

Application for Water Right Temporary Transfer



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

This application will be returned if Parts 1 through Part 4 and all required attachments are not completed and included upon submittal.

Part 1 of 4 – Temporary Transfer Application Minimum Requirements Checklist

Check all items included with this application. (N/A = Not Applicable)	
☒	Part 1 – Completed Minimum Requirements Checklist.
☒	Part 2 – Completed Temporary Transfer Application Map Checklist.
☒	Part 3 – Completed Applicant Information and Signature. NOTE: If the applicant is a public agency, corporation or business, trust, or other organization, the title or authority of the person who signs the application on behalf of the entity and evidence of signatory authority or a signed statement that such authority exists must be included.
☒	Part 4 – Information about Transferred Water Rights/Determined Claims: How many water rights/determined claims are to be transferred? <u>Three (3)</u> List them here: <u>Certificates 89254 & 89256, with Cert. 53072</u> Please include a separate Part 4 for each water right. NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met. Temporary Transfer Period (one to five years) Begin Year: <u>2026</u> End Year: <u>2030</u>
☒	Application Fee - payable by check to the Oregon Water Resources Department (OWRD). The online fee calculator is located: <u>\$2,418.67</u> https://apps.wrd.state.or.us/apps/wr/wr_transfer_calculator/temporary_transfer.aspx
Required Attachments:	
☒	Completed Temporary Transfer Application Map. Attachment 1
☒ YES ☐ N/A	Completed Evidence of Use Affidavit and supporting documentation. Attachment 2
☒ YES ☐ N/A	Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. NOTE: This form is not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.) Attachment 3
☒	Att. 4 Current recorded deed for the land from which the authorized place of use is temporarily being moved.
☐ YES ☒ N/A	Affidavit(s) of Consent from Deeded Landowner(s) or Deeded Water Right Holder(s) NOTE: only if the applicant does not own the land on which the water right is located or if the water right was severed from the land and conveyed separately to other individuals/ entities.
☐ YES ☒ N/A	Supplemental Form D –water rights/claims proposed for transfer are or will be located within or served by an irrigation or other water district AND the district is not the applicant
Required Groundwater Attachments:	
☐ YES ☒ N/A	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
☐ YES ☒ N/A	Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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Part 2 of 4 – Temporary Transfer Application Map Requirements Checklist

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

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

Check all boxes that apply. The map need not be prepared by a Certified Water Right Examiner (CWRE)

☐ YES ☒ N/A	If more than three water rights are involved, a separate map for each water right is required.
☒	Permanent quality printed with dark ink on polyester film or good quality paper. Maps may also be submitted as a PDF (portable document format) if they meet all other requirements.
☒	The preferred size is 8½ x 11 inches and should be no larger than 30 x 30 inches (one extra map copy is required for 30 x 30 inch maps). To request a waiver for a map larger than 30 x 30 inches, please send an email to mapwaiver@water.oregon.gov .
☒	A north arrow and a legend.
☒	Include the scale, which must be even-numbered and not exceed 1 inch = 1,320 feet. To request a waiver for a map scale that exceeds 1 inch = 1,320 feet, please send an email to mapwaiver@water.oregon.gov .
☒	Township, Range, Section, ¼ ¼, tax lot boundaries (property lines) and tax lot numbers, DLC, Government Lot, and other recognized public land survey lines.
☒	Major physical features including rivers, creeks, streams, lakes, reservoirs, ponds, roads and railroads. For any surface water on the map, indicate the direction of flow.
☒	All point(s) of diversion (POD for surface water), point(s) of appropriation (POA for wells/ groundwater), or dam location(s) (or center of reservoir(s) if no dam exists) authorized by the water right(s), clearly labeled, shown by distance and bearing, or by coordinates (distance north/south and distance east/west) from a recognized public land survey corner. (This information can be found in the water right certificate or decree.) In addition, include latitude and longitude for each POD or POA in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84).
☐ YES ☒ N/A	If it is necessary to change the point(s) of diversion (POD) or point(s) of appropriation (POA) to convey water to the new temporary place of use, include the proposed location(s), clearly labeled, shown by distance and bearing, or by coordinates (distance north/south and distance east/west) from a recognized public land survey corner. In addition, include latitude and longitude for each POD/POA in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84).
☒	General location of main canals, ditches, flumes, pipelines, pumps, or other water delivery features used to transport water from the point(s) of diversion, and/or reservoir/pond to the place of use, including delivery features at the place of use.
☒	Place of use (POU) by Township, Range, Section, and ¼ ¼, that includes separate hachuring for lands affected by changes proposed in this transfer application, for lands left unchanged and not affected by this transfer application, for each water right, for each priority date, for each use, and served by each point of diversion (POD), point of appropriation (POA), and/or reservoir/pond (POD).
☐ YES ☒ N/A	For a place of use limited to a point, like a stock watering tank, include latitude and longitude for the place of use in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84).
☒ YES ☐ N/A	If the use is irrigation, nursery, cranberry, or other similar uses with acreage associated with it, the place of use must include the number of acres in each quarter-quarter (¼ ¼) section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
☐ YES ☒ N/A	If the use is supplemental irrigation, include the location(s) and water right reference number of the underlying primary right, registration, or claim.

Part 3 of 4 – Temporary Transfer Application
Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Lloyd and Lois Piercy	PHONE NO(S)	EMAIL ADDRESS *all communications via mail	
ADDRESS PO Box 249	CITY Echo	STATE OR	ZIP 97826

DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.

IMPORTANT NOTE - Electronic forms of documents: Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wr_d_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list.

- ☒ The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located. **NOTE: If the applicant is not the sole owner, include signatures of all deeded landowners (and mailing and e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/ entities to which the water right(s) were conveyed.**
- ☐ The person signing this application is doing so on behalf of a public agency, corporation or business, trust, or other organization and must provide evidence of signatory authority or a signed statement that such authority exists must be attached to this application.

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

I (we) also affirm that I (we) understand that approval of the change(s) proposed in this application does not constitute a right to trespass upon property or ditches not owned or controlled by the applicant.

SIGN HERE

Applicant signature

Lloyd Piercy

Print Name (and Title if applicable)

Date

5/26/26

Applicant signature

Lois Piercy

Print Name (and Title if applicable)

Date

5/26/26

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

AGENT/BUSINESS NAME CwM-H2O, LLC (c/o Ian Godwin, CWRE)	PHONE NO(S) 503-954-1326	EMAIL ADDRESS igodwin@cwmmh2o.com	
ADDRESS 311 B Avenue, Suite P	CITY Lake Oswego	STATE OR	ZIP 97034

DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.

IMPORTANT NOTE - Electronic forms of documents: Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wr_d_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list.

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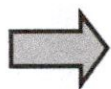
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☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. **NOTE: Complete Supplemental Form D.**

IRRIGATION DISTRICT NAME	ADDRESS (CITY, STATE, ZIP)	EMAIL
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☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS (CITY, STATE, ZIP)	EMAIL
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To meet state land use compatibility requirements, you must list the names and mailing addresses of all affected local governments, including but not limited to county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME	ADDRESS (CITY, STATE, ZIP)	EMAIL
Umatilla County	216 SE 4th Street, Pendleton, OR 97801	planning@umatillacounty.gov

ENTITY NAME	ADDRESS (CITY, STATE, ZIP)	EMAIL
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PROPOSED CHANGES

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

NOTE: A change in Place of Use is Required.

☒ **Place of Use (POU)** - proposed changes to the place of use will replace the authorized place of use

Changes to Surface Water Point(s) of Diversion: **NOTE: only if necessary to convey water to the new temporary place of use.**

☐ Point of Diversion (POD) - proposed POD will replace the existing authorized POD -

☐ Additional Point of Diversion (APOD) - proposed POD will be in addition to the existing authorized POD

Changes to Point(s) of Groundwater Appropriation: **NOTE: only if necessary to convey water to the new temporary place of use.**

☐ Point of Appropriation (POA) - proposed POA will replace the authorized POA

☐ Additional Point of Appropriation (APOA) - proposed POA will be in addition to the authorized POA

Explain in your own words what you propose to accomplish with this transfer application, and why:

This temporary transfer seeks to move a portion of the place of use (POU) of two water rights - Certs. 89254 and 89256 - to cover areas under active production (blueberries and grass seed) that are in need of water right coverage. The "to" lands include areas covered by the POU of rights connected to shallow wells that are regulated off due to hydraulic connection with the Umatilla River (a separate, permanent transfer is being filed to move these GW acres). During the period of the temporary transfer, the Applicant will seek additional rights to transfer to cover the "to" lands.

The "from" lands also include some acreage covered by supplemental irrigation Cert. 53072. This application proposes moving those supplemental acres affected by this transfer along with the primary irrigation.

The "to" lands include acres covered by irrigation rights from groundwater (as mentioned above), Certs. 93762 and 93763. The overlapping acres are being permanently transferred elsewhere (in a separate application) to ensure there are not two overlapping primary rights.

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

Part 4 of 4 – Temporary Transfer Application
Water Right Information – Authorized POD/POA

WATER RIGHT CERTIFICATE# 89254

Please use a separate Part 4 for each water right being changed.

System capacity: 2.28 ☒ Cubic Feet per Second (CFS) ☐ Gallons Per Minute (GPM) ☐ Acre-Feet (AF)

Source (live flow, stored water, etc.): live flow

Describe the current water delivery system. Include information on the capacity of pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Please provide as much detail as possible:

The water right has two PODs; one upstream on the Umatilla River and one infiltration gallery close to the place of use. The pumps and pipes in place at the infiltration gallery POD have the capacity to pump up to 2.28 cfs, though Cert. 89254 is for 1.51 cfs over 121.4 acres. Water from the infiltration gallery can be pumped to several center pivots of varying size and to the center of the blueberry fields, which are irrigated through connecting lateral lines. The rate proposed for transfer is proportional to the acreage transferred.

Amount proposed for transfer: 0.14 ☒ CFS ☐ GPM ☐ AF

Please check the appropriate box below and provide the requested information:

☒ If the water right was certificated under a decree, please indicate:

- Name of Decree: Umatilla River Decree 3-127 (1916)

☐ If the water right was certificated through the permit process, please indicate:

- Permit # _____ and the name(s) appearing on the permit: _____

☐ If Proof of Appropriation under the water right has been determined by the Department, please indicate:

Special Order Volume # _____, Page # _____

and the name(s) appearing on the Proof of Appropriation Special Order: _____

Table 1A – For Both SW and GW Rights - Location of Existing SW POD(s) or GW POA(s)

NOTE: If the POD/POA name is not specified on the Certificate, assign it a name or number below

Authorized POA/POD Name or Number	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
POD-1	3	N	29	E	27	NE	SE	9100

Measured Distances (from a recognized survey corner)

150 ft South and 880 ft West from the E 1/4 corner of Section 27.

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.

AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

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Part 4 of 4 continued – Temporary Transfer Application
 Authorized POD/POA - Table 1A Continued

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WATER RIGHT CERTIFICATE # 89254

Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
POD-2		3	N	29	E	22	SW	SW	9300
Measured Distances (from a recognized survey corner)									
720 ft North and 1,250 ft E from the SW corner of Section 22									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM

**Part 4 of 4 continued – Temporary Transfer Application
Proposed POD/APOD Information – Surface Water Right(s) ONLY**

WATER RIGHT CERTIFICATE # 89254

Table 1BSW - Location of Proposed Surface Water POD/APOD(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information:						
☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						
Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information:						
☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						
Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information:						
☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						

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**Part 4 of 4 continued -Temporary Transfer Application
Proposed POA/APOA Information - Groundwater Right(s) ONLY**

WATER RIGHT CERTIFICATE # 89254

Table 1B-GW - Location of Proposed Groundwater POA/APOA(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)			Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.								
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM
Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)			Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.								
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM
Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)			Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map, AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.								
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

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WATER RIGHT CERTIFICATE# 89254

☐ Yes - Complete **only** Table 2B on page 10. ☒ No - Complete **both** Table 2A below **and** Table 2B on page 10.

NOTE: List only that part or portion of the Water Right Certificate that will be changed.

TOTAL ACRES	11.26
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Pursuant to ORS 540.523, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

Part 4 of 4 continued – Permanent Water Right Transfer Application
Proposed POU “TO” LANDS

WATER RIGHT CERTIFICATE# 89254

Table 2B - Description of the PROPOSED (the “to” or “on” lands) Place of Use and POD/APOD(s) or POA/APOA(s) to the Water Right Certificate AFTER PROPOSED CHANGES are made.

NOTE: If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/APOD(s)/POA/APOA(s) involved in the proposed changes, specify the acreage associated with each POINT

Proposed POD/APOD(s) or POA/APOA(s) Name(s) from Table 1B (SW or GW)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot	Acres	Authorized Use	Priority Date
POD 1 & 2	3	N	29	E	21	SE	SE	9300	3.48	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	NW	NW	9300	0.30	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SE	NW	9300	1.04	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SW	NE	9300	5.95	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SW	NW	9300	0.49	Irrigation	7/1/1884
TOTAL ACRES									11.26		

Additional remarks:

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**Part 4 of 4 – Temporary Transfer Application
Water Right Information – Authorized POD/POA**

WATER RIGHT CERTIFICATE# 89256

Please use a separate Part 4 for each water right being changed.

System capacity: 2.28 ☒ Cubic Feet per Second (CFS) ☐ Gallons Per Minute (GPM) ☐ Acre-Feet (AF)

Source (live flow, stored water, etc.): live flow

Describe the current water delivery system. Include information on the capacity of pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Please provide as much detail as possible:

The water right has two PODs; one upstream on the Umatilla River and one infiltration gallery close to the place of use. The pumps and pipes in place at the infiltration gallery POD have the capacity to pump up to 2.28 cfs, though Cert. 89256 is for 0.56 cfs over 44.6 acres. Water from the infiltration gallery can be pumped to several center pivots of varying size and to the center of the blueberry fields, which are irrigated through connecting lateral lines. The rate proposed for transfer is proportional to the acreage transferred.

Amount proposed for transfer: 0.04 ☒ CFS ☐ GPM ☐ AF

Please check the appropriate box below and provide the requested information:

☒ If the water right was certificated under a decree, please indicate:

- Name of Decree: Umatilla River Decree 3-127 (1916)

☐ If the water right was certificated through the permit process, please indicate:

- Permit # _____ and the name(s) appearing on the permit: _____

☐ If Proof of Appropriation under the water right has been determined by the Department, please indicate:

Special Order Volume # _____, Page # _____

and the name(s) appearing on the Proof of Appropriation Special Order: _____

Table 1A – For Both SW and GW Rights - Location of Existing SW POD(s) or GW POA(s)

NOTE: If the POD/POA name is not specified on the Certificate, assign it a name or number below

Authorized POA/POD Name or Number	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
POD-1	3	N	29	E	27	NE	SE	9100

Measured Distances (from a recognized survey corner)

150 ft South and 880 ft West from the E 1/4 corner of Section 27.

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.

AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

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Part 4 of 4 continued – Temporary Transfer Application
 Authorized POD/POA - Table 1A Continued

WATER RIGHT CERTIFICATE # 89256

Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
POD-2		3	N	29	E	22	SW	SW	9300
Measured Distances (from a recognized survey corner)									
720 ft North and 1,250 ft E from the SW corner of Section 22									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater:									
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM

Part 4 of 4 continued – Temporary Transfer Application
Proposed POD/APOD Information – Surface Water Right(s) ONLY

WATER RIGHT CERTIFICATE # 89256

Table 1BSW - Location of Proposed Surface Water POD/APOD(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information: ☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information: ☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						
Fish Screen Information: ☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532 If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter. Additional Information/Remarks:						

**Part 4 of 4 continued -Temporary Transfer Application
Proposed POA/APOA Information - Groundwater Right(s) ONLY**

WATER RIGHT CERTIFICATE # 89256

Table 1B-GW - Location of Proposed Groundwater POA/APOA(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POA/APOA(s) Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)						Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.											
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right		
L-									☐ CFS ☐ GPM		
Proposed POA/APOA(s) Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)						Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.											
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right		
L-									☐ CFS ☐ GPM		
Proposed POA/APOA(s) Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot		
Measured Distances (from a recognized survey corner)						Type of Change (from Page 4): ☐ POA or ☐ APOA					
☐ Well log attached and associated with the well described above and on the accompanying application map, AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.											
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right		
L-									☐ CFS ☐ GPM		

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Part 4 of 4 continued – Temporary Transfer Application
Authorized POU “FROM” LANDS

WATER RIGHT CERTIFICATE# 89256

Will ALL of the change(s) proposed on Page 4 affect the entirety of the water right?

☐ Yes - Complete **only** Table 2B on page 10. ☒ No - Complete **both** Table 2A below **and** Table 2B on page 10.

Table 2A - Description of Existing AUTHORIZED (the “from” or “off” lands) Place of Use, Character of Use, and POD(s)/ POA(s) appearing on the Water Right Certificate BEFORE PROPOSED CHANGES are made.

NOTE: List only that part or portion of the Water Right Certificate that will be changed.

Authorized POD/POA(s) Name(s) from Table 1A	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot	Acres	Authorized Use	Priority Date
POD 1 & 2	3	N	29	E	27	NE	NW	9300	2.31	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	NW	NE	9300	0.29	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SE	NW	9300	0.18	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SW	NE	9300	0.02	Irrigation	7/1/1884
TOTAL ACRES									3.00		

Additional remarks:
 The proposed "from" lands are described above. These areas will no longer receive irrigation during the period of the temp. transfer.

For Place of Use - Irrigation Water Rights ONLY

☒ Yes ☒ No Are there other water right certificates, water use permits or groundwater registrations associated with the “from” lands? If YES, list the certificate, water use permit, or ground water registration number(s):

 Pursuant to ORS 540.523, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

Part 4 of 4 continued – Permanent Water Right Transfer Application
Proposed POU “TO” LANDS

WATER RIGHT CERTIFICATE# 89256

Table 2B - Description of the PROPOSED (the “to” or “on” lands) Place of Use and POD/APOD(s) or POA/APOA(s) to the Water Right Certificate AFTER PROPOSED CHANGES are made.

NOTE: If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/APOD(s)/POA/APOA(s) involved in the proposed changes, specify the acreage associated with each POINT

Proposed POD/APOD(s) or POA/APOA(s) Name(s) from Table 1B (SW or GW)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot	Acres	Authorized Use	Priority Date
POD 1 & 2	3	N	29	E	27	NW	NE	9300	2.77	Irrigation	7/1/1884
POD 1 & 2	3	N	29	E	27	SE	NW	9300	0.23	Irrigation	7/1/1884
TOTAL ACRES									3.00		

Additional remarks:

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Part 4 of 4 – Temporary Transfer Application
Water Right Information – Authorized POD/POA

WATER RIGHT CERTIFICATE# 53072

Please use a separate Part 4 for each water right being changed.

System capacity: ~0.66 ☒ Cubic Feet per Second (CFS) ☐ Gallons Per Minute (GPM) ☐ Acre-Feet (AF)

Source (live flow, stored water, etc.): "spring"

Describe the current water delivery system. Include information on the capacity of pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Please provide as much detail as possible:

The water right is for 0.63 cfs of supplemental irrigation from a "spring" source, which has been developed as a shallow sump at the location of the historic spring. The spring is able to pump into the main distribution system to be used in the westernmost large pivot circle and half pivot in the NW corner of the place of use. The rate proposed for transfer is proportional to the acreage transferred.

Amount proposed for transfer: 0.03 ☒ CFS ☐ GPM ☐ AF

Please check the appropriate box below and provide the requested information:

☐ If the water right was certificated under a decree, please indicate:

- Name of Decree: _____

☒ If the water right was certificated through the permit process, please indicate:

- Permit # S-40208 and the name(s) appearing on the permit: Ron Holeman

☐ If Proof of Appropriation under the water right has been determined by the Department, please indicate:

Special Order Volume # _____, Page # _____

and the name(s) appearing on the Proof of Appropriation Special Order: _____

Table 1A – For Both SW and GW Rights – Location of Existing SW POD(s) or GW POA(s)

NOTE: If the POD/POA name is not specified on the Certificate, assign it a name or number below

Authorized POA/POD Name or Number	Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
POD-1 "spring"	3	N	29	E	27	NE	NW	9300

Measured Distances (from a recognized survey corner)

230 ft South and 1,350 ft East from the NW corner of Section 27.

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.
AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

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Part 4 of 4 continued – Temporary Transfer Application

Authorized POD/POA - Table 1A Continued

WATER RIGHT CERTIFICATE # 53072

Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater: ☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater: ☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM
Authorized POA/POD Name or Number		Twp		Rng		Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Measured Distances (from a recognized survey corner)									
If authorized point is groundwater: ☐ Well log attached and associated with the well described above and on the accompanying application map. AND/OR ☐ No well log is available - construction of the authorized well is provided in table below.									
OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)		Well -specific rate if less than full rate of water right
L-									☐ CFS ☐ GPM

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**Part 4 of 4 continued – Temporary Transfer Application
Proposed POD/APOD Information – Surface Water Right(s) ONLY**

WATER RIGHT CERTIFICATE # 53072

Table 1BSW - Location of Proposed Surface Water POD/APOD(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						

Fish Screen Information:

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532
If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.
Additional Information/Remarks:

Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						

Fish Screen Information:

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532
If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.
Additional Information/Remarks:

Proposed POD Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot
Type of Change (from Page 4): ☐ POD or ☐ APOD			From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM			
Measured Distances (from a recognized survey corner)						

Fish Screen Information:

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532
If Yes, please, submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.
Additional Information/Remarks:

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**Part 4 of 4 continued –Temporary Transfer Application
Proposed POA/APOA Information – Groundwater Right(s) ONLY**

WATER RIGHT CERTIFICATE # 53072

Table 1B-GW - Location of Proposed Groundwater POA/APOA(s) - NOTE: only if necessary to convey water to the new temporary place of use.

Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot

Measured Distances (from a recognized survey corner) Type of Change (from Page 4): ☐ POA or ☐ APOA

☐ Well log attached and associated with the well described above **and** on the accompanying application map.
AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot

Measured Distances (from a recognized survey corner) Type of Change (from Page 4): ☐ POA or ☐ APOA

☐ Well log attached and associated with the well described above **and** on the accompanying application map.
AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

Proposed POA/APOA(s) Name or Number	Twp	Rng	Sec	¼	¼	Tax Lot, DLC, or Gov-Lot

Measured Distances (from a recognized survey corner) Type of Change (from Page 4): ☐ POA or ☐ APOA

☐ Well log attached and associated with the well described above **and** on the accompanying application map,
AND/OR

☐ No well log is available - construction of the authorized well is provided in table below.

OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (in feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate if less than full rate of water right
L-								☐ CFS ☐ GPM

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WATER RIGHT CERTIFICATE# 53072

☐ Yes - Complete **only** Table 2B on page 10. ☒ No - Complete **both** Table 2A below **and** Table 2B on page 10.

NOTE: List only that part or portion of the Water Right Certificate that will be changed.

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NOTE: If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/APOD(s)/POA/APOA(s) involved in the proposed changes, specify the acreage associated with each POINT

Additional remarks:

The "to" lands are intended to overlap the "to" lands from Cert. 89254 in the SESE of Section 21.

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**Application for Water Right Transfer
Evidence of Use Affidavit**



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

Use a separate affidavit for each water right included in the transfer application.

NOTE: Supporting documentation must be attached.

State of Oregon)
County of Umatilla) SS
)

I, Robert D. Tyhuis, in my capacity as FARM MANAGER,

mailing address PO Box 249, Echo, OR 97826,

telephone no.(s) 509-366-5808, e-mail address bobtyhuis@gmail.com

being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on:

Check only the box that applies:

☒ Personal observation. Explain the specific grounds for your knowledge:

Water from the infiltration gallery source shared by these two certificates was beneficially used for various crops in two full center pivots, several smaller half-pivots, on a former center pivot that has been converted to rows of blueberries, in marginal fields used for perennial flowers, and on field margins and roadways for irrigation of grass for dust control.

☐ Professional expertise. Explain the specific grounds for your knowledge:

2. I attest that I have read and understand the terms and conditions of water use under Certificate # 89254 & 89256, and that I have attached copies of documents demonstrating beneficial water use consistent with those terms and conditions (i.e., documentation showing compliance with the terms and conditions of the right).

Examples of documentation demonstrating compliance with the terms and conditions include, but are not limited to:

- Information showing that a required water meter was installed
- Copies of submitted static water level measurement reports (for groundwater sources)
- Copies of submitted annual water use reports
- Written confirmation from Oregon Department of Fish & Wildlife (ODFW) documenting installation of required fish screen(s)

3. I attest that water was beneficially used under Certificate # 89254 & 89256 for the following purpose (e.g., crops, pasture, commercial use, industrial use, etc.):

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4. I attest that water from the authorized source was diverted/appropriated, conveyed, and applied to the authorized place of use under Certificate # 89254 & 89256 through the current water delivery system used to apply water or the system that was in place at some point within the five years prior to submittal of this Transfer Application.

5. I attest that the following is a description of the water delivery system attested to in Item #4 above. Please check all applicable boxes below and include information that describes the type, model, dimensions (size/diameter, length, etc.) and delivery capacity, in cubic feet per second (cfs) or gallons per minute (gpm):

☐ Pump(s) in stream:

☐ Pump(s) in reservoir/pond:

☐ Pump(s) in well(s):

☐ Headgate in stream/canal:

☐ Headgate in reservoir pond:

☒ Other (describe also include its general location in the description):

Infiltration gallery source on Cert. 89254 and 89256 - The 100 HP NEMA pump station is plumbed into multiple 6" and 8" buried mainlines that carry water to the center pivots or blueberry irrigation areas across the place of use, where water is further distributed through 5" lines and laterals. The pump station has a capacity over 2.25 cfs.

☐ Gravity Ditch:

☒ Pipeline: 5", 6", and 8" buried distribution lines.

☐ Sprinklers:

☐ Other (also include its general location in the description):

6. Can you attest to beneficial water use under Certificate # 89254 & 89256, consistent with the terms and conditions of the water right, during the past five years on the **entire** place of use or a **portion** of the place of use?

☐ No [skip to Question 7]

☐ Yes, my knowledge is specific to only the **portion** of the place use described below: [complete **Table 1** below, then go to Question 8]

☒ Yes, water was used on the **entire** place of use [skip to Question 8]

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Table 1. Description of Water Use

Certificate #	Township		Range		Mer	Sec	¼	¼	Gov't Lot or DLC	Acres (if applicable)
					WM					
					WM					
					WM					
					WM					
					WM					
					WM					
					WM					

7. Can you attest to beneficial water use under Certificate # 89254 & 89256, consistent with the terms and conditions of the water right, during the past five years on the **entire** place of use or a **portion** of the place of use?

☐ No [skip to Question 7]

☐ Yes, my knowledge is specific to only the **portion** of the place use described below: [complete **Table 1** below, then go to Question 8]

☒ Yes, water was used on the **entire** place of use [skip to Question 8]

☐ I attest, as indicated under either **Item a.** or **Item b.** below, that:

a. Beneficial water use is evidenced by one of the following:

☐ Certificate # _____ confirming beneficial water use to perfect Permit # _____ was issued within the past five years.

NOTE: This cannot be a remaining right certificate.

☐ Certificate # _____ confirming completion of a change in place of use, point(s) of diversion/ appropriation, or character of use authorized under Transfer Application #T-_____ was issued within the past five years.

☐ Part or all of the water right was leased instream at some point within the last five years. The instream lease number is: _____

NOTE: If the entire right proposed for transfer was not leased, then additional evidence of use is needed for the portion not leased instream.

☐ Water has been diverted at the actual current point of diversion for more than 10 years for beneficial use under Certificate # _____ (For Historic POD Transfers).

-OR-

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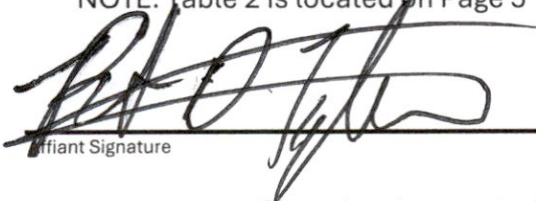
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b. Water was not used in the past 5 years, but the water right is not subject to forfeiture and documentation is attached to support the assertion that the presumption of forfeiture for nonuse would be rebutted under ORS 540.610(2) due to the following:

- ☐ Consistent with ORS 540.610(2)(e), the period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Federal Conservation Reserve Program.
- ☐ Consistent with ORS 540.610(2)(h), the nonuse occurred during a period of time when I/we was/were using reclaimed water in lieu of using water under the water right.
- ☐ Consistent with ORS 540.610(2)(j), I/we was/were unable to make full beneficial use of the water because water was not available. During this time I/we had a facility capable of handling the full allowed rate and duty, and I/we was/were otherwise ready, willing and able to beneficially use the entire amount of water allowed under the water right.
- ☐ Consistent with ORS 540.610(2)(L), the nonuse occurred during a period of time within which the exercise of the water right was not necessary due to climatic conditions. During this time I/we had a facility capable of handling the full allowed rate and duty, and I/we was/were otherwise ready, willing and able to beneficially use the entire amount of water allowed under the water right.
- ☐ Consistent with ORS 540.610(2)(n), the nonuse of the supplemental water right occurred during a period of time when the primary water right used in conjunction with the supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.
- ☐ Other (please explain and cite the statutory reference under ORS 540.610(2) that applies):

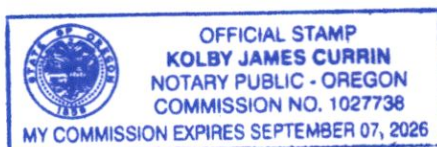
9. I understand that if I do not attach one or more of the documents shown in **Table 2** to support the above statements, my application will be considered incomplete.

NOTE: Table 2 is located on Page 5


Affiant Signature

Robert D. Tyhuis 5/27/26
Printed Name Date

Signed and sworn to (or affirmed) before me this 27th day of May, 2026.



Kolby Currin
Notary Public for Oregon

My Commission Expires: 9/7/2026

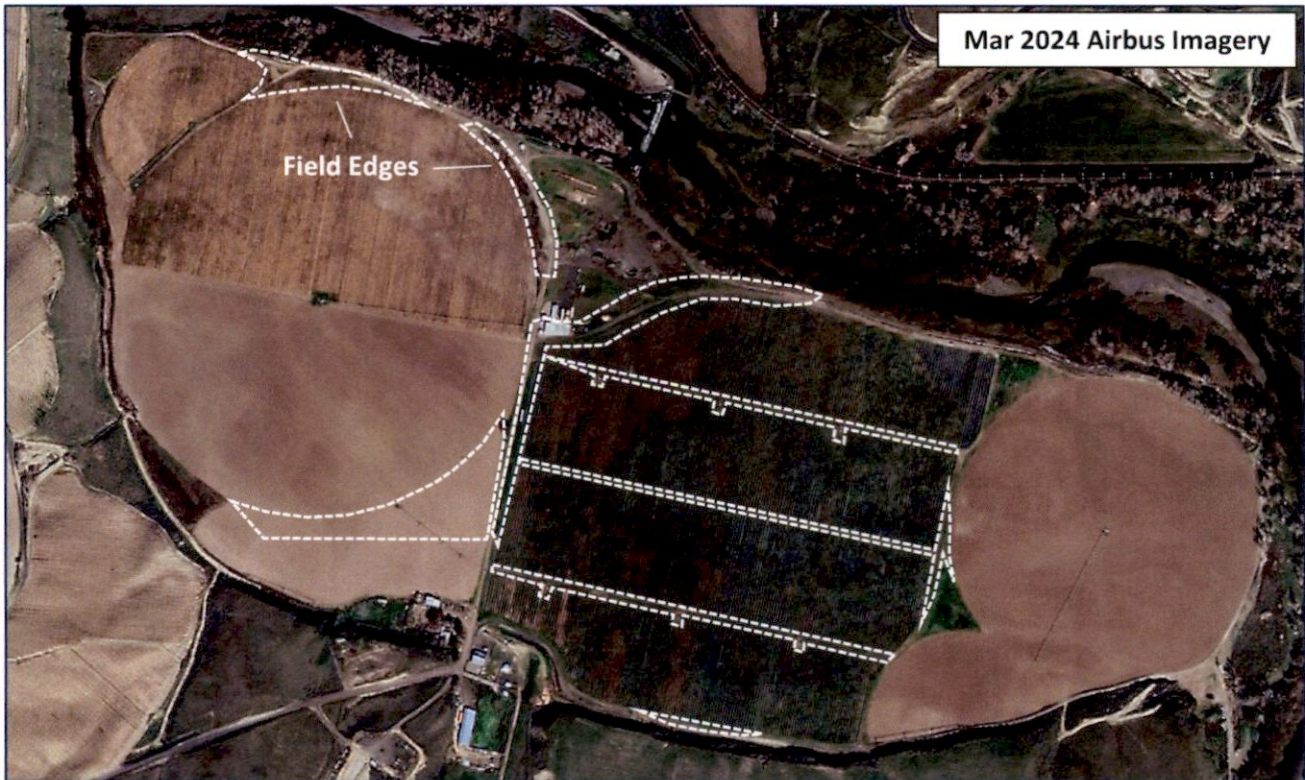
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Table 2. Supporting Documentation

Supporting Documents	Examples
A confirming water right certificate that was issued within the last five years. (NOT a remaining right certificate.)	• Copy of a water right certificate confirming the beneficial use of water under a Water Use Permit that shows date of issuance • Copy of a water right certificate confirming completion of a change in place of use, point of diversion/appropriation, or character of use authorized by an approved Water Right Transfer showing issuance date
Records such as Farm Service Agency (FSA) crop reports, irrigation district records, Natural Resources Conservation Service (NRCS) farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • Conservation Reserve Enhancement Program (CREP) Report
Dated satellite imagery, aerial photos or other photographs containing sufficient detail to establish location and date of photograph (i.e., dated aerial photographs)	• Multiple photos can be submitted to show different areas of a water right • If photograph does not print with a “date stamp” or without the source identified, the date of the photograph and source should be added Sources for dated aerial photos: OSU – https://www.oregonexplorer.info OWRD – https://www.oregon.gov/owrd Google Earth – https://earth.google.com/
Approved instream lease establishing beneficial use for instream purposes within the last 5 years	Copy of final order approving an instream lease that shows instream lease number and date of issuance
If water has not been beneficially used in the past 5 years, documentation showing the right is not subject to forfeiture under ORS 540.610. (NOTE: Refer to ORS 540.610(2) for rebuttals to the presumption of forfeiture.)	• Copy of an agreement or contract for the use of reclaimed municipal water • Contract showing the authorized place of use enrolled in the Conservation Reserve Enhancement Program (CREP). • Copy of the Governor’s executive order declaring a drought in the county within which the water right is located
Any other documentation with sufficient detail to support the affidavit attesting to beneficial use during the past 5 years	

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Mar 2024 Airbus Imagery



Jun 2023 ESRI Imagery

CwM-H2O 
Complete Water Management

311 B Avenue, Suite P
Lake Oswego, Oregon 97034
(503) 954-1326

HISTORICAL USE OF IRRIGATION RIGHTS: Certificates 89254 & 89256

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JUN 05 2026

The area outlined in white is the approximate boundary of the
"from" lands included in this transfer.

OWRD

14880 -

Infiltration Gallery Source Meter



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JUN 05 2026

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CwM-H2O 
Complete Water Management

311 B Avenue, Suite P
Lake Oswego, Oregon 97034
(503) 954-1326

HISTORICAL USE OF IRRIGATION RIGHTS:
Certificates 89254 & 89256

14880 -

Land Use Information Form

Map: 3N29; Tax Lot 9300



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

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MAY 20 2026

UMATILLA COUNTY
COMMUNITY DEVELOPMENT**NOTE TO APPLICANTS**

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. Applications received by OWRD without the Land Use Information Form will be returned to you. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form



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

NAME Lloyd and Lois Piercy		PHONE		EMAIL *all communication via mail	
MAILING ADDRESS PO Box 249			CITY Echo	STATE OR	ZIP 97826

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
3N	29E	21	SESE	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	27	NWNW	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
		27	SENE	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
		27	SWNE	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
		27	SWNW	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
		27	NWNE	9300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
		27	SWSW	9300	EFU	☒ Diverted	☒ Conveyed	☐ Used	Irrigation
		27	NWSE	9100	EFU	☒ Diverted	☐ Conveyed	☐ Used	Irrigation

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Umatilla County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

- ☐ Permit to Use or Store Water
 ☒ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Exchange of Water
 ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Umatilla River & Spring

Estimated quantity of water needed: ~0.21 ☒ 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:

This LUCS is for a temporary transfer of a portion of two irrigation rights (Cert. 89254 and 89256) and one supplemental irrigation right (Cert. 53072). The purpose of the transfer is to cover areas with groundwater rights that are regulated off in the summer due to hydraulic connection with the river, until the Applicants can acquire/transfer other surface water rights to these areas.

See Page 4 →

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JUN 05 2026
OWRD

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 the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): VDCU 152.056(A)

☐ Land uses to be served by the proposed water use(s), 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Megan Davchevski Title: Planning Manager
 Signature: Megan Davchevski Date: 5/21/2026
 Government Entity: Washtenaw County Phone: 541-278-6252

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JUN 05 2026

OWRD OWRD

1/5

Copy



2002-4050500 1 of 7

WARRANTY DEED

CLALLAM COUNTY
RECORDS

ROLLAND L. HOLEMAN and TONI K. HOLEMAN, husband and wife, Grantors, convey and warrant to LLOYD PIERCY and LOIS PIERCY, husband and wife, Grantees, the following real property, more particularly described in Exhibit A, attached hereto and by this reference incorporated herein, free of encumbrances except as specifically set forth herein:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. A portion of the premises herein described are within the boundaries of the Teel Irrigation District and is therefore subject to all easements, levies and assessments thereof.
3. Water charges of the Teel Irrigation District, if any. Inquiry being made in regard to this matter.
4. Easement for canal, including the terms and provisions thereof
Grantee: United States of America
Recorded: June 10, 1911 in Book 73, Page 181, Deed Records.
5. Easement for canal, including the terms and provisions thereof
Grantee: United States of America
Recorded: June 10, 1911 in Book 73, Page 184, Deed Records.
6. Easement, including the terms and provisions thereof
Grantee: The Pacific Telephone and Telegraph Company
Recorded: May 16, 1942 in Book 160, Page 430, Deed Records.

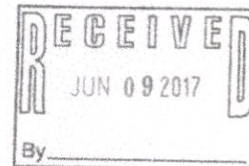
The true consideration for this conveyance is \$1,995,000.00, paid to an accommodator, pursuant to an IRC §1031 exchange.

Until a change is requested, all tax statements shall be sent to the following address: Lloyd and Lois Piercy, 33927 Riverview Drive, Hermiston, OR 97838.

1 - Warranty Deed

PIONEER TITLE CO. 126 SE Court, Pend. OR, 97801

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JUN 05 2026
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OWRD000155
Exhibit 16
Page 1 of 7

Exhibit 5
Page 1
Case No. 23CV27892 et al.



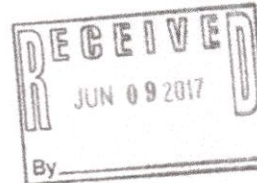
2002-4050500 2 of 7

7. Easement, including the terms and provisions thereof
Grantee: The Pacific Telephone and Telegraph Company
Recorded: October 19, 1948 in Book 185, Page 573, Deed Records.
8. Reservations, including the terms and provisions thereof contained in deed
Grantor: Northern Pacific Railway Company
Recorded: June 3, 1901 in Book 36, Page 264, Deed Records.
9. Reservations, including the terms and provisions thereof contained in deed
Grantor: Northern Pacific Railway Company
Recorded: July 17, 1905 in Book 48, Page 115, Deed Records.
10. Reservations, including the terms and provisions thereof contained in deed
Grantor: Northern Pacific Railway Company
Recorded: March 17, 1923 in Book 121, Page 183, Deed Records.
11. Reservations, including the terms and provisions thereof contained in deed
Grantor: Northern Pacific Railway Company
Recorded: March 11, 1926 in Book 127, Page 495, Deed Records.
12. Easement, including the terms and provisions thereof
Grantee: Umatilla Electric Cooperative Association
Recorded: May 3, 1962 in Book 267, Page 594, Deed Records.
13. Easement, including the terms and provisions thereof
Grantee: Umatilla River Water Control District
Recorded: September 6, 1984 in Microfilm R-117, Page 429, Office of County Records.

Assignment of Easement

Assignee: Hermiston Irrigation District
Recorded: August 25, 1986 in Microfilm R-141, Page 1764, Office of County Records.

2 - Warranty Deed



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JUN 05 2026
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OWRD000156

Exhibit 16

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Exhibit 5

Page 2

14880 Case No. 23CV27892 et al.

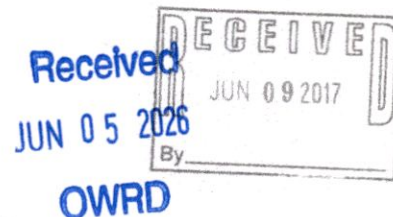


2002-4050500 3 of 7

14. Contract and Grant of Easement, including the terms and provisions thereof
Grantee: United States, Dept. of Interior, Bureau of Reclamation
Recorded: November 29, 1989 in Microfilm R-186, Page 1456, Office of County Records.
15. Terms and provisions contained under easement of roadway
Grantee: Rolland L. Holeman, etux
Recorded: January 25, 1993 in Microfilm R-230, Page 1543, Office of County Records.
16. Agreement, including the terms and provisions thereof, between
First Party: Rolland L. Holeman and Toni K. Holeman
Second Party: United States, Dept. of Interior, Bureau of Reclamation
Recorded: July 28, 1993 in Microfilm R-239, Page 117, Office of County Records.
17. Right of ways for ditches or canals constructed by the authority of the United States of America.
18. The property described herein consists of portions that are contiguous. Access to such parcels may be through these adjoining tracts. Rights of access to the property are limited to those county roads which abut or pass through the property described herein, and no representation is made that all parcels and/or parts thereof have physical access.
19. Any uncertainty as to the location of the property lines due to the use of the "top of the bluff" in the legal description.
20. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of the Umatilla River and any adverse claim based upon the assertion that some portion of said lands have been removed from or brought within the boundaries thereof by an avulsive movement of the Umatilla River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE

3 - Warranty Deed



OWRD000157

Exhibit 16

Page 3 of 7

Exhibit 5

Page 3

Case No. 23CV27892 et al.



2002-4050500 4 of 7

LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 28 day of January, 2002.

Rolland L. Holeman
Rolland L. Holeman

Toni K. Holeman
Toni K. Holeman

STATE OF OREGON)
)ss.
County of Umatilla)

January 29, 2002. Personally appeared the above named **Rolland L. Holeman** and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me.



Peggy McCall
Notary Public for Oregon

STATE OF OREGON)
)ss.
County of Umatilla)

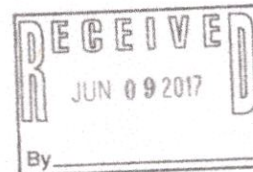
January 29, 2002. Personally appeared the above named **Toni K. Holeman** and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me.



Peggy McCall
Notary Public for Oregon

4 - Warranty Deed



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JUN 05 2026
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OWRD000158
Exhibit 16
Page 4 of 7

Exhibit 5
Page 4

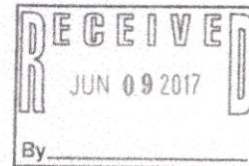
14880 - Case No. 23CV27892 et al.

TRACT I:

TOWNSHIP 3 NORTH, RANGE 29, E.W.M.

- Section 21: East Half of the Southwest Quarter.
West Half of the Southeast Quarter.
Southeast Quarter of the Southeast Quarter.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux, by deed recorded in Microfilm R-230, Page 1533, Office of County Records.
- Section 22: Southwest Quarter of the Southwest Quarter.
- Section 26: All that portion of the South Half of the Southwest Quarter lying Southerly of the top of the bluff on the Southerly side of the Umatilla River.
- Section 27: West Half.
West Half of the East Half.
Southeast Quarter of the Southeast Quarter.
- Section 27: All that portion of the Northeast Quarter of the Southeast Quarter which lies West of the edge of the top of the bluff on the West side of the Umatilla River.
- Section 27: Beginning at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence East along the center section line, 5.50 chains (363 feet); thence North 04° 30' East, 14.15 chains (933.9 feet); thence North 13° 30' East, 8.35 chains (551.1 feet); thence North 15° West, 5.95 chains (392.7 feet) to a cottonwood tree 1 foot in diameter; thence North 39° West, 13.55 chains (894.3 feet) to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 27; thence South along a line running North and South through the center of the Northeast Quarter of said Section 27, a distance of 40 chains (2,640 feet), more or less to the point of beginning. Being all that portion of the West Half of the East Half of the Northeast Quarter of said Section 27, lying West of the present channel of the Umatilla River, excepting only a narrow strip of land along and on the West Bank of said River in its present channel.
- Section 28: East Half.
East Half of the West Half.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux, by deed recorded in Microfilm R-230, Page 1533, Office of County Records.
- Section 33: East Half.
East Half of the West Half.
- Section 34: All.
- Section 35: Southwest Quarter of the Northeast Quarter.
West Half.
Southeast Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.



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OWRD000159
Exhibit 16
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Exhibit 5
Page 5
Case No. 23CV27892 et al.

TRACT II:

TOWNSHIP 2 NORTH, RANGE 29, E.W.M.



Section 4: All.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT III:

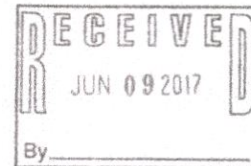
TOWNSHIP 3 NORTH, RANGE 29, E.W.M.

All that portion of the Northwest Quarter of Section 28 and the Northeast Quarter of Section 29, described as beginning at the Quarter corner common to said Sections 28 and 29; thence South 88° 44' 46" West, along the South line of said Northeast Quarter of Section 29, a distance of 648.29 feet to a fence line; thence along said fence line the following bearing and distances:

North 00° 43' 52" West, 36.70 feet;
North 57° 22' 22" East, 372.56 feet;
North 52° 02' 49" East, 215.62 feet;
North 38° 20' 55" East, 246.97 feet

to a point on the East line of said Northeast Quarter of said Section 29, which lies North 01° 12' 26" West, 549.80 feet from the Southeast corner of said Northeast Quarter; thence continuing along said fence line the following bearings and distances:

North 38° 20' 55" East, 112.02 feet;
North 25° 04' 27" East, 414.49 feet;
North 06° 59' 33" East, 503.94 feet;
North 02° 14' 44" East, 470.99 feet;
South 74° 47' 52" East, 266.44 feet;
South 85° 29' 55" East, 115.56 feet;
North 76° 03' 36" East, 194.06 feet;
North 70° 58' 38" East, 249.76 feet;
North 56° 04' 49" East, 196.21 feet



to a point on the East line of the West Half of the Northwest Quarter of said Section 28, which lies South 01° 09' 44" East, 564.35 feet from the Northeast corner of the West Half of the Northwest Quarter of said Section 28; thence South 01° 09' 44" East, along the East line of said West Half, 2,084.36 to the Southeast corner thereof; thence South 87° 27' 02" West, along the South line of said West Half, 1,316.57 feet to the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

TRACT IV:

TOWNSHIP 3 NORTH, RANGE 29, E.W.M.

Section 29: A perpetual nonexclusive easement for roadway for ingress and egress created by Document recorded in Microfilm R-230, Page 1543, Office of County Records.

EXHIBIT A
Page 2 of 2

All being East of the Willamette Meridian, Umatilla County, Oregon.

Received
JUN 05 2026

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14880

OWRD000160
Exhibit 16
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Exhibit 5
Page 6

Case No. 23CV27892 et al.



2002-4050500 7 of 7

State of Oregon)
County of Umatilla)

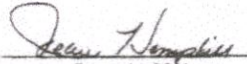
This instrument was received
and recorded on

01-31-02 at 11:00

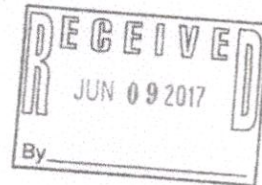
in the record of document
code type DE-WD

Location R405-0500
Document number 2002-4050500
Fee \$5.00

Office of County Records


Records Officer

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JUN 05 2026
OWRD



OWRD000161
Exhibit 16

Page 7 of 7

Exhibit 5

Page 7

Case No. 23CV27892 et al.

211

Jun-24-2010 08:49

AMERITITLE M-F

2010 5670419
2010 5680067



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JUN 28 2010

After recording return to:
New Foothills Properties, L.L.C. UMATILLA COUNTY
25504 SE 138th
Issaquah, WA 98027

Until a change is requested all tax statements
shall be sent to the following address:

New Foothills Properties, L.L.C.
25504 SE 138th
Issaquah, WA 98027

Escrow No. MF0065291
Title No. 0065291
SWD 1/01/2010

Consideration: \$2,825,000.00.

State of Oregon

County of Umatilla

This instrument was received
and recorded on

06-28-10 at 2:00

in the record of instrument
code type DE-WD

Instrument Number 2010-5670419
Fee 48.00

Office of County Records

Deann Thompson
Records Officer

RECEIVED

JUL 13 2010

UMATILLA COUNTY
RECORDS

Rerecorded to correct legal description on Deed
previously recorded as document No. 2010-5670419.

STATUTORY WARRANTY DEED

Flying B Umatilla, LLC, Oregon limited liability company, Grantor(s) hereby convey and warrant to
New Foothills Properties, L.L.C., a Washington limited liability company, Grantee(s) the following
described real property in the County of Umatilla and State of Oregon free of encumbrances except as
specifically set forth herein:

TRACT I:

That portion of Sections 21 and 28 in Township 3 North, Range 29, East of
the Willamette Meridian, Umatilla County, Oregon, lying within the lands
conveyed to Lloyd Piercy and Lois Piercy, by deed recorded in Document No.
2002-4050500, Office of Umatilla County Records and being described as
beginning at a point which lies 30 feet South of the East-West centerline
of said Section 21, when measured at right angles, said point lies South
86°25'46" East, 399.16 feet from the center Quarter corner of said Section
21 and running thence South 19°12'13" West, a distance of 416.52 feet to a
5/8" iron rebar; thence South 27°54'07" West, a distance of 1000.90 feet to
a 5/8" iron rebar; thence South 11°36'11" West, a distance of 341.06 feet
to a 5/8" iron rebar; thence South 05°30'51" East, a distance of 1135.05
feet to a 5/8" iron rebar; thence South 77°50'44" East, 164.52 feet to a
5/8" iron rebar which lies South 0°07'00" West 138.19 feet from the quarter
corner common to said Sections 21 and 28; thence North 85°41'20" East, a
distance of 1131.81 feet to a 5/8" iron rebar; thence North 46°04'06" East,
a distance of 423.66 feet to a 5/8" iron rebar; thence North 36°57'23"
East, a distance of 347.22 feet to a 5/8" iron rebar; thence North
02°59'05" East, a distance of 836.60 feet to a 5/8" iron rebar lying on the
South line of the Northeast Quarter of the Southeast Quarter of Southwest
corner of said Northeast Quarter of the Southeast Quarter; a distance of
521.39 feet to a 5/8" iron rebar; thence North 38°53'45" West, a distance
of 991.55 feet to a 5/8" iron rebar which lies 30 feet South of the East-
West centerline of said Section 21, when measured at right angles; thence
South 89°15'39" West, parallel with said East-West centerline, a distance
of 307.39 feet to the point of beginning.

*said Section 21; thence South 89°14'38" West, a distance of 353.57 feet to the
**thence North 0°08'55" East, along the West line of said Northeast Quarter,

TRACT II:

An easement for ingress and egress over a strip of land 30 feet in width the
centerline of which is described as beginning at a point on the South line of
the above described Tract I, said point lies South 0°07'00" West, a distance
of 138.19 feet and North 85°41'20" East, a distance of 15.04 feet from the
quarter corner common to said Sections 21 and 28; and running thence South
0°07'00" West, a distance of 404.55 feet to the centerline of gravelled road;
thence along said road along a 935 foot radius curve to the left, a distance
of 1537.88 feet (the chord of which bears South 15°46'13" East, a distance of
1370.30 feet); thence South 03°47'17" West; thence along said road the
following bearings and distances; North 87°19'01" West, a distance of 140.30
feet; thence North 72°47'19" West, a distance of 505.94 feet; thence South
86°01'36" West, a distance of 206.23 feet; thence South 66°36'25" West, a
distance of 1343.03 feet; thence South 88°11'38" West, a distance of 1417.17
feet to a point on the West line of said Piercy Tract; said point is also 15
feet North of the Southeast corner of Parcel 1 of Partition Plat No. 1995-24.

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JUN 05 2026

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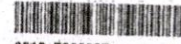
OWRD001733

PIERCY003413

Exhibit 7

Page 1

14880 - Case No. 23CV27892 et al.



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Page 2 - Statutory Warranty Deed - Signature/Notary Page
Escrow No. MF0065291

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Serial No. 107638

3N 29 00 C 200 5-04

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any: Real Property Taxes, plus interest, if any, by reason of Farm Use Assessment.

The true and actual consideration for this conveyance is \$2,825,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND-USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 24th day of June, 2010.

Flying B Umatilla, LLC, an Oregon limited liability company

by: [Signature]
Drew Bledsoe, Manager

State of OR
County of Deschutes

On this 24 day of June, 2010, before me, Dawn Bristow the undersigned, a Notary Public in and for said State, personally appeared Drew Bledsoe as Manager for Flying B Umatilla, LLC a limited liability company known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this instrument first above written.

[Signature]
Notary Public for
Residing at: Bend
Commission Expires: 4/16/11



Received
JUN 05 2026
OWRD

RECEIVED BY OWRD

APR 20 2017

SALEM, OR

State of Oregon }
County of Umatilla }
This instrument was received
and recorded on
07-13-10 at 2:45
in the record of instrument
code type DE-CORR

Instrument Number 2010-5680067
Fee 48.00

Office of County Records

[Signature]
Records Officer

T 12648

OWRD001734

PIERCY003414