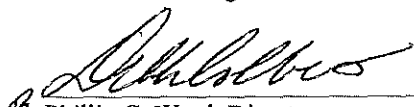
IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	29 E	WM	31	SE NE	14.0
4 N	29 E	WM	31	NE SE	4.0
4 N	29 E	WM	32	SW NW	3.3

This certificate describes that portion of the water right confirmed by Certificate 12164, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 09 2009, approving Transfer Application T-10422.

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 JAN 09 2009.


 Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10422

Transfer Specialist: KDD

Transfer Type: POD, POU

Applicant Name/Address: William & Kathy Burnett, P.O. Box 365, Stanfield, OR 97875

Agent Name/Address: _____

CWRE Name/Number: Dale VanSchoiack, CWRE 333

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"/>		S-12433	10422	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<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>6/28/2007</u>	Proposed Action(s): POU POD HST APOD USE OTHER: <input checked="" type="checkbox"/> POD, <input type="checkbox"/> POU	
Fees Pd: _____	WM District: <u>#5</u>	ODFW District: _____
Initial Notice: <u>7/3/2007</u>	WM Review sent: <u>7/17/2007</u>	ODFW Review sent: <u>7/11/2007</u>
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: _____

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

not required

DPD Mailed: ⁸7/14/2008

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Electronic Files uploaded | <input checked="" type="checkbox"/> Preliminary Determination |
| <input checked="" type="checkbox"/> PD Cover letter | <input type="checkbox"/> Fee Refund Due |
| <input checked="" type="checkbox"/> PD Notice | <input checked="" type="checkbox"/> Remaining Rights |
| <input type="checkbox"/> File Assigned/ ModPod updated | |

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>PKS</u>	Reviewer: _____
Date: _____	Date: <u>10/28/08</u>	Date: _____
Coordinator: _____	Coordinator: <u>JLP</u>	Coordinator: _____
Date: _____	Date: <u>11/6/08</u>	Date: _____
Comments/Special Issues: <u>POD + POU</u> <u>Generated Modpod snapshots - PKS</u>		

Special Order Volume: Vol ~~74~~ ⁷⁷ Pages 81

Final Order Signature Date: 1-9-09

Notice of FO email'd to processors Ken/Mike

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/deed maps for the rights. Application map matches certificate **FPS** *APPC/Peer MAP*
- 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)

- application complete map FPS evidence of use land-use form
- deed/ROLI certificate fees paid well logs plat card
- audit 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 -

MAYBE, ↓

WILL APPLY A 1% CONVEYANCE LOSS TO AMOUNT BEING TRANSFERRED DOWNSTREAM

AGREED UPON BY APPLICANT



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

Post NE, Suite A

OR 97301-1266

503-986-0900

X 503-986-0904

November 10, 2008

Pd Noticed
11-11-08

Terrence and Carol Goodrich
77513 Hoosier Road
Stanfield, Oregon 97875

SUBJECT: Water Right Transfer Application T-10422

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10422. 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 diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by **December 29, 2008**.

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 503-986-0886 or Patrick.K.Starnes@wr.d.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Specialist Northwest Region

cc: **File T-10422**

William and Kathy Burnett, Applicants

Tony Justus, District 5 Watermaster

Dale G. VanSchoiack CWRE 333

encs



exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season

Source: UMATILLA DRAINAGE DITCH - STANFIELD IRRIGATION DISTRICT (STANFIELD DRAIN), a tributary of the UMATILLA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q
4 N	29 E	WM	32	NW NW SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	29 E	WM	32	SW NW	8.7
4 N	29 E	WM	32	NW SW	2.6

4. The applicant has submitted information that more accurately describes the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q - Q	Measured distances
4 N	29 E	WM	32	NW SW	775 Feet South and 560 Feet East from the W $\frac{1}{4}$ Corner of Section 32

5. Transfer Application T-10422 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Acres	Tax Lot
4 N	29 E	WM	31	NW NW	11.3	600

6. Transfer Application T-10422 also proposes to change the point of diversion approximately 3,950 feet downstream on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located:

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7. 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.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
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reduce the amount by 0.001 cfs, which should alleviate enlargement of the right and mitigate for any potential injury to other water rights, including any intervening rights.

10. On August 18, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10422 to the applicants. The cover letter for the draft Preliminary Determination set forth a deadline of September 18, 2008, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

11. 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.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10422.
13. The proposed changes, as conditioned, would not result in enlargement of the right.
14. The proposed changes, as conditioned, would not result in injury to other water rights.

Determination and Proposed Action


The changes in place of use and point of diversion proposed in Transfer Application T-10422 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10422 is approved, the final order will include the following:

1. *The changes in place of use and point of diversion proposed in Transfer Application T-10422 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 12164 and any related decree.*
3. *Water Right Certificate 12164 is cancelled. A new certificate will be issued describing that portion of the right NOT affected by this transfer application.*
4. *The use of water under this right shall be subject to a conveyance loss of 1 percent (approximately 0.001 cfs) and to all other applicable conditions and restrictions that existed at the original point of diversion.*
5. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*

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 a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
8. *Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
9. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
10. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2010. 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.*
11. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 6th day of November 2008.


Phillip C. Ward, Director *pn*

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

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

**Notice of Preliminary Determination for
Water Right Transfer T-10422**

T-10422 filed by William and Kathy S. Burnett, P.O. Box 365, Stanfield, OR 97875, proposes to change the place of use and point of diversion under a portion of an existing water right. Certificate 12164 (priority date of November 5, 1936) allows the use of 0.14 cubic foot per second, from a diversion on the Stanfield Drain within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 32, T4N, R29E, W.M., for irrigation. The applicant proposes to change the place of use and point of diversion downstream approximately 3,950 feet on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 31, T4N, R29E, for irrigation in Section 31. 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.

IRRIGATION SEASON MAR 1 - OCT 31

0.0129 cfs per acre

STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. J. MODERMOTT
of Stanfield, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Umatilla Drainage Ditch—Stanfield Irrigation District,
a tributary of Umatilla River for the purpose of
irrigation
under Permit No. 12435 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from November 5, 1936;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.42 c.f.s. measured at the point of diversion from the stream,

The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 4 North, Range
29 East, W. M. or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated, and shall be further limited
to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during
the irrigation season,

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

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

14 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31 - 1.7 - 7.0
12 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
2.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 2.6
Section 32
Township 4 North, Range 29 East., W. M.

T-10422

RR

14.0
4.0
3.3

21.3 acres

@ 0.275 cfs

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

After the expiration of fifty years from the date of this certificate or on the expiration of any
federal power license issued in connection with this right, and after not less than two years' notice in
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
take over the dams, plants and other structures and all appurtenances thereto which have been con-
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
that before taking possession the State or municipality shall pay not to exceed the fair value of the
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 31st day of January, 1939.

CHAS. E. STRICKLIN

State Engineer

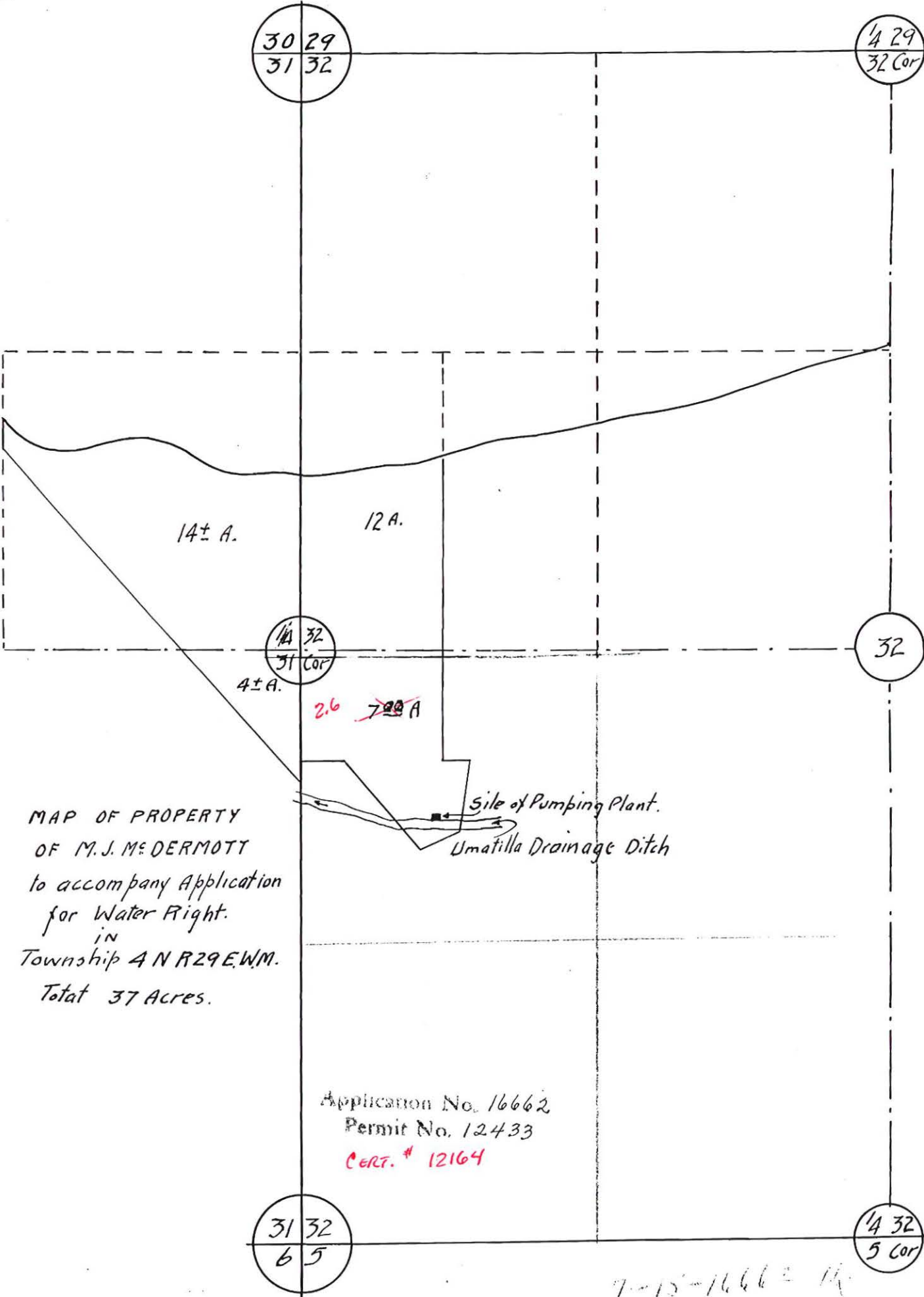
Recorded in State Record of Water Right Certificates, Volume 11, page 12164

To BE
DROPPED
WHEN NEW
RR ISSUED

WR SUBJECT TO TRANSFER 0.1456 cfs for 11.3 acres

30 29
31 32

1/4 29
32 Cor



MAP OF PROPERTY
 OF M. J. McDERMOTT
 to accompany Application
 for Water Right.
 in
 Township 4 N R 29 E W M.
 Total 37 Acres.

Application No. 16662
 Permit No. 12433
 CERT. # 12164

7-15-1666 = 14



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

November 10, 2008

Terrence and Carol Goodrich
77513 Hoosier Road
Stanfield, Oregon 97875

SUBJECT: Water Right Transfer Application T-10422

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10422. 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 diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by December 29, 2008.

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 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Transfer Specialist Northwest Region

cc: File T-10422
William and Kathy Burnett, Applicants
Tony Justus, District 5 Watermaster
Dale G. VanSchoiack CWRE 333

encs

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DEC 19 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

(541) 449-3652

William J. Burnett

P.O. Box 365

Stanfield, OR

97875

Emotions Or Truths?

It's easy to base judgments on emotions, but harder when based on facts as many around us seem to be distorting reality either purposely or accidentally. Unfortunately, in this hectic world many of us are distracted by life. Making a living, paying the bills, putting our kids through school, bettering our communities, are of a higher priority than watching the evening news or reading the latest "A.P." stories. Although most of us are aware by now that the "news" media is no longer news based on research looking for the truth, but a commentary by those with an agenda based on emotion. Have you ever switched from TV channel to channel looking for different stories (ABC, CBS, NBC, CNN) during the evening news? Did you find different stories? Did you even find differing view points on the major networks on the same subjects? Would you really expect to have differing view points with this fact?: (1). "A 2004 poll by the Pew Research Center for The People & The Press found five times more journalists described themselves as "liberal" as said they were "conservative."

Let's be extremely careful about making our decisions based on biased "news" stories from the "drive by media" that has it's own agenda and understand what they're trying to accomplish. We must understand we're not getting many of the important stories (e.g. A.C.O.R.N. scandal, Freddie Mac & Fannie Mae scandals, etc.), or we don't get the whole story where it seems truthfulness is not at the top of the list either. Here's one great example of our tax dollars at work: (2.) Chris Dodd (D), chairman of the Senate Banking Committee as of June 2008 had received \$133,900 from PACS and individuals from within Fannie Mae and Freddie Mac dating back to 1989 (where Barack Obama has only received \$105, 849 in his short time as a senator, McCain \$0 from PACS & \$21,550 from individuals). Yes, both Democrats and Republicans have received money from these two government sponsored entities, and based on what we've learned, this apparently corrupt as well as totally inept boondoggle has only Congressional oversight and no accountability. Once again government gets involved in another area of our lives and the financial impact is still to be determined. What would you expect when private lending institutions are *required* by Fannie Mae and Freddie Mac to make loans to people who have no collateral and no financial stability? Does that sound like something we need? Are you better off because of this social engineering? Shall we try government run health care next?

Over two years ago in a letter dated May 5th, 2006 to the Senate majority leader and the Senate Banking Committee which was signed by 20 senators including John McCain in regard to senate bill (S. 190) warned the lending practices being used by Fannie Mae (1938 by FDR), and Freddie Mac (Carter administration, 1970, and strengthened during the Clinton administration) was leading to a "financial melt down" (our words) and yet it was later voted down by the Democratic congress. These two "GSE's (government sponsored entities) are *not* overseen by the SEC (securities and exchange commission) even though they are in control of approximately 90% of the secondary mortgage market. These are so called private institutions guaranteed by the U.S. government (you & me) and do *not* have to report any financial difficulties they may be having even though listed on the New York Stock Exchange (Fannae Mae, down from \$70.00 to \$1.00 per share in

Ken Dowden

From: BJ Creative Specialties [bjcspecial@eoni.com]
Sent: Thursday, October 09, 2008 2:57 PM
To: Ken Dowden
Subject: T-10422 Transfer Preliminary Draft

Ken Dowden
Water Resources Department
North Central Region
Pendleton, OR 97801

Dear Ken,

Both parties (Goodrich & Burnett) have agreed to the "Preliminary Determination Proposing Approval of A Change In Point of Diversions And Place of Use" document we received a copy of from your department dated August 18, 2008. We have read and agree with the terms of the document.

Please proceed with the transfer process.

I will be sending in the document you requested from us and produced by the title company (Amerititle of Pendleton, OR).

Thankyou,

William Burnett
PO Box 365
Stanfield, OR 97875

Ken Dowden

From: Ken Dowden
Sent: Tuesday, October 07, 2008 4:13 PM
To: 'BJ Creative Specialties'
Cc: Sarah Henderson
Subject: Re: application T-10422.

Bill, you may take the time needed to sort out the remaining issues.

Just correspond by e-mail when you all are ready.

Thanks.

From: BJ Creative Specialties [mailto:bjcspecial@eoni.com]
Sent: Tuesday, October 07, 2008 3:47 PM
To: Ken Dowden
Subject: This is in regard to application T-10422.

Dear Ken,

Please give us an extension of another 30 days to work this out between the two parties of Goodrich and Burnett for transfer #T-10422.

Thankyou,

William Burnett
BJ Creative Specialties
www.imprintit.net
541-449-1951; 800-472-8799
bjcspecial@eoni.com

Ken Dowden

From: Ken Dowden
Sent: Monday, September 15, 2008 11:13 AM
To: 'BJ Creative Specialties'
Cc: Tony Justus
Subject: RE: Extension Needed

Hi Bill, there is no problem in allowing you this additional time to sort this all out.

I forwarded your request on to our Watermaster Tony Justus. Below is his response.

And Tony, thank you very much for taking this amount of time in researching this topic.

2008: June 27, 2008-1968 call.

2007: May 15, 2007- 1968 call.
 May 25, 2007- 1909 call.
 August 22, 2007- 1909 call off.
 October 1, 2007- 1968 call off.

2006: June 23, 2006- 1968 call.
 June 27, 2006- 1909 call.
 August 17, 2006- 1909 call off.
 September 5, 2006- 1968 call off.

2005: June 2, 2005- 1968 call.
 July 14, 2005- 1909 call.
 August 26, 2005- 1909 call off.
 September 19, 2005- 1968 call off.

2004: June 29, 2004- 1968 call.
 September 14, 2004- 1968 call off.

The first call we received to regulate for 1909 was in 2001. Other users on the lower river we able to convince West Extension not to make the call until 2005. I think they may have paid WEID for some of their pumping costs.

This year they made the 1909 request but did not follow up with the data we requested, for whatever reason, and the call has not been made.

Part of the reason the 1909 call has gone off in August is due to McKay storage releases to benefit the lower river. There has been no water right associated with that release and the water was considered live flow. It is my belief the BOR and WEID are trying to get a water right or other authorization for that McKay water so it can be protected for WEID. If that were to happen the 1909 call is likely to stay on awhile longer.

I hope this helps!

From: Ken Dowden
Sent: Monday, September 15, 2008 8:23 AM
To: Tony Justus
Subject: FW: Extension Needed

Tony, as discussed, could you please give me a hand here in answering this question?

9/15/2008

Thanks.

From: BJ Creative Specialties [mailto:bjcspecial@eoni.com]
Sent: Monday, September 15, 2008 8:16 AM
To: Ken Dowden
Subject: Extension Needed

Ken,

We would like a 30 day extension in regard to the letter you sent us for the Goodrich transfer.

Also, can you send me a record of the calls this year for our district? That is, which ones were called and when?

Also, for the previous 4 years as well if it's not too much trouble.

Thankyou,

Bill Burnett / Stanfield

9/15/2008

TO: PEER REVIEWER

2 things:

- 1) there is an adjustment on the amount of water being transferred, basically a 1% conveyance loss amount (*agreed to by the applicant*)
- 2) after the final order, the receiving landowner will be responsible for finishing up the transfer



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-10422

Review Due Date: 8/1/2007

Applicant Name: William and Kathy Burnett

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Tony Justus

Date of Review: Jul. 17, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
 Yes No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred: Regulation of the Umatilla and tributaries, including the Stanfield Drain, are regulated every year for senior priority call by downstream water users.
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: Return flows likely return to the Stanfield Drain above its confluence with the Umatilla River. Certificates that most benefit on the Stanfield Drain are Certs. 53073, 52831, 79829 and 66247 (priorities junior to this w/r).
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: Cert. # 82823, loss of return flow to junior rights downstream of POD could prompt regulation of Stanfield drain and could result in earlier shutoff of an upstream junior right.
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: The transfer proposes to convey water down the Stanfield Drain to its confluence with the Umatilla River and then down the Umatilla River to the new POD. This would be a total distance of about 1.25 miles. I have done no studies to determine losses but I would guesstimate about 1% loss.

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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: Protecting the conveyance of the full value of the right downstream past the pods of junior appropriators will mean less water is available to those rights. It could also affect an upstream right junior to the transferred right and junior to the downstream rights because it could prompt an earlier call for regulation from those rights downstream of the transferred right and senior to the upstream right.
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: Diversion at the new pod should be limited to the consumptive use of the right less conveyance losses and subject to water available at the original pod and should be subject to call by downstream senior rights on the Stanfield Drain and the Umatilla River. Additionally, amount diverted at the new pod should be less than amount available at the mouth of the Stanfield Drain less conveyance loss to ensure downstream Umatilla rights are not injured.
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 checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STANFIELD SCHOOL NO. DISTRICT 61
 PO BOX 158
 STANFIELD OR 97875

confirms the right to use the waters of STANFIELD DRAIN, tributary to UMATILLA RIVER, for IRRIGATION of 9.4 ACRES.

This right was perfected under Permit 36058. The date of priority is JUNE 16, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.13 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 N	29 E	WM	32	NW SW	500 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF THE NW¼ SW¼, 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-FORTIETH 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 4.5 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:

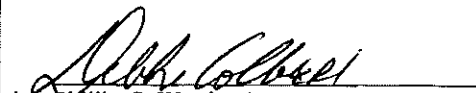
IRRIGATION

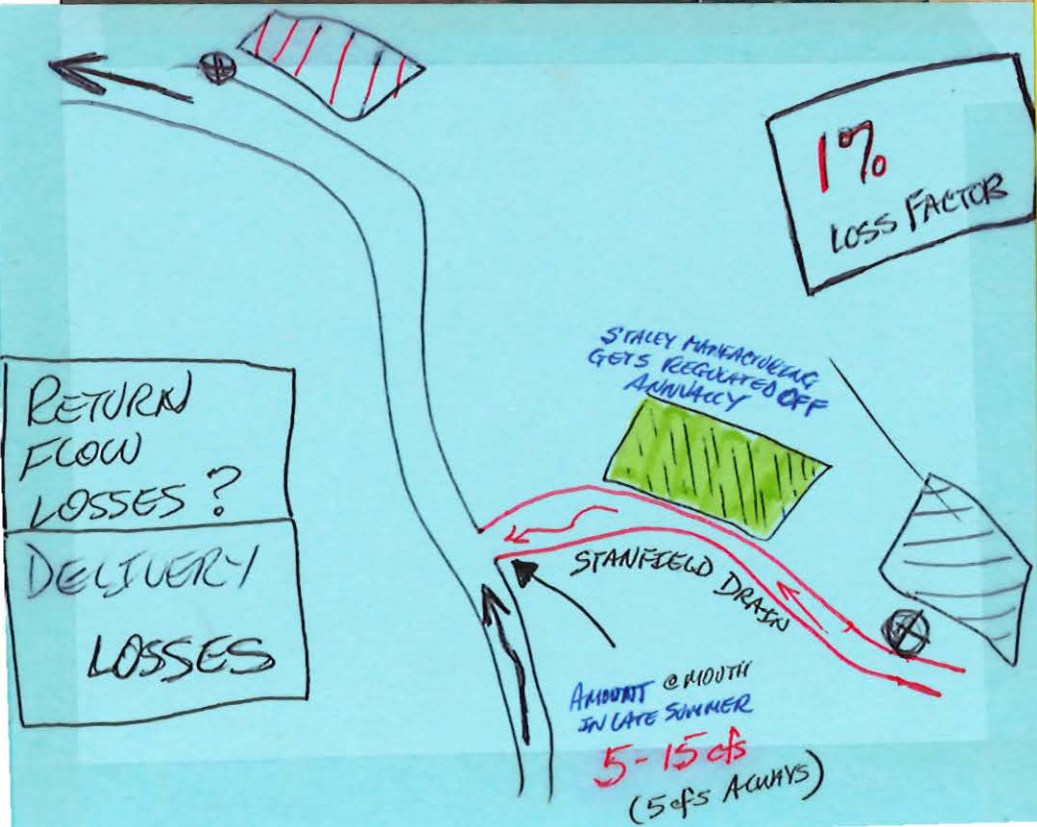
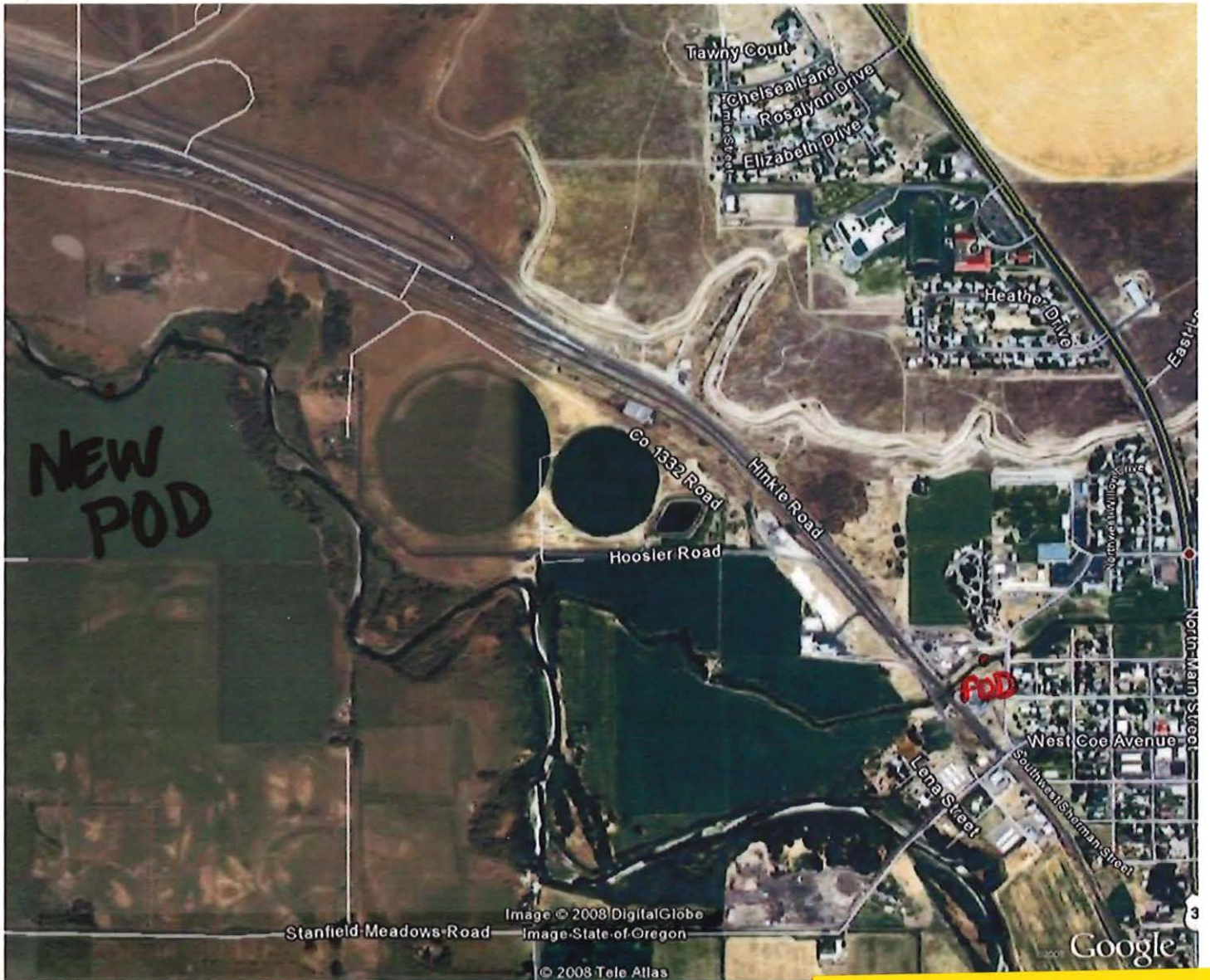
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	32	SW NW	8.0
4 N	29 E	WM	32	NW SW	1.4

This certificate describes that portion of the water right confirmed by Certificate 48483, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered, approving Transfer Application T-9911.

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 NOV 30 2006


 Phillip C. Ward, Director



HERMISTON ALFALFA

7 out of 10 yrs.

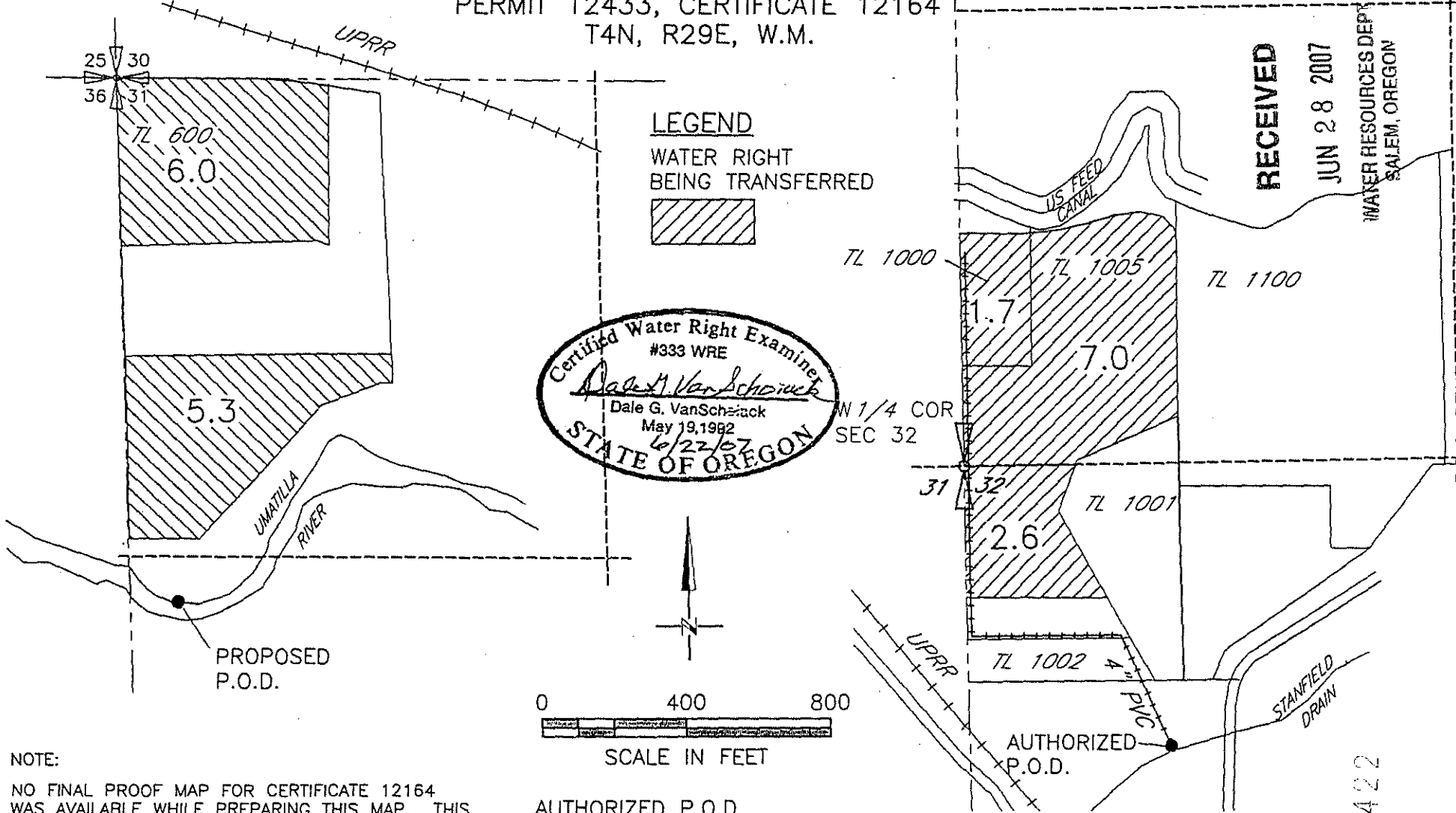
$ET_{crop} = \frac{APRSC}{7.13}$	7.13
NET IRR. = 2.44 in	JULY

$ET_{ref} = 0.2$

BURNETT TO GOODRICH
 WATER RIGHT TRANSFER
 APPLICATION MAP FOR A PORTION OF
 PERMIT 12433, CERTIFICATE 12164
 T4N, R29E, W.M.

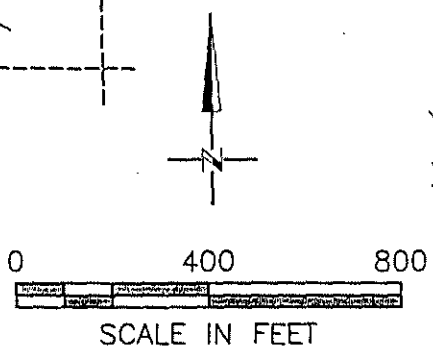
FROM ACREAGE

TO ACREAGE



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Certified Water Right Examiner
 #333 WRE
Dale G. VanSchick
 Dale G. VanSchick
 May 19, 1982
 6/22/87
 STATE OF OREGON



NOTE:
 NO FINAL PROOF MAP FOR CERTIFICATE 12164
 WAS AVAILABLE WHILE PREPARING THIS MAP. THIS
 MAP WAS PREPARED USING THE MAP FOR
 APPLICATION NO. 16662, PERMIT NO. 12433 AND
 THE COUNTY ASSESSOR MAP.

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

AUTHORIZED P.O.D.
 LOCATED 775'S AND 560'E FROM
 THE WEST ¼ CORNER SEC 32

PROPOSED P.O.D.
 LOCATED 1440'S AND 130'E FROM
 THE NW CORNER SEC 31

SCM Consultants, Inc.
 A Tetra Tech Company

DRAWING: H:\CAD\AG\3522\BURNETT\3522BURNETT.dwg
 PRINTED BY: Gary.Weatherly on 06/21/07 03:53 PM

10422

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WATER RESOURCES DEPT.
SALEM, OREGON

Return by 8-1-07

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JUL 9 2007

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

Reference Transfer #: 10422

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

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____ Because,
(Stream)

(Please attach any valuable supporting information.)

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

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

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

Note: This option will yield the following:

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

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

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

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

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

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

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

Note: This option will yield the following:

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

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

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

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

Note: This option will yield the following:

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

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

Page 2

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SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

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

Transfer # 10422

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

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

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

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

ODFW staff name: _____
Address: _____
City/State/Zip: _____
Phone: (____) _____

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

ODFW staff name: _____
Address: _____
City/State/Zip: _____
Phone: (____) _____

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

Note: This option will yield the following:

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

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

Jeff Neal
Signature

Jeff Neal
Printed Name

Acting District Fish Biologist
Title

(541) 276-2344
Phone

Page 3

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JUL 11 2007
WATER RESOURCES DEPT.
SALEM, OREGON

Irrigation Flow Statement & Confirmation

Explanation of this document: Since the Burnett farm is upstream and draws water for sprinkler irrigation for their farm, and the "Mor Starch Company" has water rights downstream from Burnetts, it has been suggested by the Oregon Water Resources Department that a statement in regard to the effects of ending the Burnett irrigation be addressed.

The Burnett irrigation season has been in effect with a water right since 1936, and the system was converted from a flood irrigation system to a sprinkler irrigation system in the early 1970's. First of all there is only a maximum of 65 GPM (gallons per minute) that are withdrawn during any use, and the water has been distributed on land that (1) is not sandy, but a firm loam soil and is not conducive to irrigation water migration either above or below ground. (2.) The water table on the Burnett farm is at approximately 10 to 12 feet deep. (3.) The farm land that has been irrigated is far from the the water source (from approximately 200 ft. to 700 ft away), and there is no noticeable migration effect of any water back to the source. Therefore there has never been any, nor would there ever be any difference in stream flow noticed to any irrigation or lack of irrigation on the Burnett farm. A true statement would be the following: During, before, and after irrigation season stream flows have not shown any noticeable affect to the stream flow of the Stanfield drain ditch which is used as the irrigation source for both parties due to any use or lack of use by the Burnett farm, nor has it affected our water rights in any manner. Therefore we anticipate no change whatsoever in the transfer of the Burnett water right downstream below our water rights to the Goodrich farm on the Umatilla River.

This factual statement is confirmed here by the manager of the Mor Starch plant, Damon Horn, in Stanfield, OR.

William J. Burnett Date 3/13/08; Damon Horn Date 3/13/08

William J. Burnett (Owner)
Burnett Farm
Stanfield, OR
541 449-3652

Damon Horn (Plant Mgr.)
Mor Starch
Stanfield, OR
Bus. Phone: 541-449-3807

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

M. J. McDERMOTT

STANFIELD, OR 97875

confirms the right to use the waters of UMATILLA DRAINAGE DITCH – STANFIELD IRRIGATION DISTRICT, (aka Stanfield Drain) tributary to UMATILLA RIVER, for IRRIGATION of 21.3 ACRES.

This right was perfected under Permit S-12433. The date of priority is NOVEMBER 5, 1936. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.275 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q
4 N	29 E	WM	32	NW SW

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
4 N	29 E	WM	31	SE NE	14.0
4 N	29 E	WM	31	NE SE	4.0
4 N	29 E	WM	32	SW NW	3.3

This certificate describes that portion of the water right confirmed by Certificate 12164, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application 10422.

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

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, ThatBOISE CASCADE CORPORATION
CHEMICAL OPERATIONS DIVISION

of PO Box 851, Stanfield, State of OR 97875, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Stanfield Drain

a tributary of Umatilla River for the purpose of
irrigation of 5.8 acres

under Permit No. 18122 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

November 18, 1947
that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
limited to an amount actually beneficially used for said purposes, and shall not exceed

0.08 cubic foot per second, if available at the original point of diversion
in NE 1/4 SE 1/4, Section 31, T4N, R29E, WM; 1550 feet North and 15 feet West
from the SE Corner, Section 31.
or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of
diversion is located in the NE 1/4 SE 1/4, Section 31, T4N, R29E, WM;
1770 feet North and 1230 feet West from SE Corner, Section 31.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per
acre, or its equivalent for each acre irrigated and shall be further
limited to a diversion of not to exceed 4 1/2 acre-feet per acre for each
acre irrigated during the irrigation season of each year

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

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

5.8 acres NE 1/4 SE 1/4
Section 31
Township 4 North, Range 29 East, WM

This certificate is issued to confirm a change in place of use, and point of
diversion approved by an order of the Water Resources Director entered July
27, 1978, and together with certificate of water right recorded at page
46830, Volume 39, State Record of Water Right Certificates, supersedes
Certificate 26099.

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 purposes aforesaid is restricted to the lands or place of use herein
described and is subject to minimum flows established by the Water Policy Review Board with an effective date
prior to this right.

WITNESS the signature of the Water Resources Director, affixed

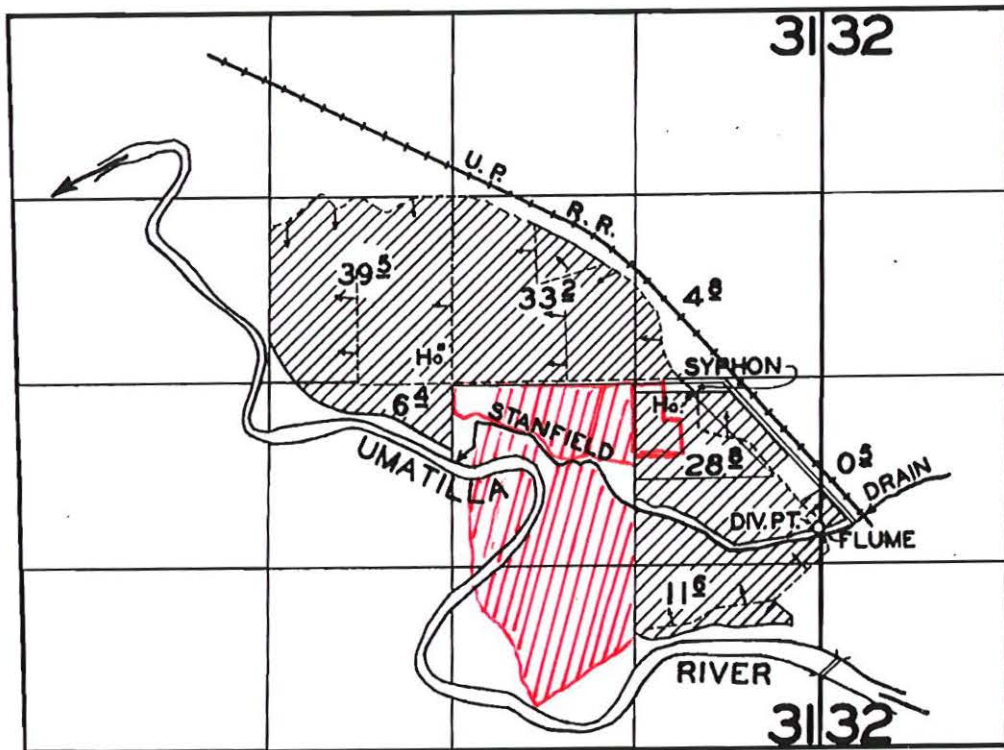
this date. February 14, 1985

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52831

1947

T. 4N. R. 29E. W.M.



FINAL PROOF UNDER

Application No. 22914 Per IN NAME O

J.J. OBERSON & L.M.

Surveyed MAY 16 1957, by

WR's ON
 THE STANFIELD
 DRAIN
 DOWNSTREAM

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

CERTIFICATE ISSUED TO

A.E. STANLEY MANUFACTURING CO.
P.O. BOX 9
STANFIELD, OREGON 97875

confirms the right to use the waters of STANFIELD DRAIN, a tributary of UMATILLA RIVER, for PRIMARY IRRIGATION OF 26.7 ACRES AND SUPPLEMENTAL IRRIGATION OF 25.0 ACRES.

This right was perfected under Permit 45370. The date of priority is DECEMBER 7, 1979. This right is limited to 0.98 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 31, T 4 N, R 29 E, W.M.; 850 FEET SOUTH AND 60 FEET WEST FROM THE NORTHEAST CORNER OF NW 1/4 OF SE 1/4, SECTION 31.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and shall be further limited to a diversion of not to exceed 4 1/2 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

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

NW 1/4 SE 1/4 8.9 ACRES PRIMARY SUPPLEMENTAL 25.0 ACRES
SW 1/4 SE 1/4 17.8 ACRES
SECTION 31

TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.

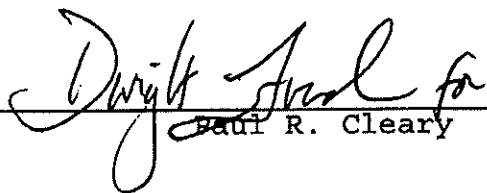
This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

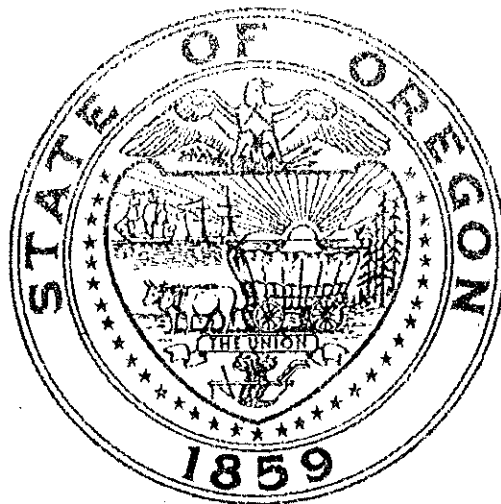
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

THIS CERTIFICATE IS ISSUED TO CORRECTLY DESCRIBE THE RIGHT PERFECTED UNDER THE TERMS OF THE PERMIT AND SUPERSEDES CERTIFICATE 66247.

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 January 10, 2003.


Paul R. Cleary



Recorded in State Record of Water Right Certificates Number 79829.

59543.SB

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WENDELL W. LAMPKIN
ROUTE 1, BOX 14
ECHO, OREGON 97826

confirms the right to use the waters of STANFIELD DRAIN, a tributary of UMATILLA RIVER, for the purpose of IRRIGATING 8.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 20.2 ACRES.

This right has been perfected under Permit 45370. The date of priority is DECEMBER 7, 1979. This right is limited to 0.71 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 31, T 4 N, R 29 E, W.M.; 850 FEET SOUTH AND 60 FEET WEST FROM THE NE CORNER, NW 1/4 SE 1/4, SECTION 31.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre (or its equivalent) and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

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

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 SE 1/4	0.2 ACRE	20.2 ACRES
SW 1/4 SE 1/4	8.0 ACRES	
SECTION 31		
TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.		

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. This right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed JUNE 28, 1991.

/s/ WILLIAM H. YOUNG

William H. Young

Recorded in State Record of Water Right Certificates numbered 66247.

59543

CANCELED *SEE 79829*

T. 4 N., R. 29 E., W.M.

1" = 1320'



DIV. POINT - 850' S. AND 60' W. FROM THE N.E. COR. OF NW. 1/4 OF S.E. 1/4, SEC. 31

-  PRIMARY
-  SUPP'L

FINAL PROOF SURVEY

UNDER

Application No. 59543 Permit No. 45370
IN NAME OF

A. E. STALEY MANUFACTURING COMPANY

Surveyed 8-25, 1992, by J. MILLER

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to certify, That A.E. STALEY MANUFACTURING CO.

of 2200 E. Eldorado Street, Decatur, State of ILL 62521, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Stanfield Drain

a tributary of Umatilla River for the purpose of irrigation of 3.22 acres

under Permit No. 43323 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from

April 26, 1978 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.03 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SE 1/4, Section 31, T4N, R29E, WM; 1770 feet North and 1230 feet West from SE Corner, Section 31.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

3.22 acres NE 1/4 SE 1/4 Section 31 Township 4 North, Range 29 East, WM

for the purposes aforesaid is restricted to the lands or place of use herein flows established by the Water Policy Review Board with an effective date

WITNESS the signature of the Water Resources Director, affixed

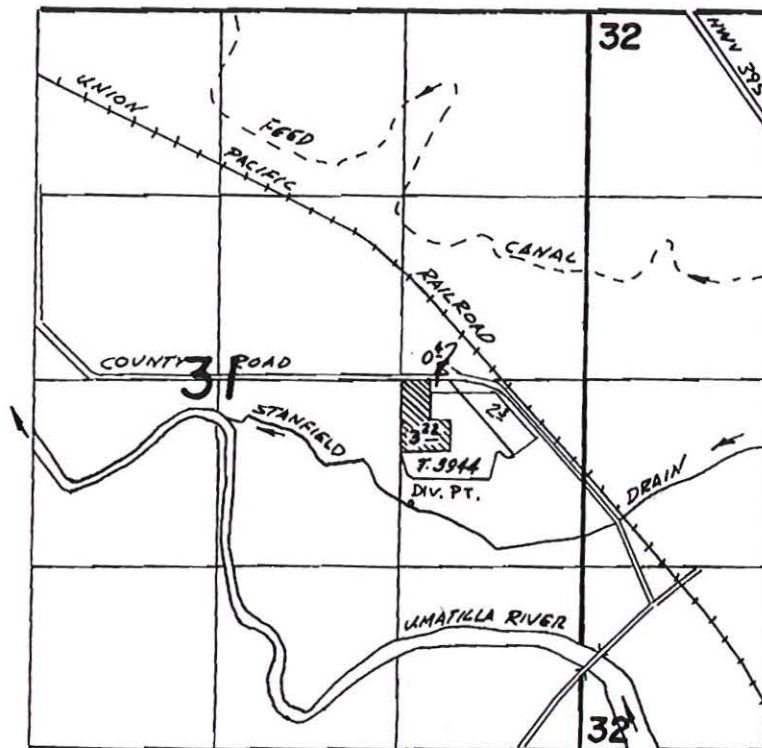
this date. May 7, 1985

/s/ William H. Young Water Resources Director

WR'S IDENTIFIED IN TONY'S REVIEW #3

1978

T. 4N., R. 29E., W.M.



Div. Pt. Loc: 1770' N. & 1230' W. FROM SE COR. SEC. 31

FINAL PROOF SURVEY
UNDER

Application No. **57347** Permit No. **43323**
IN NAME OF

A. E. STALEY MANUFACTURING CO.

Surveyed *FEB. 21* 198*2*, by *V. L. Church*

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STANFIELD SCHOOL NO. DISTRICT 61
 PO BOX 158
 STANFIELD OR 97875

confirms the right to use the waters of STANFIELD DRAIN, tributary to UMATILLA RIVER, for IRRIGATION of 9.4 ACRES.

This right was perfected under Permit 36058. The date of priority is JUNE 16, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.13 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 N	29 E	WM	32	NW SW	500 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF THE NW¼ SW¼, 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-FORTIETH 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 4.5 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:

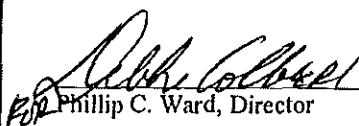
IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	32	SW NW	8.0
4 N	29 E	WM	32	NW SW	1.4

This certificate describes that portion of the water right confirmed by Certificate 48483, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered, approving Transfer Application T-9911.

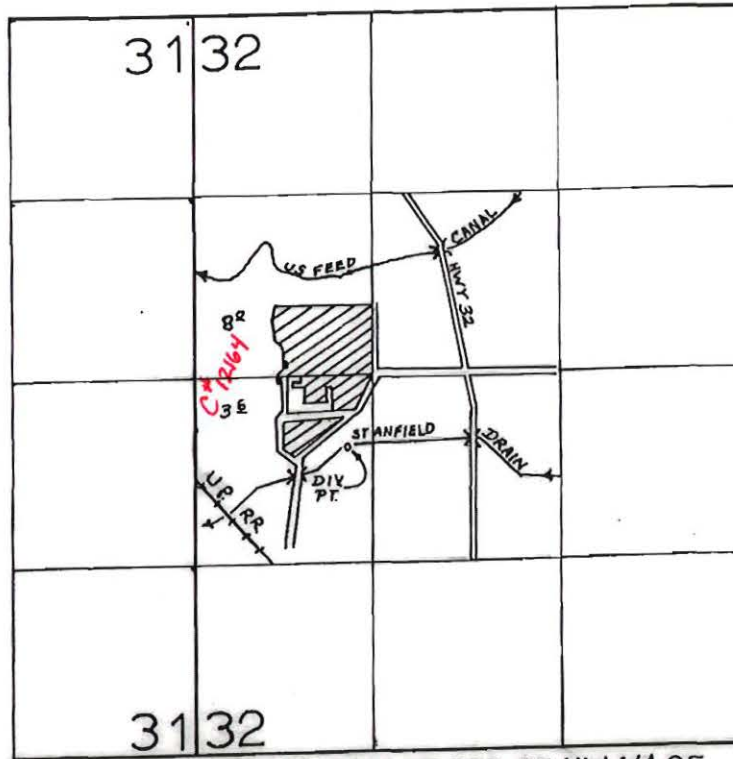
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed NOV 3 0 2006


 Phillip C. Ward, Director

1971

T.4N. R.29E. W.M.



P.O.D. 200'W & 500'S FROM NE COR OF NW 1/4 OF SW 1/4 OF SEC 32

FINAL PROOF SURVEY
UNDER

Application No. 48070. Permit No. 36058.
IN NAME OF

STANFIELD SCHOOL DIST. NO. 61

Surveyed NOV. 29. 1977., by R. BARWIN.....

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MAXWELL IRRIGATION COMPANY
ECHO, OREGON.

confirms the right to use the waters of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 161.0 ACRES, DOMESTIC AND STOCK USE.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director, in Volume 3, Page 127 as evidenced by the certificate recorded at page 55602, Volume 51, State Record of Water Right Certificates. The date of priority SEPTEMBER 11, 1894. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.01 CUBIC FEET PER SECOND or its equivalent in case of rotation.

The point of diversion is located as follows:

SE¼ NW¼, SECTION 8, TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.;
DILLON DITCH.

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

NW¼ NE¼	2.0 ACRES	SW¼ NW¼	5.0 ACRES
SW¼ NE¼	34.0 ACRES	NE¼ SW¼	24.0 ACRES
SE¼ NE¼	20.0 ACRES	NW¼ SW¼	2.0 ACRES
SECTION 31		SE¼ SW¼	33.0 ACRES
		NW¼ SE¼	20.0 ACRES
		SW¼ SE¼	21.0 ACRES
		SECTION 32	

TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 55602, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 21 1998, approving Transfer Application 7527.

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

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

WITNESS the signature of the Water Resources Director,
affixed JAN 21 1998.

MS. MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 75454.

T-7527.BW

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.531, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7527 submitted by

CITY OF STANFIELD
P.O. BOX 368
STANFIELD, OREGON 97875.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County as evidenced by a PORTION of Certificate 55602. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 127. The date of priority is SEPTEMBER 11, 1894.

The right allows the use of the UMATILLA RIVER, a tributary of the COLUMBIA RIVER, for MUNICIPAL AND DOMESTIC SUPPLY FOR THE CITY OF STANFIELD, OREGON. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11.58 cubic feet per second, if available at the authorized point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 8, T 3 N, R 29 E, WM; DILLON DIVERSION DAM - 2340 FEET SOUTH AND 2900 FEET WEST FROM THE NORTHEAST CORNER, SECTION 8, or its equivalent in case of rotation, measured at the point of diversion from the source.

Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. the petition for reconsideration must be filed within 60 days after the date this order is served.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 5
TOWNSHIP 3 NORTH,
RANGE 29 EAST, W.M.

NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 30

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 31

ALL
SECTION 32
TOWNSHIP 4 NORTH,
RANGE 29 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the point of diversion to a shallow hydraulically connected well, located as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T 4 N, R 29 E, WM; 1720 FEET NORTH AND 2320 FEET WEST FROM THE SOUTHEAST CORNER, SECTION 31.

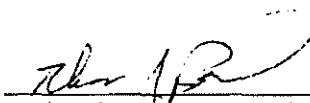
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

2. The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.

Certificate 55602 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,
affixed JUN 30 1999.


For Martha O. Pagel, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MAXWELL IRRIGATION COMPANY

of Echo, State of OR, has a right to the use of the waters of Umatilla River

a tributary of Columbia River for the purpose of irrigation of 161.0 acres, domestic and stock use, also municipal and domestic supply for the City of Stanfield, Oregon

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 127; that the priority of the right thereby confirmed dates from September 11, 1894

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.01 cubic feet per second, subject to the provisions of paragraph 33 of said decree and 11.5 cubic feet per second being allowed for Municipal and domestic supplies for the City of Stanfield, Oregon.

The point of diversion is located in the SE 1/4 NW 1/4, Section 8, T.3N., R.29 E., W.M., Dillon Ditch.

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

- 2.0 acres NW 1/4 NE 1/4
34.0 acres SW 1/4 NE 1/4
20.0 acres SE 1/4 NE 1/4
Section 31
5.0 acres SW 1/4 NW 1/4
24.0 acres NE 1/4 SW 1/4
2.0 acres NW 1/4 SW 1/4
33.0 acres SE 1/4 SW 1/4
20.0 acres NW 1/4 SE 1/4
21.0 acres SW 1/4 SE 1/4
Section 32

Township 4 North, Range 29 East, WM

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2583, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 11, 1951, approving transfer application No. 0-17, and of the Water Resources Director entered February 24, 1986, approving Transfer application No. 5699, and together with the certificates recorded at pages 55603, 55604, Volume 51, supersedes Certificate 2583.

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

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

WITNESS the signature of the Water Resources Director, affixed

this date February 11, 1987

/s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55602

77150/SA
T-5699 & T-0-17

Recorded Sp. Cr. Vol. 52, 43
T-7527

T-9340

STATE OF OREGON

COUNTY OF GRANT

AMENDING ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE
AND POINT OF DIVERSION

Pursuant to ORS 540.523 and ORS 540.531, after notice was given and no objections were filed, and finding that no injury to existing water rights would result if the loss factor methods described below were employed to mitigate injury, this order approves and supercedes the order of the Water Resources Director, entered March 17, 2003, at Special Order Volume 57, Page 206, as conditioned or limited herein, TEMPORARY TRANSFER 9340 submitted by

PETER R. RAWLINS
HC 84, BOX 100
CANYON CITY, OREGON 97820.

The right to be modified, as evidenced by a PORTION of Certificate 64065, was perfected under Permit 47239 with a date of priority of NOVEMBER 26, 1982. The right allows the use of the CANYON CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION of 4.14 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the authorized points of diversion: NW¼ SE¼,

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

SW¼ NW¼, SECTION 19, T 15 S, R 32 E, W.M.; NE¼ NE¼, SECTION 24, T 15 S, R 31, E, W.M.; CANYON CREEK - 800 FEET SOUTH AND 150 FEET EAST FROM THE C¼, SECTION 19; 1520 FEET SOUTH AND 1120 FEET EAST; 400 FEET SOUTH AND 870 FEET WEST, BOTH FROM THE NE CORNER, SECTION 24, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW¼ SE¼ 4.14 ACRES (TAX LOT 1600)
SECTION 13
TOWNSHIP 15 SOUTH, RANGE 31 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to the right.

The applicant proposes to **temporarily** change the place of use to:

NW¼ NE¼ 4.14 ACRES (TAX LOT 100)
SECTION 35
TOWNSHIP 13 SOUTH, RANGE 31 EAST, W.M.

The applicant further proposes to change the point of diversion to two hydraulically connected wells located:

SW¼ SE¼, SECTION 26, T 13 S, R 31 E, W.M.; NW¼ NE¼, SECTION 35, T 13 S, R 31 E, W.M.; WELL 1 - 254 FEET NORTH AND 728 FEET EAST; WELL 2 - 160 FEET SOUTH AND 838 FEET EAST, BOTH FROM THE N¼ CORNER, SECTION 35, T 13 S, R 31 E, W.M..

Because the distance between the two proposed points of appropriation (two hydraulically connected wells) and the authorized points of diversion is over 10 miles, ORS 540.531 requires the applicant to submit evidence by a licensed geologist that demonstrates that the new point points of appropriation affects the surface water source similarly to the authorized point of diversion. Michael Zwart, WRD staff and licensed geologist, reviewed the data and concluded that the two proposed wells are hydraulically connected to the nearby reach of Canyon Creek and that the pumping of the wells would cause greater than 50 percent stream depletion in less than 10 days. Mr. Zwart also concluded that the proposed transfer is unlikely to cause injury to other ground water users in the area.

The order of the Water Resources Director, entered March 17, 2003, at Special Order Volume 57, Page 206, inadvertently forgot to include the loss factor methods (as described below) which will mitigate injury to other water rights. **This order should replace the original order.**

This temporary transfer requires two separate loss factor methods applied to prevent injury to other water right holders.

Loss factor method #1: The consumptive use portion of the water right can be transferred to the school without injury to intervening water right holders as long as the non-consumptive portion is left available to intervening water right holders. The water right proposed for the transfer, Certificate 64065 allows 0.16 cubic feet per second (cfs) from Canyon Creek for the

irrigation of 6.2 acres. The transfer proposes to transfer the POD and POU for 4.14 acres and 0.10 cfs downstream to the Grant-Union High School athletic field. The "Oregon Crop Water Use and Irrigation Requirements" publication dated June 1992 was used to estimate probable consumptive use at the original POU. The probable consumptive use amount (31.17 inches) was divided by the maximum amount per acre allowed under Certificate 64065 (4 acre feet per acre). This analysis indicates about 65 percent of the 0.10 cfs would have been consumptively used at the original place of use which would have left about 35 percent of the 0.10 available to intervening water right holders via return flow. This breaks down as follows:

- 0.10 cfs times 65% consumptive use = 0.065 cfs available to transfer to the school leaving 0.035 cfs available to intervening water users.

Loss factor method #2: The distance involved between the original and proposed points of diversion = about 11 river miles which requires a loss per mile factor to be applied to prevent injury to intervening water right holders. Best estimates indicate a loss factor of about 1.0 percent per mile would be appropriate to apply. This breaks down as follows:

- 11 miles times 1.0 percent = 11 percent times 0.065 cfs available = 0.007cfs total loss between the original and proposed points of diversion. 0.065 cfs minus 0.007 cfs = 0.058 cfs or 26 gpm available to pump at the proposed pod's.

Note that 0.058 cfs almost exactly equals a rate of 1/80 cfs per acre which is the normal maximum rate allowed for groundwater rights east of the cascades. This amount should be adequate to beneficially irrigate the school grounds.

If the actual loss rate is determined to be different than the 1.0 percent per mile or if the consumptive use versus the return flow figures are determined to be different than applied in this

mitigation analysis, the actual return flow and loss rates will be adjusted accordingly.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former place of use **shall not be irrigated** as part of these water rights during the 2003, 2004, 2005, 2006 and 2007 irrigation season.
3. The quantity of water diverted at the new points of appropriation (two hydraulically connected wells) shall not exceed the quantity of water lawfully available at the original points of diversion.
4. The use shall revert to the authorized place of use and points of diversion at the end of the 2007 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The use of the remaining water right described by Certificate 64065 shall continue to be in accordance with the terms and conditions of Certificate 64065.
7. **Prior** to the diverting of water from the two hydraulically connected wells, the water user **shall** install an in-line flow meter or other suitable device for measuring and recording the quantity of water used into and out of any natural water source used to convey water. Control gates shall also be used to regulate any water out of natural waterways. 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.

WITNESS the signature of the Water Resources

Director, affixed APR 04 2003.


Paul R. Cleary, Director



Oregon

Theodore R. Kulongoski, Governor

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

William and Kathy S. Burnett
550 Hinkle Road, P.O. Box 365
Stanfield, OR 97875

August 18, 2008

SUBJECT: Application T-10422

Please find enclosed a draft of our Preliminary Determination regarding transfer application T-10422. 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 (*in writing*) with the proposed action.

At this time, you must submit a report of ownership and lien information prepared by a title company within the last three months, as required by OAR 690-380-4010(5). As required on Page 7 of your transfer application under "8. ATTACHMENTS", and in the signature block, a report of ownership and lien information is now to be submitted prior to the next document being sent out by the Department. This report may describe any lien holders or other parties who may potentially have an interest in the transfer request. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, 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 the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by September 18, 2008, a Preliminary Determination may be issued denying the application as incomplete.

You may provide your response in writing or via e-mail.

→ My e-mail address is Ken.D.Dowden@wrdd.state.or.us.

If you should have any questions regarding the information being requested, please feel free to contact me here in Pendleton at (541) 278-5456.

Sincerely,

Ken Dowden
Field Services Division

cc: Tony Justus, District 5 Watermaster
Terrence & Carol Goodrich → address: 77513 Hoosier Road, Stanfield, OR 97875
Dale Van Schoiack, CWRE → address: P.O. Box 1574, Kennewick, Oregon 97801

enc

→ file copy

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

In the Matter of Transfer Application
T-10422, Umatilla County

)
)
)
)
)
)

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

Authority

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

Applicant

William and Kathy S. Burnett
550 Hinkle Road, P.O. Box 365
Stanfield, OR 97875

Receiving Landowners – Tax Lot 600

Terrence and Carol Goodrich
77513 Hoosier Road
Stanfield, OR 97875

Findings of Fact

Background

1. On June 28, 2007, William and Kathy S. Burnett filed an application to change the place of use and point of diversion under a portion of Certificate 12164. The Department assigned the application number T-10422.

2. The portion of the right to be transferred is as follows:
Certificate: 12164 in the name of M. J. McDERMOTT (perfected under Permit 12433)
Use: IRRIGATION of 11.3 ACRES
Priority Date: NOVEMBER 5, 1936
Rate: 0.14 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 for each acre irrigated during the irrigation season
Source: UMATILLA DRAINAGE DITCH - STANFIELD IRRIGATION DISTRICT (STANFIELD DRAIN), a tributary of the UMATILLA RIVER

Certificate 12164 does not describe the location of the point of diversion beyond the quarter quarter breakdown; however information is available from the application/permit map, the current map prepared by the applicant's Certified Water Rights Examiner based on a recent field visit and subsequent survey indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	29 E	WM	32	NW SW	775 Feet South and 560 Feet East from the W¼ Corner of Section 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	29 E	WM	32	SW NW	8.7
4 N	29 E	WM	32	NW SW	2.6

3. Application T-10422 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	29 E	WM	31	NW NW	11.3

4. Application T-10422 also proposes to change the point of diversion for the newly transferred right described above approximately 3,950 feet downstream on the Stanfield Drain, then approximately 5,000 feet downstream on the Umatilla River to a pump located:

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
4 N	29 E	WM	31	SW NW	1440 Feet South and 130 Feet East from the NW Corner of Section 31

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. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
7. The distance involved between the original point of diversion (POD) and the new proposed point of diversion is over 1.5 miles. With the best available information, the Department has determined that a conveyance loss factor of 1% should be applied to the amount of water being conveyed through the reach to the new POD on the Umatilla River. The amount of water at full face value for the 11.3 acres to be transferred is 0.146 cubic foot per second (cfs). The 1% factor will reduce the amount transferred by 0.001 cfs.

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

8. 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.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10422.
10. The proposed changes, if properly conditioned, would not result in enlargement of the right.
11. The proposed changes, if properly conditioned, would not result in injury to other water rights.

Determination and Proposed Action

The changes in place of use and point of diversion proposed in application T-10422 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10422 is approved, the final order will include the following:

1. *The changes in place of use and point of diversion proposed in application T-10422 are approved.*
2. *Water right certificate 12164 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 above, and is subject to all other conditions and limitations contained in Certificate 12164 and any related decree.*
4. *The use of water under this right shall be subject to a conveyance loss of 1% (which is approximately 0.001 cfs) and to all other applicable conditions and restrictions that existed at the original point of diversion.*
5. *The quantity of water diverted at the new point of diversion, less conveyance loss, shall not exceed the quantity of water lawfully available at the original point of diversion.*
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 a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

8. *Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
9. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
10. *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.*
11. *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@wrdd.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 checked="" 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: William Burnett + Kathy S. Burnett
First Last

Address: 550 Hinkle Rd (P.O. Box 365)
Stanfield OR 97875
City State Zip

Phone: 541 449-3652 541 449-1951
Home Work Other

Fax: 541-449-3485 E-Mail address: liv4today@EONI.com

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: _____

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JUN 28 2007

WATER RESOURCES DEPT
 SALEM, OREGON

- 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.

10422

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.	16662	12433	12164
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion Additional Point of Diversion
 - Character of Use Point of Appropriation Additional Point of Appropriation
 - Instream Transfer Surface Water source to Ground Water source
- Reason(s) for change(s): Getting out of the farming business.

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.

10 horse power pump, 5 inch main line, 4" wheel
1 1/2 inch pipe diameter, 24 heads at 7 GPM.
Water pumped from Starfield drain

- System capacity: 37 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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SALEM, OREGON

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10422

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:

Stanfield Irrigation District
P.O. Box 416, STANFIELD, OR 97875

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

City of Stanfield and Umatilla
County

10422

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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): _____
First Last

Address: _____

_____ 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: CAROL Goodrich

Names of Receiving Landowner(s): Terrence Goodrich
First Last

Address: 77513 Hoosier Rd.

Stanfield OR 97875
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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JUN 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

T 10422

9. ATTACHMENTS

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

<p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Supplemental Form B – Evidence of Use Affidavit(s)</p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and</p> <p><input checked="" type="checkbox"/> The Evidence of Use Affidavit must be accompanied by supporting documentation.</p> <p>Map</p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.</p> <p>Water Well Report(s)/Well Log(s):</p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input checked="" type="checkbox"/> 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.)</p>	<p>Land Use Information Form:</p> <p><input checked="" type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not Required if all of the following are met:</p> <ul style="list-style-type: none">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, and④ Irrigation only. <p>Fees:</p> <p><input type="checkbox"/> Amount enclosed: \$ <u>700.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p><u>Instream Water Right Transfers, also include:</u></p> <p>Supplemental Form C – Instream Water Right Transfer</p> <p><input checked="" type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u>Temporary Transfers, also include:</u></p> <p>Recorded Deed:</p> <p><input type="checkbox"/> 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.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> 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.</p> <div style="text-align: right; margin-top: 20px;"><p>RECEIVED</p><p>JUN 28 2007</p><p>WATER RESOURCES DEPT SALEM, OREGON</p></div>
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1 10422

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:


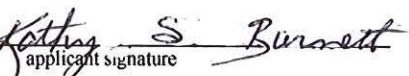
In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership 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 *(none)* 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, *(same)* 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>William Burnett</u> name (print)	<u>6/26/07</u> date
 applicant signature	<u>Kathy S. Burnett</u> name (print)	<u>6/26/07</u> date

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SALEM, OREGON FS

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

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

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

▪ Certificate Number or other identifying number: 12164

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 not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old <i>and</i> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not 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 checked="" 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 checked="" type="checkbox"/> Certificated Right	<u>12164</u> Certificate Number	<u>12433</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: M. J. McDERMOTT
- County: UMATILLA
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): NOV. 5, 1936

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: STANTFIELD DRAIN

Tributary to: UMATILLA RIVER

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

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

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

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

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

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SALEM, OREGON**

▪ Certificate Number or other identifying number: 12164

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)
—	STANFIELD DRI-14 11/25/36	4N	29E	W.M.	32	NW SW	3500	NW ¼ NW ¼ SW ¼

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

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

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

or

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

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

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

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

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Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Certificate Number or other identifying number: <u>12/64</u>							

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)
STANFIELD DRAIN WMAHILL RIVER	4N	29E	WM	31	NW SW	600	1440'S. + 130'E. from NW CORNER of SECTION 31 4 N. 29 E

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

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

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

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

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

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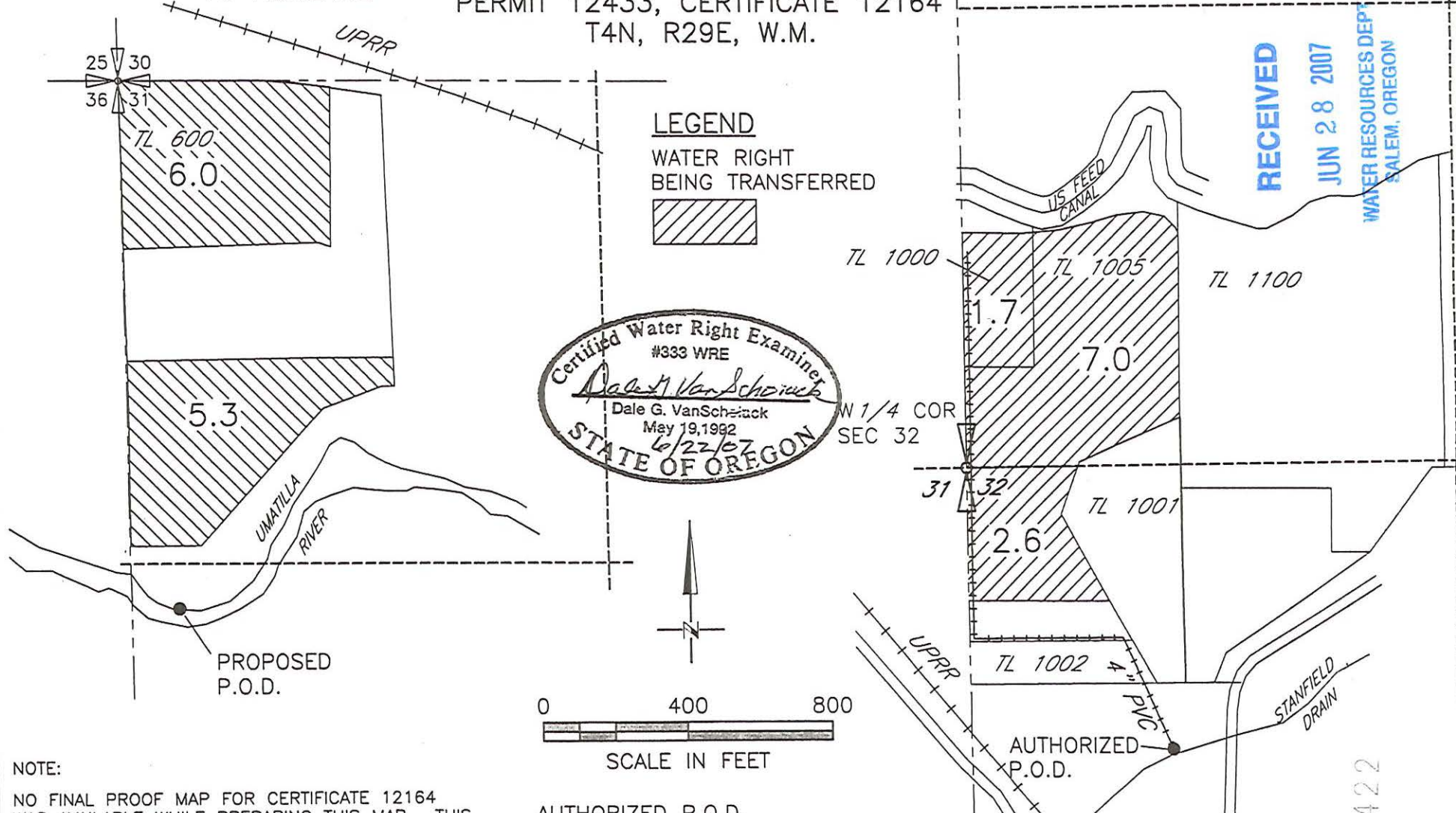
WATER RESOURCES DEPT
SALEM, OREGON

10422

BURNETT TO GOODRICH
 WATER RIGHT TRANSFER
 APPLICATION MAP FOR A PORTION OF
 PERMIT 12433, CERTIFICATE 12164
 T4N, R29E, W.M.

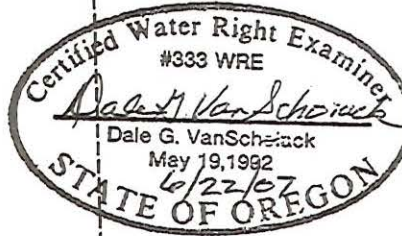
FROM ACREAGE

TO ACREAGE



LEGEND

WATER RIGHT
 BEING TRANSFERRED



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NOTE:

NO FINAL PROOF MAP FOR CERTIFICATE 12164 WAS AVAILABLE WHILE PREPARING THIS MAP. THIS MAP WAS PREPARED USING THE MAP FOR APPLICATION NO. 16662, PERMIT NO. 12433 AND THE COUNTY ASSESSOR MAP.

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

AUTHORIZED P.O.D.
 LOCATED 775'S AND 560'E FROM
 THE WEST 1/4 CORNER SEC 32

PROPOSED P.O.D.
 LOCATED 1440'S AND 130'E FROM
 THE NW CORNER SEC 31



10422



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: William Burnett
Mailing Address: P.O. Box 365
City: Stanfield State: OR Zip: 97875 Day Phone: 449-3652

This application is related to a Measure 37 claim. Yes 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 8 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: (Irrigation). Row 1: HN, 29E, 31, NW1/4, 600, FPU, Diverted, Conveyed, Used, Irrigation.

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

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, Exchange of Water, Allocation of Conserved Water, Limited Water Use License, Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond, Ground Water, Surface Water (name) Stanfield Drain Umatilla River

Estimated quantity of water needed: 33.9 cubic feet per second, gallons per minute, acre-feet

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

Briefly describe: Transferring water rights to grounds for pasture.

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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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): 152.053

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

Name: Richard Jennings Title: Senior Planner
 Signature: [Signature] Phone: 275-6249 Date: 6-26-07
 Government Entity: Vmft.la

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, William Burnett, in my capacity as property owner,
mailing address P.O. Box 365, Stanfield, OR 97875
telephone number (541) 449-3652, 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	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
4	N	29	E	WM 32	SWNW	8.7
4	N	29	E	WM 32	NWSE	2.6

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SALEM, OREGON**

(continues on reverse side)

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

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

Alfalfa hay within the last 5 years.

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

Sprinkler wheel line irrigation system with 10 H.P. pump.

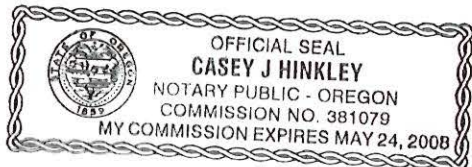
6. One or more of the following documentation supporting the above statements is attached:

- 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: _____

William Burnett
Signature of Affiant

6/26/07
Date

Signed and sworn to (or affirmed) before me this 26 day of June, 2007.



Casey J Hinkley
Notary Public for Oregon

My Commission Expires: May 24 2008

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

WILLIAM J BURNETT
KATHY S BURNETT
PO BOX 365
STANFIELD OR 97875-0365

Questions about your bill: 1-888-221-7070
24 hours a day, 7 days a week
www.pacificpower.net

BILLING DATE: **Jan 30, 2004**
ACCOUNT NUMBER: XXXXXXXXXX
DATE DUE: Feb 17, 2004
AMOUNT DUE: \$142.59

ACCOUNT PAST DUE

Our records indicate that your account is past due. If the past due amount has been paid, please remember that this bill also contains New Charges.

Your Balance With Us

Previous Account Balance	140.48
Payments/Credits	0.00
Past Due Amount	140.48
New Charges	+2.11
Current Account Balance	\$ 142.59

You Must Act Now to Avoid Shut-Off!

- Your Electric Service Past Due Amount of **\$140.48** must be received by **Feb 17, 2004** to avoid shut-off.

Other ways to avoid Shut-off are shown at the end of this billing statement

Remember: Your New Charges of **\$2.11** are still due by **Feb 17, 2004**.

Payments Received

No payments have been received since your last billing statement.

Detailed Account Activity

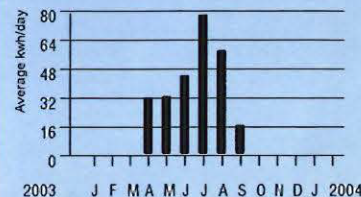
ITEM 1 - ELECTRIC SERVICE

W Roosevelt Ext Stanfield OR
Horse Power Rating : 0010.0 Schedule 41
Service ID: 271952887-001

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS		METER MULTIPLIER	AMOUNT USED THIS MONTH
			Previous	Current		
1214710	Dec 30, 2003 Jan 29, 2004	30	50631	50631	1.0	0 kwh
Fixed						9 kw

Current Month Estimated - Seasonal Disconnect. Your bill may not reflect actual usage.
Previous Month Estimated - Seasonal Disconnect

Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	JAN 2004	JAN 2003
Avg. Daily Temp.	27	40
Total kwh	0	0
Avg. kwh per Day	0	0
Cost per Day	\$0.00	

Looking for other ways to pay?

Try our free ePay option at www.pacificpower.net. Or, for a fee, you can pay by phone with a check (1-800-285-9234) or credit card (1-800-672-2403). Visit www.pacificpower.net for your payment options.

Fuel source, environmental impact and price comparison information is available on our web site at www.pacificpower.net.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Late Payment Charge for Oregon
A late payment charge of 1.5% may be charged on any balance not paid in full each month.

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS
RETURN THIS PORTION WITH YOUR PAYMENT.

PACIFIC POWER

PO BOX 25308
SALT LAKE CITY UT 84125

ACCOUNT PAST DUE

payment Hester

WRITE ACCOUNT NUMBER ON CHECK & MAIL TO:

WARNING: ACCOUNT PAST DUE

* AUTOGR ** B-004

32587 01 AC 0.275 194-4

 WILLIAM J BURNETT
KATHY S BURNETT
PO BOX 365
STANFIELD OR 97875-0365

PACIFIC POWER
1033 NE 6TH AVE
PORTLAND OR
97256-0001

*pd online
2-6-04*

Change of Mailing Address or Phone?
Check here & provide information on back.

Account Number: XXXXXXXXXX
Date Due: **Feb 17, 2004**

AMOUNT DUE: \$142.59

--	--	--	--	--	--	--	--	--	--

Please enter the amount enclosed.

Questions about your bill:
1-888-221-7070

1 10422

BILLING DATE: Jan 30, 2004 ACCOUNT NUMBER: [REDACTED] DATE DUE: Feb 17, 2004 AMOUNT DUE: \$142.59

NEW CHARGES - 01/04	UNITS	COST PER UNIT	CHARGE
Late Payment Charge		0.0150000	2.11
Total New Charges			2.11

YOUR ELECTRIC SERVICE AT THE FOLLOWING ADDRESS(ES) IS IN DANGER OF BEING SHUT-OFF DUE TO NON-PAYMENT:

SERVICE TYPE	SERVICE ADDRESS / SERVICE DESCRIPTION	AMOUNT
Electric Service	W Roosevelt Ext Stanfield, OR 97875 Horse Power Rating : 0010.0	\$140.48

IMPORTANT: If your service is disconnected our customer guarantee is to reconnect your service within 24 hours after all required payments are made and communicated to us via telephone, which includes at least half of your total account balance and may require you to PAY A DEPOSIT AND RECONNECTION CHARGE.

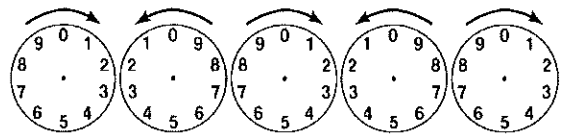
If after contacting Pacific Power, you feel that the decision to shut off your electric service is wrong, you may appeal to the Public Utility Commission of Oregon, whose toll-free telephone number is 1-800-522-2404, or you may write P.O. Box 2148, Salem, Oregon 97308-2148, or go in to the Consumer Services Section, Public Utility Commission's Office, 550 Capitol St. NE, Salem, Oregon 97310.



New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

If you feel your meter has been read incorrectly, draw lines representing hands as they appear on your meter now, then call toll free 1-888-221-7070



ACCOUNT NUMBER: [REDACTED]

LAST FIRST M.I.

NEW STREET ADDRESS

CITY

ST

ZIP

TELEPHONE NUMBER

Account Number:



Payment Amount

\$58.96

Payment date:
(mm/dd/yyyy)

08/05/2005

Payment method:



[Back to Payment Activity](#)

Jam Pump

RECEIVED

JUN 28 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

10422

Account Number:

[REDACTED]

Payment Amount

\$49.10

fan

Payment date:
(mm/dd/yyyy)

09/09/2005

pump

Payment method:

[REDACTED]

[Back to Payment Activity](#)

RECEIVED

JUN 28 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

10422

Acct # [REDACTED]

Image # 0004A1FD.TIF

Hermiston Agronomy
30854 Feedville Road
Hermiston OR 97838
541-564-4060 Fax: 541-567-3098
Pest Lic#: 00045

Invoice 17657

Invoice Date 02/22/2005
Due Date 03/31/2005
Customer ID 137170

W.E. Burnett
P.O. Box 365
Hermiston, OR 97838

Salesperson slw
Shipping Loc. HAG

Comments: clr - Non-crop, Stanfield

Quantity	Description	Unit Price	Total \$
.300 Gal (.300 1G)	Diuron 4L	.00 /Gal	.00
.020 Gal (.008 2.5J)	Grounded	.00 /Gal	.00
1.000 Each (1.000 1E)	Minimum Charge/Spray Application	150.00 /Each	150.00

Sub Total 150.00

Amount Due 150.00

W.E. Burnett

Invoice

17657
Customer Copy

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JUN 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

F 10422

Acct # [REDACTED]

Image # 0004C471.TIF

Date 3-23²⁸ 2005

PREVIOUS SALE NO.	CODE	GALLON READING-START	10ths
272	74	0000	0
273	74	0062	1

YOUR SALE NO.	GALLON READING-FINISH

PENDLETON GRAIN GROWERS, INC.
 1000 S.W. DORION • PENDLETON, OREGON 97801
 PHONE (541) 276-7811 **51231**

Sold To Bill Burnett
 Acct. # 137170

CASH GRADE TRUCK NO. _____

PRODUCT	CODE	GALLONS	PRICE	AMOUNT
LPG	4011	65	1.59	100.95

SALESMAN Curt TIME _____ A.M. _____ P.M.
 RECEIVED PAYMENT \$ _____ BY _____
 RECEIVED ABOVE GALLONS **PUNISHED**

Acct # [REDACTED]

Image # 0004BC78.TIF

Hermiston Agronomy
 30854 Feedville Road
 Hermiston OR 97838
 541-564-4060 Fax: 541-567-3098
 Pest Lic#: 00045

Invoice **18043**

Invoice Date 03/16/2005
Due Date 04/30/2005

Customer ID 137170

Salesperson slw
Shipping Loc. HAG
Field ID All

Acres 10 Alfalfa
Ticket(s) 840

W.E. Burnett
 P.O. Box 365
 Hermiston, OR 97838

Comments: clr -

Quantity	Description	Unit Price	Total \$
Analysis: 48 - 80	- 200 - 40 - 0 - 0 - 0 - 0 - 0 - 0 - 0.9		
3.186 Tons	48-80-200 40.0S 0.9B	272.54 /Tons	868.31
(.033 1.T)			
10.000 Acre	8L Custom Spreading	10.00 /Acre	100.00
(10.000 1A)			

Sub Total 968.31

Amount Due 968.31

W.E. Burnett

RECEIVED

JUN 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

Invoice

18043
Customer Copy

10422

Acct # [REDACTED]

Image # 0004BC25.TIF

Hermiston Agronomy
30854 Feedville Road
Hermiston OR 97838
541-564-4060 Fax: 541-567-3098
Pest Lic#: 00045

W.E. Burnett
P.O. Box 365
Hermiston, OR 97838

Invoice 17842

Invoice Date 03/10/2005
Due Date 04/30/2005
Customer ID 137170
Salesperson slw
Shipping Loc. HAG

Comments: clr - Field:1, Alfalfa

Quantity	Description	Unit Price	Total \$
1.000 Test (1.000 1T)	Soil Testing Analysis	60.00 /Test	60.00

Sub Total 60.00

Amount Due 60.00

W.E. Burnett

Invoice

17842
File Copy 1

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

State of Oregon)
 County of UMATILLA) ss

I, _____, in my capacity as _____,
 mailing address _____
 telephone number (541) 449-3272, 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)
4	N	29	E	W.M	32 SWNW	8.7
4	N	29	E	WM	32 NWSW	2.6

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JUN 28 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

(continues on reverse side)

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

10422
 10422

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

ALFALFA hay within the last 5 years.
Previously was corn, sugar beets, strawberry
plants, wheat, clover seed.

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

sprinkler wheel line irrigation
system and 10 horse power pump.

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: _____

RECEIVED

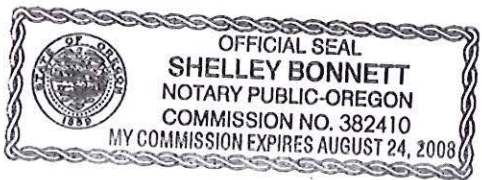
JUN 28 2007

WATER RESOURCES DEPT
SALEM, OREGON

[Signature]
Signature of Affiant

6-26-2007
Date

Signed and sworn to (or affirmed) before me this 26th day of June, 2007.



[Signature]
Notary Public for Oregon

My Commission Expires: Aug. 24, 2008

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

T 10422

Ken Dowden

From: BJ Creative Specialties [bjcspecial@eoni.com]
Sent: Wednesday, August 27, 2008 11:23 AM
To: Ken Dowden
Subject: Title Research Report/Burnett/Goodrich

Ken,

This is in regard to application T-10422.

I have the title report (sent to me by email), and everything is clear. I'm not including it yet, but wondered if I should send it right away or wait until I hear back from Goodrich about his approval of the letter.

Brad is a rodeo participant and is in Ellensburg, WA. and not back home until the Pendleton R-Up. He hasn't reviewed closely the letter sent on the 18th in regard to the transfer. Should I wait until he approves the letter around the 12th of September (or disapproves) to send you the title search report or should I send the report to you now?

Thankyou,

It's past time to drill for oil in our country. If you agree please call your congressman.

William Burnett
BJ Creative Specialties
www.imprintit.net
541-449-1951; 800-472-8799
bjcspecial@eoni.com

*RESPONDED SAYING TO HEAR
FROM GOODRICH'S, THEN SEND
IN ROLI and RESPONSE.*

**PROPERTY ANALYSIS REPORT**

BILL BURNETT
Attn: --
PO BOX 365
STANFIELD, OR 97875

Date : August 26, 2008
Order No. 0062186
Cost:\$50.00

We have searched our Tract Indices as to the following described property:

Parcel 2, Partition Plat 2006-33, located in the Southwest Quarter of the Northwest Quarter of Section 32, Township 4 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon.

and as of July 15, 2008 at 8:00 A.M. at 8:00 a.m., we find that the last deed of record runs to:

WILLIAM J. BURNETT

We also find the following monetary encumbrances prior to the effective date hereof:

NONE

We also find the following unpaid taxes and city liens:

1. 2008-2009 Taxes, which are a lien, but not yet payable.
2. City Liens of the City of Stanfield, if any.

This Par Report is being made with the understanding that it does not represent any form of title insurance and is not a commitment for a policy of insurance. The information provided herein is not a full examination of the subject property. Further, if any person, corporation, or entity of any kind should use this report as a basis to produce a title insurance policy it should be understood that it is clearly outside of Oregon Law. Any liability hereunder is limited to the amount paid for said report.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

AmeriTitle

Richard Brown
Title Examiner

Fax Memo from *BJ Creative Specialties*

WE'RE THE DEPENDABLE ONES!



BJ Creative Specialties
550 Hinkle Rd.
P.O. Box 365
Stanfield, OR 97875

PHONE: 541-449-1951 FAX: 541-449-3485

ATTN Water Resources Dept

Fax (503) 986 0904

Date 1/22/08

Pages 3

Reference # 10422 (Transfer)

*Can you please fax us a note
or send a letter in regard to
the status + expected time
line on this transfer?*

Thank you,

William J. Burnett

RECEIVED

22 2008

WATER RESOURCES DEPT.
SALIDA, OREGON



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

WILLIAM & KATHY BURNETT
PO BOX 365
STANFIELD OR 97875

RECEIVED
JUL 2 2007
WATER RESOURCES DEPT
SALEM OREGON

Reference: Transfer 10422

On June 28, 2007 we received your water right transfer application. The application was accompanied by \$700.00. Our receipt 88396 is enclosed.

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

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
Dale Van Schoiack, CWRE
Carol & Terrence Goodrich
Tim Bailey, ODFW

enclosure



Oregon

Theodore R. Kulungoski, 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 07/03/07

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

County: Umatilla
Transfer: T -10422
Water Right: Cert:12164 OR *
Priority Date: 1936
Name: WILLIAM AND KATHY BURNETT
Address: PO BOX 365 STANFIELD OR 97875
Change: POU, POD
Source: STATE GULCH > UMATILLA RIVER
Authorized POU: T4N R29E 32
Proposed POU: T4N R29E 31
Authorized POD: T4N R29E 32
Proposed POD: T4N R29E 31

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.

RECEIVED

01 22 2008

Water Resources Dept.
Salem, Oregon

Assessment and Taxation Search Results

ALL BURNETT PROPERTIES

Showing 1 to 9 of 9

Acct#	Tax#	NL S I U F C	Name Type	Name	Map#	Situs Address
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2932-00-01000	550 HINKLE RD STANFIELD OR 97875
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2810-AD-04900	345 1ST PL HERMISTON OR 97838
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2810-AD-05100	
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2932-00-01003	
[REDACTED]	[REDACTED]		0 OWNER	BURNETT,WILLIAM J	4N2932-00-01004	
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2932-00-01005	
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WILLIAM J	4N2932-00-01004	
[REDACTED]	[REDACTED]		0 OWNER	BURNETT,WINIFRED L	2N3209-CA-03700	3034 RIVER VIEW DR PENDLETON OR 97801
[REDACTED]	[REDACTED]		1 OWNER	BURNETT,WINIFRED L	2N3209-CA-03700	3034 RIVER VIEW DR PENDLETON OR 97801

TL 1001 DOES NOT APPEAR ON HERE

UMATILLA COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2008

6/30/2008 9:13:05 AM

Account # [REDACTED]
 Map # 4N2932-00-01000
 Code - Tax # 6101-114445
 Owner BURNETT WILLIAM J & KATHRYN S
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # BOOK 2007 PAGE 5210653
 Sales Date/Price 06-21-2007 / \$0.00
 Legal Description PARTITION PLAT B-PARCEL 1 L-
 Appraiser LOCKIE-THOMAS, LINDA

550 HINKLE RD
 STANFIELD, OR 97875

		MA	SA	NH	Unit
Prop Class	131	02	25	000	43964-2
RMV Class	101				

Situs Address(s)	Situs City
ID# 550 HINKLE RD	STANFIELD

Value Summary				
Code Area	AV	RMV	RMV Exception	CPR
6101 Impr.	61,270	79,250	Impr.	0
Land	53,020	68,580	Land	0
Code Area Total	114,290	147,830		0
Grand Total	114,290	147,830		0

Land Breakdown											
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size	
6101	1	R	LI	Residential Site	0	A	2.00	L			
Code Area Total							2.00			0	
Grand Total							2.00			0.00	

Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
6101	1	1920	131	One story	0	1536	
6101	2		300	Farm Bldg	0		
Code Area Total						1,536	
Grand Total						1,536	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description

UMATILLA COUNTY ASSESSOR

Real Property Assessment Report

FOR ASSESSMENT YEAR 2008

6/30/2008 9:09:04 AM

Account # XXXXXXXXXX
 Map # 4N2932-00-01005
 Code - Tax # 6101-161120
 Owner BURNETT WILLIAM J
 Agent
 In Care Of
 Mailing Address

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL
 Deed Reference # BOOK 2006 PAGE 5120407
 Sales Date/Price UNK / UNK
 Legal Description PARTITION PLAT B-PARCEL 2 L-
 Appraiser UNKNOWN

PO BOX 365
 STANFIELD, OR 97875

		MA	SA	NH	Unit
Prop Class	391	08	02	000	43964-2
RMV Class	391				

Situs Address(s)	Situs City

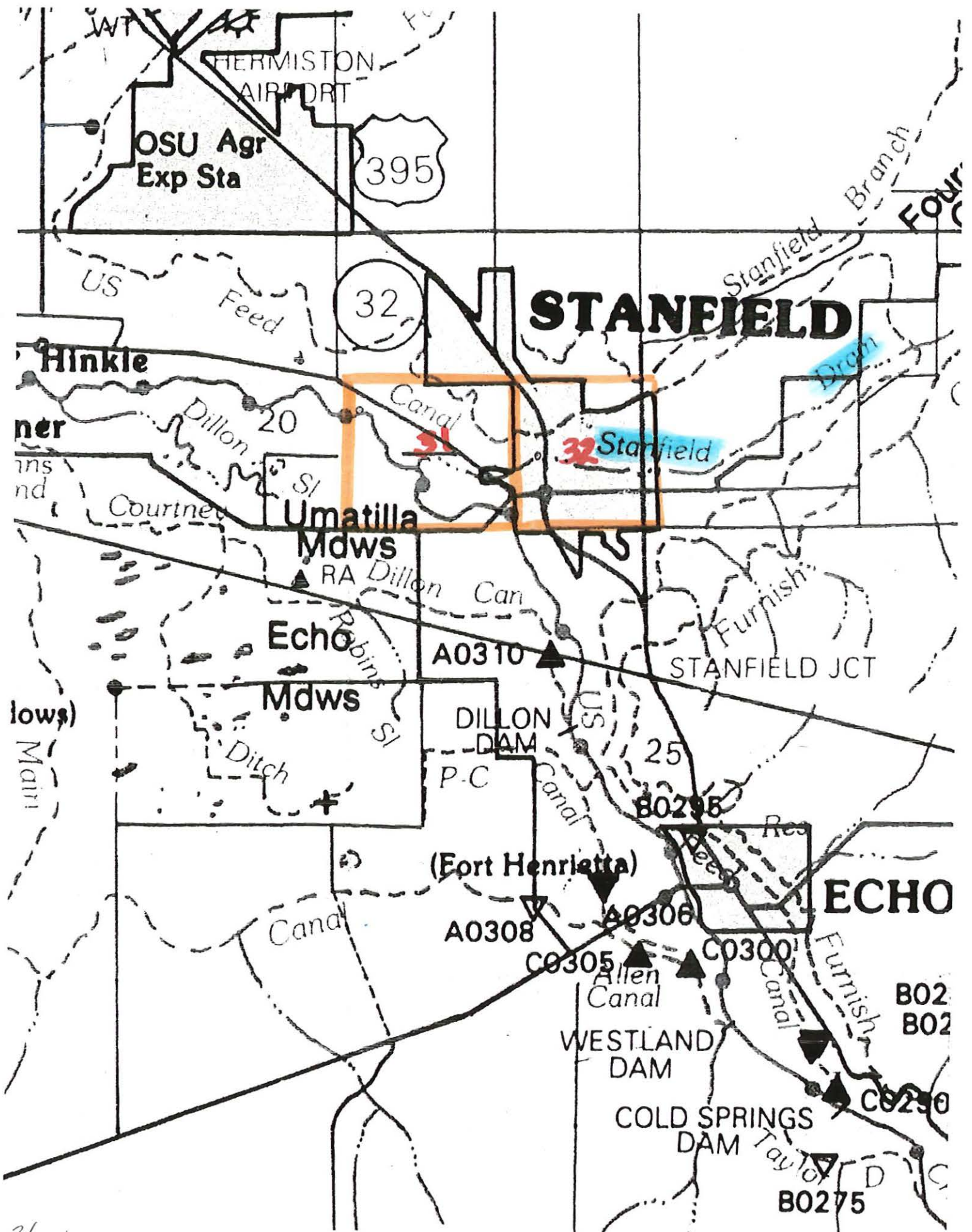
Value Summary				
Code Area	AV	RMV	RMV Exception	CPR
6101 Impr.	0	0	Impr.	0
Land	128,070	128,070	Land	0
Code Area Total	128,070	128,070		0
Grand Total	128,070	128,070		0

Land Breakdown										
Code Area	ID#	RFD	Plan Zone	Value Source	TD%	LS	Size	Land Class	IRR Class	IRR Size
6101		R	LI	Industrial Site	100	S	510523.00	L		
Code Area Total							510523.00			0
Grand Total							510,523.00			0.00

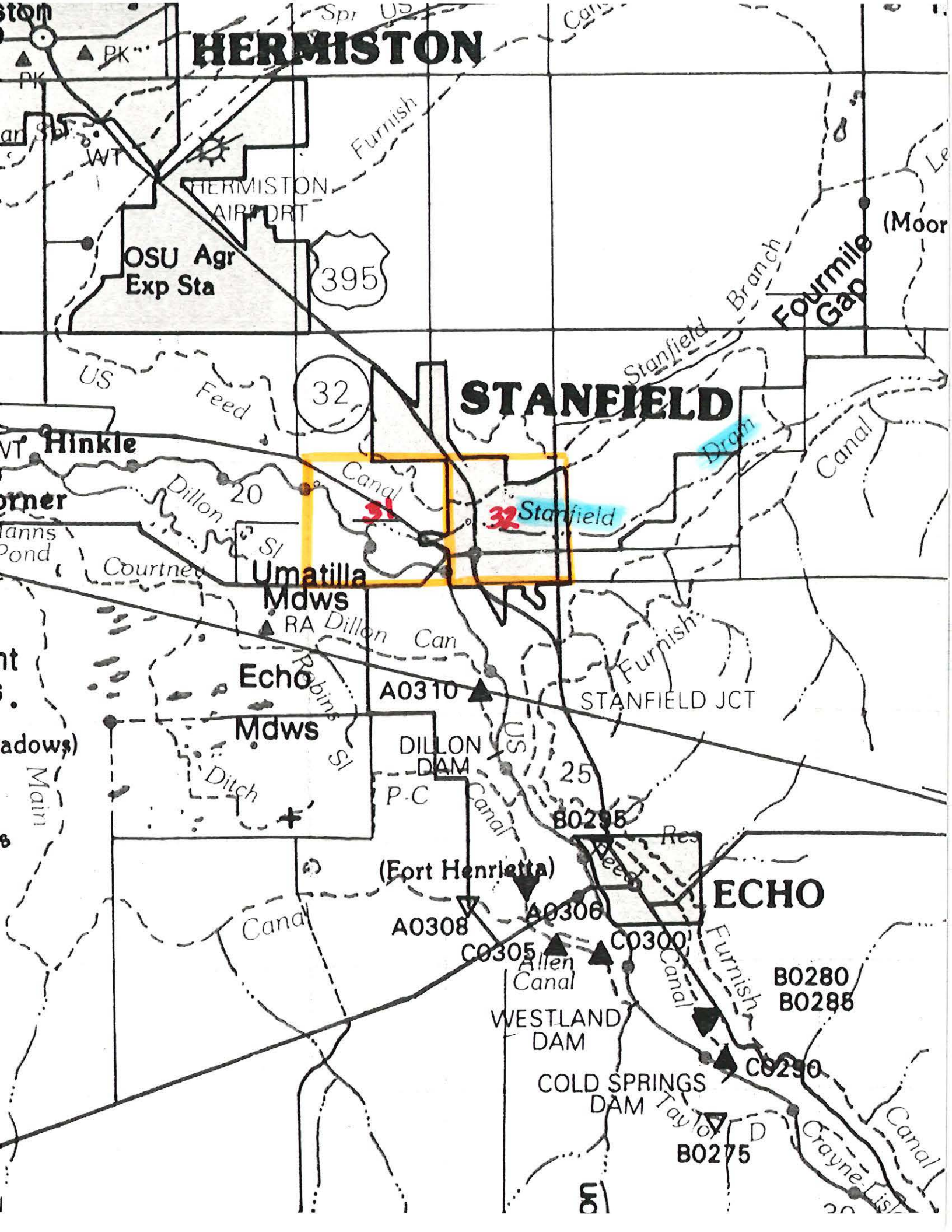
Improvement Breakdown							
Code Area	ID#	YR Built	Stat Class	Description	TD%	Total Sq. Ft.	MS ACCT #
Code Area Total						0	
Grand Total						0	

Exemptions/Special Assessments/Potential Liability		
Code Area	Type	Description

PAccountNumbers



3/4 mile DOWN STANFIELD DRAIN THEN 0.95 mi



WATER RESOURCES DEPARTMENT

HYDROGRAPHIC REPORT

UMATILLA RIVER RETURN FLOW STUDY

WATERMASTER DISTRICT #5

MONTH _____ YEAR _____

STATION LOCATION	DATE	DISCHARGE
UMATILLA RVR. @ YOKUM RM 37.7		
FURNISH CANAL nr ECHO RM 32.4		
UMATILLA PROJECT FEED CANAL RM 28.2		
ALLEN CANAL RM 27.3		
WESTERN LAND CANAL RM 27.3		
UMATILLA RVR. @ ECHO BR. RM 26.3		
DILLON CANAL nr STANFIELD RM 23.9		
UMATILLA RVR. ab UMATILLA MEADOWS RM 22.8		
PIONEER DRAIN RM 22.6		
STANFIELD CANAL DRAIN RM 21.9		
DILLON CANAL E.DRAIN RM 20.0		
UMATILLA RVR. b1 DILLON CANAL E.DRAIN RM 19.9		
DILLON CANAL W.DRAIN RM 18.9		
COURTNEY DITCH DRAIN RM 17.0		
MAXWELL CANAL RM 15.4		
USA CANAL RM15.4		
BUTTER CREEK ab I 84 RM 15.0		

APPENDIX

Description of monitoring sites

1. UMATILLA RIVER AT YOAKUM. RM 37.7 Average daily discharge data taken from gage #14026000 records.
2. FURNISH CANAL NEAR ECHO. RM 32.4 Average daily discharge data taken from gage #14027000 records.
3. UMATILLA PROJECT FEED CANAL. RM 28.2 Average daily discharge data taken from gage #14029000 records.
4. ALLEN CANAL. RM 27.3 Inside gage #14030000 is read.
5. WESTERN LAND CANAL. RM 27.3 Inside gage #14030500 is read.
6. UMATILLA RIVER AT ECHO BRIDGE. RM 26.3 (SE 1/4, NW 1/4, Sec. 16, T3N) Staff gage on downstream side of bridge pillar washed out during floods of 1986. Measurements were made either 60 feet or 400 feet downstream from bridge.
7. DILLON CANAL NEAR STANFIELD. RM 23.9 Inside gage #14031000 is read.
8. UMATILLA RIVER ABOVE UMATILLA MEADOWS. RM 22.8 (SW 1/4, SW 1/4, Sec. 32, T4N, R28E) Measured at gravel riffle 300-500 feet above Stanfield Bridge during low water stages.
9. PIONEER DRAIN. RM 22.6 (SE 1/4, SE 1/4, Sec. 31, T4N, R29E) Measured above Umatilla Meadows Road.
10. STANFIELD CANAL DRAIN. RM 21.9 (NW 1/4, SE 1/4, Sec. 31, T4N, R29E) Measured 60-100 feet above Umatilla River.
11. DILLON CANAL E. DRAIN. RM 20 (NE 1/4, SW 1/4, Sec. 36, T4N, R28E) Measured at the point water is turned into drain canal, approximately 1400 feet above the Umatilla River.
12. UMATILLA RIVER BELOW DILLON CANAL E. DRAIN. RM 19.9 (NE 1/4, SW 1/4, Sec. 36, T4N, R28E) Measured 150-500 feet below the confluence with the Dillon Canal E. Drain and 3 miles above State Highway 207.
13. DILLON CANAL W. DRAIN. RM 18.9 (NW 1/4, NW 1/4, Sec. 35, T4N, R28E) Measured at confluence with Umatilla River about 1 1/2 miles above Highway 207 until late 1985, then measured under wooden bridge in corral about 1500 feet above Umatilla River.

Water Rights Platcard Report

"TO" LANDS

Meridian: Township: North East Records per Page:

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(400)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:12164 OR * Additional Info: M J MCDERMOTT App: S16662 Permit: S12433 Cert: 12164	T10422	11/5/1936	IRRIGATION								14									4				
Select Cert:14346 OR * Additional Info: DILLON IRRIGATION CO. App: S17617 Permit: S13306 Cert: 14346		10/1/1938	SUPPLEMENTAL IRRIGATION (Suppl'mtl)														20	20						
Select Cert:2574 OR CN Additional Info: L T KENNISON Decree: UMATILLA RIVER Cert: 2574		12/31/1903	IRRIGATION, LIVESTOCK AND DOMESTIC	CN																17			5	
Select Cert:2583 OR CN Additional Info: MAXWELL IRRIGATION CO. Decree: UMATILLA RIVER Cert: 2583		9/11/1894	IRRIGATION, LIVESTOCK AND DOMESTIC	CN				2	34	20														
Select Cert:2583 OR CN Additional Info: MAXWELL IRRIGATION CO. Decree: UMATILLA RIVER Cert: 2583		9/11/1894	MUNICIPAL USES	CN				*	*	*														
Select Cert:2602 OR CN Additional Info: JOS T HINKLE Decree: UMATILLA RIVER Cert: 2602		1/1/1900	IRRIGATION, LIVESTOCK AND DOMESTIC	CN								3-25												
Select Cert:2603 OR CN Additional Info: EDNA L COOPER Decree: UMATILLA RIVER Cert: 2603		1/1/1900	DOMESTIC	CN								*												
Select Cert:2603 OR CN Additional Info: EDNA L COOPER Decree: UMATILLA RIVER Cert: 2603		1/1/1900	IRRIGATION	CN								4-9												
Select Cert:2603 OR CN Additional Info: EDNA L COOPER Decree: UMATILLA RIVER Cert: 2603		1/1/1900	LIVESTOCK	CN								*												
Select Cert:2608 OR CN Additional Info: J E REEVES Decree: UMATILLA RIVER Cert: 2608		3/31/1906	IRRIGATION, LIVESTOCK AND DOMESTIC	CN																	10	2		

NO CONFLICTS

Select Cert:26099 OR CN Additional Info: J J OBERSON App: S22914 Permit: S18122 Cert: 26099	11/18/1947	IRRIGATION	CN					9.5	6.4			11.0		6.6
Select Cert:26099 OR CN Additional Info: J J OBERSON App: S22914 Permit: S18122 Cert: 26099	11/18/1947	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN		30.1	4.0								
Select Cert:2644 OR * Additional Info: SUSAN A WHITE Decree: UMATILLA RIVER Cert: 2644	12/31/1906	IRRIGATION, LIVESTOCK AND DOMESTIC						30						
Select Cert:31284 OR * Additional Info: GLADYS CRUM App: G1373 Permit: G1293 Cert: 31284	2/6/1959	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						37.8		27.6				
Select Cert:31294 OR * Additional Info: BLANCHE KENISON App: S33580 Permit: S26564 Cert: 31294	1/28/1960	SUPPLEMENTAL IRRIGATION (Suppl'mtl)							22		32			
<i>NER</i> Select Cert:38732 OR * Additional Info: FREDRICK C RYSER App: G3753 Permit: G3543 Cert: 38732	12/9/1966	IRRIGATION												
Select Cert:3962 OR * Additional Info: J E REEVES App: S8198 Permit: S5303 Cert: 3962	12/7/1921	IRRIGATION										25		
Select Cert:46363 RR * Additional Info: L T KENNISON Decree: UMATILLA RIVER Cert: 46363	12/31/1903	IRRIGATION, LIVESTOCK AND DOMESTIC										12.68		5
Select Cert:46830 RR CN Additional Info: J J OBERSON App: S22914 Permit: S18122 Cert: 46830	11/18/1947	IRRIGATION	CN					9.5	4.2			6		6.6
Select Cert:46830 RR CN Additional Info: J J OBERSON App: S22914 Permit: S18122 Cert: 46830	11/18/1947	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	CN		30.1	4.0								
Select Cert:52831 CF * Additional Info: BOISE CASCADE CORP. App: S22914 Permit: S18122	11/18/1947	IRRIGATION										5.8		

SUSAN DAGGETT App: S58245 Permit: S49497																				
Select Permit: S 52029 *											12.1	0.1		29.8						
Additional Info: CITY OF STANFIELD App: S72686 Permit: S52029																				

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ	
Select Cert:11010 OR *		7/26/1932	IRRIGATION																				20		
Additional Info: STANFIELD IRRIGATION DISTRICT App: S14660 Permit: S10650 Cert: 11010																									
Select Cert:12164 OR *	T10422	11/5/1936	IRRIGATION											12										2.6	
Additional Info: M J MCDERMOTT App: S16662 Permit: S12433 Cert: 12164																									
Select Cert:2583 OR CN		9/11/1894	IRRIGATION, LIVESTOCK AND DOMESTIC		CN									5		24		2		15		33		20	21
Additional Info: MAXWELL IRRIGATION CO. Decree: UMATILLA RIVER Cert: 2583																									
Select Cert:2583 OR CN		9/11/1894	MUNICIPAL USES		CN									*		*		*		*		*		*	
Additional Info: MAXWELL IRRIGATION CO. Decree: UMATILLA RIVER Cert: 2583																									
Select Cert:33488 OR *		7/29/1963	MUNICIPAL USES													*		*		*		*		*	
Additional Info: CITY OF STANFIELD App: G2669 Permit: G2474 Cert: 33488																									
Select Cert:33489 OR *		7/29/1963	MUNICIPAL USES													*		*		*		*		*	
Additional Info: CITY OF STANFIELD App: G2673 Permit: G2477 Cert: 33489																									
Select Cert:37615 OR *		3/6/1959	MUNICIPAL USES							*					*	*		*		*		*		*	
Additional Info: CITY OF STANFIELD App: G1409 Permit: G1321 Cert: 37615																									
Select Cert:41026 OR *		1/15/1970	IRRIGATION																					2.5	
Additional Info: STANFIELD BAPTIST CHURCH App: G5078 Permit: G4794 Cert: 41026																									
Select Cert:41150 OR *		7/3/1968	IRRIGATION																					2.4	
Additional Info:																									

NO CONFLICTS

Additional Info: STANFIELD IRRIGATION DISTRICT Decree: UMATILLA RIVER (S)																		
Select Decree: Vol:3 Page:127 [Umatilla River] CN Additional Info: FURNISH DITCH CO. Decree: UMATILLA RIVER	3/8/1905	IRRIGATION	CN															
Select Inchoate: T 7440 CF (AMN) * Additional Info: CITY OF STANFIELD App: G8459 Permit: G7623	9/22/1977	MUNICIPAL USES																
Select Inchoate: T 9911 CF (REG) * Additional Info: JOHN GRIFFITTS App: S48070 Permit: S36058	6/16/1971	IRRIGATION								(2.2)								
Select Permit: S 49497 * Additional Info: SUSAN DAGGETT App: S58245 Permit: S49497	1/19/1979	MUNICIPAL USES																

NCR

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

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

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: Burnett (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)]

OK

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]

POD
POU

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): _____

OK

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 (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? (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 <i>POU</i> or <i>USE</i>..... (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><i>NOTE:</i> 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><i>NOTE:</i> 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><i>NOTE:</i> 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 or 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><i>NOTE:</i> 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. 2) (Page 2)
OK	<ul style="list-style-type: none"> • Is there a box checked in #6? (Page 2)
OK	<ul style="list-style-type: none"> • Is the #6 supporting documentation included with application? 2) (Page 2)
OK	<ul style="list-style-type: none"> • Is there an original signature of the notary and notary stamp? 2) (Page 2)
Return back to Page 3 of transfer application	
OK	<ul style="list-style-type: none"> • Affected districts and local governments. YES (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.
Receiving LO	<ul style="list-style-type: none"> • Who will be responsible for completion of the changes? Receiving landowner (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... 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 __ 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 (clearly shown, labeled & matches application listing) __ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR __ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) __ location coordinates accurately describe the point identified as the proposed POD/POA
OK	<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.
N/A	<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:

6-29-07



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

WILLIAM & KATHY BURNETT
PO BOX 365
STANFIELD OR 97875

Reference: Transfer 10422

On June 28, 2007 we received your water right transfer application. The application was accompanied by \$700.00. Our receipt 88396 is enclosed.

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

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
Dale Van Schoiack, CWRE
Carol & Terrence Goodrich
Tim Bailey, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

**Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
07/03/07**

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

County: Umatilla
Transfer: T -10422
Water Right: Cert:12164 OR *
Priority Date: 1936
Name: WILLIAM AND KATHY BURNETT
Address: PO BOX 365 STANFIELD OR 97875
Change: POU, POD
Source: STATE GULCH > UMATILLA RIVER
Authorized POU: T4N R29E 32
Proposed POU: T4N R29E 31
Authorized POD: T4N R29E 32
Proposed POD: T4N R29E 31

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.

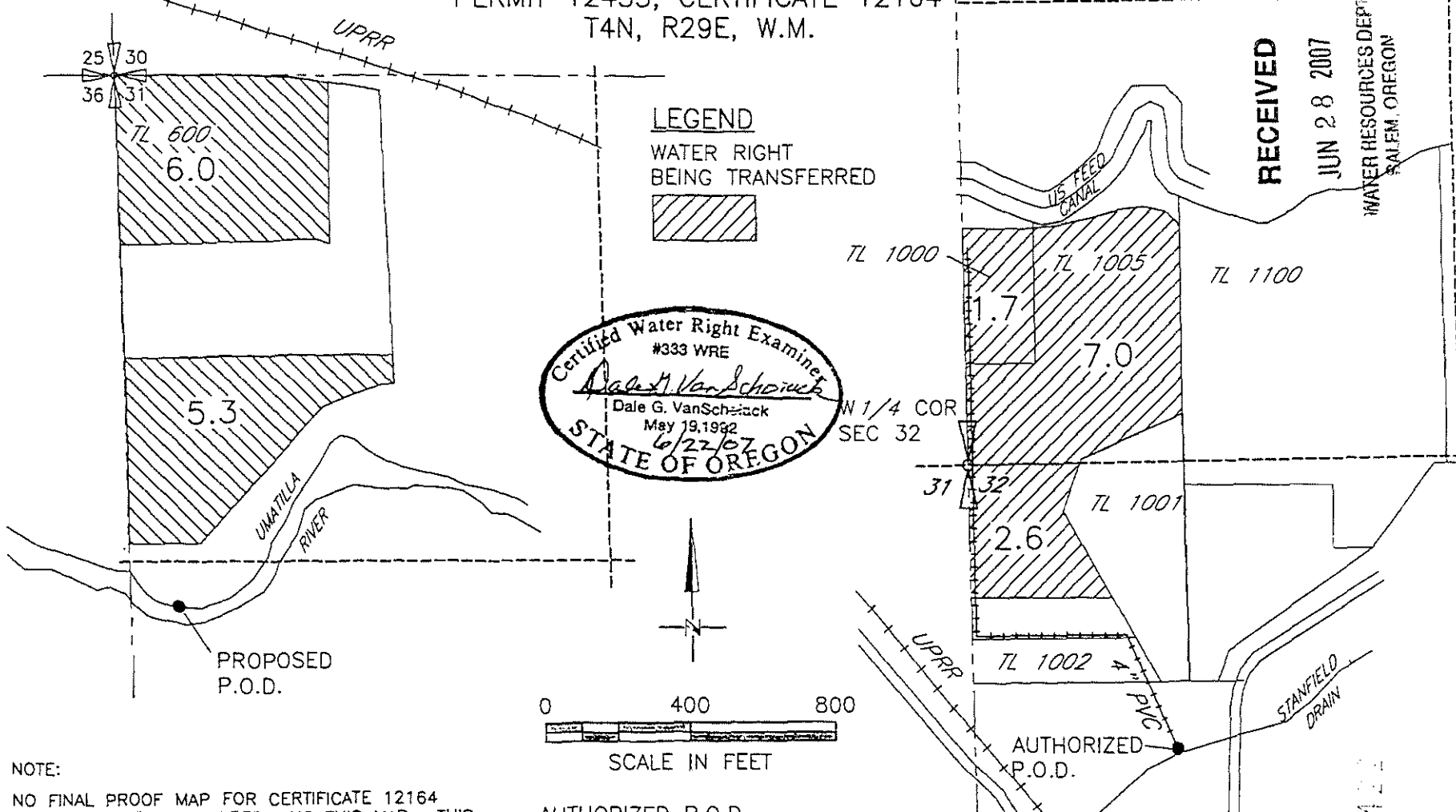
The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

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.

BURNETT TO GOODRICH
 WATER RIGHT TRANSFER
 APPLICATION MAP FOR A PORTION OF
 PERMIT 12433, CERTIFICATE 12164
 T4N, R29E, W.M.

TO ACREAGE

FROM ACREAGE



LEGEND
 WATER RIGHT
 BEING TRANSFERRED

Certified Water Right Examiner
 #333 WRE
Dale G. VanSchick
 Dale G. VanSchick
 May 19, 1992
 6/22/07
 STATE OF OREGON

RECEIVED
 JUN 28 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

NOTE:
 NO FINAL PROOF MAP FOR CERTIFICATE 12164
 WAS AVAILABLE WHILE PREPARING THIS MAP. THIS
 MAP WAS PREPARED USING THE MAP FOR
 APPLICATION NO. 16662, PERMIT NO. 12433 AND
 THE COUNTY ASSESSOR MAP.
 THE PURPOSE OF THIS MAP IS TO IDENTIFY THE
 APPROXIMATE LOCATION OF THE WATER RIGHT. IT
 IS NOT INTENDED TO PROVIDE INFORMATION
 RELATIVE TO THE LOCATION OF PROPERTY
 OWNERSHIP BOUNDARY LINES.

AUTHORIZED P.O.D.
 LOCATED 775'S AND 560'E FROM
 THE WEST 1/4 CORNER SEC 32
 PROPOSED P.O.D.
 LOCATED 1440'S AND 130'E FROM
 THE NW CORNER SEC 31

SCM Consultants, Inc.
 A Tetra Tech Company
 DRAWING: H:\CAD\AG\3522\BURNETT\3522BURNETT.dwg
 PRINTED BY: Gary Weatherly on 06/21/07 03:53 PM



**OREGON WATER RESOURCES
DEPARTMENT & UMATILLA COUNTY
WATERMASTERS OFFICE**

N.C. Region & Dist #5
116 S.E. Dorion Ave.
Pendleton, OR 97801

PH# (541) 278-5456
FAX # (541) 278-0287

To: Dorothy Peterson **Date:** 3/31/08
From: Frank Dye
Pages: 2 (INCLUDING COVER)

Message:

For red file : T-10422 - Irr. flow
statement & Confirmation letter. Thank You!
Frank

Irrigation Flow Statement & Confirmation

Explanation of this document: Since the Burnett farm is upstream and draws water for sprinkler irrigation for their farm, and the "Mor Starch Company" has water rights downstream from Burnetts, it has been suggested by the Oregon Water Resources Department that a statement in regard to the effects of ending the Burnett irrigation be addressed.

The Burnett irrigation season has been in effect with a water right since 1936, and the system was converted from a flood irrigation system to a sprinkler irrigation system in the early 1970's. First of all there is only a maximum of 65 GPM (gallons per minute) that are withdrawn during any use, and the water has been distributed on land that (1) is not sandy, but a firm loam soil and is not conducive to irrigation water migration either above or below ground. (2.) The water table on the Burnett farm is at approximately 10 to 12 feet deep. (3.) The farm land that has been irrigated is far from the the water source (from approximately 200 ft. to 700 ft away), and there is no noticeable migration effect of any water back to the source. Therefore there has never been any, nor would there ever be any difference in stream flow noticed to any irrigation or lack of irrigation on the Burnett farm. A true statement would be the following: During, before, and after irrigation season stream flows have not shown any noticeable affect to the stream flow of the Stanfield drain ditch which is used as the irrigation source for both parties due to any use or lack of use by the Burnett farm, nor has it affected our water rights in any manner. Therefore we anticipate no change whatsoever in the transfer of the Burnett water right downstream below our water rights to the Goodrich farm on the Umatilla River.

This factual statement is confirmed here by the manager of the Mor Starch plant, Damon Horn, in Stanfield, OR.

William J. Burnett Date 3/13/08; Damon Horn Date 3/13/08

William J. Burnett (Owner)
Burnett Farm
Stanfield, OR
541 449-3652

Damon Horn (Plant Mgr.)
Mor Starch
Stanfield, OR
Bus. Phone: 541-449-3807

Fax Memo from *BJ Creative Specialties*

WE'RE THE DEPENDABLE ONES!



BJ Creative Specialties
550 Hinkle Rd.
P.O. Box 365
Stanfield, OR 97875

RECEIVED

JAN 22 2008

WATER RESOURCES DEPT.
SALEM, OREGON

PHONE: 541-449-1951 FAX: 541-449-3485

ATTN Water Resources Dept

Fax (503) 986 0904 Date 1/22/08

Pages 3 Reference # 10422 (Transfer)

*Can you please fax us a note
or send a letter in regard to
the status + expected time
line on this transfer?*

Thank you,

William J. Burnett



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
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July 2, 2007

WILLIAM & KATHY BURNETT
PO BOX 365
STANFIELD OR 97875

RECEIVED
JAN 22 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Reference: Transfer 10422

On June 28, 2007 we received your water right transfer application. The application was accompanied by \$700.00. Our receipt 88396 is enclosed.

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

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

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cc: Watermaster #5
Dale Van Schoiack, CWRE
Carol & Terrence Goodrich
Tim Bailey, ODFW

enclosure



Oregon

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 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 503-986-0900
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RECEIVED

JAN 22 2008

WATER RESOURCES DEPT.
 SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

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cc: Watermaster #5
Dale Van Schoiack, CWRE
Carol & Terrence Goodrich
Tim Bailey, ODFW

enclosure



Oregon

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Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

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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 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 checked="" 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: William Burnett + Kathy S. Burnett
First Last

Address: 550 Hinkle Rd (P.O. Box 365)
Stanfield OR 97875
City State Zip

Phone: 541 449-3652 541 449-1951
Home Work Other

Fax: 541-449-3485 E-Mail address: liv4today@EONI.com

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: _____

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- 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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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.	16662	12433	12164
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (Description of Proposed Change(s) to a Water Right) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - Place of Use Point of Diversion Additional Point of Diversion
 - Character of Use Point of Appropriation Additional Point of Appropriation
 - Instream Transfer Surface Water source to Ground Water source
- Reason(s) for change(s): Getting out of the farming business.

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.

10 horse power pump, 5 inch main line, 4" wheel
1 1/2" pipe diameter 24 heads at 7 GPM.
Water pumped from STA field drain

- System capacity: 37 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

Stanfield Irrigation District
P.O. Box 416, STANFIELD, OR 97875

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

City of Stanfield and Umatilla
County

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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): _____
First Last

Address: _____
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: CAROL Goodrich
Names of Receiving Landowner(s): Terrence Goodrich
First Last

Address: 77513 Hoosier Rd.
Stanfield OR 97875
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.

<p>Supplemental Form A – Description of Proposed Change(s) to a Water Right</p> <p><input checked="" type="checkbox"/> A <u>separate</u> Supplemental Form A is enclosed for <u>each</u> water right to be affected by this transfer.</p> <p>Supplemental Form B – Evidence of Use Affidavit(s)</p> <p><input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), <u>and</u></p> <p><input checked="" type="checkbox"/> The Evidence of Use Affidavit must be accompanied by supporting documentation.</p> <p>Map</p> <p><input checked="" type="checkbox"/> <i>Water Right Transfer</i> The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.</p> <p><input type="checkbox"/> <i>Temporary Transfer or Historical POD Change</i> A map meeting the requirements of OAR 690-380-3100 must be included but need <u>not</u> be prepared by a Certified Water Right Examiner.</p> <p>Water Well Report(s)/Well Log(s):</p> <p><input type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.</p> <p><input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.</p> <p><input checked="" type="checkbox"/> N/A. The application does <u>not</u> involve a change in point of appropriation or a change from surface water to ground water, so water well reports are <u>not</u> required.)</p>	<p>Land Use Information Form:</p> <p><input checked="" type="checkbox"/> Enclosed; <i>or</i></p> <p><input type="checkbox"/> Not Required if <u>all</u> of the following are met:</p> <ul style="list-style-type: none">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, <i>and</i>④ Irrigation only. <p>Fees:</p> <p><input type="checkbox"/> Amount enclosed: \$ <u>700.00</u> See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.</p> <p><u>Instream Water Right Transfers, also include:</u></p> <p>Supplemental Form C – Instream Water Right Transfer</p> <p><input checked="" type="checkbox"/> Complete this form to describe the desired nature and attributes for the proposed instream water right.</p> <p><u>Temporary Transfers, also include:</u></p> <p>Recorded Deed:</p> <p><input type="checkbox"/> 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.</p> <p>Affidavit of Consent:</p> <p><input type="checkbox"/> 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.</p> <p style="text-align: right;">RECEIVED JUN 28 2007 WATER RESOURCES DEPT SALEM, OREGON</p>
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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. *(none)* 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. *(same)*

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>William Burnett</u> name (print)	<u>6/26/07</u> date
 applicant signature	<u>Kathy S. Burnett</u> name (print)	<u>6/26/07</u> 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: 12164

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	<u>12164</u> Certificate Number	<u>12433</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: M. J. McDevmott
- County: UMATILLA
- Authorized Use(s) to be Affected by Transfer: IRRIGATION
- Priority Date(s): NOV. 5, 1936

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: STANFIELD DRAIN

Tributary to: UMATILLA RIVER

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

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

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

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

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

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: 12164

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)
—	STANFIELD 01/21/36 11/5/36	4N	29E	W.M.	32	NW SW	3500	NW ¼ NW ¼ SW ¼

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

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

- A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)
- or
- B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)
Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

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

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Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Certificate Number or other identifying number: <u>12164</u>							

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)
Stawfield Drain Umatilla River	4N	29E	WM	31	NW SW	600	1440'S. + 130'E. from NW corner of section 31 4N, 29E

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

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

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

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

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

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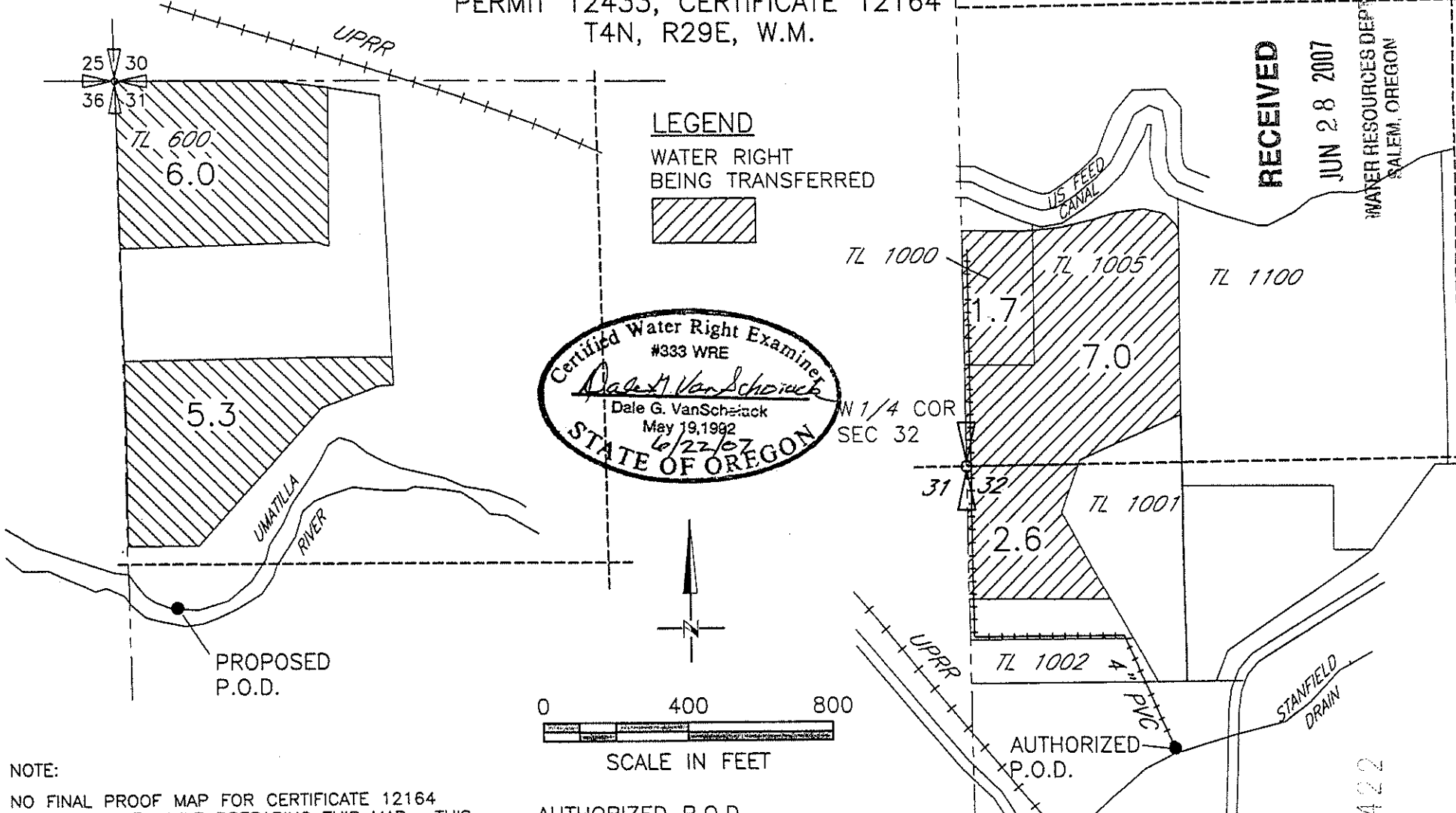
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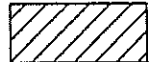
BURNETT TO GOODRICH
 WATER RIGHT TRANSFER
 APPLICATION MAP FOR A PORTION OF
 PERMIT 12433, CERTIFICATE 12164
 T4N, R29E, W.M.

FROM ACREAGE

TO ACREAGE



LEGEND
 WATER RIGHT
 BEING TRANSFERRED



Certified Water Right Examiner
 #333 WRE
Dale G. VanSchoieck
 Dale G. VanSchoieck
 May 19, 1992
 6/22/07
 STATE OF OREGON

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NOTE:
 NO FINAL PROOF MAP FOR CERTIFICATE 12164
 WAS AVAILABLE WHILE PREPARING THIS MAP. THIS
 MAP WAS PREPARED USING THE MAP FOR
 APPLICATION NO. 16662, PERMIT NO. 12433 AND
 THE COUNTY ASSESSOR MAP.

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

AUTHORIZED P.O.D.
 LOCATED 775'S AND 560'E FROM
 THE WEST 1/4 CORNER SEC 32

PROPOSED P.O.D.
 LOCATED 1440'S AND 130'E FROM
 THE NW CORNER SEC 31

SCM Consultants, Inc.
 A Tetra Tech Company

DRAWING: H:\CAD\AG\3522\BURNETT\3522BURNETT.dwg
 PRINTED BY: Gary.Weatherly on 06/21/07 03:53 PM

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STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. J. MODERMOTT
of Stanfield, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Umatilla Drainage Ditch—Stanfield Irrigation District,
a tributary of Umatilla River for the purpose of
irrigation
under Permit No. 12435 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from November 5, 1936;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.42 c.f.s. measured at the point of diversion from the stream,

The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 4 North, Range
29 East, W. M. or its equivalent in case of rotation.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated, and shall be further limited
to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during
the irrigation season,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

- 14 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- 4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 31
- 12 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
- 2.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 32
- Township 4 North, Range 29 East., W. M.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any
federal power license issued in connection with this right, and after not less than two years' notice in
writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to
take over the dams, plants and other structures and all appurtenances thereto which have been con-
structed for the purpose of devoting to beneficial use the water rights specified herein, upon condition
that before taking possession the State or municipality shall pay not to exceed the fair value of the
property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable prop-
erty of the holder of this certificate, not taken over, as may be caused by the severance therefrom of
the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed
this 31st day of January, 1939.

CEAS. E. STRICKLIN
State Engineer