T-10521

T-10521

TEMPORARY

Name Fewel Farms LLC
c/o Russ Rasmussen
Address 64302 W Coats Rd
Prosser, WA 99350
509 973-2379 509-391-422

Change in POU
Date Filed 1-16-08
Initial notice date 1-29-2008
DPD issued date
PD issued date
PD notice date
Date of FO 3-3-08 Vol 74 Page 290

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well
Trib. of Umatilla River

Use IR County Umatilla
Quantity of water (CFS) No. of Acres 98,5
Name of ditch

App # G10944	Per # G10200	Cert # 60744	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 #
1-16-08	328.00	91231

FEES REFUNDED

Date	Amount	Receipt#

Assignments:

Irrigation District

Agent William Forfily PO Box 643 Stanfield, OR 97875 541-449-1327 541-561-7259

CWRE
CC's list Umatilla County 216 SE 4th Pendleton, OR 97801
CLO: Steve Koester 33009 Spearman Rd Hermiston, OR 97838

☐ - Oversized map – Location

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 5, 2008

Fewel Farms LLC
Attn – Russ Rasmussen
64302 W Coats Road
Prosser, WA 99350

Reference: Temporary Transfer 10521

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

The change shall be effective at the end of the 2007 irrigation season. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.

Sincerely,

Sarah Henderson

Sarah Henderson
Executive Support

cc: Watermaster #5
William Porfily, Agent
Steve Koester

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10521, Umatilla County	)))	FINAL ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation 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
Fewel Farms LLC
Attn – Russ Rasmussen
64302 W Coats Rd.
Prosser, WA 99350

Agent
William I. Porfily
PO Box 643
Stanfield, OR 97875

Findings of Fact

Background

1. On January 16, 2008, Russ Rasmussen, on behalf of Fewel Farms LLC, filed an application to temporarily change the place of use under Certificate 60744 for a period of one year. The Department assigned the application number T-10521.

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

   Certificate: 60744 in the name of HAROLD AND ESTHER LEHMAN (perfected under Permit G-10200)
   Use: IRRIGATION of 77.8 ACRES
   Priority Date: JULY 14, 1983
   Rate: 0.97 CUBIC FOOT PER SECOND (cfs)
   Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year
   Source: A WELL in the UMATILLA RIVER

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 N	29 E	WM	30	NW NE	260 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	30	NE NE	24.0
4 N	29 E	WM	30	NW NE	33.3
4 N	29 E	WM	30	SW NE	13.1
4 N	29 E	WM	30	SE NE	7.4

3. Transfer Application T-10521 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	29 E	WM	30	NE NE	26.7
4 N	29 E	WM	30	NW NE	39.0
4 N	29 E	WM	30	SW NE	8.8
4 N	29 E	WM	30	SE NE	3.3

4. Notice of the application for temporary transfer was published on January 29, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

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

6. A pump, pipeline, and drip irrigation system sufficient to use the full amount of water allowed under the existing right are present.

7. The proposed change would not result in enlargement of the right.

8. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Transfer Application T-10521 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10521 is approved.

2. The former place of use **shall not** be irrigated as part of this water right during the 2008 irrigation season.

3. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.

4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificate 60744 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 60744.

7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

9. The use of the remaining water right described by Certificate 60744 shall continue to be in accordance with the terms and conditions of Certificate 60744.

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

Phillip C. Ward, Director

Mailing Date: MAR 0 6 2008

Water Right Transfer Checklist

Transfer T-10521 Transfer Specialist: Susan Douthit

Transfer Type: Temporary

Applicant Name/Address: Fewel Farms, LLC c/o Russ Rasmussen 64302 W Coats Rd., Prosser, WA 99350

Agent Name/Address: William Porfily PO Box 643 Stanfield, OR 97875

CWRE Name/Number: none

Rec Landowner Name/Address: Steve Koester 33009 Spearman Rd., Hermiston, OR 97838

Irr. District Name/Address: None

Affected Gov'ts Name/Address: Umatilla County

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-10944**	**G-10200**	60744	☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 1/16/2008	Proposed Action(s): POU POD HST APOD USE OTHER: POU	
Fees Pd: 328.00	WM District: 5	ODFW District: none
Initial Notice: 1/29/2008	WM Review sent: 1/28/2008	ODFW Review sent: none
Acknowledgement Letter Sent ☒		GW Review sent: 1/28/2008

Processing Dates & Actions

Deficiency Contacts: _____

DPD Mailed: _____

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

PD Mailed: _____

PD Weekly Notice: _____

Newspaper Pub Affid Due: _____

☐ not required

Affid of Pub Rec'd: _____

Last Day Published: _____

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: _____	Reviewer: DSP
Date: _____	Date: _____	Date: 2/29/08
Coordinator: _____	Coordinator: _____	Coordinator: DSP
Date: _____	Date: _____	Date: 2/29/08

Comments/Special Issues:

Special Order Volume: Vol 74 Pages 290 Final Order Signature Date: 3-3-08

Notice of FO email'd to processors _____

Susan

Review Checklist **T-10521** **Processor: Susan Douthit**

Application

- ☒ The type of change is clearly indicated.
- ☒ The application is appropriately signed.
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

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

Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map.
- ☒ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/decree maps for the rights. ☒ Application map matches certificate FPS.
- ☒ Have necessary aerial photos.

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

- ☒ O*nly* the authorized POD's/POA's and POUs 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 ¼ ¼.

Ownership

- ☒ The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.) lot book
- ☒ 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.

refund 50.20

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 –

Susan

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-10521 Review Due Date: 2-26-08

Applicant Name: Fewel Farms

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

Reviewer(s): _____ Date of Review: _____

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: Location is within the Stage Gulch Critical Area. Area is regulated by allocation by priority.
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: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

RECEIVED
FEB 04 2008
WATER RESOURCES DEPT
SALEM, OREGON

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.

RECEIVED
FEB 0 4 2008
WATER RESOURCES DEPT
SALEM, OREGON

GW

Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Susan Douthit — DATE: 1-25-08
FIELD TRANSFER PROCESSOR WORKING ON THIS TRANSFER

Due 2-26-08

FROM: _____ WATERMASTER, DISTRICT # _____
X GROUNDWATER SECTION

(SIGNATURE) Mike Zwart
Signed by injury reviewer

SUBJECT: **TEMPORARY TRANSFER** # 10521 Date Signed 3/3/08

A change in: **POU** of water.

In the name(s) of Fewel Farms.

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

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

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

The existing right may not be valid because _____
_____
_____

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

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

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

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

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

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

OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

To: Ground Water files Date: March 3, 2008

From: Michael J. Zwart

Subject: Application Review: T-10521, Fewel Farms, LLC
(Temporary Transfer)

This application proposes a change in place of use only. Therefore, I have no substantive comments. The use is within Subarea A of the Stage Gulch Critical Ground Water Area, so it is likely that this has been forwarded for review to keep me informed of any proposed changes in the critical area.

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.

Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 4 North **Range:** 29 East **Section:** 30 **Records per Page:** 100 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE / Q(160): 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:S 81070 *** Additional Info: HERMISTON DEVELOPMENT CORP.;IRZ CONSULTING C/O App: S81070		4/12/1996	FISH CULTURE																				*
Select	**Cert:38868 OR *** Additional Info: ALBERT L/RALPH SEIBEL App: S41443 Permit: S31223 Cert: 38868		9/29/1965	IRRIGATION									2.2	4.2			3	19.9						
Select	**Cert:60744 OR *** Additional Info: HAROLD & ESTHER LEHMAN App: G10944 Permit: G10200 Cert: 60744	T10521	7/14/1983	IRRIGATION				24	33.3	23.6	7.4	0.1			0.8	0.5					8.8			
Select	**Inchoate: T 7440 CF (AMN) *** Additional Info: CITY OF STANFIELD App: G8459 Permit: G7623		9/22/1977	MUNICIPAL USES				(*)	(*)	(*)	(*)	(*)			(*)	(*)			(*)	(*)	(*)	(*)	(*)	
Select	**Permit:S 49497 *** Additional Info: SUSAN DAGGETT App: S58245 Permit: S49497		1/19/1979	MUNICIPAL USES				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Select	**App:S 81070 *** Additional Info: HERMISTON DEVELOPMENT CORP.;IRZ CONSULTING C/O App: S81070		4/12/1996	SUPPLEMENTAL IRRIGATION (Suppl'mtl)				24	33.3	28.4	7.4	0.1									21			
Select	**Permit:G 6304 CN** Additional Info:		9/3/1975	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	**CN**			~~40~~	~~40~~	~~35~~	~~40~~									~~32.22~~	~~40~~	~~40~~	~~40~~	

Subject

opp

KENNETH G BATTY App: G6796 Permit: G6304																							
Select **Cert:38868 OR ***					9/29/1965	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					51.8	51.8			51.8	13							
Additional Info: ALBERT L/RALPH SEIBEL App: S41443 Permit: S31223 Cert: 38868																							

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

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD AND ESTHER LEHMAN
880 NW 112TH
PORTLAND, OREGON 97229

confirms the right to use the waters of A WELL in the UMATILLA RIVER BASIN for the purpose of IRRIGATING 98.5 ACRES.

The right has been perfected under Permit G-10200. The date of priority is JULY 14, 1983. The right is limited to not more than 1.23 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 NE 1/4, SECTION 30, T 4 N, R 29 E, W.M.; 260 FEET SOUTH AND 2100 FEET WEST FROM NORTHEAST CORNER SECTION 30.

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

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

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

NE 1/4 NE 1/4	24.0 ACRES	
NW 1/4 NE 1/4	33.3 ACRES	
SW 1/4 NE 1/4	23.6 ACRES	77.8
SE 1/4 NE 1/4	7.4 ACRES	
NE 1/4 NW 1/4	0.1 ACRE	
SE 1/4 NW 1/4	0.8 ACRE	
NE 1/4 SW 1/4	0.5 ACRE	
NW 1/4 SE 1/4	8.8 ACRES	

SECTION 30
TOWNSHIP 4 NORTH, RANGE 29 EAST, W.M.

0.0125/ac

0.97 on temp

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 this date APRIL 14, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60744

G-10944.VLC

F10521

Oregon
Theodore R. Kulongoski, Governor

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

January 25, 2008

FEWEL FARMS, LLC
c/o RUSS RASMUSSEN
64302 W COATS RD.
PROSSER, WA 99350

Reference: Temporary Transfer 10521

On January 16, 2008 we received your water right transfer application requesting place of use. The application was accompanied by $328.00. Our receipt 91231 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.

Pursuant to OAR 690-380-8010, the lands **from** which an irrigation water right is to be transferred and the land **to** which the right is to be transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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)986-0900.

cc: Watermaster # **5**
Groundwater
William Porfily, Agent
Steve Koester

enclosure

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

Notice of Application for
Water Right Transfer, Temporary Transfer, or Permit Amendment
1/29/2008

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

County:	UMATILLA
Transfer:	10521
Water Right:	CERT 60744
Priority Date:	1983
Name:	FEWEL FARMS, LLC
Address:	64302 W COATS RD, PROSSER WA 99350
Change:	POU
Source:	WELL
Authorized POU:	T4N,R29E, 30
Proposed POU:	T4N,R29E, 30

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 91231

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

INVOICE # _____

RECEIVED FROM: Fewel Farms LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10521

CASH: ☐ CHECK:# ☒ 24736 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D	$ 328.00

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 PCA -46111

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 328.00		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 91231 DATED: 1/16/08 BY: JSmith

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

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

Application for Water Right
Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one

- ☐ Permanent Transfer
- ☒ Temporary Transfer
  - total number of years: 1
  - (begin year: March 2008)
  - (end year: OCT 2008)
- ☐ Instream Transfer
  - ☐ Permanent
  - ☐ Time-Limited
- ☐ Drought Transfer
- ☐ Other

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2. APPLICANT INFORMATION

Name: Fewel Farms LLC c/o Russ Rasmussen
(First / Last)

Address: 64302 W Coats Rd

Prosser, (City) WA (State) 99350 (Zip)

Phone: (Home) (509) 973-2379 (Work) (509)391-422 (Other)

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: William (First) I. Porfily (Last)

Address: P.O. Box 643

Stanfield (City) OR (State) 97875 (Zip)

Phone: (541)449-1327 (Home) (541)561-7259 (Other)

Fax: _____ E-Mail address: bporfily@my180.net

- If an agent is listed above, please check ***one*** of the following:
  - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; ***or***
  - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-10944	G-10200	60744
2.			
3.			
4.			
5.			
6.			

- Check **all** proposed change(s) included in this transfer application:

☒ Place of Use ☐ Point of Diversion ☐ Additional Point of Diversion

☐ Character of Use ☐ Point of Appropriation ☐ Additional Point of Appropriation

☐ Instream Transfer ☐ Surface Water source to Ground Water source

- Reason(s) for change(s): **To plant watermelons under drip irrigation.**

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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.

The well is equipped with a 120 hp submersible pump. The submersible and a 40 hp booster pump deliver 600 gpm of irrigation water to three mini circles.

- System capacity: **1.33** cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:

  - Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Umatilla County, 216 SE 4th, Pendleton, OR 97801

8. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☒ No

  *If "**No**", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners:*

  Names of Current Landowner(s): **Steve** (First) **Koester** (Last)

  Address: **33009 Spearman Rd,**

  Hermiston, (City) **OR** (State) **97838** (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 Current Landowner(s): **Steve** (First) **Koester** (Last)

  Address: **33009 Spearman Rd,**

  Hermiston, (City) **OR** (State) **97838** (Zip)

- Check ***one*** of the following:

  ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☐ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

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9. ATTACHMENTS

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

Supplemental Form A – Description of Proposed Change(s) to a Water Right

☒ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** 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), **<u>and</u>**

☒ 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 **<u>not</u>** 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 **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

Land Use Information Form:

☐ Enclosed; ***or***

☒ Not Required if **<u>all</u>** of the following are met:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

Fees:

☒ Amount enclosed: $ **<u>328</u>**
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

<u>Instream Water Right Transfers, also include:</u>

Supplemental Form C – Instream Water Right Transfer

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

<u>Temporary Transfers, also include:</u>

Recorded Deed:

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

Affidavit of Consent:

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

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

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

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10. SIGNATURES

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

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

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted*; **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

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

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

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

applicant signature	name (print)	date
Russ Rasmussen	Russ Rasmussen-Lessee	1/10/08
applicant signature	name (print)	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: **60744**

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 **not** be used for the portion of the water right affected by the transfer.) ☐ **Additional** (Both the old ***and*** 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 **instead of** the old point of diversion. The old point of diversion will **not** 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.) RECEIVED JAN 16 2008 WATER RESOURCES DEPT SALEM, OREGON	Proposed new use: ☐ **Irrigation** ☐ **Municipal** ☐ **Quasi-municipal** ☐ **Commercial** ☐ **Industrial** ☐ **Instream** (complete and attach ***Supplemental Form C***) ☐ **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.)

2. CURRENT WATER RIGHT INFORMATION

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

☒	Certificated Right	**60744** Certificate Number	**G-10200** 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: **Harold and Esther Lehman**
- County: **Umatilla**
- Authorized Use(s) to be Affected by Transfer: **Irrigation**
- Priority Date(s): **July 14, 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.*

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- Source(s) of Water to be Affected by Transfer: **A Well**

Tributary to: **Umatilla River**

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

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

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

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

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

*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).*

- Certificate Number or other identifying number: **60744**

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

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

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Umat 2944	**Well**	**4N**	**29E**	**WM**	**30**	**NW NE**	**TL 1403**	**260 ft S & 2100 ft W from the NE Corner Section 30**

- 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
See Attached Well Log									

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- Certificate Number or other identifying number: **60744**

*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 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 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)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Well July 14, 1983	**4N**	**29E**	**WM**	**30**	**NE NE**	**TL 1403**	**24.0**
Well July 14, 1983	**4N**	**29E**	**WM**	**30**	**NW NE**	**TL 1403**	**33.3**
Well July 14, 1983	**4N**	**29E**	**WM**	**30**	**SW NE**	**TL 1403**	**13.1**
Well July 14, 1983	**4N**	**29E**	**WM**	**30**	**SE NE**	**TL 1403**	**7.4**
						Total	**77.8**

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- Certificate Number or other identifying number: **60744**

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)
N/A							

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

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

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

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

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

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

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- Certificate Number or other identifying number: **60744**

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*

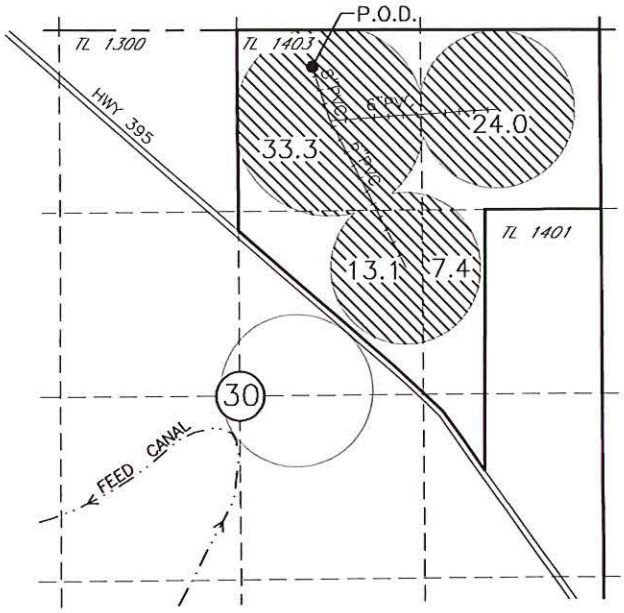
*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Well	**4N**	**29E**	**WM**	**30**	**NE NE**	**TL 1403**	**26.7**
Well	**4N**	**29E**	**WM**	**30**	**NW NE**	**TL 1403**	**39.0**
Well	**4N**	**29E**	**WM**	**30**	**SW NE**	**TL 1403**	**8.8**
Well	**4N**	**29E**	**WM**	**30**	**SE NE**	**TL 1403**	**3.3**
						Total	**77.8**

Remarks: _____

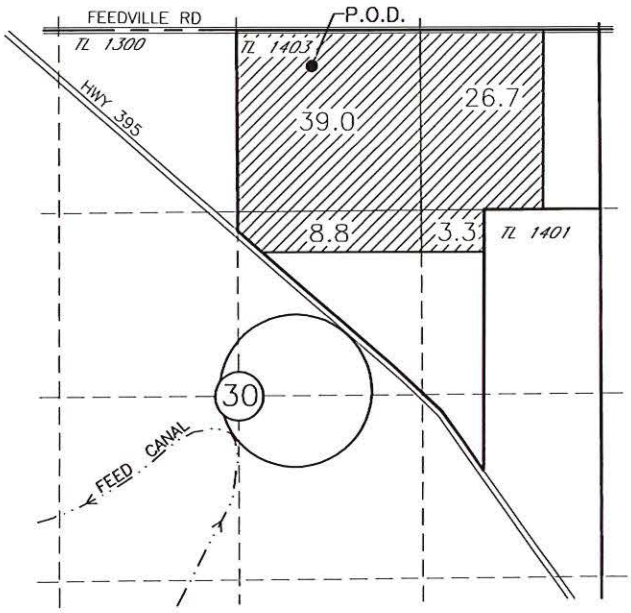
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FEWEL FARMS LLC
2008 TEMPORARY TRANSFER
CERTIFICATE 60744
T4N, R29E, WM
UMATILLA CO



FROM

77.8ac



TO

77.8ac

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P.O.D.
WELL LOCATED 260'S AND 2100'W FROM THE
NE CORNER OF SEC 30

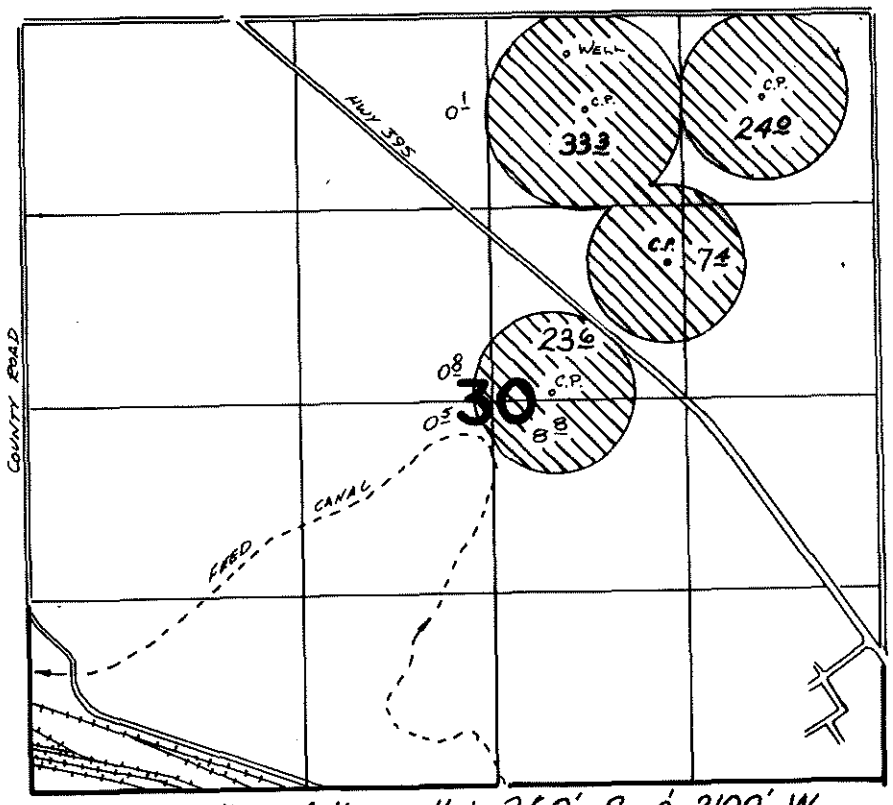
0 1320 2640

SCALE IN FEET

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

DRAWING: H:\CAD\AG\3522\FEWEL\3522300FEWTT08.dwg
PRINTED BY: Roger.Willard on 12/20/07 06:14 AM

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



The location of the well is 260' S. & 2100' W. from the NE cor. sec. 30.

Scale: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Application No. G10944 Permit No. G10200...

IN NAME OF

.....HAROLD & ESTHER LEHMAN.....

Surveyed ...11-2..... 1988, by ..Vern Church...

41059-378-222L KK

AFFIDAVIT OF CONSENT OF WATER RIGHT TRANSFER

State of Oregon)
) SS
County of Umatilla)

I, Steve Koester, 33009 Spearman Rd, Hermiston, OR 97838, being first duly sworn, dispose and say:

I am the owner of tax lot 1403 in the NE ¼ of Section 30, Township 4 North, Range 29 East W.M., and the appurtenant water rights described in Water Right Certificate 60744;

I consent to the attached temporary water right transfer application changing the place of use for the above-mentioned water rights from three mini circles to drip irrigation of watermelons as requested by Fewel Farms LLC

x _____ 12-19-07
Steve Koester Date

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SALEM, OREGON

State of Oregon
County of Umatilla

Subscribed and Sworn to Before Me this 12 day of December, 2007 by

Steve Koester.

OFFICIAL SEAL
WILLIAM I PORFILY
NOTARY PUBLIC - OREGON
COMMISSION NO. 376112
MY COMMISSION EXPIRES JAN. 26, 2008

William I Porfily
Notary Public – State of Oregon

My commission expires Jan. 26, 2008

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.

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

UMAT 2944 NC

State Well No. 4N/29E/30a6

State Permit No. G-10944

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(1) OWNER:
Name Danny Carter
Address Stanfield, Ore.

(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 ☑
10" Diam. from 0 ft. to 123 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

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?
Yield: gal./min. with ft. drawdown after hrs.
Est. 1500 GPM Air Lift "
" " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Bentonite
Well sealed from land surface to 123 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal sacks
Number of sacks of bentonite used in well seal 10 sacks
Brand name of bentonite Baroid
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
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.

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(10) LOCATION OF WELL:
County Umatilla Driller's well number 07-77
NW ¼ NE ¼ Section 30 T. 4N R. 29 E. W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 265 ft.
Static level 230 ft. below land surface. Date 6-23-77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 10" TO 896 ft.
Depth drilled 1071 ft. Depth of completed well 1071 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
Sandy Soil	0	83	
Soft Grey Basalt	83	97	
Hard Grey "	97	265	
Broken Grey "	265	286	water
Hard Grey "	286	537	
Med. Hard "	537	762	
Broken "	762	773	water
Hard Grey "	773	913	
Med. Hard "	913	1004	
Broken Grey "	1004	1016	water
Hard Grey "	1016	1046	
Broken Grey "	1046	1054	water
Hard Grey "	1054	1071	

Work started 5-1 19 77 Completed 5-20 19 77
Date well drilling machine moved off of well 5-20 19 77

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] C A Walker (Drilling Machine Operator) Date 6-23, 19 77
Drilling Machine Operator's License No. 886

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 Woodbase Well Drlg. Co. (Person, firm or corporation) (Type or print)
Address Pendleton Ore.
[Signed] C A Walker (Water Well Contractor)
Contractor's License No. 583 Date 6-23, 19 77

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

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

State of Oregon)
) ss
County of **Umatilla**)

I, **Steve Koester**, in my capacity as **Owner**,

mailing address **33009 Spearman RD, Hermiston, OR 97838**

telephone number **(567-3144)**, being first duly sworn depose and say:

1. I attest that:

☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**

☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

☒ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
4	N	29	E	WM	30	NE NE	TL 1403	24.0
4	N	29	E	WM	30	NW NE	TL 1403	33.3
4	N	29	E	WM	30	SW NE	TL 1403	13.1
4	N	29	E	WM	30	SE NE	TL 1403	7.4
								77.8

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

Onion, peas and alfalfa.

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

The well is equipped with a 20 hp submersible pump. The submersible and a 40 hp booster pump deliver irrigation water to three mini circles.

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

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

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X _____
Signature of Affiant

12-19-07
Date

Signed and sworn to (or affirmed) before me this 12 day of December, 2007.

OFFICIAL SEAL
WILLIAM I PORFILY
NOTARY PUBLIC - OREGON
COMMISSION NO. 376112
MY COMMISSION EXPIRES JAN. 26, 2008

William I Porfily
Notary Public for Oregon

My Commission Expires: JAN 26, 2008

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

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

BILLING DATE Aug 6, 2007

ACCOUNT NUMBER [redacted]

[redacted]

Your Balance With Us

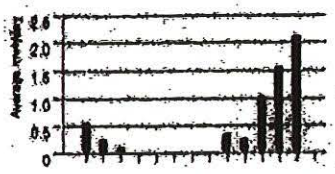
Previous Account Balance	3,024.93
Payments/Credits	-3,024.93
New Charges	+4,211.81
Current Account Balance	**$ 4,211.81**

Payments Received

DATE	DESCRIPTION	AMOUNT
Jul 27, 2007	Payment Received - Thank you	3,024.93
Total Payments		**$ 3,024.93**

pd Ck# 6761 8-15-07

Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	AUG 2007	AUG 2006
Avg. Daily Temp.	74	74
Total kwh	67040	17820
Avg. kwh per Day	2163	527
Cost per Day	$139.96	

Talk with an expert.
Pacific Power has a hotline specifically for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Looking for other ways to pay?
Try ePay and pay online with your checking account, it's free! Or, for a fee, pay by phone with a check, credit or debit card (1-800-608-1939).

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	Jul 6, 2007	Aug 6, 2007	31	11702	12540	80.0	67,040 kwh
21276767	Demand	Aug 6, 2007			1.413	80.0	113 kw
21276767	Reactive	Aug 6, 2007			1.173	80.0	94 kvar

NEW CHARGES - 08/07	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	67,040 kwh	0.0214600	1,438.68
Reactive Power Charge Sec	49 kvar	0.6500000	31.85
(Season End Est Charge Sec Is $1,625.00)			
Supply Energy Sec Summer	67,040 kwh	0.0387400	2,597.13
Public Purpose		0.0300000	122.03
Low Income Assistance	67,040 kwh	0.0003300	22.12
Total New Charges			**4,211.81**

When you provide a check as payment, you authorize us to use the information from your check either to make a

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month

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

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WATER RESOURCES DEPT
SALEM, OREGON

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

6/24/07
6787

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

BILLING DATE: Jun 7, 2007
ACCOUNT NUMBER: [redacted]
DATE DUE: Jun 25, 2007
AMOUNT DUE: $1,722.65

Your Balance With Us

Previous Account Balance	399.18
Payments/Credits	-399.18
New Charges	+1,722.65
Current Account Balance	**$ 1,722.65**

Payments Received

DATE	DESCRIPTION	AMOUNT
May 21, 2007	Payment Received - Thank you	399.18
Total Payments		**$ 399.18**

Historical Data - *ITEM 1*



Year Average Daily kwh Usage by Month

PERIOD ENDING	JUN 2007	JUN 2006
Avg. Daily Temp.	62	61
Total kwh	30800	31840
Avg. kwh per Day	1027	995
Cost per Day	$57.42	

Due to a federal court ruling, BPA has suspended the BPA Energy Discount that you previously received. Your electric rates have not changed, but you will see an increase to your bill since you will no longer be receiving the discount.

Fuel source, environmental impact and price comparison information is available on our Web site at pacificpower.net/orpower.

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	May 7, 2007	Jun 6, 2007	30	10717	11102	80.0	30,800 kwh
21276767	Demand	Jun 6, 2007			1.435	80.0	115 kw
21276767	Reactive	Jun 6, 2007			1.17	80.0	94 kvar

NEW CHARGES - 06/07	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary			
for 6 day(s)	6,160 kwh	0.0214600	132.19
for 24 day(s)	24,640 kwh	0.0214200	527.79
Reactive Power Charge Sec	48 kvar	0.6500000	31.20
(November Estimated Chg Sec Is $1,625.00)			
Supply Energy Sec Summer	30,800 kwh	0.0387400	1,193.19
Public Purpose		0.0300000	56.53
Low Income Assistance	30,800 kwh	0.0003300	10.16
B P A Energy Discount for 24 day(s)	24,640 kwh	-0.0092700	-228.41
Total New Charges			1,722.65

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

RETAIN THIS PORTION FOR YOUR RECORDS

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SALEM, OREGON

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

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

BILLING DATE May 8, 2007
ACCOUNT NUMBER: [redacted]
DATE DUE: May 24, 2007
AMOUNT DUE: $399.18

Your Balance With Us

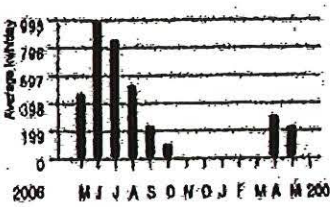
Previous Account Balance	649.29
Payments/Credits	-649.29
New Charges	+399.18
Current Account Balance	$ 399.18

Payments Received

DATE	DESCRIPTION	AMOUNT
Apr 16, 2007	Payment Received - Thank you	649.29
Total Payments		$ 649.29

Rec'd #6722 5-15-07

Historical Data - *ITEM 1*



Your Average Daily kWh Usage by Month

PERIOD ENDING	MAY 2007	MAY 2006
Avg. Daily Temp.	50	51
Total kWh	6960	13870
Avg. kWh per Day	218	466
Cost per Day	$12.47	

Fuel source, environmental impact and price comparison information is available on our Web site at pacificpower.net/orpower.

Talk with an expert.
Pacific Power has a hotline specifically for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	Apr 5, 2007	May 7, 2007	32	10630	10717	80.0	6,960 kwh
21276767	Demand	May 7, 2007			1.438	80.0	115 kw
21276767	Reactive	May 7, 2007			1.143	80.0	91 kvar

NEW CHARGES - 05/07	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary	6,960 kwh	0.0214200	149.08
Reactive Power Charge Sec	45 kvar	0.6500000	29.25
(November Estimated Chg Sec Is $1,625.00)			
Supply Energy Sec Summer	6,960 kwh	0.0387400	269.63
Public Purpose		0.0300000	13.44
Low Income Assistance	6,960 kwh	0.0003300	2.30
B P A Energy Discount	6,960 kwh	-0.0092700	-64.52
Total New Charges			**399.18**

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001 RETAIN THIS PORTION FOR YOUR RECORDS.

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SALEM, OREGON

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

6/24/07
6787

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

BILLING DATE: Jun 7, 2007
ACCOUNT NUMBER: [redacted]
DATE DUE: Jun 25, 2007
AMOUNT DUE: $1,722.65

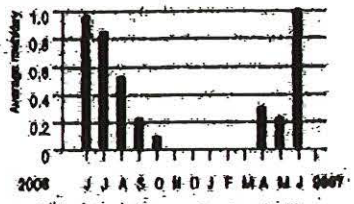
Your Balance With Us

Previous Account Balance	399.18
Payments/Credits	-399.18
New Charges	+1,722.65
Current Account Balance	$ 1,722.65

Payments Received

DATE	DESCRIPTION	AMOUNT
May 21, 2007	Payment Received - Thank you	399.18
	Total Payments	$ 399.18

Historical Data - *ITEM 1*



Your Average Daily kWh Usage by Month

PERIOD ENDING	JUN 2007	JUN 2006
Avg. Daily Temp.	62	61
Total kwh	30800	31840
Avg. kwh per Day	1027	996
Cost per Day	$57.42	

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	May 7, 2007	Jun 6, 2007	30	10717	11102	80.0	30,800 kwh
21276767	Demand	Jun 6, 2007			1.435	80.0	115 kw
21276767	Reactive	Jun 6, 2007			1.17	80.0	94 kvar

NEW CHARGES - 06/07	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary			
for 6 day(s)	6,160 kwh	0.0214600	132.19
for 24 day(s)	24,640 kwh	0.0214200	527.79
Reactive Power Charge Sec	48 kvar	0.6500000	31.20
(November Estimated Chg Sec Is $1,625.00)			
Supply Energy Sec Summer	30,800 kwh	0.0387400	1,193.19
Public Purpose		0.0300000	56.53
Low Income Assistance	30,800 kwh	0.0003300	10.16
B P A Energy Discount for 24 day(s)	24,640 kwh	-0.0092700	-228.41
Total New Charges			**1,722.65**

Due to a federal court ruling, BPA has suspended the BPA Energy Discount that you previously received. Your electric rates have not changed, but you will see an increase to your bill since you will no longer be receiving the discount.

Fuel source, environmental impact and price comparison information is available on our Web site at pacificpower.net/orpower.

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

[illegible] Portland, OR 97256-0001 RETAIN THIS PORTION FOR YOUR RECORDS.

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SALEM, OREGON

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

Pge 6806 11-3-07

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

Closing Bill

BILLING DATE: Oct 30, 2007
ACCOUNT NUMBER: [redacted]
DATE DUE: Nov 19, 2007
AMOUNT DUE: $1,857.02

GOOD PAY STATUS: *Your excellent payment history has qualified you for "Good Pay Status" with us. You may submit this statement to an electric utility as proof of good payment history.*

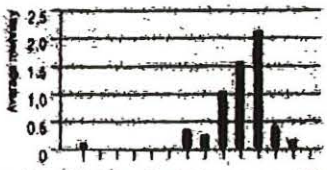
Your Balance With Us

Previous Account Balance	6.31
Payments/Credits	-6.31
New Charges	+1,857.02
Current Account Balance	**$ 1,857.02**

Payments Received

DATE	DESCRIPTION	AMOUNT
Oct 25, 2007	Payment Received - Thank you	6.31
Total Payments		**$ 6.31**

Historical Data - *ITEM 1*



Year Average Daily kwh Usage by Month

PERIOD ENDING	OCT 2007	OCT 2006
Avg. Daily Temp.	51	53
Total kwh	5360	2320
Avg. kwh per Day	109	83
Cost per Day	$8.42	

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	Oct 5, 2007	Oct 26, 2007	21	12686	12753	80.0	5,360 kwh
21276767	Demand	Oct 26, 2007			1.429	80.0	114 kw
21276767	Reactive	Oct 26, 2007			1.169	80.0	94 kvar

NEW CHARGES - 11/07	UNITS	COST PER UNIT	CHARGE
CLOSING CHARGES			
Annual Load Size Charge Sec			
for 299 day(s)	115 kw	11.0000000	1,331.16
for 31 day(s)	115 kw	10.0000000	126.55
Delivery Charge Secondary for 21 day(s)	5,360 kwh	0.0212700	114.01
Reactive Power Charge Sec for 21 day(s)	48 kvar	0.6500000	21.84
(Season End Est Charge Sec is for 21 day(s) $1,137.50)			
Supply Energy Sec Summer for 21 day(s)	5,360 kwh	0.0387400	207.65

See reverse

Customer will be responsible for reasonable costs associated with collection of unpaid accounts, including but not limited to; court costs, attorney's fees and a collection agency fee of 20%.

Talk with an expert.
Pacific Power has a hotline specifically for irrigators. If you have any questions about your pumping account or your billing, please call 1-800-715-9238.

Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001 RETAIN THIS PORTION FOR YOUR RECORDS.

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SALEM, OREGON

PACIFIC POWER

STEVE R KOESTER
33009 W SPEARMAN RD
HERMISTON OR 97838-7325

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

BILLING DATE: Sep 7, 2007
ACCOUNT NUMBER: [redacted]

Your Balance With Us

Previous Account Balance	4,211.81
Payments/Credits	-4,211.81
New Charges	+754.80
Current Account Balance	**$ 754.80**

Payments Received

DATE	DESCRIPTION	AMOUNT
Aug 18, 2007	Payment Received - Thank you	4,211.81
Total Payments		**$ 4,211.81**

Detailed Account Activity

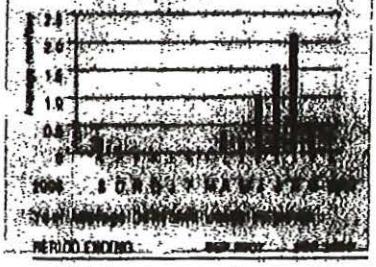
ITEM 1 - ELECTRIC SERVICE

Feedvle Rd .25m Eo Hwy Stanfield OR
Horse Power Rating : 0100.0 Oregon Agricultural Pumping S Schedule 41L
Service ID: 274949887-001

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
21276767	Aug 6, 2007	Sep 6, 2007	31	12540	12685	80.0	11,600 kwh
21276767	Demand	Sep 6, 2007			1.405	80.0	112 kw
21276767	Reactive	Sep 6, 2007			1176	80.0	94 kvar

NEW CHARGES - 09/07	UNITS	COST PER UNIT	CHARGE
Delivery Charge Secondary			
for 15 day(s)	5,613 kwh	0.0212700	119.39
for 16 day(s)	5,987 kwh	0.0214600	128.48
Reactive Power Charge Sec	49 kvar	0.6500000	31.85
(Season End Est Charge Sec Is $1,625.00)			
Supply Energy Sec Summer	11,600 kwh	0.0387400	449.38
Public Purpose		0.0300000	21.87
Low Income Assistance	11,600 kwh	0.0003300	3.83
Total New Charges			754.80

Historical Data - *ITEM 1*



PERIOD ENDING		
Avg. Daily Temp.	68	71
Total kwh	11600	8400
Avg. kwh per Day	374	221
Cost per Day	$39.34	

[redacted]

Talk with an expert. Pacific Power has a team specifically for irrigators. If you have any questions about your energy account or your billing, please call 1-800-715-9238.

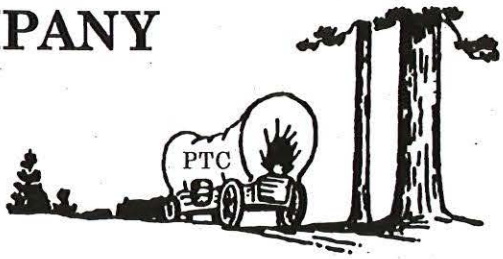
Late Payment Charge for Oregon
A late payment charge of 1.7% may be charged on any balance not paid in full each month.

Write account number on check & mail to: Pacific Power, 1033 NE 6th Ave, Portland, OR 97256-0001 RETAIN THIS PORTION FOR YOUR RECORDS

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JAN 16 2008
WATER RESOURCES DEPT
SALEM, OREGON

PIONEER TITLE COMPANY

P.O Box 128
126 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-4431
Fx: (541) 276-2007



PIONEER ESCROW, INC.
P.O Box 187 • 630 S. Hwy 395
Hermiston, OR 97838
Ph: (541) 567-9743
Fx: (541) 567-7307

PIONEER ESCROW, INC.
178 S. Main St.
Milton-Freewater, OR 97862
Ph: (541) 938-3327
Fx: (541) 938-5089

PIONEER ESCROW, INC.
P.O. Box 1538 • 132 S.E. Court Ave.
Pendleton, OR 97801
Ph: (541) 276-5114
Fx: (541) 276-0484

To: William Porfily
PO Box 643
Stanfield, OR 97875

Order No: 82557
Your No : n/a
Owner : KOESTER
Report : Lot Book Report

TYPE OF POLICY:	AMOUNTS	CODE	PREMIUMS
Lot Book Report Guarantee	$0.00		$200.00

We hereby certify that we have searched our Tract Indices as to the following described property:

All that portion of the East Half of Section 30, Township 4 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon, lying Northerly and Easterly of U.S. Highway No. 395;

Excepting therefrom that tract of land conveyed to James H. Casper, by deed recorded in Microfilm Reel 15, Page 820, Office of Umatilla County Records;

Also excepting therefrom any portion lying within the County Road and Highway rights-of-ways.

And as of December 7, 2007, at 5 o'clock P.M., we find that the last document of record runs to:

STEVEN ROBERT KOESTER and CARI LYNN KOESTER,
tenants in common, as to a fee simple interest

We also find the following monetary incumbrances appearing of record within ten years prior to the date of this search:

NOTE I: 2007-2008 Taxes, $693.77 paid in full.
Code No. 61-3, Map No. 4N-29C, Tax Lot 1403, Serial No. 133548

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

2. City Liens, County Liens, Special Assessments if any.

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JAN 16 2008
WATER RESOURCES DEPT
SALEM OREGON

This is NOT A TITLE REPORT, since no examination has been made of the title to the above described property. Our search for apparent incumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this report and will not be responsible for errors or omissions therein.

Very truly yours,

PIONEER TITLE COMPANY

Jeremy S. Parker
Title Examiner

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JAN 16 2008
WATER RESOURCES DEPT
SALEM, OREGON

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JAN 16 2008
WATER RESOURCES DEPT
SALEM, OREGON

PIONEER TITLE COMPANY

PRIVACY POLICY

An Agent of FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON
WE ARE COMMITTED TO SAFEGUARDING CUSTOMER INFORMATION

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information, particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

APPLICABILITY. This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use the information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

TYPES OF INFORMATION. Depending upon which our services your are utilizing, the types of nonpublic personal information that we may collect include:

A. Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
B. Information about your transactions with us, our affiliated companies, or others; and
C. Information we receive from a consumer reporting agency.

USE OF INFORMATION. We request information from you for our own legitimate business purposes and not for the benefit of any non affiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for use to provide the product or service you have requested to use; or (2) as permitted by law. We may however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purposes, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more or our affiliated companies. Such affiliated companies include financial service providers, such as title insures, property and casualty insures, and trust and investment advisory companies,or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

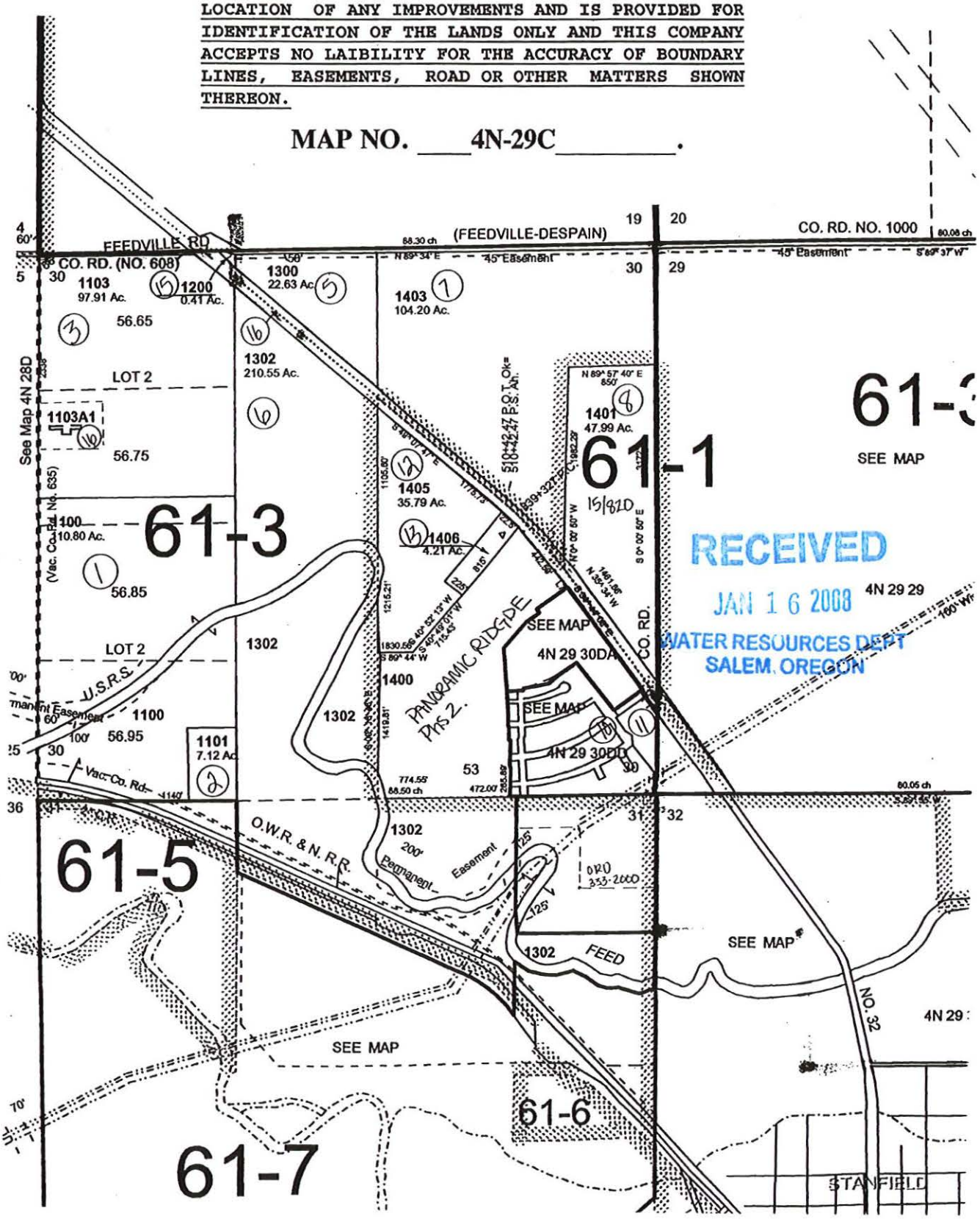
FORMER CUSTOMERS. Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

CONFIDENTIALITY AND SECURITY. We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entitles who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employes and agents to ensure that your information will be handled responsibly and accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

PIONEER TITLE COMPANY

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW THE LOCATION OF ANY IMPROVEMENTS AND IS PROVIDED FOR IDENTIFICATION OF THE LANDS ONLY AND THIS COMPANY ACCEPTS NO LAIBILITY FOR THE ACCURACY OF BOUNDARY LINES, EASEMENTS, ROAD OR OTHER MATTERS SHOWN THEREON.

MAP NO. 4N-29C .



Indicate in this column whether or not the item is satisfied.	**Temporary Transfer Application – OAR 690-380 3000 & 3100** **Completeness Checklist** *Applicant's Name:* Fewel Farms *(Form last revised: March 13, 2007)*

Section A – Status of Right

OK

Is this a Water Right that can be transferred? *[OAR 690-380-0100(14)]*

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

____ 1) an adjudication with a court decree; ***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

OK

Is the proposed change(s) allowed under the Temporary Transfer process? *[ORS 540.523]*

NOTE: Only **POU** changes are allowed on Temporary Transfers.
UNLESS… POA/POD change is necessary to convey water to the new temp place of use.
OR - Character of Use of storage right (R-xxxxx)
OR - In the Deschutes Basin, a change in Use from irrigation to municipal is allowed.

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

Section C - Fees

Refund $50.20

Have the appropriate fees been paid?

Fee Schedule – ORS 536.050(1)(i)

$175 - Base (1st CFS of water)
+ $1 - Per acre of land irrigated
+ $75 - For each cfs or fraction thereof beyond the 1st cfs for non-irrigated land

200
77.80
277.80

Total Required Fees: 277.80
Total Fees Paid: 328.00
Fees Due *(if any)*: ____
Refund Due *(if any)*: 50.20

*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 Temporary Transfer application complete?** All required elements necessary for a complete temporary 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 clearly marks Temporary and indicates the number of years. / *(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 temporary 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? POU	*(Page 1)*
OK	• Current Water Right information is complete?	*(Page 2)*
OK	• If *for a change in **POU**...*	*(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** (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).	
	OR...applicant indicates supplemental right will not be exercised on "From" lands	
	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), ***or***	
	_____ 2) if well logs are **not available**, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable).	*(Page 4)*
	NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
N/A	• Location description of the proposed POA/POD.	*(Page 5)*
	NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.	
	Additionally, if the proposed source is ground water (POA), the applicant must either:	
	_____ 1) supply a copy of the well log(s), ***or***	
	_____ 2) if well logs are **not available** ***or*** the well is **not yet constructed**, describe the construction of the well(s) in the table provided on page 5 of the application.	
OK	• Location description of the proposed POU and associated acres (if applicable).	*(Page 6)*
	NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
	Return back to Page 2 of transfer application	
OK	• The type of change(s) being proposed. POU	*(Page 2)*
OK	• Reason for the temporary transfer.	*(Page 2)*
OK	• Description of current water delivery system.	*(Page 2)*
OK	• System Capacity. 1.33	*(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.	*(Page 2)*
OK	• Is there a box checked in #6?	*(Page 2)*
OK	• Is the #6 supporting documentation included with application?	*(Page 2)*
OK	• Is there an original signature of the notary and notary stamp?	*(Page 2)*
	Return back to Page 3 of transfer application	
NONE	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided. And agreement with district to deliver water to "To" lands	*(Page 3)*
OK	• Is the applicant the Landowner of the "from" and "to" Lands? **YES** **NO** If ***NO***….. The applicant must list current landowner name & address. And include a notarized statement granting consent to the transfer from each landowner.	*(Page 4)*
OK	• Who will be responsible for completion of the changes? Applicant Is a box checked? If no box is checked the applicant or agent must be contacted.	*(Page 4)*
OK	• 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 - then 3 copies of map is needed & an electronic pdf of map __north arrow __size & scale __other: _____ __authorized acreage per ¼ ¼ matches the water right __authorized POD/POA and POU *(clearly shown, labeled & matches application listing)* __point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR __proposed POD/POA and/or POU *(clearly shown, labeled & matches application "proposed" listing)* __location coordinates accurately describe the point identified as the proposed POD/POA	*(Page 5)*
N/A	• Land Use form, *if applicable.* Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance ***and*** 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)*
OK	• Is a copy of the current deed included for the From lands?	*(Page 5)*
OK	• Signature(s) of applicant(s): Are one of the boxes checked? (not needed for Temporary Transfer) ***All*** applicants listed on page 1 of the application **must sign** the application.	*(Page 6)*

WRD Completeness Reviewer's Name: S. Henderson **Date:** 1-22-08