

T-10540

T-10540

ASSIGNED

Name Steve Sharp
 Address 65600 Grays Corner Rd
Cove, OR 97824
hm 541-963-3366 541-962-0659 WK

Change in POU
 Date Filed 2-15-08
 Initial notice date 2-26-08
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 5-18-09 Vol 77 Page 797
9-27-17 105 841

C-Date _____
 COBU due date _____
 COBU Received date 09/30/2019
 Certificate issued 96488 & 96489 85399 RR

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Grande Ronde RiverTrib. of Snake RiverUse IR County Union

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # <u>542002</u>	Per # <u>31433</u>	Cert # <u>41159</u>	PR Date <u>1966</u>
App # <u>52607</u>	Per # <u>39667</u>	Cert # <u>46739</u>	PR Date <u>1974</u>
App # _____	Per # _____	Cert # _____	PR Date _____
App # _____	Per # _____	Cert # _____	PR Date _____
App # _____	Per # _____	Cert # _____	PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>2/15/08</u>	<u>800.00</u>	<u>914109</u>
<u>8/25/17</u>	<u>670</u>	<u>124431</u>
<u>6/14/18</u>	<u>100.00</u>	<u>126985</u>

FEES REFUNDED

Date	Amount	Receipt #

Assignments: 6.18.2018

S. Hawkins Inc., an Oregon Corporation, Sherman Hawkins
 57390 Hawkins Road La Grande, OR 97850

COBU MAP # 1202 A-5

Irrigation District _____

Agent Greg Blackman 2006 Adams Ave, LaGrande, OR 97850 541-963-6092CWRE Greg Blackman #21

CC's list _____

☐ - Oversized map - Location _____

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-10540

Certificate: 96988 (C-41159)
96989 (C-46739)

Certificate/Transfer Holder: (include copy of map)
S HAWKINS INC
SHERMAN HAWKINS
57390 HAWKINS RD
LA GRANDE, OR 97850

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 6
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. Gregory T. Blackman, CWRE

Record Marking(s):

Original Application# S42002
Old Certificate# 41159

Original Application# S52607
Old Certificate# 46739

Copies Mailed	
by:	<u>KMWF</u> (STAFF)
on:	<u>APR 28 2023</u> (DATE)

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

S HAWKINS INC
SHERMAN HAWKINS
57390 HAWKINS RD
LA GRANDE, OR 97850

confirms the right to the use of water perfected under the terms of Permit S-31433. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE: GRANDE RONDE RIVER, A TRIBUTARY OF SNAKE RIVER

USE: IRRIGATION OF 55.1 ACRES

RATE: 0.55 CUBIC FOOT PER SECOND

PRIORITY DATE: MARCH 16, 1966

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM NE CORNER, SECTION 10

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 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 is as follows:

Twtp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	21.0
2 S	39 E	WM	10	SE NE	34.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The water user shall maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording quantity of water diverted, as required by the Department.

The water user shall maintain and operate the headgate to control and regulate the quantity of water diverted, as required by the Department.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered May 18, 2009, at Special Order Volume 77, Page 797, approving Transfer Application T-10540, and together with Certificate 85399, supersedes Certificate 41159, State record of Water Right Certificates.

Issued **APR 28 2023**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

S HAWKINS INC
SHERMAN HAWKINS
57390 HAWKINS RD
LA GRANDE, OR 97850

confirms the right to the use of water perfected under the terms of Permit S-39667. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE: GRANDE RONDE RIVER, A TRIBUTARY OF SNAKE RIVER

USE: IRRIGATION OF 9.5 ACRES

RATE: 0.24 CUBIC FOOT PER SECOND

PRIORITY DATE: NOVEMBER 27, 1974

The point of diversion is located as follows:

Typ	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM NE CORNER, SECTION 10

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 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 is as follows:

Typ	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	1.0
2 S	39 E	WM	10	SE NE	3.7
2 S	39 E	WM	10	NE SE	3.2
2 S	39 E	WM	10	NW SE	1.6

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The water user shall maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording quantity of water diverted, as required by the Department.

The water user shall maintain and operate the headgate to control and regulate the quantity of water diverted, as required by the Department.

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 the existing minimum flow policies established by the Water Policy Review Board.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered May 18, 2009, at Special Order Volume 77, Page 797, approving Transfer Application T-10540, supersedes Certificate 46739, State record of Water Right Certificates.

Issued **APR 28 2023**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

Transfer App # T-10540	
WRD Reviewer (CW) Breck F-C	Date: Feb 2023
WRD Peer Reviewer (PR) J Sherry	Date: March 2023

ORIGINAL CERT:	CHANGE REQUESTED:				RR Cert:
41159	☒ POU	☒ POD/POA	☐ APOD/APOA	☐ USE	85399
46739	☐ POU	☒ POD/POA	☐ APOD/APOA	☐ USE	
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE	
	☐ POU	☐ POD/POA	☐ APOD/APOA	☐ USE	

PREPARATION:

POU: cancellation of WR

CW	PR	RESEARCH:
☒	☒	☒ CBU Report/Map ☒ Transfer Order Ord 77 Vol 797 Issued Date 5.18.2009 ☒ Assignment ☒ Transfer Extension 105-841 9.27.2017
☒	☐	Electronic Folder: ☒ Create CBU folder ☒ Create Work Packet Folder ☒ SCAN: Above documents into "CBU Folder" ☒ SAVE: other documents in "Work Packet Folder" ☒ Certificate(s) ☒ Transfer App Maps (To/From) ☒ OrMap Tax Lot Map ☒ Ownership Report ☐ GW Conditions ☐ Mitigation ☐ BLM Cadastral Survey ☐ GW Logs ☐ POU Report (conflict) ☐ Others: [POU ONLY]
☒	☒	SEARCH: ☒ Interactive Mapper ☐ AOI ☒ Map and TaxLot ID 02539E04400 New Landowner: 3 Hawkins Inc. 57390 Hawkins Rd. La Grande, OR 97850

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Fish Condition	
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Meter/Measuring Device	9.12.2017 - completed
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Water Use Reporting	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	SWL (Month)	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Dedicated MMS tube	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Well Id	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Other:	
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	C-date: 10.1.2010	EXT C-Date: 10.1.2020 9.24.2019 completed

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
☐	☐	Verify POA/POD Location (New Only)
☒	☒	Verify POU (New only)
☒	☒	POU clearly identified by Use Type/Certificate
☐	☐	DLC/GOV'T LOT
		☐ Original Cert Map for <i>unchanged</i> POU/POD/POA (Attached for Peer Reviewer/Data)
		☐ Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	
☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECK DOC	
☐	☐	MAPS: Identified for Reference	
☐		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS UPDATED	
☐	☐	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:**PEER REVIEWER COMMENTS:**

**CLAIM OF
BENEFICIAL USE
for Transfers
Place of Use Only**



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

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A fee of \$200 must accompany this form for any transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Claims received without the correct fee of \$200 will be returned.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

**SECTION 1
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in place of use.

YES

If additional changes were authorized, you will need to select a different form.

1. File Information

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APPLICATION # T-10540

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME S HAWKINS INC.		PHONE NO. 541 910 5596	ADDITIONAL CONTACT NO. 541 910 8596 cell
ADDRESS 57390 Hawkins Road			
CITY La Grande	STATE OREGON	ZIP 97850	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD S Hawkins Inc.		
ADDRESS 57390 Hawkins Road		
CITY La Grande	STATE OREGON	ZIP 97850

4. Date of Site Inspection: **6/7/18, 8/20/19, 9/21/19 & 9/24/19**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Dennis Murchison	9/21/19 & 9/24/19	Lease holder for farming

6. County: **Union**

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

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2
SIGNATURES

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CWRE Statement, Seal and Signature

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

Seal and Signature



CWRE NAME Gregory T. Blackman		PHONE NO. 541-963-6771	ADDITIONAL CONTACT NO. 541-786-2859 cell
ADDRESS 126 Ridge Drive			
CITY La Grande	STATE OREGON	ZIP 97850	E-MAIL gblackman@yahoo.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Sherman E Hawkins</i>	S Hawkins, Inc. Sherman Hawkins	President	<i>9-26-19</i>

SECTION 3

EXTENT OF CHANGE COMPLETED

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
64.6 Acres	64.6 Acres

If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
	YES

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

--

SECTION 4

CONDITIONS

All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Transfers and extension final orders contain the date when the full beneficial use of water was to be made:

	DATE FROM TRANSFER	DATE THE NEW USE WAS MADE TO THE FULL PLACE OF USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "FULL USE MADE DATE"
ISSUANCE DATE	May 18, 2009	
COMPLETENESS DATE FROM ORDER (C)	10/1/2010 extended to 10/1/2020	Extension order filed as Special Order volume 105 page 841, Transfer assigned to S Hawkins, Inc on 6/22/2018 Installed meters in 2017, completed in a beneficial manner from September 1, 2019 . Completed Claim of Beneficial Use 9/24/2019. All work completed, Transfer completed.

2. Measurement Conditions:

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

YES

If "NO", items 2b through 2f relating to this section may be deleted.

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

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b. Has a meter been installed?

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YES

c. Meter Information

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POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Authorized POD	McCrometer	17-11122- 08	Working	008.479 Af	9/12/2017

If a meter has been installed, items 2d through 2f relating to this section may be deleted.

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

YES NO

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

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

3. Other conditions required by the transfer final order:

a. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

SECTION 5 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Exhibit #1	T-10540
Exhibit #2	E-mail showing date of Meter Installation
Exhibit # 3	Transfer extension

SECTION 6

CLAIM OF BENEFICIAL USE MAP

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

For the purpose of this Claim, the map must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

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

I used a Leica GPS GS 14 receiver to tie the existing point of diversion and record the Latitude and Longitude of the pump site. The section corner for the NE corner of Section 10, T2S R39E, is not monumented and was achieved by visually intersecting an east – west fence line with a N-S fence line. My position agreed within 20' each way of the present authorized POD, and did not see a reason to show a difference with the original tie to the POD. It is my opinion that the section corner is not that definite to argue with the position. The Latitude and Longitude does define the true position of the POD.

Map Checklist

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Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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- X Map on polyester film.
- X Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- X Township, Range, Section, Donation Land Claims, and Government Lots
- X Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- X Locations of meters and/or measuring devices in relationship to point of diversion
- NA Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- X Point(s) of diversion or appropriation (illustrated and coordinates)
- X Tax lot boundaries and numbers
- X Source illustrated if surface water
- X Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- X Transfer application number
- X North arrow
- X Legend
- X CWRE stamp and signature

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

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In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10540, Union County	)	A CHANGE IN PLACE OF USE
	)	AND CANCELLATION OF A
	)	WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

Agent

BAGETT, GRIFFITH & BLACKMAN
ATTN: GREG BLACKMAN
2006 ADAMS AVENUE
LA GRANDE, OR 97850

Findings of Fact**Background**

1. On February 15, 2008, Steve Sharp filed an application to change the place of use under Certificates 41159 and 46739. The Department assigned the application number T-10540.
2. On November 26, 2008, a revised map was submitted to correctly show the location of the proposed place of use.
3. The portion of the first right to be transferred is as follows:

Certificate:	41159 in the name of LOREN & MARY FLEET (perfected under Permit S-31433)
Use:	IRRIGATION of 55.1 ACRES
Priority Date:	MARCH 16, 1966
Rate:	0.55 CUBIC FOOT PER SECOND (CFS)
Limit/Duty:	ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source:	GRANDE RONDE RIVER, tributary to SNAKE RIVER

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	SW SW	1.8
2 S	39 E	WM	3	SE SW	11.4
2 S	39 E	WM	3	NW SE	14.0
2 S	39 E	WM	10	NE NW	16.6
2 S	39 E	WM	10	NW NW	11.3
TOTAL:					55.1

4. Transfer Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
2 S	39 E	WM	10	SW NE	4400	21.0
2 S	39 E	WM	10	SE NE	4400	34.1
TOTAL:						55.1

5. The second right to be transferred is as follows:

Certificate: 46739 in the name of LOREN AND MARY FLEET (perfected under Permit S-39667)

Use: IRRIGATION of 9.5 ACRES

Priority Date: NOVEMBER 27, 1974

Rate: 0.24 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	NW NW	9.5
TOTAL:					9.5

6. Transfer Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	1.0
2 S	39 E	WM	10	SE NE	3.7
2 S	39 E	WM	10	NE SE	3.2
2 S	39 E	WM	10	NW SE	1.6
TOTAL:					9.5

7. Notice of the application for transfer was published on February 26, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 20, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10540 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of December 22, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On March 25, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10540 and mailed a copy to the applicant and agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 7, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10540.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.

Cancellation of a Water Right

14. An affidavit certifying that a water right has been abandoned and requesting cancellation of the right was received from Steve Sharp on February 15, 2008. The right to be cancelled is as follows:

Permit: G-16269 (Application G-16765) in the name of STEVE SHARP
Use: IRRIGATION of 207.4 ACRES and SUPPLEMENTAL IRRIGATION of 246.1 ACRES
Priority Date: DECEMBER 18, 2006
Rate: 5.67 CUBIC FEET PER SECOND (CFS), being 2.59 CFS for IRRIGATION and 3.08 CFS for SUPPLEMENTAL IRRIGATION
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL in the GRAND RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	NE NW	4062 FEET NORTH AND 2385 FEET EAST FROM SW CORNER OF SECTION 10

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	8.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	7.2
2 S	39 E	WM	3	NE SE	38.9
2 S	39 E	WM	3	NW SE	14.4
2 S	39 E	WM	3	SE SE	14.0
2 S	39 E	WM	10	SW NE	38.0
2 S	39 E	WM	10	SE NE	38.0
2 S	39 E	WM	10	NE NW	5.9
2 S	39 E	WM	10	NW NW	5.0
2 S	39 E	WM	10	SE NW	4.2
2 S	39 E	WM	10	NE SE	23.5
2 S	39 E	WM	10	NW SE	7.8
2 S	39 E	WM	10	SE SE	0.5
TOTAL:					207.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	2.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	26.4
2 S	39 E	WM	3	NE SE	0.8
2 S	39 E	WM	3	NW SE	24.8
2 S	39 E	WM	3	SW SE	39.6
2 S	39 E	WM	3	SE SE	22.0
2 S	39 E	WM	10	NE NE	37.0
2 S	39 E	WM	10	NW NE	37.4
2 S	39 E	WM	10	NE NW	33.3
2 S	39 E	WM	10	NW NW	20.8
TOTAL:					246.1

Conclusions of Law

The change in place of use proposed in Transfer Application T-10540 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000, and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

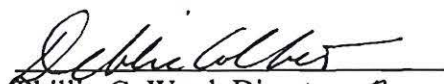
1. The change in place of use proposed in Transfer Application T-10540 is approved. The right that has been abandoned is cancelled.

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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 Certificates 41159 and 46739 and any related decree.
3. Water right Certificates 41159 and 46739 and Permit G-16269 are cancelled. A new certificate will be issued describing that portion of Certificate 41159 not affected by this transfer and cancellation.
4. The former place of use of the transferred rights shall no longer receive water under the right.
5. 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.
6. 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.
7. The approved change 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 change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 18th day of May 2009.


Phillip C. Ward, Director *PW*

Mailing date: MAY 20 2009

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #	WRD Reviewer <i>Cony M. Judy</i>
Transfer # <i>T-16540</i>	
Date Received <i>9-30-2019</i>	
CWRE Name <i>Gregory Blackman</i>	

Priority Date: *1974, 1966*

Fees Required:

YES ^{N/A} NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION:
	PERMIT
	TRANSFER
CASH	CHECK #
OTHER (IDENTIFY)	TOTAL RECEIVED \$
1063 TREASURY	4178 MISC CASH ACCT.
3407 COPIES	\$
OTHER (IDENTIFY)	\$
0243 INDIAN LAND	0244 MOUNTAIN VIEW PLAN
0245 COND. WATER	
1063 TREASURY	4179 WRD OPERATING ACCT.
MISCELLANEOUS	4611
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE (IDENTIFY)	\$
10162 DEPOSIT (WATER IDENTIFY)	\$
2240 EXTENSION OF TIME	\$
WATER RIGHTS	EXAM FEE
0201 SURFACE WATER	\$
0203 GROUND WATER	\$
0205 TRANSFER	\$
WELL CONSTRUCTION	EXAM FEE
0218 WELL DRILL CONSTRUCTOR	\$
LANDOWNER'S PERMIT	0219 \$
OTHER (IDENTIFY)	0220 \$
0220	0221 \$
0222	0223 \$
0223	0224 \$
0224	0225 \$
0225	0226 \$
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0229	0230 \$
0230	0231 \$
0231	0232 \$
0232	0233 \$
0233	0234 \$
0234	0235 \$
0235	0236 \$
0236	0237 \$
0237	0238 \$
0238	0239 \$
0239	0240 \$
0240	0241 \$
0241	0242 \$
0242	0243 \$
0243	0244 \$
0244	0245 \$
0245	0246 \$
0246	0247 \$
0247	0248 \$
0248	0249 \$
0249	0250 \$
0250	0251 \$
0251	0252 \$
0252	0253 \$
0253	0254 \$
0254	0255 \$
0255	0256 \$
0256	0257 \$
0257	0258 \$
0258	0259 \$
0259	0260 \$
0260	0261 \$
0261	0262 \$
0262	0263 \$
0263	0264 \$
0264	0265 \$
0265	0266 \$
0266	0267 \$
0267	0268 \$
0268	0269 \$
0269	0270 \$
0270	0271 \$
0271	0272 \$
0272	0273 \$
0273	0274 \$
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0280	0281 \$
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0290	0291 \$
0291	0292 \$
0292	0293 \$
0293	0294 \$
0294	0295 \$
0295	0296 \$
0296	0297 \$
0297	0298 \$
0298	0299 \$
0299	0300 \$
0300	0301 \$
0301	0302 \$
0302	0303 \$
0303	0304 \$
0304	0305 \$
0305	0306 \$
0306	0307 \$
0307	0308 \$
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0592	0593 \$
0593	0594 \$
0594	0595 \$
0595	0596 \$
0596	0597 \$
0597	0598 \$
0598	0599 \$
0599	0600 \$
0600	

Exhibit #2

Greg Blackman

From: Brad Sunderman <bsun@rpi.ag>
Sent: Friday, September 15, 2017 10:42 AM
To: 'Greg Blackman'
Subject: RE: INVOICE

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Greg-
They are installed, as of 9/12/2017.
Thanks
Brad

From: Greg Blackman [<mailto:greg@bgbsurveyors.com>]
Sent: Friday, September 15, 2017 10:19 AM
To: 'Brad Sunderman'
Subject: RE: INVOICE

Thank you Brad for the invoice. I assume it includes the installation. Do you have a schedule for installation. Just a note will do. Thanks, Greg Blackman, CWRE

From: Brad Sunderman [<mailto:bsun@rpi.ag>]
Sent: Wednesday, September 13, 2017 4:02 PM
To: greg@bgbsurveyors.com
Subject: INVOICE

Greg,
Attached is the invoice for the flowmeter job at Steve Sharp's place.
They are installed and ready for operation. I have an original invoice here at the office along with the certifications on the meters.
Please let me know if you have any additional questions.
Brad



BRAD SUNDERMAN - IRRIGATION SALES
10209 N McAlister Rd. Island City, OR 97850
541-962-5077m – 541-963-4195o
Email: bsun@rpi.ag

RECEIVED

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

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN
of Time for Transfer Application T-10540,	)	EXTENSION OF TIME
Union County	)	

Applicant

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

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 transfer applications.

Findings of Fact

1. On August 25, 2017, the Department received an application for extension of time for Transfer Application T-10540.
2. The Department issued an order approving Transfer Application T-10540 on May 18, 2009. The order was recorded in Special Order Volume 77, Pages 797-801. The order set a transfer completion date of October 1, 2010.
3. Since the approval of the transfer, the applicant has installed additional mainline and wheel-lines.
4. To fully complete the change, the applicant needs to install 2 meters. The coupling on the well must be modified before the meters can be installed. The applicant has been waiting since July 2016 for a meter installer to complete the work.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2020.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

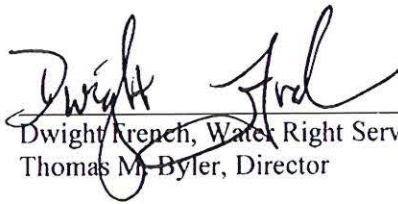
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown minimal diligence to meet the transfer conditions in order to complete the transfer within the time period established by the order approving Transfer Application T-10540.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10540 shall be extended to **October 1, 2020**.

Dated at Salem, Oregon this 27 day of September, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: OCT 03 2017



Oregon

Kate Brown, 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.Oregon.gov/OWRD

June 22, 2018

S. Hawkins Inc., an Oregon Corporation
Sherman Hawkins
57390 Hawkins Road
La Grande, OR 97850

Reference: Transfer T-10540

The assignment by proof from Steve Sharp to S. Hawkins Inc., an Oregon Corporation has been recorded in the records of the Water Resources Department.

The Departments records will now show S. Hawkins Inc., an Oregon Corporation as the transfer holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 126985 covering the recording fee is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt 126985

cc: Watermaster #6 (via email)
Steve Sharp – 36975 Sullivan Lane, Richland, OR 97870
Data Center, OWRD (cover letter & request)
File



**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 # **126985**

INVOICE # _____

RECEIVED FROM: S Hawkins Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10540</u>

CASH: ☐ CHECK: # 7250 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

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>100.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **126985**

DATED: 6/14/18 BY: CWuthrich

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



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

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, SHERMAN HAWKINS, PRESIDENT OF S, HAWINS, INC., an Oregon Corporation

(Name of Party Requesting Assignment)

57390 Hawkins Road

La Grande Oregon, 97850

541-562-5596

(Mailing Address)

(City) (State) (Zip)

(Phone #)

- ☒ hereby request assignment of an entire application/permit/transfer/limited license/groundwater statement; hereby request
- ☐ assignment of a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer/limited license/groundwater statement to be assigned.*)

Application # _____; Permit # _____; Transfer # T-10540;

Limited License # _____; Groundwater Statement # _____;

Steve Sharp

(Name of Current Holder of Record)

36975 Sullivan Lane

Richland Oregon, 97870

541-540-9999

(Mailing Address)

(City) (State) (Zip)

(Phone #)

Note: Write the initials (first letters) of your first and last names at the spots indicated below _____.

- 1) SH I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) SH I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) SH I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) SH I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 7-6-18 day of June, 2018.
(Day) (Month) (Year)

Signature of Party Requesting Assignment

Sherman S Hawkins

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 126985
Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

Last updated: September 10, 2011

request for Assignment if Permit Holder not available

RECEIVED

JUN 14 2018

OWRD

AS 164 Proof
7/18/18
R 6/18/18

17-28989
After recording return to:
Eastern Oregon Title, Inc.
1601 Adams Avenue
La Grande, Oregon 97850

20173215

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

S. Hawkins, Inc.
57390 Hawkins Rd.
La Grande, OR 97850

STATUTORY WARRANTY DEED

Steve Sharp, Grantor, conveys and warrants to S. Hawkins, Inc., an Oregon Corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

Those of record

"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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true consideration for this conveyance is \$1,025,000.00. (Here comply with requirements of ORS 93.030)

Dated this 28 day of August, 2017.

Steve Sharp

STATE OF OREGON

COUNTY OF

Signed or attested before me on this 28th day of August, 2017 by Steve Sharp.



Notary Public for the State of Oregon
My commission expires:

RECEIVED
JUN 14 2018
OWRD

EXHIBIT "A"

PARCEL A:

The Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, and the entire Southeast quarter of Section 3; also the North half of the North half of Section 10; all in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

EXCEPTING all that part of the Northeast quarter of the Southwest quarter, and the South half of the Southwest quarter of said Section 3, and the Northwest quarter of the Northwest quarter of said Section 10, lying Westerly of the center of the Grand Ronde River.

(02S39-1000; Ref. #10520)

PARCEL B:

That portion of Section 10, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, more particularly described as:

Beginning at a point on the North line of the South half of the Northeast quarter of said Section 10, which is 33 feet West of the Northeast corner of said South half of the Northeast quarter; thence, South 1,320 feet, more or less, to a point which is 33 feet West of the Southeast corner of the Northeast quarter of said Section 10; thence, South 32°30' West 1,133.88 feet; thence, North 66°15' West 501.6 feet, more or less, to the center of the channel of the Grande Ronde River; thence, downstream along the center of the channel of the Grande Ronde River, to a point therein where said river channel first crosses the West line of the Northeast quarter of said Section 10 (said point being approximately 858 feet North of the Southwest corner of the said Northeast quarter); thence North 462 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of said Section; thence, East along the North line of the South half of the Northeast quarter 2,607 feet, more or less, to the Point of Beginning

(02S39-4400; Ref. #10526)

STATE OF OREGON }
County of Union } SS

I Certify that this instrument was received and recorded in the book of records of said county.

ROBIN A. CHURCH
Union County Clerk



by: Fabrizio Lu Deputy.
DOC# 20173215
RCPT: 184321 \$55.00
09/29/2017 09:17 AM
REFUND: .00

RECEIVED

JUN 14 2018

OWRD



Oregon

Kate Brown, 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

October 2, 2017

STEVE SHARP
65600 GRAYS CORNER RD
COVE, OR 97824

Reference: File T-10540

We have received your application for extension of the time limit to make complete application of water under T-10540. We also have your check in the amount of \$575.00. A copy of receipt number 124431 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, 2010. The order approving the extension was entered September 27, 2017, at Volume 105, Page 841.

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.

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 extension final order, whichever occurs first.

If you have any questions, please contact the transfer section at 503-986-0808.

Sincerely,

Marissa Andrews
Water Right Services Support
Transfers and Conservation Section

cc: Shad L. Hattan, Watermaster Dist. #6 (via email)
Landowners (other or receiving)

Enclosure

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

In the Matter of Application for Extension)
of Time for Transfer Application T-10540,)
Union County)

FINAL ORDER APPROVING AN
EXTENSION OF TIME

Applicant

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

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 transfer applications.

Findings of Fact

1. On August 25, 2017, the Department received an application for extension of time for Transfer Application T-10540.
2. The Department issued an order approving Transfer Application T-10540 on May 18, 2009. The order was recorded in Special Order Volume 77, Pages 797-801. The order set a transfer completion date of October 1, 2010.
3. Since the approval of the transfer, the applicant has installed additional mainline and wheel-lines.
4. To fully complete the change, the applicant needs to install 2 meters. The coupling on the well must be modified before the meters can be installed. The applicant has been waiting since July 2016 for a meter installer to complete the work.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2020.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

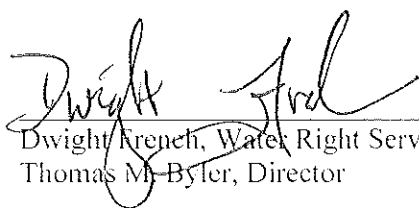
Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown minimal diligence to meet the transfer conditions in order to complete the transfer within the time period established by the order approving Transfer Application T-10540.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10540 shall be extended to **October 1, 2020**.

Dated at Salem, Oregon this 27 day of September, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: OCT 03 2017

Checklist for Transfer Extension Requests

If a transfer applicant needs more time to complete changes approved in a Transfer Final Order, a request for more time may be made by submitting a one page application form as shown below. See OAR 690-380-6020 (regular transfers) or OAR 690-385-7200(district transfers)



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 http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, _____
(Name of Applicant)



Has a final order approving the transfer application been issued (NOT a permit amendment)?



Have appropriate extension fees been submitted?



Is the Transfer Extension request filled out?



Is the Transfer Extension request signed by the transfer applicant of record (if not an assignment is needed)?



Pull file.

After receipting, route the file and request to District Transfer Program

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, August 16, 2017 3:38 PM
To: 'Greg Blackman'
Subject: RE: T-10540 Sharp Transfer

Greg,

Here is a link to the transfer extension of time form:

http://www.oregon.gov/owrd/PUBS/docs/forms/extension_of_time.doc

There was a fee increase on July 1, 2017. The fee required to submit an extension of time is now \$670.00.

Gerry

From: Greg Blackman [<mailto:greg@bgbsurveyors.com>]
Sent: Wednesday, August 16, 2017 3:13 PM
To: CLARK Gerald E * WRD
Subject: RE: T-10540 Sharp Transfer

Well, It looks like the error is on me. I prepared the extension app, and I therefore am the one to blame. I will get the correct form out and get it back to you. I didn't receive anything from Steve, so I was in the dark until now. Looks like I need to correct my error. Thank you for the help. Greg

From: CLARK Gerald E * WRD [<mailto:Gerald.E.Clark@oregon.gov>]
Sent: Wednesday, August 16, 2017 2:53 PM
To: Greg Blackman
Subject: RE: T-10540 Sharp Transfer

Greg,

I pulled the file to see if I could figure out what the status of the extension of time was. It looks like Mr. Sharp did submit an extension of time request on August 26, 2016, but it was returned to him because it was on the wrong form; the extension request was completed on the permit extension of time form rather than the transfer extension of time form. I have attached a copy of the return letter for your reference.

It does not appear that Mr. Sharp submitted the revised application form and required fee.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Greg Blackman [<mailto:greg@bqbsurveyors.com>]

Sent: Wednesday, August 16, 2017 2:24 PM

To: Gerry Clark

Subject: T-10540 Sharp Transfer

Good afternoon Gerry, I hope your day is going well. I just had a call from a realtor concerning a pending sale of the Sharp property that is involved in the above transfer. I prepared an extension request for Mr. Sharp in July of 2016 and mailed it to him for signature and the check to accompany the application, one month later I sent a follow up letter to him to make sure that he mailed the check as well as the application to water resources. I checked the WRIS today and see no actions on the extension, nor is there a note showing the extension was received. Could you look into the file to see if Water Resources received the application, and if so if it was extended. I have a bad feeling in my stomach that it may be still setting on Mr. Sharps desk. Everything is completed with the exception of installing a meter, in this case 2 meters because the configuration of the pipes coming off the well does not allow enough room to install a single meter to monitor both the North and South irrigation. I would appreciate some confirmation. Thanks , Greg Blackman, CWRE

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, August 16, 2017 2:53 PM
To: 'Greg Blackman'
Subject: RE: T-10540 Sharp Transfer
Attachments: scan_20170816_144409.pdf

Greg,

I pulled the file to see if I could figure out what the status of the extension of time was. It looks like Mr. Sharp did submit an extension of time request on August 26, 2016, but it was returned to him because it was on the wrong form; the extension request was completed on the permit extension of time form rather than the transfer extension of time form. I have attached a copy of the return letter for your reference.

It does not appear that Mr. Sharp submitted the revised application form and required fee.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Greg Blackman [<mailto:greg@bgbsurveyors.com>]
Sent: Wednesday, August 16, 2017 2:24 PM
To: Gerry Clark
Subject: T-10540 Sharp Transfer

Good afternoon Gerry, I hope your day is going well. I just had a call from a realtor concerning a pending sale of the Sharp property that is involved in the above transfer. I prepared an extension request for Mr. Sharp in July of 2016 and mailed it to him for signature and the check to accompany the application, one month later I sent a follow up letter to him to make sure that he mailed the check as well as the application to water resources. I checked the WRIS today and see no actions on the extension, nor is there a note showing the extension was received. Could you look into the file to see if Water Resources received the application, and if so if it was extended. I have a bad feeling in my stomach that it may be still setting on Mr. Sharps desk. Everything is completed with the exception of installing a meter, in this case 2 meters because the configuration of the pipes coming off the well does not allow enough room to install a single meter to monitor both the North and South irrigation. I would appreciate some confirmation. Thanks , Greg Blackman, CWRE



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 29, 2016

Steve Sharp
36975 Sullivan Lane
Richland, OR 97870

REFERENCE: Water Right Transfer T-10540

Dear Mr. Sharp,

On August 26, 2016, the Department received your "Application for Extension of Time" for a permit and your check in the amount of \$575. The permit extension application, however, appears to indicate that you wish to pursue an extension of time for Transfer T-10540. If this is the case, your request must be submitted on the "Application for Extension of Time for Transfer of Water Right." I have enclosed the proper extension of time application for your use.

Because your request was not submitted on the appropriate extension application form, therefore, I am returning your check in the amount of \$575 and your "Application for Extension of Time" for a permit.

If you have any questions concerning the Extension of Time process for Transfers, please contact Kate Fitzgerald, of the Department's Transfer Section, at (503) 986-0898.

If you have any questions regarding this letter, please feel free to contact me. My telephone number is (503) 986-0825.

Sincerely,

Corey Courchane
Adjudication & Extension Specialist

enclosure(s)

cc: Transfer File T-10540
Kate Fitzgerald, Transfer Section

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 # 124431

INVOICE # _____

RECEIVED FROM: Steven Sharp

BY: _____

APPLICATION

PERMIT

TRANSFER T-10540

CASH: ☐ CHECK:# 1358 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 670.00

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 \$ 670.00

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$

0203 GROUND WATER EXAM FEE 0204 \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$

LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD # _____

0210 MONITORING WELLS \$ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: 124431

DATED: 8/25/17 BY: C. W. Wainwright

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



Transfer_10540

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 http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Steve Sharp

(Name of Applicant)

of 36975 Sullivan Lane,

Richland, state of Oregon 97870, 541-540-9999

(Zip Code)

(Phone Number)

do hereby make application for an extension of time within which to complete a change in: place of use of water under the terms of an order of the Water Resources Director entered on May 18, 2009, approving Transfer T-10540, in the name of Steve Sharp, for transfer of place of use of lands situated in Sections 3 and 10 of T2S R39E, WM, being irrigated under C-46739 and a portion of 41159

(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, 2010, we have installed additional mainline and wheelines within the NE quarter of Section 10, T2S R39E for the purpose of irrigation of said land.

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

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

We need to install 2 meters on the mainlines due to the fact that the piping configuration of the mainline coming off the well. The coupling on the well is extremely short and the mainline leaves the well via a "Y" yoke which according to the meter installer does not leave enough room for a single meter, thus we need to install two meters, one to monitor the irrigation to the North of Alicel Lane and another to monitor the lands to the South of the road. The owner has ordered the work to commence last July 2016, however the installer has not done the work. Work was ordered through Precision Rain.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because I am waiting for the installer to place the two meters as per my request.

And request that the time for completion be extended to October 1, 2020.

DocuSigned by:

(Signature of Applicant)

(Steve Sharp)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

SALEM, OR

AUG 25 2017

RECEIVED BY OWRD



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

May 19, 2009

STEVE SHARP
65600 GRAYS CORNER RD
COVE OR 97824

REFERENCE: Transfer Application T-10540

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@wrdd.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #6
Greg Blackman, Agent

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10540, Union County	)	A CHANGE IN PLACE OF USE
	)	AND CANCELLATION OF A
	)	WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

Agent

BAGETT, GRIFFITH & BLACKMAN
ATTN: GREG BLACKMAN
2006 ADAMS AVENUE
LA GRANDE, OR 97850

Findings of Fact

Background

1. On February 15, 2008, Steve Sharp filed an application to change the place of use under Certificates 41159 and 46739. The Department assigned the application number T-10540.
2. On November 26, 2008, a revised map was submitted to correctly show the location of the proposed place of use.
3. The portion of the first right to be transferred is as follows:
Certificate: 41159 in the name of LOREN & MARY FLEET (perfected under Permit S-31433)
Use: IRRIGATION of 55.1 ACRES
Priority Date: MARCH 16, 1966
Rate: 0.55 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	SW SW	1.8
2 S	39 E	WM	3	SE SW	11.4
2 S	39 E	WM	3	NW SE	14.0
2 S	39 E	WM	10	NE NW	16.6
2 S	39 E	WM	10	NW NW	11.3
TOTAL:					55.1

4. Transfer Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
2 S	39 E	WM	10	SW NE	4400	21.0
2 S	39 E	WM	10	SE NE	4400	34.1
TOTAL:						55.1

5. The second right to be transferred is as follows:

Certificate: 46739 in the name of LOREN AND MARY FLEET (perfected under Permit S-39667)

Use: IRRIGATION of 9.5 ACRES

Priority Date: NOVEMBER 27, 1974

Rate: 0.24 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	NW NW	9.5
TOTAL:					9.5

6. Transfer Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	1.0
2 S	39 E	WM	10	SE NE	3.7
2 S	39 E	WM	10	NE SE	3.2
2 S	39 E	WM	10	NW SE	1.6
TOTAL:					9.5

7. Notice of the application for transfer was published on February 26, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 20, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10540 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of December 22, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On March 25, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10540 and mailed a copy to the applicant and agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 7, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10540.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.

Cancellation of a Water Right

14. An affidavit certifying that a water right has been abandoned and requesting cancellation of the right was received from Steve Sharp on February 15, 2008. The right to be cancelled is as follows:

Permit: G-16269 (Application G-16765) in the name of STEVE SHARP
Use: IRRIGATION of 207.4 ACRES and SUPPLEMENTAL IRRIGATION of 246.1 ACRES
Priority Date: DECEMBER 18, 2006
Rate: 5.67 CUBIC FEET PER SECOND (CFS), being 2.59 CFS for IRRIGATION and 3.08 CFS for SUPPLEMENTAL IRRIGATION
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL in the GRAND RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	NE NW	4062 FEET NORTH AND 2385 FEET EAST FROM SW CORNER OF SECTION 10

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	8.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	7.2
2 S	39 E	WM	3	NE SE	38.9
2 S	39 E	WM	3	NW SE	14.4
2 S	39 E	WM	3	SE SE	14.0
2 S	39 E	WM	10	SW NE	38.0
2 S	39 E	WM	10	SE NE	38.0
2 S	39 E	WM	10	NE NW	5.9
2 S	39 E	WM	10	NW NW	5.0
2 S	39 E	WM	10	SE NW	4.2
2 S	39 E	WM	10	NE SE	23.5
2 S	39 E	WM	10	NW SE	7.8
2 S	39 E	WM	10	SE SE	0.5
TOTAL:					207.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	2.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	26.4
2 S	39 E	WM	3	NE SE	0.8
2 S	39 E	WM	3	NW SE	24.8
2 S	39 E	WM	3	SW SE	39.6
2 S	39 E	WM	3	SE SE	22.0
2 S	39 E	WM	10	NE NE	37.0
2 S	39 E	WM	10	NW NE	37.4
2 S	39 E	WM	10	NE NW	33.3
2 S	39 E	WM	10	NW NW	20.8
TOTAL:					246.1

Conclusions of Law

The change in place of use proposed in Transfer Application T-10540 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000, and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10540 is approved. The right that has been abandoned is cancelled.

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 Certificates 41159 and 46739 and any related decree.
3. Water right Certificates 41159 and 46739 and Permit G-16269 are cancelled. A new certificate will be issued describing that portion of Certificate 41159 not affected by this transfer and cancellation.
4. The former place of use of the transferred rights shall no longer receive water under the right.
5. 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.
6. 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.
7. The approved change 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 change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 18th day of May 2009.


Phillip C. Ward, Director *PW*

Mailing date: MAY 20 2009

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOREN & MARY FLEET
RT 1, BOX 211
COVE, OR 97824

confirms the right to use the waters of the GRANDE RONDE RIVER, tributary to the SNAKE RIVER, for IRRIGATION of 181.3 ACRES.

This right was perfected under Permit S-31433. The date of priority is MARCH 16, 1966. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.8 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	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

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 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.

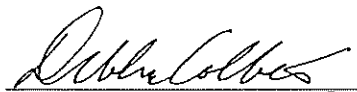
A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	2.0
2 S	39 E	WM	3	SE SW	15.0
2 S	39 E	WM	3	NE SE	0.8
2 S	39 E	WM	3	NW SE	10.8
2 S	39 E	WM	3	SW SE	39.6
2 S	39 E	WM	3	SE SE	22.0
2 S	39 E	WM	10	NE NE	37.0
2 S	39 E	WM	10	NW NE	37.4
2 S	39 E	WM	10	NE NW	16.7

This certificate describes that portion of the water right confirmed by Certificate 41159, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 18 2009, approving Transfer Application T-10540.

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 MAY 18 2009.



Phillip C. Ward, Director *PW*



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: 1-866-214-3493

www.wrd.state.or.us

October 31, 2008

STEVE SHARP
65600 GRAYS CORNER RD
COVE OR 97824

SUBJECT: Application T-10540

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10540. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your response, or on December 5, 2008, whichever occurs first. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at (541) 523-8224 Ext. 35 or Jason.D.Spriet@ wrd.state.or.us if I may be of assistance.

Sincerely,

Field Services Division

cc: Shad Hattan, District 6 Watermaster
Greg Blackman, CWRE

enc



Oregon

Theodore R. Kulongoski, Governor

March 20, 2009

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

Water Resources Department

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

*Pd Noticed
4-7-09*

SUBJECT: Water Right Transfer Application T-10540

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Transfer Application T-10540. 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.

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.

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) 986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if I may be of assistance.

Sincerely,

Lisa Jaramillo
Transfer Specialist
Field Services Division

cc: **Transfer T-10540**
Shad L. Hattan, District 6 Watermaster
Greg Blackman, CWRE #21, c/o Baggett, Griffith & Blackman, 2006 Adams Ave., La Grande, OR 97850

encs



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10540, Union County	)	PROPOSING APPROVAL OF
	)	A CHANGE IN PLACE OF USE AND
	)	CANCELLATION OF A WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

Agent

BAGETT, GRIFFITH & BLACKMAN
ATTN: GREG BLACKMAN
2006 ADAMS AVENUE
LA GRANDE, OR 97850

Findings of Fact

Background

1. On February 15, 2008, Steve Sharp filed an application to change the place of use under Certificates 41159 and 46739. The Department assigned the application number T-10540.
2. On November 26, 2008, a revised map was submitted to correctly show the location of the proposed place of use.
3. The portion of the first right to be transferred is as follows:

Certificate: 41159 in the name of LOREN & MARY FLEET (perfected under Permit S-31433)
Use: IRRIGATION of 55.1 ACRES
Priority Date: MARCH 16, 1966
Rate: 0.55 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	SW SW	1.8
2 S	39 E	WM	3	SE SW	11.4
2 S	39 E	WM	3	NW SE	14.0
2 S	39 E	WM	10	NE NW	16.6
2 S	39 E	WM	10	NW NW	11.3
TOTAL:					55.1

4. Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
2 S	39 E	WM	10	SW NE	4400	21.0
2 S	39 E	WM	10	SE NE	4400	34.1
TOTAL:						55.1

5. The second right to be transferred is as follows:

Certificate: 46739 in the name of LOREN AND MARY FLEET (perfected under Permit S-39667)

Use: IRRIGATION of 9.5 ACRES

Priority Date: NOVEMBER 27, 1974

Rate: 0.24 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	NW NW	9.5
TOTAL:					9.5

6. Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
2 S	39 E	WM	10	SW NE	1000	1.0
2 S	39 E	WM	10	SE NE	1000	3.7
2 S	39 E	WM	10	NE SE	1000	3.2
2 S	39 E	WM	10	NW SE	1000	1.6
TOTAL:						9.5

7. Notice of the application for transfer was published on February 26, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. On November 20, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10540 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of December 22, 2008, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10540.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.

Cancellation of a Water Right

13. An affidavit certifying that a water right has been abandoned and requesting cancellation of the right was received from Steve Sharp on February 15, 2008. The right to be cancelled is as follows:

Permit: G-16269 (Application G-16765) in the name of STEVE SHARP
Use: IRRIGATION of 207.4 ACRES and SUPPLEMENTAL IRRIGATION of 246.1 ACRES
Priority Date: DECEMBER 18, 2006
Rate: 5.67 CUBIC FEET PER SECOND (CFS), being 2.59 CFS for IRRIGATION and 3.08 CFS for SUPPLEMENTAL IRRIGATION
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A WELL in the GRAND RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	NE NW	4062 FEET NORTH AND 2385 FEET EAST FROM SW CORNER OF SECTION 10

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	8.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	7.2
2 S	39 E	WM	3	NE SE	38.9
2 S	39 E	WM	3	NW SE	14.4
2 S	39 E	WM	3	SE SE	14.0
2 S	39 E	WM	10	SW NE	38.0
2 S	39 E	WM	10	SE NE	38.0
2 S	39 E	WM	10	NE NW	5.9
2 S	39 E	WM	10	NW NW	5.0
2 S	39 E	WM	10	SE NW	4.2
2 S	39 E	WM	10	NE SE	23.5
2 S	39 E	WM	10	NW SE	7.8
2 S	39 E	WM	10	SE SE	0.5
TOTAL:					207.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	2.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	26.4
2 S	39 E	WM	3	NE SE	0.8
2 S	39 E	WM	3	NW SE	24.8
2 S	39 E	WM	3	SW SE	39.6
2 S	39 E	WM	3	SE SE	22.0
2 S	39 E	WM	10	NE NE	37.0
2 S	39 E	WM	10	NW NE	37.4
2 S	39 E	WM	10	NE NW	33.3
2 S	39 E	WM	10	NW NW	20.8
TOTAL:					246.1

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-10540 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000, and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-10540 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-10540 is approved. The right that has been abandoned is cancelled.*
- 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 Certificates 41159 and 46739 and any related decree.*

3. *Water right Certificates 41159 and 46739 and Permit G-16269 are cancelled. A new certificate will be issued describing that portion of Certificate 41159 not affected by this transfer and cancellation.*
4. *The former place of use of the transferred rights shall no longer receive water under the right.*
5. *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.*
6. *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.*
7. *The approved change 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 change and full beneficial use of the water.*
8. *When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 25th day of March 2009.

William E. Ferber
Phillip C. Ward, Director

This Preliminary Determination was prepared by Jason Spriet. If you have any questions about the information in this document, you may reach me at (541) 523-8224 or Jason.D.Spriet@wr.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-10540**

T-10540 filed by Steve Sharp, 65600 Grays Corner Road, Cove, OR 97824, proposes a change in place of use under Certificates 41159 and 46739. Certificate 41159 allows the use of 0.55 CFS (priority date March 16, 1966) from the Grande Ronde River in Sec. 10, T 2S, R 39E, W.M. for irrigation of 55.1 acres in Sec. 3 and 10. The applicant proposes to change the place of use to Sec. 10, T 2S, R 10E, W.M. Certificate 46739 allows the use of 0.24 CFS (priority date November 27, 1974) from the Grande Ronde River in Sec. 10, T 2S, R 39E, W.M. for irrigation of 9.5 acres in Sec. 10. The applicant proposes to change the place of use within Sec. 10, T 2S, R 10E, W.M. 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) 986-0883. 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.

Lisa Jaramillo

From: Jason Spriet
Sent: Tuesday, March 17, 2009 2:47 PM
To: Lisa Jaramillo
Subject: RE: ROLI for Transfer T-10540
Attachments: T10540_FleetAff.pdf

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

Lisa -

I received the attached information from Greg Blackman on this transfer today.

Jason

From: Lisa Jaramillo
Sent: Thursday, February 26, 2009 9:51 AM
To: Jason Spriet
Subject: ROLI for Transfer T-10540

Hi Jason,

Here is the copy of the ROLI for Transfer T-10540. One thing I noticed on the ROLI (copy attached) is that, on page 2 of the document under Item #12, it appears Steve Sharp is purchasing the property involved in the transfer on contract from Loren & Rebecca Fleet; Trustees under the Fleet Living Trust. Then, under Item #13 it states: "If Steve Sharp comes into title by a deed fulfilling the above contract....."

The statement under Item #13 leads me to believe that at the time the ROLI was prepared (Feb. 11, 2008) Steve Sharp was NOT yet the owner of the property. The Fleet still held the deed to the property.

Additionally, the applicant prepared the ROLI too soon. We received the ROLI with the transfer application on Feb. 15, 2008. You mailed the DPD on Nov. 20, 2008. So, the applicant sent the ROLI in on a date that does NOT meet the rule requirement. OAR 690-380-4010(5)(a) states that upon receipt of the DPD, the applicant must submit a ROLI that has been prepared within the prior three months.

I ran all of this by Dorothy, and she indicated that the applicant will need to submit a new ROLI that meets the rule requirement. Also, if the new ROLI still indicates that the Fleets hold the deed to the property and Sharp is purchasing on contract, then Mr. Sharp will also need to obtain consent from the Fleets to proceed with the transfer.

So, it looks like there is just a little bit more work for you to do on this one before the PD can go out.

Contact info for the applicant and his agent are:

Steve Sharp – Home Ph: 541-963-3366 / Work Ph: 541-962-0659

Greg Blackman – Work Ph: 541-963-6092

Please feel free to give me a call if you have any questions or problems.

Thanks,
Lisa

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

3/17/2009

CHANGE OF PLACE OF USE

Steve Sharp
T-10540

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

We Loren and Rebecca J. Fleet, owners of (2S 39 Tax lots #4400, 1000) on accompanying map, have seen the proposed Transfer application and give our approval to precede with the application.

Loren Fleet
Loren Fleet

Rebecca J. Fleet
Rebecca J. Fleet

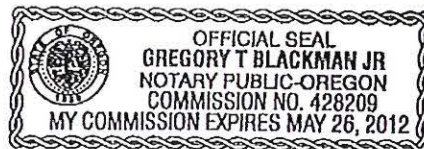
State of Oregon

SS

County of Union

Know all people by these presents, on this 13th day of MARCH, 2009 before me a Notary Public in and for said State and County, personally appeared Loren Fleet and Rebecca J. Fleet who are known to me to be the identical persons named in the foregoing instrument, and who being duly sworn, did say that they executed the same freely and voluntarily.

Gregory T. Blackman Jr.
Notary Public for the
State of Oregon



Notarial Seal

Please send tax statements to and
after recording return document to:

Loren and Rebecca Fleet, Trustees
69470 Haefer Lane
Cove, OR 97824

EOT08-13653

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

20027060

STATUTORY BARGAIN AND SALE DEED

For good and valuable consideration, Loren Fleet, Grantor, conveys to Loren Fleet and Rebecca J. Fleet, Trustees under the Fleet Living Trust dated July 1, 1992, Grantee, the following described real property in Union County, State of Oregon:

That portion of Section 10, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, more particularly described as:

Beginning at a point on the north line of the south half of northeast quarter of said Section 10 which is 33 feet west of the northeast corner of said south half of northeast quarter; thence South 1, 320 feet, more or less, to a point which is 33 feet west of the southeast corner of the northeast quarter of said Section 10; thence South 32°30' West 1,133.88 feet; thence North 66°15' West 501.6 feet, more or less, to the center of the channel of Grande Ronde River; thence downstream along the center of the channel of Grande Ronde River to a point therein where said river channel first crosses the west line of the northeast quarter of said Section 10 (said point being approximately 858 feet north of the southwest corner of said northeast quarter); thence North 462 feet, more or less, to the northwest corner of the south half of northeast quarter of said section; thence east along the north line of south half of northeast quarter 2,607 feet, more or less, to the point of beginning.

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

Loren Fleet
LOREN FLEET

STATE OF OREGON, COUNTY OF UNION))ss.

December 13, 2002

Personally appeared before me the above named Loren Fleet and acknowledged the foregoing to be his voluntary act and deed.



Marcia L. Rynearson

RECEIVED

MAR 17 2009

WATER RESOURCES DEPT.
SALEM, OREGON

20027061

EOT 00-13653
After recording return document to:

Eastern Oregon Title, Inc.
P. O. Box 1084
La Grande, OR 97850

MEMORANDUM OF CONTRACT

By an instrument in writing of even date, Loren Fleet and Rebecca J. Fleet Trustees under the Fleet Living Trust dated July 1, 1992, and Loren Fleet, Personal Representative of the Estate of Mary C. Fleet, herein called Seller, have contracted to sell to Steve Sharp, herein called Purchaser, all that real property situated in Union County, State of Oregon, described as:

See Exhibit "A" attached hereto.

This memorandum is executed to evidence and confirm the Contract. The true and actual consideration is \$925,000.00.

DATED: December 12, 2002

SELLER

Loren Fleet
LOREN FLEET, Trustee under the
Fleet Living Trust dated July 1, 1992

Rebecca J. Fleet
REBECCA J. FLEET, Trustee under the
Fleet Living Trust dated July 1, 1992

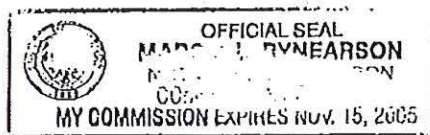
Loren Fleet
LOREN FLEET, Personal Representative
of the Estate of Mary C. Fleet

PURCHASER

STEVE SHARP

STATE OF OREGON, COUNTY OF UNION) SS.

This instrument was acknowledged before me on December 13, 2002,
by Loren Fleet and Rebecca J. Fleet as Trustees under the Fleet Living Trust dated July 1,
1992



Marcia L. Rynearson

EXHIBIT "A"

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

PARCEL A:

25 39
TX # 4400
1000

The Northeast quarter of Southwest quarter (NE1/4 SW1/4), the South half of Southwest quarter (S1/2 SW1/4) and the entire Southeast quarter (SE1/4) of section three (3); also the North half of North half (N1/2 N1/2) of section ten (10); all in township two (2) South, range thirty-nine (39) East of the Willamette Meridian; Union County, Oregon.

Excepting all that part of the Northeast quarter of Southwest quarter (NE1/4 SW1/4) and of the South half of Southwest quarter (S1/2 SW1/4) of said section 3, and of the Northwest quarter of Northwest quarter (NW1/4 NW1/4) of said section 10, lying westerly of the center of Grande Ronde River.

Parcel B:

25 39
TX # 4400

That portion of Section 10, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, more particularly described as:

Beginning at a point on the north line of the south half of northeast quarter of said Section 10 which is 33 feet west of the northeast corner of said south half of northeast quarter; thence South 1,320 feet, more or less, to a point which is 33 feet west of the southeast corner of the northeast quarter of said Section 10; thence South 32°30' West 1,133.88 feet; thence North 66°15' West 501.6 feet, more or less, to the center of the channel of Grande Ronde River; thence downstream along the center of the channel of Grande Ronde River to a point therein where said river channel first crosses the west line of the northeast quarter of said Section 10 (said point being approximately 858 feet north of the southwest corner of said northeast quarter); thence North 462 feet, more or less, to the northwest corner of the south half of northeast quarter of said section; thence east along the north line of south half of northeast quarter 2,607 feet, more or less, to the point of beginning.

Continued....

EXHIBIT "A"

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

Parcel C:

25 39
TX # 5200
The south half of the southeast quarter (S1/2 SE1/4) of Section 12 and the north half of the northeast quarter (N1/2 NE1/4) of Section 13, Township 39 East of the Willamette Meridian, Union County, Oregon.

EXCEPTING THEREFROM all that portion of the north half of the northeast quarter of Section 13 lying westerly of Gray's Corner County Road No.52.

Parcel D:

TX Lot
2800
The east one-half of the northwest quarter (E1/2 NW1/4) of Section 19, and the east one-half of the southwest quarter (E1/2 SW1/4) of Section 18, and all that portion lying south of Alicel-Lower Cove Market Road of the southeast quarter of northwest quarter (SE1/4 NW1/4) of Section 18, Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon.

Parcel E:

25 40
TX # 2001
The South one-half of the southwest quarter (S1/2 SW 1/4) of Section 7, in Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon; EXCEPTING THEREFROM the East 1,056 feet.

ALSO, the Northwest quarter of the Northwest quarter (NW 1/4 NW 1/4) of Section 18, in Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon; EXCEPTING THEREFROM the East 180 feet.

STATE OF OREGON

County of Union

02-13653

I certify that this instrument was received and recorded in the book of records of said county.

R. NELLIE BOGUE HIBBERT,
Union County Clerk

by: R. N. Bogue Hibbert Deputy.

DOC#: 20027061

RCPT: 53159

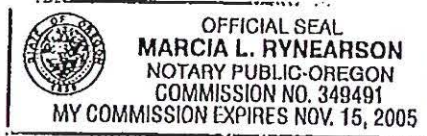
37.00

12/16/2002 10:13 AM

RECEIVED
MAR 17 2009
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON, COUNTY OF UNION) SS.

This instrument was acknowledged before me on December 12, 2002,
by Loren Fleet as Personal Representative of the Estate of Mary C. Fleet.



Marcia L. Rynearson

STATE OF OREGON, COUNTY OF UNION) SS.

This instrument was acknowledged before me on December 12, 2002,
by Steve Sharp.



Marcia L. Rynearson



**TO: Water Resources Director
Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271**

I/We hereby authorize the cancellation of my/our water use **Application No.** G-16765,

Permit No. G-16269, which describes a right to develop the use of up to

5.67 C.F.S./G.P.M./ACRE-FEET of water from New Well
(source)

for the purpose of Irrigation
(use)

Sincerely,

Signature of Permittee or Authorizing Agent

Date: 2.7.08

Steve Sharp

Printed Name of Permittee or Authorizing Agent

Date: _____

Signature of Other Permittee, If Any

Address: 65600 Grays Corner Rd.
Coe, Ore. 97824

Phone: (541) 663 -- 8172

RECEIVED

FEB 15 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

STEVE SHARP
65600 GRAYS CORNER RD
COVE, OR 97824

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16765

SOURCE OF WATER: A WELL IN GRANDE RONDE RIVER BASIN

PURPOSE OR USE: IRRIGATION USE ON 207.4 ACRES AND SUPPLEMENTAL
IRRIGATION USE ON 246.1 ACRES

MAXIMUM RATE: 5.67 CUBIC FEET PER SECOND (CFS), BEING 2.59 CFS FOR
IRRIGATION USE AND 3.08 CFS FOR SUPPLEMENTAL IRRIGATION USE

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 18, 2006

WELL LOCATION: NE ¼ NW ¼, SECTION 10, T2S, R39E, W.M.; 4062 FEET NORTH
AND 2385 FEET EAST FROM SW CORNER, SECTION 10

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-EIGHTIETH of one cubic foot per second and
3.0 acre-feet for each acre irrigated during the irrigation season of
each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION	SUPPLEMENTAL IRRIGATION
NE ¼ SW ¼ 8.0 ACRES	NE ¼ SW ¼ 2.0 ACRES
SW ¼ SW ¼ 2.0 ACRES	SW ¼ SW ¼ 2.0 ACRES
SE ¼ SW ¼ 7.2 ACRES	SE ¼ SW ¼ 26.4 ACRES
NE ¼ SE ¼ 38.9 ACRES	NE ¼ SE ¼ 0.8 ACRES
NW ¼ SE ¼ 14.4 ACRES	NW ¼ SE ¼ 24.8 ACRES
SE ¼ SE ¼ 14.0 ACRES	SW ¼ SE ¼ 39.6 ACRES
SECTION 3	SE ¼ SE ¼ 22.0 ACRES
	SECTION 3
	TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.

PLACE OF USE (CONT.):

IRRIGATION
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.9 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.2 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 23.5 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.8 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.5 ACRES

SECTION 10

SUPPLEMENTAL IRRIGATION
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.4 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.3 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.8 ACRES
 SECTION 10

TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Department requires the water user to obtain, from a qualified individual (see below), and submit annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The well shall produce ground water only from the basalt ground water reservoir.

The well shall be continuously cased and continuously sealed to a minimum depth of 20.0 feet into competent bedrock, estimated to be 1000.0 feet below land surface. The well may not be completed in such a manner that it allows ground water to be developed from the overlying alluvial aquifer. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with hydraulically

connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued December 20, 2007



for Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: 1-866-214-3493

www.wrd.state.or.us

November 18, 2008

STEVE SHARP
65600 GRAYS CORNER RD
COVE OR 97824

SUBJECT: Application T-10540

MAILED Nov. 20
JS

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10540. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Issuance of the Preliminary Determination will occur shortly after we receive your response, or on December 22, 2008, whichever occurs first. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at (541) 523-8224 Ext. 35 or Jason.D.Spriet@wrd.state.or.us if I may be of assistance.

Sincerely,

Field Services Division

cc: Shad Hattan, District 6 Watermaster
Greg Blackman, CWRE

enc

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

In the Matter of Transfer Application
T-10540, Union County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN 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

STEVE SHARP
65600 GRAYS CORNER RD
COVE OR, 97824

Agent

BAGETT-GRIFFITH & BLACKMAN
2006 ADAMS AVE.
LA GRANDE, OR 97850

Findings of Fact

Background

1. On February 15, 2008, Steve Sharp filed an application to change the place of use under Certificates 41159 and 46739. The Department assigned the application number T-10540.

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

Certificate: 41159 in the name of LOREN & MARY FLEET (perfected under Permit S-31433)

Use: IRRIGATION of 55.1 ACRES

Priority Date: MARCH 16, 1966

Rate: 0.55 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER, SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	SW SW	1.8
2 S	39 E	WM	3	SE SW	11.4
2 S	39 E	WM	3	NW SE	14.0
2 S	39 E	WM	10	NE NW	16.6
2 S	39 E	WM	10	NW NW	11.3

3. Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	21.00
2 S	39 E	WM	10	SE NE	34.10

4. The second right to be transferred is as follows:

Certificate: 46739 in the name of LOREN AND MARY FLEET (perfected under Permit S-39667)

Use: IRRIGATION of 9.5 ACRES

Priority Date: NOVEMBER 27, 1974

Rate: 0.24 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	SE NW	1330 FEET SOUTH AND 2730 FEET WEST FROM THE NE CORNER, SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	NW NW	9.50

5. Application T-10540 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	10	SW NE	1.00
2 S	39 E	WM	10	SE NE	3.70
2 S	39 E	WM	10	NE SE	3.20
2 S	39 E	WM	10	NW SE	1.60

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

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

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10540.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. An affidavit certifying that a water right has been abandoned and requesting cancellation of the right was received from Steve Sharp. The right to be cancelled is as follows:

Permit: G 16269 in the name of STEVE SHARP (perfected under Permit G-16269)

Use: IRRIGATION of 202.4 ACRES and SUPPLEMENTAL IRRIGATION of 246.1 ACRES

Priority Date: DECEMBER 18, 2006

Rate: 5.67 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: A WELL in the GRAND RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	39 E	WM	10	NE NW	4062 FEET NORTH AND 2385 FEET EAST FROM SW CORNER, SECTION 10

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	8.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	7.2
2 S	39 E	WM	3	NE SE	38.9
2 S	39 E	WM	3	NW SE	14.4
2 S	39 E	WM	3	SE SE	14.0
2 S	39 E	WM	10	SW NE	38.0
2 S	39 E	WM	10	SE NE	38.0
2 S	39 E	WM	10	NE NW	5.9
2 S	39 E	WM	10	SE NW	4.2
2 S	39 E	WM	10	NE SE	23.5
2 S	39 E	WM	10	NW SE	7.8
2 S	39 E	WM	10	SE SE	0.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	39 E	WM	3	NE SW	2.0
2 S	39 E	WM	3	SW SW	2.0
2 S	39 E	WM	3	SE SW	26.4
2 S	39 E	WM	3	NE SE	0.8
2 S	39 E	WM	3	NW SE	24.8
2 S	39 E	WM	3	SW SE	39.6
2 S	39 E	WM	3	SE SE	22.0
2 S	39 E	WM	10	NE NE	37.0
2 S	39 E	WM	10	NW NE	37.4
2 S	39 E	WM	10	NE NW	33.3
2 S	39 E	WM	10	NW NW	20.8

Determination and Proposed Action

The changes in place of use proposed in application T-10540 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right will be cancelled.

If application T-10540 is approved, the final order will include the following:

- 11. The changes in place of use proposed in application T-10540 are approved. The right that has been abandoned is cancelled.*

12. *Water right certificates 41159, 46739, and Permit G-16269 are cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
13. *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 Certificates 41159, 46739, and any related decree.*
14. *The former place of use of the transferred rights shall no longer receive water under the right.*
15. *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.*
16. *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.*
17. *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.*
18. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

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

D R A F T

Phillip C. Ward, Director

This Preliminary Determination was prepared by Jason Spriet. If you have any questions about the information in this document, you may reach me at (541) 523-8224 or Jason.D.Spriet@wrdd.state.or.us



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-10540

Review Due Date: 3/25/2008

Applicant Name: Steve Sharp

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Shad Hattan

Date of Review: 2/27/2008

- 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: _____
- 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 this reach happens annually usually by the middle of August or before and continues through September. The system may be monitored daily to weekly depending on demand and conditions.
- 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: _____
- 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: _____
- 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: _____
- 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: _____
- For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
- 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: _____
- Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____

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	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 91469

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

INVOICE # _____

RECEIVED FROM: STEVEN J SHARP

BY: _____

CASH: ☐ CHECK:# OTHER: (IDENTIFY)

☐ ☒ 2037 ☐ _____

APPLICATION
PERMIT
TRANSFER T-10540

TOTAL REC'D \$ 700.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA 46111 \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER \$ EXAM FEE 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$ 800.00

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 91469

DATED: 2/15/08 BY: [Signature]

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

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

☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	☐ Permanent ☐ Time-Limited ☐ Drought Transfer ☐ Other

2. APPLICANT INFORMATION

Name:	STEVE	SHARP	
	First	Last	
Address:	65600 GRAYS CORNER ROAD		
	COVE	OREGON	97824
	City	State	Zip
Phone:	(541) 963-3366	(541) 962-0659	
	Home	Work	Other
Fax:	(541) 962-0659	E-Mail address:	

3. AGENT INFORMATION

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

Name: GREG BLACKMAN
First Last

Address: 2006 ADAMS AVE.
La Grande Oregon 97850
City State Zip

Phone: (541)963-6092
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.

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.		31433	41159
2.		39667	46739
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 (POD) ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
 - ☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
 - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
 - ☐ Historic POD change ☐ Other
- Reason(s) for change(s): I would like to move these rights to better farm ground that
currently have no rights on them.

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.

Centrifugal pump with suction hose, feeding a mainline that runs wheel lines.

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- System capacity: 2.6 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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

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

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

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8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Union County Planning Department 1001 4th Street La Grande, Oregon 97850

9. 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 (for Permanent Transfers see Section 12(c)):

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:

Names of Receiving Landowner(s): _____
First Last

Address: _____

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.)

10. Other Remarks (optional)

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11. ATTACHMENTS

Check each of the following attachments included with this application.

The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

☒ *Water Right Transfer*

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

☐ *Temporary Transfer or Historical POD Change*

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

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

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

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- ☐ Land Use Information Form is enclosed; **or**
- ☒ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, **and**
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 800.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

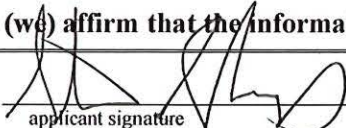
- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

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

- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- ☐ 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 this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Steve Sharp name and title if applicable (print)	2-7-08 date
 applicant signature	 name and title if applicable (print)	 date

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

- Certificate Number or other identifying number: Certificate # 41159

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ 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.) ☐ 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.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ 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.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☒ 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: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ 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):

☒ Certificated Right	41159 Certificate Number	31433 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Loren & Mary Fleet
- County: UNION
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): March 16, 1966

*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: GRANDE RONDE RIVER

Tributary to: Snake 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? _____

*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: Certificate # 41159

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)
Auth. P.O.D.	Grande Ronde River	2S	39E	w.m.	10	SE/NW	4400	1330' S. & 2730' W. of N.E. Cor. Sec.10
	March 16, 1966							

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: Certificate # 41159

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

*If “No”, the following information **must be provided** only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) 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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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▪ Certificate Number or other identifying number: Certificate # 41159

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: Certificate # 41159

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That LOREN & MARY FLEET

97824

of **Route 1, Box 211, Cove**, 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 **Grande Ronde River**

a tributary of **Snake River** for the purpose of **irrigation of 236.4 acres**

under Permit No. **31433** 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 **March 16, 1966**

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 **2.35 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 in the **SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, T. 2 S., R. 39 E., W. M., 1330 feet South and 2730 feet West from NE Corner, Section 10.**

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 3 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:

**2.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
20.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
0.8 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$
24.8 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
39.6 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
22.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 3
37.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
37.4 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
33.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
11.3 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 2 S., R. 39 E., W. M.**

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SALEM, OREGON**

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 State Engineer, affixed

this date, **November 21, 1974**

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume **33**, page **41159**.

STATE ENGINEER
SALEM, OREGON

FINAL PROOF SURVEY

UNDER

Application No. 52607
Serial No. 39667

WATER RESOURCES DEPT
SALEM, OREGON

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: Certificate # 46739

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	46739 Certificate Number	39667 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Loren & Mary Fleet
- County: UNION
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): November 27, 1974

*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: GRANDE RONDE RIVER

Tributary to: Snake 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? _____

*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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WATER RESOURCES DEPT
SALEM, OREGON

- Certificate Number or other identifying number: Certificate # 46739

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)
Auth. P.O.D.	Grande Ronde River	2S	39E	w.m.	10	SE/NW	4400	1330' S. & 2730' W. of N.E. Cor. Sec. 10
	November 27, 1974							

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

☐ Yes ☒ No (Surface water source only.)

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

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

or

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

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

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

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

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SALEM, OREGON

▪ Certificate Number or other identifying number: Certificate # 46739

Will the ENTIRE water right be affected by this transfer? ☒ Yes ☐ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If “No”, the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) 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 Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

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SALEM, OREGON

■ Certificate Number or other identifying number: Certificate # 46739

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

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

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

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

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

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

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

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

▪ Certificate Number or other identifying number: Certificate # 46739

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

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: _____

52607

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STATE OF OREGON

DEC 18 2006

COUNTY OF

UNION

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LOREN & MARY FLEET

of Rt. 1, Box 211, Cove, State of Oregon, 97824, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Grande Ronde River

a tributary of Snake River for the purpose of
irrigation of 9.5 acres

under Permit No. 39567 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 27, 1974
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
0.24 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, T. 2 S., R. 39 E., W. M.
1330 feet South and 2730 feet West from the NE Corner, Section 10

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 3 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:

9.5 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
T. 2 S., R. 39 E., W. M.

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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 the existing minimum flow policies established by the
Water Policy Review Board.

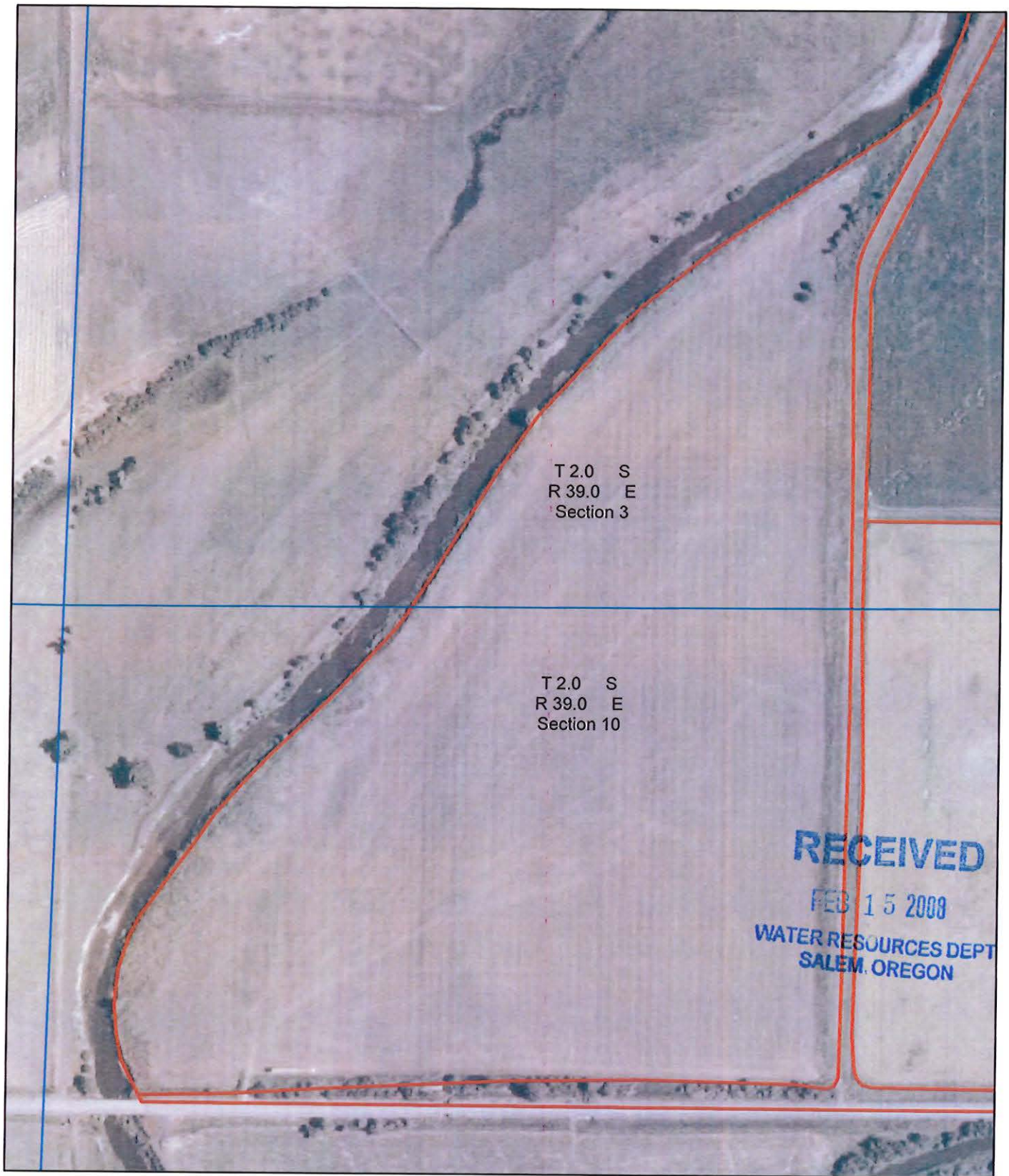
WITNESS the signature of the Water Resources Director, affixed

this date. October 20, 1978

James E. Seamon
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46739

G-16765



USDA USDA
Farm Service Agency

Union County

February 12, 2008



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

PARCEL 3000	
1. N67°05'W	831.57'
2. N78°22'W	708.42'
3. S67°06'E	979.38'
4. S48°53'E	683.65'

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

State of Oregon)
) ss
 County of Union)

I, STEVE SHARP, in my capacity as Landowner,
 mailing address 65600 Grays Corner Road
 telephone number (541) 963-3366, being first duly sworn depose and say:

1. I attest that:

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

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

- ☒ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
2	S	39E		WM	3	NW/SE		24.8 Ac.
2	S	39E		WM	3	SE/SW		26.4 Ac.
2	S	39E		WM	3	SW/SW		2.0 Ac.
2	S	39E		WM	10	NW/NW		20.8 Ac.
2	S	39E		WM	10	NE/NW		33.3 Ac.

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(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):
Irrigation of pasture and crops such as alfalfa and wheat.

5. The water delivery system used to apply water as authorized by the right is described below:
Centrifugal pump that feeds a mainline, the mainline supplies wheel lines and hand pack.

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

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

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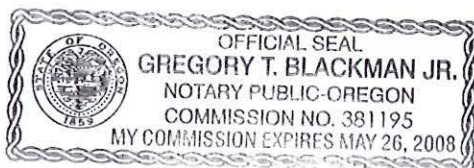
FEB 15 2008

WATER RESOURCES DEPT
SALEM, OREGON

[Signature]
Signature of Affiant

2-7-08
Date

Signed and sworn to (or affirmed) before me this 7th day of February, 2008.



[Signature]
Notary Public for Oregon

My Commission Expires: May 26, 2008

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

* * * OREGON TRAIL ELECTRIC CONSUMERS CO-OP * * *

Print Customer Billing History
from 1/01/2007 to 1/31/2008

Customer 171106-8 STEVEN J SHARP
Property # 1230300
Service Location ALICEL LN CO

Date	Type	Read Date	Amount		Balance	Electric Usage	Current Read	Demand Read
1/16/2007	CHG		10.00	A	156.66CR			
2/13/2007	CHG		10.00	A	146.66CR			
3/14/2007	CHG		10.00	A	136.66CR			
4/17/2007	CHG		132.62	A	4.04CR			
5/15/2007	CHG	5/11/07	260.00		255.96		61227	
5/24/2007	PAY		255.96CR		.00			
6/14/2007	CHG	6/12/07	1496.07		1496.07	30060	91287	
7/10/2007	PAY		1496.07CR		.00			
7/17/2007	CHG	7/12/07	303.54	A	303.54	4606	95893	
8/16/2007	CHG	8/13/07	238.42	A	541.96		95893	
8/16/2007	PAY		303.54CR		238.42			
9/13/2007	PAY		540.96CR		302.54CR			
9/18/2007	CHG	9/13/07	10.00		292.54CR		95893	
10/16/2007	CHG	10/12/07	10.00		282.54CR		95893	
11/15/2007	CHG		10.00	A	272.54CR			
12/18/2007	CHG		10.00	A	262.54CR			
1/15/2008	CHG		10.00	A	252.54CR			
Current		31 - 60	61 - 90		Over 90			
252.54CR								
Aged Bal		Unpost \$	Bill Adj		Adj Bal			
252.54CR					252.54CR			

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SALEM, OREGON

EOT**EASTERN OREGON TITLE, INC.**

1601 Adams Avenue

La Grande, OR 97850

Phone: (541) 963-8561 Fax: (541) 963-2391

TITLE INSURANCE

ESCROW CLOSING

ESCROW COLLECTION

LOT BOOK SERVICES

Bagett, Griffith, Blackman & Associates
2006 Adams Avenue
La Grande, OR 97850

February 11, 2008
Title No.: 08-19135

Report: \$150.00**Attn: Greg Blackman**

We have searched our Tract Indices as to the following described property as of **February 11, 2008**, at **8:00 a.m.**:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

Vested in:

**LOREN FLEET AND REBECCA J. FLEET,
TRUSTEES UNDER THE FLEET LIVING TRUST
DATED JULY 1, 1992**

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SALEM, OREGON**

Subject to the following exceptions:

1. The assessment roll and the tax roll disclosed that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.
2. Rights of the public and ownership which may be claimed by the State of Oregon, in and to that portion of this property lying below the high water mark of the Grande Ronde River. (Affects Parcels A and B)
3. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof, by an avulsive movement of the Grande Ronde 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. (Affects Parcels A and B)
4. Right-of-way for Union County Road No. 52 (Grays Corner) across the Northeast corner of this property. (Affects Parcels A, B and C)
5. Right-of-way for Union County Road No. 128 (Market Lane) across this property. (Affects Parcel C)
6. Right-of-way for Union County Road No. 63 (Lower Cove Road) across this property. (Affects Parcels C, D, and E)

Title No.: 08-19135

7. Right-of-way for Union County Road No. 130 (Alicel Lane) across this property. (Affects Parcels A and B)
8. Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated November 6, 1947, recorded April 22, 1948, in Book 116, Page 22, Records of Union County, Oregon, for the right to construct, reconstruct, operate and maintain electric power lines and all necessary poles, towers and appurtenances over, under and upon a portion of this property. (Affects Parcel C)

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

9. Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated May 8, 1952, recorded May 9, 1952, in Book 128, Page 86, Records of Union County, Oregon, for the right to construct, reconstruct, operate and maintain electric power lines and all necessary poles, towers and appurtenances over, under and upon a strip of land, 10 feet in width. (Affects Parcel A)

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

10. Right of Way Easement Agreement, including the terms and provisions thereof, between Loren J. Fleet and Mary Fleet, husband and wife, and Oscar W. Howell and William Howell, father and son, dated January 18, 1962, recorded January 22, 1962, in Book 145, Page 452, Records of Union County, Oregon, for the right to use and maintain a roadway across this property. (Affects Parcel A)
11. Right of Way Easement Agreement, including the terms and provisions thereof, between Loren J. Fleet and Mary Fleet, husband and wife, and Oscar W. Howell and William Howell, father and son, including the terms and provisions thereof, dated January 26, 1962, recorded January 29, 1962, in Book 145, Page 475, Records of Union County, Oregon, for the right to use and maintain a roadway across this property. (Parcel A)
12. Memorandum of Contract, including the terms and provisions thereof, dated December 12, 2002, recorded December 16, 2002, as Microfilm Document No. 20027061, Records of Union County, Oregon, between Loren Fleet and Rebecca J. Fleet, Trustees under the Fleet Living Trust dated July 1, 1992, and Loren Fleet, Personal Representative of the Estate of Mary C. Fleet, as Seller, and Steve Sharp, as Purchaser, in the amount of \$925,000.00.
13. If Steve Sharp comes into title by a deed fulfilling the above contract, the following will attach:

Distrain Warrant and Writ of Execution against Steven J. Sharp, for the Oregon Employment Department, State of Oregon, Warrant No. 99625 in the amount of \$569.19, plus interest, recorded December 17, 2007, as Microfilm Document No. 20076931, Records of Union County, Oregon.

- END OF EXCEPTIONS -

NOTE: Taxes for 2007-08 are PAID IN FULL.

Tax Amount: \$421.38
Account No.: XXXXXXXXXX
Reference No.: 11935

Tax Amount: \$254.54
Account No.: 02S39-4400
Reference No.: 10526

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WATER RESOURCES DEPT
SALEM, OREGON

Title No.: 08-19135

Tax Amount: \$2,559.36
Account No.: [REDACTED]
Reference No.: 10520

Tax Amount: \$146.68
Account No.: [REDACTED]
Reference No.: 11707

Tax Amount: \$284.02
Account No.: [REDACTED]
Reference No.: 11886

Tax Amount: \$74.26
Account No.: [REDACTED]
Reference No.: 11926

NOTE: We are informed that the property described herein has a physical address of:

65600 Gray's Corner Road, Cove, OR 97824

We have also searched our General Index for judgments and state and federal tax liens against the above named vestee and find the following:

NONE

Our search for apparent encumbrances was limited to our Tract Indices. The liability in connection with this Lot Book service is expressly limited to the sum paid therefore, and the issuing company will not otherwise be responsible for errors and omissions therein. The charge for this service will not include supplemental reports.

Sincerely,
EASTERN OREGON TITLE, INC.



Patti J. Pointer
Title Officer

PJP:LJ
CC:

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**WATER RESOURCES DEPT
SALEM, OREGON**

**THANK YOU FOR CHOOSING EASTERN OREGON TITLE!
WE KNOW YOU HAVE A CHOICE!**

EXHIBIT "A"**PARCEL A:**

The Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, and the entire Southeast quarter of Section 3; also the North half of the North half of Section 10; all in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

EXCEPTING all that part of the Northeast quarter of the Southwest quarter, and the South half of the Southwest quarter of said Section 3, and the Northwest quarter of the Northwest quarter of said Section 10, lying Westerly of the center of the Grand Ronde River.

PARCEL B:

That portion of Section 10, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, more particularly described as:

Beginning at a point on the North line of the South half of the Northeast quarter of said Section 10, which is 33 feet West of the Northeast corner of said South half of the Northeast quarter; thence, South 1,320 feet, more or less, to a point which is 33 feet West of the Southeast corner of the Northeast quarter of said Section 10; thence, South 32°30' West 1,133.88 feet; thence, North 66°15' West 501.6 feet, more or less, to the center of the channel of the Grande Ronde River; thence, downstream along the center of the channel of the Grande Ronde River, to a point therein where said river channel first crosses the West line of the Northeast quarter of said Section 10 (said point being approximately 858 feet North of the Southwest corner of the said Northeast quarter); thence North 462 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of said Section; thence, East along the North line of the South half of the Northeast quarter 2,607 feet, more or less, to the Point of Beginning

PARCEL C:

The South half of the Southeast quarter of Section 12 and the North half of the Northeast quarter of Section 13, Township 2 South, Range 39 East, of the Willamette Meridian, Union County, Oregon.

EXCEPTING THEREFROM, all that portion of the North half of the Northeast quarter of Section 13, lying Westerly of Gray's Corner (County Road No. 5).

PARCEL D:

The East half of the Northwest quarter of Section 19, and the East half of the Southwest quarter of Section 18, and all of that portion of the Southeast quarter of the Northwest quarter of Section 18, Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon, lying South of Alicel-Lower Cove Market Road.

PARCEL E:

The South half of the Southwest quarter of Section 7, Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon; EXCEPTING THEREFROM the East 1,056 feet.

ALSO, the Northwest quarter of the Northwest quarter of Section 18, Township 2 South, Range 40 East of the Willamette Meridian, Union County, Oregon; EXCEPTING THEREFROM the East 180 feet.

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SALEM, OREGON

Meridian: WILLAMETTE Township: 2 South Range: 39 East Section: 3 Records per Page: 10 [Search](#)

10/28/2008 4:15 PM

Meridian: WILLAMETTE Township: 2 South Range: 39 East Section: 10 Records per Page: 10 Search

[illegible]



Oregon

Theodore R. Kulongoski, Governor

COPY

Water Resources Department

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

February 22, 2008

STEVE SHARP
65600 GRAYS CORNER ROAD
COVE, OR 97824

Reference: Transfer 10540

On February 15, 2008 we received your water right transfer application requesting place of use. The application was accompanied by \$800.00. Our receipt 91469 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster # 6
CWRE # 21
Greg Blackman, Agent
Files

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 2/26/2008

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: UNION
Transfer: 10540
Water Right: CERT 41159,46739
Priority Date: 1966,1974
Name: STEVE SHARP
Address: 65600 GRAYS CORNER ROAD, COVE, OR 97824
Change: POU
Source: GRANDE RONDE RIVER
Authorized POU: T2S,R39E, 3,10
Proposed POU: T2S,R39E, 10

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.

Indicate in this column whether or not the item is satisfied.	Permanent Transfer Application – OAR 690-380 3000 & 3100 Completeness Checklist
Applicant's Name: <u>Steve Sharp</u> (Form last revised: January 11, 2008)	
Section A – Status of Right	
OK	Is this a Water Right that can be transferred? [OAR 690-380-0100(14)] NOTE: The Department can accept a Transfer application for any right that is: ☐ 1) an adjudication with a court decree; <i>or</i> ☐ 2) a certificate that is not cancelled; <i>or</i> ☐ 3) a transfer that's been approved & A COBU has been received by the Department <i>If the subject right <u>does not</u> fall into <u>any</u> of the above categories, RETURN the application & fee to the applicant.</i>
Section B – Type of Change	
POU	Is the proposed change(s) allowed under the Transfer process? [ORS 540.510] NOTE: Only <u>POD, POA or POU or USE</u> changes are allowed on Transfers. <i>If the application proposes a change <u>other</u> than those listed above, RETURN the application & fee to the applicant.</i>
Section C - Fees	
?	Have the appropriate fees been paid? <i>Fee Schedule – ORS 536.050(1)(h)</i> \$400 - Base fee (1st change and 1st CFS of water) + \$400 - Each additional type of change requested + \$200 - Each additional water right or permit + \$200 - For each CFS, or fraction thereof, requested beyond 1st CFS (for POU, Type of Use, or Exchange) 800⁰⁰ Total Required Fees: <u>600.00</u> Total Fees Paid: <u>800.00</u> Fees Due (if any): <u>0</u> Refund Due (if any): <u>200.00</u> <i>If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.</i>
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. <i>If the application is NOT complete, RETURN the application & fee to the applicant.</i>
OK	• Type of transfer application (Page 1)
OK	• Applicant's name, mailing address and contact information. (Page 1)
OK	• Agent's name, mailing address and contact information, <i>if applicable.</i> (Page 1)
OK	• Are the water rights to be affected by this transfer listed? (Page 2) <i>If there are multiple water rights listed..... The applicant must supply a <u>separate "set"</u> of Supplemental Form A for <u>each</u> water right to be transferred.</i>

	Checklist for Supplemental Form A – (Attachments)	
OK OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	• If for a change in POU or USE..... (Page 2) 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 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). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 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.	
OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
N/A	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
OK	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
	Return back to Page 2 of transfer application	
OK	• The type of changes being proposed. <i>part</i>	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity. <i>2.6</i>	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	(Page 1)
OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 2)
NO	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
Return back to Page 3 of transfer application		
OK	• Affected districts and local governments. <i>None</i> If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>Applicant</i> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (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	(Page 5)
N/A	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
N/A	• 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? <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>2-20-08</u>	

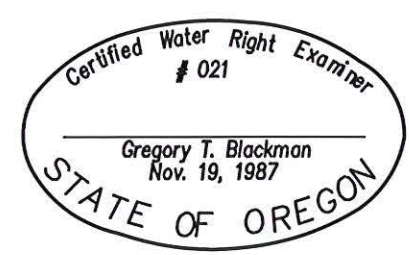
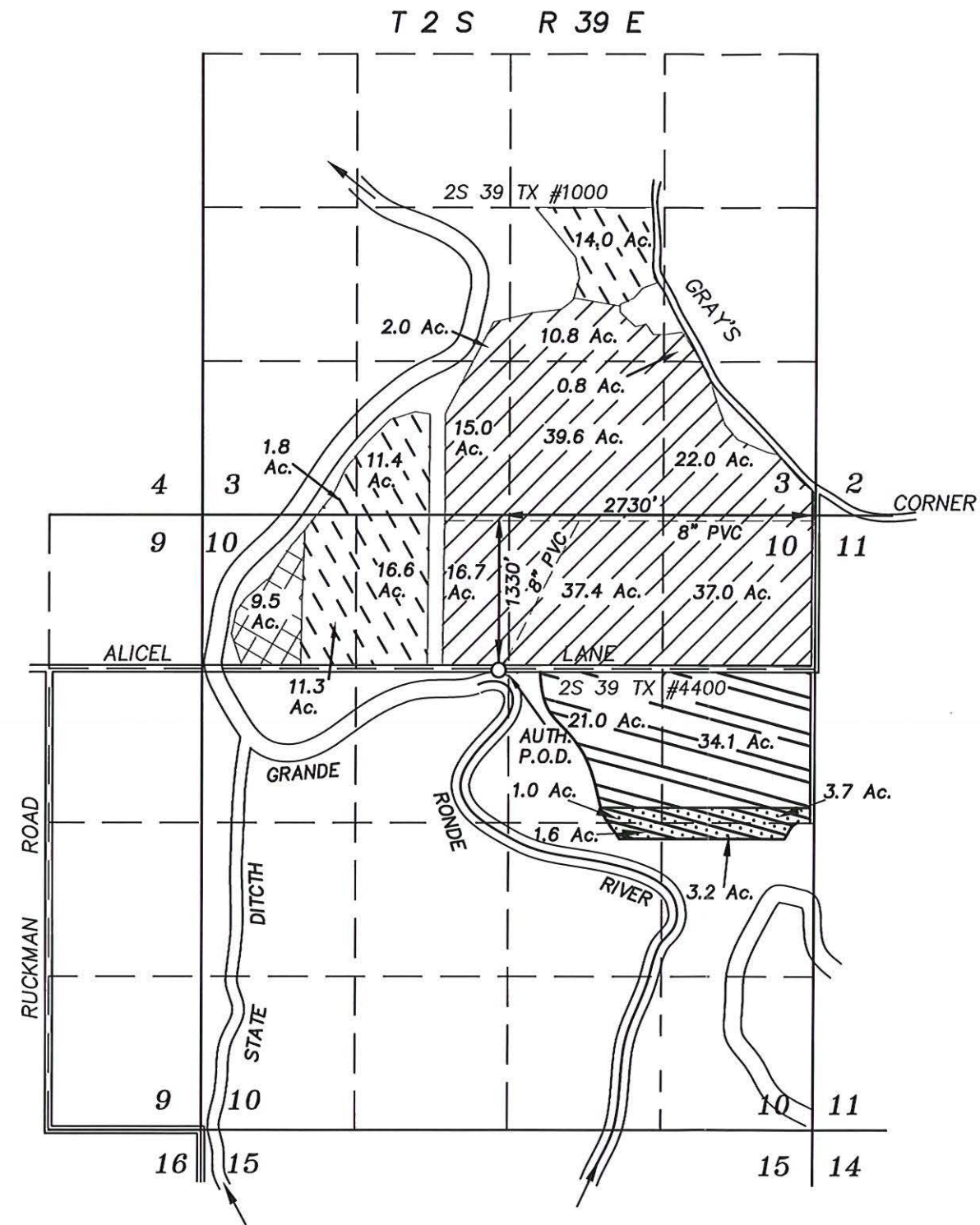
Most Recent Superseded by 11-26-08 map.



SCALE: 1"=1320'

LEGEND

- Lands with primary rights under Cert.#41159, remaining in place.
- Lands with primary rights under Cert.#46739, requesting a change of place of use.
- Lands with primary rights under Cert. #41159, requesting a change of place of use.
- Lands to receive rights from Cert.#41159.
- Lands to receive rights from Cert.#46739.
- Existing 8" PVC mainline, the rest of the lands use portable mainline.



NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

October 30, 2008
APPLICATION MAP FOR
CHANGE OF PLACE OF USE
FOR
STEVE SHARP
BY
BAGETT - GRIFFITH & BLACKMAN
2006 ADAMS AVENUE
LAGRANDE, OREGON 97850

Application No. _____
Permit Number _____



Existing 8" portable steel mainline.

Note: I held the pump tie described on C-41159 because the location of the section corner is subjective to the positioning of the corner. The corner position used was a projected intersection of a N/S fence with the projection of an E/W fence both more than 400' distant. I didn't think that a new tie would be better than the old.



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