

T-10543

T-10543

Name Fred + Judy Justesen
Paula Saloman
 Address 59720 Twin Lakes Rd
Grass Valley, OR 97029
541-333-2311

Change in APOA
 Date Filed 2-19-08
 Initial notice date 3/11/08
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO JUN 29 2009 Vol 78 Page 250
Reversion Order 5/30/2024 131 189-190

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: REC'D JUL 21 2008 JS

Irrigation District None

Agent Tennison Engineering Corp. / Larry Toll - 409 Lincoln Street - the Dalles, OR 97058

CWRE Same as Agent
 CC's list _____

☐ - Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Wells
 Trib. of Sand Hollow
 Use Irrigation County Sherman
 Quantity of water (CFS) _____ No. of Acres _____
 Name of ditch _____
 App # G-10879 Per # G-10074 Cert # 67578 PR Date 1983
 App # _____ Per # _____ Cert # _____ PR Date _____
 App # _____ Per # _____ Cert # _____ PR Date _____
 App # _____ Per # _____ Cert # _____ PR Date _____
 App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>3/4/08</u>	<u>400.00</u>	<u>91640</u>

FEES REFUNDED

Date	Amount	Receipt#
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STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 91640

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

INVOICE # _____

RECEIVED FROM: Justesen Ranches

BY: _____

CASH: ☐ CHECK.# 15390 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>T-10543</u>

TOTAL REC'D \$ 400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	\$	0202		\$
0203	GROUND WATER	\$	0204		\$
0205	TRANSFER	<u>\$400.00</u>			

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: 91640

DATED: 3/4/08 BY: [Signature]

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



Oregon

Tina Kotek, 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

May 30, 2024

Fred Justesen
59720 Twin Lakes Rd
Grass Valley, OR 97029

FINAL ORDER ON REVERSION

Reference: Transfer Application T-10543

Enclosed is a copy a Final Order Reverting an Additional Point of Appropriation/Diversion as recorded in Special Order Volume 131, Page 189, and signed on May 30, 2024. The changes authorized under Application T-1054310543 are reverted to all terms and conditions authorized under the water right(s) prior to the transfer. Enclosed is the new superseding Certificate 97777 describing the reverted water right.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at joan.m.smith@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Right Services Support
Transfers and Conservation Section

cc: Robert L. Wood, Watermaster Dist. # 3 (via email)

Enclosure

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

In the Matter of Transfer Application)
T-10543, SHERMAN County)

**ORDER REVERTING AN ADDITIONAL
POINT OF APPROPRIATION**

Authority

Oregon Administrative Rule (OAR) 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

FRED A. JUSTESEN
JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES RD
GRASS VALLEY, OR 97029

Findings of Fact

1. On March 4, 2008, FRED JUSTESEN, JUDY JUSTESEN, AND PAULA SALOMON filed an application to add a point of appropriation under Certificate 67578. The Department assigned the application number T-10543.
2. On June 29, 2009, the Water Resources Department issued an order approving the proposed additional point of appropriation. The order was recorded in Special Order Volume 78, Page 250.
3. On April 19, 2024, Tenneson Engineering on behalf of Fred Justesen, Judy Justesen, and Paula Salomon notified the Department that the changes authorized under T-10543 would not be completed and requested that the authorized point of appropriation revert back to the original points of appropriation.

This is a final 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.

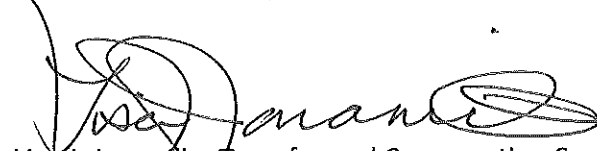
Conclusion of Law:

The reversion of the point of appropriation approved by Transfer Application T-10543 to the points of appropriation authorized under the water right prior to Transfer Application T-10543, is consistent with OAR 690-380-6010(6). A superseding certificate for the right affected by the transfer shall be issued.

Now, therefore, it is ORDERED:

1. The additional point of appropriation authorized under Transfer Application T-10543 for the right described by Certificate 67578 is reverted to the points of diversion authorized under the water right prior to the transfer.
2. Certificate 67578 was cancelled by T-10543, a superseding certificate shall be issued to describe the water right reverted.

Dated in Salem, Oregon on **MAY 30 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **MAY 31 2024**

STATE OF OREGON

COUNTY OF SHERMAN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED A. JUSTESEN
PO BOX 90
GRASS VALLEY, OR 97029

confirms the right to use the waters of WELL 2 WHEN AVAILABLE WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM WELL 2 TO BE MADE UP BY DIVERSION FROM WELL 1, in the DESCHUTES BASIN for IRRIGATION OF 81.9 ACRES.

This right was perfected under Permit G-10074. The date of priority is FEBRUARY 15, 1983. This right is limited to 1.02 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	16 E	WM	33	NE NE	WELL 2 - 840 FEET SOUTH AND 590 FEET WEST FROM THE NE CORNER OF SECTION 33
3 S	16 E	WM	33	NE NE	WELL 1 - 60 FEET SOUTH AND 460 FEET WEST FROM THE NE CORNER OF SECTION 33

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	16 E	WM	33	NE NE	22.0
3 S	16 E	WM	33	SW NE	3.4
3 S	16 E	WM	33	SE NE	35.4
3 S	16 E	WM	33	NE SE	14.2
3 S	16 E	WM	33	NW SE	6.9
Total					81.9

This is a final 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.

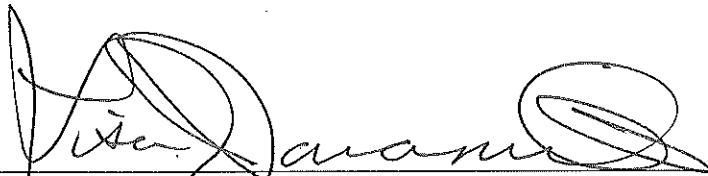
The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for a non-completed change in point of appropriation approved by an order of the Water Resources Director entered MAY 30 2024, at Special Order Volume 131, Page 189, supersedes Certificate 67578, State Record of Water Right Certificates.

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

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

WITNESS the signature of the Water Resources Director, affixed MAY 30 2024.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This is a final 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.

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10543, Sherman County	)	AN ADDITIONAL POINT OF
	)	APPROPRIATION

Authority

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

Applicants

FRED A. and JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

Findings of Fact

Background

1. On March 4, 2008, Fred and Judy Justesen, and Paula Salomon filed a complete application to add a point of appropriation under Certificate 67578. The Department assigned the application number T-10543.
2. The right to be transferred is as follows:

Certificate:	67578 in the name of FRED A. JUSTESEN (perfected under Permit G-10074)
Use:	IRRIGATION of 81.9 ACRES
Priority Date:	FEBRUARY 15, 1983
Rate:	1.02 CUBIC FEET PER SECOND (cfs)
Limit/Duty:	ONE-EIGHTIETH of one cfs (or its equivalent) for each acre irrigated, 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
Source:	WELL #2 when available, with any deficiency in the available supply from WELL#2 to be made up by diversion from WELL#1, within the DESCHUTES BASIN

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

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 S	16 E	WM	33	NE NE	WELL# 1 - 60 FEET SOUTH and 460 FEET WEST FROM THE NE CORNER of SECTION 33
3 S	16 E	WM	33	NE NE	WELL# 2 - 840 FEET SOUTH and 590 FEET WEST FROM THE NE CORNER of SECTION 33

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 S	16 E	WM	33	NE NE	22.0
3 S	16 E	WM	33	SW NE	3.4
3 S	16 E	WM	33	SE NE	35.4
3 S	16 E	WM	33	NE SE	14.2
3 S	16 E	WM	33	NW SE	6.9
TOTAL:					81.9

3. Application T-10543 proposes to add a point of appropriation located between approximately 1450 feet and 2200 feet southwest from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Survey Coordinates
3 S	16 E	WM	33	SE NE	3900	WELL# 3 - 2255 FEET SOUTH and 1225 FEET WEST FROM THE NE CORNER of SECTION 33

4. Notice of the application for transfer was published on March 11, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On March 19, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10543 to the applicant. The draft Preliminary Determination set forth a deadline of April 18, 2009, for the applicant to respond. The applicant requested on April 3, 2009, 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. Furthermore, because a portion of the subject lands are currently enrolled in the Conservation Reserve Program, the applicant requested additional time through October 1, 2013, in which to complete the proposed change under T-10543. The Department determined the request for additional time to complete the change should be granted.
6. On April 28, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10543 and mailed a copy to the applicants and their agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 5, 2009, and in *The Dalles Chronicle* newspaper on May 12, 19 and 26, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-10543 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. Wells, pumps, pipeline, and a sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10543.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. The proposed additional point of appropriation (Well #3 – SHER 441 and SHER 416) develops the same source of water as the current authorized points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).

** Note: This log filed in the wrong county.*

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-10543 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-10543 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 67578 and any related decree.
3. Water right Certificate 67578 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water appropriated from the new additional well shall be acquired from the same aquifer (water source) as the original points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).
6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 29th day of June 2009.


Phillip C. Ward, Director

Mailing date: JUL 1 4 2009

STATE OF OREGON
COUNTY OF SHERMAN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED A. JUSTESEN
P.O. BOX 90
GRASS VALLEY, OREGON 97029

confirms the right to use the waters of WELL 2 WHEN AVAILABLE WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM WELL 2 TO BE MADE UP BY DIVERSION FROM WELL 1, in the DESCHUTES BASIN for IRRIGATION OF 81.9 ACRES.

This right was perfected under Permit G-10074. The date of priority is FEBRUARY 15, 1983. This right is limited to 1.02 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NE 1/4 NE 1/4, SECTION 33, T 3 S, R 16 E, W.M.; WELL 1 - 60 FEET SOUTH AND 460 FEET WEST; WELL 2 - 840 FEET SOUTH AND 590 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 33.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NE 1/4 NE 1/4	22.0 ACRES
SW 1/4 NE 1/4	3.4 ACRES
SE 1/4 NE 1/4	35.4 ACRES
NE 1/4 SE 1/4	14.2 ACRES
NW 1/4 SE 1/4	6.9 ACRES
SECTION 33	
TOWNSHIP 3 SOUTH, RANGE 16 EAST, W.M.	

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

WITNESS the signature of the Water Resources Director, affixed
JULY 24, 1992.

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

In the Matter of Transfer Application)	ORDER REVERTING ADDITIONAL
T-9811, Clackamas County)	POINTS OF APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

COLUMBIA FRUIT LLC
2526 DIKE ROAD
WOODLAND, WA 98674

Findings of Fact

1. On November 4, 2011, Leo Gentry Wholesale Nursery, Inc., filed an application for additional points of appropriation under Certificates 44142, 44143, and 51883. The Department assigned the application number T-9811.
2. On December 20, 2006, the Water Resources Department issued an order approving the proposed additional points of appropriation. The order was recorded in Special Order Volume 70, Pages 762-766.
3. On February 24, 2010, an extension of time to complete Transfer Application T-9811 was approved. The extended completion date is October 1, 2015.
4. On March 14, 2016, the application was assigned to Columbia Fruit LLC, 2526 Dike Road, Woodland, Washington, 98674.
5. On June 9, 2016, the agent for Columbia Fruit LLC, Doann Hamilton, Pacific Hydro-Geology Inc., notified the Department that the change authorized under T-9811 would not be completed and requested that the additional points of appropriation revert back to the original points of appropriation.

This is a final 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.

Conclusion of Law

The reversion of the additional points of appropriation authorized under Transfer Application T-9811 to the points of appropriation authorized under the water rights prior to Transfer Application T-9811, is consistent with OAR 690-380-6010(6). Superseding certificates for the rights affected by the transfer shall be issued.

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

1. The additional points of appropriation authorized under Transfer Application T-9811 for the rights described by Certificates 44142, 44143, and 51883 are reverted to the points of appropriation authorized under these water rights prior to the transfer.
2. Superseding certificates for those portions of Certificates 44142, 44143, and 51883 approved for additional points of appropriation by Transfer Application T-9811 shall be issued to confirm those portions of the rights.

Dated at Salem, Oregon this 14 day of June, 2016.



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

JUN 20 2016

Mailing date: _____



**TENNESON
ENGINEERING**
AN AKS COMPANY

Received

APR 19 2024



OWRD

TO

Reverting
Order
Needed

LETTER OF TRANSMITTAL

Date 4/17/2024	Work Order # 12028
Attention Lisa Jaramillo	
RE:	
Transfer 10543	

DESCRIPTION

1	NOTICE TO OWRD TO TERMINATE WATER RIGHT TRANSFER 10543

THESE ARE TRANSMITTED (as checked below)

☒ For approval
☐ For your use

☐ As requested
☐ Approved as noted

☒ Filing/Recording
☐ For your review & comment

CHARGES

Remarks: Here is the document we have been discussing to terminate T-10543 (Additional Point of Appropriation). Paula Solomon is Judy Justesen's mother and Judy has Power of Attorney. Let me know if you need anything more.	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
DELIVERED BY:
COPY TO:

BY: Larry Toll, Water Rights Consultant

If enclosures are not as noted, please notify us at once.

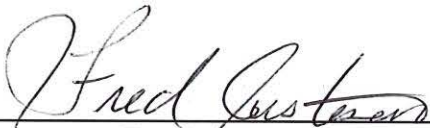
BEND, OR | KEIZER, OR | THE DALLES, OR | TUALATIN, OR | VANCOUVER, WA | WHITE SALMON, WA

www.aks-eng.com

We, Fred A. and Judy Justesen, and Paula Solomon, are the applicants for **OWRD** Transfer 10543. This transfer was approved by the Oregon Water Resources Department on June 29, 2009. We tell the OWRD that we did not make the change (Additional Point of Diversion) approved in Transfer 10543.

Certificate of Water Right 67578 was the basis for this transfer and was canceled by the order approving Transfer 10543. We request that the rights revert back to the authorized points of appropriation as described in this certificate.

We request that the OWRD issue a new Certificate Water Right with the same limits and conditions as described in canceled Certificate 67578.


Fred A. Justesen

4-6-2024
Date


Judy Justesen

4-6-2024
Date

 POA
Paula Salomon

4-6-2024
Date

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

In the Matter of Transfer Application)	ORDER REVERTING OF AN ADDITIONAL
T-10543, SHERMAN County)	POINT OF APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

FRED A. JUSTESEN
JUDY JUSTESEN
PAULA SOLOMON
59720 TWIN LAKES RD
GRASS VALLEY, OR 97029

Findings of Fact

1. On March 4, 2008, FRED JUSTESEN, JUDY JUSTESEN, AND PAULA SOLOMON filed an application to add a point of appropriation under Certificate 67578. The Department assigned the application number T-10543~~10543~~.
2. On June 29, 2009, the Water Resources Department issued an order approving the proposed additional point of appropriation. The order was recorded in Special Order Volume 78, Page 250.
3. On April 19, 2024, Tenneson Engineering on behalf of Fred Justesen, Judy Justesen, and Paula Solomon notified the Department that the changes authorized under T-10543~~10543~~ would not be completed and requested that the authorized point of appropriation revert back to the original points of appropriation.

This is a final 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.

Conclusion of Law:

The reversion of the point of appropriation authorized under Transfer Application T-1054310543 to the points of appropriation authorized under the water right prior to Transfer Application T-10543 is consistent with OAR 690-380-6010(6). A superseding certificate for the right affected by the transfer shall be issued.

Now, therefore, it is ORDERED:

1. The additional point of appropriation authorized under Transfer Application T-10543 for the right described by Certificate 67578 is reverted to the points of diversion authorized under the water right prior to the transfer.
2. Certificate 67578 was cancelled by T-10543, a new superseding certificate will be issued describing the right prior to Transfer Application T-10543.

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date:



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

July 10, 2009

FRED & JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES RD
GRASS VALLEY OR 97029

REFERENCE: Transfer Application T-10543

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. #3
Larry Toll, Agent

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10543, Sherman County	)	AN ADDITIONAL POINT OF
	)	APPROPRIATION

Authority

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

Applicants

FRED A. and JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

Findings of Fact

Background

1. On March 4, 2008, Fred and Judy Justesen, and Paula Salomon filed a complete application to add a point of appropriation under Certificate 67578. The Department assigned the application number T-10543.
2. The right to be transferred is as follows:

Certificate:	67578 in the name of FRED A. JUSTESEN (perfected under Permit G-10074)
Use:	IRRIGATION of 81.9 ACRES
Priority Date:	FEBRUARY 15, 1983
Rate:	1.02 CUBIC FEET PER SECOND (cfs)
Limit/Duty:	ONE-EIGHTIETH of one cfs (or its equivalent) for each acre irrigated, 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
Source:	WELL #2 when available, with any deficiency in the available supply from WELL#2 to be made up by diversion from WELL#1, within the DESCHUTES BASIN

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

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 S	16 E	WM	33	NE NE	WELL# 1 - 60 FEET SOUTH and 460 FEET WEST FROM THE NE CORNER of SECTION 33
3 S	16 E	WM	33	NE NE	WELL# 2 - 840 FEET SOUTH and 590 FEET WEST FROM THE NE CORNER of SECTION 33

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 S	16 E	WM	33	NE NE	22.0
3 S	16 E	WM	33	SW NE	3.4
3 S	16 E	WM	33	SE NE	35.4
3 S	16 E	WM	33	NE SE	14.2
3 S	16 E	WM	33	NW SE	6.9
TOTAL:					81.9

3. Application T-10543 proposes to add a point of appropriation located between approximately 1450 feet and 2200 feet southwest from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Survey Coordinates
3 S	16 E	WM	33	SE NE	3900	WELL# 3 - 2255 FEET SOUTH and 1225 FEET WEST FROM THE NE CORNER of SECTION 33

4. Notice of the application for transfer was published on March 11, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On March 19, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10543 to the applicant. The draft Preliminary Determination set forth a deadline of April 18, 2009, for the applicant to respond. The applicant requested on April 3, 2009, 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. Furthermore, because a portion of the subject lands are currently enrolled in the Conservation Reserve Program, the applicant requested additional time through October 1, 2013, in which to complete the proposed change under T-10543. The Department determined the request for additional time to complete the change should be granted.
6. On April 28, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10543 and mailed a copy to the applicants and their agent. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 5, 2009, and in *The Dalles Chronicle* newspaper on May 12, 19 and 26, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-10543 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. Wells, pumps, pipeline, and a sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10543.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. The proposed additional point of appropriation (Well #3 -- SHER 441 and SHER 416) develops the same source of water as the current authorized points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).

** Note: This log filed in the wrong county.*

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-10543 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-10543 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 67578 and any related decree.
3. Water right Certificate 67578 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water appropriated from the new additional well shall be acquired from the same aquifer (water source) as the original points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).
6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 29th day of June 2009.


Phillip C. Ward, Director

Mailing date: JUL 1 4 2009

Water Right Transfer Checklist

Transfer T-10543

Transfer Specialist: Ken Dowden

Transfer Type: Regular

Applicant Name/Address: Fred & Judy Justesen, Paula Saloman 59720 Twin Lakes Rd, Grass Valley, OR 97029

Agent Name/Address: Tenneson Engineering Corp. Larry Toll, 409 Lincoln St. The Dalles, OR, 97058

CWRE Name/Number: Larry Toll # 132

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Gov'ts Name/Address: None *SHERMAN COUNTY, P.O. Box 381, MORE, OR 97039*

Commentors: Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	G 10879	G 10074	67578	☐ Yes ☒ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 3/4/2008	Proposed Action(s): POU POD HST APOD USE OTHER: APOA	
Fees Pd: 400.00	WM District: 3	ODFW District: None
Initial Notice: 3/11/2008	WM Review sent: 3/10/2008	ODFW Review sent: None
Acknowledgement Letter Sent ☒	GW Review sent: 3/10/2008 <i>OKAY</i>	

Processing Dates & Actions

Deficiency Contacts: _____

DPD Mailed: 3/19/09

☐ ODFW contact sheet sent with DPD, or ☐ N/A

PD Mailed: _____

PD Weekly Notice: _____

Newspaper Pub Affid Due: *YES*

☒ not required

Affid of Pub Rec'd: 6-22-09

Last Day Published: 5-26-09

Affidavit Reminder Sent: _____

Reminder Deadline: _____

Preliminary Determination

- ☒ Electronic Files uploaded
- ☒ PD Cover letter
- ☒ PD Notice
- ☐ File Assigned/ ModPod updated

- ☒ Preliminary Determination
- ☐ Fee Refund Due
- ☐ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <i>[Signature]</i>	Reviewer: _____
Date: _____	Date: 4-27-09	Date: _____
Coordinator: _____	Coordinator: <i>[Signature]</i>	Coordinator: <i>[Signature]</i>
Date: _____	Date: 4/23/09	Date: 6/23/09
Comments/Special Issues:		

Special Order Volume: Vol *78* Pages *250* Final Order Signature Date: JUN 29 2009

Notice of FO email'd to processors *Ken/Mike/Healy*

Review Checklist**T-10543****Processor: Ken Dowden****Application**

- ☒ The type of change is clearly indicated.
☒ The application is appropriately signed. *YES, BUT WHO IS PAULA? ✓ MOTHER IN LAW*
☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO *W/A*
☒ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
None ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
☒ All required attachments received.

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

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

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

Injury: Y **N** Enlargement: Y **N**

Conditions to avoid enlargement/injury -

*SAME ACQUER, AMT. of WATER LIMITED TO
AVAILABILITY AT OTHER WELLS.*



Oregon

Theodore R. Kulongoski, Governor

April 30, 2009

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503.986.0900

FRED A. and JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

SUBJECT: Transfer Application T-1054

Please find enclosed the Preliminary Determination. The Department intends to approve application for a new completion date for the proposed protest on April 3, 2009. This Preliminary Determination shall not be used legally as proposed in the transfer application. Please read this entire letter carefully.

A public notice is being published in the transfer application. The notice of protest opposing the decision proposed in the Preliminary Determination statement supporting the Department's decision.

Because the additional point of approval for the applicant is responsible for giving general circulation in the area of the protest, *consecutive weeks*. We have prepared the protest or standing statements is 30 days from the date of last publication in the protest.

After publication, the Department will publish the protest. Please have the newspaper address shown in the letterhead, by the date of last publication in the protest.

If no protest is filed, the Department will publish the protest. You should receive a copy of the protest.

If a protest is filed, the application will be published. an opportunity for the proponents to present information and argument.

Please do not hesitate to contact me for assistance.

Sincerely,

Lisa Jaramillo
Transfer Specialist
Field Services Division

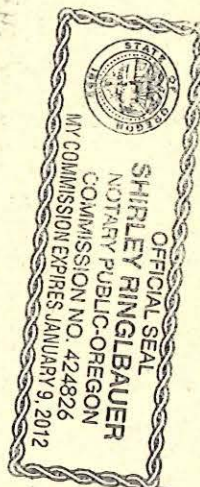
cc: T-10543
Bob Wood, District 3 Watermaster
Larry Toll, CWRE, Tenneson Engineering Corp., 3313 West Second St., Ste. 100, The Dalles, OR 97058

encs

WATER RESOURCES DEPT
SALEM, OREGON

JUN 22 2009

RECEIVED



Notary Public for Oregon
My commission expires 1-9-12

Subscribed and sworn to before me this 1st day of June 2009

I, Nick DeLeon, being first duly sworn, depose and say that I am the principal clerk of The Dalles Chronicle, a newspaper of general circulation, published in Hood River, Oregon in the aforesaid state and county of Wasco; that I know from my personal knowledge that the **Determination**, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper once in each of three consecutive weeks in the following issues: May 12, 19 & 26, 2009

RECD JUN 15 2009
STATE OF OREGON, { SS
County of Wasco

Handbook of Publication

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10543, Sherman County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF APPROPRIATION

Authority

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

Applicants

FRED A. and JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

Findings of Fact

Background

1. On March 4, 2008, Fred and Judy Justesen, and Paula Salomon filed a complete application to add a point of appropriation under Certificate 67578. The Department assigned the application number T-10543.
2. The right to be transferred is as follows:
Certificate: 67578 in the name of FRED A. JUSTESEN (perfected under Permit G-10074)
Use: IRRIGATION of 81.9 ACRES
Priority Date: FEBRUARY 15, 1983
Rate: 1.02 CUBIC FEET PER SECOND (cfs)
Limit/Duty: ONE-EIGHTIETH of one cfs (or its equivalent) for each acre irrigated, 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
Source: WELL #2 when available, with any deficiency in the available supply from WELL#2 to be made up by diversion from WELL#1, within the DESCHUTES BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 S	16 E	WM	33	NE NE	WELL# 1 - 60 FEET SOUTH and 460 FEET WEST FROM THE NE CORNER of SECTION 33
3 S	16 E	WM	33	NE NE	WELL# 2 - 840 FEET SOUTH and 590 FEET WEST FROM THE NE CORNER of SECTION 33

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 Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 S	16 E	WM	33	NE NE	22.0
3 S	16 E	WM	33	SW NE	3.4
3 S	16 E	WM	33	SE NE	35.4
3 S	16 E	WM	33	NE SE	14.2
3 S	16 E	WM	33	NW SE	6.9
TOTAL:					81.9

3. Application T-10543 proposes to add a point of appropriation located between approximately 1450 feet and 2200 feet southwest from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Survey Coordinates
3 S	16 E	WM	33	SE NE	3900	WELL# 3 - 2255 FEET SOUTH and 1225 FEET WEST FROM THE NE CORNER of SECTION 33

4. Notice of the application for transfer was published on March 11, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On March 19, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10543 to the applicant. The draft Preliminary Determination set forth a deadline of April 18, 2009, for the applicant to respond. The applicant requested on April 3, 2009, 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. Furthermore, because a portion of the subject lands are currently enrolled in the Conservation Reserve Program, the applicant requested additional time through October 1, 2013, in which to complete the proposed change under T-10543. The Department determined the request for additional time to complete the change should be granted.

Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used within the last five years prior to the submittal of Transfer Application T-10543 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. Wells, pumps, pipeline, and a sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10543.
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. The proposed additional point of appropriation (Well #3 – SHER 441 and SHER 416) develops the same source of water as the current authorized points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).

** Note: This log filed in the wrong county.*

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-10543 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10543 is approved, the final order will include the following:

- 1. The additional point of appropriation proposed in Transfer Application T-10543 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 67578 and any related decree.*
- 3. Water right Certificate 67578 is cancelled.*
- 4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. Water appropriated from the new additional well shall be acquired from the same aquifer (water source) as the original points of appropriation, being Well#1 (SHER 440) and Well#2 (WASC 3537*).*
- 6. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 7. The approved change shall be completed and full beneficial use of the water shall be made on or before October 1, 2013. 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, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 28th day of April 2009.


@ Phillip C. Ward, Director

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

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

**Notice of Preliminary Determination for
Water Right Transfer T-10543**

T-10543 filed by Fred A. and Judy Justesen and Paula Salomon, 59720 Twin Lakes Road, Grass Valley, OR 97029, proposes an additional point of appropriation under Certificate 67578. The right allows the use of 1.02 cfs (priority date February 15, 1983) from Well 2 when available, with any deficiency in the available supply from Well 2 to be made up by diversion from Well 1, in Sec. 33, T 3S, R 16E, W.M. (Deschutes Basin) for irrigation of 81.9 acres in Sec. 33. The applicant proposes to add a point of appropriation located between approximately 1450 and 2200 feet southwest (Sec. 33, T 3S, R 16E, W.M.) from the original points of appropriation. 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.

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

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name:

Fred & Judy Justesen

Paula Solomon
(Form last revised: January 11, 2008)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

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

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

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

Section B – Type of Change

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

[ORS 540.510]

NOTE: Only POD, POA or POU or USE changes are allowed on Transfers.

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

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees:

400

Fee Schedule – ORS 536.050(1)(h)

- Fee Schedule – ORS 536.050(1)(h)
- \$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)

Total Fees Paid:

Fees Due (if any):

Refund Due (if any):

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

Section D – Completeness

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

Is the Transfer application complete?

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

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

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

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

- OK
- Type of transfer application

(Page 1)

- OK
- Applicant's name, mailing address and contact information.

(Page 1)

- OK
- Agent's name, mailing address and contact information, if applicable.

(Page 1)

- OK
- Are the water rights to be affected by this transfer listed?

(Page 2)

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

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear? <i>KPOA</i>	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
N/A	• 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.	
OK	• 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.	
N/A	• 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>APOA</i>	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity.	(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 1)
OK	• 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 <i>NO</i> 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 (<i>clearly shown, labeled & matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
OK	• Land Use form, <i>if applicable</i> . Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
OK	• 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>2-21-08</u>	

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 3 South Range: 16 East Section: 33 Records per Page: 6 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select App:P 82115 *		1/31/1997	FISH AND WILDLIFE																													
Additional Info: PAULA SALOMON App: P82115																																
Select Cert:26138 OR *		5/7/1953	IRRIGATION							17.8																	6.3					
Additional Info: JOHN BUETHER App: S28406 Permit: S22643 Cert: 26138																																
Select Cert:67578 OR *	T10543	2/15/1983	IRRIGATION					22		3.4	35.4																14.2	6.9				
Additional Info: FRED JUSTESEN App: G10879 Permit: G10074 Cert: 67578																																
Select App:P 82114 *		1/31/1997	LIVESTOCK						*																							
Additional Info: PAULA SALOMAN App: P82114																																
Select Permit:G 15324 *		6/25/2002	POND MAINTENANCE													*				*												
Additional Info: FRED JUSTESEN App: G15783 Permit: G15324																																
Select App:P 82115 *		1/31/1997	RECREATION																									*				
Additional Info: PAULA SALOMON App: P82115																																

12

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

NO CONFLICTS w/ EXISTING

Water Rights Platcard Report

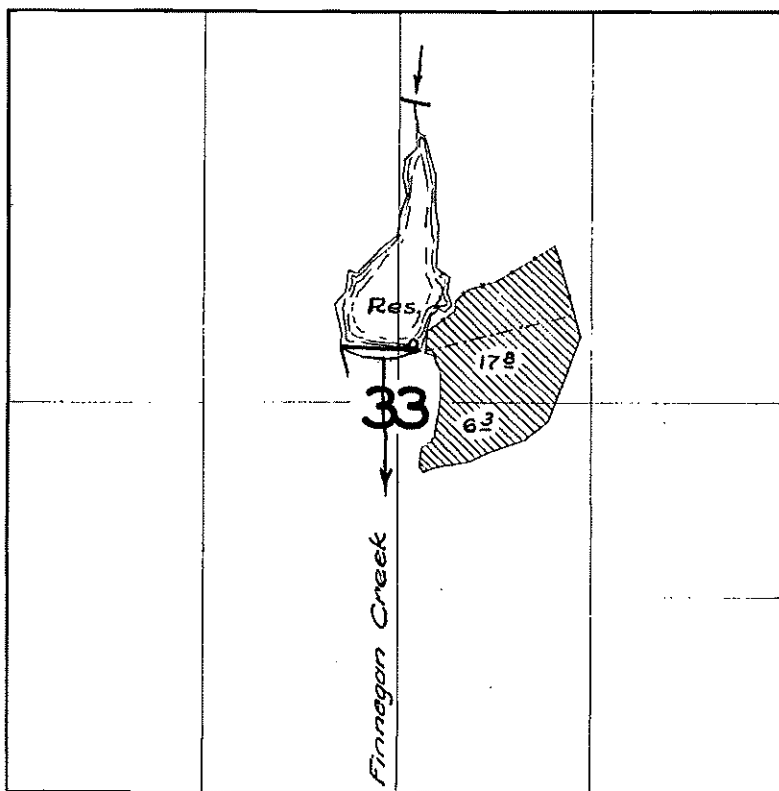
Meridian: Township: South Range: East Section: Records per Page:

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select App:R 81988 RJ		2/21/1997	RECREATION	RJ												*			*					
Additional Info: PAULA SALOMON App: R81988																								
Select Cert:38276 OR *		5/9/1966	RECREATION													*			*					
Additional Info: JOHN BUETHER App: R42194 Permit: R4712 Cert: 38276																								
Select Cert:38277 OR *		5/9/1966	RECREATION													*			*					
Additional Info: JOHN W BUETHER App: S42195 Permit: S31195 Cert: 38277																								
Select Cert:26137 OR *		5/7/1953	STORAGE					*	*						*									
Additional Info: JOHN BUETHER App: R28405 Permit: R1567 Cert: 26137																								
Select App:P 82114 *		1/31/1997	WILDLIFE					*																
Additional Info: PAULA SALOMAN App: P82114																								
Select App:P 82115 *		1/31/1997	WILDLIFE													*								
Additional Info: PAULA SALOMON App: P82115																								

12

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

T.3S.R.16E.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 28406 Permit No. 22643
R-28405 R-1567
IN NAME OF

JOHN BUETHER

Surveyed 28 Oct. 1958, by M. B. Sed

April 1, 2009

Mr. Ken Dowden
Oregon Water Resources Department
North Central Region
116 SE Dorion Avenue
Pendleton, Oregon 97801

Reference: Transfer 10543

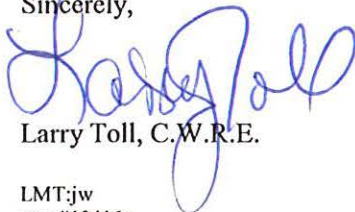
Ken:

Enclosed is the requested ownership and lien information report prepared by a title company on March 27, 2009. Fred and Judy Justesen and Paula Salmon have reviewed the Draft Preliminary Determination and find that for the most part it is consistent with their intent. The only issue is the proposed completion date of October 1, 2010. As you may remember, this was originally a new water rights application but the source was found to be the same as the existing wells. Therefore, a transfer was filed. With the new permit, the expectation was that we would have about four irrigation seasons to complete the project.

Some of the ground to be irrigated is currently in the Conservation Reserve Program and was expected to come out of the program and be irrigated. However, since March 2008, there have been some big changes in the farm economy. There are many questions concerning Federal agricultural programs. Anyway, the applicants would like to have the four irrigation seasons timeframe to put this new well into use. The applicant is requesting the completion date on the Final Order be either October 2012 or 2013.

Thank you for your consideration on this matter and please contact me if there are any questions.

Sincerely,



Larry Toll, C.W.R.E.

LMT:jw
<wo#12416>

Enclosures

cc: Fred & Judy Justesen
Paula Salmon



INFORMATIONAL REPORT

TENNESON ENGINEERING CORPORATION
409 LINCOLN STREET
THE DALLES, OR 97058

March 27, 2009
Report #1
Title Number: 0061885

Attn: LARRY M. TOLL

Policy or Policies to be issued:
INFORMATIONAL REPORT

<u>Liability</u>	<u>Premium</u>
	\$200.00

We are prepared to issue ALTA 2006 title insurance policy(ies) of CHICAGO TITLE INSURANCE COMPANY of OREGON, in the usual form insuring the title to the land described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Vestee:

JUDY JUSTESEN, as to an undivided 1/8 interest, and PAULA SALOMON, as to an undivided 7/8 interest, as tenants in common

Dated as of March 23, 2009 at 8:00 A.M.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS:

1. *Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
2. *Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
3. *Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
4. *Discrepancies, conflicts in boundary lines, shortage in area, encroachments or other facts, which a correct survey would disclose.*
5. *Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
6. *Unpatented mining claims whether or not shown by the public record*

EXCEPTIONS 1 THROUGH 6 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

SPECIAL EXCEPTIONS:

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. The rights of the public in roads and highways.
9. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Cottonwood Canyon Creek.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon.
11. Subject to, but not limited to the following matters, as disclosed in Patents from the United States of America, "Any vested and accrued water rights for mining, agricultural, manufacturing or other purposes", subject to the terms and provisions thereof;

Book 102 of Patents	Page	281	(Records of Sherman County, Oregon)
3		400	
109		217	
3		373	
107		19	
12. Reservations and Exceptions as disclosed in deed containing but not limited to the following matters:

"Springs of any name or nature", subject to the terms and provisions thereof;	
Recorded	:March 15, 1923
Book/Page No.	:Book T, Page 501 (Records of Sherman County, Oregon)
13. Water Rights, subject to the terms and provisions thereof;

Recorded	:December 8, 1939
Book/Page No.	:Book Z, Page 222 (Records of Sherman County, Oregon)
14. Oil and Gas Lease and the Terms and Conditions thereof:

Lessor	:John Buether et ux
Lessee	:P.D. Willhite
Recorded	:June 26, 1952
Book/Page No.	:Book 30, Page 474 (Records of Sherman County, Oregon)

 Assignment of Oil, Gas and Mineral Lease, subject to the terms and provisions thereof:

Recorded	:July 30, 1952
Book/Page No.	:Book 30, Page 481 (Records of Sherman County, Oregon)
Assignor	:P.D. Willhite et ux
Assignee	:Charles Alberding

 Assignment of Oil, Gas and Mineral Lease, subject to the terms and provisions thereof:

Recorded	:September 11, 1952
Book/Page No.	:Book 30, Page 502 (Records of Sherman County, Oregon)
Assignor	:Charles W. Alberding et ux
Assignee	:L.A. Schumacher

Assignment of Oil, Gas and Mineral Lease, subject to the terms and provisions thereof:

Recorded :September 15, 1952
Book/Page No. :Book 30, Page 50 (Records of Sherman County, Oregon)
Assignor :W.B. Gilmore et ux
Assignee :R.N. McElrey

15. An Easement created by instrument, subject to the terms and provisions thereof;
Recorded :December 3, 1953
Book/Page :Book 31, page 130 (Records of Sherman County, Oregon)
In favor of :The United States of America
Purpose :Transmission Line Easement and Access Road Easement
16. Financing statements, if any, filed with the Secretary of State for real and/or personal property.
(NO SEARCH HAS BEEN MADE OF THE SECRETARY OF STATE'S OFFICE)

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

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the insured as the exclusive remedy of the parties.

NOTE: Taxes for fiscal year 2008-09 are paid in full as follows:

Code No. :172
Map No. :03S16E00
Tax Lot :3900
Reference No. :1743
Amount :\$2,131.42

NOTE: Taxes for fiscal year 2008-09 are paid in full as follows:

Code No. :172
Map No. :03S1600
Tax Lot :3900
Reference No. :1744
Amount :\$340.10

NOTE: The property address as shown on the Assessor's Roll is:

***58560 Twin Lakes Road,
Grass Valley, Oregon 97029***

NOTE: As of the date hereof, there are no matters against **PAULINE SALOMON and/or JUDY JUSTESEN** which would appear as exceptions in the policy to issue, except as shown herein.

NOTE: Effective July 1, 2007 per Sherman & Sherman County Geographic Information Systems Fee Ordinance, recording fees are now \$41.00 for the first page, and \$5.00 each page after.

REC'D APR 03 2009

Order No. 0061885

Page 4

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

AmeriTitle

By: Judy Mahaffey
Judy Mahaffey, Title Officer

"Superior Service with Commitment and Respect for Customers and Employees"

REC'D APR 03 2009

Order No. 0061885

Page 5

LEGAL DESCRIPTION

Order No. 0061885

Section 33, Township 3 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon; Southeast quarter of Section 28, Township 3 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon; West half of Section 28; East half of Section 32, Township 3 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon.

REC'D APR 03 2009

(2)

BOOK 047 PAGE 886

BARGAIN AND SALE DEED

PAULA SALOMON, Grantor, conveys to JUDY JUSTESEN, Grantee,
the following described real property:

An undivided one-eighth interest in and to
the following described real property:

3S-16
3900 X Section 33, Twp. 3 South, Range 16 E.W.M.) SCO
SUBJECT to existing highways and easements
and to reservations of record;

SE $\frac{1}{4}$ of Section 28, Twp. 3 South, Range 16
E.W.M.; SCO

4S-16
1300 W $\frac{1}{2}$ of Section 28; E $\frac{1}{4}$ of Section 32, Twp. 3
South, Range 16 E.W.M.) and Lots 1 and 2
of Section 3, Twp. 4 South, Range 16 E.W.M.
containing 721.72 acres more or less.

THIS INSTRUMENT WILL NOT ALLOW THE USE OF
THE PROPERTY DESCRIBED HEREIN IN VIOLATION
OF APPLICABLE LAND USE LAWS AND REGULATIONS.
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON ACQUIRING FEE TITLE TO THE PRO-
PERTY SHOULD CHECK WITH THE APPROPRIATE
CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES.

The true and actual consideration for this conveyance is
\$NONE. However, the actual consideration consists of or includes
other property or value given or promised which is the whole
consideration.

Until a change is requested, send all tax statements to:

Paula Salomon
Route 1, Box 54
Grass Valley, OR 97029

DATED: April 4th, 1986.

Paula Salomon
PAULA SALOMON

STATE OF OREGON)
County of Sherman) ss.

NOTARY PUBLIC
The foregoing was acknowledged before me this 4th day of
April, 1986, by PAULA SALOMON.

Ray English
Notary Public for Oregon
My Commission expires: 2-19-90

Page-1-Bargain and Sale Deed

STATE OF OREGON } Filed 4/4/86
COUNTY OF SHERMAN }

14

This sketch is furnished for information purposes only to assist in property location with references to street and other parcels. No representation is made as to the accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

SECTION 17

SECTION 16

SECTION 15

17-02

SECTION 20

SECTION 21

SECTION 22

SECTION 28

SECTION 29

SECTION 32

SECTION 33

SECTION 34

COTTONWOOD LN

BALL LN

TWIN HOLLOW

SAND HOLLOW

FINNENAN RD

PARTITION PLAT TRANSMISSION 2008-03

SEE MAP 04S16E

The United States of America.

Certificate No. 5510

To all to Whom these Presents Shall Come—Greeting:

WHEREAS, Winens L. French, of Sherman County, Oregon
 has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at
 The Dalles, Oregon, whereby it appears that full payment has been made by the said
 Winens L. French according to the provisions of the Act of Congress of the 24th of April, 1810,
 entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for

The West half of the North West Quarter and the
 West half of the South West Quarter of Section
 Twenty-eight, in Township three South, of Range
 Sixteen East of Willamette Meridian in Oregon,
 containing one hundred and sixty acres

according to the Official Plat of the Survey of the said Lands returned to the Survey and Office of the Surveyor General,
 which said tract has been purchased by the said Winens L. French

NOW, KNOW YE, that the United States of America, in consideration of the premises, and in conformity with the several
 acts of Congress in such respects and provided, have GRANTED, and by these presents DO GRANT, unto the said
 Winens L. French and to his heirs, the said
 tract, above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appur-
 tenances, of whatever nature, thereunto belonging, unto the said Winens L. French
 and to his heirs and assigns forever; subject to any vested and accreted water rights for mining, agricultural, manu-
 facturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized
 and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or
 lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as
 provided by law; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by
 authority of the United States.

IN TESTIMONY WHEREOF, I Theodore Roosevelt President of the United States
 of America, have caused these Letters to be made Patent, and the Seal of the General Land
 Office to be hereunto affixed.

Given under my hand at the City of Washington, the Twelfth day of
 March in the year of our Lord one thousand eight hundred and
 thirty-two and of the Independence of the United States the one

BY THE PRESIDENT:

T. Roosevelt

F. M. McKean

Secretary.

C. H. French

Recorder of the General Land Office.

L. R. French

at 8 o'clock A. M.

U. S. A.
 G. L. O.
 Seal
 Oregon
 Recorded Vol. 102 Page 251

Filed for Record at the request of

May 25

A. D. 1903

H. S. M. Dault
County Clerk.

By Deputy.

Page

Book

3

The United States of America.

Homestead Certificate No. 1500
Application 1829

To all to Whom these Presents shall Come—Greeting:

WHEREAS, there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at The Dalles Oregon whereby it appears that, pursuant to the Act of Congress approved 30th May, 1888, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Leroy R. French has been established and duly recommended, in conformity to law, for the

North East quarter of Section thirty-two in Township Three South, of Range Sixteen East of Willamette Meridian in Oregon, containing one hundred and sixty acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

KNOW YE, that there is, therefore, granted by the United States unto the said Leroy R. French the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said Leroy R. French heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove the ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the land hereby granted, a right of way through said ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Benjamin Harrison President of the United States of America have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.



Given under my hand, at the City of Washington, the twenty first day of October In the year of our Lord one thousand eight hundred and ninety one and of the Independence of the United States the one hundred and sixty ninth.

BY THE PRESIDENT, Benjamin Harrison
John Macfarland, Asst. Secretary.

Recorded Vol. 3 Page 400 J. M. Townsend Recorder of the General Land Office.

Filed for record at the request of L. R. French at 1:05 o'clock P. M.

October 24 A. D. 1899 L. R. French
Deputy. Leamity Clerk

598

The United States of America.

Homestead Certificate No. 3980 }
 Application 6087m }

To all to Whom these Presents shall Come—Greeting:

WHEREAS, there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Walla Walla, Oregon, whereby it appears that, pursuant to the Act of Congress approved 30th May, 1864, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Diedrick Reckmann has been established and duly consummated, in conformity to law, for the

South East quarter of Section Twenty Eight, in
 Township Three South of Range Sixteen East of
 Willamette Meridian in Oregon, containing
 One hundred and Sixty Acre

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW, KNOW YE, that there is, therefore, granted by the United States unto the said Diedrick Reckmann, the tract of land above described: TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said Diedrick Reckmann and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the fourteenth day of July, in the year of our Lord one thousand eight hundred and thirty and of the Independence of the United States the one hundred and thirty eighth.

BY THE PRESIDENT, T. Roosevelt

BY W. M. McKim Secretary.

Recorder of the General Land Office.

Filed for Record at the request of D. Reckmann at 1st o'clock P.M.,

Dec 8-18 A. D. 1899 W. S. McDaniel

Co. Clerk.

By D. Reckmann Deputy.



Recorded Vol. 119, Page 257

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The United States of America.

Certificate No. 310

To all to Whom these Presents shall Come—Greeting:

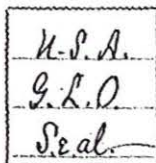
WHEREAS, John Baldwin of Wasco County Oregon
 has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at The Dalles Oregon
John Baldwin whereby it appears that full payment has been made by the said John Baldwin according to the provisions of the Act of Congress of the 26th of April, 1820, entitled "An Act Making Further Provision for the Sale of the Public Lands," and the acts supplemental thereto, for

The East half of the North West Quarter, and the
 East half of the South West Quarter of Section
 Twenty-eight in Township Three South of Range Sixteen
 East of Willamette Meridian in Oregon containing one
 hundred and fifty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General
 which said tract has been purchased by the said John Baldwin

NOW, KNOW YE, that the United States of America, in consideration of the premises, and in conformity with the several
 acts of Congress in such case made and provided, have GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT,
 unto the said John Baldwin and to his heirs, the said
 tract above described: TO HAVE AND TO HOLD the same, together with all its rights, privileges, immunities and appurtenances,
 of whatever nature, thereto belonging, unto the said John Baldwin
 and to his heirs and assigns forever; subject to any valid and accrued water rights for mining, agricultural, manufacturing
 or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and
 acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or
 lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as
 provided by law; and there is reserved unto the United States all rights of way, ditches or canals constructed by
 authority of the United States.

IN TESTIMONY WHEREOF, I, Benjamin Harrison President of the United States
 of America, have caused these Letters to be made Patent, and the Seal of the General Land Office
 to be hereunto affixed.



Given under my hand, at the City of Washington, the twenty-third day of
July in the year of our Lord one thousand eight hundred and
eighty-nine and of the Independence of the United States the one
 hundred and forty-ninth

BY THE PRESIDENT: Benjamin HarrisonBy M. M. Treadwell Secretary.Recorded Vol. 3 Page 373 J. M. Townsend Recorder of the General Land Office.Filed for Record at the request of M. B. Taylor at 8 o'clock A. M.
Nov 18 A. D. 1904 N. S. McDanielBy C. Clark Deputy.

The United States of America.

Homestead Certificate No. 4691

Application 7657

To all to Whom these Presents shall Come—Greeting:

WHEREAS there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office of The State of Oregon whereby it appears that, pursuant to the Act of Congress approved 30th May, 1862, "to Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles E. Bailey has been established and duly consummated, in conformity to law, for the

East half of the South East Quarter of Section Thirty-two, in Township Three South, and the Lots Hundred One & Two of Section Five in Township four South of Range Sixteen East of Willamette Meridian in Oregon, containing one hundred and sixty-one acres and seventy one hundredths of an acre

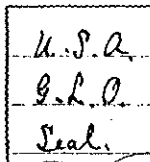
38-16 3900

48-16 1300

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

BEFORE, KNOW YE, that there is, therefore, granted by the United States unto the said Charles E. Bailey the tract of land described: TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said Charles E. Bailey heirs and assigns forever: subject to any vested and accrued water rights for irrigating, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.



GIVEN under my hand, at the City of Washington, the twenty-eighth day of February in the year of our Lord one thousand nine hundred and six and of the Independence of the United States the one hundred and thirtieth.

BY THE PRESIDENT:

T. Roosevelt

Secretary.

Copy Recorded Vol. 187 Page 19

Filed for Record at the request of

Dec 11

A. D. 1906.

N. S. M. Paul P. M.

By

Deputy.

7

Eastern Oregon Land Company

-to-

Filed for record March 15th, 1928, at 2:10 P.M.

W. B. Wilcox Jr. & Sr.

KNOW ALL MEN BY THESE PRESENTS, That Eastern Oregon Land Company, a corporation duly organized and existing under the laws of the State of California, but qualified under the laws of the State of Oregon to do business in said State, in consideration of Ten Thousand Dollars (\$10,000.00) to it paid by W. B. Wilcox, Senior, and W. B. Wilcox, Junior, of Grass Valley, Sherman County, State of Oregon, does hereby grant, bargain, sell and convey unto said W. B. Wilcox, Senior, and W. B. Wilcox, Junior, their heirs and assigns forever, the following described tract of real property situate in Sherman County, State of Oregon, to-wit:

All of Section thirty-three (33), Township three (3) South, Range sixteen (16)---
E.W.M. (\$10.00 I.R.S. cancelled)

Together with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and also its estate, right, title and interest, at law and equity, therein and thereto.

Reserving and excepting, however, to the grantor, its successors and assigns, the use of all the surface ground necessary to access and for the purpose of exploring, developing or working of mines or valuable underground deposits of minerals, or oils, of whatsoever nature; also all the gold, silver, copper, iron or minerals of whatsoever name or nature; and all the coal, mineral oils or vegetable oils, or oils of any name or nature, or salt or saline springs, or springs of any name or nature, excepting water, which are now known to exist or may hereafter be discovered in or upon the said land. Subject, however, to the condition that the grantor herein shall pay to the grantees, or successor, a proportionate rebate of the sale price for any lands recalled for mineral. No value upon demand for recall.

TO HAVE AND TO HOLD the same to the said W. B. Wilcox, Senior, and W. B. Wilcox, Junior, their heirs and assigns, forever.

IN WITNESS WHEREOF, said Eastern Oregon Land Company, pursuant to a resolution of its Board of Directors duly and legally adopted, has caused these presents to be signed by its President and Secretary, and its corporate seal to be hereunto affixed this 3rd day of April, A.D. 1928.

Executed in the presence of:

Eugene W. Levy
Geo. A. Doleau

(Corporate seal)

Eastern Oregon Land Company,

By Walter S. Martin, President.

ATTEST:

By A. C. Wallis, Secretary.

STATE OF CALIFORNIA,
City and County of San Francisco, ss.

On this 6th day of April, A.D. 1928, before me Eugene W. Levy, the undersigned, a Notary Public in and for the said City, County and State, appeared Walter S. Martin and A. C. Wallis, both to me personally known, who being duly sworn, did say that he, the said Walter S. Martin, is the President, and he, the said A. C. Wallis, is the Secretary, of Eastern Oregon Land Company, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Walter S. Martin and A. C. Wallis acknowledged said instrument to be the free act and deed of said corporation.

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

(Notarial Seal)

Eugene W. Levy
Notary Public in and for the said
City, County and State.
My commission expires December 2, 1928.

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REC'D APR 03 2009

2-222

U. O. Wilson, Sheriff.
(Notarial Seal).
Sheriff Public for Oregon
My Commission Expires Feb. 12, 1942.
\$16.517

U. O. Wilson, Sheriff.

To

SHERIFF'S DEED

Filed December 5, 1939 at 8:57 o'clock A. M.

George B. Guthrie, as Receiver
of the Oregon-Washington Joint
Stock Land Bank of Portland,
Oregon.

THIS INDENTURE, made the 2nd day of December, 1939, by and between U. O. Wilson, as Sheriff of the County of Sherman, State of Oregon, the party of the first part, and George B. Guthrie, as Receiver of the Oregon-Washington Joint Stock Land Bank of Portland, Oregon, the party of the second part:

WITNESSETH: That the said party of the first part, by virtue of an execution and order of sale duly issued out of the Circuit Court of the State of Oregon, for the County of Sherman, on the 4th day of October, 1938, on a judgment and decree theretofore duly taken in said Court, in a suit wherein George B. Guthrie, as Receiver of the Oregon-Washington Joint Stock Land Bank of Portland, Oregon, was plaintiff, and Pauline F. Wilcox, Pauline F. Wilcox, as Administratrix of the Estate of W. B. Wilcox, Jr., Wm. H. Wilcox, Alice Mae McCormack, Mark M. McCormack, May E. Mackenzie and Eastern Oregon Land Company, a corporation, and The County of Sherman, a municipal corporation of the State of Oregon were defendants, for the foreclosure of a mortgage upon the property hereinafter described, and a sale of said property duly made on the 7th day of November, 1938, and a due confirmation of said sale on the 28th day of November, 1938, and in pursuance of the statutes in such cases made and provided, and for and in consideration of the sum of Seven Thousand Sixty-four & 96/100 (\$7,064.96) Dollars to said Sheriff in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey, and confirm unto the said party of the second part, and to his successors and assigns forever, all the estate, right, title and interest, which the said defendants in said suit, or either of them, had on the 12th day of January, 1923, or at any time afterwards, or now have in or to all those certain lots, pieces or parcels of land, situate, lying and being in the said County of Sherman, State of Oregon, and more particularly described as follows, to-wit: Section Thirty-three (33), Township Threes (3) South, Range Sixteen (16) East of the Willamette Meridian, containing six hundred forty acres (640 ac) more or less, according to Government survey thereof, together with all rights, however evidenced, to the use of water, ditches and canals for the irrigation of said premises, to which said premises were entitled at the date of said mortgage, January 12, 1923, or at any time since said date.

\$7.50 I. R. S. Canceled 12/6/39 by A.A.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto the said party of the second part, his successors and assigns forever, free from all claims thereon upon the part of said defendants, or any of them, and as fully and absolutely as by law the said party of the second part can or ought to have or to hold the same hereunto.

IN WITNESS WHEREOF, the said party of the first part, U. O. Wilson, Sheriff, has hereunto set his hand and seal of office, at Portland, Oregon, this 2nd day of December, 1939.

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REC'D APR 03 2009

\$18,761

Geo. B. GUTHRIE as RECEIVER of
Oregon-Washington Joint Stock
Land Bank of Portland

GRANTOR

RECEIVER'S DEED

Filed February 28, 1940 at 1:40 o'clock P. M.

-To-

GEORGE H. WILCOX,

GRANTEE.

THIS INSTRUMENT, made this 24th day of January, 1940, between Geo. B. Guthrie as Receiver of Oregon-Washington Joint Stock Land Bank of Portland, of Portland, Oregon, hereinafter called the Grantor, and GEORGE H. WILCOX of the County of Wasco and State of Oregon, hereinafter called the Grantee, WITNESSETH:

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That on the 1st day of May, 1935, Geo. B. Guthrie of Portland, Oregon, was duly appointed Receiver of the Oregon-Washington Joint Stock Land Bank of Portland, by order of the Farm Credit Administration acting by and through the Land Bank Commissioner under and in pursuance of the provisions of Section 59 of the Federal Farm Loan Act (U. S. Code, Title 12, Section 908), and said Geo. B. Guthrie duly qualified as such Receiver on said date; and

WHEREAS at all times since said first day of May, 1935, said Geo. B. Guthrie has been, and now is, duly qualified and acting as such Receiver, and his acts as Receiver are subject to the approval and direction of the Farm Credit Administration as provided in said Section 59 of the Federal Farm Loan Act and in Executive Order No. 6084, dated March 27, 1933 (U. S. Code, Title 12, Sections 961-966); and

WHEREAS on the 31st day of October, 1939, the Farm Credit Administration, acting by and through the Land Bank Commissioner, authorized said Geo. B. Guthrie, as Receiver of said Oregon-Washington Joint Stock Land Bank of Portland, to sell and convey all the right, title and interest of the Oregon-Washington Joint Stock Land Bank of Portland and of said Geo. B. Guthrie as Receiver thereof in and to the real property hereinafter described;

NOW, THEREFORE, the Grantor, in consideration of the sum of Four, thousand, Five hundred and 00/100 Dollars (\$4,500.00) to him in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does hereby convey unto the said Grantee, his heirs, successors and assigns forever, all the right, title and interest of said Oregon-Washington Joint Stock Land Bank of Portland and of said Geo. B. Guthrie as Receiver thereof in and to the following described real property, situate in the County of Sherman, State of Oregon, namely:

Section Thirty-three (33), Township Three (3) South, Range Sixteen (16) East of Willamette Meridian;

not to existing highways and easements and to reservations now of record.

And the Grantor covenants to and with the above named Grantee, his heirs, successors and assigns, only that the above described property is free from all encumbrances made or created by the Grantor, except general taxes and assessments payable in the year 1940 and after, and any and all other taxes and assessments becoming due and payable after year 1939.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances unto belonging or in anywise appertaining, to the said Grantee, his heirs, successors and assigns forever.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and seal the day first above written.

Geo. B. Guthrie (SEAL)
As Receiver of Oregon-Washington
Joint Stock Land Bank of Portland

OF MULTNOMAH }
of Oregon } ss.

On this day personally appeared before me Geo. B. Guthrie, to me known to be the legal described in and who executed the within and foregoing instrument as Receiver of Oregon-Washington Joint Stock Land Bank of Portland and acknowledged that he executed instrument as his free and voluntary act and deed as such receiver, for the uses and purposes therein mentioned.

Given under my hand and official seal this 24th day of January, 1940.

Burwell D. Randall
Notary Public in and for the State of
Oregon, residing at Portland, Oregon
My commission expires April 2nd 1940

(Official Seal)

W. E. Gamble 1/24/40 by Geo. B. Guthrie, Receiver

WITNESSETH: I, W. E. Gamble, Notary Public in and for the State of Oregon, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on the day and date therein expressed.

REC'D APR 03 2008

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#18,575

Pauline F. Wilcox

QUITCLAIM DEED

To

Filed March 23, 1940 at 4:52 o'clock P. M.

John Buether, et ux

KNOW ALL MEN BY THESE PRESENTS, That in consideration of Ten Dollars and other valuable considerations to me paid by John Buether and Hilda Buether, husband and wife, do hereby remise, release and forever QUITCLAIM unto the said John Buether and Hilda Buether, husband and wife, and unto their heirs and assigns all my right, title and interest in and to the following described parcel of real estate, together with the tenements, hereditaments and appurtenances, situate in County of Sherman State of Oregon, to-wit:

West half of Section 28, and the East half of Section 52, in Twp. 5 S. R. 16 E.W.M. and Lots 1 & 2 of Section 5 in Twp. 4 S. R. 16 E.W.M. containing 721.71 acres more or less.

TO HAVE AND TO HOLD the same to the said John Buether and Hilda Buether, husband and wife, and to their heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of January A. D. 1940

Pauline F. Wilcox (Seal)

STATE OF CALIFORNIA

County of Los Angeles, } ss.

BE IT REMEMBERED, That on this 18 day of January A. D. 1940 before me, the undersigned, Notary Public in and for said County and State, personally appeared the within named Pauline F. Wilcox a widow woman who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

(Notarial Seal)

Theodore Caron
Notary Public for California
My Commission Expires
My Commission Expires April, 11, 1941

REC'D APR 03 2009

GEORGE H. WILCOX, et ux }
To } WARRANTY DEED
JOHN BUEYER, et ux } Filed March 26, 1940 at 4:52 o'clock P. M.

KNOW ALL MEN BY THESE PRESENTS, That GEORGE H. WILCOX and NANNA MARIE WILCOX, husband and wife, in consideration of Five and 00/100 Dollars, and other good and valuable considerations to them paid by JOHN BUEYER and HILDA BUEYER, husband and wife, do hereby grant, bargain, sell and convey unto said John Bueyer and Hilda Bueyer, husband and wife, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Sherman and State of Oregon, bounded and described as follows, to-wit:

Section Thirty-three (33), Township T12S, R1E, S16E-16E
East of the Willamette Meridian, Sherman County, State of Oregon,
subject to existing highways and easements and to reservations now of record.

To Have and to Hold, the above described and granted premises unto the said John Bueyer and Hilda Bueyer, husband and wife, their heirs and assigns forever

And George H. Wilcox and Nanna Marie Wilcox, husband and wife, the grantors above named do covenant to and with the above named grantees their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, except taxes payable in the year 1940, and that they will and

2

their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever

Witness our hands and seals this 28th day of February, 1940.

Executed in the Presence of
Nanna Marie Wilcox (Seal)
George H. Wilcox (Seal)

U.S. 50 I. R. S. Canceled by G.H.E. Feb 28-40

STATE OF OREGON, }
County of WASCO } ss.

BE IT REMEMBERED, That on this 28th day of February A. D. 1940, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named George H. Wilcox and Nanna Marie Wilcox, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

(Notarial Seal)

Sam Van Vactor
Notary Public for Oregon.
My Commission expires Sept. 18, 1942.

REC'D APR 03 2009

227,021
John Buether et al
To
P. D. Willhite
OIL AND GAS LEASE
Filed June 26, 1952 at 1:30 o'clock P.M.
30/474

AGREEMENT, Made and entered into this 16th day of June, 1952, by and between John Buether and Nilda Buether, his wife, of Grass Valley, Oregon, Party of the first part, hereinafter called lessor (whether one or more) and P. D. Willhite, Denver, Colorado Party of the second part, hereinafter called lessee.

WITNESSETH, That the said lessor, for and in consideration of One and more DOLLARS, each in hand paid, receipt of which is hereby acknowledged, and of the covenants and agreements hereinafter contained on the part of lessee to be paid, kept and performed, has granted, demise, leased and let and by these presents does grant, demise, lease and let unto said lessee, for the sole and only purpose of mining and operating for oil and gas, and laying pipe lines, and building tanks, power stations and structures thereon to produce, save and take care of said products, all that certain tract of land situated in the County of Sherman State of Oregon, described as follows, to-wit:

Township 4 South Range 16 East, Sec. 7: N/2NW/4, W/2NE/4, SE/4NW/4, S/2; Sec. 8: SW/4, S/2NW/4, Sec. 17: SW/4NW/4; Sec. 18: N/2, N/2NW/4, SW/4NW/4, NW/4SW/4; Sec. 19: N/2NW/4, SE/4NW/4, S/4SW/4; Sec. 20: S/2NW/4, N/2S/2, SE/4SW/4, W/2NW/4, NW/4NW/4; Sec. 21: NW/4, N/2NW/4, SW/4SW/4, S/4SW/4; Sec. 22: N/2NW/4; Township 4 South Range 16 East, Sec. 12: S/2SW/4, W/2NW/4; Township 4 South Range 16 East, Sec. 30: N/2, Sec. 28: NW/4, SE/4, W/2SW/4, SW/4SW/4; Township 4 South Range 16 East, Sec. 31: N/2NW/4
and containing 3,360 acres more or less.

For the above consideration lessee shall have one year from this date in which to test said land for formation and oil and gas indications by geological and/or geophysical methods. On or before the expiration of said one year lessee must elect to surrender said lease or to remain the same in whole or in part, subject to the provisions hereinafter contained.

It is agreed that this lease shall remain in full force for a term of ten (10) years from this date, and as long thereafter as oil or gas, or either of them, is produced from said land by the lessee.

In consideration of the premises the said lessee covenants and agrees:

1st. To deliver to the credit of the lessor, free of cost in the pipe line to which lessee may connect his wells, the equal one-eighth (1/8) part of all oil produced and saved from the leased premises.

2nd. To pay lessor for gas from each well where gas only is found the equal one-eighth (1/8) of the gross proceeds at the prevailing market rate, for all gas used off the premises, said payments to be made quarterly and lessor to have gas free of cost from any such well for all stoves and all inside lights in the principal dwelling house on said land during the same time by making his own connections with the well at his own risk and expense.

3rd. To pay lessor for gas produced from any oil well and used off the premises or in the manufacture of gasoline or any other product a royalty of one-eighth (1/8) of the market value, at the mouth of the well, payable monthly at the prevailing market price.

If no well be commenced on said land on or before twelve (12) months from this date, this

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9a

lease shall terminate as to both parties, unless the lessee on or before that date shall pay or tender to the lessor, or to the lessor's credit in The First National of Portland Bank at Merse, Oregon or its successors, which shall continue as the depository regardless of changes in the ownership of said land, the sum of Three hundred thirty six DOLLARS, which shall operate as a rental and cover the privilege of deferring the commencement of a well for twelve (12) months from said date. In like manner and upon like payments or tenders the commencement of a well may be further deferred for like periods of the same number of months successively. All such payments or tenders of rentals may be made by check or draft of lessee or any assignee thereof, mailed or delivered on or before the rental paying date, either direct to lessor or assigns or to said depository bank. And it is understood and agreed that the consideration first recited herein, the down payment, covers not only the privileges granted to the date when said first rental is payable as aforesaid, but also the lessee's option of extending the period as aforesaid, and any and all other rights conferred.

Should the first well drilled on the above described land be a dry hole, then, and in that event, if a second well is not commenced on said land within twelve months from the expiration of the last rental period for which rental has been paid, this lease shall terminate as to both parties, unless the lessee on or before the expiration of said twelve months shall resume the payment of rentals in the same amount and in the same manner as hereinbefore provided. And it is agreed that upon the resumption of the payment of rentals, as above provided, that the last preceding paragraph hereof, governing the payment of rentals and the effect thereof, shall continue in force just as though there had been no interruption in the rental payments.

If said lessor owns a less interest in the above described land than the entire and undivided fee simple estate therein, then the royalties and rentals herein provided shall be paid the lessor only in the proportion which his interest bears to the whole and undivided fee.

Lessee shall have the right to use, free of cost, gas, oil, and water produced on said land for its operation thereon, except water from wells of lessor.

When requested by lessor, lessee shall bury his pipe lines below-plow depth.

No well shall be drilled nearer than 200 feet to the house or barn now on said premises, without the written consent of the lessor.

Lessee shall pay for damages caused by its operations to growing crops on said land.

Lessee shall have the right at any time to remove all machinery and fixtures placed on said premises, including the right to draw and remove casing.

If the lessee shall commence to drill a well within the term of this lease or any extension thereof, the lessee shall have the right to drill such well to completion with reasonable diligence and dispatch, and if oil or gas, or either of them, be found in paying quantities, this lease shall continue and be in force with the like effect as if such well had been completed within the term of years herein first mentioned.

If the estate of either party hereto is assigned, and the privilege of assigning in whole or in part is expressly allowed, the covenants hereof shall extend to their heirs, executors, administrators, successors or assigns, but no change in the ownership of the land or assignment of rentals or royalties shall be binding on the lessee until after the lessee has been furnished with a written transfer or assignment of a true copy thereof; and it is hereby agreed in the event this lease shall be assigned as to a part or as to parts of the above described lands and the assignee or assignees of such part or parts shall fail or make default in the payment of the proportionate part of the rents due from him or them on an acreage basis, such default shall not operate to defeat or affect this lease in so far as it covers a part or parts of said lands upon which the said lessee or any assignee thereof shall make due payments of said rentals. If the leased premises are now or hereafter owned in severality or in separate

REC'D APR 03 2009

also, the premises, nevertheless, may be developed and operated as an entirety, and the royalties shall be paid to each separate owner in the proportion that the acreage owned by him bears to the entire leased area. There shall be no obligation on the part of the lessee to test wells on separate tracts into which the land covered by this lease may hereafter be divided by sale, devise, or otherwise, or to furnish separate measuring or receiving tanks for oil produced from such separate tracts.

Lessor hereby warrants and agrees to defend the title to the lands herein described, and agrees that the lessee shall have the right at any time to redeem for lessor by payment, any mortgages, taxes or other liens on the above described lands, in the event of default of payment by lessor, and to subrogate to the rights of the holder thereof.

Whereof witness our hands as of the day
4 year first above written,

John Buether

(REAL)

Hilda Buether

(REAL)

CITY OF OREGON
County of Sherman } ss.

June 16, A.D., 1958, personally appeared the above named John Buether and Hilda Buether, his wife, of Grass Valley, Oregon and acknowledged the foregoing instrument to be their voluntary act and deed,

(Notarial Seal)

Notary Commission Expires 1-3-56

Before me J. W. McNeely
Notary Public of Oregon

assigner (whether one or more), for and in consideration of One Dollar (\$1.00) the receipt hereof is hereby acknowledged, does hereby sell, assign, transfer and set over unto Charles M. Alford, 805 North Michigan Ave., Chicago, Ill. (hereinafter called Assignee), all their interest in and to the oil and gas lease dated June 16, 1952, from John Guether and Hilda Guether, his wife, Grass Valley, Oregon, lessors to P. D. Willhite, Denver, Colorado, lessee recorded in book 30, page 474 insofar as said lease covers the following described land in Harman County, State of Oregon:

~~Township 10 N Range 15 E~~
 Section 11: ~~W/2 NW/4, N/2 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 12: ~~SW/4 NW/4, SE/4 NW/4~~
 Section 13: ~~SW/4 NW/4, SE/4 NW/4~~
 Section 14: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 15: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 16: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 17: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 18: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 19: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 20: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 21: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 22: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~

~~Township 10 N Range 15 E~~
 Section 12: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 13: ~~SW/4 NW/4, SE/4 NW/4~~
 Section 14: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 15: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 16: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 17: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 18: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 19: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 20: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 21: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~
 Section 22: ~~W/2 NW/4, NW/4 NW/4, SW/4 NW/4, SE/4 NW/4~~

and containing 3360 acres, more or less together with the rights incident thereto and the personal property thereon, appurtenant thereto, or used or obtained in connection therewith,

and all other interests in the premises with the Assignee, its or his heirs, assigns and assigns forever.

121,076 *See Book 30, page 474*

To
 Charles M. Alford

ASSIGNMENT OF OIL AND GAS LEASE
 Filed July 30, 1952 at 11:00 o'clock P.M.

KNOW ALL MEN BY THESE PRESENTS:
 That the undersigned, P. D. Willhite and L. Joan Willhite, his wife hereinafter called

Before me, the undersigned, a Notary Public, within and for said County and State, on this day of July, 1952, personally appeared P. D. Willhite and L. Joan Willhite, his wife, who personally known to me to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notarial Seal
 My Commission expires May 11, 1954

Carrie R. Noller
 Notary Public

027,373

See Rule Vol. 20, page 47d

30/502

Charles H. Alberding et ux
To
L. A. Behrmaster

ASSIGNMENT OF OIL AND GAS LEASE
Filed September 11, 1932 at 11:30 o'clock A.M.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Charles H. Alberding and Bethine W. Alberding, his wife hereinafter called Assignor (whether one or more), for and in consideration of One Dollar (\$1.00) the receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over unto L. A. Behrmaster (hereinafter called Assignee), all their interest in and to the oil and gas lease dated June 16, 1932, from John Ruether and Milda Ruether, his wife, lessors to P. D. Willhite lessee recorded in book 30, page 474 insofar as said lease covers the following described land in Sherman County, State of Oregon:

Township 4 S., Range 14 E.,
Sec. 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 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1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155

30/000

247,379

See 2nd. 30 of Record p. 479

W. B. Gilmore et al

to

ASSIGNMENT OF OIL & GAS LEASE

R. M. McIlroy

Filed September 14, 1942 at 9:00 o'clock A.M.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, W. B. Gilmore and Erma F. Gilmore, his wife hereinafter called Assignor (whether one or more), for and in consideration of One Dollar (\$1.00) the receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over unto R. M. McIlroy (hereinafter called Assignee), all their interest in and to the oil and gas lease dated June 16, 1942, from John Duether and Hilda Duether, his wife, lessor to P. D. Willhite, lessee recorded in Book 30, page 474 insofar as said lease covers the following described land in Sherman County, State of Oregon:

Township 48 - Range 15E

Section 7: S/2 NW/4; N/2 SE/4; NE/4 SE/4

Section 19: N/2 NE/4; SE/4 NE/4

Section 20: NE/4 NE/4; S/2 SE/4; SE/4 SE/4

Section 22: N/2 NW/4

Township 38 - Range 16E

Section 24: N/2 NW/4; NW/4 NW/4

Section 32: NE/4; N/2 NE/4

Township 48 - Range 16E

Section 4: N/2 NE/4

1000 acres, more or less together with the rights incident thereto and the personal property thereon, appurtenances thereto, or used or obtained in connection therewith.

And for the same consideration the Assignor covenants with the Assignee, its or his heirs, successors or assigns: That the Assignor is the lawful owner of and has good title to the interest above assigned in and to said lease, estate, rights and property, free and clear from all liens, encumbrances or adverse claims; That said lease is a valid and subsisting lease on the land above described, and all rentals and royalties due thereunder have been paid and all conditions necessary to keep the same in full force have been duly performed.

WITNESSED, This 22nd day of August, 1942

W. B. Gilmore
Erma F. Gilmore

STATE OF OREGON

COUNTY OF OREGON

ss. ACKNOWLEDGMENT FOR INDIVIDUAL (Name, Date, and Date.)

Before me, the undersigned, a Notary Public, within and for said County and State, on this ____ day of August, 1942, personally appeared W. B. Gilmore and Erma F. Gilmore, his wife to me personally known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires January 2-1943
(Notarial Seal)John R. Dill
Notary Public

12

#28,526

Free: Est. 1
 No. 33-141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

John Burtner et al

To

TRANSMISSION LINE EASEMENT AND ACCESS ROAD EASEMENT

United States of America

Filed December 3, 1953 at 4:30 o'clock P.M.

The ORANTON, JOHN BURTNER and WILDA BURTNER, husband and wife, for and in consideration of the sum of TWO THOUSAND TEN DOLLARS (\$2,010.00), in hand paid by the UNITED STATES OF AMERICA, receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, a perpetual easement and right to enter and erect, operate, maintain, repair, rebuild, and patrol one or more electric power transmission lines and appurtenant signal lines, poles, towers, wires, cables and appliances necessary in connection therewith, in, upon, over, under and across the following described parcels of land in the County of Sherman, in the State of Oregon, to wit:

Tract No. McMaugh:

That portion of the NW 1/4 and the SW 1/4 of Section 33, Township 3 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon, which lies within a strip of land 250 feet in width, the boundaries of said strip lying 62.5 feet distant southeasterly from and 187.5 feet distant northwesterly from, and parallel to the survey line of the McMaugh-Maupin transmission line as now located and staked on the ground over, across, upon, and/or adjacent to the above described property, said survey line being particularly described as follows:

Beginning at survey station 8770 / 76.3 a point on the east line of Section 33, Township 3 South, Range 16 East, Willamette Meridian, said point being N. 0° 11' 30" W. a distance of 1870.4 feet from the southeast corner of said Section 33; thence S. 66° 28' 20" W. a distance of 871.9 feet to survey station 8779 / 40.8; thence S. 65° 38' 20" W. a distance of 1703.1 feet to survey station 8816 / 31.3 a point on the south line of said Section 33, said point being N. 89° 55' 50" E. a distance of 1048.9 feet from the southwest corner of said Section 33.

Tract No. McMaugh:

That portion of Government Lots 1 and 2 of Section 5, Township 4 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon, which lies within a strip of land 250 feet in width, the boundaries of said strip lying 62.5 feet distant southeasterly from and 187.5 feet distant northwesterly from and parallel to the survey line of the McMaugh-Maupin transmission line as now located and staked on the ground over, across, upon, and/or adjacent to the above described property, said survey line being particularly described as follows:

Beginning at survey station 8828 / 07.0 a point on the east line of Section 5, Township 4 South, Range 16 East, Willamette Meridian, said point being S. 0° 28' 10" W. a distance of 175.5 feet from the northeast corner of said Section 5; thence S. 65° 38' 20" W. a distance of 1805.1 feet to survey station 8886 / 12.1 a point on the west line of said Section 5, said point being S. 0° 45' 30" E. a distance of 847.1 feet from the quarter section corner on the west line of said Section 5.

28.75 I.R.S. canceled JV 11-20-53

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REC'D APR 03 2009

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John Buecher et al

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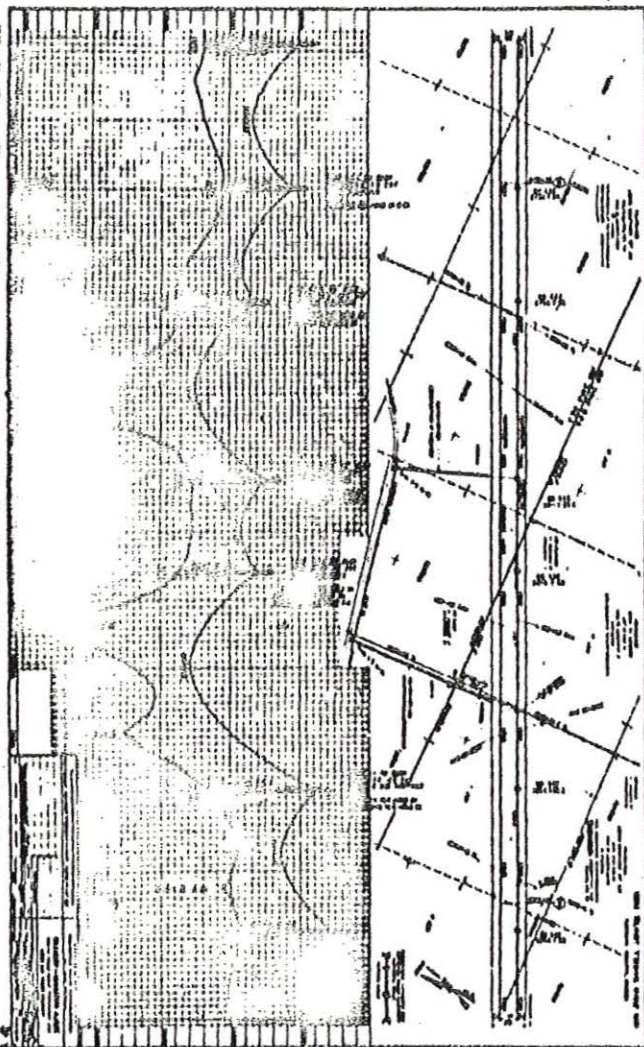
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distant northwesterly from and parallel to the survey line of the Mallery-Maunin transmission
line as now located and staked on the ground over, across, upon, and/or adjacent to the above
described property, said survey line being particularly described as follows:

Beginning at survey station 102A / 07.0 a point on the east line of Section 1, Township
11 South, Range 16 East, Williamsite Meridian, said point being S. 0° 21' 10" W, a distance of
174.5 feet from the northeast corner of said Section 1; thence S. 64° 18' 20" W, a distance of
540.1 feet to survey station 102B / 12.1 a point on the west line of said Section 1, said
point being N. 0° 14' 10" E, a distance of 211.1 feet from the quarter section corner on the
west line of said Section 1.

§2.7. 1.8.8. canceled 21 11-20-51



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That portion of the NW $\frac{1}{4}$ of Section 21 and the NE $\frac{1}{4}$ of Section 20, the SW $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 20 and the SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 19, all in Township 4 South, Range 15 East of the Willamette Meridian, Clatsop County, Oregon, which lies within a strip of land 250 feet in width, the boundaries of said strip lying 62.5 feet distant southeasterly from and 187.5 feet distant northwesterly from and parallel to the survey line of the McHarty-Hawpin transmission line as now located and staked on the ground over, across, upon, and/or adjacent to the above described property, said survey line being particularly described as follows:

Beginning at survey station 554 $\pm$ 75.5 a point on the east line of Section 16, Township 4 South, Range 15 East, Willamette Meridian, said point being S. $0^{\circ} 26' 30''$ W. a distance of 244.6 feet from the quarter section corner on the east line of said Section 16; thence S. $65^{\circ} 41' 50''$ W. a distance of 14,016.1 feet to survey station 575 $\pm$ 11.6; thence S. $60^{\circ} 24' 30''$ W. a distance of 3748.4 feet to survey station 577 $\pm$ 60.0 a point on the south line of Section 16, Township 4 South, Range 15 East, Willamette Meridian, said point being S. $88^{\circ} 41' 30''$ W. a distance of 2159.4 feet from the quarter section corner on the south line of said Section 16. Together with the right to clear said parcels of land and keep the same clear of all brush, timber, structures, and fire hazards, provided however, the words "fire hazards" shall not be interpreted to include growing crops; and also the present and future right to top, limb, fell, and remove all growing trees, dead trees, or snags (collectively called "danger trees") located on Grantors' land adjacent to said parcels of land which could fall upon or against said transmission and signal line facilities.

This easement shall include the right to install guys and anchors beyond the outside limits of the above described right-of-way at angle points.

Also, in addition to the above described easement and right-of-way, the Grantors herein grant, bargain, sell, and convey unto the United States of America a permanent easement and right-of-way over, upon and across that portion of the SW $\frac{1}{4}$ of Section 33, the SE $\frac{1}{4}$ of Section 32, all in Township 3 South, Range 16 East, Willamette Meridian, and Government Lot 1 of Section 3, Township 4 South, Range 16 East, Willamette Meridian, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 20, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, all in Township 4 South, Range 15 East, Willamette Meridian, as is now surveyed and staked on the ground and as is shown colored in red on drawings numbered 57294 and 57338, attached hereto and, by reference, made a part of the description of this access road easement and right-of-way, for the purpose of constructing an access road approximately 14 feet in width, with such additional width as are necessary to provide for auto, fills, and turnouts, and for curves at angle points, to be used in connection with the aforementioned transmission line easement and right-of-way, together with such other rights and the right to construct such other appurtenant structures as are necessary to accomplish the purposes for which this access road easement and right-of-way is granted.

The Grantors will be permitted the right of ingress and egress over and across said road and the right to pass and repass along and on said road insofar as the same extends across the lands of the Grantors, said right to be exercised in a manner that will not interfere with the use of the road by the United States of America, its agents and assigns.

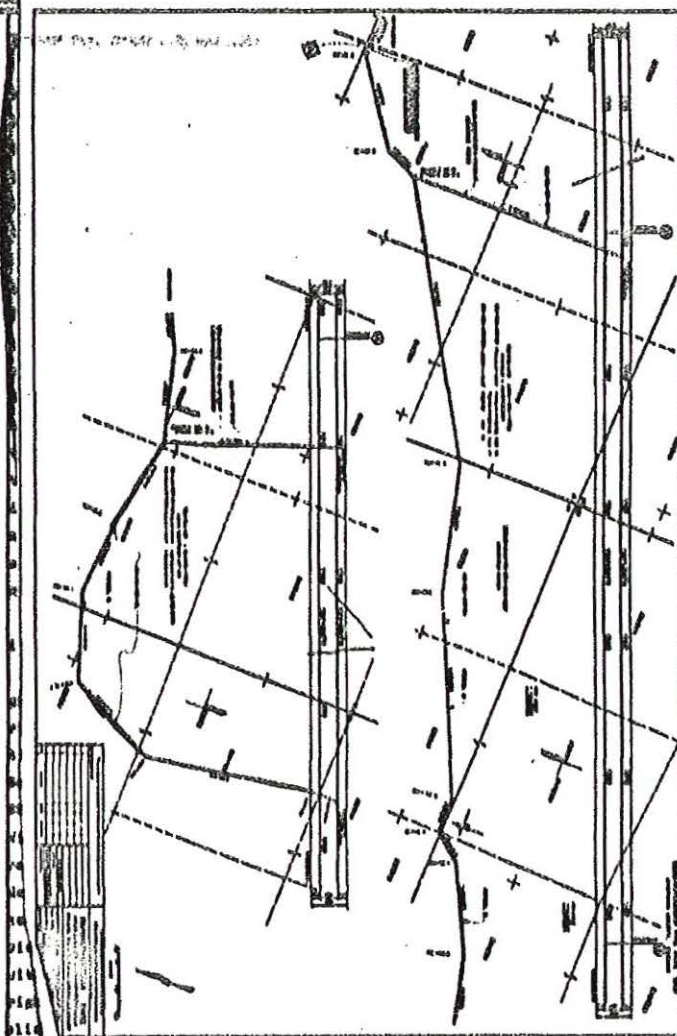
I, JOHN W. BUNTJEN, lessee under an unrecorded lease from year to year, for a valuable consideration from the aforementioned grantors, hereby acknowledges, join in this instrument for the sole and specific purpose of subordinating any and all interest I may have in said premises to the easement herein granted to the UNITED STATES OF AMERICA, and am not entering into or becoming a party in any degree or manner to the warranty contained herein.

TO HAVE AND TO HOLD said easements and rights unto the UNITED STATES OF AMERICA and its assigns, forever.

John W. Bunker et al

U. S. A. #87286

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The Grantors will be permitted the right of ingress and egress over and across said road and the right to pass and repass along and on said road insofar as the same extends across the lands of the Grantors, said right to be exercised in a manner that will not interfere with the use of the road by the United States of America, its agents and assigns.

I, JOHN W. BUNKER, lessee under an unrecorded lease from year to year, for a valuable consideration from the aforementioned grantors, hereby acknowledged, join in this instrument for the sole and specific purpose of subordinating any and all interest I may have in said premises to the easement herein granted to the UNITED STATES OF AMERICA, and am not entering into or becoming a party in any degree or manner to the warranty contained herein.

TO HAVE AND TO HOLD said easements and rights unto the UNITED STATES OF AMERICA and its assigns, forever.

The GRANTORS covenant to and with the UNITED STATES OF AMERICA and its assigns that the title to all brush and timber cut and removed from said parcels of land and also all growing trees, dead trees or snags (collectively called "danger trees") cut and removed from Grantors' land adjacent to said parcels of land is and shall be vested in the UNITED STATES OF AMERICA and its assigns and that the consideration paid for conveying said easements and rights herein described is accepted as full compensation for all damages incidental to the exercise of any of said rights.

The Grantors also covenant to and with the UNITED STATES OF AMERICA that Grantors are lawfully seized and possessed of the lands aforesaid; have a good and lawful right and power to sell and convey same; that same are free and clear of encumbrances, except as above indicated; and that Grantors will forever warrant and defend the title to said easements and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 18th day of November, 1953.

John Buether
John Buether
Hilda Buether
Hilda Buether
John W. Buether
John W. Buether

STATE OF Oregon }
COUNTY OF Wasco } ss:

On the 18th day of November, 1953, personally came before me, a notary public in and for said County and State, the within-named John Buether and Hilda Buether, husband and wife, to me personally known to be the identical persons described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(Notarial Seal)

Edgar M. Dick
Notary Public in and for the
State of Oregon
Residing at The Dalles
My commission expires 9/21/54

STATE OF Oregon }
COUNTY OF Wasco } ss:

On the 18th day of November, 1953, personally came before me, a notary public in and for said County and State, the within-named John W. Buether, to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same as his own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(Notarial Seal)

Edgar M. Dick
Notary Public in and for the
State of Oregon
Residing at The Dalles
My commission expires 9/21/54

REC'D APR 03 2009

BOOK 047 PAGE 857

(2)

QUITCLAIM DEED

FRED A. JUSTESEN and JUDITH A. JUSTESEN, husband and wife, Grantor, releases and quitclaims to PAULA SALOMON, formerly known as PAULA BUETHER, Grantee, all right, title and interest in and to the following described real property:

See attached Exhibit A.

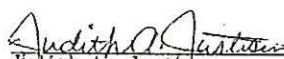
The true and actual consideration for this conveyance is \$NONE.

Until a change is requested, all tax statements are to be sent to the following address: Paula Salomon, P.O. Box 7, Grass Valley, Oregon 97029.

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 uses.

DATED: March 13th, 1986.

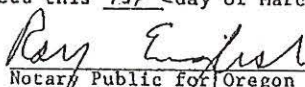

Fred A. Justesen


Judith A. Justesen

STATE OF OREGON)
 :SS
County of Sherman

Personally appeared the above named Fred A. Justesen and Judith A. Justesen, husband and wife, and acknowledge the foregoing to be their voluntary act and deed this 13th day of March, 1986.




Notary Public for Oregon
My commission expires: 2-19-90

1 - Quitclaim Deed

BOOK 047 PAGE 857

An undivided one-half interest in and to the following described real property located in Sherman County, Oregon:

3S-16
3900

Section 33, Township 3 South, Range 16 East, Willamette Meridian, Sherman County, State of Oregon, SUBJECT TO existing highways and easements and to reservations now of record;

SE $\frac{1}{4}$ of Section 28, Township 3 South, Range 16 East, Willamette Meridian.

4S-16
1300

W $\frac{1}{2}$ of Section 28, E $\frac{1}{2}$ of Section 32, Township 3 South, Range 16 East, Willamette Meridian, and Lots 1 and 2 of Section 5, Township 4 South, Range 16 East, Willamette Meridian, containing 721.71 acres, more or less.

SUBJECT TO AND EXCEPTING Reservations of the use of all of the surface ground necessary to access and for the purpose of exploring, developing or working of mines or valuable underground deposits of minerals, or oils, of whatsoever nature; also all the gold, silver, copper, iron or minerals of whatsoever name or nature; and all the coal, mineral oils or vegetable oils, or oils of any name or nature, or salt or saline springs, or springs of any name or nature, excepting water, which are now known to exist or may hereafter be discovered in or upon the said land, in Deed from Eastern Oregon Land Company, a corporation, by Walter S. Martin, President; Attest: By A.E. Wallis, Secretary, to W.B. Wilcox, Senior and W.B. Wilcox, Junior, recorded March 15, 1923, in Book T, page 501, Deed Records of Sherman County, Oregon; Power line easement, including the terms and provisions thereof, to United States of America recorded December 12, 1953, in Book 31, page 134, Deed Records of Sherman County, Oregon; all easements of record, easements, if any, not of record, zoning, use and building restrictions and the limitations and restrictions of all comprehensive plans and/or regulatory and/or land use statutes, ordinances, laws, rules and regulations of every kind and nature, any part of the above described real property lying within the boundaries of public roads and highways and reservations in government patents and deeds. Seller expressly does not warrant or covenant against unknown claims of others now known to seller or which may hereafter arise through the acts or conduct of buyers or buyers' agents.

EXHIBIT A

STATE OF OREGON } ss	
COUNTY OF SHERMAN	
I CERTIFY that the within instrument was received and duly recorded by me in Sherman County records,	
in Book 47 of	Book
on page 857	or as
File/Reel No. 13449	this
13 day of March	1986
at 4:05 o'clock	P.M.
By <u>Grace Brock</u> COUNTY CLERK	
By <u>Grace Brock</u> DEPUTY	

(2)

BOOK 047 PAGE 885

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

Route 1, Box 54
Grass Valley, OR 97029

SPECIAL WARRANTY DEED

FRIEDA M. COPLEY, Grantor, conveys and specially warrants to PAULA SALOMON, formerly known as PAULA BUETHER, Grantee, the following described real property, free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

3S-16, 3900

An undivided one-half interest as tenants in common in the following described real property located in Sherman County, Oregon:

Section 33, Twp. 3 South, Range 16 E.W.M., SUBJECT TO existing highways and easements and to reservations of record;

1S-16, 1300

SE 1/4 of Section 28, Twp. 3 South, Range 16 E.W.M.;

W 1/2 of Section 28; E 1/2 of Section 32, Twp. 3 South, Range 16 E.W.M.; and Lots 1 and 2 of Section 5, Twp. 4 South, Range 16 E.W.M., containing 721.17 acres, more or less.

SUBJECT TO encumbrances and restrictions of record including real property taxes and further subject to any encumbrances or restrictions suffered or permitted by the Grantee herein.

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

-1-

GRAY, FANCHER, HOLMES,
HURLEY & BISCHOF
ATTORNEYS AT LAW

40 N.W. GREENWOOD • P.O. BOX 1151 • BEND, OREGON 97709 1151 • (503) 312 4311

REC'D APR 03 2009

BOOK 047 PAGE 885

should check with the appropriate city or county planning department to verify approved uses.

The true and actual consideration for this conveyance is \$147,500.00.

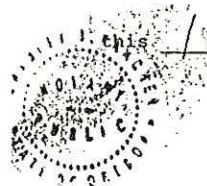
DATED this 1st day of April, 1986.

Frieda M. Copley
FRIEDA M. COPLEY

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me

this 1st day of April, 1986, by FRIEDA M. COPLEY.



Bradley J. Fancher
Notary Public for Oregon
My commission expires: 12/4/89

STATE OF OREGON } COUNTY OF SHERMAN }	
I CERTIFY that the within instrument was received and duly recorded by me in Sherman County records,	
in Book <u>47</u> of <u>Deeds</u>	on page <u>885</u> or on
File/Recd. No. <u>13509</u>	this
<u>4</u> day of <u>April</u>	19 <u>86</u>
at <u>4:00</u> o'clock <u>P</u> M	
<u>Frieda Copley</u>	COUNTY CLERK
By <u>James Buck</u>	DEPUTY

REC'D APR 03 2009

BOOK 047 PAGE 856

(2)

MEMORANDUM OF CANCELLATION OF
AGREEMENT

THIS MEMORANDUM OF CANCELLATION OF AGREEMENT, made this 13th day of March, 1986, by and between PAULA SALOMON, formerly known as PAULA BUETHER, hereinafter called Seller and FRED A. JUSTESEN and JUDITH A. JUSTESEN, husband and wife, hereinafter called Buyers,

W I T N E S S E T H :

1. The parties acknowledge and agree that that certain "Agreement for Sale of Real Property" dated the 1st day of April, 1981, wherein PAULA SALOMON, formerly known as PAULA BUETHER, is therein referred to as Seller and FRED A. JUSTESEN and JUDITH A. JUSTESEN, husband and wife, is therein referred to as Buyers, whereby Seller agreed to sell and Buyers agreed to purchase from Seller the real property described in Exhibit A attached hereto situated in Sherman County, Oregon, a memorandum of which agreement was recorded in the Deed Records of Sherman County, Oregon, in Book 45, page 401, on the 14th day of May, 1981, be and it has been terminated, cancelled and said agreement is of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Paula Salomon
PAULA SALOMON, Seller

Fred A. Justesen
FRED A. JUSTESEN, Buyer

Judith A. Justesen
JUDITH A. JUSTESEN, Buyer

STATE OF OREGON)
 :SS
County of Sherman)

Personally appeared the above named Paula Salomon, Fred A. Justesen and Judith A. Justesen, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed, this 13th day of March, 1986.



Ray English
Notary Public for Oregon
My commission expires: 2-19-90

Memorandum of Cancellation
of Agreement

REC'D APR 03 2009

BOOK 047 PAGE 856

An undivided one-half interest in and to the following described real property located in Sherman County, Oregon:

35-16
3900 Section 33, Township 3 South, Range 16 East, Willamette Meridian, Sherman County, State of Oregon, SUBJECT TO existing highways and easements and to reservations now of record;

SE $\frac{1}{4}$ of Section 28, Township 3 South, Range 16 East, Willamette Meridian.

43-16
1300 W $\frac{1}{2}$ of Section 28, E $\frac{1}{2}$ of Section 32, Township 3 South, Range 16 East, Willamette Meridian, and Lots 1 and 2 of Section 5, Township 4 South, Range 16 East, Willamette Meridian, containing 721.71 acres, more or less.

SUBJECT TO AND EXCEPTING Reservations of the use of all of the surface ground necessary to access and for the purpose of exploring, developing or working of mines or valuable underground deposits of minerals, or oils, of whatsoever nature; also all the gold, silver, copper, iron or minerals of whatsoever name or nature; and all the coal, mineral oils or vegetable oils, or oils of any name or nature, or salt or saline springs, or springs of any name or nature, excepting water, which are now known to exist or may hereafter be discovered in or upon the said land, in Deed from Eastern Oregon Land Company, a corporation, by Walter S. Martin, President; Attest: By A.E. Wallis, Secretary, to W.B. Wilcox, Senior and W.B. Wilcox, Junior, recorded March 15, 1923, in Book T, page 501, Deed Records of Sherman County, Oregon; Power line easement, including the terms and provisions thereof, to United States of America recorded December 12, 1953, in Book 31, page 134, Deed Records of Sherman County, Oregon; all easements of record, easements, if any, not of record, zoning, use and building restrictions and the limitations and restrictions of all comprehensive plans and/or regulatory and/or land use statutes, ordinances, laws, rules and regulations of every kind and nature, any part of the above described real property lying within the boundaries of public roads and highways and reservations in government patents and deeds. Seller expressly does not warrant or covenant against unknown claims of others now known to seller or which may hereafter arise through the acts or conduct of buyers or buyers' agents.

EXHIBIT A

STATE OF OREGON } COUNTY OF SHERMAN	
I CERTIFY that the within instrument was received and duly recorded by me in Sherman County records,	
in Book	47 of Deeds
	on page 856 or as
File/Recd. No.	13448 this
13 day of	March 1986
at 4:05 o'clock	P M
By Paula Conner COUNTY CLERK	
By James Buck DEPUTY	



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

March 19, 2009

FRED A. and JUDY JUSTESEN, PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

SUBJECT: Application T-10543

Enclosed please find a draft of our Preliminary Determination regarding transfer application T-10543. The document reflects the Department's conclusion that, based on the information currently available, your 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 convey to us in writing whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water rights is appurtenant that has been prepared by a title company within the last three months, as required by OAR 690-380-4010(5). As required on the signature block Page 6 of your transfer application, a report of ownership and lien information is now to be submitted prior to the next document being sent out by the Department. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by April 18, 2009, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at (541) 278-5456 or at Ken.D.DOWDEN@wrdd.state.or.us if you should have any questions.

Sincerely,

Ken Dowden
Field Services Division

cc: Bob Wood, District 3 Watermaster
Larry Toll, CWRE → address: Tenneson Engineering Corp., 409 Lincoln St., The Dalles, OR 97058

enc

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

In the Matter of Transfer Application
T-10543, Sherman County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF
) APPROPRIATION

Authority

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

Applicant

FRED A. and JUDY JUSTESEN, PAULA SALOMON
59720 TWIN LAKES ROAD
GRASS VALLEY, OR 97029

Findings of Fact

Background

1. On March 4, 2008, Fred and Judy Justesen, and Paula Salomon filed an application to add an additional point of appropriation under Certificate 67578. The Department assigned the application number T-10543.

2. The right to be transferred is as follows:

Certificate: 67578 in the name of FRED A. JUSTESEN (perfected under Permit G-10074)

Use: IRRIGATION of 81.9 ACRES

Priority Date: FEBRUARY 15, 1983

Rate: 1.02 CUBIC FEET PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs, 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.

Source: WELL 2 (when available with any deficiency in the available supply from WELL#2 to be made up by diversion from WELL#1, within the DESCHUTES BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 S	16 E	WM	33	NE NE	WELL# 1 - 60 FEET SOUTH and 460 FEET WEST FROM NE CORNER of SECTION 33
3 S	16 E	WM	33	NE NE	WELL# 2 - 840 FEET SOUTH and 590 FEET WEST FROM NE CORNER of SECTION 33

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
3 S	16 E	WM	33	NE NE	22.00
3 S	16 E	WM	33	SW NE	3.40
3 S	16 E	WM	33	SE NE	35.40
3 S	16 E	WM	33	NE SE	14.20
3 S	16 E	WM	33	NW SE	6.90
TOTAL:					81.90

3. Application T-10543 proposes to add an additional point of appropriation approximately ¼ mile southwest from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 S	16 E	WM	33	SE NE	WELL# 3 - 2255 FEET SOUTH and 1225 FEET WEST FROM NE CORNER of SECTION 33

4. Notice of the application for transfer was published on March 11, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. The proposed point of appropriation is well (#3: SHER441/416). The proposed additional well develops the same source of water as the wells at the current authorized points of appropriation, being Well#1: SHER440 and Well#2: WASC* 3537.

*Note: this log filed in wrong county.

Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used within the last five years prior to the submittal of Transfer Application T-10543 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. Wells, pumps, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10543.
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.

Determination and Proposed Action

The change to add an additional point of appropriation proposed in Transfer Application T-10543 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10543 is approved, the final order will include the following:

1. *The change in additional point of appropriation proposed in application T-10543 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 67578 and any related decree.*
3. *Water right certificate 67578 is cancelled.*
4. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation, (Well#1: SHER 440) and (Well#2: WASC* 3537).*
6. *When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
7. *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 change and full beneficial use of the water.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2009.

D R A F T

Phillip C. Ward, Director

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



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10543

Review Due Date: 4/8/2008

Applicant Name: Fred Justesen

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

Reviewer(s): R. Wood

Date of Review: April 2, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
Currently, there are no groundwater issues in the vicinity of this water right.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

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

9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: The well logs for the three wells show different depths and static water levels. Ground Water Section should be consulted to make sure that the proposed APOA, Well #3 (SHER 416) is tapping the same aquifer as the authorized POA's. If we issued the original certificate allowing two sources, then Well 3 would need to be in the same aquifer as either well 1 or well 2.
10. What alternatives may be available for addressing any issues identified above: Verify with Ground Water Section that the proposed APOA taps the same aquifer as the authorized POA's. GW Section should also be consulted in regards to hydraulic connection to surface water. My review is based on the assumption that the APOA is not hydraulically connected to surface water.
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.



Oregon

Theodore R. Kulongoski, Governor

SCANNED

3/7/08

NC

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO: Ken Dowden
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 3/7/08
due 4/8/08

FROM: X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Mike Zwart date signed 7/14/08
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # T-10543

A change in: POU POD APOA USE of water.

In the name(s) of Fred Justesen.

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

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

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

The existing right may not be valid because _____

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

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

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

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

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

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

wmtrans.frm

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water Files Date: July 14, 2008

From: Michael J. Zwart

Subject: Application Review: T-10543, Fred & Judy Justesen, Paula Salomon

This transfer application proposes an additional POA. The authorized wells (#1: SHER 440 and #2: WASC* 3537) and the proposed well (#3: SHER 441/416) all penetrate the same basalt aquifer. The application included only the deepening log for well #3, but I tied the likely original log to this well in an earlier review.

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

*Log filed in wrong county.



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

March 7, 2008

FRED JUSTESEN
JUDY JUSTESEN
PAULA SALOMON
59720 TWIN LAKES RD
GRASS VALLEY OR 97029

Reference: Transfer 10543

On March 4, 2008 we received your water right transfer application requesting additional point of appropriation. The application was accompanied by \$400.00. Our receipt 91640 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.

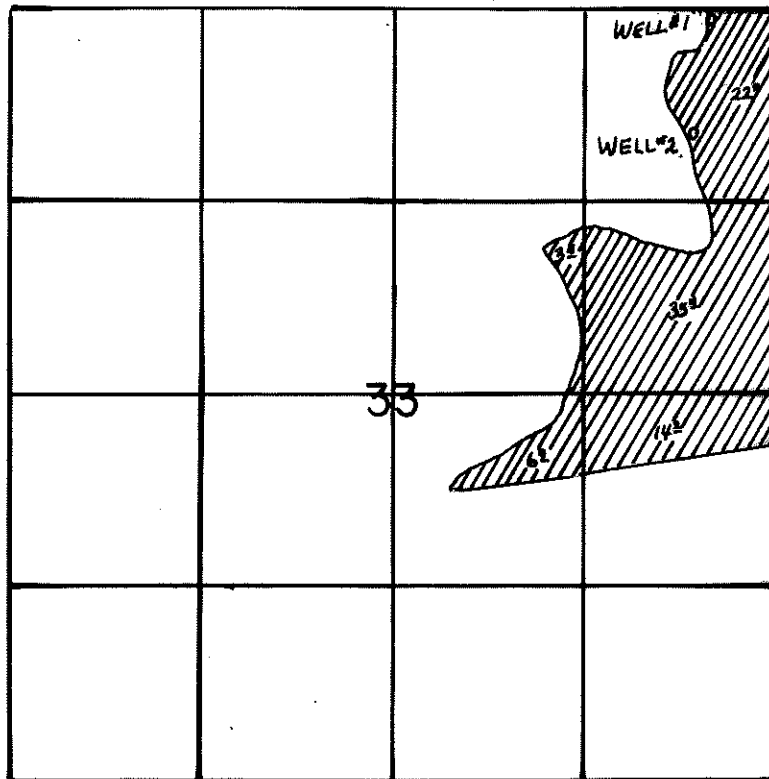
If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster # 3
Agent, CWRE # 132
Groundwater
Files

enclosure

T. 3 S. R. 16 E. W.M.

1
N



WELL #1 - 60' S. and 460' W.; WELL #2 - 840' S. and 590' W., both from the NE Corner of S. 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of S.33, T.3 S. R 16 E., WM.

FINAL PROOF SURVEY UNDER

Application No. G-10879 Permit No. G10074..
IN NAME OF

.....FRED. A. JUSTESEN.....

Surveyed 10-8... 1991., by J. Miller.....

41055-279-134L
NCR
Jm 1-22-92

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

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.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

2. APPLICANT INFORMATION

Name: Fred and Judy Justesen and Paula Salomon

Address: 59720 Twin Lakes Road

Grass Valley	OR	97029
City	State	Zip

Phone: 541-333-2311

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: Tennessee Engineering Corp, Larry Toll as Agent
First Last

Address: 409 Lincoln Street

The Dalles	OR	97058
City	State	Zip

Phone: 541-296-4507

Fax: 541-296-6657 E-Mail address: ltoll@tennesoneng.com

- 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.

RECEIVED

FEB 19 2008

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.	G-10879	G-10074	67578
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☐ Place of Use ☐ Point of Diversion (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): To increase the efficiency of the irrigation system

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.

Well 1 has a 20 HP and Well 2 has a 25 HP. The irrigation system uses 6 in mainline
with 3 in lateral line. Maximum number of sprinklers that could be run is 110.

- System capacity: 500 gpm cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

- 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:

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).

Sherman County Community Development

PO Box 381

Moro, OR 97039

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FEB 19 2008

WATER RESOURCES DEPT
SALEM, OREGON

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): Note: Paula Salomon and Paula Beuther are the same
First Last

Address: person. Paula Beuther remarried to Paula Salomon. This is the reason
for the name difference.
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)

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: \$ 400⁰⁰
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

See File G-16892
For Money On
Account

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.

RECEIVED

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.

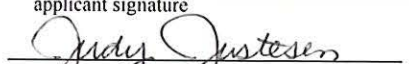
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized 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	<u>Paula Salomon</u> name and title if applicable (print)	<u>2/11/08</u> date
 applicant signature	<u>Judy Justesen</u> name and title if applicable (print)	<u>2/12/08</u> date

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: 67578

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	67578 Certificate Number	G-10074 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: Fred A Justesen
- County: Sherman
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): February 15, 1983

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: Well 1 and Well 2

Tributary to: Cottonwood Creek

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: 67578

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)
SHER 440	Well #1	3 S	16 E	W	33	NE of NE	3900	60' S & 460' W from NE Cor Sec 33
WASC 3537	Well #2	3 S	16 E	W	33	NE of NE	3900	840' S & 590' W from NE Cor Sec 33

▪ 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
SHER 440		Note: this is	Incorrectly	located in	T 4 S				
WASC 3537		NOTE: This is	Incorrectly	located in	Wasco	County			

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SALEM, OREGON

▪ Certificate Number or other identifying number: 67578

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: 67578

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)
Well #1	3 S	16 E	W	33	NE of NE	3900	60' S & 460' W from NE Cor Sec 33
Well #2	3 S	16 E	W	33	NE of NE	3900	840' S & 590' W from NE Cor Sec 33
Well #3	3 S	16 E	W	33	SE of NE	3900	2255' S & 1225' W from NE Cor Sec 33

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

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

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

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SALEM, OREGON

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

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

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	SHER 440	Well #1								
Yes	WASC 3537	Well #2								Yes
Yes	SHER 416	Well #3								

▪ Certificate Number or other identifying number: 67578

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

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: See findings from Application G-16892, Groundwater already determined that
Wells #1, #2 and #3 appropriate from the same groundwater source.

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**WATER RESOURCES DEPT
SALEM, OREGON**

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date of well completion.

RECEIVED
MAY - 6 1970
STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

well #2

(1) OWNER:

Name John BuetherAddress Grass Valley, Oregon

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☒ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐
1.0" Diam. from 0 ft. to 21 ft. Gage 0.025
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level 62 ft. below land surface Date 4-11, 70

Pump pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lower than static level

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

Yield: 265 gal./min. with 140 ft. drawdown after 7 hrs.

" " " "

" " " "

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 54 Was a chemical analysis made? ☐ Yes ☒ No

(10) CONSTRUCTION:

Well seal—Material used Cement Grout

Depth of seal 21 Feet ft.

Diameter of well bore to bottom of seal 14 in.

Were any loose strata cemented off? ☐ Yes ☒ No DepthWas a drive shoe used? ☐ Yes ☒ NoDid any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(11) LOCATION OF WELL:

County Sherman

Driller's well number

Two

NE ¼ NE ¼ Section 33 T. 4S R. 16E W.M.

Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing 8 3/4

Depth drilled 170 ft. Depth of completed well 170 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Soil, Brown, Loam	0	2	
Basalt, Brown	2	7	
Basalt, Black, Hard	7	25	
Basalt, Brown	25	27	
Basalt, Black	27	35	
Basalt, Gray	35	40	
Basalt, Brown, Medium Hd.	40	55	
Basalt, Gray	55	140	
Basalt, Broken, Black	140	165	
Gray Claystone			Water
Basalt, Black	165	170	

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WATER RESOURCES DEPT
SALEM, OREGON

Work started April 10 1970 Completed April 11 1970

Date well drilling machine moved off of well April 13/ 1970

Drilling Machine Operator's Certification:

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

[Signed] Don Parry, Jr. Date 4-12-70
(Drilling Machine Operator)

Drilling Machine Operator's License No. 640

Water Well Contractor's Certification:

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

NAME PROJECT Corporation
(Person, firm or corporation) (Type or print)

Address 1 South Second, Walla Walla, Wn.

[Signed] Gary Lacey, Jr.
(Water Well Contractor)

Contractor's License No. 527 Date May 4th 1970

(USE ADDITIONAL SHEETS IF NECESSARY)

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

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

RECEIVED WELL REPORT

APR 12 1978

STATE OF OREGON
(Please type or print)

003537

WATER RESOURCES DEPT

SALEM, OREGON

State Well No.

3816E-3.3aa

State Permit No.

(1) OWNER:

Name FRED BUETHER

Address RT. 1 - Bx. 54
GRASS VALLEY, ORE. 97029

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Aug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐

8" Diam. from +1 ft. to 21 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used _____

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

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

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

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

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Well: _____ gal./min. with _____ ft. drawdown after _____ hrs.

" " " " "

" " " " "

Ballor test 10 gal./min. with 0 ft. drawdown after 1 hrs.

Artesian flow _____ g.p.m.

Temperature of water 56 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used CEMENT

Well sealed from land surface to 21 ft.

Diameter of well bore to bottom of seal 12 in.

Diameter of well bore below seal 8 in.

Number of sacks of cement used in well seal 5 sacks

How was cement grout placed? PUMPED DOWN

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

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County WASCO Driller's well number _____

N.E. 1/4 N.E. 1/4 Section 33 T. 35 R. 16E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 425 ft.

Static level 337 ft. below land surface. Date 4-3-78

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 458 ft. Depth of completed well 458 ft.

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

MATERIAL	From	To	SWL
SANDSTONE CONGL.	0	3	
LAUA	3	75	
SANDSTONE CONGL.	75	90	
LAUA (BLACK & HARD)	90	260	
BROKEN LAUA	260	272	
LAUA	272	325	
BROKEN LAUA	325	335	
LAUA	335	338	
BROKEN LAUA	338	358	
LAUA	358	425	
WATER-BEARING SANDSTONE	425	450	
LAUA	450	460	

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WATER RESOURCES DEPT
SALEM, OREGON

Work started 3-31 1978 Completed 4-3 1978

Date well drilling machine moved off of well 4-3 1978

Drilling Machine Operator's Certification:

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

[Signed] William D. Allen Date 4-7 1978
(Drilling Machine Operator)

Drilling Machine Operator's License No. 8075

Water Well Contractor's Certification:

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

Name ORRILL BUCKNER
(Person, firm or corporation) (Type or print)

Address 1186 N.E. JEGUS RD., REDMOND, ORE 97150

[Signed] Orill Buckner
(Water Well Contractor)

Contractor's License No. 1608 Date 4-7 1978

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

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MAR 21 1985
PLEASE TYPE OR PRINT IN INK

SHER

416

3516E-33ad
keep.
(for official use only)

(1) OWNER: WATER RESOURCES DEPT
SALEM, OREGON

Name Fred Justesen
Address _____
City Grass Valley, OR State 97029

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☒ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐

Rotary Mud ☐ Dug ☐

Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐

Irrigation ☒ Thermal: ☐ Withdrawal ☐ Reinjection ☐

Other: Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

none

_____ " Diam. from _____ ft. to _____ ft. Gauge _____

_____ " Diam. from _____ ft. to _____ ft. Gauge _____

LINER INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

_____ " Diam. from _____ ft. to _____ ft. Gauge _____

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Size of perforations _____ in. by _____ in.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

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

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? owner

Flow: 250 gal./min. with 70 ft. drawdown after 336 hrs.

Air test _____ gal./min. with drill stem at _____ ft. _____ hrs.

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

Artesian flow _____ g.p.m.

Temperature of water 50° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used _____

Well sealed from land surface to _____ ft.

Diameter of well bore to bottom of seal _____ in.

Diameter of well bore below seal _____ in.

Amount of sealing material _____ sacks ☐ pounds ☐

How was cement grout placed? _____

Was pump installed? Yes Type Sub HP 25 Depth 260 ft.

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

Did any strata contain unusable water? ☐ Yes ☒ No

Type of Water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL by legal description:

County Sherman SE NE 1/4 of Section 33 of _____

Township 3 S, Range 16, E. WM.
(Township is North or South) (Range is East or West)

Tax Lot _____ Lot _____ Block _____ Subdivision _____

MAILING ADDRESS OF WELL (or nearest address) _____

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found _____ ft.

Static level 40 ft. below land surface. Date 3-15-85

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 166 ft. Depth of completed well 275 ft.

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

MATERIAL	From	To	SWL
Rock, grey	109	129	40
Rock, broken	129	138	
Rock, grey	138	168	
Rock, quartz, seams	168	216	
Clay, green & black	216	224	
Rock, black porous quartz	224	241	
Rock, grey	241	247	
Rock, decomposed	247	248	
Rock, grey	248	265	
Rock, brown broken	265	266	
Rock, brown/opal	266	273	
Rock, red porous	273	275	40

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WATER RESOURCES DEPT.
SALEM, OREGON

Date work started Nov. 6, 1984 /completed March 15, 1985

Date well drilling machine moved off of well March 15, 1985

(unbonded) Water Well Constructor Certification (if applicable):

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

(Signed) _____ Date _____, 19 _____

(bonded) Water Well Constructor Certification:

Bond 9497437 Issued by: Fidelity & Deposit Co.

(number) _____ of _____ (Name)

On behalf of Gilbert Clayton Well Drilling

1951 Lambert St., The Dalles, OR 97058

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

(Signed) Gilbert Clayton

(Water Well Constructor)

(Dated) March 18, 1985

NOTICE TO WATER WELL CONSTRUCTOR

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

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

SP*46866-690

STATE OF OREGON
COUNTY OF SHERMAN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FRED A. JUSTESEN
P.O. BOX 90
GRASS VALLEY, OREGON 97029

confirms the right to use the waters of WELL 2 WHEN AVAILABLE WITH ANY DEFICIENCY IN THE AVAILABLE SUPPLY FROM WELL 2 TO BE MADE UP BY DIVERSION FROM WELL 1, in the DESCHUTES BASIN for IRRIGATION OF 81.9 ACRES.

This right was perfected under Permit G-10074. The date of priority is FEBRUARY 15, 1983. This right is limited to 1.02 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NE 1/4 NE 1/4, SECTION 33, T 3 S, R 16 E, W.M.; WELL 1 - 60 FEET SOUTH AND 460 FEET WEST; WELL 2 - 840 FEET SOUTH AND 590 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 33.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

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

NE 1/4 NE 1/4	22.0 ACRES
SW 1/4 NE 1/4	3.4 ACRES
SE 1/4 NE 1/4	35.4 ACRES
NE 1/4 SE 1/4	14.2 ACRES
NW 1/4 SE 1/4	6.9 ACRES

SECTION 33
TOWNSHIP 3 SOUTH, RANGE 16 EAST, W.M.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

WITNESS the signature of the Water Resources Director, affixed JULY 24, 1992.

/s/ MARTHA O. PAGEL

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67578.

G-10879.JM

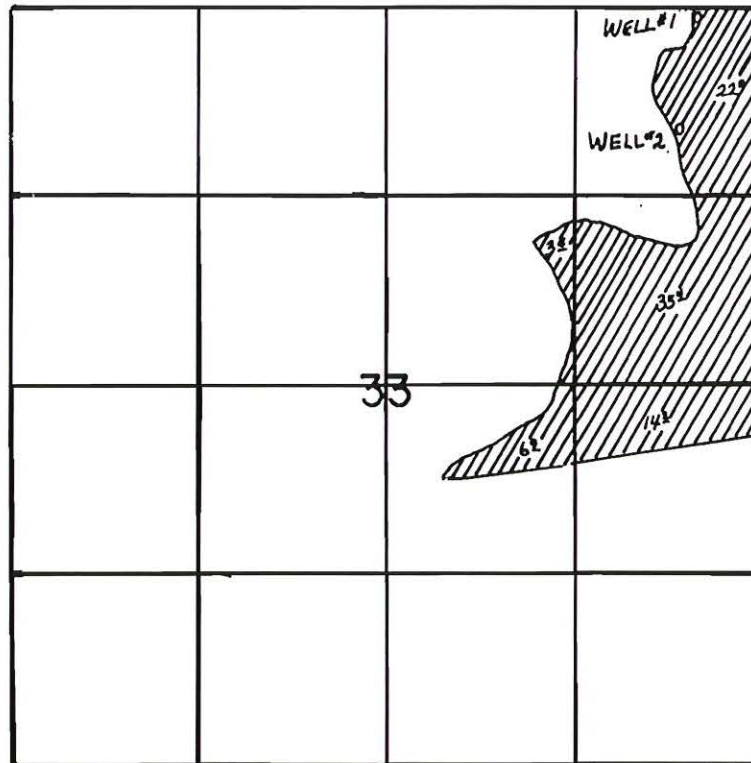
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T. 3 S. R. 16 E. W.M.

1
2



WELL #1 - 60' S. and 460' W.; WELL #2 - 840' S. and 590' W., both from the NE Corner of S. 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 33, T.3 S. R 16 E., WM.

FINAL PROOF SURVEY UNDER

Application No. G-10879 Permit No. G10074..
IN NAME OF

.....FRED..A..JUSTESEN.....

Surveyed J.O.8... 1991., by J. Miller.....

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SALEM, OREGON

41055-279-134L
NCR
Jm 1-22-92

1999



FRED 12916A

**WATER RESOURCES DEPT
SALEM, OREGON**

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

State of Oregon)
) ss
 County of Sherman)

I, Fred and Judy Justesen, Paula Salomon, in my capacity as owners/operators,
 mailing address 59720 Twin Lakes Road, Grass Valley, Oregon 97029
 telephone number (541) 333-2311, 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)
3	S	16	E	W	33	NE of NE		22.0
						SW of NE		3.4
						SE of NE		35.4
						NE of SE		14.2
						NW of SE		6.9

(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.

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
last crop to be irrigated was wheat

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

Well #1 Pump HP - 20 hp

Well #2 Pump HP - 25 hp

number of sprinklers run - 110

Basic Pipe Sizes - Mainline - 6" mainline Lateral - 3"

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

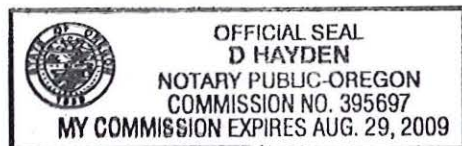
- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, 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: Attached is documentation showing the property was enrolled in the Conservation Reserve Program and not subject to forfeiture under 540.610, because of 540.610 (2) (e)

The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198

Fred Victor
Signature of Affiant

2-4-08
Date

Signed and sworn to (or affirmed) before me this 5th day of Feb, 2008.



D. Hayden
Notary Public for Oregon

My Commission Expires: 8-29-2009

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

DESCRIBE
LAST IRRIGATION
SYSTEM. Water right
for 458 gpm

CRP-1
(01-30-97)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

1. ST & CO. CODE & C/D

41 055

2. SIGN-UP NUMBER

15

3. CONTRACT NUMBER

353

4. ACRES FOR ENROLLMENT

824.6

5. FARM NUMBER

357

6. TRACT NUMBER(S)

410

8. OFFER (Select one)

STANDARD

9. CONTRACT PERIOD

X FROM (M/D/Y) TO (M/D/Y)
10/1/97 9/30/0

ENVIRONMENTAL PRIORITY

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

SHERMAN COUNTY FSA

P O BOX 305

MORO, OR 97039

(541) 565-3551

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant." The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre

\$ 40

12. Identification of CRP Land

B. Annual Contract Payment

\$ 32,984.00

A. Tract No. B. Field No.

C. Practice

D. Acres E. Total C/S

C. First Year Payment

\$

(Item 11C applicable only to continuous signup when the first year payment is prorated.)

(see attached)

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS

PAULA SALOMON

P O BOX 7

GRASS VALLEY, OR 97029

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

%

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

%

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

%

14. CCC USE ONLY - Payments according to the shares are approved.

SIGNATURE OF CCC REPRESENTATIVE

DATE

James S. Marshall

9/3/97

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

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

☐ Original - County Office Copy

☒ Owner's Copy

☐ Operator's Copy

☐ NRCS Copy

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SALEM, OREGON

CONTINUATION TO THE CONSERVATION RESERVE PROGRAM
(CRP) CONTRACT

1. CONTRACT

2. SIGNUP NO.

15

3. FARM NO.

357

4. PAGE

1 OF 1

5. IDENTIFICATION OF CRP LAND

[illegible]

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USDA USDA
Farm Service Agency

Sherman County

Tract: 410
Farm: 357

PAULINE SALOMON

FEB 19 2008

WATER RESOURCES DEPT
SALEM, OREGON

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

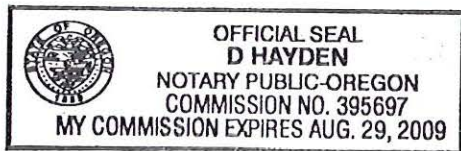
Date

April 05, 2006

Paula Salomon
Signature of Affiant

2-7-08
Date

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



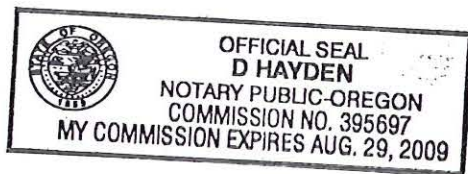
D. Hayden
Notary Public for Oregon

My Commission Expires: 08/20/2009

Judy Justices
Signature of Affiant

2-7-08
Date

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



D. Hayden
Notary Public for Oregon

My Commission Expires: 08/20/2009

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**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon Water Resources Department
Land Use Information Form

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

Applicant Name: Fred Justesen
Mailing Address: 59720 Twin Lakes Road
City: Grass Valley State: OR Zip: 97029 Day Phone: 541-333-2311

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	16E	33	ALL	3900	F-1	☒ Diverted ☒ Conveyed ☒ Used	Irrigation
						☐ Diverted ☐ Conveyed ☐ Used	Pond Main
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Pond Maintenance

Briefly describe: Supplemental irrigation and maintain upper and lower Twin Lake.

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

Receipt for Request for Land Use Information

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

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**WATER RESOURCES DEPT
SALEM, OREGON**

For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Sec. 3.1

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
permitted use	Art 3, Sec 3.2, (a)	☒ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

This is a permitted use in the Exclusive Farm Use Zone

Name: Georgia Maenab Title: Planning Director
Signature: [Signature] Phone: 541-565-3601 Date: 6-22-07
Government Entity: Sherman County

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

Receipt for Request for Land Use Information

Applicant name: Fred Justesen

City or County: Sherman

Signature: [Signature]

Staff contact: Georgia Maenab

Phone: 541-565-3601 Date: 6-22-07

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**WATER RESOURCES DEPT
SALEM, OREGON**

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AGREEMENT FOR SALE OF REAL PROPERTY

WATER RESOURCES DEPT
SALEM, OREGON

THIS AGREEMENT, Made this 1st day of April, 1981,
by and between PAULA BUETHER, hereinafter referred to as seller,
and FRED A. JUSTESEN and JUDITH A. JUSTESEN, husband and wife,
hereinafter referred to as buyers, WITNESSETH:

That in consideration of the covenants and agreements
herein contained, the seller agrees to sell unto buyers and buyers
agree to purchase from seller the following described real prop-
erty situated in Sherman County, State of Oregon, to wit:

An undivided one-half interest in and to the following described
real property located in Sherman County, Oregon:

Section 33, Township 3 South, Range 16 East, Willamette Meridian,
Sherman County, State of Oregon, SUBJECT TO existing highways and
easements and to reservations now of record;

SE $\frac{1}{4}$ of Section 28, Township 3 South, Range 16 East, Willamette
Meridian.

W $\frac{1}{2}$ of Section 28, E $\frac{1}{2}$ of Section 32, Township 3 South, Range 16
East, Willamette Meridian, and Lots 1 and 2 of Section 5, Township
4 South, Range 16 East, Willamette Meridian, containing 721.71
acres, more or less.

SUBJECT TO AND EXCEPTING Reservations of the use of all of the
surface ground necessary to access and for the purpose of explor-
ing, developing or working of mines or valuable underground deposits
of minerals, or oils, of whatsoever nature; also all the gold,
silver, copper, iron or minerals of whatsoever name or nature; and
all the coal, mineral oils or vegetable oils, or oils of any name
or nature, or salt or saline springs, or springs of any name or
nature, excepting water, which are now known to exist or may here-
after be discovered in or upon the said land, in Deed from Eastern
Oregon Land Company, a corporation, by Walter S. Martin, President;
Attest: By A.E. Wallis, Secretary, to W.B. Wilcox, Senior and
W.B. Wilcox, Junior, recorded March 15, 1923, in Book T, page 501,
Deed Records of Sherman County, Oregon; Power line easement, in-
cluding the terms and provisions thereof, to United States of
America recorded December 12, 1953, in Book 31, page 134, Deed
Records of Sherman County, Oregon; all easements of record, ease-
ments, if any, not of record, zoning, use and building restrictions
and the limitations and restrictions of all comprehensive plans
and/or regulatory and/or land use statutes, ordinances, laws, rules
and regulations of every kind and nature, any part of the above
described real property lying within the boundaries of public
roads and highways and reservations in government patents and
deeds. Seller expressly does not warrant or covenant against
unknown claims of others now known to seller or which may
hereafter arise through the acts or conduct of buyers or buyers'



TENNESON

ENGINEERING CORPORATION

CONSULTING ENGINEERS • SURVEYORS • PLANNERS

409 LINCOLN STREET
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

February 11, 2008

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Mr. Fred Justesen
59720 Twin Lakes Road
Grass Valley, Oregon 97029

FEB 19 2008

WATER RESOURCES DEPT
SALEM, OREGON

Reference: Twin Lakes Application for Additional Well

Fred:

Enclosed is the completed application for transfer and the additional well to the 81.9 acre water right. You should review the application for any errors. If everything looks good, the following is needed:

1. The transfer application needs signatures from all three parties (Fred, Judy, and Paula). I have added a sign here tab at the signature location.
2. You need a letter addressed to Kerry Kavanagh stating that this is the transfer application replacing Water Right Application G-16892. Also, you need to state that the fees for this transfer are on account with OWRD under monies to be refunded on Water Right Application G-16892.
3. Send the completed package to Kerry Kavanagh at the address on the top of the transfer application page.

Please let me know if you have any questions.

Sincerely,

Larry M. Toll, C.W.R.E.

LMT:jw
<wo#12416>

SECTION 33, TWP.3 S. RANGE 16 E. W.M.
SHERMAN COUNTY, OREGON

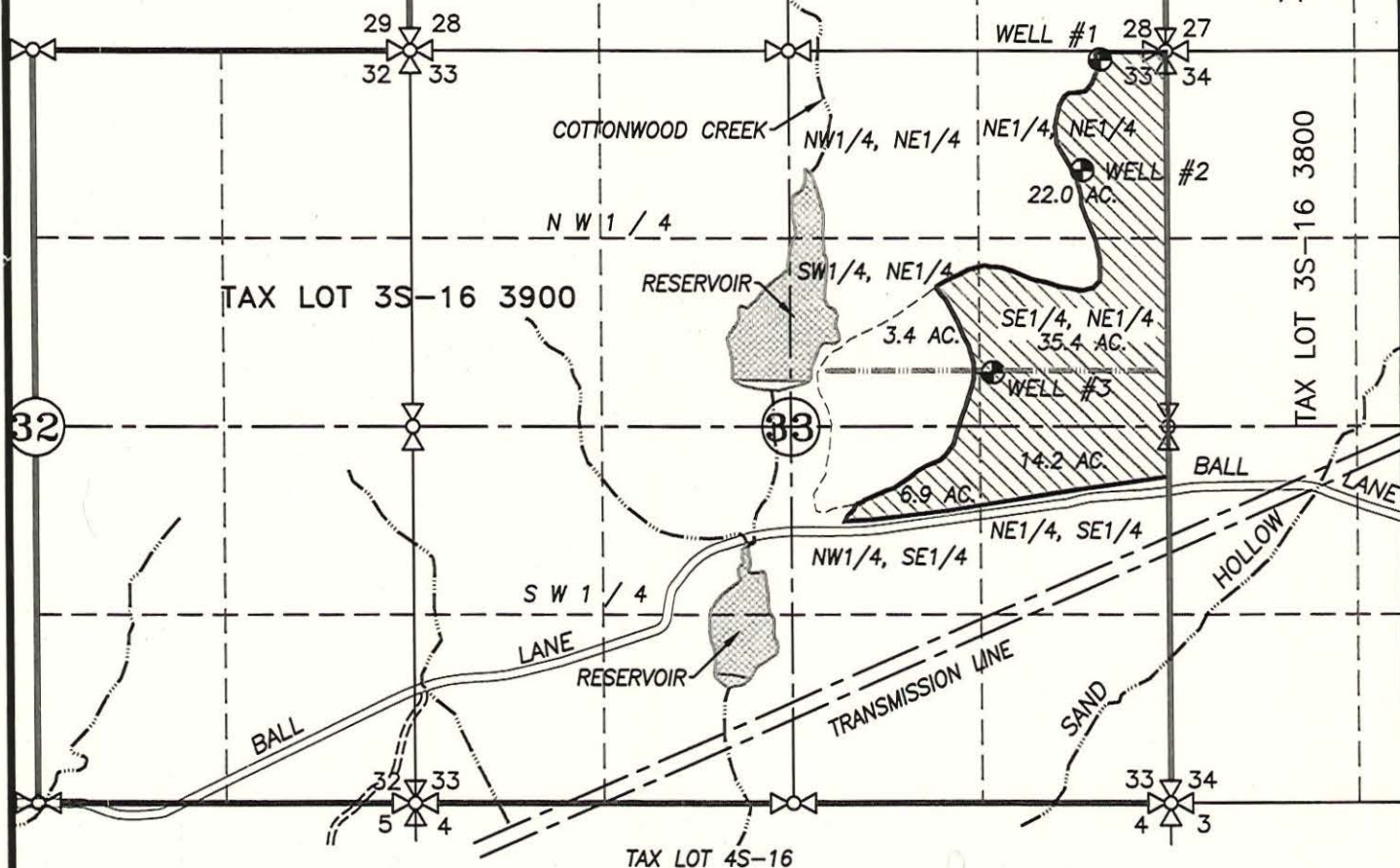
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SALEM, OREGON

TAX LOT
3S-16 2700

TAX LOT 3S-16 3900



- EXISTING WELL #1, 60' S. & 460' W. OF NE COR. SEC. 33
- EXISTING WELL #2, 840' S. & 590' W. OF NE COR. SEC. 33
- EXISTING WELL #3, 2255' S. & 1225' S. OF NE COR. SEC. 33



EXISTING WATER RIGHT CERT. #67578 AREA = 81.9 AC.

IRRIGATION MAIN

WATER RIGHT TRANSFER APPLICATION

SCALE: 1" = 1320'

TRANSFER No. _____

APPLICATION No. G-10879

PERMIT No. G-10074

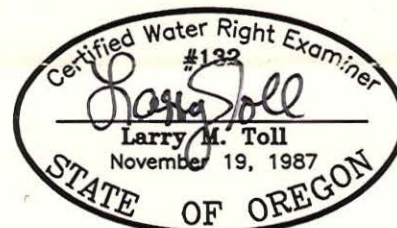
IN THE NAME OF:

FRED AND JUDY JUSTESEN

DATE: JANUARY 23, 2008

BY: **TENNESON ENGINEERING CORP.**

409 LINCOLN STREET,
THE DALLES, OREGON. 97058
PH. (541) 296-9177
FAX (541) 296-6657



EXPIRES: 06/30/08

NOTE:

"THIS MAP IS NOT INTENDED TO
PROVIDE DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES."

W.O. #12416A_wr