T-13525

T-13525

Name Farmland Reserve, inc
attn Jens Rasmussen
Address PO BOX 2308
Pasco WA 99302

Change in POD
Date Filed 9/9/2020
Initial notice date 9/29/2020
DPD issued date 1/31/22 ; rev. DPD 12/8/22
PD issued date 2-10-2023
PD notice date
Date of FO 4/5/23 Vol 128 Page 53-71

C-Date 10/1/2024
COBU due date 10/1/2025
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Columbia river
Trib. of Pacific Ocean
Use Irrigation County Morrow
Quantity of water (CFS) No. of Acres
Name of ditch

App#	Per #	Cert #	PR Date
S-50951	S-37150	92990	7/25/1973
S-50951	S-37150	92992	7/25/73
" "	" "	92993	7/25/73
S50771	S 36940	92994	6/29/73

FEES PAID

Date	Amount	Receipt #
9.9.2020	$16,020.00	133442
07/28/22	$5,470.00	138772
1/30/23	$680.40	140052
4/4/25	$125.00	144972

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

COBU MAP #2137
A-9/A-5

Irrigation District Columbia Improvement
Agent GSI water solutions - Ted Ressler
CWRE
CC's list Morrow County
Umatilla County

☐ - Oversized map – Location

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 133442

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

INVOICE # _____

RECEIVED FROM: Farmland Reserve, Inc.
BY: FRI - Farmland Reserve A/P

APPLICATION	
PERMIT	
TRANSFER	T-13525

CASH: ☐ CHECK:# ☒ 24289 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 16,020.00

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

46110

MISCELLANEOUS

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

		EXAM FEE		RECORD FEE
	WATER RIGHTS:			
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 16,020.00		

		EXAM FEE		LICENSE FEE
	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

RECEIVED OVER THE COUNTER

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

RECEIPT: 133442 DATED: 9-9-2020 BY: _____

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

RA Mailing List for Certificate

Scheduled Mailing Date:

Application: T-13525

Certificate: 98856 (cf-92990)
Certificate: 98857 (cf-92992)
Certificate: 98858 (cf-92993)
Certificate: 98859 (cf-92994)
Certificate: 98860 (cf-93872)
Certificate: 98861 (cf-95562)

Copies Mailed
by: TM
(STAFF)
on: DEC 19 2025
(DATE)

Water Right Holder:

FARMLAND RESERVE, INC.
ATTENTION: JEN RASMUSSEN
PO BOX 2308
PASCO WA 99302

Copies of Final Certificate to be sent to:

1. Watermaster District 5 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?
YES – Map taxlots 2N2700500, 2N2800900, 2N2801000, 2N2801300, 2N2801500, 2N2801501, 2N2801600, 2N2801700, 2N2801701, 2N2801702, 3N2809000, and 3N283100300 owned Farmland Reserve Inc. per UMATILLA Co Assess
YES – Map taxlot 2N2600-00-03416 owned by Farmland Reserve Inc. per MORROW County Assessor

Other persons to receive copies: (include map):

1. Ted Ressler, CWRE, Summit Water Resources LLC, 4784 SE 17TH Ave., Suite 111, Portland OR 97202
2. West Extension Irrigation District, PO Box 100, Irrigon OR 97844
3. Columbia Improvement District, 501 NE Columbia Avenue, Boardman OR 97818
4. Farmland Reserve Inc., ATTN: Tax Administration, PO Box 511196, Salt Lake City UT 84151
5. Mid-Columbia Water Commission, PO Box 47, Boardman OR 97818

Record Marking(s):

1. Original Application# S-50951
2. Old Certificate# 92990
3. Original Application# S-50951
4. Old Certificate# 92992
5. Original Application# S-50951
6. Old Certificate# 92993

7. Original Application# S-50771
8. Old Certificate# 92994
9. Original Application# S-50771
10. Old Certificate# 93872
11. Original Application# S-50771
12. Old Certificate# 95562

Per WRIS, lands also in the County Line Water Improvement District and Mid-Columbia Water Commission - West – I could not find addresses for these entities

Columbia Improvement District, PO Box 47, Boardman OR 97818
Mid-Columbia Water Commission, PO Box 47, Boardman OR 97818

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
www.oregon.gov/owrd

Date Mailed: DEC 19 2025

NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm the water rights established under the terms of a transfer order issued by this Department.

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

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions, please contact Kerry Kavanagh at 503-979-3208.

STATE OF OREGON

COUNTY OF MORROW, UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
PO BOX 2308
PASCO WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 133.59 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT S-37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGRESS 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Water use measurement conditions:

A. The water user shall maintain in good working order, a totalizing flow meter or another suitable measuring device approved by the Director, at each point of appropriation.

B. The water user shall the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall install and maintain headgates, in-line flow meters, weirs or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

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

The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, supersedes Certificate 92990, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF MORROW, UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
AGRINORTHWEST PO BOX 2308
PASCO WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 1425.07 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 15, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 30.72 CUBIC FEET SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT S-37150 DOES NOT EXCEED 140.1 CFS or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGRESS 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NE NE	1	33.08
2 N	28 E	WM	5	NW NE	2	31.09
2 N	28 E	WM	5	SW NE		29.83
2 N	28 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.77
2 N	28 E	WM	7	SE NE		28.78
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		6.15
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.44
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.73

Water use measurement conditions:

A. The water user shall maintain in good working order, a totalizing flow meter or another suitable measuring device approved by the Director, at each point of appropriation.

B. The water user shall the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall install and maintain headgates, in-line flow meters, weirs or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, supersedes Certificate 92992, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF MORROW, UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
PO BOX 2308
PASCO WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 39.71 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.99 CUBIC FOOT PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT S-37150 DOES NOT EXCEED 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW 1/4), Section 2, T2N, R25E, W.M.; 150 SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGRESS 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.02
3 N	28 E	WM	31	NE SE	29.11
3 N	28 E	WM	31	NW SE	3.94
3 N	28 E	WM	32	NW SW	5.32

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Water use measurement conditions:

A. The water user shall maintain in good working order, a totalizing flow meter or another suitable measuring device approved by the Director, at each point of appropriation.

B. The water user shall the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall install and maintain headgates, in-line flow meters, weirs or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include the Gro-Point Sensor data (or other monitoring data of similar or superior accuracy) at 1, 3 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster. Modification to the monitoring program could occur if approved by the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class. Each paired site shall consist of a pair of access tubes located on the outer edge of the irrigated strip between the tree rows such that the outer edges of the sphere of influence is at the edge of the dry zone. (In this description, outer means area farthest away from the tree). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, monitoring data and flow data, including access to real time data on an internal website, shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, supersedes Certificate 92993, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF MORROW, UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
PO BOX 2308
PASCO WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 164.90 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.08 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGRESS 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	0.39
4 N	26 E	WM	19	SW NW	2	8.59
4 N	26 E	WM	19	SE NW		4.74
2 N	28 E	WM	17	NE NW		1.25
2 N	28 E	WM	17	NW NW		28.89
2 N	28 E	WM	17	SW NW		29.99
2 N	28 E	WM	17	SE NW		3.84
2 N	28 E	WM	17	NE SW		4.22
2 N	28 E	WM	17	NW SW		29.46
2 N	28 E	WM	17	SW SW		29.57
2 N	28 E	WM	17	SE SW		19.94

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	28 E	WM	31	NE SW		1.42
3 N	28 E	WM	31	SE SW		0.01
3 N	28 E	WM	31	NE SE		0.79
3 N	28 E	WM	31	NW SE		1.80

Water use measurement conditions:

A. The water user shall maintain in good working order, a totalizing flow meter or another suitable measuring device approved by the Director, at each point of appropriation.

B. The water user shall the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

The water user shall install and maintain headgates, in-line flow meters, weirs or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at the Cherokee Strip pump site, Booster Pump station #1, and each field control manifold. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include Troxler Sentry capacitance probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, monitoring data and flow data shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring data report shall be provided in a reasonable summary format as approved by the Watermaster. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, together with Certificate 96965, supersedes Certificate 92994, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
PO BOX 2308
PASCO WA 99302

confirms the right to the use of water perfected under the terms of Permit S-36940. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 866.76 ACRES

MAXIMUM RATE: 9.14 CUBIC FEET PER SECOND (CFS)

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 29, 1973

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	30 E	WM	8	SW NW		STAHL PUMP STATION -- (POD 2 - NEW) - 2860 FEET NORTH AND 70 FEET EAST FROM SW CORNER, SECTION 8
5 N	30 E	WM	8	SW NW		EAST IMPROVEMENT DISTRICT PUMP STATION (ADDITIONAL) - 2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	1	NE NE	1	1.02
2 N	27 E	WM	1	SE NE		0.57
2 N	28 E	WM	6	NE NW	3	34.33
2 N	28 E	WM	6	NW NW	5	11.93
2 N	28 E	WM	6	SW NW	4	21.36
2 N	28 E	WM	6	SE NW		16.84
3 N	28 E	WM	31	SW SW		0.84
3 N	28 E	WM	31	SE SW		4.99
3 N	29 E	WM	2	NE NW		32.88
3 N	29 E	WM	2	NW NW		20.14
3 N	29 E	WM	2	SW NW		9.74
3 N	29 E	WM	2	SE NW		16.72
3 N	29 E	WM	2	NE SW		8.49
3 N	29 E	WM	2	NW SW		19.26
3 N	29 E	WM	2	SW SW		34.81
3 N	29 E	WM	2	SE SW		16.65
3 N	29 E	WM	3	NE NE		30.73
3 N	29 E	WM	3	NW NE		34.24
3 N	29 E	WM	3	SW NE		32.16
3 N	29 E	WM	3	SE NE		28.26
3 N	29 E	WM	3	NE NW		30.01
3 N	29 E	WM	3	NW NW		22.87
3 N	29 E	WM	3	SE NW		11.76
3 N	29 E	WM	3	NE SW		29.31
3 N	29 E	WM	3	NW SW		29.91
3 N	29 E	WM	3	SW SW		30.28
3 N	29 E	WM	3	SE SW		28.43
3 N	29 E	WM	3	NE SE		30.00
3 N	29 E	WM	3	NW SE		32.88
3 N	29 E	WM	3	SW SE		32.90
3 N	29 E	WM	3	SE SE		29.44
3 N	29 E	WM	13	SW SE		31.36
3 N	29 E	WM	13	SE SE		30.29
3 N	29 E	WM	24	NE NE		0.01
3 N	29 E	WM	24	NW NE		0.01
3 N	30 E	WM	3	NE SW		14.63
3 N	30 E	WM	3	NW SW		21.76
3 N	30 E	WM	3	SW SW		33.55
3 N	30 E	WM	3	SE SW		27.33
3 N	30 E	WM	3	SW SE		24.07

Water use measurement conditions:

A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of diversion (new and existing).

B. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

To prevent expansion of the original right (Certificate 79482), Farmland Reserve, Inc., shall install such measuring devices deemed appropriate by the District #5 Watermaster.

The quantity of water diverted at the new point of diversion (Stahl Pump Station (POD 2 NEW)) and the additional point of diversion (East Improvement District Pump Station), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1) as described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION (POD 1 - ORIGINAL) – SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

The water user shall maintain and operate fish screening and by-pass device, as appropriate, at the points of diversion consistent with the Oregon Department of Fish and Wildlife (ODFW) operational and maintenance standards.

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

This certificate is issued to confirm changes in POINT OF DIVERSION, ADDITIONAL POINT OF DIVERSION, and PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, supersedes Certificate 93872, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE, INC.
PO BOX 2308
PASCO WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 30.58 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.51 CUBIC FOOT PER SECOND, if available at the original point of diversion: LOT 7 (NE NW, Section 2, T4N, R25E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2) or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and an annual volume limitation of 107.03 acre feet. 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	GLot	Acres
4 N	26 E	WM	19	NW NW	1	11.17
4 N	26 E	WM	19	SW NW	2	19.41

Water use measurement conditions:

A. The water user shall maintain in good working order, a totalizing flow meter or another suitable measuring device approved by the Director, at each point of appropriation.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

B. The water user shall the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered APRIL 5, 2023, at Special Order Volume 128, Page 53, approving Transfer Application T-13525, together with Certificate 96966, supersedes Certificate 95662, State Record of Water Right Certificates.

Issued DEC 19 2025.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie
Transfer #: T-13525	
Date Received: 4/4/25	
CWRE Name: Ted Ressler	
Priority Date (s): 7/25/1973 & 6/29/1973	

Fees Required:

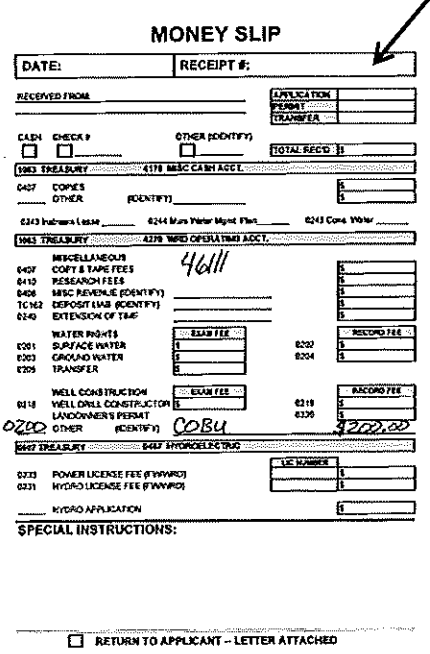
☐ YES NO ☐ A fee of $230 must accompany this form for permits with priority dates of July 9, 1987, or later.

☐ YES NO ☑ A fee of $230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

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


MONEY SLIP

DATE: RECEIPT #:

RECEIVED FROM

APPLICATION
PERMIT
TRANSFER

CASH CHECK # OTHER (IDENTIFY) TOTAL RECD $

5963 TREASURY 4170 MISC CASH ACCT.

0427 COPIES $
OTHER (IDENTIFY) $

0243 Instream Lease 0244 Mun Water Mgmt Plan 0245 Conv. Water

5963 TREASURY 4270 WRD OPERATING ACCT.

MISCELLANEOUS
0427 COPY & TAPE FEES 4611
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 $

WELL CONSTRUCTION EXAM FEE RECORD FEE
0218 WELL DRILL CONSTRUCTOR $ 0219 $
LANDOWNER'S PERMIT 0220 $
0200 OTHER (IDENTIFY) COBU 3200.00

5947 TREASURY 5947 HYDROELECTRIC

LIC NUMBER
0233 POWER LICENSE FEE (FWWRD) $
0231 HYDRO LICENSE FEE (FWWRD) $
HYDRO APPLICATION $

SPECIAL INSTRUCTIONS:

☐ RETURN TO APPLICANT – LETTER ATTACHED

Report Review:

☑ On form provided by the Department (OAR 690-014-0100(1))
☑ Application & permit #; or transfer # (OAR 690-014)
☑ Ownership information (OAR 690-014)
☑ Date of survey (OAR 690-014)
☑ Person interviewed (OAR 690-014)
☑ County (OAR 690-014)
☑ CWRE stamp and signature (OAR 690-014-0100)
☑ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
☐ Pump Test required (Priority Date on or after December 20, 1988)
☐ Pump Test submitted
☐ Pump Test not submitted

Oregon
Tina Kotek, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
www.oregon.gov/owrd

April 4, 2025

Farmland Reserve, Inc.
Attn: Jens Rasmussen
PO Box 2308
Pasco, WA 99302

On April 4, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-13525

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13525

April 2, 2025

Ms. Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Transfer T-13525 and Request for Reimbursement Authority Processing

Ms. Kavanagh:

On behalf of the water right holder, please find enclosed a Claim of Beneficial Use (COBU) report for Transfer T-13525. The water right holder would like to use Reimbursement Authority processing for the COBU and Reimbursement Authority Estimate Application is enclosed. Please also find enclosed as check in the amount of $125 for payment of the Reimbursement Authority Estimate fee.

If you have any questions regarding this submittal, please call me at 503-967-7050 x204. Thank you for your assistance and I look forward to hearing from you soon

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: Jacob Fullerton – AgReserves
Jens Rasmussen – AgReserves



Enclosures:
Claim of Beneficial Use for Transfer T-13525
Certificate Reimbursement Authority Estimate Application for Transfer T-13525
Check #40715 in the amount of $125

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water

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

A fee of $230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

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

Transfer T-13525 involves water rights priority dates of 6/29/1973 or 7/25/1973; therefore, no fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

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

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

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

If you have questions regarding the completion of this form, please call 503-979-9103.

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

Received
APR 04 2025
OWRD

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes. **YES**
Mark all that apply:

1. ☒ Change in POD(s) or Additional POD(s)
2. ☒ Change in Place of Use
3. ☐ Change in Character of Use
4. ☐ Change in Character of Use – Reservoir

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION #
T-13525

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Farmland Reserve, Inc., Attn: Jens Rasmussen		509-820-3234	
ADDRESS PO Box 2308			
CITY Pasco	STATE WA	ZIP 99302	E-MAIL jrasmussen@agrinw.com

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

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

TRANSFER HOLDER OF RECORD Farmland Reserve, Inc., c/o AgriNorthwest		
ADDRESS PO Box 2308		
CITY Pasco	STATE WA	ZIP 93302

4. Date of Site Inspection:

10/18/2017, 10/23/2019, and 9/11/2024

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jacob Fullerton	9/11/2024	Senior Natural Resource Analyst, AgReserves
Luke Maynard	10/18/2017 October 2019	Former Central Functions Manager, AgriNorthwest

6. County:

Morrow and Umatilla

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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APR 04 2025
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SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **NO**

*If "**NO**", this Section can be deleted.*

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:
If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
133.59	**133.59**

2. Variations:
Was the use developed differently from what was authorized by the transfer final order? **NO**
If yes, describe below.
(e.g. *"The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."*)

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

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APR 04 2025
OWRD

SECTION 2

SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



RENEWS: 12-31-2026

CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Theodore R Ressler		**503-701-4535**	
ADDRESS **Summit Water Resources, LLC, 4784 SE 17th Avenue, Suite 111**			
CITY **Portland**	STATE **OR**	ZIP **97202**	E-MAIL **tressler@summitwr.com**

Transfer Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Pat Tolman	V.P.	24/03/25

Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

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APR 04 2025
OWRD

Portion of Transfer T-13525 associated with former Certificate 92992

SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **NO**

*If "**NO**", this Section can be deleted.*

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:
If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
1425.07	1425.07

2. Variations:
Was the use developed differently from what was authorized by the transfer final order? **NO**
If yes, describe below.
(e.g. *"The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."*)

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

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APR 04 2025
OWRD

Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

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Portion of Transfer T-13525 associated with former Certificate 92993

SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **NO**

*If "**NO**", this Section can be deleted.*

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:
If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
39.71	39.71

2. Variations:
Was the use developed differently from what was authorized by the transfer final order? **YES**
If yes, describe below.
(e.g. *"The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."*)

Place of Use. The water user has completed the change in place of use authorized under Transfer T-13525; however, as a result of more detailed mapping of the place use during development of the COBU map, the distribution of acres within the quarter-quarters authorized differs slightly from that stated in the Final Order approving T-13525. Refer to the place of use listing provided in Attachment 3.

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

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Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

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Portion of Transfer T-13525 associated with former Certificate 92994

SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **NO**

*If "**NO**", this Section can be deleted.*

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:
If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
164.90	164.90

2. Variations:
Was the use developed differently from what was authorized by the transfer final order? **YES**
If yes, describe below.
(e.g. *"The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."*)

Place of Use. The water user has completed the change in place of use authorized under Transfer T-13525; however, as a result of more detailed mapping of the place use during development of the COBU map, the distribution of acres within the quarter-quarters authorized differs slightly from that stated in the Final Order approving T-13525. Refer to the place of use listing provided in Attachment 3.

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

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Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

1.

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Portion of Transfer T-13525 associated with former Certificate 93872

SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **YES**

*If "**NO**", this Section can be deleted.*

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
Stahl Pump Station	Columbia River
East Improvement District (EID) Pump Station	Columbia River

2. Variations:
Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**
If yes, describe below.
(e.g. *"The order allowed three new/additional points of diversion. The water user only developed one of the points."*)

N/A

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Stahl Pump Station	5.25 [A]	138 cfs	Not measured
EID Pump Station	9.14 [A]	200 cfs	21.2 cfs [B]

Notes:
[A] The Stahl Pump Station is an existing, authorized point of diversion for 3.89 cfs (368.93 ac) under former Cert. 93872 (POD 2 per T-13525). T-13525 changed the point of diversion for 5.25 cfs (497.83 ac) under former Cert. 93872 from POD 1 to the Stahl Pump Station (POD 2 per T-13525) and the EID Pump Station (POD 3 per T-13525). T-13525 also added the EID Pump Station (POD 3 per T-13525) as an APOA for 3.89 cfs (368.93 ac) under former Cert. 93872.
[B] The observed rate is the combination of water diverted for use under T-13525 (9.14 cfs) and addition water diverted for use under other water rights held by FRI.

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System Description

Are there multiple new or additional Points of Diversion (POD)? **YES**

If *"YES"* you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

Stahl Pump Station

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

ID	Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Stahl Pump Station						
1	BJ	20MQX1H2 (3 stage)	NR	Turbine	NR	16"
2	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
3	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
4	BJ	20MQX1H2 (3 stage)	NR	Turbine	NR	16"
5	BJ	20MQX1H2 (3 stage)	NR	Turbine	NR	16"
6	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
7	Layne	15 H 277 (6 stage)	NR	Turbine	NR	16"
8	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
9	BJ	20MQX1H2 (3 stage)	NR	Turbine	NR	16"
10	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
11	Layne	20 KKH (3 stage)	NR	Turbine	NR	16"
12	BJ	20MQX1H2 (3 stage)	NR	Turbine	NR	16"
Stahl Main Booster Pump Station						
1	Layne	26M790 (3 stage)	W98065	Turbine	NR	24"
2	Layne	26M790 (3 stage)	W98066	Turbine	NR	24"
3	BJ	20 KXH (1 stage)	731S0138	Turbine	NR	16"
4	Layne	18NKH (3 stage)	W99108	Turbine	NR	16"
5	BJ	20 MQXH (2 stage)	NR	Turbine	NR	16"
6	BJ	20 MQXH (2 stage)	NR	Turbine	NR	16"
7	BJ	20 MQXH (2 stage)	751S0023	Turbine	NR	16"
8	BJ	20 MQL (2 stage)	NR	Turbine	NR	14"
Stahl Booster Pump Station #3						
1	Layne	20NKL (1 stage)	NR	Turbine	NR	16"
2	Layne	16NKL (2 stage)	NR	Turbine	NR	12"

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2. Motor Information

ID	MANUFACTURER	HORSEPOWER
Stahl Pump Station		
1	Yaskawa	1000
2	US Motors	1000
3	US Motors	1000
4	General Electric	1000
5	US Motors	1000
6	US Motors	1000
7	US Motors	500
8	US Motors	1000
9	Yaskawa	1000
10	US Motors	1000
11	US Motors	1000
12	General Electric	1000
Stahl Main Booster Pump Station		
1	US Motors	700
2	US Motors	700
3	US Motors	600
4	US Motors	600
5	US Motors	600
6	US Motors	600
7	US Motors	600
8	General Electric	400
Stahl Booster Pump Station #3		
1	US Motors	250
2	US Motors	100

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
Stahl Pump Station				
11,500 [A]	Design total dynamic head = 585 ft [B, C]			138.4

Notes:

[A] Combined horsepower of the pumps at the diversion. The number of pumps operated simultaneously depends on the demand on the system.

[B] The design total dynamic head for the diversion pumps as listed on the nameplate of the pumps.

[C] The downstream booster pump stations function to reduce the operational head at the Stahl Pump Station. In calculating the theoretical capacity, it is assumed that the booster pump stations downstream of the Stahl Pump Station reduce the operational head to the design total dynamic head of the pumps at the Stahl Pump Station.

4. Provide pump calculations:

Q_{pump} = (Hp)(conversion factor) = cfs
(lift + pressure) *total head in feet*

Conversion factor:

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Turbine & Submersible Pumps, 80% eff. (550 ft lb/sec/Hp)(.80) = 7.04 ft^4/sec/Hp
(62.4 lb/cu ft)

Stahl River Pump Station

$Q_{pump} = \frac{(11{,}500)(7.04)}{[585]} = 138.4$ cfs

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5. Measured Pump Capacity (using meter if meter was present and system was operating)

Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)
Not measured.			

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

B. Gravity Flow Pipe

(The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

1. Does the diversion involve a gravity flow pipe? NO

If "NO", items 2 through 4 relating to this section may be deleted.

C. Gravity Flow Canal or Ditch

(The Department typically uses Manning's formula for canals and ditches)

1. Does the diversion involve a gravity flow ditch or canal? NO

If "NO", items 2 through 4 relating to this section may be deleted.

POD Name or Number this section describes (only needed if there is more than one):

EID Pump Station

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

ID	Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
EID Pump Station						
1	National Pump	K20	Not available	Vertical Turbine	24"	20"
2	National Pump	H24	Not available	Vertical Turbine	26"	24"
3	National Pump	H24	Not available	Vertical Turbine	26"	24"
4	National Pump	H24	Not available	Vertical Turbine	26"	24"
5	National Pump	H24	Not available	Vertical Turbine	26"	24"

6	National Pump	H24	Not available	Vertical Turbine	26"	24"
7	National Pump	H24	Not available	Vertical Turbine	26"	24"
8	National Pump	H24	Not available	Vertical Turbine	26"	24"
9	National Pump	H24	Not available	Vertical Turbine	26"	24"
10	National Pump	H24	Not available	Vertical Turbine	26"	24"
Despain Gulch Booster Station						
DG-P1	Simflo	SM28H	Not available	Vertical Turbine	28"	24"
DG-P3	Simflo	SM24M	Not available	Vertical Turbine	24"	18"
DG-P5	Simflo	SM28H	Not available	Vertical Turbine	28"	24"
Stage Gulch Booster Station						
SG-P1	Cornell	6RB-CC	Not available	Centrifugal	10"	6"
SG-P2	Cornell	6RB-CC	Not available	Centrifugal	10"	6"
SG-P3	Cornell	6RB-CC	Not available	Centrifugal	10"	6"
SG-P4	Cornell	6RB-CC	Not available	Centrifugal	10"	6"
586 Booster Station						
586-P1	Cornell	6HH-200-4	Not available	Centrifugal	8"	6"
586-P2	Cornell	6HH-200-4	Not available	Centrifugal	8"	6"
586-P3	Cornell	6HH-200-4	Not available	Centrifugal	8"	6"
586-P4	Cornell	6HH-200-4	Not available	Centrifugal	8"	6"

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2. Motor Information

ID	MANUFACTURER	HORSEPOWER
EID Pump Station		
1	U.S. Motor	1000 HP
2	U.S. Motor	2000 HP
3	U.S. Motor	2000 HP
4	U.S. Motor	2000 HP
5	U.S. Motor	2000 HP
6	U.S. Motor	2000 HP
7	U.S. Motor	2000 HP
8	U.S. Motor	2000 HP
9	U.S. Motor	2000 HP
10	U.S. Motor	2000 HP
Despain Gulch Booster Station		
DG-P1	U.S. Motor	800
DG-P3	U.S. Motor	400
DG-P5	U.S. Motor	800
Stage Gulch Booster Station		
SG-P1	Baldor	125
SG-P2	Baldor	125
SG-P3	Baldor	125
SG-P4	Baldor	125
586 Booster Station		
586-P1	Baldor	200
586-P2	Baldor	200
586-P3	Baldor	200
586-P4	Baldor	200

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3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
EID Pump Station				
19,000 [A]	Design total dynamic head = 669 ft [B, C]			200

Notes:

[A] Combined horsepower of the pumps at the diversion. The number of pumps operated simultaneously depends on the demand on the system.

[B] The estimated total dynamic head based on the 200 cfs design output of the pump station.

[C] The downstream booster pump stations function to reduce the operational head at the EID river pump station.

4. Provide pump calculations:

$$Q_{pump} = \frac{(Hp)(\text{conversion factor})}{(\text{lift + pressure}) \textit{ total head in feet}} = \text{cfs}$$

Conversion factor:

Turbine & Submersible Pumps, 80% eff. $\frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4\text{/sec/Hp}$

EID Pump Station

$$Q_{pump} = \frac{(19{,}000)(7.04)}{[669]} = 200 \text{ cfs}$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)
Instantaneous flow rate observed at the FRI Dispain Booster Station [A] flow meter on 9/11/2024 at 11:00 AM			**21.2 cfs (9,543 gpm) [B]**

Notes:

[A] **The Dispain Booster Station is the point of entry of water from the EID Pump Station to the FRI delivery system.**

[B] **The observed rate is the combination of water diverted for use from the EID Pump Station under T-13525 (9.14 cfs) and addition water diverted for use under other water rights held by FRI.**

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

B. Gravity Flow Pipe

(The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

1. Does the diversion involve a gravity flow pipe? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

C. Gravity Flow Canal or Ditch

(The Department typically uses Manning's formula for canals and ditches)

1. Does the diversion involve a gravity flow ditch or canal? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

The # of acres allowed	The # of acres developed	Associated POD
866.76	**866.76**	**Stahl Pump Station and EID Pump Station**

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **NO**

If yes, describe below.

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

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

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SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **NO**

*If "**NO**", this Section can be deleted.*

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES**

*If "**NO**", this Section can be deleted.*

1. Claim Summary – Authorized Use:
If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
30.58	30.58

2. Variations:
Was the use developed differently from what was authorized by the transfer final order? **YES**
If yes, describe below.
(e.g. *"The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."*)

Place of Use. The water user has completed the change in place of use authorized under Transfer T-13525; however, as a result of more detailed mapping of the place use during development of the COBU map, the distribution of acres within the quarter-quarters authorized differs slightly from that stated in the Final Order approving T-13525. Refer to the place of use listing provided in Attachment 3.

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **NO**

*If "**NO**", this Section can be deleted.*

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Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? **NO**

*If "**NO**", this Section can be deleted.*

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SECTION 4

CONDITIONS

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

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	4/5/2023	
COMPLETENESS DATE FROM ORDER (C)	10/1/2024	2024 irrigation season. All changes were completed prior to 9/11/2024 site inspection.

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)? **NO**

If "NO", you may delete the following table.

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES**

(required at both "new" and "existing" PODs)

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

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

b. Has a meter been installed? **YES**

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c. Meter Information

POD Name or #	Manufacturer	Serial #	Condition (working or not)	Current Meter Reading	Date Installed
Stahl Pump Station ("new")					
• Stahl Main Booster Pump Station	Panametrics	7901	Working	Not available	March 2010
• Farmland Reserve Main Pump Station	Panametrics	7855	Working	3,875.8 AF *(10/18/2017)*	March 2010
EID Pump Station ("new")					
• EID River Pump Station	Panametrics	Not available	Working	12,398 AF *(9/19/2024)*	2020
• FRI Dispain Booster Pump Station (1 of 2)	Panametrics	Not available	Working	5644.2AF *(9/18/2024)*	2020
• FRI Dispain Booster Pump Station (2 of 2)	Panametrics	Not available	Working	5031.3 AF *(9/18/2024)*	2020
Columbia River Pump Station ("existing")					
• Boardman Farm System	Panametrics	4719	Working	897,026 gal *(9/11/2024)*	Prior to 2019
• Columbia Improvement District System 1 of 2	Dynasonics	DTFXB-2N-DKNN-NN	Working	369,212 AF *(9/11/2024)*	Prior to 2019

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

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

If "NO", item b relating to this section may be deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? **YES**

c. When was the fish screening installed?

POD	Date	By Whom
Stahl Pump Station	**2013**	**Cascade Dive**
EID Pump Station	**2020**	**HME Construction, Inc.**

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Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump** *and* the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA**

If not, go to https://www.oregon.gov/OWRD/Forms/Pages/default.aspx , complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** *or* the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **YES**
  Stahl Pump Station – This point of diversion is owned, operated, and maintained by an entity other the water user. It is the water user's understanding that ODFW and NMFS were consulted by the owner of the Stahl Pump Station during the planning, design, and installation of the upgraded replacement fish screens in 2013 (refer to Attachment 4).
  EID Pump Station – ODFW fish screen inspection letter is provided in Attachment 4.

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:
https://www.oregon.gov/OWRD/Forms/Pages/default.aspx

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **YES**

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass devices been installed? **NO**

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

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DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
No by-pass device is necessary because there is a direct diversion from the source by pump; the intake of the pump is equipped with a fish screen as documented in Item 5.	**NA**	**NA**

7. Other conditions required by the transfer final order or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? **NO**

b. Was a fishway required? **NO**

c. Other conditions? **NO**

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

SECTION 5

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Attachment 1	**Maps**
Attachment 2	**Water Right Information**
Attachment 3	**Place of Use Listing**
Attachment 4	**Fish Screening Documentation**

SECTION 6

CLAIM OF BENEFICIAL USE MAP

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of

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diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

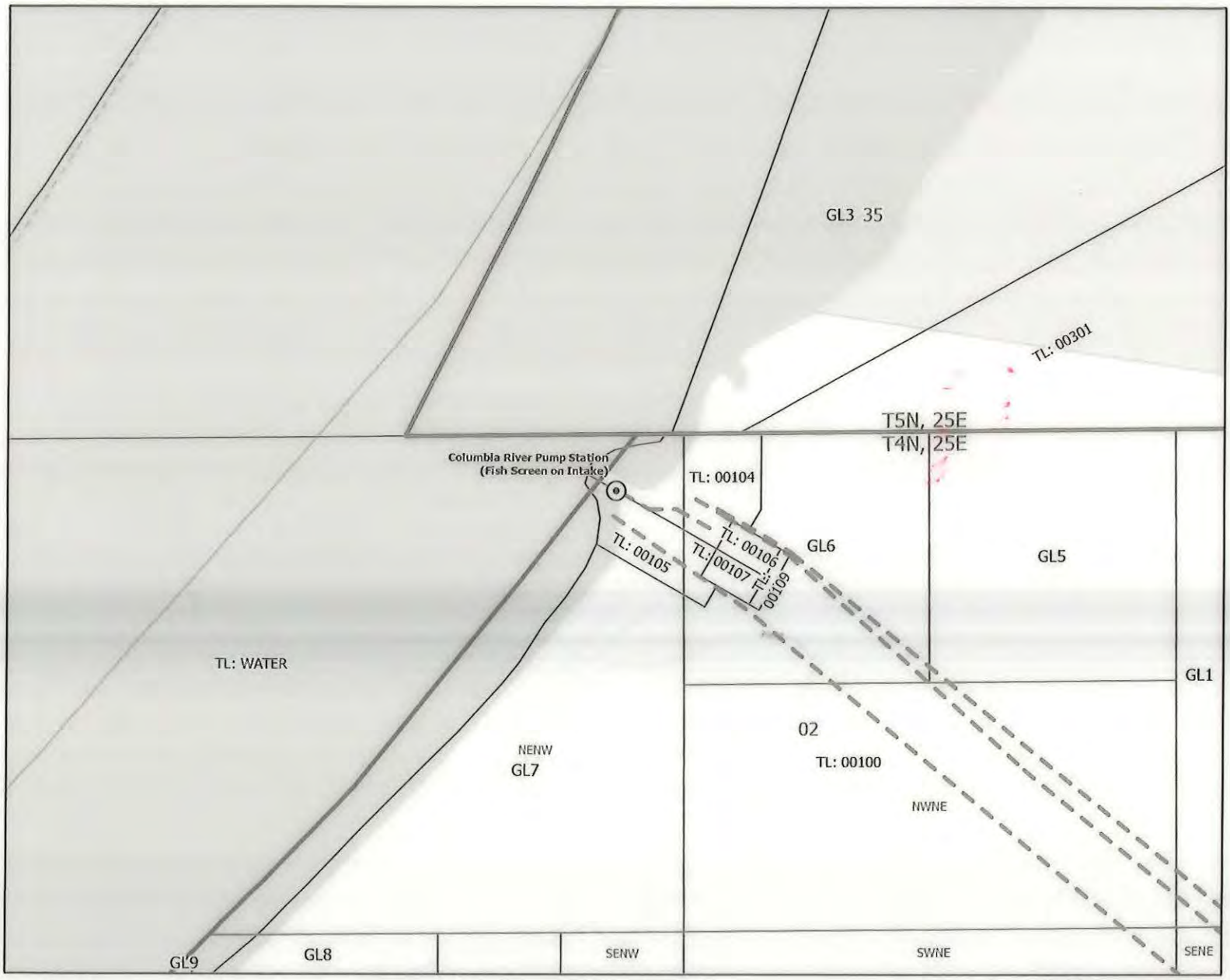
Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification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

The point of diversion, visible system components, and the place of use were visited during the site inspection. The location of the point of diversion and the extent of the place of use were obtained from a field survey completed during the site inspection and aerial photos (10/16/2023, GoogleEarth). The map was created using Geographic Information System (GIS) software and spatial datasets obtained from the water user, Oregon Water Resources Department (OWRD), Umatilla County, Morrow County, Bureau of Land Management (BLM), Oregon Geospatial Enterprise Office (OGEO), and United States Geological Survey (USGS). Additional data and information specific to the use water described in this Claim of Beneficial Use report were obtained from the water user.

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Claim of Beneficial Use - Point of Diversion Map 1
Transfer T-13525 (former Cert.'s 92990, 92992, 92993, 92994, and 95622)

Water Rights in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 25 East (W.M.)



Legend

- Point of Diversion (POD)
- Government Lot (GL)
- Pipeline
- Watercourse
- Tax Lot

POD Location Description

Columbia River Pump Station
Located South 86 degrees 22 minutes 46 seconds West, 2,829 feet from the NE corner of Section 2, Township 4 North, Range 25 East (W.M.)

DISCLAIMER

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MAP NOTES

Data Sources: BLM, ODFW, OGIC, ESRI, USGS, Morrow and Umatilla Co.'s

Current as of: 11/27/2024

CERTIFIED WATER RIGHT EXAMINER
78185
THEODORE R RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2026

Received
APR 04 2025
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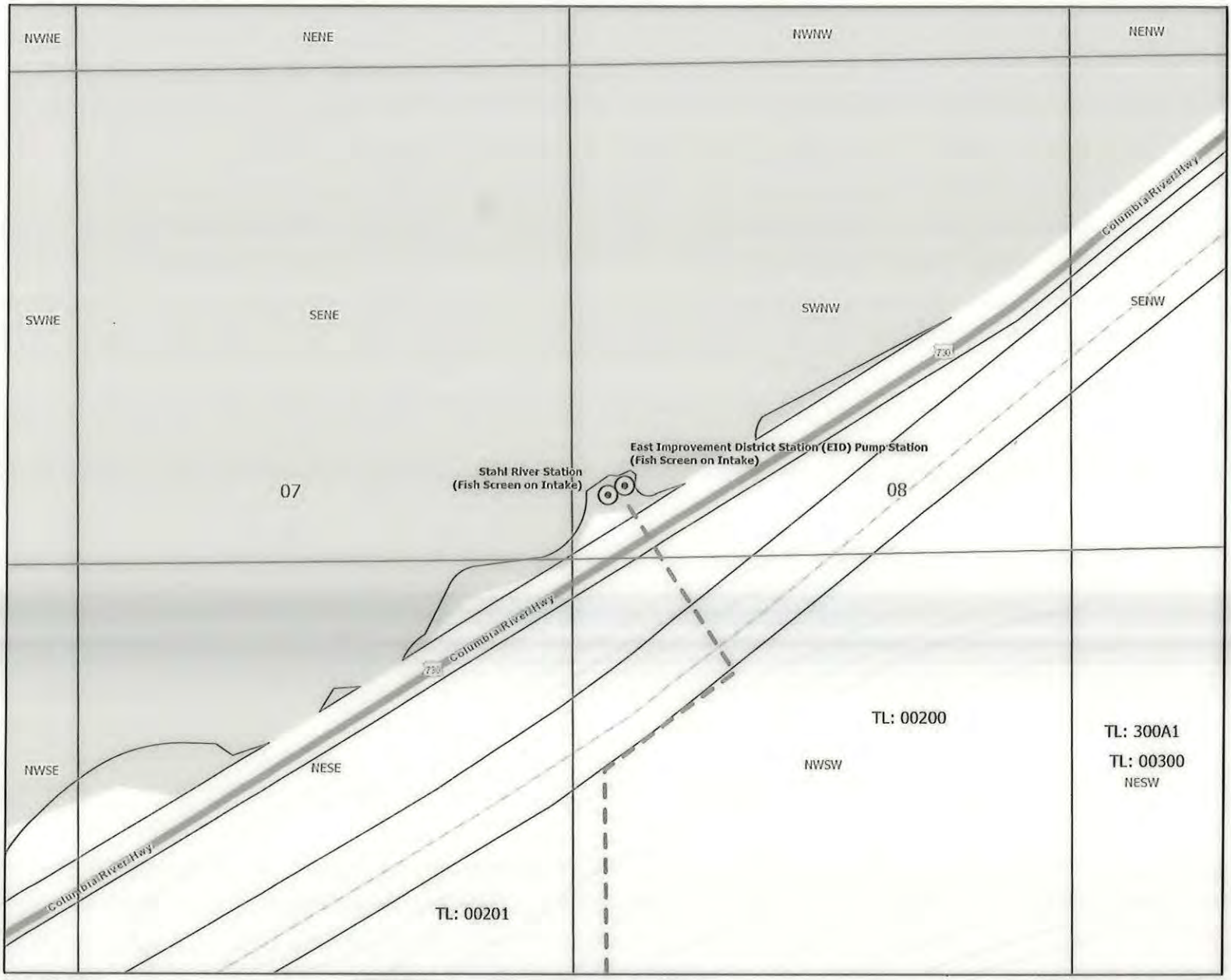
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0 200 400 Feet
1" = 400 feet

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Claim of Beneficial Use - Point of Diversion Map 2
Transfer T-13525 (former Certificate 93872)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 5 North, Range 30 East (W.M.)



Legend

- Point of Diversion (POD)
- Government Lot (GL)
- Pipeline
- Watercourse
- Tax Lot

POD Location Description

Stahl Pump Station: Located 2860 feet North and 70 feet East from the SW corner of Section 8, Township 5 North, Rage 30 East (W.M.)

East Improvement District (EID) Pump Station: Located 2910 feet North and 120 feet East from the SW corner of Section 8, Township 5 North, Rage 30 East (W.M.)

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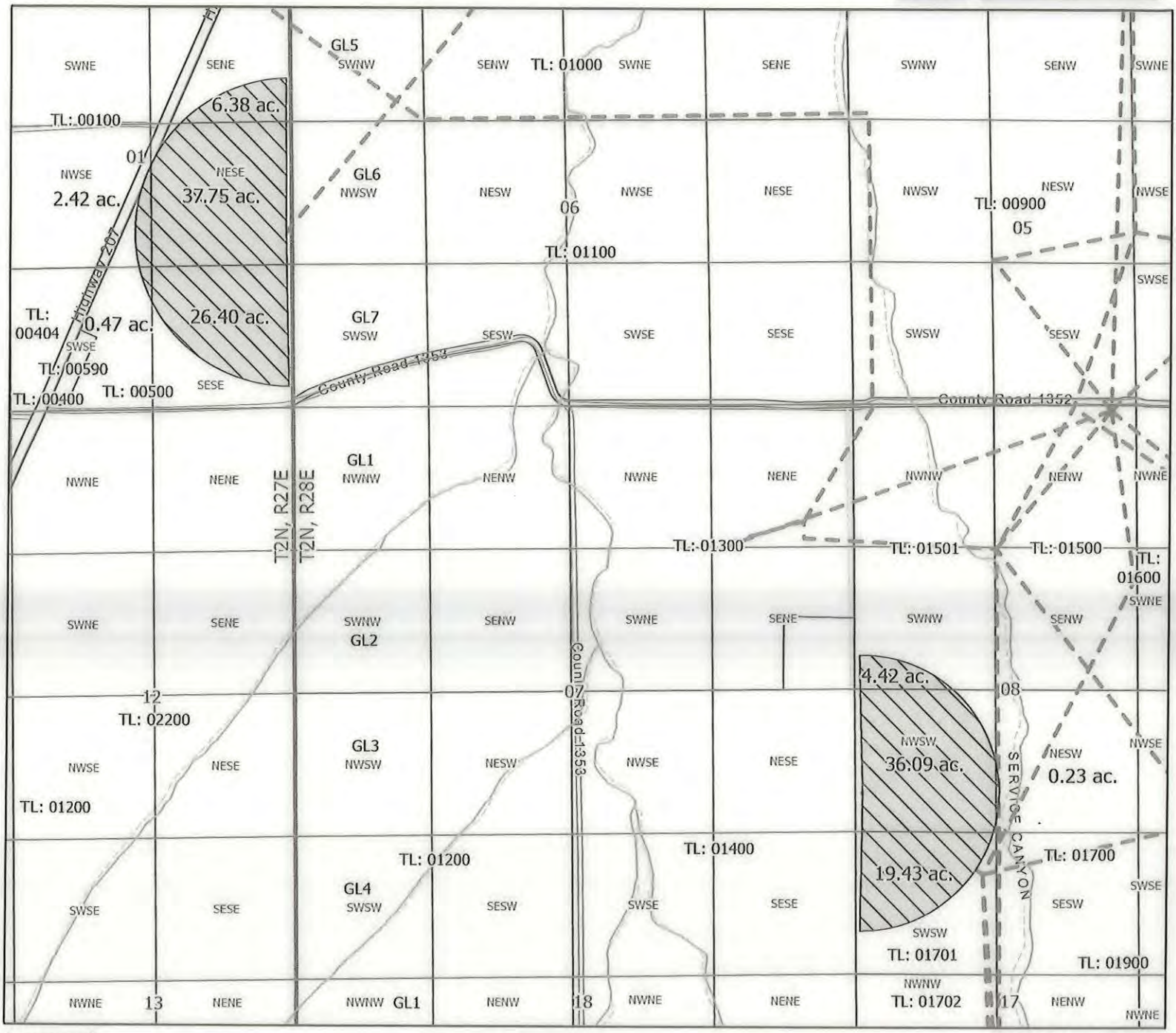
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Claim of Beneficial Use - Place of Use Map
Transfer T-13525 (former Certificate 92990)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 North, Range 27 & 28 East (W.M.)



Legend

- Place of Use (133.59 acres)
- Pipeline
- Watercourse
- Tax Lot
- Government Lot (GL)

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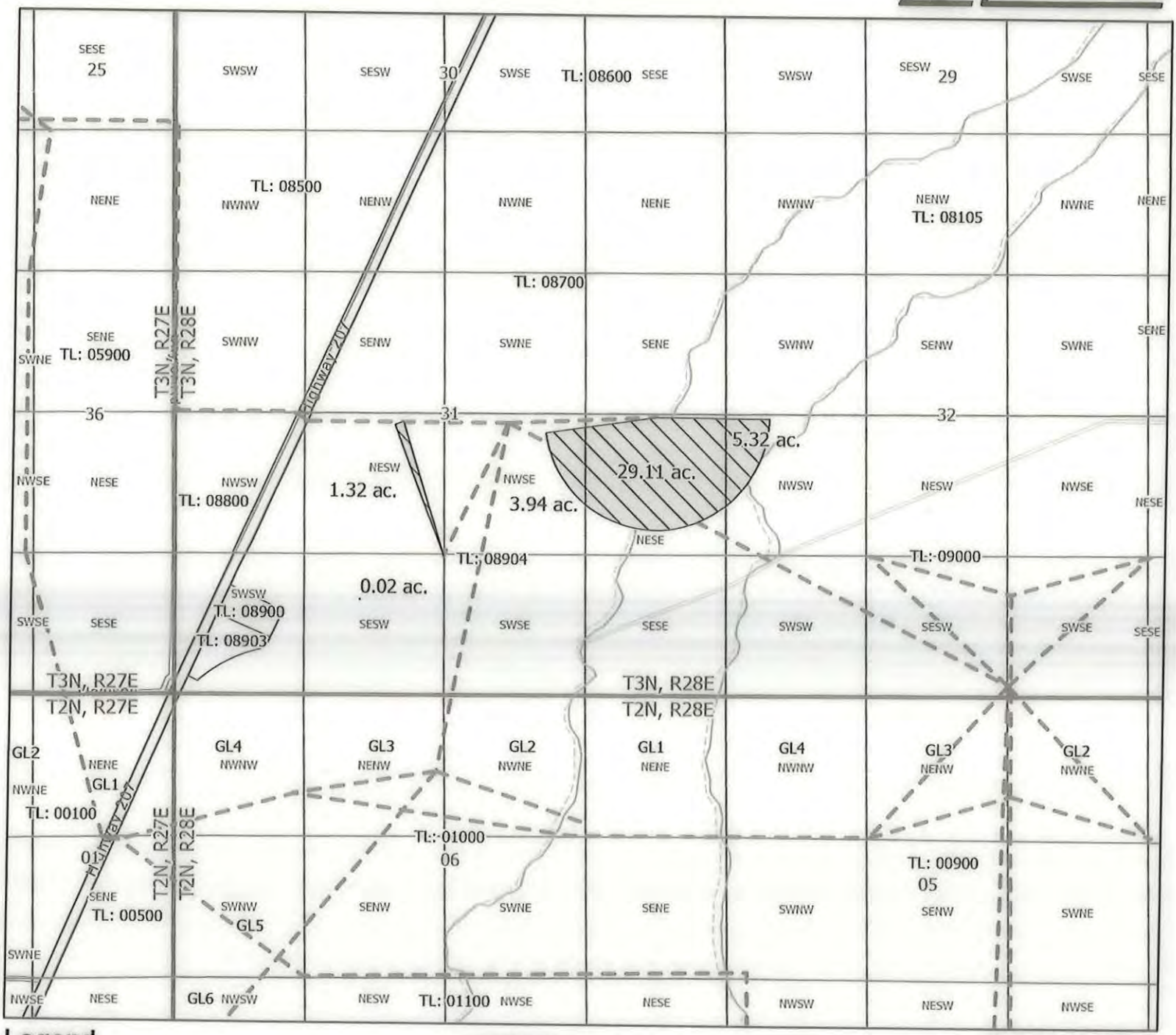
0 670 1,340 Feet
1" = 1,320 feet

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Claim of Beneficial Use - Place of Use Map
Transfer T-13525 (former Certificate 92993)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 28 East (W.M.)

AgriNorthwest



Legend

- Place of Use (39.71 acres)
- Pipeline
- Watercourse
- Tax Lot
- Government Lot (GL)

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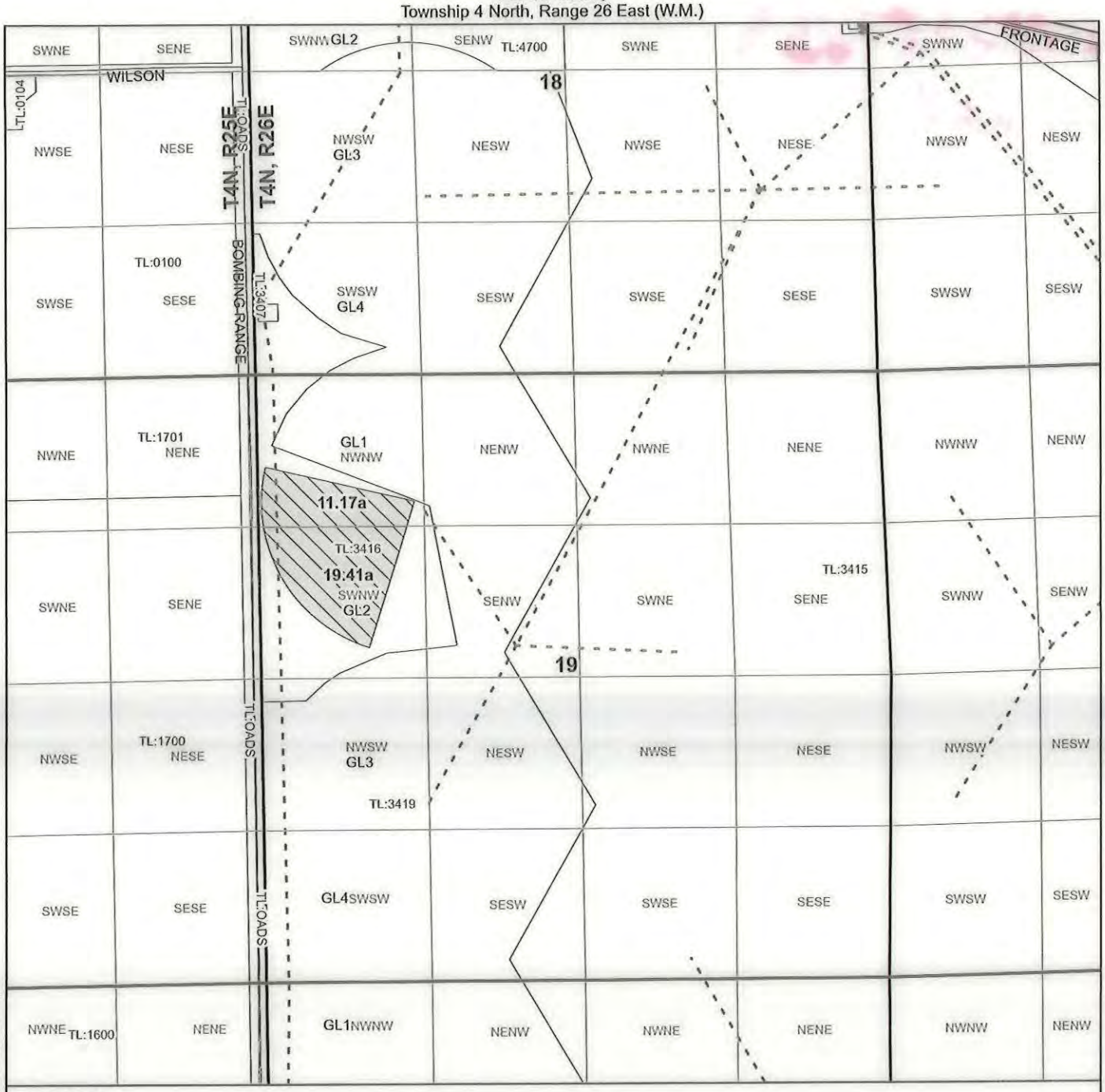
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1" = 1,320 feet

\Water\4_Permanent_Transfers\T-13525\GIS\T-13525_Mapping.aprx

Claim of Beneficial Use - Place of Use Map

Transfer T-13525 (former Certificate 95662)

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

- Place of Use (30.58 acres)
- Tax Lots
- Roads
- Railroads
- Watercourses
- Pipelines

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 11/6/2024
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
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THEODORE R RESSLER
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STATE OF OREGON
RENEWS: 12-31-2026

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Project\Farmland_Reserve\1_GIS\SWR_Files\1_SWR_Maps\Farmland_Reserve_T13525.aprx

Map Checklist

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

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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APR 04 2025
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Ressler, Ted

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Tuesday, April 1, 2025 11:33 AM
To: Ressler, Ted
Subject: RE: Map size waiver for COBU - Transfer T-13525

Ted,

Your request for a waiver regarding map size is approved. All other map requirements remain in effect.

Please attach a copy of this waiver to the Claim form.

If you have any additional questions, please feel free to reach out to me.

Have a great day!

Gerry

Gerry Clark
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Ressler, Ted <tressler@summitwr.com>
Sent: Tuesday, April 1, 2025 10:36 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: Map size waiver for COBU - Transfer T-13525

Hi Gerry

Following up on our phone call yesterday. I'm preparing a claim of beneficial use (COBU) for Transfer T-13525. The COBU will include several maps, one of which has a dimension that exceeds 30 inches. Per OAR 690-014-0170(1), approval is needed for any map exceeding the size of 30" x 30". The map in question is 30.9" x 16.5" – see attached. My preference is to use this map size so that there is a single map for the portion of Transfer T-13525 associated with former certificate 93872. Please advise if the proposed map size can be used.

Thank you
Ted

Theodore R. Ressler, RG, CWRE, PG | Principal Hydrogeologist & Water Resources Consultant | Summit Water Resources, LLC
4784 SE 17th Ave, Suite 111, Portland, OR 97202 | P: 503.967.7050 | C: 503.701.4535 | tressler@summitwr.com |
www.summitwr.com

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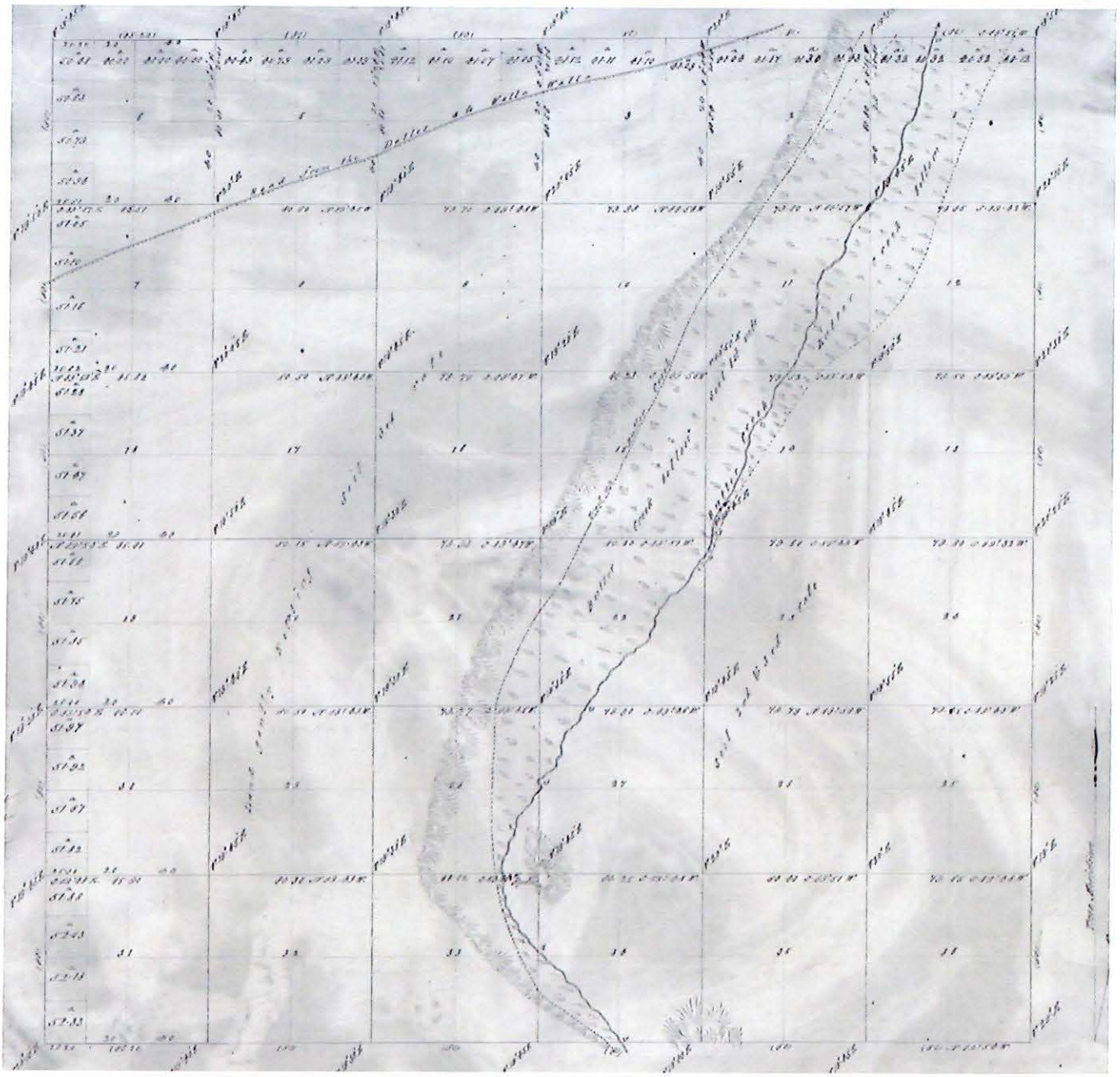
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CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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T2N, 27E

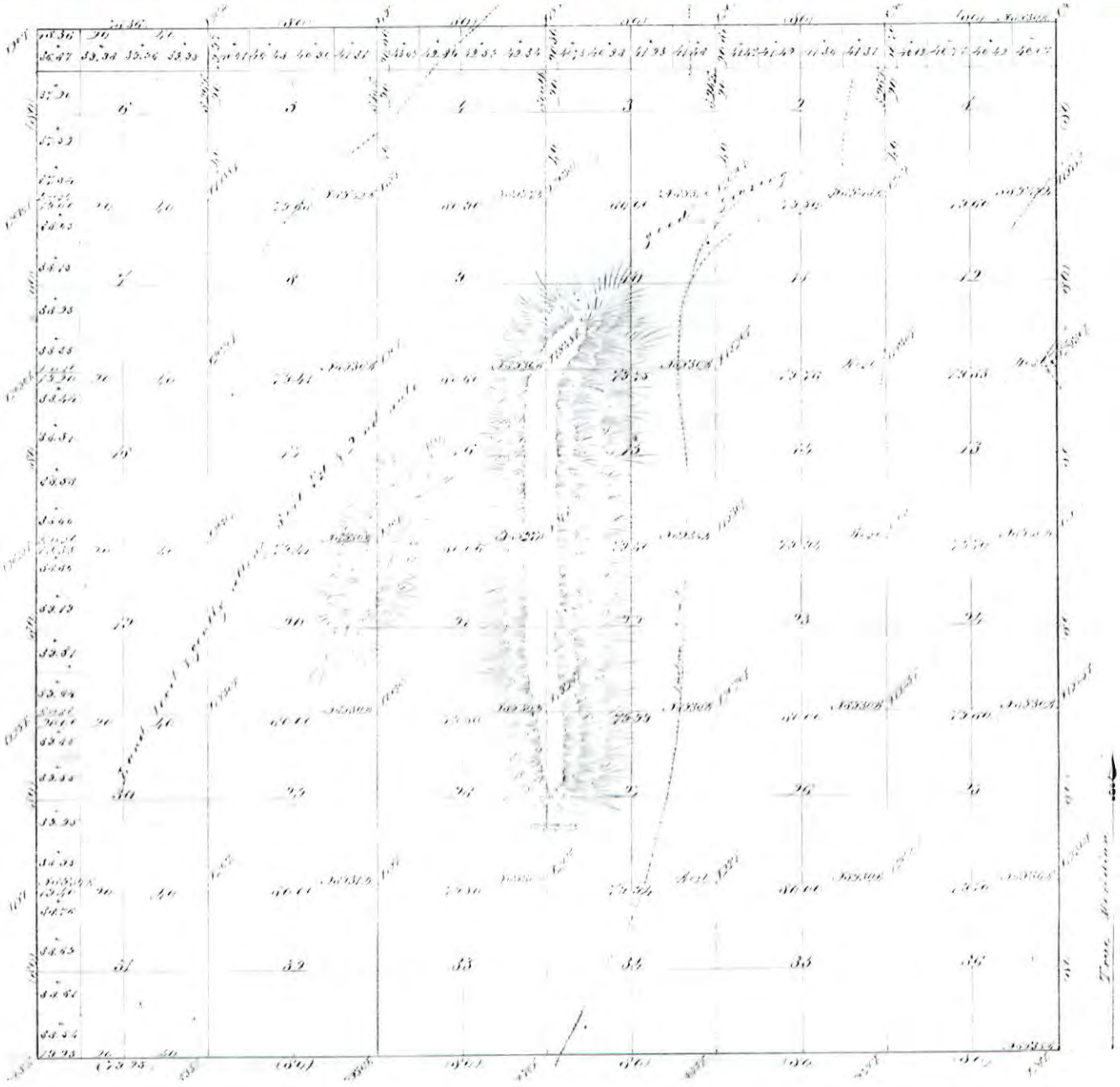
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Received
APR 04 2025
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T2N, 28E

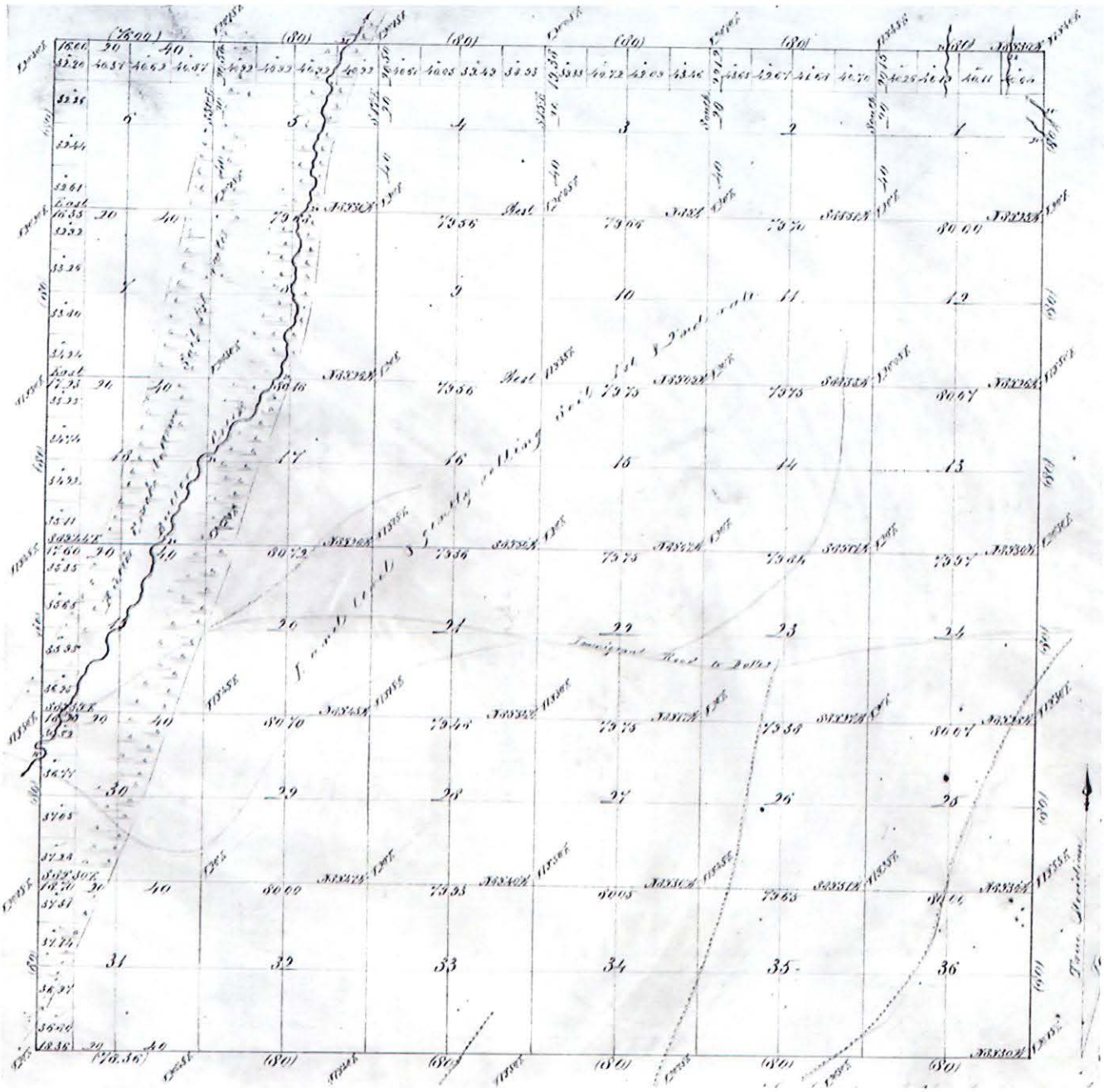
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APR 04 2025
OWRD

T3N, 28E

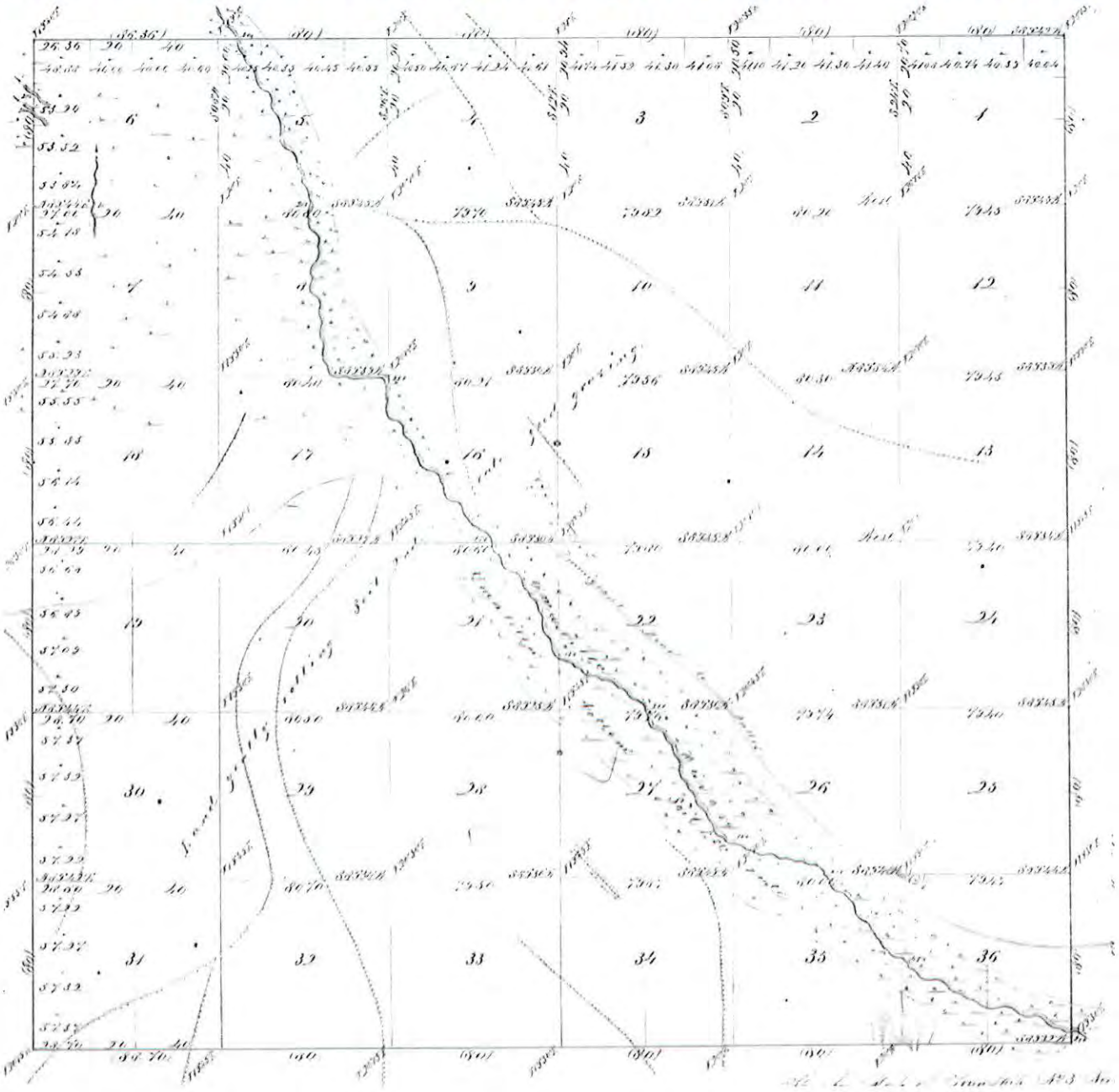
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APR 04 2025
OWRD

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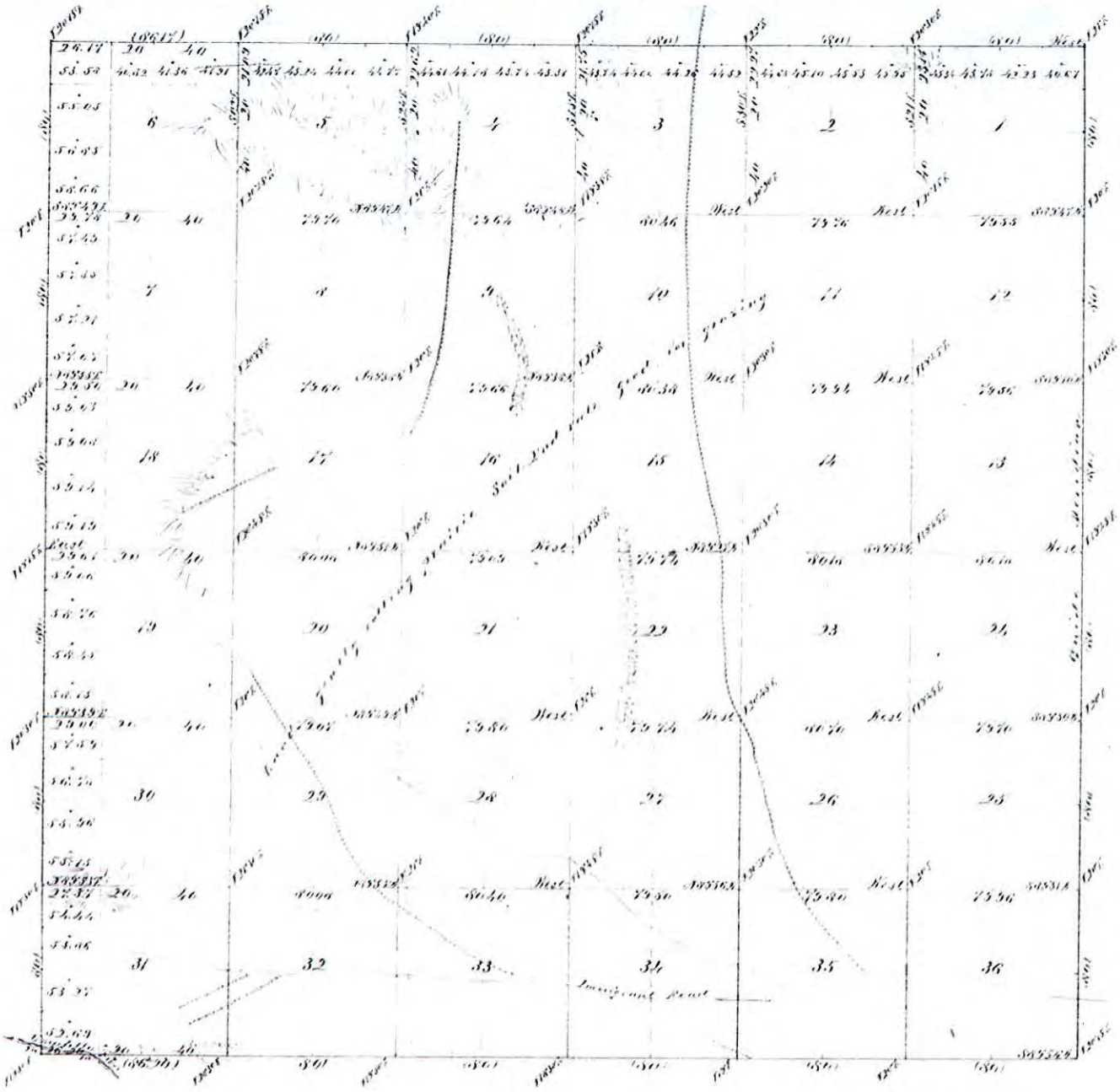
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APR 04 2025
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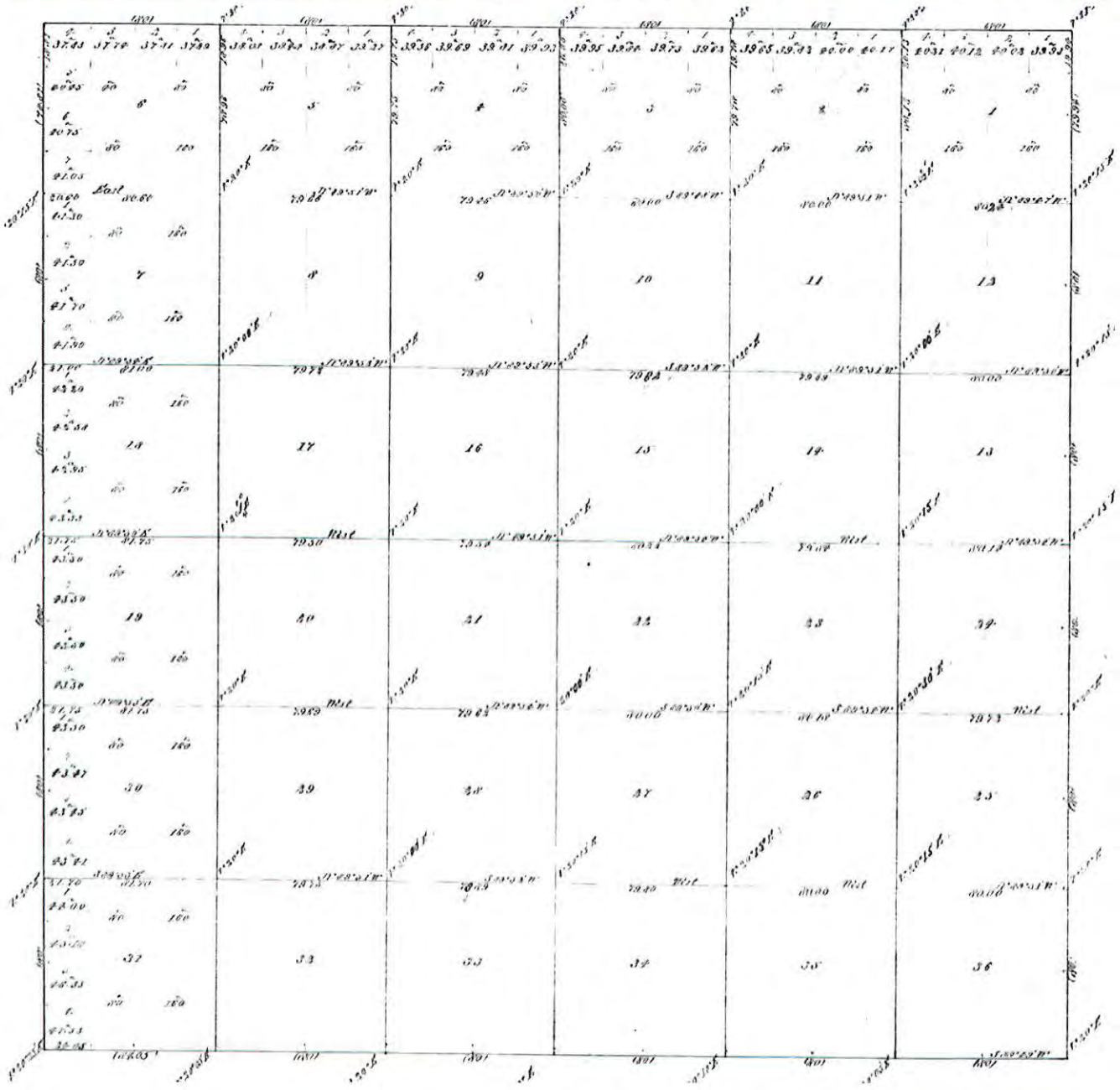
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Received
APR 04 2025
OWRD

T4N, 26E

https://www.blm.gov/or/landrecords/survey/yPlatView1_2.php?path=POR&name=t040n260e_007.jpg

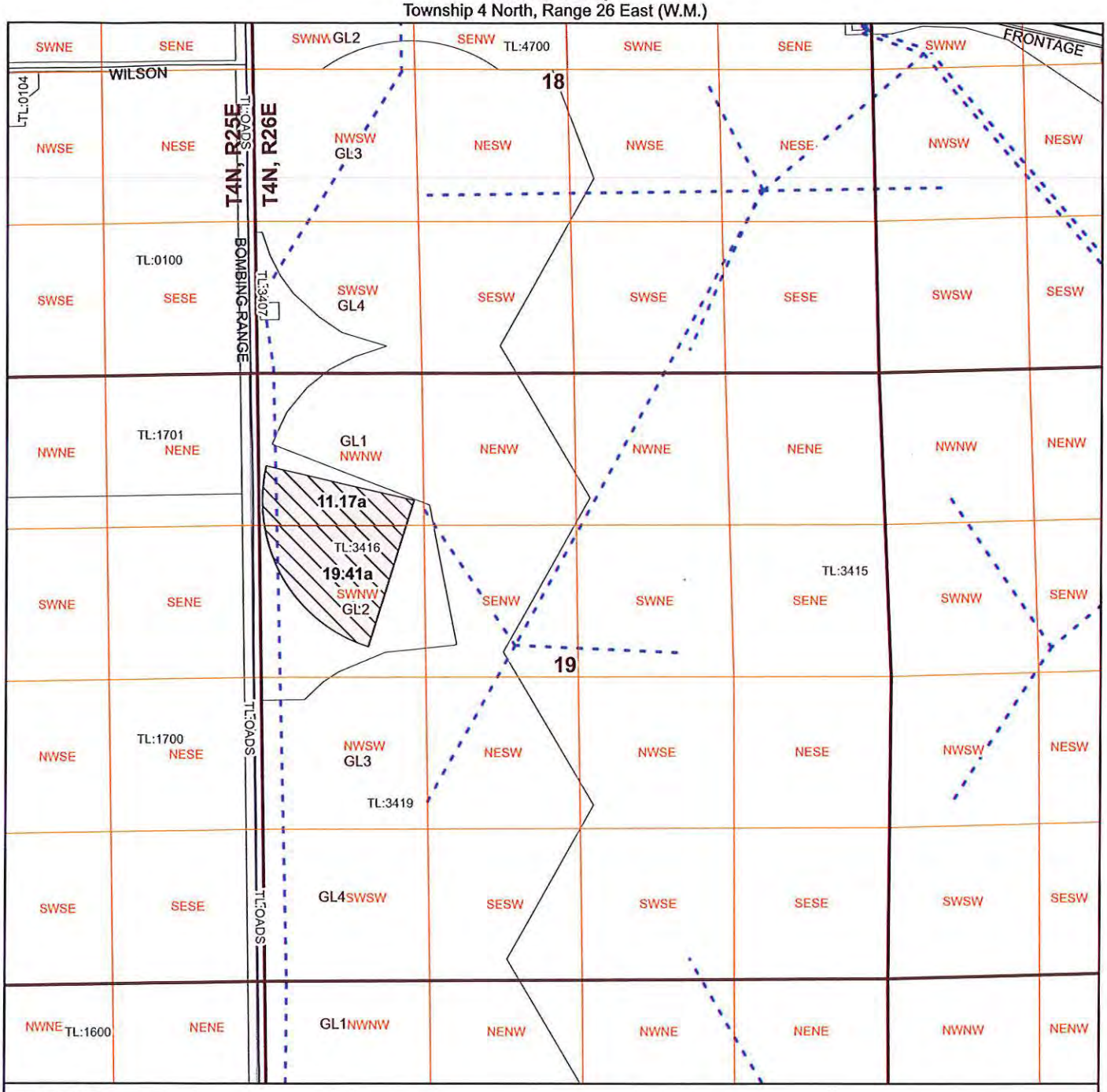


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Claim of Beneficial Use - Place of Use Map

Transfer T-13525 (former Certificate 95662)

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

- Place of Use (30.58 acres)
- Tax Lots
- Roads
- Railroads
- Watercourses
- Pipelines

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

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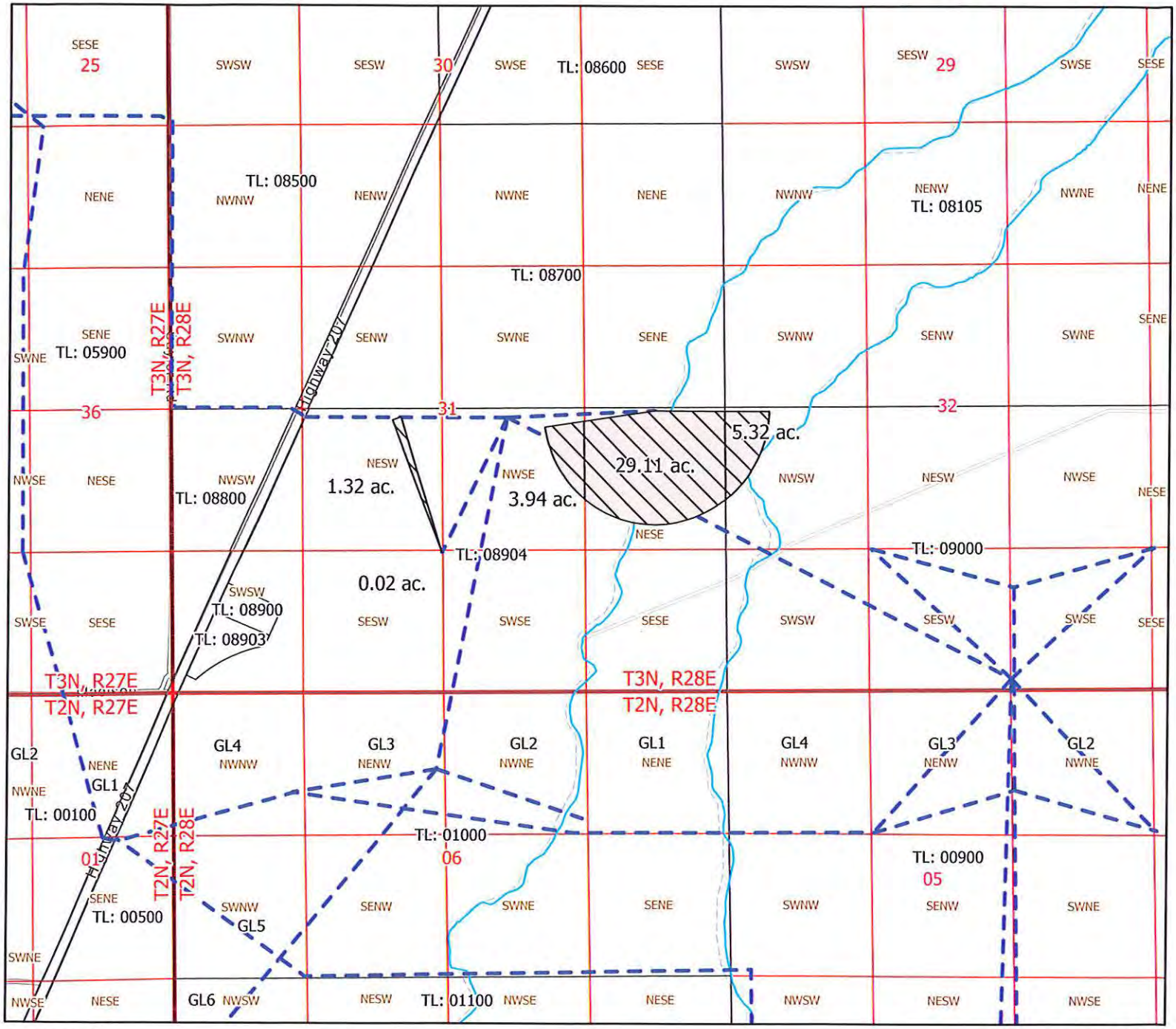
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Project\Farmland_Reserve\1_GIS\SWR_Files\1_SWR_Maps\Farmland_Reserve_T13525.qgz

Claim of Beneficial Use - Place of Use Map
Transfer T-13525 (former Certificate 92993)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 28 East (W.M.)

AgriNorthwest



Legend

- Place of Use (39.71 acres)
- Pipeline
- Watercourse
- Tax Lot
- Government Lot (GL)

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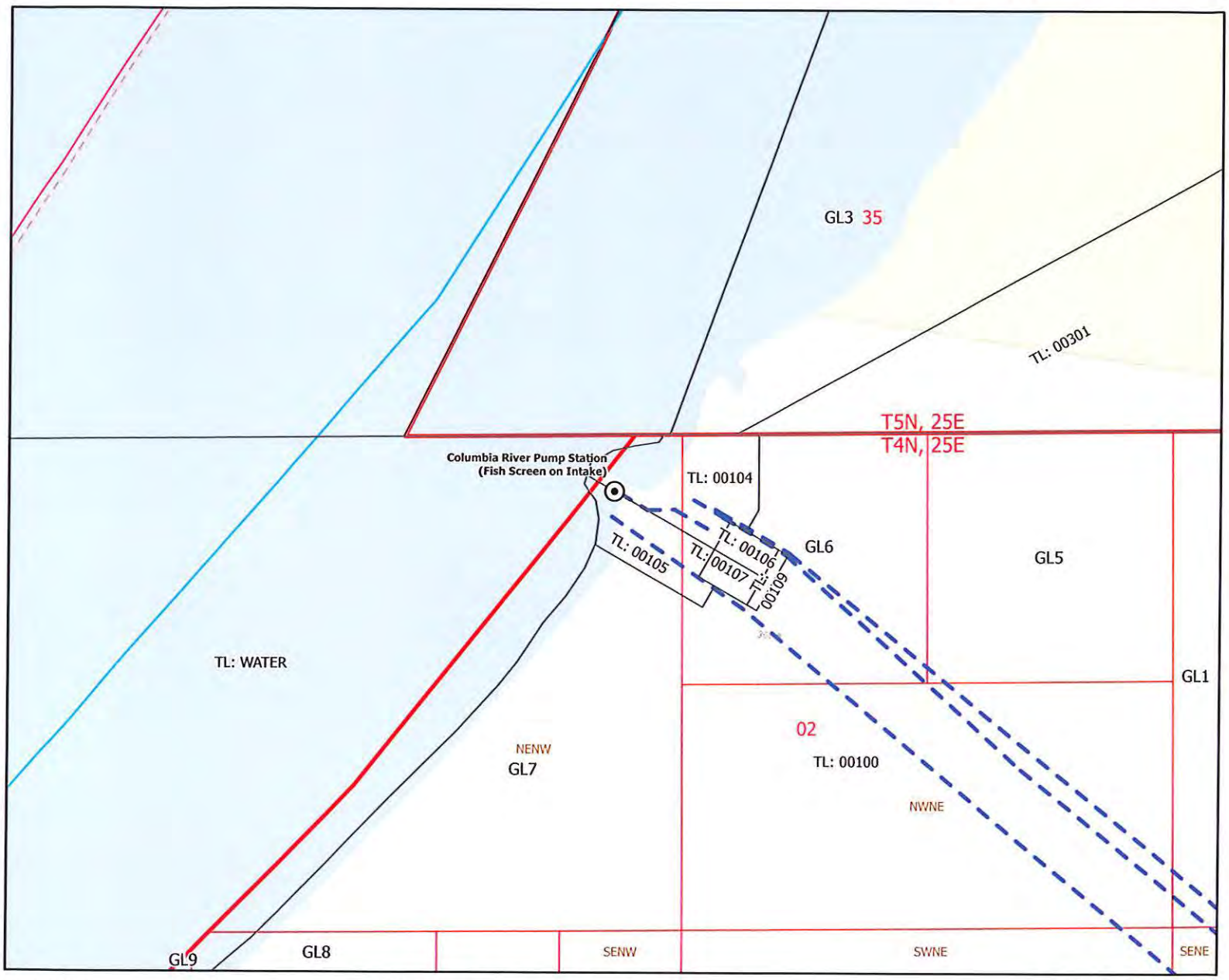
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0 670 1,340 Feet
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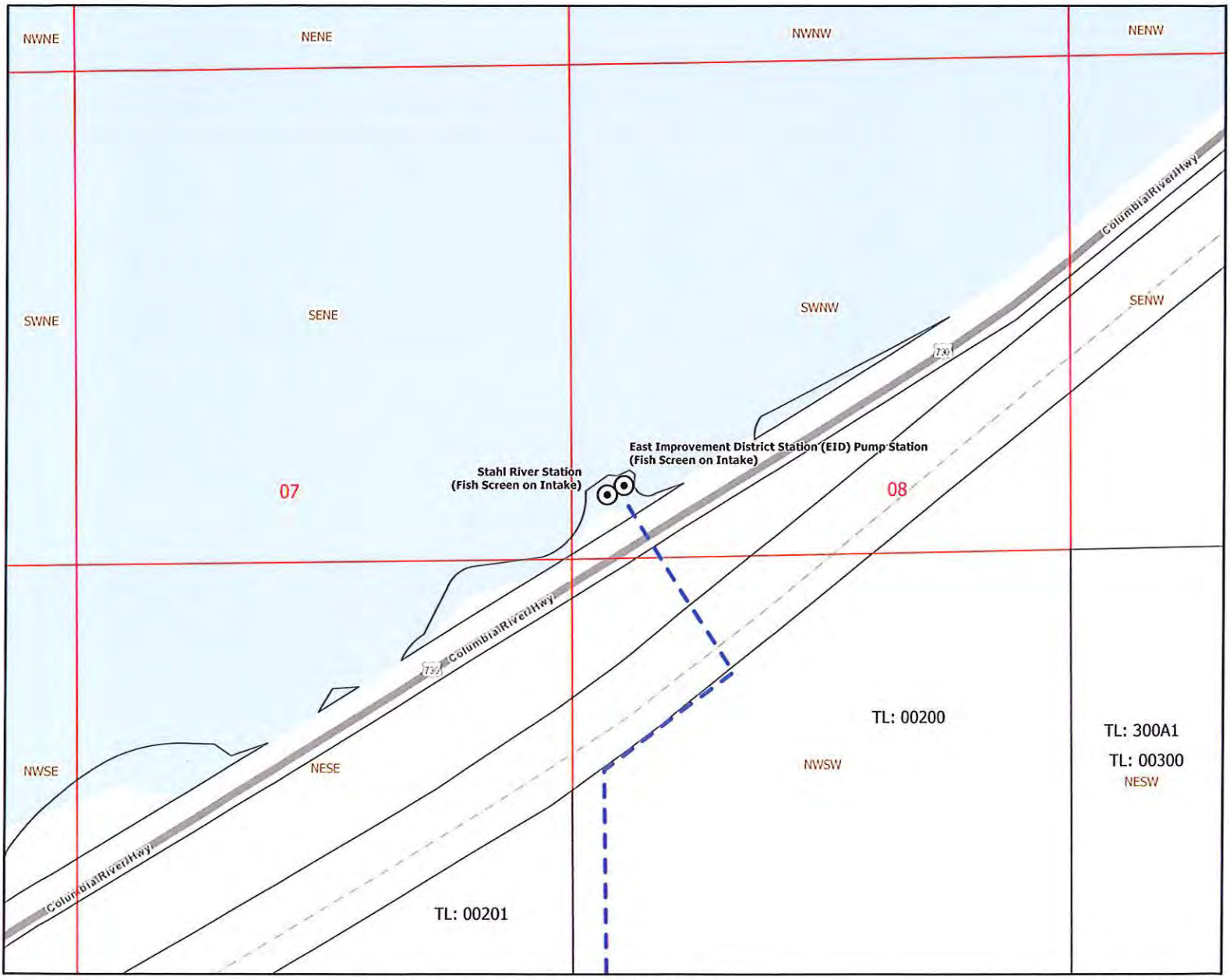
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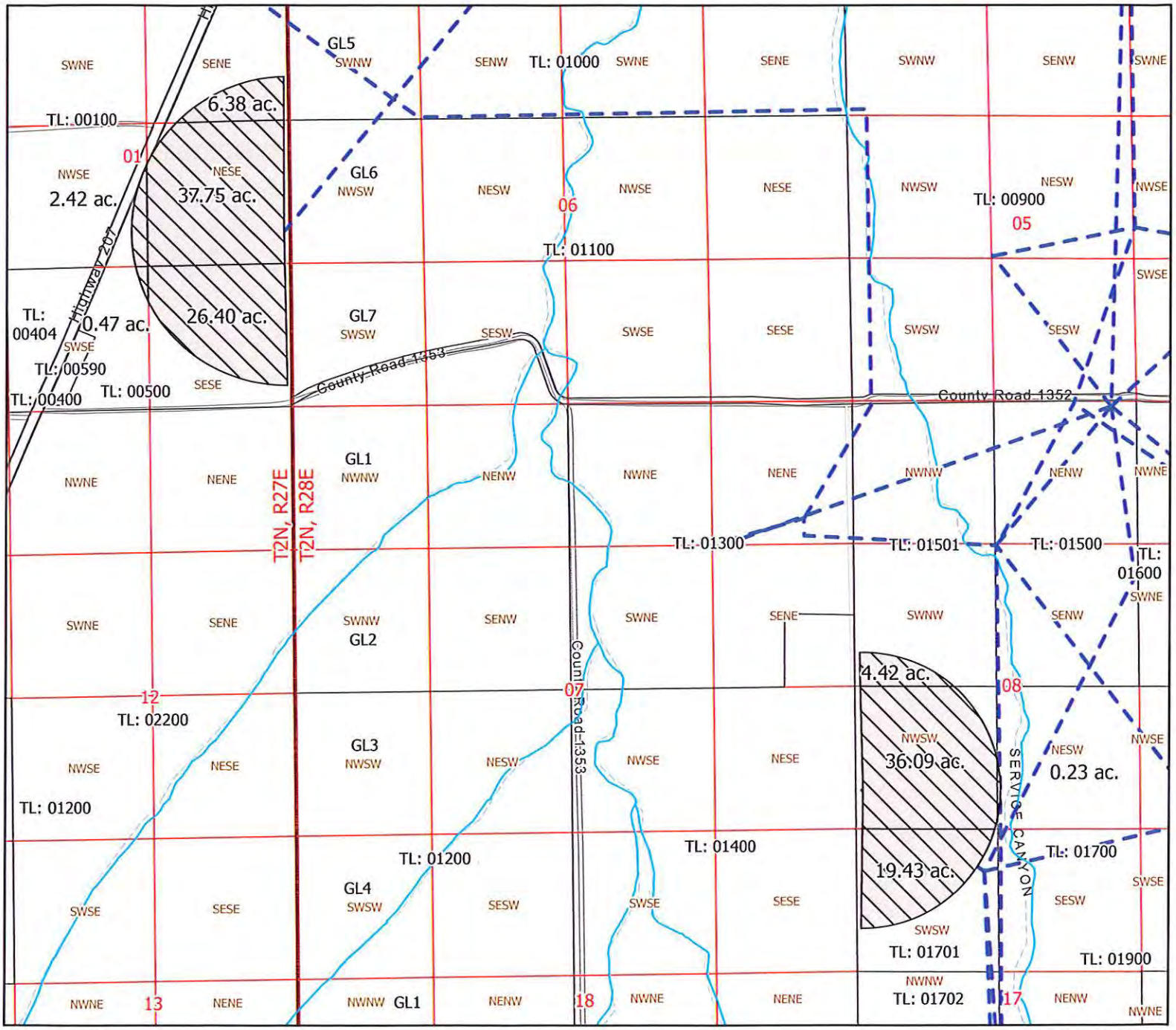
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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13525, Morrow and Umatilla Counties	)	FINAL ORDER APPROVING CHANGES IN PLACES OF USE, A CHANGE IN POINT OF DIVERSION, AN ADDITIONAL POINT OF DIVERSION, AND PARTIAL DIMINUTION OF A WATER RIGHT

Authority

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

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

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APR 04 2025
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Findings of Fact

1. On September 29, 2020, FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST filed an application to change the places of use under Certificates 92990, 92992, 92993, and 92994. The Department assigned the application number T-13525.

2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. Transfer T-13525 involves the same authorized and proposed place of use as approved for Certificate 92994 under temporary transferT-13609 in a Final Order issued by the Department on April 15, 2021 (Special Order Volume 120, Page 151). The use of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently. On November 16, 2021, the Department contacted the applicant's agent by telephone to notify the applicant and the applicant's agent of a deficiency in the application. A portion of the

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.

proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994 will become layered with Certificate 44654. The applicant wishes to diminish these portions of Certificate 44654 from primary to supplemental irrigation. The application did not include an Affidavit for the Voluntary Diminution of a portion of a Water Right Certificate. The Department requested that the deficiency be resolved prior to issuance of a Final Order to approve.

4. On December 7, 2021, the Department received an Affidavit for the Voluntary Partial Diminution of Water Right Certificate 44654 from Patrick Tolman, Vice President for Farmland Reserve, Inc.

5. On January 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 2, 2022, for the applicant to respond.

6. On February 4, 2022, the applicant requested an additional 60 days to review and amend the application, as Certificate 92992 would become layered with Certificate 93872. Both certificates are for primary irrigation. The applicant also requested an additional year to provide proof of beneficial use to October 1, 2024.

7. On July 28, 2022, the Department received revisions to the application along with the required additional fees. The revised application added two additional water right certificates, which includes an additional point of diversion, a change in point of diversion, and a change in place of use under Certificate 93872, and a change in place of use under Certificate 95662.

8. On December 8, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of January 9, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

9. On February 10, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13525 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 14, 2023, and in the East Oregonian newspaper on February 16 and 23, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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10. The first right to be transferred is as follows:

Certificate: 92990 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 133.59 ACRES

Priority Date: JULY 25, 1973

Rate: 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
				Total	133.59

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11. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
				Total	133.59

12. The second water right to be transferred is as follows:

Certificate: 92992 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 1425.07 ACRES

Priority Date: JULY 25, 1973

Rate: 30.72 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37
3 N	26 E	WM	1	NW SW	9.47

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				Total	1425.07

13. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	4	NW NW		0.01
2 N	28 E	WM	5	NE NE	1	33.07
2 N	28 E	WM	5	NW NE	2	31.09
2 N	28 E	WM	5	SW NE		29.83
2 N	28 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.76
2 N	28 E	WM	7	SE NE		28.77
2 N	28 E	WM	7	NE SE		0.01
2 N	28 E	WM	7	NW SE		0.01
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83

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IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		6.15
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.43
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.72
3 N	28 E	WM	33	NW SW		0.01
3 N	28 E	WM	33	SW SW		0.01
					Total	1425.07

14. The third right to be transferred is as follows:

Certificate: 92993 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 39.71 ACRES

Priority Date: JULY 25, 1973

Rate: 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under PERMIT 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW), SECTION 2, T2N, R25E, WM; 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

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Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				Total	39.71

15. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SE	28.95
3 N	28 E	WM	31	NW SE	4.16
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.01
3 N	28 E	WM	32	NW SW	5.27
				Total	39.71

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

Certificate: 92994 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 164.90 ACRES
Priority Date: JUNE 29, 1973
Rate: 4.08 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	12.31
4 N	26 E	WM	17	NW NE	0.86
				Total	164.90

17. Transfer Application T-13525 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	0.57
4 N	26 E	WM	19	SW NW	2	11.65
4 N	26 E	WM	19	SE NW		4.09
2 N	28 E	WM	17	NE NW		1.25
2 N	28 E	WM	17	NW NW		28.89
2 N	28 E	WM	17	SW NW		29.99
2 N	28 E	WM	17	SE NW		3.84
2 N	28 E	WM	17	NE SW		4.22
2 N	28 E	WM	17	NW SW		29.46
2 N	28 E	WM	17	SW SW		29.57
2 N	28 E	WM	17	SE SW		19.94
3 N	28 E	WM	31	NE SW		1.42
3 N	28 E	WM	31	SE SW		0.01
				Total		164.90

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18. The fifth right to be transferred is as follows:

Certificate: 93872 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES

Priority Date: JUNE 29, 1973

Rate: 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2

Period of Use: March 1 through October 31

Limit/Duty: The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION FROM POD 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NE NE	1	31.39
2 N	28 E	WM	5	NW NE	2	30.43
2 N	28 E	WM	5	SW NE		31.35
2 N	28 E	WM	5	SE NE		30.43
2 N	28 E	WM	5	NE SW		31.75
2 N	28 E	WM	5	NW SW		30.77
2 N	28 E	WM	5	SW SW		31.71
2 N	28 E	WM	5	SE SW		30.77
2 N	28 E	WM	5	NE SE		31.38
2 N	28 E	WM	5	NW SE		30.44
2 N	28 E	WM	5	SW SE		31.34
2 N	28 E	WM	5	SE SE		30.44
2 N	28 E	WM	8	SW NE		1.13
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
				Total		497.83

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IRRIGATION FROM POD 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	3	NE NE	30.73
3 N	29 E	WM	3	NW NE	34.24
3 N	29 E	WM	3	SW NE	32.16
3 N	29 E	WM	3	SE NE	28.26
3 N	29 E	WM	3	NE NW	0.37
3 N	29 E	WM	3	SE NW	0.30
3 N	29 E	WM	3	NE SW	29.31
3 N	29 E	WM	3	NW SW	29.91
3 N	29 E	WM	3	SW SW	30.28
3 N	29 E	WM	3	SE SW	28.43
3 N	29 E	WM	3	NE SE	30.00
3 N	29 E	WM	3	NW SE	32.88
3 N	29 E	WM	3	SW SE	32.90
3 N	29 E	WM	3	SE SE	29.16
				Total	368.93

19. The Department has received information from the applicant that better describes the location of the authorized point of diversion for POD 2 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STAHL PUMP STATION (PS) - 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

20. Transfer Application T-13525 proposes an additional point of diversion for 368.93 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

21. Transfer Application T-13525 also proposes to change the point of diversion for 497.83 acres from POD 1 (ORIGINAL) approximately 29.6 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD 2 (NEW) – 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

22. Transfer Application T-13525 also proposes an additional point of diversion for 497.83 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

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23. Transfer Application T-13525 also proposes to change the place of use of the 497.83 acres to:

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	1	NE NE		1.02
2 N	27 E	WM	1	SE NE		0.57
2 N	28 E	WM	6	NE NW	3	34.33
2 N	28 E	WM	6	NW NW	5	11.93
2 N	28 E	WM	6	SW NW	4	21.36
2 N	28 E	WM	6	SE NW		16.84
3 N	28 E	WM	31	SW SW		0.84
3 N	28 E	WM	31	SE SW		4.99
3 N	29 E	WM	2	NE NW		32.88
3 N	29 E	WM	2	NW NW		20.14
3 N	29 E	WM	2	SW NW		9.74
3 N	29 E	WM	2	SE NW		16.72
3 N	29 E	WM	2	NE SW		8.49
3 N	29 E	WM	2	NW SW		19.26
3 N	29 E	WM	2	SW SW		34.81
3 N	29 E	WM	2	SE SW		16.65
3 N	29 E	WM	3	NE NW		29.64
3 N	29 E	WM	3	NW NW		22.87
3 N	29 E	WM	3	SE NW		11.46
3 N	29 E	WM	3	SE SE		0.28
3 N	29 E	WM	13	SE SE		30.29
3 N	29 E	WM	13	SW SE		31.36
3 N	29 E	WM	24	NE NE		0.01
3 N	29 E	WM	24	NW NE		0.01
3 N	30 E	WM	3	NE SW		14.63
3 N	30 E	WM	3	NW SW		21.76
3 N	30 E	WM	3	SW SW		33.55
3 N	30 E	WM	3	SE SW		27.33
3 N	30 E	WM	3	SW SE		24.07
				Total		497.83

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

Certificate: 95662 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 30.58 ACRES

Priority Date: JUNE 29, 1973

Rate: 0.51 CUBIC FOOT PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2)

Limit/Duty: 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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated

during the irrigation season of each year and an annual volume limitation of 107.03 acre feet.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	26	NW SW	4.45
4 N	26 E	WM	26	SW SW	20.62
4 N	26 E	WM	26	SE SW	0.26
4 N	26 E	WM	35	NW NW	5.25
				Total	30.58

25. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	14.15
4 N	26 E	WM	19	SW NW	2	16.43
					Total	30.58

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

Transfer Review Criteria [OAR 690-380-0100 and 690-380-4010(2)]

27. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

28. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

29. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13525.

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30. The proposed changes would not result in enlargement of the rights.

31. The proposed changes would not result in injury to other water rights.

32. All other application requirements are met.

Partial Diminution of Water Right Certificate 44654

33. A portion of water right Certificate 44654 is appurtenant to a portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994. Therefore, to avoid layering of two primary water rights for irrigation, a portion of lands under Certificate 44654 will be diminished from primary to supplemental irrigation as a result of this order.

34. On December 7, 2021, Patrick Tolman who is an authorized representative of Farmland Reserve, Inc., and owner of lands to which a portion of Certificate 44654 is appurtenant, submitted an affidavit requesting a portion of Certificate 44654 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44654 in the name of LARRY HANSON (perfected under Permit G-4049)
Use: IRRIGATION of 446.7 ACRES
Priority Date: September 3, 1968
Rate: 2.5 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of BUTTER CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

. Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	7	NE NE	1300	30.25
2 N	28 E	WM	7	NW NE	1300	9.75
2 N	28 E	WM	7	SW NE	1300	8.76
2 N	28 E	WM	7	SE NE	1300	28.77
2 N	28 E	WM	8	NE NW	1500	30.25
2 N	28 E	WM	8	NW NW	1501	28.72
2 N	28 E	WM	8	SW NW	1501	34.72
2 N	28 E	WM	8	SE NW	1500	30.60
2 N	28 E	WM	8	NE SW	1700	14.03
2 N	28 E	WM	8	NW SW	1701	36.09
2 N	28 E	WM	8	SW SW	1701	19.43
2 N	28 E	WM	8	SE SW	1700	11.58
2 N	28 E	WM	8	NE SE	1700	12.56
2 N	28 E	WM	8	NW SE	1700	39.72
2 N	28 E	WM	8	SW SE	1700	35.35

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SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	8	SE SE	1700	9.67
2 N	28 E	WM	17	NE NW	1700	1.25
2 N	28 E	WM	17	NW NW	1702	28.89
2 N	28 E	WM	17	SW NW	1702	29.99
2 N	28 E	WM	17	SE NW	1702	3.84
2 N	28 E	WM	17	NE SW	1700	0.92
2 N	28 E	WM	17	NW SW	1700	1.56
					Total	446.7

Conclusions of Law

The additional point of diversion, change in point of diversion, and changes in places of use, proposed in Transfer Application T-13525 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of Certificate 44654 should be diminished as requested.

Now, therefore, it is ORDERED:

1. The additional point of diversion, change in point of diversion, and changes in places of use proposed in Transfer Application T-13525 are approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 92990, 92992, 92993, 92994, 93872, and 95662 any related decree.

3. Water right Certificates 92990, 92992, 92993, 92994, 93872, 95662, and 44654 are cancelled. New Certificates will be issued describing the portions of Certificates 92994 and 95662 not affected by this transfer., A new certificate will be issued describing the partial diminishment of Certificate 44654 from primary to supplemental irrigation.

4. Under Certificate 93872, the quantity of water diverted at the new point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1 (ORIGINAL)).

5. Under Certificate 93872, the quantity of water diverted at the new additional point of diversion (East Improvement District Pump Station), together with that diverted at the original point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2 (NEW)).

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6. Water use measurement conditions:

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

8. The former places of use of the transferred rights shall no longer receive water under the rights.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on APR 0 5 2023

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

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Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_92990	2N	27E	1	SENE		6.38	6.38	
T-13525_92990	2N	27E	1	NESE		37.75	37.75	
T-13525_92990	2N	27E	1	NWSE		2.42	2.42	
T-13525_92990	2N	27E	1	SWSE		0.47	0.47	
T-13525_92990	2N	27E	1	SESE		26.40	26.40	
T-13525_92990	2N	28E	8	SWNW		4.42	4.42	
T-13525_92990	2N	28E	8	NESW		0.23	0.23	
T-13525_92990	2N	28E	8	NWSW		36.09	36.09	
T-13525_92990	2N	28E	8	SWSW		19.43	19.43	
T-13525_92992	2N	28E	4	NWNW	4	0.01	0.01	
T-13525_92992	2N	28E	5	NENE	1	33.07	33.07	
T-13525_92992	2N	28E	5	NWNE	2	31.09	31.09	
T-13525_92992	2N	28E	5	SWNE		29.83	29.83	
T-13525_92992	2N	28E	5	SENE		30.04	30.04	
T-13525_92992	2N	28E	5	NENW	3	33.11	33.11	
T-13525_92992	2N	28E	5	NWNW	4	30.61	30.61	
T-13525_92992	2N	28E	5	SWNW		30.42	30.42	
T-13525_92992	2N	28E	5	SENW		31.01	31.01	
T-13525_92992	2N	28E	5	NESW		32.62	32.62	
T-13525_92992	2N	28E	5	NWSW		30.61	30.61	
T-13525_92992	2N	28E	5	SWSW		30.10	30.10	
T-13525_92992	2N	28E	5	SESW		30.23	30.23	
T-13525_92992	2N	28E	5	NESE		32.96	32.96	
T-13525_92992	2N	28E	5	NWSE		31.48	31.48	
T-13525_92992	2N	28E	5	SWSE		29.62	29.62	
T-13525_92992	2N	28E	5	SESE		29.32	29.32	
T-13525_92992	2N	28E	6	NENE	1	35.62	35.62	
T-13525_92992	2N	28E	6	NWNE	2	37.06	37.06	
T-13525_92992	2N	28E	6	SWNE		31.34	31.34	
T-13525_92992	2N	28E	6	SENE		28.54	28.54	
T-13525_92992	2N	28E	6	NENW	3	1.35	1.35	
T-13525_92992	2N	28E	6	SENW		0.66	0.66	
T-13525_92992	2N	28E	7	NENE		30.25	30.25	
T-13525_92992	2N	28E	7	NWNE		9.75	9.75	
T-13525_92992	2N	28E	7	SWNE		8.76	8.76	
T-13525_92992	2N	28E	7	SENE		28.77	28.77	
T-13525_92992	2N	28E	7	NESE		0.01	0.01	
T-13525_92992	2N	28E	7	NWSE		0.01	0.01	
T-13525_92992	2N	28E	8	NENE		31.03	31.03	
T-13525_92992	2N	28E	8	NWNE		30.47	30.47	
T-13525_92992	2N	28E	8	SWNE		32.34	32.34	
T-13525_92992	2N	28E	8	SENE		30.71	30.71	
T-13525_92992	2N	28E	8	NENW		30.25	30.25	
T-13525_92992	2N	28E	8	NWNW		28.72	28.72	
T-13525_92992	2N	28E	8	SWNW		30.30	30.30	
T-13525_92992	2N	28E	8	SENW		30.60	30.60	
T-13525_92992	2N	28E	8	NESW		14.33	14.33	
T-13525_92992	2N	28E	8	SESW		12.07	12.07	
T-13525_92992	2N	28E	8	NESE		12.74	12.74	

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Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_92992	2N	28E	8	NWSE		39.83	39.83	
T-13525_92992	2N	28E	8	SWSE		35.70	35.70	
T-13525_92992	2N	28E	8	SESE		9.83	9.83	
T-13525_92992	3N	28E	31	NESW		23.61	23.61	
T-13525_92992	3N	28E	31	SESW		32.17	32.17	
T-13525_92992	3N	28E	31	NWSE		6.15	6.15	
T-13525_92992	3N	28E	31	SWSE		34.15	34.15	
T-13525_92992	3N	28E	31	SESE		2.18	2.18	
T-13525_92992	3N	28E	32	NESW		32.22	32.22	
T-13525_92992	3N	28E	32	NWSW		30.25	30.25	
T-13525_92992	3N	28E	32	SWSW		30.98	30.98	
T-13525_92992	3N	28E	32	SESW		32.33	32.33	
T-13525_92992	3N	28E	32	NESE		31.43	31.43	
T-13525_92992	3N	28E	32	NWSE		29.90	29.90	
T-13525_92992	3N	28E	32	SWSE		30.79	30.79	
T-13525_92992	3N	28E	32	SESE		31.72	31.72	
T-13525_92992	3N	28E	33	NWSW		0.01	0.01	
T-13525_92992	3N	28E	33	SWSW		0.01	0.01	
T-13525_92993	3N	28E	31	NESW		1.32	1.32	
T-13525_92993	3N	28E	31	SESW		0.01	0.02	0.01
T-13525_92993	3N	28E	31	NESE		28.95	29.11	0.16
T-13525_92993	3N	28E	31	NWSE		4.16	3.94	-0.22
T-13525_92993	3N	28E	32	NWSW		5.27	5.32	0.05
T-13525_92994	2N	28E	17	NENW		1.25	1.25	
T-13525_92994	2N	28E	17	NWNW		28.89	28.89	
T-13525_92994	2N	28E	17	SWNW		29.99	29.99	
T-13525_92994	2N	28E	17	SENW		3.84	3.84	
T-13525_92994	2N	28E	17	NESW		4.22	4.22	
T-13525_92994	2N	28E	17	NWSW		29.46	29.46	
T-13525_92994	2N	28E	17	SWSW		29.57	29.57	
T-13525_92994	2N	28E	17	SESW		19.94	19.94	
T-13525_92994	3N	28E	31	NESW		1.42	1.42	
T-13525_92994	3N	28E	31	SESW		0.01	0.01	
T-13525_92994	3N	28E	31	NESE		0.00	0.79	0.79
T-13525_92994	3N	28E	31	NWSE		0.00	1.80	1.80
T-13525_92994	4N	26E	19	NWNW	1	0.57	0.39	-0.18
T-13525_92994	4N	26E	19	SWNW	2	11.65	8.59	-3.06
T-13525_92994	4N	26E	19	SENW		4.09	4.74	0.65
T-13525_93872	2N	27E	1	NENE	1	1.02	1.02	
T-13525_93872	2N	27E	1	SENE		0.57	0.57	
T-13525_93872	2N	28E	6	NENW	3	34.33	34.33	
T-13525_93872	2N	28E	6	NWNW	4	11.93	11.93	
T-13525_93872	2N	28E	6	SWNW	5	21.36	21.36	
T-13525_93872	2N	28E	6	SENW		16.84	16.84	
T-13525_93872	3N	28E	31	SWSW		0.84	0.84	
T-13525_93872	3N	28E	31	SESW		4.99	4.99	
T-13525_93872	3N	29E	2	NENW		32.88	32.88	
T-13525_93872	3N	29E	2	NWNW		20.14	20.14	
T-13525_93872	3N	29E	2	SWNW		9.74	9.74	

Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_93872	3N	29E	2	SENW		16.72	16.72	
T-13525_93872	3N	29E	2	NESW		8.49	8.49	
T-13525_93872	3N	29E	2	NWSW		19.26	19.26	
T-13525_93872	3N	29E	2	SWSW		34.81	34.81	
T-13525_93872	3N	29E	2	SESW		16.65	16.65	
T-13525_93872	3N	29E	3	NENE		30.73	30.73	
T-13525_93872	3N	29E	3	NWNE		34.24	34.24	
T-13525_93872	3N	29E	3	SWNE		32.16	32.16	
T-13525_93872	3N	29E	3	SENE		28.26	28.26	
T-13525_93872	3N	29E	3	NENW		30.01	30.01	
T-13525_93872	3N	29E	3	NWNW		22.87	22.87	
T-13525_93872	3N	29E	3	SENW		11.76	11.76	
T-13525_93872	3N	29E	3	NESW		29.31	29.31	
T-13525_93872	3N	29E	3	NWSW		29.91	29.91	
T-13525_93872	3N	29E	3	SWSW		30.28	30.28	
T-13525_93872	3N	29E	3	SESW		28.43	28.43	
T-13525_93872	3N	29E	3	NESE		30.00	30.00	
T-13525_93872	3N	29E	3	NWSE		32.88	32.88	
T-13525_93872	3N	29E	3	SWSE		32.90	32.90	
T-13525_93872	3N	29E	3	SESE		29.44	29.44	
T-13525_93872	3N	29E	13	SWSE		31.36	31.36	
T-13525_93872	3N	29E	13	SESE		30.29	30.29	
T-13525_93872	3N	29E	24	NENE		0.01	0.01	
T-13525_93872	3N	29E	24	NWNE		0.01	0.01	
T-13525_93872	3N	30E	3	NESW		14.63	14.63	
T-13525_93872	3N	30E	3	NWSW		21.76	21.76	
T-13525_93872	3N	30E	3	SWSW		33.55	33.55	
T-13525_93872	3N	30E	3	SESW		27.33	27.33	
T-13525_93872	3N	30E	3	SWSE		24.07	24.07	
T-13525_95662	4N	26E	19	NWNW	1	14.15	11.17	-2.98
T-13525_95662	4N	26E	19	SWNW	2	16.43	19.41	2.98

Received
APR 04 2025
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Oregon
Kate Brown , Governor

Department of Fish and Wildlife
John Day Fish Screening and Passage
357 Patterson Bridge Rd.
P.O. Box 515
John Day, OR 97845
Voice: 541-575-0561
FAX (541) 575-0868
www.dfw.state.or.us/

October 16, 2020

Carl St. Hilaire
East Irrigation District Chairman
84186 Hwy 37
Hermiston, OR 97838

Dear Mr. Hilaire,

Your fish screen was inspected on 10/1/2020. In reference to water right applications S: 88206, 88286, 88290 this letter confirms that a National Marine Fisheries Service criteria fish screen as approved by ODFW is located on the property near GPS coordinates: 45.929749, -119.099148.

In regards to the inspection of the fish screen located on the Columbia River, the following has been determined:

1. The screen located at coordinates 45.929749, -119.099148 will use 5 Elgin Separation Solutions screens.
2. This screen system is approved for water use up to 250 CFS.
3. All screen and pump configurations meet National Marine Fisheries Service criteria at the time of inspection, any changes or modifications to the configurations will not be covered by this certification letter.
4. This screen is an end of pipe screen; therefore, no by-pass is required.

Please contact me if you have any questions regarding this letter.

Sincerely,

Nathaniel Ashley
Fish Screening and Passage Coordinator

CC: Oregon Water Resources Department

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APR 04 2025
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Oregon
John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0671
Fax (503) 986-0793
www.oregonheritage.org

RECEIVED
2012
BY

November 30, 2012

Ms. Shelly Lynch
USACOE
PO Box 2946
Portland, OR 97208-2946

RE: SHPO Case No. 12-1470
APP0051922 & NWP-2012-329
FOE/removal-fill
DSL/COE/Stahl Hutterian Brethern/Hilaire
5N 30E 7, 8, Hermiston, Umatilla County

Dear Ms. Lynch:

Our office recently received your report about the project referenced above. I have reviewed your report and agree that the project will have no effect on any known cultural resources. No further archaeological research is needed with this project.

Please be aware, however, that if during development activities you or your staff encounters any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.

Sincerely,

Dennis Griffin

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

US Army Corps of Engineers
Walla Walla District

STAHL H.B. FARMS AND JSH FARMS RIVER PUMPING STATIONS: FISH SCREENING AND INTAKE MODIFICATIONS PROJECT

Environmental Assessment

Prepared for:

U.S. Army Corps of Engineers
Walla Walla District
Environmental Compliance Section

Prepared by:

Pacific Habitat Services
Wilsonville, Oregon

January 2013

Received
APR 04 2025
OWRD

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Appendix A: Agency Biological Opinions
Appendix B: Archaeological Review and Inventory

FOREWORD

As required by the National Environmental Policy Act of 1969 and subsequent implementing regulations promulgated by the Council on Environmental Quality, this Environmental Assessment has been prepared to determine whether the action proposed by the U.S. Army Corps of Engineers constitutes a "...major Federal action significantly affecting the quality of the human environment..." and whether an environmental impact statement is required. This assessment documents the evaluation and consideration of environmental effects throughout the study and planning process for the proposed project. Based on the project purpose and objectives, alternative concepts for this project were developed and evaluated.

Section 1 of the document presents the general background of the project, and the purpose of the project. This information facilitates the development of alternatives that are documented in Section 2 and provides the basis for much of the environmental analysis in Section 3.

Section 2 presents the alternatives that were developed and reviewed, and which alternatives were removed from further consideration. This section also presents brief summaries of potential impacts of each alternative. The environmental effects of the alternatives that were determined to be reasonable in fulfilling the project purpose are evaluated in detail in Section 3.

Section 3 discusses the existing environmental conditions in the project study area and the anticipated effects that would occur for each alternative. In addition, the "No Action" alternative is evaluated, which provides a comparison to the other alternatives. The descriptions of the biological, physical, cultural, and socio-economic resources serve as a basis for evaluation and comparison of the anticipated effects of the alternatives.

Section 4 identifies the legal, policy, and regulatory requirements associated with the proposed alternatives. The implications for each of those requirements are discussed.

Section 5 presents the results of discussions with the agencies having regulatory responsibility or who manage the natural resources within the project area; and Section 6 lists the references cited within the document.

The Appendices contain supporting documentation, including Biological Opinions issued by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, and the results of a Section 106 archaeological review and inventory.

1. INTRODUCTION

1.1 Background

The U.S. Army Corps of Engineers (Corps) proposes to amend or issue new easements to allow Stahl H.B. Farms and JSH Farms to modify and extend their existing river pumping station intakes and fish screening facilities located along the Columbia River at river mile 301.6, near the city of Hermiston in Umatilla County, Oregon (Township 5 North, Range 30 West, Sections 7 and 8; Latitude 45.9295/ Longitude 119.0991) (Figure 1). The Stahl H.B. Farms and JSH Farms pumping stations were built in 1974 and 1972, respectively, and withdraw water from the Columbia River for irrigation and currently hold an easement from the Corps. The Stahl H.B. Farms system currently serves 7,109 acres of primary water rights on the farm and 6,033 acres of water rights within the Echo Irrigation District (including Hales Farms). The JSH Farms system currently serves 2,908 acres of primary water rights on the farm. Without the uninterrupted flow of irrigation water, these acres and the value they represent would be in jeopardy (IRZ 2012).

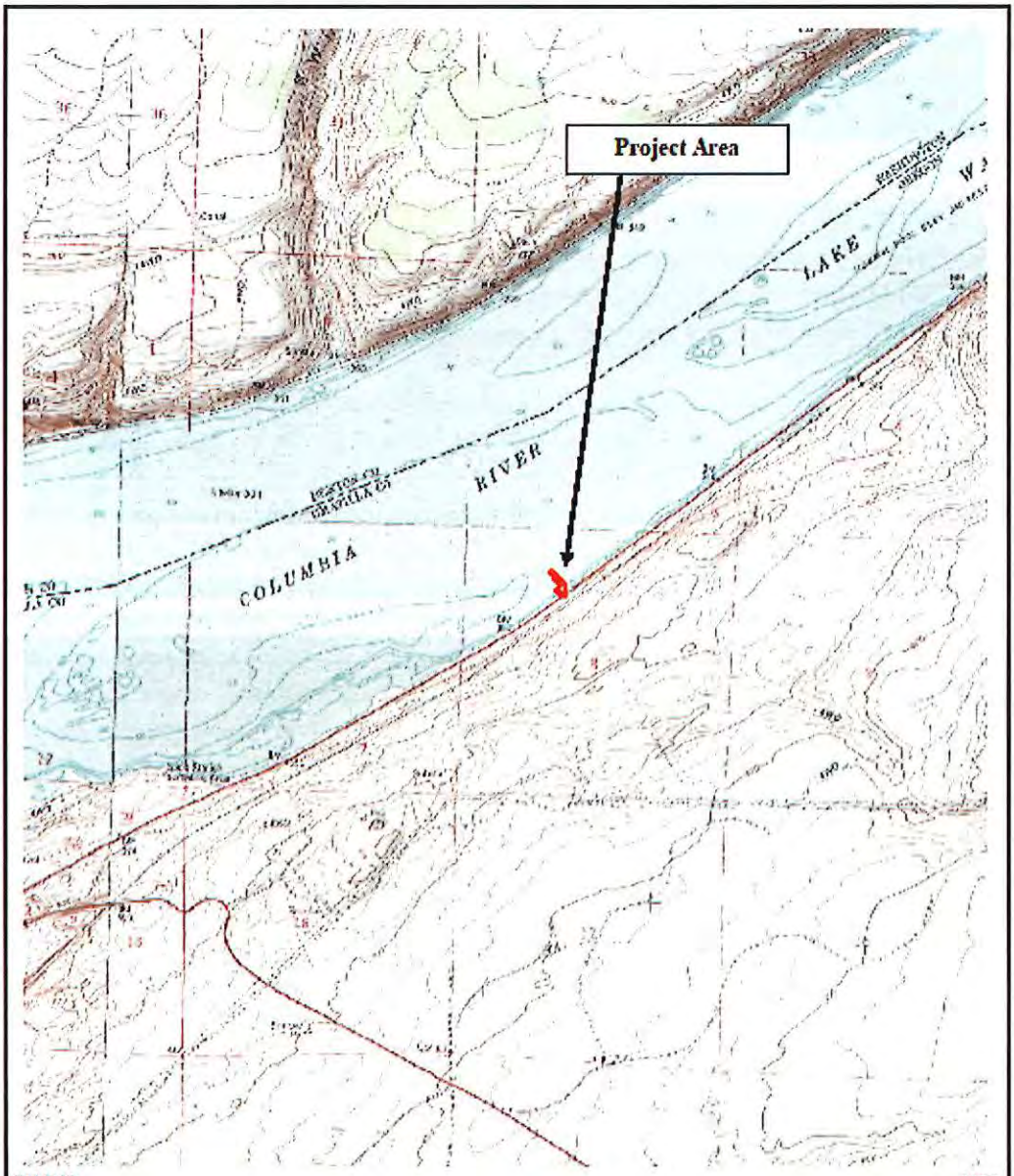
Sediments are accumulating in front of and underneath the Stahl H.B. Farms pumping station, restricting flows and causing damage to the Stahl H.B. Farms intake pumps and threatening to damage the JSH Farms intake pumps. This problem has been developing for some time (since the early 1980s). The migration of the sands has been upstream along the shoreline. Prevailing winds blow sediments into the river and the eddy current has moved them upstream. What used to be an area of open water is now a sand beach extending from the Stahl H.B. Farms pump station west (downstream) along the river bank. A sheet pile wall was installed downstream of the Stahl H.B. Farms pump station in the 1990s to slow the encroachment of sediments; however, the accumulation of sediments at the pump station has continued. If proposed modifications to this station are not made, routine maintenance dredging would be required to remove these accumulated sediments to avoid restricted flow and continued damage to the intake pumps (IRZ 2012).

The Stahl H.B. Farms pumping station consists of eleven 1,000 horsepower and one 500 horsepower vertical turbine pumps. Each pump is set inside a cylindrical screen measuring 3 feet in diameter by 10 feet long. The combined design capacity of the 12 pumps is 66,000 gallons per minute (gpm) (147 cfs). The total currently authorized water right rate is 60,143 gpm (134 cfs). The excess design capacity is to provide backup if one or more pumps needs to be taken out of service for repair during the season. All twelve pumps are not run at the same time (IRZ 2012).

The JSH Farms pumping station consists of seven 800 horsepower vertical turbine pumps with a total water right rate of 27,567 gpm (61 cfs). Each pump is set inside a box screen measuring 4 feet by 3.5 feet by 20 feet long. Sandy sediments accumulating in front of the Stahl H.B. Farms pumping station downstream are being suspended in the upstream current and are drawn into the JSH Farms pumping station, therefore causing damage to the pumps. Additional water withdrawals are not being proposed for either pumping stations.

1.2 Project Purpose and Need

The purpose of the proposed project is to modify the existing intake and fish screening facilities at the Stahl H.B. Farms and JSH Farms pumping stations to reduce or avoid ongoing sedimentation problems, maintain the uninterrupted flow of current irrigation water right volume, reduce the need for maintenance dredging, and meet current National Marine Fisheries Service (NMFS) fish passage and intake screening criteria, therefore minimizing impacts to juvenile salmonids during pumping operations.



Location and general topography for the Stahl H.B. Farms and JSH Farms River Pumping Station: Fish Screening and Intake Modifications Project in Umatilla County, Oregon (USGS Juniper, OR quadrangle, courtesy of mytopo.com).

FIGURE 1

Pacific Habitat Services, Inc.

2. ALTERNATIVES

National Environmental Policy Act (NEPA) and Corps planning guidance (ER 1105-2-100) require the consideration of a reasonable range of alternatives during the planning process. The project design team identified four alternative concepts for this project, including a "No Action" alternative that does not satisfy the purpose and need (P&N) for the project, but provides a baseline from which to compare the other alternatives. The other three alternatives are:

Alternative 2 – Routine maintenance dredging
Alternative 3 – Installation of extended intake pipes and replacement fish screens
Alternative 4 – Installation of flat screens at the pumping stations

The alternatives were evaluated to determine if they were feasible from an engineering, environmental, and economic standpoint, and that they were consistent with the underlying P&N. This section presents the alternatives that were developed and carried forward for further evaluation, any alternatives that were removed from further consideration and identifies the preferred alternative. Brief summaries of potential impacts of each alternative are also discussed. A more detailed discussion of impacts is presented in Section 3.

2.1. Alternative 1 – No Action

With the No Action alternative, no modifications to the Stahl H.B. Farms or JSH Farms pumping stations would take place. The pump intakes would continue to be operated in their current state. Sandy sediments would continue to accumulate in front of the Stahl H.B. Farms pumping station resulting in restricted flows and continued damage to the Stahl H.B. Farms intake pumps, and potential damage to the JSH Farms intake pumps. No annual maintenance dredging of irrigation intakes would be conducted.

The No Action alternative would likely jeopardize the continued flow of irrigation water to those acres serviced by the Stahl H.B Farms and JSH Farms pumping stations, resulting in potential loss of crops and local revenue. In addition, the No Action alternative would not upgrade the existing intake screens and pumps to meet current NMFS fish passage and intake screening criteria, resulting in the continued potential for entrainment and/or impingement of juvenile salmonids during pumping operations. Furthermore, the No Action alternative would likely result in temporary impacts to aquatic resources, threatened and endangered fish species, and water quality during inevitable repair and/or replacement of the damaged pumps. There would be little to no effect on vegetation, wildlife, aesthetics, land use/ownership, cultural resources, recreation, air quality, noise, or wetlands.

2.2. Alternative 2 – Routine maintenance dredging

Alternative 2 would include routine maintenance dredging of the accumulated sediments in front of and under the Stahl H.B. Farms pumping station in order to maintain pumping operations. This would include the dredging of up to 1,500 cubic yards in 2012 and up to 500 cubic yards annually. Accumulated sediments (comprised primarily of course sand) would (if past dredging practices are followed) be removed using a Mud Cat MC-915 or similar model suction dredge operating from a floating barge. The resulting dredge material would be returned back into the river channel, approximately 300 feet north of the pumping station. The dredge material would be carried from the suction dredge through a pipe that would discharge into the river at a depth of approximately 40 feet, thereby allowing sediments to be redistributed downstream.

Based on discussions between the applicant and NMFS, all proposed in-water work activities (including dredging) would likely be reduced to a period of two months between January 1 and February 28 to minimize impacts to water quality and Endangered Species Act (ESA)-listed fish species. (The Oregon Department of Fish and Wildlife (ODFW)-preferred in-water work window (IWWW) for the middle Columbia River is December 1 – March 31, a period when ESA-listed salmonids are least likely to be present within the project area.) In addition, the proposed dredging equipment would utilize a relatively small dredging pump intake (8 inches in diameter) that would remain buried in the substrate up to a foot during dredging, and be equipped with a bar screen (2-inch spacing) and mud shield to reduce re-suspension of solids.

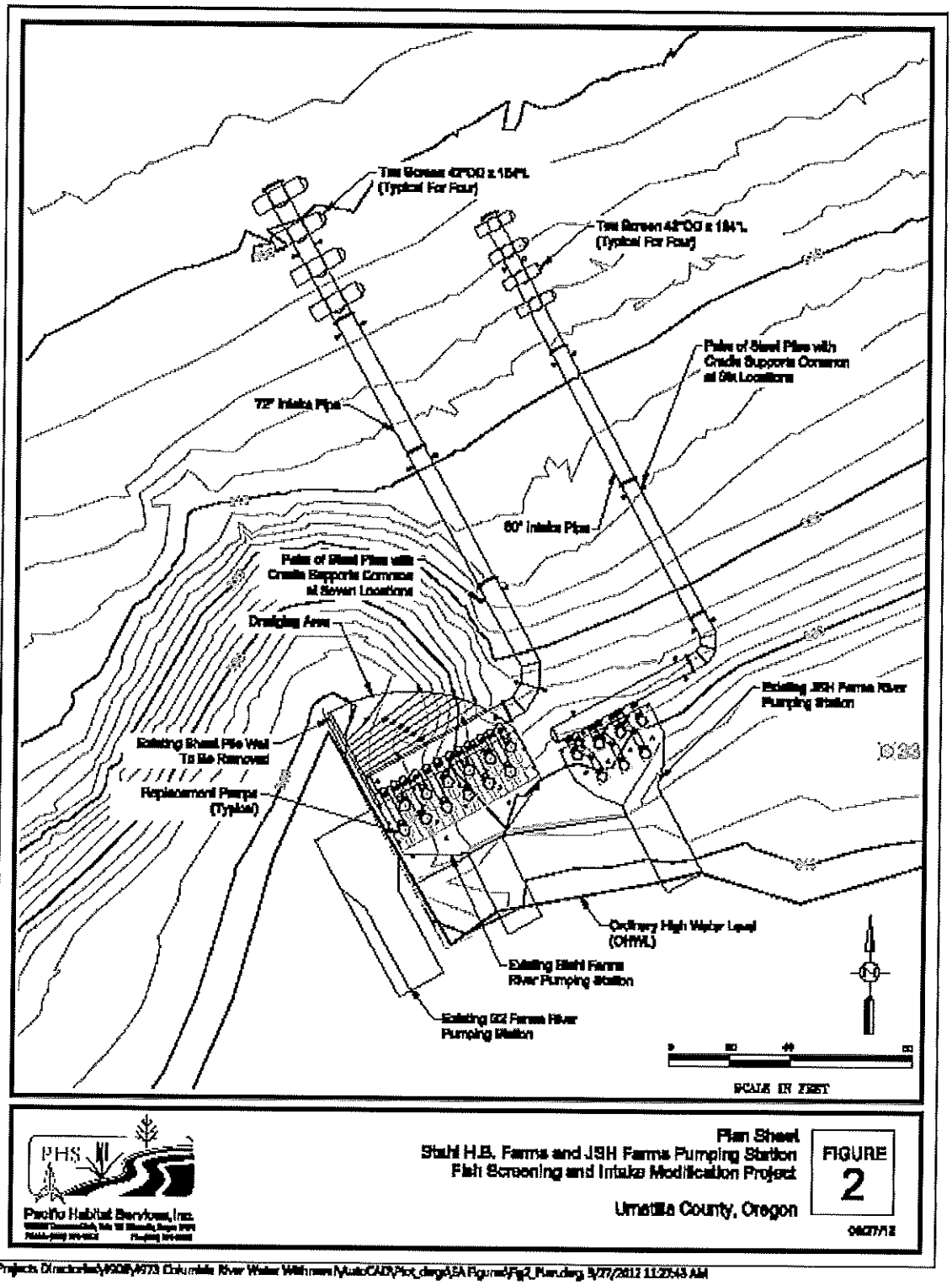
Alternative 2 would likely result in repetitive (annual) impacts to aquatic resources, threatened and endangered fish species, and water quality during routine maintenance dredging. In addition, Alternative 2 would not upgrade the existing intake screens and pumps to meet current NMFS fish

passage and intake screening criteria, resulting in the continued potential for entrainment and/or impingement of juvenile salmonids during pumping operations. Alternative 2 would not reduce or avoid ongoing sedimentation problems, maintain the uninterrupted flow of current irrigation water right volume, or reduce the need for maintenance dredging. This alternative would result in little to no effect on vegetation, wildlife, socioeconomic resources, aesthetics, land use/ownership, cultural resources, recreation, air quality, noise, or wetlands.

2.3. Alternative 3 – Installation of extended intake pipes and replacement fish screens

Alternative 3 would modify the existing intake/fish screening facilities and move them out into deeper water to avoid sediment problems and routine maintenance dredging at the Stahl H.B. Farms intake location and to meet NMFS fish passage and screening criteria. Proposed intake modifications would include (1) replacing the existing cylindrical screens with enclosed cans; (2) connecting each can to a common manifold placed along the front of each of the existing pumps stations; (3) extending a new 72-inch diameter intake pipe at Stahl H.B. Farms and a new 60-inch diameter intake pipe at JSH Farms approximately 180 feet into the Columbia River from the existing pump stations; and (4) installing new tee screens at the end of each of the new intake pipes (see Figure 2). Balancing the need to locate the intake below the surface to reduce the impact to migrating fry and fouling by floating debris, and the need to locate the intake sufficiently above the river bed to reduce sedimentation intake, determined the required distance from shore (i.e., approximately 180 feet). Installation of the extended intake pumps and fish screens would be conducted using a crane and divers operating from a floating barge. All heavy equipment (i.e., crane and suction dredge) would access the project site via existing roadways, parking areas, or floating barges.

The new intake pipes would each be supported by pipe cradles (seven cradles for the Stahl H.B. Farms pipe and six cradles for the JSH Farms pipe). Each pipe cradle would be secured to the river bottom by a pair of 12.75 inch diameter steel piles (26 total piles) installed approximately 15 feet (or to refusal) into the substrate with an APE Model 50 vibratory hammer. It is anticipated that each pile would require approximately 1 hour or less of vibratory hammer use for installation. Four new intake tee screens would then be attached to the deep end of each of the new pipe extensions. Each of the new Stahl H.B. Farms intake tee screens would measure 5 feet in diameter by 18 feet-10 inches in length, and would be affixed with NMFS approved slotted fish screen to ensure juvenile salmonids were not impinged or entrained onto the pump intake. The new JSH Farms intake screens would measure 3.5 feet in diameter by 13.5 feet in length, and would also be affixed with NMFS approved fish screen. Given that the new intake tee screens would be used to withdraw water from the river, the existing intake screens would be replaced with new 42-inch diameter by 21-foot long pump cans.



Installation of the new intake pipes and manifolds would require the removal of approximately 500 cubic yards of accumulated sediments (comprised primarily of course sand) from in front of and underneath the Stahl H.B. Farms pumping station, using a Mud Cat MC-915 or similar model suction dredge operating from a floating barge. The resulting dredge material would be returned back into the river channel, approximately 300 feet north of the pumping station.

The dredge material would be carried from the suction dredge through a pipe that would discharge into the river at a depth of approximately 40 feet, therefore allowing sediments to be redistributed downstream. Following removal of the dredge material, an existing sheet pile wall that extends

approximately 35 feet into the active river channel at the west end of the pumping station would be removed.

To minimize impacts to water quality and ESA-listed fish species, all in-water work activities (including dredging) would be reduced to a period of two months between January 1 and February 28 of the ODFW-preferred IWWW for the middle Columbia River (December 1 – March 31), a period when ESA-listed salmonids are least likely to be present within the project area. In addition, the proposed dredging equipment would utilize a relatively small dredging pump intake (8 inches in diameter) that would remain buried in the substrate up to a foot during dredging, and be equipped with a bar screen with 2-inch openings, and a mud shield to reduce re-suspension of solids.

The pumps would be operated consistent with state water rights and would typically be in operation during the months of April through October. The intake screens would be passively (manually) cleaned and would be equipped with a self-monitoring system that would measure hydraulic head and reduce intake velocities as necessary to maintain an approach velocity of 0.2 feet per second (fps) (in compliance with NMFS criteria) to prevent entrainment or impingement of juvenile salmonids during pumping operations. The existing maximum allowable water withdrawal rates for the Stahl H.B. Farms and JSH Farms pumping stations are 60,143 gpm and 27,567 gpm respectively. The actual amount pumped during any given season is dependent on the water requirements during that year. There would be no changes made to the existing pump capacities and there would be no increase in current allowable operational withdrawal rates.

Alternative 3 would likely result in temporary impacts to aquatic resources, threatened and endangered fish species, and water quality during project construction. However, Alternative 3 would ultimately result in a net benefit to threatened and endangered fish species by meeting NMFS' current fish passage and screening criteria and moving the intakes to deeper water. The deeper depth location of the intakes should make it less likely to affect migrating juvenile salmonids, as they have habitat preference for depths less than 20 feet. In addition, Alternative 3 would avoid the repetitive (annual) impacts associated with routine maintenance dredging (i.e., Alternative 2), and would secure the continued flow of irrigation water to those acres serviced by the pumping stations. Furthermore, Alternative 3 would result in little to no effect on vegetation, wildlife, aesthetics, cultural resources, recreation, air quality, noise, or wetlands.

2.4. Alternative 4 – Installation of flat screens at the pumping stations

Alternative 4 would install flat travelling screens or flat screens with travelling brushes at the existing pumping stations to meet the approach velocity and opening size criteria for NMFS, and to handle floating debris. Such screens, however, would be at or near the shoreline where migratory fry would be moving and would typically require regular removal of accumulated sediments (dredging). Alternative 4 would likely result in temporary impacts to aquatic resources, threatened and endangered fish species, and water quality during project construction. In addition, Alternative 4 would likely result in repetitive (annual) impacts to aquatic resources, threatened and endangered fish species, and water quality during routine maintenance dredging. Alternative 4 would result in little to no effect on vegetation, other wildlife, socioeconomic resources, aesthetics, land use/ownership, cultural resources, recreation, air quality, noise, or wetlands, but it would be less effective at reducing or avoiding ongoing sedimentation problems or maintaining uninterrupted flow of current irrigation water right volume and would require annual/periodic maintenance dredging.

2.5 Alternative Screening

The following decision matrix (Table 1) demonstrates the process utilized to select the preferred alternative relative to the project purpose and goals.

Table 1. Decision matrix for selection of the preferred alternative

Alternatives	Avoids/reduces sedimentation intake and screen debris	Meets NMFS current fish passage and screening criteria	Maintains uninterrupted flow of irrigation water	Avoids routine (yearly) in-water impacts.
1) No Action	No	No	No	Yes
2) Routine dredging	Yes	No	Yes(-)	No
3) Install extended intake pipes and fish screens	**Yes**	**Yes**	**Yes**	**Yes**
4) Install flat screens	Yes(-)	Yes	Yes(-)	No

Yes (-) = localized, temporary effect, no system-wide effect

2.6 Selection of the Preferred Alternative. The only alternative that meets all screening criteria (P&N) is Alternative 3.

Alternative 3 was chosen as the preferred alternative given that it would avoid the sedimentation and debris accumulation problem, and would upgrade the intake screens and pumps to meet NMFS' current fish passage and screening criteria, therefore avoiding entrainment or impingement of juvenile salmonids during pumping operations. In addition, the deeper depth location of the intakes should make it less likely to affect migrating juvenile salmonids, as they have habitat preference for depths less than 20 feet. Furthermore, Alternative 3 would provide the most improvement to the existing intakes and would avoid routine maintenance dredging.

2.7 Alternatives Removed from Further Consideration

Alternative 2 – Routine Maintenance Dredging
Does not avoid ongoing sedimentation problems, reduce the need for maintenance dredging, or meet current National Marine Fisheries Service (NMFS) fish passage and intake screening criteria, therefore minimizing impacts to juvenile salmonids during pumping operations

Alternative 4 – Installation of flat screens at the pumping stations
As stated above, Alternative 4 would likely result in repetitive (annual) impacts to aquatic resources, threatened and endangered fish species, and water quality during routine maintenance dredging. In addition, although the pumps would meet current NMFS screening criteria, the pump intakes would still be located in a water depth of less than 20 feet, increasing their potential to affect migrating juvenile salmonids. As such, it was removed from further consideration and analysis.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section discusses the existing environmental conditions of the project study area and the anticipated effects that would occur for each alternative over a wide range of environmental and social elements. In addition, the "No Action" alternative is evaluated which provides a comparison to the other alternatives. For the purposes of this assessment, the project study area includes the existing Stahl H.B. Farms and JSH Farms pumping stations, the proposed project footprint, and a portion of the Columbia River that extends 300 feet around and 500 feet downstream of proposed in-water construction activities (see Figure 3). Descriptions of the biological, physical, cultural, and socio-economic resources serve as a basis for evaluation and comparison of the anticipated effects of the alternatives, which are also presented. A total of 14 environmental resources were initially reviewed – vegetation, wildlife, aquatic resources, threatened and endangered species, water quality, socioeconomics, aesthetics, land use/land ownership, cultural resources, recreation, air quality, noise, wetlands and cumulative effects. After preliminary analysis it was determined the proposed action would have no major impacts/effects on aesthetics, land use/land ownership, recreation, air quality, noise and wetlands and therefore only vegetation, wildlife, aquatic resources, threatened and

endangered species, water quality, cultural resources and cumulative effects warranted further consideration and discussion.



Project study area for the Stahl H.B. Farms and JSH Farms River Pumping Station Fish Screening and Intake Modifications Project in Umatilla County, Oregon (Google Earth, 2005).

FIGURE 3

Pacific Habitat Services, Inc.

3.1. Vegetation

3.1.1. Existing Conditions – Vegetation

The majority of the project site is located over and within the main channel of the Columbia River. As such, vegetation within the project study area is confined to a small area along the immediate, rip-rap shoreline. Vegetation surrounding the project study area is dominated by species typical of the

sagebrush-steppe vegetation community in eastern Oregon, including rabbitbrush (*Ericameria nauseosa*), antelope brush (*Purshia tridentate*) and cheatgrass (*Bromus tectorum*). Other species observed along the shoreline include big sagebrush (*Artemisia tridentata*), common mullein (*Verbascum Thapsus*), tall tumblemustard (*Sisymbrium altissimum*), and willow species (*Salix* sp.).

3.1.2. Environmental Consequences – Vegetation

Alternative 1 – No Action
The No Action alternative would have no direct, indirect or cumulative effects on vegetation.

Alternative 3 - Installation of extended intake pipes and replacement fish screens
As with Alternative 2, this alternative would not require upland disturbance. All heavy equipment (i.e., crane and suction dredge) would access the project site via existing roadways, river access points, and floating barges. As such, Alternative 3 would have no direct, indirect, or cumulative effects on vegetation.

3.2. Wildlife

3.2.1. Existing Conditions – Wildlife

Habitats for wildlife species within the project study area are extremely limited. Vegetation is confined to a small area along the immediate, rip-rap shoreline. Surrounding the project study area, habitat is defined as a typical sagebrush-steppe community (as described above in Section 3.1.1) and open water habitat. No wildlife species were observed during a February 22, 2012 site visit.

In the vicinity of the project study area, the representative wildlife species that use sagebrush-steppe and open water communities include common species such as osprey (*Pandion haliaetus*), bald eagle (*Haliaeetus leucocephalus*), various raptors and songbirds, waterfowl, bats, rabbits and other small mammals, mule deer (*Odocoileus hemionus*), and coyote (*Canis latrans*). Osprey and bald eagle may use the open water habitat within the project study area for hunting. Songbirds such as grasshopper sparrows and waterfowl such as mallards or teal may also use the open water habitat within the project study area for foraging. Small and large mammals such as skunks and mule deer may utilize the surrounding areas.

3.2.2. Environmental Consequences – Wildlife

Alternative 1 – No Action
Given the existing site conditions and regular occurrence of human activity (i.e., boating and vehicle traffic) within the vicinity of the project study area, the No Action alternative would have little to no direct, indirect or cumulative effects on wildlife.

Alternative 3 - Installation of extended intake pipes and replacement fish screens
As with Alternative 2, Alternative 3 would not require any disturbance of upland wildlife habitats. All heavy equipment (i.e., crane and suction dredge) would access the project site via existing roadways, river access points, and floating barges. Construction activities may result in minor short-term noise disturbance for wildlife species that may be foraging within the vicinity of the project study area. However, all work activities associated with Alternative 3 would be reduced to a period of two months between January 1 and February 28, during which time, wildlife species would be able to avoid the disturbance area. As such, Alternative 3 would have little to no direct, indirect, or cumulative effects on wildlife.

3.3. Aquatic Resources

3.3.1. Existing Conditions – Aquatic Resources

Fish species in Lake Wallula reservoir include a mixture of native riverine and introduced species that are typically associated with lake-like conditions (Hjort et al. 1981 and Mullan et al. 1986, as cited in USACOE 2011a). Species composition throughout the Columbia River has changed over the years due to the blockage of spawning migrations and modification of habitats (U.S. ACOE 2011a). Cold water resident species (such as trout [*Oncorhynchus* sp.], whitefish [*Prosopium* sp.], and white sturgeon [*Acipenser transmontanus*]) that were once common in the middle Columbia River have declined since the construction of the dams and have been replaced by cool and warm water species (such as carp [*Cyprinus carpio*], bass [*Micropterus* sp.], catfish [*Ictalurus punctatus*], and walleye [*Sander vitreus*]) (ACOE 2011a). In addition, Pacific lamprey (*Entosphenus tridentatus*) runs in the Columbia River basin historically numbered in the hundreds of thousands at Bonneville Dam as recently as 1965, but their distribution and abundance has been reduced by construction of dams and diversions as well as degradation of spawning and rearing habitat (Thompson et al. 2010, as cited in ACOE 2011a). Salmonids that occur in Lake Wallula include: steelhead and resident rainbow trout (*O. mykiss*), bull trout (*Salvelinus confluentus*), Chinook salmon (*O. tshawytscha*), sockeye salmon (*O. nerka*), and hatchery-origin coho salmon (*O. kisutch*). Some of the salmonid species present in Lake Wallula are listed under the Federal ESA, as discussed in the Threatened and Endangered Species section below.

3.3.2. Environmental Consequences – Aquatic Resources

Alternative 1 – No Action

The No Action alternative would likely result in direct impacts to aquatic resources during inevitable repair and/or replacement of the damaged intake pumps. Ideally, pump repair and/or replacement would occur during the winter months when fewer salmonids would be present within the project study area, and when operation of the pumps (i.e., irrigation) would not be required. However, given that failure of the damaged pumps could occur at any time of the year, the timeframe associated with repair and/or replacement cannot be predicted. In addition, the No Action alternative would not improve existing fish passage conditions, resulting in the continued potential for entrainment and/or impingement of juvenile salmonids during pumping operations. The No Action alternative would add slightly to the cumulative effects on aquatic resources.

Alternative 3 - Installation of extended intake pipes and replacement fish screens

Alternative 3 would likely result in temporary, direct impacts to aquatic resources resulting from potential entrainment and substrate modification during project construction. However, Alternative 3 would ultimately result in a net indirect benefit to threatened and endangered fish species by meeting NMFS' current fish passage and screening criteria and moving the intakes to deeper water. The deeper depth location of the intakes should make it less likely to affect migrating juvenile salmonids, as they have habitat preference for depths less than 20 feet. In addition, Alternative 3 would avoid the repetitive (annual) impacts associated with routine maintenance dredging (i.e., Alternative 2).

Alternative 3 may result in entrainment if juvenile fish species and/or lamprey ammocetes are drawn into the suction dredge or impinged upon the intake screen during proposed dredging activities. However, given the proposed timing of in-water work (January 1 – February 28), the surface area of the suction dredge intake (8 inches in diameter), and depth that the dredge intake will remain buried in the substrate (up to a foot during dredging); it is likely that the risk of injury or lethal take of ESA-listed fish species from proposed dredging activities would be minimal.

Short-term, localized project-related increases in background turbidity levels would likely occur as a result of activities associated with dredging and piling installation. Given the existing substrate conditions (course sand), proposed dredging (suction dredge) and disposal methods (into the river at a depth of approximately 40 feet), increases in background turbidity associated with short-term dredging activities would be minimized. In addition, it is anticipated that turbidity associated with vibratory hammer use during piling installation would be highly localized. As such, short-term, localized increases in background turbidity resulting from temporary work within the river channel would not be

expected to result in any net change in function of the in-stream habitat. Forage quantity for juvenile salmonids would likely be temporarily reduced within the dredging area as benthic organisms become entrained by the dredge; however, re-colonization of benthic organisms would likely occur within a month following completion of dredging (NMFS 2009). It is reasonably certain that given the proposed timing of in-water work and the relative size of the impact area, the concentration of suspended sediments resulting from Alternative 3 would not result in any significant, long-term effect to aquatic resources.

Given the lack of complex habitat structure within the action area, introduction of the new intake pipes may provide simple in-water structures, velocity refuge, and overhead cover that can attract salmonid predators such as northern pikeminnow (*Ptychocheilus oregonensis*), smallmouth bass (*M. dolomieui*), and largemouth bass (*M. salmoides*). However, based on the proposed depth of the new intake pipes (20 to 40 feet) and apparent lack of salmonid rearing within the vicinity of the action area, it is unlikely that the new intake pipes would provide preferred ambush cover for potential predators. Given that a positive relationship between submerged pipe structures and predation on juvenile salmonids has not been scientifically established, the potential effects of the new intake pipes on salmonid predation is likely unquantifiable, although not discountable.

Aquatic resources have been affected greatly by the creation of reservoirs on the Columbia River which slow the flow, deepen the water, and cause sand and silt to deposit at higher rates than in a natural river. Alternative 3 would improve fish passage conditions at an existing intake facility, resulting in little to no cumulative effects on aquatic resources.

3.4. Threatened and Endangered Species

3.4.1. Existing Conditions – Threatened and Endangered Species

No ESA-listed wildlife or plant species are known to occur within the vicinity of the project study area (USFWS 2012). However, the Columbia River supports several salmonid populations listed as threatened or endangered under the Federal ESA. ESA-listed Chinook salmon, sockeye salmon, steelhead, and bull trout are known to occur within the vicinity of the project study area at various times of the year (see Table 1). Further discussion of the natural history and potential occurrence of these ESA-listed fish species within the project study area is provided below. Biological Opinions from the NMFS and USFWS have been written for the preferred alternative (Alternative 3) and are included in Appendix A.

Table 2. ESA-listed species known to occur within the vicinity of the project study area.

Species	Population	Federal Status	Closest Designated Critical Habitat*	Potential Site Use*
Chinook salmon *Oncorhynchus tshawytscha*	Upper Columbia River Spring-Run Evolutionarily Significant Unit (ESU)	Endangered (70FR37160)	Columbia River	Adult and juvenile migration
	Snake River Spring/ Summer-Run ESU	Threatened (70FR37160)	Columbia River	Adult and juvenile migration
	Snake River Fall-Run ESU	Threatened (70FR37160)	Columbia River	Adult and juvenile migration
Sockeye salmon *Oncorhynchus nerka*	Snake River ESU	Endangered (70FR37160)	Columbia River	Adult and juvenile migration
Steelhead *Oncorhynchus mykiss*	Middle Columbia River Distinct Population Segment (DPS)	Threatened (71FR834)	Columbia River	Adult and juvenile migration

Species	Population	Federal Status	Closest Designated Critical Habitat*	Potential Site Use*
	Upper Columbia River DPS	Threatened (71FR834)	Columbia River	Adult and juvenile migration
	Snake River Basin DPS	Threatened (71FR834)	Columbia River	Adult and juvenile migration
Bull trout *Salvelinus confluentus*	Columbia River Interim Recovery Unit (IRU)	Threatened (63FR31647)	Columbia River	Adult and juvenile migration

*Sources: NMFS 2012; StreamNet 2012

Upper Columbia River Spring-Run Chinook Salmon

Chinook salmon of the Upper Columbia River (UCR) Spring-Run Evolutionarily Significant Unit (ESU) were originally listed as endangered on March 24, 1999 (64 FR 14308) and reaffirmed as endangered on June 28, 2005 (70 FR 37160). The UCR Spring-Run Chinook salmon ESU includes all naturally spawned populations of spring Chinook salmon in all river reaches accessible to spring Chinook salmon in Columbia River tributaries upstream of Rock Island Dam and downstream of Chief Joseph Dam in Washington, as well as six artificial propagation programs (70 FR 37160).

Critical Habitat for the UCR Spring-Run Chinook salmon ESU was designated on September 2, 2005 and became effective on January 2, 2006, and includes the Columbia River within the project study area (70 FR 52630). The Primary Constituent Elements (PCEs) associated with UCR Spring-Run Chinook salmon Critical Habitat within the project study area includes freshwater migration corridors. The physical and biological features identified by NMFS as essential for UCR Spring-Run Chinook salmon migration include water quality and quantity, natural cover, and corridors free of artificial obstructions (70 FR 52630).

UCR Spring-Run Chinook salmon migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). Adult and juvenile Chinook salmon typically migrate through the project study area between early April and late October (DART 2012). However, based on the Columbia River Data Access in Real Time (DART) 10-year average (2002-2011) for adult and smolt Chinook passage at McNary Dam, Chinook salmon could occur within the project study area as early as mid-March and as late as early December (DART 2012).

Snake River Spring/Summer-Run Chinook Salmon

Chinook salmon of the Snake River (SR) Spring/Summer-Run ESU were originally listed as threatened on April 22, 1992 (57 FR 14653) and were reaffirmed as threatened on June 28, 2005 (70 FR 37160). The SR Spring/Summer-Run Chinook salmon ESU includes all naturally spawned populations of spring/summer-run Chinook salmon in the mainstem Snake River and the Tucannon River, Grande Ronde River, Imnaha River, and Salmon River subbasins, as well as fifteen artificial propagation programs (57 FR 14653).

Critical Habitat for the SR Chinook salmon ESU was designated on December 28, 1993 (58 FR 68543) and revised on October 25, 1999 (64 FR 57399), and includes the Columbia River within the project study area. The PCEs associated with SR Spring/Summer-Run Chinook salmon Critical Habitat within the project study area include juvenile and adult migration corridors. The physical and biological features identified by NMFS as essential for juvenile and adult SR Spring/Summer-Run Chinook salmon migration include substrate, water quality and quantity, water temperature, water velocity, cover/shelter, food, riparian vegetation, space and safe passage (58 FR 68543).

SR Spring/Summer-Run Chinook salmon migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). As discussed above, adult and juvenile Chinook salmon typically migrate through the project study area between early April and late October (DART 2012).

Snake River Fall-Run Chinook Salmon

Chinook salmon of the SR Fall-Run ESU were originally listed as threatened on April 22, 1992 (57 FR 14653) and were reaffirmed as threatened on June 28, 2005 (70 FR 37160). The SR Fall-Run Chinook salmon ESU includes all naturally spawned populations of fall-run Chinook salmon in the mainstem Snake River below Hells Canyon Dam, and in the Tucannon River, Grande Ronde River, Imnaha River, Salmon River, and Clearwater River subbasin, as well as four artificial propagation programs (70 FR 37160).

Critical Habitat for the SR Fall-Run Chinook salmon ESU was designated on December 28, 1993 (58 FR 68543), and includes the Columbia River within the project study area. The PCEs associated with SR Fall-Run Chinook salmon Critical Habitat within the project study area include juvenile and adult migration corridors. The physical and biological features identified by NMFS as essential for juvenile and adult SR Fall-Run Chinook salmon migration include substrate, water quality and quantity, water temperature, water velocity, cover/shelter, food, riparian vegetation, space and safe passage (58 FR 68543).

SR Fall-Run Chinook salmon migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). As discussed above, adult and juvenile Chinook salmon typically migrate through the project study area between early April and late October (DART 2012).

Snake River Sockeye Salmon

Sockeye salmon of the SR ESU were originally listed as endangered on November 20, 1991 (56 FR 58619) and reaffirmed as endangered on June 28, 2005 (70 FR 37160). The SR sockeye salmon ESU includes all anadromous and residual sockeye salmon from the Snake River Basin, Idaho, as well as artificially propagated sockeye salmon from the Redfish Lake captive propagation program (70 FR 37160).

Critical Habitat for the SR sockeye salmon ESU was designated on December 28, 1993 (58 FR 68543), and includes the Columbia River within the project study area. The PCEs associated with SR sockeye salmon Critical Habitat within the project study area include juvenile and adult migration corridors. The physical and biological features identified by NMFS as essential for juvenile and adult SR sockeye salmon migration include substrate, water quality and quantity, water temperature, water velocity, cover/shelter, food, riparian vegetation, space and safe passage (58 FR 68543).

SR sockeye salmon migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). Adult and juvenile sockeye salmon typically migrate through the action area between early June and late July (DART 2012). However, based on the Columbia River DART 10-year average (2002-2011) for adult and smolt sockeye passage at McNary Dam, juvenile sockeye salmon could occur within the project study area as late as early December (DART 2012).

Middle Columbia River Steelhead

The Middle Columbia River (MCR) steelhead Distinct Population Segment (DPS) was originally listed as threatened on March 25, 1999 (64 FR 14517), and reaffirmed on January 5, 2006 (71 FR 834). This

DPS includes all naturally spawned anadromous steelhead populations below natural manmade impassable barriers in streams from above the Wind River in Washington, and the Hood River in Oregon, upstream to, and including, the Yakima River. The MCR steelhead DPS excludes steelhead from the Snake River Basin, as well as seven artificial propagation programs.

Critical Habitat for the MCR steelhead DPS was designated on September 2, 2005 (70 FR 52630) and became effective on January 2, 2006, and includes the Columbia River within the project study area. The PCEs associated with MCR steelhead Critical Habitat within the project study area include freshwater migration corridors. The physical and biological features identified by NMFS as essential for MCR steelhead migration include water quality and quantity, natural cover, and corridors free of artificial obstructions (70 FR 52630).

MCR steelhead migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). Adult and juvenile steelhead typically migrate through the project study area between early March and late December (DART 2012).

Upper Columbia River Steelhead

The UCR steelhead DPS was originally listed as endangered on August 18, 1997 (62 FR 43937) and was downgraded to threatened on January 5, 2006 (71 FR 834). The threatened status was then reinstated to endangered per a U.S. District Court decision in June 2007, and was then again downgraded to threatened per a U.S. District Court order on June 18, 2009 (72 FR 42605). This DPS includes all naturally spawned anadromous steelhead populations below natural and man-made impassable barriers in streams in the Columbia River Basin upstream from the Yakima River to the U.S. - Canada border, as well as six artificial propagation programs.

Critical Habitat for the UCR steelhead DPS was designated on September 2, 2005 (70 FR 52630) and became effective on January 2, 2006, and includes the Columbia River within the project study area. The PCEs associated with UCR steelhead Critical Habitat within the project study area include freshwater migration corridors. The physical and biological features identified by NMFS as essential for UCR steelhead migration include water quality and quantity, natural cover, and corridors free of artificial obstructions (70 FR 52630).

UCR steelhead migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). As discussed above, adult and juvenile steelhead typically migrate through the project study area between early March and late December (DART 2012).

Snake River Basin Steelhead

The Snake River Basin (SRB) steelhead DPS was originally listed as a threatened species on August 18, 1997 (62 FR 43937) and was reaffirmed on January 5, 2006 (71 FR 834). This DPS includes all naturally spawned anadromous steelhead populations below natural and manmade impassable barriers in streams in the SRB of southeast Washington, northeast Oregon, and Idaho, as well as six artificial propagation programs.

Critical Habitat for the SRB steelhead DPS was designated on September 2, 2005 (70 FR 52630) and became effective on January 2, 2006, and includes the Columbia River within the project study area. The PCEs associated with SRB steelhead Critical Habitat within the project study area include freshwater migration corridors. The physical and biological features identified by NMFS as essential for SRB steelhead migration include water quality and quantity, natural cover, and corridors free of artificial obstructions (70 FR 52630).

SRB steelhead migrate through the Columbia River within the project study area as adults and juveniles, but do not appear to utilize the area for spawning or rearing (StreamNet 2012). As discussed above, adult and juvenile steelhead typically migrate through the project study area between early March and late December (DART 2012).

Bull Trout

Bull trout were first listed as threatened under the ESA on June 10, 1998 (63 FR 31647). This original listing included the Columbia River and Klamath River DPSs. The USFWS later added the Jarbridge River, Coastal-Puget Sound, and St. Mary-Belly River DPSs to the listing. A final ruling was issued on November 1, 1999, that assigned threatened status to all populations of bull trout within the coterminous United States (64 FR 58910/58933). This final ruling consolidated the previous DPSs into a single DPS coterminous listing. Until a final bull trout recovery plan is completed, DPSs previously identified in the original listing rule are termed "interim recovery units" (IRUs). The USFWS considers bull trout threatened because of habitat degradation and fragmentation, blockage of migratory corridors, poor water quality, past fisheries management practices, and the introduction of non-native species (63 FR 31647).

The Columbia River IRU is represented by widespread subpopulations that have declined in overall range and numbers of fish. A majority of Columbia River bull trout occur in isolated, fragmented habitats that support low numbers of fish and are inaccessible to migratory bull trout (63 FR 31647). A few remaining bull trout "strongholds" still remain in the Columbia River basin. These populations are found in large areas of contiguous habitat in the Snake River basin of the central Idaho mountains, upper Clark Fork and Flathead Rivers in Montana, and several streams in the Blue Mountains in Washington and Oregon (63 FR 31647).

Critical Habitat for the Columbia River IRU was originally designated on October 6, 2004 (69 FR 59996). On January 13, 2010, the USFWS proposed to revise its designation of Critical Habitat for bull trout (75 FR 2270). In total, the USFWS proposed designating approximately 22,679 miles of streams and 533,426 acres of lakes and reservoirs in Idaho, Oregon, Washington, Montana and Nevada, and 985 miles or marine shoreline in Washington. A final ruling on Critical Habitat for bull trout in the coterminous U.S. was designated on October 18, 2010, and included the Columbia River (75 FR 63898). The physical and biological features identified by USFWS as essential for the conservation of bull trout include springs, seeps, groundwater sources, migratory habitats, abundant food base, complex aquatic environments, water temperature, substrates, natural hydrograph, permanent water quality and quantity, and non-native predatory species presence (75 FR 63898).

Bull trout in the Columbia River IRU migrate through the Columbia River within the project study area as adults and juveniles, but do not utilize the area for spawning or rearing (StreamNet 2012). This section of the Columbia River (from the Umatilla River and upriver past the Walla Walla River) is utilized by bull trout almost year around for foraging (Bianca Streif, USFWS biologist, pers. comm., June 25, 2012). The Walla Walla River and Umatilla River are the closest core areas for local populations of bull trout relative to the project study area. The project study area does not appear to support preferable habitat conditions for bull trout given the relatively shallow water depth, lack of overwater structures, unfavorable sandy substrates, and operational disturbance activities. However, there have been several recent accounts of bull trout entering the Umatilla River downstream of McNary Dam, some of which have migrated from the Walla Walla River (located upstream of the action area) (Bianca Streif, USFWS biologist, pers. comm., June 25, 2012). As such, a few adult and/or juvenile bull trout may be present within or near the project study area.

3.4.2. Environmental Consequences – Threatened and Endangered Species

Alternative 1 – No Action

The No Action alternative would likely result in direct impacts to threatened and endangered fish species during inevitable repair and/or replacement of the damaged intake pumps. Ideally, pump repair and/or replacement would occur during the winter months when fewer ESA-listed salmonids would be present within the project study area, and when operation of the pumps (i.e., irrigation) would not be required. However, given that failure of the damaged pumps could occur at any time of the year, the timeframe associated with repair and/or replacement cannot be predicted. In addition, the No Action alternative would not improve existing fish passage conditions, resulting in the continued potential for entrainment and/or impingement of juvenile ESA-listed salmonids during pumping operations. The No Action alternative would add slightly to the cumulative effect on threatened and endangered fish species.

Alternative 2 – Routine maintenance and dredging

Alternative 2 would likely result in repetitive (annual) direct impacts to threatened and endangered fish species resulting from potential entrainment and substrate modification during routine maintenance dredging. Entrainment may occur if juvenile ESA-listed salmonids are drawn into the suction dredge or impinged upon the intake screen during proposed dredging activities. The potential for entrainment is largely dependent on the likelihood of ESA-listed fish species occurring within the dredge prism, the depth of dredging, the surface area of the suction dredge, and the life stage of the species. Given the proposed timing of in-water work (January 1 – February 28), the surface area of the suction dredge intake (8 inches in diameter), and depth that the dredge intake would remain buried in the substrate (up to a foot during dredging); it is likely that the risk of injury or lethal take of ESA-listed fish species from proposed dredging activities would be minimal.

In the short-term, annual substrate modification could also elevate turbidity levels and reduce forage quantity, therefore disrupting behavioral patterns of juvenile ESA-listed salmonids, including feeding and sheltering. Forage quantity for juvenile salmonids would likely be reduced within the dredging area as benthic organisms became entrained by the dredge. Although, re-colonization of benthic organisms would likely occur within a month following completion of dredging (NMFS 2009), repetitive (annual) dredging could result in longer term indirect impacts. In addition, Alternative 2 would not improve existing fish passage conditions, resulting in the continued potential for entrainment and/or impingement of juvenile ESA-listed salmonids during pumping operations. Repetitive (annual) dredging activities associated with Alternative 2 would add slightly to the cumulative effects on threatened and endangered fish species.

Alternative 3 - Installation of extended intake pipes and replacement fish screens

Alternative 3 would likely result in temporary, direct impacts to threatened and endangered fish species resulting from potential entrainment and substrate modification during project construction. However, Alternative 3 would ultimately result in a net indirect benefit to threatened and endangered fish species by meeting NMFS' current fish passage and screening criteria and moving the intakes to deeper water. The deeper depth location of the intakes should make it less likely to affect migrating juvenile ESA-listed salmonids, as they have habitat preference for depths less than 20 feet. In addition, Alternative 3 would avoid the repetitive (annual) impacts associated with routine maintenance dredging (i.e., Alternative 2).

Alternative 3 may result in entrainment if juvenile ESA-listed salmonids are drawn into the suction dredge or impinged upon the intake screen during proposed dredging activities. However, given the proposed timing of in-water work (January 1 – February 28), the surface area of the suction dredge intake (8 inches in diameter), and depth that the dredge intake would remain buried in the substrate (up to a foot during dredging); it is likely that the risk of injury or lethal take of ESA-listed fish species from proposed dredging activities would be minimal.

Short-term, localized project-related increases in background turbidity levels would likely occur as a result of activities associated with dredging and piling installation. Given the existing substrate conditions (course sand), proposed dredging (suction dredge) and disposal methods (into the river at a depth of approximately 40 feet); increases in background turbidity associated with short-term dredging activities would be minimized. In addition, it is anticipated that turbidity associated with vibratory hammer use during piling installation would be highly localized. As such, short-term, localized increases in background turbidity resulting from temporary work within the river channel are not expected to result in any net change in function of the in-stream habitat. Forage quantity for juvenile ESA-listed salmonids would likely be temporarily reduced within the dredging area as benthic organisms became entrained by the dredge, however, re-colonization of benthic organisms will likely occur within a month following completion of dredging (NMFS 2009). It is reasonably certain that given the proposed timing of in-water work and the relative size of the impact area, the concentration of suspended sediments resulting from proposed project activities would not result in any significant, long-term effect to threatened and endangered fish species.

Given the lack of complex habitat structure within the action area, introduction of the new intake pipes may provide simple in-water structures, velocity refuge, and overhead cover that can attract salmonid predators such as northern pikeminnow (*Ptychocheilus oregonensis*), smallmouth bass (*M. dolomieui*), and largemouth bass (*M. salmoides*). However, based on the proposed depth of the new intake pipes (20 to 40 feet) and apparent lack of salmonid rearing within the vicinity of the action area, it is unlikely that the new intake pipes would provide preferred ambush cover for potential predators. Given that a positive relationship between submerged pipe structures and predation on juvenile salmonids has not been scientifically established, the potential effects of the new intake pipes on salmonid predation is likely unquantifiable, although not discountable.

Aquatic resources have been greatly affected by the creation of reservoirs on the Columbia River which slow the flow, deepen the water, and cause sand and silt to deposit at higher rates than in a natural river. Alternative 3 would improve fish passage conditions at an existing intake facility, resulting in little to no cumulative effects on threatened and endangered fish species.

3.5. Water Quality

3.5.1. Existing Conditions – Water Quality

In general, the water quality throughout the Columbia River basin has been significantly affected by human activities such as dams and diversion structures, water withdrawals, farming and grazing, road construction, mining activities, and urbanization. Increased stream temperatures have occurred throughout the basin and have a significant effect on salmonid metabolism, growth rate, disease resistance, timing of adult migrations, fry emergence, and smoltification. In addition, excess nutrients, low levels of dissolved oxygen, heavy metals, and changes in pH have all directly affected the water quality for salmon and steelhead both as adults and juveniles as these fish migrate both downstream and upstream between spawning grounds and rearing areas.

The middle Columbia River within the Lake Wallula reservoir is listed on the Oregon Department of Environmental Quality (ODEQ) 303(d) list for year round temperature exceedance (ODEQ 2012a). Based on the Columbia River DART 10-year average (2002-2011), temperatures at McNary range between a low of approximately 4° Celsius (C) in mid-February, to a high of over 22° C in mid-August (DART 2012). Many factors have contributed to increased stream temperatures, but they are primarily related to land-use practices including dams, channel simplification and widening, and vegetation removal. There has also been an incremental loss of wetlands and increases in groundwater withdrawals which have contributed to lower base-stream flows, and which in turn contribute to temperature increases. In addition, the middle Columbia River within the Lake Wallula reservoir is 303(d) listed for polychlorinated biphenyls (PCBs), and has an approved Total Maximum Daily Load (TMDL) for dioxin and total dissolved gas (TDG) (ODEQ 2012a).

The Portland Sediment Evaluation Team granted a no-test exclusion for sediment samples collected within the dredging area based on the small volume of material to be dredged and the distance of the project area from potential sources of contamination (PHS 2012).

3.5.2. Environmental Consequences – Water Quality

Alternative 1 – No Action

The No Action alternative would likely result in minor direct and indirect impacts to water quality during inevitable repair and/or replacement of the damaged intake pumps. The timeframe and exact construction impacts associated with repair and/or replacement cannot be predicted. The No Action alternative may add slightly to the cumulative effects on water quality.

Alternative 3 - Installation of extended intake pipes and replacement fish screens

Alternative 3 would likely result in short-term, localized project-related increases in background turbidity levels as a result of activities associated with dredging and piling installation. As with Alternative 2, given the existing substrate conditions (course sand), proposed dredging (suction dredge) and disposal methods (into the river at a depth of approximately 40 feet); increases in background turbidity associated with short-term dredging activities would be minimized. In addition, it is anticipated that turbidity associated with vibratory hammer use during piling installation would be highly localized. Furthermore, Alternative 3 would avoid the repetitive (annual) impacts associated with routine maintenance dredging (i.e., Alternative 2). As such, it is reasonably certain that given the proposed timing of in-water work and the relative size of the action area, the concentration of suspended sediments resulting from Alternative 3 activities would not result in any significant direct, indirect, or cumulative effects to water quality.

As stated above, equipment operating near and over the river channel within the project study area represent potential sources of chemical contamination. Accidental spills of construction material or petroleum products would adversely affect water quality. All conditions of ODEQ's 401 Water Quality Certification would be followed, including development and implementation of a Pollution Control Plan (PCP) that would include containment measures and spill response for construction-related chemical hazards.

3.6. Socioeconomics

3.6.1. Existing Conditions – Socioeconomics

As discussed above, the Stahl H.B. Farms pumping station currently serves 7,109 acres of primary water rights on Stahl H.B. farmland within Umatilla County; and 1,576 acres of primary and 4,457 acres of supplemental water rights within the Echo Irrigation District (including Hales Farms) within Umatilla and Morrow Counties. The JSH Farms system currently serves 2,908 acres of primary water rights on JSH farmland in Umatilla County (IRZ 2012).

Umatilla and Morrow Counties have estimated populations of 76,725 and 11,170, respectively (USDC 2012). Farmland irrigation has been key to economic diversification and growth within both counties. Agriculture and food processing represent two of the largest industries within these counties, along with forest products, tourism, manufacturing, recreation, aggregate (gravel) production, and wind power generation. Umatilla County agriculture contributes over 100 million dollars in annual income to the county and supports local food processing, transportation, trade, and service employment and payrolls (UCPD 2010). Umatilla County's agricultural sector has consistently ranked among the top ten Oregon counties in total agricultural productivity (UCPD 2010).

Stahl H.B. farmlands support a variety of local crops, including potatoes, corn, wheat, grass seed and mint. Of these, potatoes make up approximately 1/3 of total crop production. Stahl H.B. Farms currently supports 12 families that live on the farm, and employs approximately 20 full time employees and over 100 seasonal farm workers annually. Within the Echo Irrigation District, Stahl H.B. Farms also supplies irrigation to Hales Farms, which is comprised of two brothers and their families, as well as full time and seasonal employees.

JSH farmland also supports a variety of local crops, including mint, dill, corn, potatoes, onions, lavender, and grass seed. JSH Farms is comprised of seven brothers and their families, four of which currently live on the farm. In addition, JSH Farms employs approximately 20 full time staff employees and over 150 seasonal farm staff annually.

3.6.2. Environmental Consequences – Socioeconomics

Alternative 1 – No Action

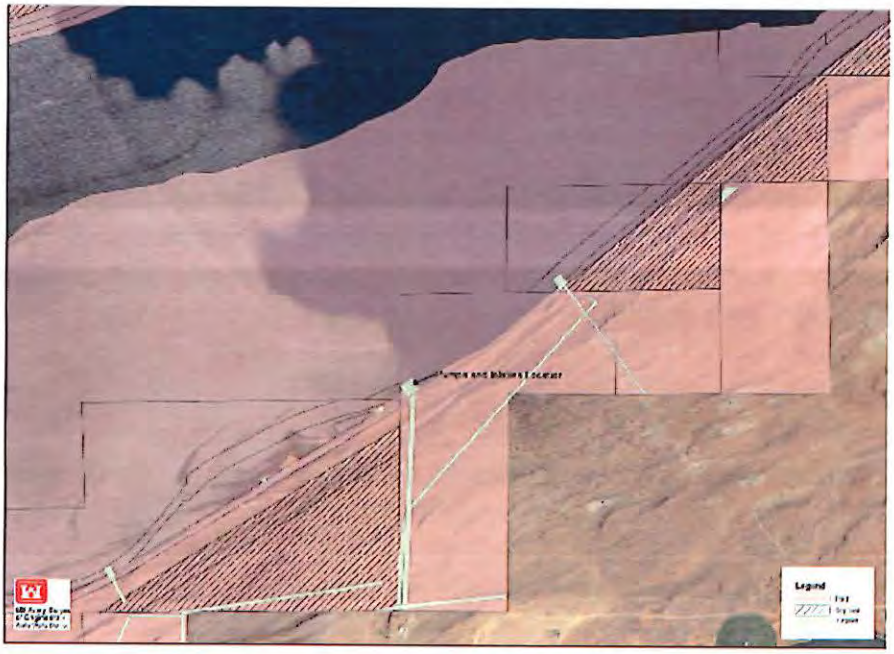
The No Action alternative would likely jeopardize the continued flow of irrigation water to those acres serviced by the Stahl H.B Farms and JSH Farms pumping stations, resulting in potential loss of crops and local revenue. As such, in the event that inevitable pump failure were to occur during the agricultural growing season, the No Action alternative would likely result in direct, indirect, and cumulative impacts to local economies within Umatilla and Morrow Counties.

Alternative 2 – Routine maintenance and dredging

Alternative 2 would likely maintain pumping operations with little direct, indirect, or cumulative impacts to socioeconomic resources. However, yearly sediment accumulations may continue to damage the existing pumps over time, resulting in potential pump failure and inevitable replacement.

Alternative 3 - Installation of extended intake pipes and replacement fish screens

Alternative 3 would improve existing pumping operations with no direct, indirect, or cumulative negative impacts to socioeconomic resources. In the long term, Alternative 3 would benefit local economies within Umatilla and Morrow Counties by securing the continued flow of irrigation water to those acres serviced by the Stahl H.B. Farms and JSH Farms pumping stations.



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Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Property Ownership within the Vicinity of the Stahl H.B. Farms and JSH Farms River Pumping Station
(Courtesy of U.S. Army Corps of Engineers, Walla Walla District)

FIGURE
4

3.7. Cultural Resources

3.7.1. Existing Conditions – Cultural Resources

The area now known as the Lake Wallula shoreline is an area of rich cultural heritage, where people have lived for more than ten thousand years (U.S. ACOE 2011a). Recorded archaeological sites of the prehistoric and historic eras are numerous around the reservoir shoreline. Types of prehistoric and historic cultural sites which might be encountered include rockshelters, pithouses, fishing stations, fort/trading post remains, townsites, roadways/trails, homesteads and other remains of the long history of human use of the area (U.S. ACOE 2011a).

In February of 2010, Reiss-Landreau Research (RLR) completed an archaeological review and inventory of a proposed addition to the JSH Farms pumping station facility (RLR 2012; Appendix B). The field survey consisted of a visual reconnaissance of the 0.12 acre lot, as well as a set of controlled shovel test probes. After reconnaissance and review, RLR found no evidence of subsurface cultural resources at this location. It was their belief that the entire project area was located over a disturbed ground surface. For the current project, RLR has no ability to observe or inventory the dredging areas without dewatering them or undertaking cost prohibitive underwater surveys. RLR was also of the opinion that because the sediments around the existing intakes are currently disturbed, it would not be possible to determine archaeological context within the disturbed sediments (RLR 2012).

3.7.2. Environmental Consequences – Cultural Resources

Alternative 1 – No Action
The No Action alternative would have no direct, indirect, or cumulative effects on cultural resources.

Alternative 2 – Routine maintenance and dredging
Given the disturbed nature of the existing project site and the depth of recently accumulated sediments in front of and underneath the Stahl H.B. Farms pumping station (which would be removed), it is anticipated that in-water dredging activities associated with Alternative 2 would have little to no direct, indirect, or cumulative effects on cultural resources. In addition, Alternative 2 would not require upland ground disturbance.

Alternative 3 – Installation of extended intake pipes and replacement fish screens
As with Alternative 2, it is anticipated that Alternative 3 would have little to no direct, indirect, or cumulative effect on cultural resources given the disturbed nature of the project site and existing sediments. Alternative 3 would also not require upland ground disturbance as vehicles/equipment would stay on existing roads and pumping station platform.

3.8. Cumulative Effects

Cumulative effects are defined as, *"the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions"* (40 CFR 1508.7).
No new activities are reasonably certain to occur that would compound the environmental effects of the preferred alternative (Alternative 3). There have been numerous prior actions that have resulted in adverse environmental impacts to water quality, aquatic resources and endangered fish species.

Alternative 3 would likely result in temporary impacts to aquatic resources, threatened and endangered fish species, and water quality during project construction. However, Alternative 3 would ultimately result in a net benefit to threatened and endangered fish species by meeting NMFS' current fish passage and screening criteria and moving the intakes to deeper water. The deeper depth location of the intakes should make it less likely to affect migrating juvenile salmonids, as they have habitat preference for depths less than 20 feet. In addition, Alternative 3 would avoid the repetitive (annual) impacts

associated with routine maintenance dredging (i.e., Alternative 2), and would secure the continued flow of irrigation water to those acres serviced by the pumping stations. Furthermore, Alternative 3 would result in little to no effect on vegetation, wildlife and cultural resources.

4. ENVIRONMENTAL LAWS, REGULATIONS, AND POLICIES

Section 4 identifies the legal, policy, and regulatory requirements associated with the proposed/preferred alternatives. Summaries of compliance and coordination activities for each of the laws, policies, or regulation are provided.

4.1. National Environmental Policy Act

As required by the National Environmental Policy Act of 1969 and subsequent implementing regulations promulgated by the Council on Environmental Quality, the Corps has prepared this Environmental Assessment to determine whether the action proposed constitutes a major Federal action significantly affecting the quality of the human environment and whether an environmental impact statement is required. If no significant impacts are identified, compliance with NEPA would be achieved upon the signing of a Finding of No Significant Impact. However, if significant impacts are identified, an Environmental Impact Statement (EIS) would be required. Completion of an EIS and the signing of a Record of Decision would then achieve compliance with NEPA.

4.2. Clean Water Act

The Clean Water Act sets national goals and policies to eliminate discharge of water pollutants, regulate discharge of toxic pollutants, and prohibit discharge of pollutants from point sources without permits. The Clean Water Act also authorizes the EPA to establish water quality criteria that are used by States to establish specific water quality standards.

The proposed alternative would require a Corps permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for proposed fill within the Columbia River. The Corps has confirmed that the preferred alternative would be permitted under programmatic Nationwide Permit 3 (Maintenance), which is pre-certified for a Section 401 Water Quality Certification through the ODEQ. The contractor would follow all conditions of the project's Water Quality Certification, including preparation of a Pollution Control Plan.

4.3. Clean Air Act

The Clean Air Act of 1970 established a comprehensive program for improving and maintaining air quality throughout the United States. The goals of the Clean Air Act are achieved through permitting of stationary sources, controlling the emission of toxic substances from stationary and mobile sources, and establishing the NAAQS. The act required the EPA to adopt national ambient air quality standards for priority pollutants, which include sulfur dioxide, particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead. These standards are designed to protect human health and welfare. Areas in which the air pollutant levels exceed adopted standards for one or more pollutants are considered to be in "non-attainment." Those areas where pollutant levels do not exceed standards are considered to be in "attainment." The project site area is in an attainment area. The most likely source of air pollution is emissions from diesel powered equipment. However, given the remote location of the project site and relatively short duration of project activities, this is not likely to violate air quality standard or require further compliances.

4.4. Endangered Species Act

Section 7 of the Endangered Species Act (ESA) states each Federal agency shall, in consultation with and with assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or

result in the destruction or adverse modification of critical habitat. A Biological Assessment (BA) has been prepared and submitted to the U.S. Fish and Wildlife Service (USFWS) and NMFS for formal consultation under the ESA. The Corps determined the preferred alternative *may affect, is likely to adversely affect* UCR Spring-Run Chinook Salmon, SR Spring/Summer-Run Chinook salmon, SR Fall-Run Chinook Salmon, SR sockeye salmon, MCR steelhead, UCR steelhead, SRB steelhead, and bull trout. Biological Opinions from the NMFS and USFWS have been written for the preferred alternative (Alternative 3) and are included in Appendix A. Both agencies concluded the proposed action is not likely to jeopardize the continued existence of listed ESA species. The following Reasonable and Prudent Measures were provided.

NMFS:
-Minimize incidental take resulting from dredging and construction
-Minimize incidental take resulting from construction effects to water quality (e.g. turbidity)
-Ensure completion of a monitoring and reporting program

USFWS:
-Reduce potential project related adverse impacts to bull trout and bull trout critical habitat
-Monitor to the extent possible, any detectable adverse project effects to bull trout

4.5. National Historic Preservation Act

The National Historic Preservation Act requires that Federal agencies evaluate the effects of Federal undertakings on historical, archaeological, and cultural resources, and that they consult with the State Historic Preservation Office (SHPO) and other interested parties regarding adverse cultural resource impacts. The project study area was evaluated by the Corps. Based on the report of findings, the Corps determined that no historic properties would be affected by the project. The Oregon State Historic Preservation Office concurred with that finding. (Concurrence letter attached in Appendix B.)

The Corps also consulted with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The CTUIR expressed concerns with the location of the project and requested monitoring during the project. The Corps agreed to monitoring.

4.6. Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act addresses the discovery, identification, treatment, and repatriation of Native American and Native Hawaiian human remains and cultural items (associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony). In the event of an inadvertent discovery during construction, the project would be stopped and the appropriate parties would be contacted.

4.7 Fish and Wildlife Coordination Act

In accordance with the Fish and Wildlife Coordination Act, the Corps is required to consult with the USFWS and the lead fish and wildlife agency in the state that the work is to be performed on water resource projects. This project is considered operation and maintenance so this act does not apply. However, the Corps has coordinated with both the USFWS and the ODFW to get their input on how to minimize the environmental impacts of the project.

4.8 Migratory Bird Treaty Act

The Migratory Bird Treaty Act involves conservation and protection of migratory birds in accordance with treaties entered into between the United States and Mexico, Canada, Japan, and the former Union of Soviet Socialist Republics; must protect other wildlife, including threatened or endangered species; and must restore or develop adequate wildlife habitat. The migratory birds protected under this Act are

specified in the respective treaties. In regulating these areas, the Secretary of the Interior is authorized to manage timber, range, agricultural crops, and other species of animals, and to enter into agreements with public and private entities.

All work proposed for this project would likely occur outside the nesting season. However, any activities near potential migratory bird nesting sites would be monitored for active nesting prior to disturbance. If active nests were found, work in that area would be delayed until the young birds leave the nest.

4.9 E.O. 11988 Floodplain Management

This Executive Order outlines the responsibilities of Federal agencies in the role of floodplain management. Each agency shall evaluate the potential effects of actions on floodplains and should avoid undertaking actions that directly or indirectly induce development in the floodplain or adversely affect natural floodplain values. Alternatives considered for this project would maintain designed levels of flood protection and would not induce development in the floodplain.

4.10 E.O. 11990 Protection of Wetlands

This order directs Federal agencies to provide leadership in minimizing the destruction, loss, or degradation of wetlands. Section 2 of this order states that, in furtherance of the National Environmental Policy Act of 1969, agencies shall avoid undertaking or assisting in new construction located in wetlands unless there is no practicable alternative. Wetlands do not exist within or adjacent to the project site. As such, alternatives considered for this project would not impact or degrade wetlands.

4.11 State and Local Laws, Policies, and Regulations

The preferred alternative would require Stahl H.B. Farms and JSH Farms to obtain an Oregon Department of State Lands (DSL) Removal-Fill Permit for work within a "waters of the state" (Columbia River). This permit application is currently in review by the DSL. Stahl H.B. Farms and JSH Farms would obtain all necessary State or local permits prior to construction of the preferred alternative.

5. PUBLIC AND AGENCY INVOLVEMENT

This section presents the results of discussions with the agencies having responsibility for permitting of the project or managing the natural resources within the project area.

5.1. Agency Consultation and Coordination

Coordination was conducted with the following agencies during preparation of the Environmental Assessment:

Federal:
U.S. Fish and Wildlife Service
National Marine Fisheries Service
Confederated Tribes of the Umatilla Indian Reservation
U.S. Army Corps of Engineers, Portland District

State:
Oregon Department of Fish and Wildlife
Oregon State Historic Preservation Office

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to NMFS No:
NWR-2012-4014

December 20, 2012

Shawn Zinszer
Acting Chief, Regulatory Branch
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208-2946

Re: Endangered Species Act Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Stahl H.B. and JSB Farm River Pumping Stations and Intake Modification, Middle Columbia-Lake Wallula (HUC 170701010207), Columbia River (RM 301.6), Umatilla County, Oregon, (Corps No.: NWP-2012-329)

Dear Mr. Zinszer:

The enclosed document contains a biological opinion (opinion) prepared by the National Marine Fisheries Service (NMFS) pursuant to section 7(a)(2) of the Endangered Species Act (ESA) on the effects of the U.S. Army Corps of Engineers permitting of the Stahl H.B. and JSB Farm River Pumping Stations and Intake Modification pursuant to section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and section 404 of the Clean Water Act (33 U.S.C. 1251-1376, as amended). In this opinion, NMFS concludes that the proposed action is not likely to jeopardize the continued existence of Middle Columbia River steelhead (*Oncorhynchus mykiss)*, Upper Columbia River (UCR) steelhead, Snake River Basin steelhead, UCR spring-run Chinook salmon (*O. tshawytscha*), Snake River (SR) spring/summer run Chinook salmon, SR fall-run Chinook salmon, and SR sockeye salmon (*O. nerka*), or result in the destruction or adverse modification of their designated critical habitat.

As required by section 7(b)(4) of the ESA, NMFS is providing an incidental take statement with the opinion. The incidental take statement describes reasonable and prudent measures NMFS considers appropriate to minimize the impact of incidental take associated with this action. The take statement sets forth nondiscretionary terms and conditions, including reporting requirements, that the Federal action agency must comply with to carry out the reasonable and prudent measures. Incidental take from actions that meet these terms and conditions will be exempt from the ESA's prohibition against the take of listed species.

This document also includes the results of our analysis of the action's likely effects on essential fish habitat (EFH) pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and includes two conservation recommendations to avoid, minimize, or otherwise offset potential adverse effects on EFH. These conservation recommendations are a subset of the ESA take statement's terms and conditions. Section 305(b)(4)(B) of the MSA requires Federal agencies to provide a detailed written response to NMFS within 30 days after receiving these recommendations.

If the response is inconsistent with the EFH conservation recommendations, the Corps must explain why the recommendations will not be followed, including the scientific justification for any disagreements over the effects of the action and the recommendations. In response to increased oversight of overall EFH program effectiveness by the Office of Management and Budget, NMFS established a quarterly reporting requirement to determine how many conservation recommendations are provided as part of each EFH consultation and how many are adopted by the action agency. Therefore, we request that in your statutory reply to the EFH portion of this consultation, you clearly identify the number of conservation recommendations accepted.

Please direct questions regarding this opinion to Rebecca Dittmann, fish biologist in the Eastern Oregon Branch of the Oregon State Habitat Office, at 541.975.1835, ext. 222.

Sincerely,

William W. Stelle, Jr.
Regional Administrator

cc: Gary Miller, USFWS,

Endangered Species Act Biological Opinion
and
Magnuson-Stevens Fishery Conservation and Management Act
Essential Fish Habitat Response
for the

Stahl H.B. and JSB Farm River Pumping Stations and Intake Modification Middle Columbia-Lake Wallula (HUC 170701010207), Columbia River (RM 301.6) Umatilla County, Oregon
(Corps No.: NWP-2012-329)

NMFS Consultation Number: NWR-2012-4014

Action Agency: U.S. Army Corps of Engineer

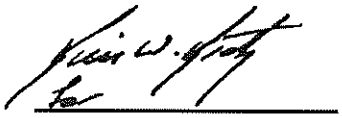
Affected Species and Determinations:

ESA-Listed Species	Status	Is Action Likely to Adversely Affect Species or Critical Habitat?	Is Action Likely To Jeopardize the Species?	Is Action Likely To Destroy or Adversely Modify Critical Habitat?
Middle Columbia River steelhead (*Oncorhynchus mykiss*)	Threatened	Yes	No	No
Upper Columbia River steelhead	Threatened	Yes	No	No
Snake River Basin steelhead	Threatened	Yes	No	No
Upper Columbia River spring-run Chinook (*O. tshawytscha*)	Endangered	Yes	No	No
Snake River spring/summer run Chinook	Threatened	Yes	No	No
Snake River fall-run Chinook	Threatened	Yes	No	No
Snake River sockeye salmon (*O. nerka*)	Endangered	Yes	No	No

Fishery Management Plan That Describes EFH in the Project Area	Does Action Have an Adverse Effect on EFH?	Are EFH Conservation Recommendations Provided?
Pacific Coast Salmon	Yes	Yes

Consultation Conducted By: National Marine Fisheries Service, Northwest Region

Issued By:



William W. Stelle, Jr.
Regional Administrator

Date: December 20, 2012

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LIST OF ACRONYMS

BA	biological assessment BMP
	best management practice
CFR	Code of Federal Regulations
cfs	cubic feet per second
CHART	critical habitat analytical review team
COE	U.S. Army Corps of Engineers
DPS	distinct population segment
EFH	essential fish habitat
ESA	Endangered Species Act
ESU	evolutionarily significant unit
FR	Federal register
FCRPS	Federal Columbia River power system
HUC	hydrologic unit code
ICTRT	interior Columbia Basin technical recovery team
ITS	incidental take statement
MCR	middle Columbia River
MPG	major population group
MSA	Magnuson Stevens Act
NMFS	National Marine Fisheries Service
OHW	ordinary high water
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
PAH	polycyclic aromatic hydrocarbon
PCE	primary constituent element
RM	river mile
RPM	reasonable and prudent measure
TSS	total suspended solids
µg/L	microgram per liter
U.S.C.	United States Code
VSP	viable salmonid population

1. INTRODUCTION

This Introduction section provides information relevant to the other sections of this document and is incorporated by reference into Sections 2 and 3 below.

1.1 Background

The National Marine Fisheries Service (NMFS) prepared the biological opinion (opinion) and incidental take statement portions of this document in accordance with section 7(b) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531, *et seq.*), and implementing regulations at 50 CFR 402.

We also completed an essential fish habitat (EFH) consultation on the proposed action, in accordance with section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1801, *et seq.*) and implementing regulations at 50 CFR 600.

The opinion, incidental take statement, and EFH conservation recommendations are each in compliance with the Data Quality Act (44 U.S.C. 3504(d)(1) *et seq.*) and they underwent pre-dissemination review.

The proposed action is located in migratory corridor habitat for Middle Columbia River (MCR) steelhead (*Oncorhynchus mykiss*), Upper Columbia River (UCR) steelhead, Snake River Basin (SR) steelhead, UCR Chinook Spring-Run salmon (*O. tshawytscha*), SR Summer/Spring-Run Chinook salmon, SR Fall-Run Chinook salmon, and SR Sockeye (*O. nerka*).

1.2 Consultation History

On September 21, 2012 NMFS received a request from the U.S. Army Corps of Engineers (COE) to initiate section 7 consultation and MSA EFH consultation on the on the permitting of the Stahl and JSB Farm River Pumping Stations and Intake Modification, in Umatilla County, Oregon. This biological opinion is based on information provided in the September 11, 2012, biological assessment (BA), email, telephone conversations and other sources of information.

After review of an early BA, staff from the Oregon State Habitat Office coordinated with an engineer from our Hydropower Division and the project consultant to address questions and review the intake modification designs. The BA included engineering designs that meet NMFS fish passage criteria (NMFS 2011a). The plans were approved[1] by a hydraulic engineer from NMFS Northwest Region Hydropower Division. NMFS initiated consultation on September 21, 2012.

The proposed action is located in the Columbia River, which is migratory corridor habitat for Middle Columbia River (MCR) steelhead (*Oncorhynchus mykiss*), Upper Columbia River (UCR) steelhead, Snake River Basin (SRB) steelhead, UCR Chinook spring-run salmon (*O. tschawytscha)*, Snake River (SR) summer/spring run Chinook salmon, SR fall-run Chinook

[1] Phone conversation between Rebecca Dittmann (NMFS fish biologist) and Larry Swenson (NMFS hydraulic engineer concerning new intake designs meeting NMFS fish passage criteria on September 10, 2012.

salmon, and SR sockeye salmon (*O. nerka*) and the area has been designated as EFH for Chinook and coho salmon (*O. kisutch*). The COE determined that the proposed action may adversely affect all of these species, their critical habitats, and EFH. A complete record of this consultation is on file at the Eastern Oregon Branch Office in La Grande, Oregon.

1.3 Proposed Action

"Action" means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.

The COE proposes to authorize the Stahl and JSB Farm River Pumping Stations and Intake Modification along 130 feet (ft) of the Columbia River (Figure 1) by issuing a permit under section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act. The Stahl Farm and the JSH Farm are applicants for the permit for the project.

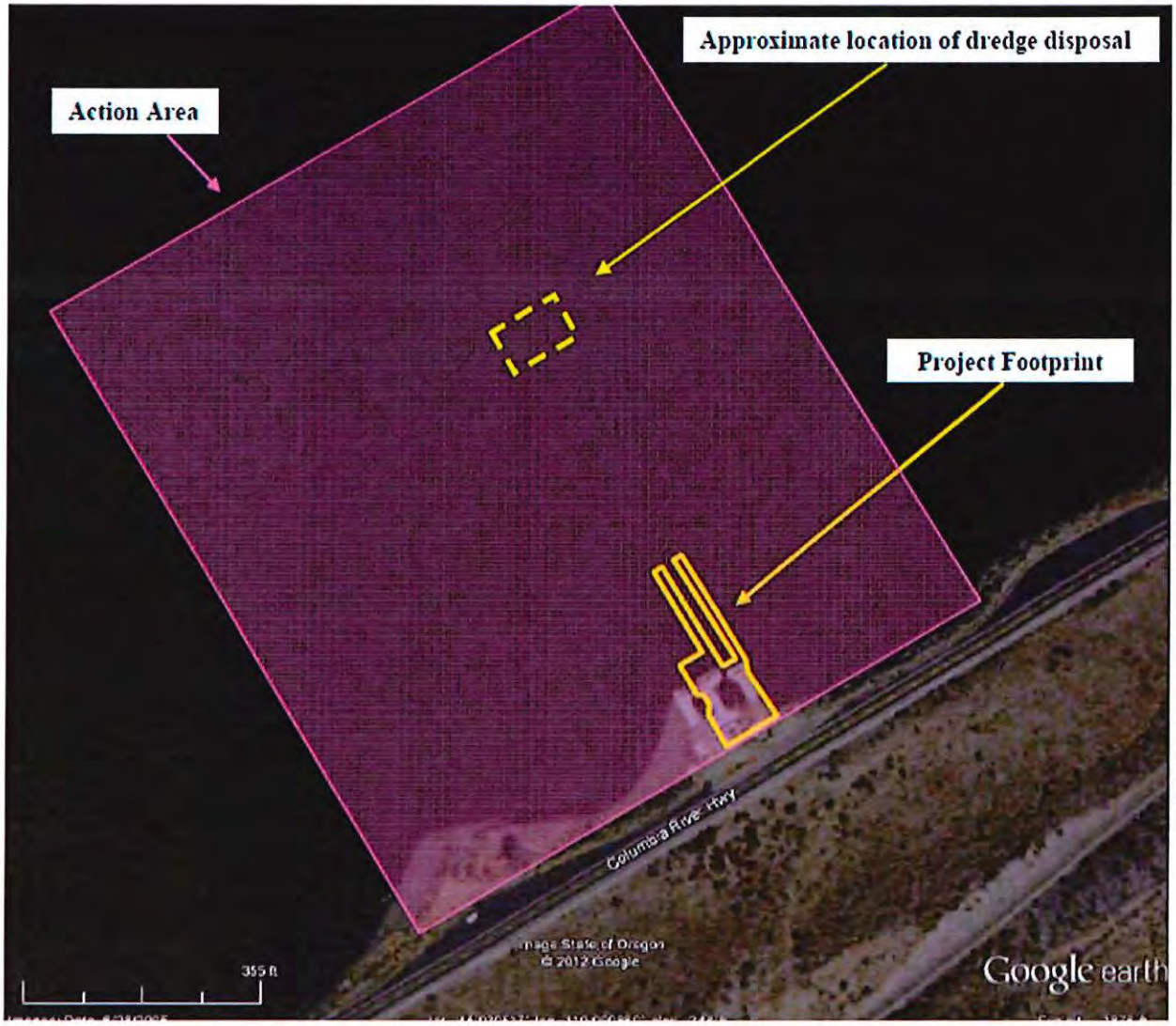


Figure 1. Project Site Area (Cambell and Van Staveren 2012)

All in-water construction and restoration work will be conducted during a 6-week period between January 1, 2013 and February 28, 2013. The scheduled work period lies within the Oregon Department of Fish and Wildlife's (ODFW) recommended in-water work window for this area (December 1 to March 31) (ODFW 2008). The reduced in-river work period will help minimize potential adverse effects to ESA- listed salmonids through use of the timeframe when there is the lowest potential of fish presence in the area.

The applicant proposes to move existing intake/fish screening facilities from the shore of the Columbia River into deeper water to avoid routine maintenance dredging at the present near-shore intake location, and to meet NMFS fish passage and screening criteria. Proposed intake modifications will include: (1) Replacing the existing cylindrical screens with enclosed cans; (2) connecting each can to a common manifold placed along the front of the existing stations; (3) extending new intake pipes from the manifolds to deeper water; and (4) installing new tee

screens at the end of each of the new intake pipes (see Figure 2 and submitted BA for specific engineering details).

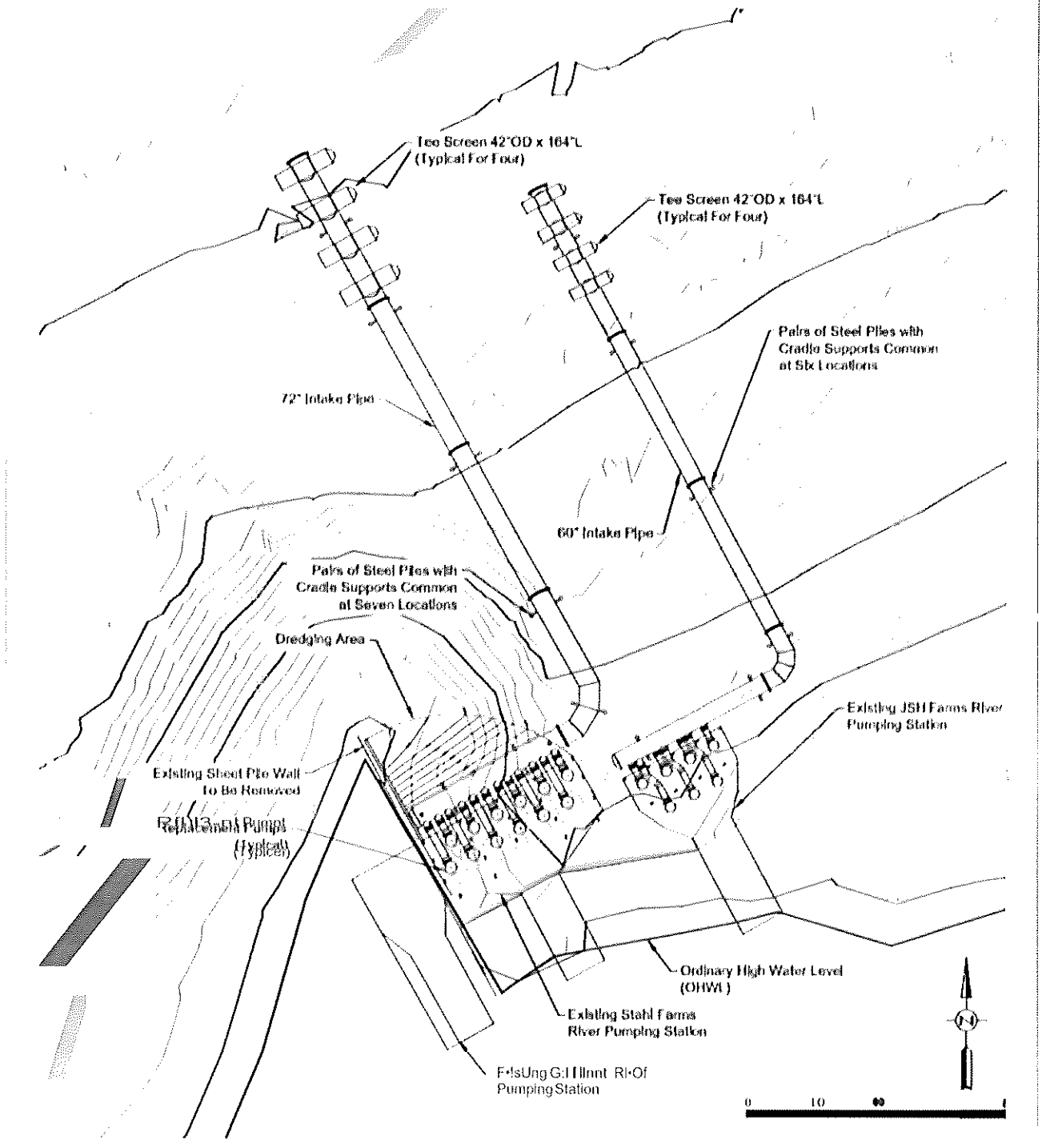


Figure 2. Project Design Overview for Stahl and JSH Farms Pumping Stations Modifications

The new fish screens will improve the intake approach velocity, thereby meeting NMFS' current fish screen criteria of preventing entrainment or impingement of juvenile salmonids during pumping operations. In addition, the deeper depth of the intakes should make it less likely to affect migrating juvenile salmonids, as this fish life stage prefers shoreline habitats less than 20 ft in depth. Installation of the replacement intake manifold at the pumping station will also require dredging of the river bank and near-shore river bottom to facilitate construction activities.

Installation of Extended Intake Pipes and Fish Screens

The two new intake pipes (a 72-inch diameter pipe for the Stahl Farm and a 60-inch diameter intake pipe for the JSH Farm) will each extend approximately 180 ft into the Columbia River from the existing pump stations. The new intake pipes will each be supported by pipe cradles (seven cradles for the Stahl Farm pipe and six cradles for the JSH Farm pipe). Each pipe cradle will be secured to the river bottom by a pair of 12.75-inch diameter steel piles (26 total piles) installed approximately 15 ft (or to depth of refusal due to rock) into the substrate with an APE Model 50 vibratory hammer. It is anticipated that each pile will require approximately 1 hour or less of vibratory hammer use for installation.

Four new intake tee screens (see Figure 2, above) will then be attached to the deep end of each of the new pipe extensions. Each of the new Stahl Farm intake tee screens will measure 5 ft in diameter by 18 ft 10 inches in length, and will be affixed with NMFS-approved slotted fish screen to ensure juvenile salmonids are not impinged or entrained onto the pump intake. The new JSH Farm intake screens will measure 3.5 ft in diameter by 13.5 ft in length, and will also be affixed with NMFS-approved fish screen. The difference in screen size dimensions is due to the different pumping capacity/requirements for each pipe (see below).

The pumps will be operated consistent with state water rights and are typically in operation during the months of April through October. The intake screens will be passively cleaned and will be equipped with a self-monitoring system that will measure hydraulic head and reduce intake velocities as necessary to maintain an approach velocity of 0.2 ft per second (fps), in compliance with NMFS criteria (NMFS 2011). Installation of the new intake pump and fish screens will be conducted using a crane and SCUBA divers operating from a floating barge. Given that the new intake tee screens will be used to withdraw water from the river, the existing intake screens will be replaced with new 42-inch diameter by 21-ft long pump cans.

The existing maximum allowable water withdrawal rates for the Stahl Farm and JSH Farm pumping stations are 60,143 gallons per minute (gpm) and 27,567 gpm, respectively. The actual amount pumped during any given season is dependent on the water requirements during that year. There will be no changes made to the existing pump capacities at these stations and there will be no increase in current allowable operational water withdrawal rates.

All heavy equipment *(i.e.,* crane and suction dredge) will access the project site via existing roadways, parking areas, disturbed upland areas, or floating barges. As such, no additional upland disturbance is anticipated. The following is a general sequence of proposed project activities:

1. Conduct overall project mobilization and implement environmental controls (*i.e.*, isolation and sediment control measures).
2. Install new pump cans at the Stahl Farm and JSH Farm pumping stations.
3. Dredge and dispose of accumulated sediment under and in front of the Stahl pumping station as required to install the new manifold.
4. Remove existing 35 ft long sheet pile wall at the Stahl pumping station and install 26 new steel piles (14 at the Stahl station and 12 at the JSH station) to support the new intake pipe cradles.
5. Install three pipe cradle assemblies in front of each of the existing pump stations and one cradle on the last set of piles.
6. Install the new manifolds and intake pipes.
7. Install each of the remaining pipe cradle assemblies under the new intake pipes.
8. Install four tee screens onto the new Stahl intake pipe, and four tee screens onto the new JSH intake pipe.
9. Install the pipes connecting the manifolds to each pump can.
10. Site restoration, as needed.

Dredging of Accumulated Sediment

Accumulated sediments (comprised primarily of course sand) will be removed from in front of and underneath the Stahl pumping station using a Mud Cat MC-915 or similar model suction dredge operating from a floating barge. Removal of the accumulated sediment will allow for installation of the new 72-inch diameter manifold. The resulting dredge material will be returned back into the river channel, approximately 300 ft downstream of the pumping station.

The dredge material will be carried from the suction dredge through a pipe that will discharge into the river at a depth of approximately 40 ft,, therefore allowing sediments to be redistributed downstream. All conditions of the Oregon Department of Environmental Quality's (ODEQ) 401 Water Quality Certification will be followed during proposed dredging activities.

The dredging area is approximately 1,700 square ft (ft^2) (0.04 acre), with a depth of 1 to 15 ft, depending on the depth of accumulated sediment. The bulk of the sediment removal will be required in front of the pump station in order to place the manifold at the correct elevation. The total estimated volume of sediment to be removed from underneath and in front of the pump station is approximately 300 cubic yards (yd^3). Following removal of the dredge material, an existing sheet pile wall that extends approximately 35 ft into the active river channel at the west end of the pumping station will be removed.

Given that the proposed dredging equipment will require back and forth movement within the relatively small dredging area, it will not be feasible to isolate the in-water work area during proposed dredging activities. Isolation curtains would inhibit the ability to properly operate the dredge. As such, to minimize impacts to water quality and ESA-listed fish species, all in-water work activities (including dredging) will be reduced to a period of two months (January 1 and February 28) within the ODFW-preferred In-water Work Window (IWWW) for the Middle Columbia River (December 1 – March 31). The IWWW is a period when ESA-listed salmonids are least likely to be present within the project area. In addition, the proposed dredging

equipment will utilize a relatively small dredging pump intake (8 inches in diameter) that will remain buried in the substrate up to 1 ft during dredging, and be equipped with a bar screen with 2-inch openings, and a mud shield to reduce re-suspension of solids. It will not be feasible to use a NMFS approved fish screen on the dredging pump intake given that it would accumulate course sediment and not allow for proper operational velocity of the suction dredge.

Sediment Analysis

Sediment sampling was conducted within the proposed dredging area on July 25, 2012, in accordance with the sediment Sampling and Analysis Plan (SAP) prepared for the project. Following review of the SAP, the interagency Portland Sediment Evaluation Team granted a no-test exclusion based on the small volume of material to be dredged and the distance of the project area from potential sources of contamination. The COE prepared a technical memorandum[2] regarding the SAP approval and no-test exclusion.

Site Restoration

It is anticipated that the proposed project will not require upland disturbance. However, in the event that an upland area is inadvertently disturbed during project staging or access, the area will be restored with the appropriate method (*e.g.*, grading, hydro-seed application, and/or native plantings).

1.4 Action Area

"Action area" means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). For this consultation, action area includes the in-water work area as well as habitat upstream or downstream from the project which may be impacted by this project. The area is defined to include the in- stream channel and substrate and any disturbed riparian or upland shorelines extending approximately 300 ft. upstream and 500 ft downstream of the proposed construction site. Turbidity created by the proposed action is expected to extend approximately up to 500 ft. downstream of the project area. In addition to the in-water work areas, all upland areas including riparian and floodplains affected by the project are part of the action area.

The project area is occupied by MCR steelhead, UCR steelhead, SRB steelhead, UCR Chinook salmon, SR spring/summer-run Chinook salmon, SR Fall Chinook salmon, and SR sockeye salmon and is designated as critical habitat for all these species.

Designated EFH for Chinook salmon and coho salmon occurs within the project area.

[2] Portland Sediment Evaluation Team Memorandum detailing the suitability of the dredging material for aquatic, unconfined placement dated September 27, 2012.

2. ENDANGERED SPECIES ACT: BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT

The ESA establishes a national program for conserving threatened and endangered species of fish, wildlife, plants, and the habitat on which they depend. Section 7(a)(2) of the ESA requires Federal agencies to consult with the United States Fish and Wildlife Service, NMFS, or both, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their designated critical habitat. Section 7(b)(3) requires that at the conclusion of consultation, the Service provide an opinion stating how the agencies' actions will affect listed species or their critical habitat. If incidental take is expected, Section 7(b)(4) requires the provision of an incidental take statement (ITS) specifying the impact of any incidental taking, and including reasonable and prudent measures to minimize such impacts.

2.1 Approach to the Analysis

Section 7(a)(2) of the ESA requires Federal agencies, in consultation with NMFS, to insure that their actions are not likely to jeopardize the continued existence of endangered or threatened species, or adversely modify or destroy their designated critical habitat. The jeopardy analysis considers both survival and recovery of the species. The adverse modification analysis considers the impacts to the conservation value of the designated critical habitat.

"To jeopardize the continued existence of a listed species" means to engage in an action that would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR 402.02).

This biological opinion does not rely on the regulatory definition of 'destruction or adverse modification' of critical habitat at 50 CFR 402.02. Instead, we have relied upon the statutory provisions of the ESA to complete the following analysis with respect to critical habitat.[3]

We will use the following approach to determine whether the proposed action described in Section 1.3 is likely to jeopardize listed species or destroy or adversely modify critical habitat:

- Identify the range-wide status of the species and critical habitat likely to be adversely affected by the proposed action.
- Describe the environmental baseline for the proposed action.
- Analyze the effects of the proposed actions.
- Describe any cumulative effects.
- Integrate and synthesize the above factors to assess the risk that the proposed action poses to species and critical habitat.
- Reach jeopardy and adverse modification conclusions.

[3] Memorandum from William T. Hogarth to Regional Administrators, Office of Protected Resources, NMFS (Application of the "Destruction or Adverse Modification" Standard Under Section 7(a)(2) of the Endangered Species Act) (November 7, 2005).

2.2 Rangewide Status of the Species and Critical Habitat

This opinion examines the status of each species that would be affected by the proposed action. The status is the level of risk that the listed species face, based on parameters considered in documents such as recovery plans, status reviews, and listing decisions. The species status section helps to inform the description of the species' current "reproduction, numbers, or distribution" as described in 50 CFR 402.02. The opinion also examines the condition of critical habitat throughout the designated area, evaluates the conservation value of the various watersheds and coastal and marine environments that make up the designated area, and discusses the current function of the essential physical and biological features that help to form that conservation value.

One factor affecting the status of ESA-listed species considered in this opinion, and aquatic habitat at large is climate change. Climate change is likely to play an increasingly important role in determining the abundance of ESA-listed species, and the conservation value of designated critical habitats, in the Pacific Northwest. These changes will not be spatially homogeneous across the Pacific Northwest. Areas with elevations high enough to maintain temperatures well below freezing for most of the winter and early spring would be less affected. Low-lying areas that historically have received scant precipitation contribute little to total streamflow and are likely to be more affected.

During the last century, average regional air temperatures increased by 1.5°F, and increased up to 4°F in some areas (USGCRP 2009). Warming is likely to continue during the next century as average temperatures increase another 3 to 10°F (USGCRP 2009). Overall, about one-third of the current cold-water fish habitat in the Pacific Northwest is likely to exceed key water temperature thresholds by the end of this century (USGCRP 2009).

Precipitation trends during the next century are less certain than for temperature but more precipitation is likely to occur during October through March and less during summer months, and more of the winter precipitation is likely to fall as rain rather than snow (ISAB 2007, USGCRP 2009). Where snow occurs, a warmer climate will cause earlier runoff so stream flows in late spring, summer, and fall will be lower and water temperatures will be warmer (ISAB 2007, USGCRP 2009).

Higher winter stream flows increase the risk that winter floods in sensitive watersheds will damage spawning redds and wash away incubating eggs (USGCRP 2009). Earlier peak stream flows will also flush some young salmon and steelhead from rivers to estuaries before they are physically mature, increasing stress and the risk of predation (USGCRP 2009). Lower stream flows and warmer water temperatures during summer will degrade summer rearing conditions, in part by increasing the prevalence and virulence of fish diseases and parasites (USGCRP 2009). Other adverse effects are likely to include altered migration patterns, accelerated embryo development, premature emergence of fry, variation in quality and quantity of tributary rearing habitat, and increased competition and predation risk from warm-water, non-native species (ISAB 2007).

The earth's oceans are also warming, with considerable interannual and inter-decadal variability superimposed on the longer-term trend (Bindoff *et al.* 2007). Historically, warm periods in the coastal Pacific Ocean have coincided with relatively low abundances of salmon and steelhead, while cooler ocean periods have coincided with relatively high abundances (Scheuerell and Williams 2005, Zabel *et al.* 2006, USGCRP 2009). Ocean conditions adverse to salmon and steelhead may be more likely under a warming climate (Zabel *et al.* 2006).

2.2.1 Status of the Species

For Pacific salmon, steelhead, and other relevant species NMFS commonly uses four parameters to assess the viability of the populations that, together, constitute the species: spatial structure, diversity, abundance, and productivity (McElhany *et al.* 2000). These "viable salmonid population" (VSP) criteria, therefore, encompass the species' "reproduction, numbers, or distribution" as described in 50 CFR 402.02. When these parameters are collectively at appropriate levels, they maintain a population's capacity to adapt to various environmental conditions and allow it to sustain itself in the natural environment. These attributes are influenced by survival, behavior, and experiences throughout a species' entire life cycle, and these characteristics, in turn, are influenced by habitat and other environmental conditions.

"Spatial structure" refers both to the spatial distribution of individuals in the population and the processes that generate that distribution. A population's spatial structure depends fundamentally on habitat quality and spatial configuration and the dynamics and dispersal characteristics of individuals in the population.

"Diversity" refers to the distribution of traits within and among populations. These range in scale from DNA sequence variation at single genes to complex life history traits (McElhany *et al.* 2000).

"Abundance" generally refers to the number of naturally-produced adults (*i.e.*, the progeny of naturally-spawning parents) in the natural environment (*e.g.*, on spawning grounds).

"Productivity," as applied to viability factors, refers to the entire life cycle; *i.e.*, the number of naturally-spawning adults produced per parent. When progeny replace or exceed the number of parents, a population is stable or increasing. When progeny fail to replace the number of parents, the population is declining. McElhany *et al.* (2000) use the terms "population growth rate" and "productivity" interchangeably when referring to production over the entire life cycle. They also refer to "trend in abundance," which is the manifestation of long-term population growth rate.

For species with multiple populations, once the biological status of a species' populations has been determined, NMFS assesses the status of the entire species using criteria for groups of populations, as described in recovery plans and guidance documents from technical recovery teams. Considerations for species viability include having multiple populations that are viable, ensuring that populations with unique life histories and phenotypes are viable, and that some viable populations are both widespread to avoid concurrent extinctions from mass catastrophes and spatially close to allow functioning as meta-populations (McElhany *et al.* 2000).

The summaries that follow describe the status of the 7 ESA-listed species, and their designated critical habitats, that occur within the geographic area of this proposed action and are considered in this opinion. More detailed information on the status and trends of these listed resources, and their biology and ecology, are in the listing regulations and critical habitat designations published in the Federal Register (Table 1).

Table 1. Listing status, status of critical habitat designations and protective regulations, and relevant Federal Register (FR) decision notices for ESA-listed species considered in this opinion. Listing status: 'T' means listed as threatened under the ESA; 'E' means listed as endangered.

Species	Listing Status	Critical Habitat	Protective Regulations
Chinook salmon *(Oncorhynchus tshawytscha)*			
Upper Columbia River spring-run	E 6/28/05; 70 FR 37160	9/02/05; 70 FR 52630	ESA section 9 applies
Snake River spring/summer-run	T 6/28/05; 70 FR 37160	10/25/99; 64 FR 57399	6/28/05; 70 FR 37160
Snake River fall-run	T 6/28/05; 70 FR 37160	12/28/93; 58 FR 68543	6/28/05; 70 FR 37160
Sockeye salmon *(O. nerka)*			
Snake River	E 8/15/11; 70 FR 37160	12/28/93; 58 FR 68543	ESA section 9 applies
Steelhead *(O. mykiss)*			
Middle Columbia River	T 1/5/06; 71 FR 834	9/02/05; 70 FR 52630	6/28/05; 70 FR 37160
Upper Columbia River	T 1/5/06; 71 FR 834	9/02/05; 70 FR 52630	2/1/06; 71 FR 5178
Snake River Basin	T 1/5/06; 71 FR 834	9/02/05; 70 FR 52630	6/28/05; 70 FR 37160

NMFS established recovery domains to better integrate recovery planning information that NMFS is developing on the conservation status of the species and critical habitats considered in this consultation. Recovery domains are the geographically-based areas that NMFS is using to prepare multi-species recovery plans. All the seven species within this consultation are with the Interior Columbia Basin recovery domain (Table 2).

Table 2. Recovery planning domains identified by NMFS and their ESA-listed salmon and steelhead species.

Recovery Domain	Species
Interior Columbia (IC)	UCR spring-run Chinook salmon SR spring/summer-run Chinook salmon SR fall-run Chinook salmon SR sockeye salmon UCR steelhead MCR steelhead SRB steelhead

When NMFS began recovery planning for salmon and steelhead in the Interior Columbia Basin, we convened a technical recovery team (ICTRT) comprised of Federal, state, and tribal biologists as well as scientists from private consulting firms and academia. This team assisted NMFS in developing information on historical population structure and also produced ESA technical products to support development of ESA recovery criteria. As part of this effort, the

ICTRT identified independent populations for each Interior Columbia Basin ESA-listed species, and grouped them together into genetically similar major population groups (MPGs). Most ESUs and DPSs are made up of several MPGs.

The ICTRT also recommended population-specific biological viability criteria for each of the individual populations for each ESU and DPS. These criteria are integrated to develop a total population viability rating. The population viability ratings, in order of increasing risk, are highly viable, viable, moderate risk, and high risk. A further bifurcation occurs at the moderate risk rating. Populations rated at moderate risk are candidates for achieving a "maintained" status.

Additional criteria to be identified in the Recovery Plan must be met before a population at moderate risk can be considered "maintained." Populations that do not meet these additional criteria would remain rated at moderate risk and would generally not contribute to viability at the MPG level.

To date, the TRTs have divided the seven species of salmon and steelhead considered in this opinion into a total of 82 populations within the Interior Columbia Basin. The overall viability of a species is a function of the VSP attributes of its constituent populations. The size and distribution of the populations considered in this opinion generally have declined over the last few decades due to natural phenomena and human activity, including climate change (as described in Section 2.2), the operation of hydropower systems, over-harvest, effects of hatcheries, and habitat degradation. Enlarged populations of terns, seals, California sea lions, and other aquatic predators in the Pacific Northwest may be limiting the productivity of some Pacific salmon and steelhead populations (Ford 2011).

Viability status or probability is described below for each of the populations considered in this opinion.

Interior Columbia Recovery Domain. As described earlier, species in the Interior Columbia recovery domain include UCR spring-run Chinook salmon, SR spring/summer-run Chinook salmon, SR fall-run Chinook salmon, SR sockeye salmon, UCR steelhead, MCR steelhead, and SRB steelhead. The ICTRT identified 82 populations of those species based on genetic, geographic (hydrographic), and habitat characteristics (Table 3). All 82 populations identified use the mainstem of the Columbia River, and the Columbia River estuary, or part thereof, for migration, rearing, and smoltification.

Table 3. Populations of ESA-listed salmon and steelhead in the IC recovery domain.

Species	Populations
UCR spring-run Chinook salmon	3
SR spring/summer-run Chinook salmon	32
SR fall-run Chinook salmon	1
SR sockeye salmon	1
MCR steelhead	17
UCR steelhead	4
SRB steelhead	24

The ICTRT also recommended viability criteria that follow the VSP framework (McElhany *et al.* 2006) and described biological or physical performance conditions that, when met, indicate a population or species has a 5% or less risk of extinction over a 100-year period (ICTRT 2007; NRC 1995).

Status of UCR Spring-run Chinook Salmon

Spatial Structure and Diversity. This species includes all naturally-spawned populations of Chinook salmon in all river reaches accessible to Chinook salmon in Columbia River tributaries upstream of the Rock Island Dam and downstream of Chief Joseph Dam (excluding the Okanogan River), the Columbia River upstream to Chief Joseph Dam, and progeny of six artificial propagation programs. The ICTRT identified four independent populations of UCR spring-run Chinook salmon in the upriver tributaries of Wenatchee, Entiat, Methow, and Okanogan (extirpated), but no major groups due to the relatively small geographic area affected (Ford 2011; ICTRT 2003)(Table 5).

Table 4. Scores for the key elements (A&P, diversity, and integrated SS/D) used to determine current overall viability risk for spring-run UCR Chinook salmon (Ford 2011). Risk ratings range from very low (VL), low (L), moderate (M), high (H), to very high (VH) and extirpated (E).

Population	A&P	Diversity	Integrated SS/D	Overall Viability Risk
Wenatchee River	H	H	H	H
Entiat River	H	H	H	H
Methow River	H	H	H	H
Okanogan River				E

The composite SS/D risks for all three of the extant populations in this MPG are at "high" risk. The spatial processes component of the SS/D risk is "low" for the Wenatchee River and Methow River populations and "moderate" for the Entiat River (loss of production in lower section increases effective distance to other populations). All three of the extant populations in this MPG are at "high" risk for diversity, driven primarily by chronically high proportions of hatchery-origin spawners in natural spawning areas and lack of genetic diversity among the natural-origin spawners (Ford 2011).

Increases in natural origin abundance relative to the extremely low spawning levels observed in the mid-1990s are encouraging; however, average productivity levels remain extremely low. Overall, the viability of Upper Columbia Spring Chinook salmon ESU has likely improved somewhat since the last status review, but the ESU is still clearly at "moderate-to-high" risk of extinction (Ford 2011).

Abundance and Productivity. UCR spring-run Chinook salmon is not currently meeting the viability criteria (adapted from the ICTRT) in the Upper Columbia Recovery Plan. A&P remains at "high" risk for each of the three extant populations in this MPG/ESU (Table 4). The 10-year geometric mean abundance of adult natural origin spawners has increased for each

population relative to the levels for the 1981-2003 series, but the estimates remain below the corresponding ICTRT thresholds. Estimated productivity (spawner to spawner return rate at low to moderate escapements) was on average lower over the years 1987-2009 than for the previous period. The combinations of current abundance and productivity for each population result in a "high" risk rating.

Limiting Factors include (NOAA Fisheries 2011; UCSRB 2007):

- Mainstem Columbia River hydropower–related adverse effects: upstream and downstream fish passage, ecosystem structure and function, flows, and water quality
- Degraded freshwater habitat: Floodplain connectivity and function, channel structure and complexity, riparian areas and large woody debris recruitment, stream flow, and water quality have been degraded as a result of cumulative impacts of agriculture, forestry, and development
- Degraded estuarine and nearshore marine habitat
- Hatchery related effects: including past introductions and persistence of non-native (exotic) fish species continues to affect habitat conditions for listed species
- Harvest in Columbia River fisheries

Status of SR Spring/summer-run Chinook Salmon

Spatial Structure and Diversity. This species includes all naturally-spawned populations of spring/summer-run Chinook salmon in the mainstem Snake River and the Tucannon River, Grande Ronde River, Imnaha River, and Salmon River subbasins; and progeny of fifteen artificial propagation programs. The ICTRT identified 28 extant and 4 extirpated populations of SR spring/summer-run Chinook salmon, and aggregated these into major population groups (Ford 2011; ICTRT 2003). Each of these populations faces a "high" risk of extinction (Ford 2011) (Table 5).

Table 5. SR spring/summer-run Chinook salmon ecological subregions, populations, and scores for the key elements (A&P, diversity, and integrated SS/D) used to determine current overall viability risk for SR spring/summer-run Chinook salmon (Ford 2011). Risk ratings range from very low (VL), low (L), moderate (M), high (H), to very high (VH), and extirpated (E).

Ecological Subregions	Spawning Populations (Watershed)	A&P	Diversity	Integrated SS/D	Overall Viability Risk
Lower Snake River	Tucannon River	H	M	M	H
	Asotin River				E
Grande Ronde and Imnaha rivers	Wenaha River	H	M	M	H
	Lostine/Wallowa River	H	M	M	H
	Minam River	H	M	M	H
	Catherine Creek	H	M	M	H
	Upper Grande Ronde R.	H	M	H	H
	Imnaha River	H	M	M	H
	Big Sheep Creek				E
	Lookingglass Creek				E

Ecological Subregions	Spawning Populations (Watershed)	A&P	Diversity	Integrated SS/D	Overall Viability Risk
South Fork Salmon River	Little Salmon River	*	*	*	H
	South Fork mainstem	H	M	M	H
	Secesh River	H	L	L	H
	EF/Johnson Creek	H	L	L	H
Middle Fork Salmon River	Chamberlin Creek	H	L	L	H
	Big Creek	H	M	M	H
	Lower MF Salmon	H	M	M	H
	Camas Creek	H	M	M	H
	Loon Creek	H	M	M	H
	Upper MF Salmon	H	M	M	H
	Pistol Creek				E
	Sulphur Creek	H	M	M	H
	Bear Valley Creek	H	L	L	H
	Marsh Creek	H	L	L	H
Upper Mainstem Salmon	N. Fork Salmon River	H	L	L	H
	Lemhi River	H	H	H	H
	Pahsimeroi River	H	H	H	H
	Upper Salmon-lower mainstem	H	L	L	H
	East Fork Salmon River	H	H	H	H
	Yankee Fork	H	H	H	H
	Valley Creek	H	M	M	H
	Upper Salmon main	H	M	M	H
	Panther Creek				E

* Insufficient data.

Abundance and Productivity. Population level status ratings remain at "high" risk across all MPGs within the ESU, although recent natural spawning abundance estimates have increased, all populations remain below minimum natural origin abundance thresholds (Table 6). Spawning escapements in the most recent years in each series are generally well below the peak returns but above the extreme low levels in the mid-1990s. Relatively low natural production rates and spawning levels below minimum abundance thresholds remain a major concern across the ESU.

The ability of SR spring/summer-run Chinook salmon populations to be self-sustaining through normal periods of relatively low ocean survival remains uncertain. Factors cited by Good (2005) remain as concerns or key uncertainties for several populations. Overall, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Limiting Factors include (NOAA Fisheries 2011):

- Degraded freshwater habitat: Floodplain connectivity and function, channel structure and complexity, riparian areas and large wood supply, stream substrate, elevated water temperature, stream flow, and water quality have been degraded as a result of cumulative impacts of agriculture, forestry, and development
- Mainstem Columbia River and Snake River hydropower impacts

- Harvest-related effects
- Predation

Status of SR Fall-run Chinook Salmon

Spatial Structure and Diversity. This species includes all naturally-spawned populations of fall-run Chinook salmon in the mainstem Snake River below Hells Canyon Dam, and in the Tucannon River, Grande Ronde River, Imnaha River, Salmon River, and Clearwater River, and progeny of four artificial propagation programs. The ICTRT identified three populations of this species, although only the lower mainstem population exists at present, and it spawns in the lower main stem of the Clearwater, Imnaha, Grande Ronde, Salmon and Tucannon rivers. The extant population of Snake River fall-run Chinook salmon is the only remaining population from an historical ESU that also included large mainstem populations upstream of the current location of the Hells Canyon Dam complex (Ford 2011; ICTRT 2003). The population is at moderate risk for diversity and spatial structure. Overall, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Abundance and Productivity. The recent increases in natural origin abundance are encouraging. However, hatchery origin spawner proportions have increased dramatically in recent years – on average, 78% of the estimated adult spawners have been hatchery origin over the most recent brood cycle. The apparent leveling off of natural returns in spite of the increases in total brood year spawners may indicate that density dependent habitat effects are influencing production or that high hatchery proportions may be influencing natural production rates. The A&P risk rating for the population is "moderate." Given the combination of current A&P and SS/D ratings summarized above, the overall viability rating for Lower SR fall Chinook salmon would be rated as "maintained."[4]

Limiting Factors include (NOAA Fisheries 2011):

- Degraded freshwater habitat: Floodplain connectivity and function, and channel structure and complexity have been degraded as a result of cumulative impacts of agriculture, forestry, and development.
- Harvest-related effects
- Loss of access to historic habitat above Hells Canyon and other Snake River dams
- Mainstem Columbia River and Snake River hydropower impacts
- Hatchery-related effects
- Degraded estuarine and nearshore habitat

Status of SR Sockeye Salmon

Spatial Structure and Diversity. This species includes all anadromous and residual sockeye salmon from the Snake River basin, Idaho, and artificially-propagated sockeye salmon from the Redfish Lake captive propagation program. The ICTRT identified historical sockeye salmon production in at least five Stanley Basin and Sawtooth Valley lakes and in lake systems

[4] "Maintained" population status is for populations that do not meet the criteria for a viable population but do support ecological functions and preserve options for ESU/DPS recovery.

associated with Snake River tributaries currently cut off to anadromous access (*e.g.,* Wallowa and Payette Lakes), although current returns of SR sockeye salmon are extremely low and limited to Redfish Lake (ICTRT 2007).

Abundance and Productivity. This species is still at extremely high risk across all four basic risk measures (abundance, productivity, spatial structure and diversity). Although the captive brood program has been successful in providing substantial numbers of hatchery produced *O. nerka* for use in supplementation efforts, substantial increases in survival rates across life history stages must occur to re-establish sustainable natural production (Hebdon *et al.* 2004; Keefer *et al.* 2008). Overall, although the risk status of the Snake River sockeye salmon ESU appears to be on an improving trend, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Limiting Factors. The key factor limiting recovery of SR sockeye salmon ESU is survival outside of the Stanley Basin. Portions of the migration corridor in the Salmon River are impeded by water quality and temperature (Idaho Department of Environmental Quality 2011). Increased temperatures likely reduce the survival of adult sockeye returning to the Stanley Basin. The natural hydrological regime in the upper mainstem Salmon River Basin has been altered by water withdrawals. In most years, sockeye adult returns to Lower Granite suffer catastrophic losses (Reed *et al.* 2003) (*e.g.*, > 50% mortality in one year) before reaching the Stanley Basin, although the factors causing these losses have not been identified. In the Columbia and lower Snake River migration corridor, predation rates on juvenile sockeye salmon are unknown, but terns and cormorants consume 12% of all salmon smolts reaching the estuary, and piscivorous fish consume an estimated 8% of migrating juvenile salmon (NOAA Fisheries 2011).

Status of MCR Steelhead

Spatial Structure and Diversity. This species includes all naturally-spawned steelhead populations below natural and artificial impassable barriers in streams from above the Wind River, Washington, and the Hood River, Oregon (exclusive), upstream to, and including, the Yakima River, Washington, excluding steelhead from the Snake River basin; and progeny of seven artificial propagation programs. The ICTRT identified 17 extant populations in this DPS (ICTRT 2003). The populations fall into four major population groups: the Yakima River Basin (four extant populations), the Umatilla/Walla-Walla drainages (three extant and one extirpated populations); the John Day River drainage (five extant populations) and the Eastern Cascades group (five extant and two extirpated populations) (Table 6) (Ford 2011; NMFS 2009).

Table 6. Ecological subregions, populations, and scores for the key elements (A&P, diversity, and integrated SS/D) used to determine current overall viability risk for MCR steelhead (Ford 2011; NMFS 2009). Risk ratings range from very low (VL), low (L), moderate (M), high (H), to very high (VH), and extirpated (E). Maintained (MT) population status indicates that the population does not meet the criteria for a viable population but does support ecological functions and preserve options for recovery of the DPS.

Ecological Subregions	Population (Watershed)	A&P	Diversity	Integrated SS/D	Overall Viability Risk
Cascade Eastern Slope Tributaries	Fifteenmile Creek	L	L	L	Viable
	Klickitat River	M	M	M	MT?
	Eastside Deschutes River	L	M	M	Viable
	Westside Deschutes River	H	M	M	H*
	Rock Creek	H	M	M	H?
	White Salmon				E*
	Crooked River				E*
John Day River	Upper Mainstem	M	M	M	MT
	North Fork	VL	L	L	Highly Viable
	Middle Fork	M	M	M	MT
	South Fork	M	M	M	MT
	Lower Mainstem	M	M	M	MT
Walla Walla and Umatilla rivers	Umatilla River	M	M	M	MT
	Touchet River	M	M	M	H
	Walla Walla River	M	M	M	MT
Yakima River	Satus Creek	M	M	M	Viable (MT)
	Toppenish Creek	M	M	M	Viable (MT)
	Naches River	H	M	M	H
	Upper Yakima	H	H	H	H

* Re-introduction efforts underway (NMFS 2009).

Straying frequencies into at least the Lower John Day River population are high. Out-of-basin hatchery stray proportions, although reduced, remain very high in the Deschutes River basin.

Abundance and Productivity. Returns to the Yakima River basin and to the Umatilla and Walla Walla Rivers have been higher over the most recent brood cycle, while natural origin returns to the John Day River have decreased. There have been improvements in the viability ratings for some of the component populations, but the MCR steelhead DPS is not currently meeting the viability criteria (adopted from the ICTRT) in the MCR steelhead recovery plan (NMFS 2009). In addition, several of the factors cited by Good (2005) remain as concerns or key uncertainties. Natural origin spawning estimates of populations have been highly variable with respect to meeting minimum abundance thresholds. Overall, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Limiting Factors include (NMFS 2009; NOAA Fisheries 2011):

- Degraded freshwater habitat: Floodplain connectivity and function, channel structure and complexity, riparian areas, fish passage, stream substrate, stream flow, and water quality have been degraded as a result of cumulative impacts of agriculture, forestry, tributary hydro system activities, and development
- Mainstem Columbia River hydropower–related impacts
- Degraded estuarine and nearshore marine habitat
- Hatchery-related effects
- Harvest-related effects
- Effects of predation, competition, and disease

Status of UCR Steelhead

Spatial Structure and Diversity. This species includes all naturally-spawned steelhead populations below natural and manmade impassable barriers in streams in the Columbia River Basin upstream from the Yakima River, Washington, to the U.S.-Canada border, and progeny of six artificial propagation programs. Four independent populations of UCR steelhead were identified by the ICTRT in the same upriver tributaries as for UC spring-run Chinook salmon (*i.e.*, Wenatchee, Entiat, Methow, and Okanogan; Table 7) and, similarly, no major population groupings were identified due to the relatively small geographic area involved (Ford 2011; ICTRT 2003). All extant populations are considered to be at high risk of extinction (Table 8)(Ford 2011). With the exception of the Okanogan population, the Upper Columbia populations rated as "low" risk for spatial structure. The "high" risk ratings for SS/D are largely driven by chronic high levels of hatchery spawners within natural spawning areas and lack of genetic diversity among the populations. The proportions of hatchery origin returns in natural spawning areas remain extremely high across the DPS, especially in the Methow and Okanogan River populations. Overall, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Table 7. Summary of the key elements (A&P, diversity, and integrated SS/D) and scores used to determine current overall viability risk for UCR steelhead populations (Ford 2011). Risk ratings range from very low (VL), low (L), moderate (M), high (H), to very high (VH).

Population (Watershed)	A&P	Diversity	Integrated SS/D	Overall Viability Risk
Wenatchee River	H	H	H	H
Entiat River	H	H	H	H
Methow River	H	H	H	H
Okanogan River	H	H	H	H

Abundance and Productivity. Upper Columbia steelhead populations have increased in natural origin abundance in recent years, but productivity levels remain low. The modest improvements in natural returns in recent years are probably primarily the result of several years of relatively good natural survival in the ocean and tributary habitats.

Limiting Factors include (NOAA Fisheries 2011; UCSRB 2007):

- Mainstem Columbia River hydropower–related adverse effects
- Impaired tributary fish passage
- Degraded freshwater habitat: Floodplain connectivity and function, channel structure and complexity, riparian areas and large woody debris recruitment, stream flow, and water quality have been degraded as a result of cumulative impacts of agriculture, forestry, and development.
- Effects of predation, competition, and disease mortality: Fish management, including past introductions and persistence of non-native (exotic) fish species continues to affect habitat conditions for listed species.
- Hatchery-related effects
- Harvest-related effects

Status of SRB Steelhead

Spatial Structure and Diversity. This species includes all naturally-spawned steelhead populations below natural and manmade impassable barriers in streams in the Snake River Basin of southeast Washington, northeast Oregon, and Idaho, and progeny of six artificial propagation programs. The ICTRT identified 24 historical populations in five major groups (Table 8) (Ford 2011; ICTRT 2011). The ICTRT has not assessed the viability of this species. The relative proportion of hatchery fish in natural spawning areas near major hatchery release sites is highly uncertain. There is little evidence for substantial change in ESU viability relative to the previous BRT and ICTRT reviews. Overall, therefore, the new information considered does not indicate a change in the biological risk category since the last status review (Ford 2011).

Table 8. Ecological subregions, populations, and scores for the key elements (A&P, diversity, and integrated SS/D) used to determine current overall viability risk for SRB steelhead (Ford 2011; NMFS 2011b). Risk ratings range from very low (VL), low (L), moderate (M), high (H), to very high (VH). Maintained (MT) population status indicates that the population does not meet the criteria for a viable population but does support ecological functions and preserve options for recovery of the DPS.

Ecological subregions	Spawning Populations (Watershed)	A&P	Diversity	Integrated SS/D	Overall Viability Risk*
Lower Snake River	Tucannon River	**	M	M	H
	Asotin Creek	**	M	M	MT
Grande Ronde River	Lower Grande Ronde	**	M	M	Not rated
	Joseph Creek	VL	L	L	Highly viable
	Upper Grande Ronde	M	M	M	MT
	Wallowa River	**	L	L	H
Clearwater River	Lower Clearwater	M	L	L	MT
	South Fork Clearwater	H	M	M	H
	Lolo Creek	H	M	M	H
	Selway River	H	L	L	H
	Lochsa River	H	L	L	H
Salmon River	Little Salmon River	**	M	M	MT
	South Fork Salmon	**	L	L	H
	Secesh River	**	L	L	H
	Chamberlain Creek	**	L	L	H
	Lower MF Salmon	**	L	L	H
	Upper MF Salmon	**	L	L	H
	Panther Creek	**	M	H	H
	North Fork Salmon	**	M	M	MT
	Lemhi River	**	M	M	MT
	Pahsimeroi River	**	M	M	MT
	East Fork Salmon	**	M	M	MT
	Upper Main Salmon	**	M	M	MT
Imnaha	Imnaha River	M		M	MT

* There is uncertainty in these ratings due to a lack of population-specific data.

** Insufficient data.

Abundance and Productivity. The level of natural production in the two populations with full data series and the Asotin Creek index reaches is encouraging, but the status of most populations in this DPS remains highly uncertain. Population-level natural origin abundance and productivity inferred from aggregate data and juvenile indices indicate that many populations are likely below the minimum combinations defined by the ICTRT viability criteria.

Limiting Factors include (ICTRT 2011;NOAA Fisheries 2011):

- Mainstem Columbia River hydropower–related adverse effects
- Impaired tributary fish passage

- Degraded freshwater habitat: Floodplain connectivity and function, channel structure and complexity, riparian areas and large woody debris recruitment, stream flow, and water quality have been degraded as a result of cumulative impacts of agriculture, forestry, and development
- Impaired water quality and increased water temperature
- Related harvest effects, particularly for B-run steelhead
- Predation
- Genetic diversity effects from out-of-population hatchery releases

2.2.2 Status of the Critical Habitats

We reviewed the status of designated critical habitat affected by the proposed action by examining the condition and trends of essential physical and biological features throughout the designated area. These features are essential to the conservation of the listed species because they support one or more of the species' life stages (*e.g.*, sites with conditions that support spawning, rearing, migration and foraging).

For salmon and steelhead, NMFS ranked watersheds within designated critical habitat at the scale of the fifth-field hydrologic unit code (HUC5) in terms of the conservation value they provide to each listed species they support.[5] The conservation rankings are high, medium, or low. To determine the conservation value of each watershed to species viability, NMFS' critical habitat analytical review teams (CHARTs) evaluated the quantity and quality of habitat features (for example, spawning gravels, wood and water condition, side channels), the relationship of the area compared to other areas within the species' range, and the significance to the species of the population occupying that area (NOAA Fisheries 2005). Thus, even a location that has poor quality of habitat could be ranked with a high conservation value if it were essential due to factors such as limited availability (*e.g.*, one of a very few spawning areas), a unique contribution of the population it served (*e.g.*, a population at the extreme end of geographic distribution), or the fact that it serves another important role (*e.g.*, obligate area for migration to upstream spawning areas).

This section examines critical habitat condition for UCR spring-run Chinook salmon, SR spring/summer run Chinook salmon, SR fall-run Chinook salmon, SR sockeye salmon, MCR steelhead, UCR steelhead, and SRB steelhead in the Interior Columbia recovery domains.

The physical or biological features of freshwater spawning and incubation sites include water flow, quality and temperature conditions and suitable substrate for spawning and incubation, as well as migratory access for adults and juveniles (Tables 9 and 10). These features are essential to conservation because without them the species cannot successfully spawn and produce offspring. The physical or biological features of freshwater migration corridors associated with spawning and incubation sites include water flow, quality and temperature conditions supporting larval and adult mobility, abundant prey items supporting larval feeding after yolk sac depletion, and free passage (no obstructions) for adults and juveniles. These features are essential to

[5] The conservation value of a site depends upon "(1) the importance of the populations associated with a site to the ESU [or DPS] conservation, and (2) the contribution of that site to the conservation of the population through demonstrated or potential productivity of the area" (NOAA Fisheries 2005).

conservation because they allow adult fish to swim upstream to reach spawning areas and they allow larval fish to proceed downstream and reach the ocean.

Table 9. PCEs of critical habitats designated for ESA-listed salmon and steelhead species considered in the opinion (except SR spring/summer-run Chinook salmon, SR fall-run Chinook salmon, and SR sockeye salmon), and corresponding species life history events.

Primary Constituent Elements		Species Life History Event
Site Type	**Site Attribute**	
Freshwater spawning	Substrate Water quality Water quantity	Adult spawning Embryo incubation Alevin growth and development
Freshwater rearing	Floodplain connectivity Forage Natural cover Water quality Water quantity	Fry emergence from gravel Fry/parr/smolt growth and development
Freshwater migration	Free of artificial obstruction Natural cover Water quality Water quantity	Adult sexual maturation Adult upstream migration and holding Kelt (steelhead) seaward migration Fry/parr/smolt growth, development, and seaward migration
Estuarine areas	Forage Free of artificial obstruction Natural cover Salinity Water quality Water quantity	Adult sexual maturation and "reverse smoltification" Adult upstream migration and holding Kelt (steelhead) seaward migration Fry/parr/smolt growth, development, and seaward migration
Nearshore marine areas	Forage Free of artificial obstruction Natural cover Water quantity Water quality	Adult growth and sexual maturation Adult spawning migration Nearshore juvenile rearing
Offshore marine areas	Forage Water quality	Adult growth and sexual maturation Adult spawning migration Subadult rearing

Table 10. PCEs of critical habitats designated for SR spring/summer-run Chinook salmon, SR fall-run Chinook salmon, SR sockeye salmon, and corresponding species life history events.

Primary Constituent Elements		Species Life History Event
Site	Site Attribute	
Spawning and juvenile rearing areas	Access (sockeye) Cover/shelter Food (juvenile rearing) Riparian vegetation Space (Chinook, coho) Spawning gravel Water quality Water temp (sockeye) Water quantity	Adult spawning Embryo incubation Alevin growth and development Fry emergence from gravel Fry/parr/smolt growth and development
Adult and juvenile migration corridors	Cover/shelter Food (juvenile) Riparian vegetation Safe passage Space Substrate Water quality Water quantity Water temperature Water velocity	Adult sexual maturation Adult upstream migration and holding Kelt (steelhead) seaward migration Fry/parr/smolt growth, development, and seaward migration
Areas for growth and development to adulthood	Ocean areas – not identified	Nearshore juvenile rearing Subadult rearing Adult growth and sexual maturation Adult spawning migration

CHART Salmon and Steelhead Critical Habitat Assessments. The CHART for each recovery domain assessed biological information pertaining to areas under consideration for designation as critical habitat to identify the areas occupied by listed salmon and steelhead, determine whether those areas contained PCEs essential for the conservation of those species and whether unoccupied areas existed within the historical range of the listed salmon and steelhead that are also essential for conservation. The CHARTs assigned a 0 to 3 point score for the PCEs in each HUC5 watershed for:

Factor 1. Quantity,
Factor 2. Quality – Current Condition,
Factor 3. Quality – Potential Condition,
Factor 4. Support of Rarity Importance,
Factor 5. Support of Abundant Populations, and
Factor 6. Support of Spawning/Rearing.

Thus, the quality of habitat in a given watershed was characterized by the scores for Factor 2 (quality – current condition), which considers the existing condition of the quality of PCEs in the

HUC5 watershed; and Factor 3 (quality – potential condition), which considers the likelihood of achieving PCE potential in the HUC5 watershed, either naturally or through active conservation/restoration, given known limiting factors, likely biophysical responses, and feasibility.

Interior Columbia Recovery Domain. Critical habitat has been designated in the IC recovery domain, which includes the Snake River Basin, for SR spring/summer-run Chinook salmon, SR fall-run Chinook salmon, UCR spring-run Chinook salmon, SR sockeye salmon, MCR steelhead, UCR steelhead, and SRB steelhead. Major tributaries in the Oregon portion of the IC recovery domain include the Deschutes, John Day, Umatilla, Walla Walla, Grande Ronde, and Imnaha rivers.

Habitat quality in tributary streams in the IC recovery domain varies from excellent in wilderness and roadless areas to poor in areas subject to heavy agricultural and urban development (NMFS 2009; Wissmar *et al.* 1994). Critical habitat throughout much of the IC recovery domain has been degraded by intense agriculture, alteration of stream morphology (*i.e.*, channel modifications and diking), riparian vegetation disturbance, wetland draining and conversion, livestock grazing, dredging, road construction and maintenance, logging, mining, and urbanization. Reduced summer stream flows, impaired water quality, and reduction of habitat complexity are common problems for critical habitat in developed areas.

Migratory habitat quality in this area has been severely affected by the development and operation of the FCRPS dams and reservoirs in the mainstem Columbia River, Bureau of Reclamation tributary projects, and privately owned dams in the Snake and Upper Columbia river basins. For example, construction of Hells Canyon Dam eliminated access to several likely production areas in Oregon and Idaho, including the Burnt, Powder, Weiser, Payette, Malheur, Owyhee, and Boise river basins (Good *et al.* 2005), and Grand Coulee and Chief Joseph dams completely block anadromous fish passage on the upper mainstem Columbia River. Hydroelectric development modified natural flow regimes, resulting in higher water temperatures, changes in fish community structure leading to increased rates of piscivorous and avian predation on juvenile salmon and steelhead, and delayed migration for both adult and juveniles. Physical features of dams such as turbines also kill migrating fish. In-river survival is inversely related to the number of hydropower projects encountered by emigrating juveniles.

Similarly, development and operation of extensive irrigation systems and dams for water withdrawal and storage in tributaries have altered hydrological cycles. A series of large regulating dams on the middle and upper Deschutes River affect flow and block access to upstream habitat, and have extirpated one or more populations from the Cascades Eastern Slope major population (ICTRT 2003). Similarly, operation and maintenance of large water reclamation systems such as the Umatilla Basin and Yakima Projects have significantly reduced flows and degraded water quality and physical habitat in this domain.

Many stream reaches designated as critical habitat in the IC recovery domain are over-allocated under state water law, with more allocated water rights than existing streamflow. Withdrawal of water, particularly during low-flow periods that commonly overlap with agricultural withdrawals, often increases summer stream temperatures, blocks fish migration, strands fish,

and alters sediment transport (Spence *et al.* 1996). Reduced tributary stream flow has been identified as a major limiting factor for all listed salmon and steelhead species in this recovery domain except SR fall-run Chinook salmon and SR sockeye salmon (NMFS 2007; NOAA Fisheries 2011).

Many stream reaches designated as critical habitat are listed on the state of Oregon's Clean Water Act section 303(d) list for water temperature. Many areas that were historically suitable rearing and spawning habitat are now unsuitable due to high summer stream temperatures. Removal of riparian vegetation, alteration of natural stream morphology, and withdrawal of water for agricultural or municipal use all contribute to elevated stream temperatures. Contaminants such as insecticides and herbicides from agricultural runoff and heavy metals from mine waste are common in some areas of critical habitat.

The IC recovery domain is a very large and diverse area. The CHART determined that few watersheds with PCEs for Chinook salmon or steelhead are in good to excellent condition with no potential for improvement. Overall, most IC recovery domain watersheds are in fair-to-poor or fair-to-good condition. However, most of these watersheds have some or high potential for improvement. In Washington, the Upper Methow, Lost, White, and Chiwawa watersheds are in good-to-excellent condition with no potential for improvement. In Oregon, only the Lower Deschutes, Minam, Wenaha, and Upper and Lower Imnaha Rivers HUC5 watersheds are in good-to-excellent condition with no potential for improvement. In Idaho, a number of watersheds with PCEs for steelhead (Upper Middle Salmon, Upper Salmon/Pahsimeroi, Middle Fork Salmon, Little Salmon, Selway, and Lochsa rivers) are in good-to-excellent condition with no potential for improvement. Additionally, several Lower Snake River HUC5watersheds in the Hells Canyon area, straddling Oregon and Idaho, are in good-to-excellent condition with no potential for improvement (Table 11).

Table 11. **Interior Columbia Recovery Domain:** Current and potential quality of HUC5 watersheds identified as supporting historically independent populations of ESA-listed Chinook salmon (CK) and steelhead (ST) (NOAA Fisheries 2005). Watersheds are ranked primarily by "current quality" and secondly by their "potential for restoration."

Current PCE Condition	Potential PCE Condition
3 = good to excellent	3 = highly functioning, at historical potential
2 = fair to good	2 = high potential for improvement
1 = fair to poor	1 = some potential for improvement
0 = poor	0 = little or no potential for improvement

Watershed Name and HUC5 Code(s)	Listed Species	Current Quality	Restoration Potential
Upper Columbia # 1702000xxx			
White (101), Chiwawa (102), Lost (801) & Upper Methow (802) rivers	CK/ST	3	3
Upper Chewuch (803) & Twisp rivers (805)	CK/ST	3	2
Lower Chewuch River (804); Middle (806) & Lower (807) Methow rivers	CK/ST	2	2
Salmon Creek (603) & Okanogan River/Omak Creek (604)	ST	2	2
Upper Columbia/Swamp Creek (505)	CK/ST	2	1
Foster Creek (503) & Jordan/Tumwater (504)	CK/ST	1	1
Upper (601) & Lower (602) Okanogan River; Okanogan River/Bonaparte Creek (605); Lower Similkameen River (704); & Lower Lake Chelan (903)	ST	1	1
Unoccupied habitat in Sinlahekin Creek (703)	ST Conservation Value "Possibly High"		
Upper Columbia #1702001xxx			
Entiat River (001); Nason/Tumwater (103); & Lower Wenatchee River (105)	CK/ST	2	2
Lake Entiat (002)	CK/ST	2	1
Columbia River/Lynch Coulee (003); Sand Hollow (004); Yakima/Hansen Creek (604), Middle Columbia/Priest Rapids (605), & Columbia River/Zintel Canyon (606)	ST	2	1
Icicle/Chumstick (104)	CK/ST	1	2
Lower Crab Creek (509)	ST	1	2
Rattlesnake Creek (204)	ST	0	1
Yakima #1703000xxx			
Upper (101) & Middle (102) Yakima rivers; Teanaway (103) & Little Naches (201) rivers; Naches River/Rattlesnake Creek (202); & Ahtanum (301) & Upper Toppenish (303) & Satus (305) creeks	ST	2	2
Umtanum/Wenas (104); Naches River/Tieton River (203); Upper Lower Yakima River (302); & Lower Toppenish Creek (304)	ST	1	2
Yakima River/Spring Creek (306)	ST	1	1
Lower Snake River #1706010xxx			
Snake River/Granite (101), Getta (102), & Divide (104) creeks; Upper (201) & Lower (205) Imnaha River; Snake River/Rogersburg (301); Minam (505) & Wenaha (603) rivers	ST	3	3
Grande Ronde River/Rondowa (601)	ST	3	2
Big (203) & Little (204) Sheep creeks; Asotin River (302); Catherine Creek (405); Lostine River (502); Bear Creek (504); & Upper (706) & Lower (707) Tucannon River	ST	2	3
Middle Imnaha River (202); Snake River/Captain John Creek (303);	ST	2	2

Upper Grande Ronde River (401); Meadow (402); Beaver (403); Indian (409), Lookingglass (410) & Cabin (411) creeks; Lower Wallowa River (506); Mud (602), Chesnimnus (604) & Upper Joseph (605) creeks			
Ladd Creek (406); Phillips/Willow Creek (408); Upper (501) & Middle (503) Wallowa rivers; & Lower Grande Ronde River/Menatche Creek (607)	ST	1	3
Five Points (404); Lower Joseph (606) & Deadman (703) creeks	ST	1	2
Tucannon/Alpowa Creek (701)	ST	1	1
Mill Creek (407)	ST	0	3
Pataha Creek (705)	ST	0	2
Snake River/Steptoe Canyon (702) & Penawawa Creek (708)	ST	0	1
Flat Creek (704) & Lower Palouse River (808)	ST	0	0
Upper Salmon and Pahsimeroi #1706020xxx			
Germania (111) & Warm Springs (114) creeks; Lower Pahsimeroi River (201); Alturas Lake (120), Redfish Lake (121), Upper Valley (123) & West Fork Yankee (126) creeks	ST	3	3
Basin Creek (124)	ST	3	2
Salmon River/Challis (101); East Fork Salmon River/McDonald Creek (105); Herd Creek (108); Upper East Fork Salmon River (110); Salmon River/Big Casino (115), Fisher (117) & Fourth of July (118) creeks; Upper Salmon River (119); Valley Creek/Iron Creek (122); & Morgan Creek (132)	ST	2	3
Salmon River/Bayhorse Creek (104); Salmon River/Slate Creek (113); Upper Yankee Fork (127) & Squaw Creek (128); Pahsimeroi River/Falls Creek (202)	ST	2	2
Yankee Fork/Jordan Creek (125)	ST	1	3
Salmon River/Kinnikinnick Creek (112); Garden Creek (129); Challis Creek/Mill Creek (130); & Patterson Creek (203)	ST	1	2
Road Creek (107)	ST	1	1
Unoccupied habitat in Hawley (410), Eighteenmile (411) & Big Timber (413) creeks	Conservation Value for ST "Possibly High"		
Middle Salmon, Panther and Lemhi #1706020xxx			
Salmon River/Colson (301), Pine (303) & Moose (305) creeks; Indian (304) & Carmen (308) creeks, North Fork Salmon River (306); & Texas Creek (412)	ST	3	3
Deep Creek (318)	ST	3	2
Salmon River/Cow Creek (312) & Hat (313), Iron (314), Upper Panther (315), Moyer (316) & Woodtick (317) creeks; Lemhi River/Whimpey Creek (402); Hayden (414), Big Eight Mile (408), & Canyon (408) creeks	ST	2	3
Salmon River/Tower (307) & Twelvemile (311) creeks; Lemhi River/Kenney Creek (403); Lemhi River/McDevitt (405), Lemhi River/Yearian Creek (406); & Peterson Creek (407)	ST	2	2
Owl (302) & Napias (319) creeks	ST	2	1
Salmon River/Jesse Creek (309); Panther Creek/Trail Creek (322); & Lemhi River/Bohannon Creek (401)	ST	1	3
Salmon River/Williams Creek (310)	ST	1	2
Agency Creek (404)	ST	1	1
Panther Creek/Spring Creek (320) & Clear Creek (323)	ST	0	3
Big Deer Creek (321)	ST	0	1
Mid-Salmon-Chamberlain, South Fork, Lower, and Middle Fork Salmon #1706020xxx			
Lower (501), Upper (503) & Little (504) Loon creeks; Warm Springs (502); Rapid River (505); Middle Fork Salmon River/Soldier (507) &	ST	3	3

Lower Marble Creek (513); & Sulphur (509), Pistol (510), Indian (511) & Upper Marble (512) creeks; Lower Middle Fork Salmon River (601); Wilson (602), Upper Camas (604), Rush (610), Monumental (611), Beaver (614), Big Ramey (615) & Lower Big (617) creeks; Middle Fork Salmon River/Brush (603) & Sheep (609) creeks; Big Creek/Little Marble (612); Crooked (616), Sheep (704), Bargamin (709), Sabe (711), Horse (714), Cottonwood (716) & Upper Chamberlain Creek (718); Salmon River/Hot Springs (712); Salmon River/Kitchen Creek (715); Lower Chamberlain/McCalla Creek (717); & Slate Creek (911)			
Marsh (506); Bear Valley (508) Yellow Jacket (604); West Fork Camas (607) & Lower Camas (608) creeks; & Salmon River/Disappointment Creek (713) & White Bird Creek (908)	ST	2	3
Upper Big Creek (613); Salmon River/Fall (701), California (703), Trout (708), Crooked (705) & Warren (719) creeks; Lower South Fork Salmon River (801); South Fork Salmon River/Cabin (809), Blackmare (810) & Fitsum (812) creeks; Lower Johnson Creek (805); & Lower (813), Middle (814) & Upper Secesh (815) rivers; Salmon River/China (901), Cottonwood (904), McKenzie (909), John Day (912) & Lake (913) creeks; Eagle (902), Deer (903), Skookumchuck (910), French (915) & Partridge (916) creeks	ST	2	2
Wind River (702), Salmon River/Rabbit (706) & Rattlesnake (710) creeks; & Big Mallard Creek (707); Burnt Log (806), Upper Johnson (807) & Buckhorn (811) creeks; Salmon River/Deep (905), Hammer (907) & Van (914) creeks	ST	2	1
Silver Creek (605)	ST	1	3
Lower (803) & Upper (804) East Fork South Fork Salmon River; Rock (906) & Rice (917) creeks	ST	1	2
Little Salmon #176021xxx			
Rapid River (005)	ST	3	3
Hazard Creek (003	ST	3	2
Boulder Creek (004)	ST	2	3
Lower Little Salmon River (001) & Little Salmon River/Hard Creek (002)	ST	2	2
Selway, Lochsa and Clearwater #1706030xxx			
Selway River/Pettibone (101) & Gardner (103) creeks; Bear (102), White Cap (104), Indian (105), Burnt Knob (107), Running (108) & Goat (109) creeks; & Upper Selway River (106); Gedney (202), Upper Three Links (204), Rhoda (205), North Fork Moose (207), Upper East Fork Moose (209) & Martin (210) creeks; Upper (211), Middle (212) & Lower Meadow (213) creeks; Selway River/Three Links Creek (203); & East Fork Moose Creek/Trout Creek (208); Fish (302), Storm (309), Warm Springs (311), Fish Lake (312), Boulder (313) & Old Man (314) creeks; Lochsa River/Stanley (303) & Squaw (304) creeks; Lower Crooked (305), Upper Crooked (306) & Brushy (307) forks; Lower (308), Upper (310) White Sands, Ten Mile (509) & John's (510) creeks	ST	3	3
Selway River/Goddard Creek (201); O'Hara Creek (214) Newsome (505) creeks; American (506), Red (507) & Crooked (508) rivers	ST	2	3
Lower Lochsa River (301); Middle Fork Clearwater River/Maggie Creek (401); South Fork Clearwater River/Meadow (502) & Leggett creeks; Mill (511), Big Bear (604), Upper Big Bear (605), Musselshell (617), Eldorado (619) & Mission (629) creeks, Potlatch River/Pine Creek (606); & Upper Potlatch River (607); Lower (615), Middle (616) & Upper (618) Lolo creeks	ST	2	2
South Fork Clearwater River/Peasley Creek (502)	ST	2	1

Upper Orofino Creek (613)	ST	2	0
Clear Creek (402)	ST	1	3
Three Mile (512), Cottonwood (513), Big Canyon (610), Little Canyon (611) & Jim Ford (614) creeks; Potlatch River/Middle Potlatch Creek (603); Clearwater River/Bedrock (608), Jack's (609) Lower Lawyer (623), Middle Lawyer (624), Cottonwood (627) & Upper Lapwai (628) creeks; & Upper (630) & Lower (631) Sweetwater creeks	ST	1	2
Lower Clearwater River (601) & Clearwater River/Lower Potlatch River (602), Fivemile Creek (620), Sixmile Creek (621) and Tom Taha (622) creeks	ST	1	1
Mid-Columbia #1707010xxx			
Wood Gulch (112); Rock Creek (113); Upper Walla Walla (201), Upper Touchet (203), & Upper Umatilla (301) rivers; Meacham (302) & Birch (306) creeks; Upper (601) & Middle (602) Klickitat River	ST	2	2
Glade (105) & Mill (202) creeks; Lower Klickitat River (604); Mosier Creek (505); White Salmon River (509); Middle Columbia/Grays Creek (512)	ST	2	1
Little White Salmon River (510)	ST	2	0
Middle Touchet River (204); McKay Creek (305); Little Klickitat River (603);Fifteenmile (502) & Fivemile (503) creeks	ST	1	2
Alder (110) & Pine (111) creeks; Lower Touchet River (207), Cottonwood (208), Pine (209) & Dry (210) creeks; Lower Walla Walla River (211); Umatilla River/Mission Creek (303) Wildhorse Creek (304); Umatilla River/Alkali Canyon (307); Lower Butter Creek (310); Upper Middle Columbia/Hood (501); Middle Columbia/Mill Creek (504)	ST	1	1
Stage Gulch (308) & Lower Umatilla River (313)	ST	0	1
John Day #170702xxx			
Middle (103) & Lower (105) South Fork John Day rivers; Murderers (104) & Canyon (107) creeks; Upper John Day (106) & Upper North Fork John Day (201) rivers; & Desolation Creek (204)	ST	2	2
North Fork John Day/Big Creek (203); Cottonwood Creek (209) & Lower NF John Day River (210)	ST	2	1
Strawberry (108), Beech (109), Laycock (110), Fields (111), Mountain (113) & Rock (114) creeks; Upper Middle John Day River (112); Granite (202) & Wall (208) creeks; Upper (205) & Lower (206) Camas creeks; North Fork John Day/Potamus Creek (207); Upper Middle Fork John Day River (301) & Camp (302), Big (303) & Long (304) creeks; Bridge (403) & Upper Rock (411) creeks; & Pine Hollow (407)	ST	1	2
John Day/Johnson Creek (115); Lower Middle Fork John Day River (305); Lower John Day River/Kahler Creek (401), Service (402) & Muddy (404) creeks; Lower John Day River/Clarno (405); Butte (406), Thirtymile (408) & Lower Rock (412) creeks; Lower John Day River/Ferry (409) & Scott (410) canyons; & Lower John Day River/McDonald Ferry (414)	ST	1	1
Deschutes #1707030xxx			
Lower Deschutes River (612)	ST	3	3
Middle Deschutes River (607)	ST	3	2
Upper Deschutes River (603)	ST	2	1
Mill Creek (605) & Warm Springs River (606)	ST	2	1
Bakeoven (608) & Buck Hollow (611) creeks; Upper (701) & Lower (705) Trout Creek	ST	1	2
Beaver (605) & Antelope (702) creeks	ST	1	1

White River (610) & Mud Springs Creek (704)	ST	1	0
Unoccupied habitat in Deschutes River/McKenzie Canyon (107) & Haystack (311); Squaw Creek (108); Lower Metolius River (110), Headwaters Deschutes River (601)	ST Conservation Value "Possibly High"		

2.3 Environmental Baseline

The "environmental baseline" includes the past and present impacts of all Federal, state, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of state or private actions which are contemporaneous with the consultation in process (50 CFR 402.02).

The effects from climate change to the environmental baseline in the action area are described above in Section 2.2.

Species Baseline within the Action Area. The biological requirements of salmon and steelhead in the action area vary depending on the life history stage present and the natural range of variation present within that system (Groot and Margolis 1991; Spence *et al.* 1996).Generally, during spawning migrations, adult salmon require clean water with cool temperatures and access to thermal refugia, dissolved oxygen near 100% saturation, low turbidity, adequate flows and depths to allow passage over barriers to reach spawning sites, and sufficient holding and resting sites. Habitat requirements for juvenile rearing include seasonally suitable microhabitats for holding, feeding, and resting. Migration of juveniles to rearing areas, whether the ocean, lakes, or other stream reaches, requires access to these habitats. Physical, chemical, and thermal conditions may all impede movements of adult or juvenile fish.

Critical Habitat Baseline within the Action Area. The action area is within designated critical habitat for juvenile rearing habitat and a migration corridor for adults and juveniles of all the affected salmonid species in the Columbia River mainstem.

The project action area is located within the middle section of the Columbia River which runs over 450 miles from Bonneville Dam (RM 146) located along the border between Oregon and Washington, upstream to Grand Coulee Dam (RM 596) in Washington State. The project site is located along the southern shoreline of the Lake Wallula reservoir, approximately 9.5 miles upstream of McNary Dam (RM 301.6). The general topography within the action area ranges from relatively level uplands to steep sloping banks along the river. The shoreline within the action area consists of a steep, sparsely vegetated riprap bank.

The project site is comprised of the existing pump station facilities, including the elevated pumps, concrete access pads, and existing riprap shoreline. Vegetation surrounding the action area is dominated by species typical of the sagebrush-steppe vegetation community in eastern Oregon, including rabbitbrush (*Ericameria nauseosa*), antelope brush (*Purshia tridentate*) and cheatgrass (*Bromus tectorum*). Other species observed within and near the action area include big sagebrush (*Artemisia tridentate*), common mullein (*Verbascum Thapsus*), tall tumblemustard (*Sisymbrium altissimum*), and willow species (*Salix* sp.).

Columbia River Mainstem. The action area of the Columbia River has been disconnected from its floodplains and off-channel habitat by construction of levees, highways and railroads, and by filling of wetlands. Besides reducing the availability of high-quality rearing habitat, this likely has reduced the availability of cold-water refugia formed by hyporheic exchange of groundwater with the river. There is at present no suitable spawning habitat for Pacific salmon in the action area of the Columbia River mainstem, primarily due to the sandy substrate. Both adult and juvenile Pacific salmon use the general area for migration, and juveniles use the shallow areas for rearing.

Sediment transport in the action area has been substantially altered by the hydropower system, which has altered flow patterns and detained sediments behind dams. Since dam construction, the high seasonal flows that once regularly redistributed alluvial material have decreased. The floodplain has also been disconnected from the river by shoreline development. Alteration of flow regime and disruption of floodplain connectivity have impaired habitat-forming processes in the action area. Impoundment of the river, reinforcement of shorelines (retaining walls, riprap placement, *etc.*), and creation of overwater structures such as piers have created habitat conditions that favor species that prey on juvenile Pacific salmon.

The Columbia River is classified as water quality limited under section 303(d) of the Federal Clean Water Act by the Oregon Department of Environmental Quality (ODEQ) for temperature, pH and polychlorinated biphenyls (PCB) (ODEQ 2010). Numerous other pollutants of concern and toxins have been found in the Columbia River portion of the action area and downstream. Significant agricultural production occurs throughout the tributary drainages to the Columbia River in the Middle Columbia River watersheds. Conversion of habitat to agricultural lands has resulted in loss of riparian habitat, unstable streambanks due to poor cattle exclusion devices, excessive chemical levels in the water associated with pesticides and herbicides, high water temperatures and loss dissolved oxygen levels. Many tributary streams exceed appropriate width/depth ratios, resulting in high temperatures, sheet flow at high waters, and inadequate velocity levels at low flows. Agricultural production has also increased disturbance related to invasive plant species.

Although the quality of critical habitat in the Columbia River migration corridor has been reduced by the effects of hydroelectric development, agricultural and urban development, the action area remains critical because it provides the essential link between the natal streams and the marine environments necessary for the growth and development of the seven ESA-listed salmonids covered in this consultation. The CHART for the Upper Columbia, Snake, and Middle Columbia rivers (NMFS 2005) concluded that migration PCEs throughout this corridor are highly essential to the conservation of SR sockeye, SRB, UCR, and MCR steelhead, and SR and UCR Chinook since all of these species must migrate through this area as juveniles and as adults.

Environmental baseline conditions at the action area were summarized in the submitted BA using the NMFS *Matrix of Pathways and Indicators* (NMFS 1996). Data reveal that baseline conditions for measured habitat variables within the project area are all currently "functioning at risk" or "not properly functioning," as described below.

Water Quality

Temperature

The Middle Columbia River within the Lake Wallula reservoir is listed on the Oregon Department of Environmental Quality (ODEQ) 303(d) list for year round temperature exceedance (ODEQ 2012). Based on the Columbia River Data Access in Real Time (DART) 10-year average (2002-2011), temperatures at McNary range between a low of approximately 4° Celsius (C) in mid-February, to a high of over 22° C in mid-August (DART 2012). Many factors have contributed to increased stream temperatures, but they are primarily related to land-use practices, including dams, channel simplification and widening, and vegetation removal. There has also been an incremental loss of wetlands and increases in groundwater withdrawals which have contributed to lower base-stream flows, and which in turn contribute to temperature increases. As a result, this parameter is **not properly functioning.**

Sediment/Turbidity

There is currently no turbidity data available within the immediate vicinity of the action area, however, given the historic and existing land uses within the Middle Columbia River, this parameter is likely **not properly functioning.**

Chemical Contamination/Nutrients

Water quality is generally poor throughout the Middle Columbia River, as degraded riparian habitat, effluent outfalls, density of impervious surfaces, and physical disturbances to local stream systems have all led to increased chemical and nutrient contamination. The Middle Columbia River within the Lake Wallula reservoir is 303(d) listed for polychlorinated biphenyls (PCBs), and has an approved Total Maximum Daily Load (TMDL) for dioxin, and total dissolved gas (TDG) (ODEQ 2012). Based on this information, this parameter is **not properly functioning.**

Habitat Access

Physical Barriers

In general, the environment for salmonids in the Columbia River basin has been significantly affected by the development and operation of the hydropower dams associated with the Federal Columbia River Power System (FCRPS) (NMFS 2009). The action area is within the impoundment of water behind the McNary Dam, forming the Lake Wallula reservoir. Upstream and downstream fish passage for anadromous fish through the reservoir is provided downstream at the McNary Dam in Oregon and upstream at the Priest Rapids Dam in Washington. In addition, access for anadromous fish to the reservoir is provided at Ice Harbor Dam along the Snake River. Given the presence of numerous hydro facilities along the Middle Columbia River, this parameter is **at risk.**

Habitat Elements

Substrate

Substrates within the action area consist primarily of fine sands with cobble sized substrates beneath. Sand deposits on the surface range from one to several ft deep. Sediment sampling was

conducted within the action area on July 25, 2012. Physical analysis revealed that the sediment was composed of very course to course sand. The upstream dams alter the movement of sediment through the action area, resulting in few accumulations of suitable spawning gravels, and few widely spaced, sandy foraging shoals for smolts. Based on this information, this parameter is **not properly functioning**.

Large Wood

No large woody debris is present within the vicinity of the action area. As with sediments, the upstream dams have altered the movement of large wood through the action area, resulting in minimal accumulations. In addition, the shrub-steppe conditions of the Middle Columbia River do not generally provide areas for large wood recruitment. As such, this parameter is likely **not properly functioning**.

Pool Frequency

Bathymetry information across the Columbia River within the vicinity of the action area indicates that the maximum channel depth is approximately 105 ft. The average width of the river within the vicinity of the action area is approximately 6,200 ft. Given the width of the channel, as modified by McNary Dam and other hydroelectric projects, this indicator likely meets pool frequency standards, but may be **at risk** due to lack of large woody debris recruitment.

Pool Quality

Middle Columbia River off-channel flows within the action area are greater than 1 meter in depth, however, there is little adequate cover and temperatures are relatively warm. As such, this parameter is likely **at risk**.

Off-Channel Habitat

Backwater and low energy off-channel habitat does exist downstream of the project area as a result of the impoundment behind McNary Dam, however, there is little existing cover. As such, this parameter is likely **at risk**.

Refugia

As a result of the development and operation of the hydropower dams, formerly complex habitats along the Columbia River have been reduced to a single channel with little off-channel habitat and very few forms of cover. Based on these current conditions, this parameter is **not properly functioning**.

Channel Conditions and Dynamics

Width/Depth Ratio

As discussed above, bathymetry information across the Columbia River within the vicinity of the action area indicates that the maximum channel depth is approximately 105 ft. The average width of the river within the vicinity of the action area is approximately 6,200 ft. This width depth ratio far exceeds a factor of 10 and is likely **not properly functioning**.

Streambank Condition
The immediate shorelines of the action area are comprised of riprap and minimal vegetation. Given that the reservoir levels are controlled by McNary Dam and that the streambank appears to be stable with no active erosion occurring, it is likely that this indicator is 80-90% stable, and therefore **at risk**.

Floodplain Connectivity
Floodplain connectivity throughout the Columbia River basin has been reduced as a result of hydroelectric development. Overall, within the Middle Columbia River, this indicator is **not properly functioning**.

Flow/Hydrology

Water quantity problems are a significant cause of habitat degradation and reduced fish production in the Columbia River. Withdrawing water for irrigation, urban development, and other uses has increased temperatures, sedimentation, and smolt travel time. In addition, human activities have affected the timing and amount of peak water runoff from rain and snowmelt. Many riparian areas, floodplains, and wetlands that once stored water during periods of high runoff have been inundated by the reservoirs along the river.

Peak/Base Flows
Peak and base flows throughout the Columbia River basin have been significantly altered as a result of hydroelectric development along the Columbia River, and residential and agricultural development within the basin. Based on the Columbia River DART 10-year average (2002-2011), outflows at McNary Dam range seasonally from approximately 85,000 to 325,000 cfs (DART 2012). Given the existing water management requirements, this indicator is **not properly functioning**.

Drainage Network Increase
The proposed project is located within a relatively undeveloped area along the Lake Wallula reservoir. However, within the Columbia River basin there has been a significant increase in paved roads and overall drainage network density. As such, this parameter is likely **not properly functioning**.

Watershed Conditions

Road Density and Location
There are a few paved roads and some valley bottom roads within the vicinity of the action area. Based on overall road development within the basin, this parameter is likely **at risk**.

Disturbance History
As stated above, the Columbia River basin has been significantly altered as a result of hydroelectric development along the Columbia River, and residential and agricultural development within the basin. In addition, logging within the watershed has greatly reduced amount of late-successional reserves. Within the basin and action area, this indicator is **not properly functioning**.

Riparian Reserves

Riparian vegetation along the Middle Columbia River is quite sparse, comprised primarily of willows and grasses. Within the Lake Wallula reservoir the riparian reserve system is fragmented, poorly connected, and provides limited natural cover habitat and refugia. Hydroelectric operations along with urban development and agricultural practices have greatly reduced riparian reserves along the river. As such, the indicator is **not properly functioning.**

2.4 Effects of the Action on the Species and its Designated Critical Habitat

"Effects of the action" means the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 CFR 402.02). Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur.

The proposed action will have direct, short-term adverse effects on the ESA-listed species and critical habitats during construction due to interaction with fish and construction equipment, chemical contamination, increases in turbidity, altered established substrate and available forage. It will also have a combination of longer-term effects, including adverse and beneficial effects related to the installation and modification of the existing intakes and fish screens on the pump stations.

In-water Excavation and Construction. General site disturbance during construction will alter the area's use by listed species during the construction period. Construction activity will result in localized increases in turbidity and fine sediments, however, sediment and erosion control measures will minimize the movement of soil into the river. The channel excavation will increase suspended sediments, turbidity, and fine streambed sediment. All in-water excavation and construction activities will occur within a 6 week period during the in-water work period.

Chemical Contamination. As with all construction activities involving the use of mechanized equipment, accidental release of fuel, oil, and other contaminants may occur. Adverse effects to aquatic species are likely to occur from contact with chemicals from equipment leaks and fuel spills. However, best management practices (BMPs) have been included as part of the proposed action so as to greatly reduce the risks of potential adverse effects associated with chemicals. Conservation measures will be implemented to contain and minimize any potential leaks within the area where it would have short-term adverse effects on water quality and stream macro-invertebrates. Operation of machinery in close proximity to a stream increases the chance of a large fuel spill or hydraulic fluid leak contaminating the water. The probability of this occurring is very low, but not discountable.

Increased Turbidity. Mechanical activities in-stream or on the streambanks are likely to cause temporary adverse effects to aquatic habitat if construction-related sediments enter the Columbia River due to soil disturbance. These sediments are likely to appear as localized increases in turbidity due to fine sediment movement during the implementation of the proposed action. Sediment is also likely to be carried by surface runoff when erosion control structures are removed. The increase in turbidity will temporarily (days to weeks) reduce water quality.

Altered Streambed Substrate Composition and Reduced Available Macro-invertebrate Forage. Excavation (dredging) in the channel to install new pumping equipment and piping will remove established substrate and will result in a temporary reduction in the available established macroinvertebrate community. Additional sediment contributions from the channel excavation will likely settle into the streambed substrate within a year. Native substrate removed during the dredging portion of the proposed action will be returned to the Columbia River in the previously described methods and the approved disposal site. Macroinvertebrates are expected to re-establish the area within weeks to months following completion of the project.

2.4.1 Effects to Species

It is expected that any adverse effects to listed fish due to disturbance from construction will be relatively small in terms of both intensity and duration. Some short-term adverse effects are likely to occur during project implementation and as the project site becomes established. However, the potential for adverse effects to listed species will be avoided or greatly minimized by the BMPs and timing of the project implementation. Since all of the species addressed by this opinion have similar biology and life history, the effects of the action will affect all of them in a similar manner. Therefore, the analysis below, describes the effects of the action on salmonids rather than any specific species.

Elevated Suspended Sediments and Turbidity. Effects to salmonids will occur from substrate disturbance though in-water excavation and construction activities during the upgrades and modifications to the pumps stations and intake structures. These activities will temporarily increase delivery of fine sediments, increase turbidity in the water column and degrade water quality. The greater the flow of water over the disturbed area and the larger the disturbed area, the greater the movement of sediments. The in-water excavation and subsequent filling will temporarily release stored fine sediments.

Dredging and disposal operations can increase suspended sediments. Not all sediment is captured by the dredges; some will be re-deposited on the bottom while some will be suspended in the water column increasing turbidity (Hayes *et al.* 2000). Disposal may deposit the dredge material directly into the water column and thus is potentially the greatest contributors of suspended sediment and turbidly due to dredging.

The increases in suspended sediment and turbidity plumes resulting from the proposed construction activities are not likely to be of an extent, magnitude, or duration that would kill or injure listed species, but will impede adult passage and juvenile rearing for a short period of time, as fish will avoid the area for the duration of the construction. The additional energy expenditure for fish avoiding the affected area will increase the likelihood of death or injury by reducing survival or increasing chances of predation. These effects will be minimized due to the use of BMPs including: all in-water construction activities will occur during the in-water work period, these measures will reduce effects (including behavioral modifications, avoidance, and injury) to any ESA-listed salmonids remaining in the area.

Increased Sedimentation and Reduced Macro-invertebrate Forage Abundance. Additional sediment input to the system in the long term should be minimized due to the precautions taken during the in-water construction. Re-deposited fine sediments have the potential to adversely affect primary and secondary productivity (Spence *et al.* 1996), and reduce incubation success (Bell 1991) for juvenile salmonids (Bjornn and Reiser 1991). However, the action area is not used for spawning by any of the species addressed in this opinion. The increased fine sediment will result in a minor increase in substrate embeddedness likely resulting in a minor decrease in forage abundance. Substrate composition in the action area is expected to return to baseline conditions by the end of the next high flow season. The excavation of the streambed and channel will result in removal of an established streambed substrate and aquatic macro-invertebrates which will temporarily reduce forage abundance. Increases in fine sediments are reasonably likely to cause a minor decrease in aquatic invertebrate densities in the action area, resulting in a small decrease in available forage for juvenile salmonids for up to a few months. Juvenile salmonids are opportunistic predators and eat a wide variety of vertebrate and invertebrate species and are known to forage on the stream bottom for prey. The effect of the reduction in aquatic prey is likely temporary and the area will be recolonized after project completion. NMFS expects that the abundance of macro-invertebrate organisms in the areas adjoining the project area is adequate to rapidly recolonize disturbed areas. Fish that return to the area following the project completion will experience a reduction in available macro-invertebrate forage until such times as the areas becomes recolonized.

Dredging Activities. Entrainment occurs when organisms are trapped during the uptake of sediments and water by dredging machinery. The potential for entrainment depends upon the likelihood of fish occurring during the dredge period, the dredge depth, fish densities at the time and location of dredging operations, how the dredge is operated, and the affected species' life stage.

The proposed dredging methods will include an 8 inch diameter dredge pump that will remain buried up to 1 ft below the channel substrate. The dredging operations will remove approximately 300 cubic yards within an area approximately 1,700 square ft (0.04 acre), with a depth of 1 to 15 ft. Following the activities the dredge material will be reintroduced into the river at a depth of approximately 40 ft, therefore allowing native sediments to be redistributed downstream.

Any adult fish that might be present would generally be migrating mid-channel and may be found throughout the water column mostly out of the dredging areas, usually within the upper 25 ft but may be found to depths of 50 ft. Adult fish are primarily migrating above the depths dredges are operated but it would not be uncommon for adult fish to be found at the dredging depth. Adult salmon and steelhead are strong swimmers however and should be able to avoid dredges, discharge plumes and burial, NMFS is confident any potential for adult fish to be entrained or buried by the dredges is discountable. Juvenile salmon and steelhead prefer migrating and rearing along shallow water habitats and shorelines of the Columbia River and a may be present at these dredging depths. The timing of the proposed dredging is planned to occur January 1 to February 28, during the ODFW in-water work window when very few individual ESA-listed salmonids are likely to be present within the project area. NMFS

anticipates that since few juvenile salmonids will be in the near vicinity of the dredging, the potential of entrainment will be very minimal but that it is not discountable.

Chemical Contamination. Fuel and lubricant spills that enter a waterbody directly or through the adjacent riparian zone can injure and kill aquatic organisms and degrade water quality. Petroleum-based contaminants, such as fuels, oils, and some hydraulic fluids contain polycyclic aromatic hydrocarbons (PAHs), which can be acutely toxic to salmonids at high levels of exposure and can also have acute and chronic lethal and sublethal effects on other aquatic organisms (Neff 1985). The proposed action includes project designs that will reduce the risk of chemical contamination during in-water work activities and maintain water quality. Following these best management practices will ensure that any contamination into the stream will be reduced to the point that only a few juvenile salmonids are likely to be injured or killed by minor leaks of contaminants into the action area. There will be no adverse effects over the long term or at the population level.

Reduction in Impingement from Improvements to Intakes and Fish Screens. The upgrades to the fish screens and modifications to the intake pumps will allow the facility to meet current fish screen criteria (NMFS 2011a). The criteria will reduce potential harm, injury, and mortality resulting from potential interactions with the pumps, intakes and screens.

Hydroacoustic Effects. The installation of steel piles in this location is likely to result in adverse effects to ESA-listed fish, potentially including injury, death and behavioral effects. There will be sub-lethal effects depending upon the effectiveness of mitigation measures and the presence of fish. Pile installation will have the following effects on the ESA-listed species: avoidance, interrupted migration, increased exposure to predation, altered feeding behavior, hearing loss or auditory tissue damage, and physical injury or death (Hastings 1996; Scholik and Yan 2002; Hastings and Popper 2005). Fish consistently avoid low frequency sounds like those of a vibratory hammer (Enger *et al.* 1993; Dolat 1997; Knudsen *et al.* 1997; Sand *et al.* 2000) and appear not to habituate to these sounds. Piles will be installed with a vibratory driver. Peak sound levels from vibratory drivers are considerably lower than impact drivers, however, total energy dissipated can be comparable resulting in similar total accumulation of lower sound levels.

Fish respond differently to sounds produced by impact hammers than to sounds produced by vibratory hammers. Vibratory hammers produce a more rounded sound pressure wave with a slower rise time in comparison to impact hammers. Because the more rounded sound pressure wave produced by vibratory hammers produces a slower increase in pressure, the potential for injury and mortality is reduced. The sharp sound pressure waves associated with impact hammers represent a rapid change in water pressure level. In general, injury and mortality effects from underwater noise are caused by these rapid pressure changes.

Although not proposed as part of the action, impact pile-driving can produce underwater sound pressure waves that can have effects on fish, varying upon the variables of: type and intensity of sounds, size of the piles, firmness of the substrate, water depth, and the type and size of the pile driver. Larger piles and firmer substrate require greater energy to drive the pile resulting in higher sound pressure levels (SPL). This is a relationship between driven energy and its

transformation into overcoming friction or resonance. Hollow steel piles produce higher SPLs than similarly sized wood or concrete piles (Hastings and Popper 2005). Sound attenuates more rapidly in shallow water than in deep waters (Rogers and Cox 1988). Fish with swim bladders and smaller fish have been shown to be more vulnerable to injury (Hanson *et al.* 2003).

Interim thresholds of injury were set in an agreement dated June 11, 2008, by the Fisheries Hydroacoustic Work Group to set underwater sound pressure level criteria[6] for injury to listed fish from pile driving activities as: 206 decibel (dB) peak, 187 dB accumulated sound exposure level (SEL) for fish equal or greater than 2 grams, and 183 dB SEL for fish less than 2 grams. The NMFS has since added when the single strike SEL of 150 dB is reached as the conservative threshold to the maximum distance when fish can be injured (Stadler and Woodbury 2009). If the vibratory hammer is only used to drive all piles to the desired depth, accumulated sound exposure levels and peak sound exposure levels from this project will be well below NMFS's dual threshold interim criteria.

Species at the Population Scale. Those few fish that remain in the action area during project implementation will be exposed to stress caused by construction activities and reduced water quality. The stress is likely to be brief (minutes to hours) limited to two events (for sediment and turbidity plumes and dredging disposal) during construction. Therefore, the proposed action will not have a measurable negative effect on population abundance or productivity of any of the populations affected by the proposed action. In the long term, the project will have some, albeit minor, beneficial effects as the pump stations and intakes will be upgraded to meet fish passage and fish screen criteria. The proposed action will have no effect on population diversity or spatial structure.

Because adult salmon and steelhead are larger and more mobile than juveniles, it is unlikely that any will be killed during in-water construction although adults may move laterally or stop briefly during migration to avoid noise or other construction disturbances (Servizi and Martens 1991, Sigler 1988). However, given the conservation measures outlined above, it is unlikely that physical and chemical changes caused by the construction site associated with the proposed action, will cause delays severe enough to reduce spawning success and alter population growth rate, or cause straying that might alter the spatial structure or genetic diversity of populations. Thus, it is unlikely that the biological effects of actions will affect the VSP characteristics of salmon or steelhead populations.

2.4.2 Effects to Critical Habitat

The proposed action will affect designated critical habitat including freshwater rearing and migrations areas by causing effects during in-water construction, including chemical contamination, increases in turbidity, altered established substrate and available forage. Short-term (months) effects on critical habitat are likely to be the loss of available forage, displacement of established substrate, and water quality (excess turbidity and fine sediment) from channel

[6] FHWG (Fisheries Habitat Working Group). 2008. Agreement in Principal for Interim Criteria for Injury to Fish from Pile driving Activities. Memorandum of Agreement between N0AA Fisheries ' Northwest and Southwest Regions: USFWS Regions 1 and 8; California, Washington and Oregon Department of Transportation; California Department of Fish and Game; and Federal Highways Administration. June 12, 2008.

excavation resulting in delivery to streams. No long-term adverse effects to the PCEs of critical habitat are expected. Below are the likely effects on each of the PCEs of critical habitat.

Freshwater rearing sites
Floodplain connectivity: There will be no effects to floodplain connectivity.
Forage: Loss of streambed habitat for macroinvertebrates will result in a small, isolated loss in forage prey. There will be no long-term effects to forage as macroinvertebrates will recolonize affected areas within several days to weeks.

Natural cover: Established substrate will be disturbed during the excavation and in- stream construction. There will be short-term loss of natural cover during the in- stream construction. However, native substrates will be reintroduced to the sediment load of the Columbia River mainstem.

Freshwater migration corridors:
Free passage: Fish passage will be delayed during the in-water construction. Upstream migration of juvenile salmonids along the shoreline may be altered during in-water work for up to 6 weeks.

Effects to water quality, water quantity and natural cover in freshwater migration corridors will be expected to be the same as those previously described for freshwater rearing sites.

Based on the above effects, the proposed action will have small, local, short-term, negative effects on some critical habitat PCEs for up to a few months following the project completion. Any negative impacts will not reach a level to have noticeable effects on the quality and function of PCEs in the long term.

The effects of the action on PCEs will not impair the ability of critical habitat to play its intended conservation role. The adverse effects of the proposed action on critical habitat PCEs will be limited to small, short-term (days up to 1 year) effects on substrate, water quality, forage, and natural cover.

2.5 Cumulative Effects

"Cumulative effects" are those effects of future state or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation (50 CFR 402.02). Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Future state and private actions are likely to continue to affect ESA-listed species in the Columbia River, although it is not possible to predict which specific actions will be significant given the broad geographic landscape covered by the action area, the geographic and political variation in the action area, uncertainties associated with Tribal, state, and local governments, and private actions.

The effects of activities such as agriculture, livestock grazing, and urbanization have degraded the habitat of the Columbia River and its tributaries. Many of these activities are likely to continue into the future. The impacts of these activities on habitat quality is discussed in the environmental baseline section of this opinion .The collective result of habitat degradation is characterized by commercial and residential developments, altered streamflows, structural impediments, and inadequate riparian corridors, simplified and reduced in-stream habitat, and excessive erosion and sedimentation.

NMFS assumes as the human population in the action area continues to grow, demand for agricultural, commercial, or residential development is also likely to grow. Similarly, demand for cultural and aesthetic amenities continues to grow with human population, and is reflected in decades of concentrated effort by Tribes, states, and local communities to restore an environment that supports flourishing wildlife populations, including populations of species that are now ESA-listed (CRITFC 1995; NMFS 2011c; NWPCC 2012; OWEB 2011). Reduced economic dependence on traditional resource-based industries has been associated with growing public appreciation for the economic benefits of river restoration, and growing demand for the cultural amenities that river restoration provides. Thus, many non-Federal actions have become responsive to the recovery needs of ESA-listed species. Those actions included efforts to ensure that resource-based industries adopt improved practices to avoid, minimize, or offset their adverse impacts. Similarly, many actions focused on completion of river restoration projects specifically designed to broadly reverse the major factors now limiting the survival of ESA-listed species at all stages of their life cycle. Those actions have improved the availability and quality of estuarine and nearshore habitats, floodplain connectivity, channel structure and complexity, riparian areas and large wood recruitment, stream substrates, stream flow, water quality, and fish passage. In this way, the goal of ESA-species recovery has become institutionalized as a common and accepted part of the State's economic and environmental culture. We expect this trend to continue into the future as awareness of environmental and at-risk species issues increases among the general public.

When impacts of future state and private actions are considered collectively, they are expected to result in a neutral to slightly negative effect on population abundance and productivity. Similarly, these impacts are expected to cause a neutral to slightly negative effect on the quality and function of critical habitat PCEs in the Columbia River.

2.6 Integration and Synthesis

The Integration and Synthesis section is the final step of NMFS' assessment of the risk posed to species and critical habitat as a result of implementing the proposed action. In this section, we add the effects of the action (Section 2.4) to the environmental baseline (Section 2.3) and the cumulative effects (Section 2.5) to formulate the agency's biological opinion as to whether the proposed action is likely to: (1) Result in appreciable reductions in the likelihood of both survival and recovery of the species in the wild by reducing its numbers, reproduction, or distribution; or (2) reduce the value of designated or proposed critical habitat for the conservation of the species. These assessments are made in full consideration of the status of the species and critical habitat (Section 2.2).

The project will adversely affect ESA-listed steelhead and salmon and designated critical habitat by causing effects including chemical contamination, increases in turbidity, altered established substrate and available forage, hydroacoustic disturbance and temporary reductions in habitat access. Habitat degradation during the construction will include temporary short-term adverse effects in the action area but the condition of the action area will return to pre-project conditions in the long-term. ESA-listed fish will have reduced risk of impingement from the new screens. Hydroacoustic disturbance will be greatly reduced by the pile installation only occurring with-in the recommended IWWW and only a vibratory hammer will be used for the installation. The temporary turbidity plume resulting from in-water excavation is not expected to extend beyond 500 ft downstream from the project site. During the following migration period and rearing year, fish may encounter an incremental increase in fine sediments, but the amount attributable to the project will be so low as to be immeasurable.

The status of the species affected by the proposed action varies from very high risk (SR sockeye salmon) to moderate risk (MCR steelhead). The status of critical habitat at the designation-wide scale varies. As described in Section 2.2, all Columbia River salmon and steelhead species in this opinion migrate through the out-migrating juveniles and then again as adult fish on their upstream spawning migration. The viability of the various populations that comprise the seven salmon and steelhead species considered in this opinion ranges from extirpated, or nearly so, to populations that are at a low risk for extinction.

Short-term effects to critical habitat PCEs will include channel and streambanks modifications, degraded water quality and altered sediment transport balance, habitat access, reductions of available space, cover and available forage. These short-term effects will revert to pre-project quality within several months. Long-term benefits will include preventing impingement and injury to individual fish as the pumps and intakes will meet fish passage and screen criteria. The conditions of the environmental baseline in the action area identify the parameters of water quality, habitat access and habitat elements as all "functioning at risk" or "not properly functioning". Habitat is degraded from past and current activities including agriculture, livestock grazing, water withdrawals and urbanization. These activities are likely to continue into the future and on balance, we expect cumulative effects to have a neutral or slightly negative effect on population viability and quality of critical habitat. Although some elements of critical habitat are degraded, the conservation value of critical habitat in the action area as high. The implementation of the proposed action will not further degrade the habitat or impair the ability of the habitat to support any of the affected population or the recovery of the species as a whole.

The number of juveniles adversely affected by the action will be a small proportion of the total number of individuals in any of the affected steelhead and salmon populations. The project will not cause a measurable negative effect on population abundance, productivity, spatial structure, or diversity. In the long term, the proposed action may result in small increases in population abundance and productivity and improved spatial structure due to improved fish passage and reduced potential injury to listed individual fish. The action is not expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of any steelhead or salmon in the wild by reducing their reproduction, numbers, or distribution, and therefore will not jeopardize the continued existence of the species.

The analysis showed that the amount of time and area dredging operations could potentially kill or injure ESA-listed fish is extremely small compared to the amount of time the fish may actually be present and area of potentially occupied habitat. Therefore, NMFS concluded individuals of ESA-listed fish potentially may be killed or injured, but the number of individual fish actually killed or injured is likely to be extremely small and would not significantly affect the abundance or productivity of any ESA-listed fish population. The risk of impacts resulting in population level effects is also very small because:

- Dredging operations will avoid most of the smolt outmigration period and will occur when juvenile densities in the shallow side channels are lowest.
- A very small number of individuals of any population will be exposed to dredging.
- The habitat affected by dredging and disposal operations and the short duration of potential effects is extremely small compared to the total available habitat for ESA-listed species.

2.7 Conclusion

After reviewing the current status of the listed species, the environmental baseline within the action area, the effects of the proposed action, and cumulative effects, it is NMFS' biological opinion that the proposed action is not likely to jeopardize the continued existence of SRB steelhead, UCR steelhead, MCR steelhead, SR spring/summer run Chinook salmon, SR fall-run Chinook salmon, UCR spring-run Chinook salmon, and SR sockeye salmon or destroy or adversely modify their designated critical habitats.

2.8. Incidental Take Statement

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without a special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by regulation to include significant habitat modification or degradation that results in death or injury by significantly impairing essential behavioral patterns including breeding, spawning, rearing, migrating, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. For purposes of this consultation, we interpret "harass" to mean an intentional or negligent action that has the potential to injure an animal or disrupt its normal behaviors to a point where such behaviors are abandoned or significantly altered.[7] Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA, if that action is performed in compliance with the terms and conditions of this incidental take statement.

[7] NMFS has not adopted a regulatory definition of harassment under the ESA. The U.S. Fish and Wildlife Service defines "harass" in its regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). The interpretation we adopt in this consultation is consistent with the U.S. Fish and Wildlife definition of the term.

2.8.1 Amount or Extent of Take

The Project will occur in rearing, and migration habitat for the seven species in this opinion. Juvenile steelhead and salmonids are likely to be rearing in the action area during construction when adverse habitat effects of the proposed action will occur. Take in the form of harm is reasonably certain to occur because some of those individuals will be injured or killed. Adverse effects to juvenile salmonids will also occur from habitat modifications during construction activities in the action area. Juvenile salmonids in the vicinity that avoid the area will experience behavioral modifications and stress due to avoiding the work area. Adult steelhead and salmon are unlikely to be present in the shallow water areas and during the in-water construction. Adult salmonids are mobile and likely to volitionally move out of the action area during the in-water construction and activities.

The proposed action will implement activities that amount to significant habitat modification or degradation that will cause a physiological effect or impair essential behavioral patterns (rearing, feeding, or migration) and thus increase the likelihood of injury or death. The adverse effects of those actions on habitat will include the following: (1) Behavioral modifications resulting from displacement and temporary impediment and disturbance preventing upstream migration in the construction work area for rearing juveniles; (2) decreased feeding, growth, and survival from reduced short-term access habitat and feeding opportunities in the immediate work area; (3) decreased feeding, growth and survival from reduced water quality and pollution during dredging and excavation; (4) reducing survival from additional stress and increasing exposure to predation.; and (5) reduced survival from additional stress, behavioral modification and from hydroacoustic sound effects.

ESA-listed salmon and steelhead that are located downstream of in-stream work areas will be harassed by increases in turbidity and degraded water quality created by dredging and in-stream construction. Fish avoiding the area will experience behavior modifications and expend additional energy and will increase their likelihood of death or injury by reduced condition and increased exposure to predation. Heavy equipment use in the water and shoreline areas will result in small amount of fuel, oils and chemical that will cause pollution and degrade water quality. In-stream construction will result in increases in sedimentation and temporary reduction of access to habitat and disturb invertebrate forage. The in-in-stream disposal of the native substrates following the dredging will also create increased sediment in the water column. The NMFS anticipates that the visible turbidity plume will not exceed 500 ft downstream from work areas based on similar projects completed by ODFW in the vicinity of the proposed action.

Adverse effects from hydroacoustic sound will likely occur through behavior modification, additional stress and increasing exposure to predation to juvenile salmonids rearing or migrating through the area. The use of only vibratory hammer installation will reduce the potential risk of injury or morality occurring immediately during pile installation; however, cumulative exposure to low sound pressure and delayed take may occur from reduced feeding, altered behavior or stress, and increased vulnerability to predators following when fish leave the vicinity of the project. Since it is not practical for NMFS to identify injuries or take that occurs to fish as a result of exposure to these cumulative vibratory sounds after they have left the project area,

NMFS uses the number of 26 new steel piles installed via vibratory hammer as an extent of take indicator.

Salmon and steelhead migrating in the area during construction may encounter harm or injury, behavioral modifications and stress that may decrease feeding, growth and survival. However, there is no practical way to observe or count these individuals without significant additional risk of killing or injuring them. In such circumstances, NMFS uses the causal link established between the activity and a change in habitat conditions affecting the listed species to describe a quantified extent of take. Here, the best available indicator for the extent of take from the associated habitat modification is the length of the visible turbidity plume extending downstream of the in-water work areas because the length of the visible turbidity plume is proportional to all of the take pathways, and it is readily measurable.

In the accompanying opinion, NMFS determines that this level of incidental take is not likely to jeopardize the continued existence of the species or the extent of take of either: (1) a visible turbidity plume in excess of 500 ft length or, (2) vibratory hammer installation of more than 26 piles will trigger the reinitiation provisions of this opinion.

2.8.2 Effect of the Take

In Section 2.7 above, NMFS determines that the level of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.

2.8.3 Reasonable and Prudent Measures and Terms and Conditions

"Reasonable and prudent measures" are nondiscretionary measures to minimize the amount or extent of incidental take (50 CFR 402.02). "Terms and conditions" implement the reasonable and prudent measures (50 CFR 402.14). These must be carried out for the exemption in section 7(o)(2) to apply.

The following measures are necessary and appropriate to minimize the impact of incidental take of listed species due to the proposed action:

The COE shall:

1. Minimize incidental take resulting from dredging, pile-installation and construction interaction with fish.
2. Minimize incidental take resulting from construction effects to water quality (turbidity, erosion and pollution).
3. Ensure completion of a monitoring and reporting program to confirm that the take exemption for the proposed action is not exceeded, and that the terms and conditions in this incidental take statement are effective in minimizing incidental take.

2.8.4 Terms and Conditions

The measures described below are non-discretionary, and must be undertaken by the COE and ODFW, must become binding conditions of the permit issued to ODFW, for the exemption in section 7(o)(2) to apply. The COE has a continuing duty to regulate the activity covered by this incidental take statement. If the COE (1) fails to assume and implement the terms and conditions or (2) fails to require ODFW to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit document, the protective coverage of section 7(o)(2) may lapse.

1. To implement Reasonable and Prudent Measure #1 (dredging, pile installation and construction interaction), the COE shall ensure that:

    a. In-water construction and dredging will be conducted during the reduced timeframe contained within the ODFW recommended IWWW.
    b. An ODFW or other supervisory fish biologist experience with in water construction activities in the project area will supervise that the appropriate minimization measure are followed to reduced interactions of equipment with fish.
    c. Pile installation will only occur within the IWWW. All piles will only be installed by the use of a vibratory hammer.

2. To implement Reasonable and Prudent Measure #2 (construction effects to water quality), the COE shall ensure that:

    a. Emergency Erosion Controls. Ensure that a supply of sediment control materials (*e.g.*, biofilter, sandbags, straw bales[8], wattles) is on site for emergency erosion control purposes.
    b. Temporary Erosion Controls. Place and appropriately install erosion controls until site restoration is complete.
    c. Mechanical Staging. Vehicles must be fueled, operated, maintained, and stored as follows:
        i. Vehicle staging, cleaning, maintenance, refueling, and fuel storage must take place in a vehicle staging area 150 ft or more from any stream, waterbody or wetland. All vehicles operated within 150 ft of any stream, waterbody or wetland must be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected must be repaired in the vehicle staging area before the vehicle resumes operation. Inspections must be documented in a record that is available for review on request by COE or NMFS.
        ii. All equipment operated must be cleaned before beginning operations to remove all external oil, grease, dirt, and mud.
        iii. Stabilize all disturbed areas following any break in work unless construction will resume in 4 days.

[8] When available, use certified weed-free straw or hay bales to prevent introduction of noxious weeds.

iv. A chemical and pollution control plan will be prepared and carried out, commensurate with the scope of the project, that includes:
   (1) The name, phone number, and address of the person responsible for accomplishing the plan.
   (2) Best management practices to confine, remove, and dispose of construction waste, including every type of debris, discharge water, concrete, petroleum product, or other hazardous materials generated, used, or stored on-site.
   (3) Procedures to contain and control a spill of any hazardous material generated, used or stored onsite, including notification of proper authorities.

3. To implement Reasonable and Prudent Measure #3 (monitoring and reporting), the COE shall:

a. Prepare a Monitoring Report. Conduct monitoring and prepare and submit a report to NMFS describing the applicant's success in meeting the terms and conditions contained in this Opinion. The content of the report shall include:
   i. Project identification.
      (1) Project name.
      (2) Type of activity.
      (3) Project location by 6th field USGS HUC and by latitude and longitude as determined from the appropriate 7-minute USGS quadrangle map.
      (4) Supervisory fish biologist – name and contact information.
      (5) Starting and ending dates for work completed.
   ii. Photo documentation. Photos of habitat conditions[9] at the in-water work site before, during, and after project completion.
      (1) General views and close-ups showing details of the project and project area, including pre- and post-construction.
      (2) Label each photo with date, time, project name, photographer's name, and the subject.
   iii. Monitoring results for construction and pile-driving effects
      (1) Description of the visually monitored downstream extent of turbidity plumes resulting from in-water construction.
      (2) A summary of chemical, pollution and erosion control inspection results, including a description of any erosion control failure, contaminant release, and efforts to correct such incidences.
      (3) A summary of the total duration of all pile installations during the project implementation.
   iv. Fish Observation Monitoring
      (1) Any incidence of observed injury or mortality.
      (2) Number of listed salmon and steelhead observed.

[9] Relevant habitat conditions may include characteristics of stream channels, eroding and stable streambanks in the project area, riparian vegetation, water quality, flows at base, bankfull and over-bankfull stages, and other visually-discernible environmental conditions at the project area, and upstream and downstream from the project.

(3) Location and condition of salmon and steelhead released.

v. Methods of work area and take minimization.

4. Submit Reports Upon Project Completion. To submit the monitoring report, or to reinitiate consultation, contact:

Oregon State Habitat Office
National Marine Fisheries Service
Attn: **NWR-2012-4014**
1201 NE Lloyd Blvd., Ste. 1100
Portland, OR 97232-2182

2.9. Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information (50 CFR 402.02). The following conservation recommendations are discretionary measures that NMFS believes are consistent with this obligation and therefore should be carried out by the Federal action agency:

1. NMFS recommends COE work with other land owners on long-term plans and designs to upgrade and modify other existing pump stations and intakes to prevent injury to fish and aquatic resources.
2. NMFS recommends COE work with private land owners and other non-governmental organizations to seek future funding sources for restoration of more natural streambanks along the developed and altered banks of the Columbia River mainstem upstream and downstream of the action area. Such efforts may increase habitat complexity to benefit fisheries and aquatic resources.

Please notify NMFS if the COE carries out these recommendations so that we will be kept informed of actions that are intended to improve the conservation of listed species or their designated critical habitats.

2.10 Reinitiation of Consultation

As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action on listed species or designated critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect on the listed species or critical habitat not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action.

3. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT ESSENTIAL FISH HABITAT CONSULTATION

The consultation requirement of section 305(b) of the MSA directs Federal agencies to consult with NMFS on all actions or proposed actions that may adversely affect EFH. The MSA (section 3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Adverse effects include the direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quality or quantity of EFH. Adverse effects on EFH may result from actions occurring within EFH or outside EFH, and may include site-specific or EFH-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). Section 305(b) also requires NMFS to recommend measures that can be taken by the action agency to conserve EFH.

This analysis is based, in part, on the EFH assessment provided by the Federal action agency and descriptions of EFH contained in the fishery management plans developed by the Pacific Fishery Management Council (PFMC) and approved by the Secretary of Commerce for Pacific coast salmon (PFMC 1999).

3.1 Essential Fish Habitat Affected by the Project

The proposed action and action area in this opinion are described in the Introduction to this document. This action area includes areas designated as EFH for all life stages of Chinook salmon.

3.2 Adverse Effects on Essential Fish Habitat

Based on information provided in the BA and the analysis of effects presented in the ESA portion of this document, NMFS concludes the effects on Chinook salmon habitat are the same as those for the listed salmonids in this Opinion and are described in detail in the *Effects of the Action* section of this opinion.

The proposed action is likely to affect EFH in the following manner:

1. In-water construction and excavation will result in loss of the established streambed substrates and shallow-water habitat. Restoration of stream channel and fish passage will have long-term beneficial effects to habitat access.
2. Short-term elevation of turbidity and sedimentation within and immediately upstream and downstream from the construction area. A visible turbidity plume is likely to extend up to 500 ft downstream from in-water work site.
3. A short-term minor decrease in macro-invertebrates may occur as a result of increased fine sediment in stream substrates due to in-stream work. Macro-invertebrates will recolonize the affected area within a few months.
4. Habitat in project area and in-water channel will be temporarily blocked during in-water isolation of work area.

3.3 Essential Fish Habitat Conservation Recommendations

NMFS expects that full implementation of these EFH conservation recommendations would protect, by avoiding or minimizing the adverse effects described in section 3.2 above, approximately 10 acre of designated EFH for Pacific coast salmon.

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, two conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information (50 CFR 402.02).

The following two conservation measures are necessary to avoid, mitigate, or offset the impact of the proposed action on EFH. These conservation recommendations are a subset of the ESA terms and conditions.

1. Construction. Follow the term and condition #1 (work area isolation) and term and condition #2 (water quality). Methods will be used to isolate the work from the channel. Water quality will be maintained during construction activities through the use of erosion control measures, proper mechanical staging and the development and implementation of a chemical/pollution contamination plan.
2. Monitoring and Reporting. Follow term and condition #3 (monitoring).

The NMFS believes that these conservation recommendations are necessary conservation measures to avoid, mitigate, or offset the impact of the proposed action on EFH.

The COE is required to complete a supplemental EFH consultation with NMFS if it substantially revises its plans for this action in a manner that may adversely affect EFH or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations [50 CFR 600.920(k)].

3.4 Statutory Response Requirement

As required by section 305(b)(4)(B) of the MSA, the Federal agency must provide a detailed response in writing to NMFS within 30 days after receiving an EFH Conservation Recommendation from NMFS. Such a response must be provided at least 10 days prior to final approval of the action if the response is inconsistent with any of NMFS' EFH Conservation Recommendations, unless NMFS and the Federal agency have agreed to use alternative time frames for the Federal agency response. The response must include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NMFS Conservation Recommendations, the Federal agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the action and the measures needed to avoid, minimize, mitigate, or offset such effects [50 CFR 600.920(k)(1)].

In response to increased oversight of overall EFH program effectiveness by the Office of Management and Budget, NMFS established a quarterly reporting requirement to determine how many conservation recommendations are provided as part of each EFH consultation and how many are adopted by the action agency. Therefore, we ask that in your statutory reply to the EFH portion of this consultation, you clearly identify the number of conservation recommendations accepted.

3.5 Supplemental Consultation

The COE must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations [50 CFR 600.920(l)].

4. DATA QUALITY ACT DOCUMENTATION AND PRE-DISSEMINATION REVIEW

Section 515 of the Treasury and General Government Appropriations Act of 2001 (Public Law 106-554) (Data Quality Act) specifies three components contributing to the quality of a document. They are utility, integrity, and objectivity. This section of the opinion addresses these Data Quality Act (DQA) components, documents compliance with the DQA, and certifies that this opinion has undergone pre-dissemination review.

4.1 Utility: Utility principally refers to ensuring that the information contained in this consultation is helpful, serviceable, and beneficial to the intended users. The intended users are the COE and ODFW.

An individual copy was provided to the COE. This consultation will be posted on the NMFS Northwest Region website (http://www.nwr.noaa.gov). The format and naming adheres to conventional standards for style.

4.2 Integrity: This consultation was completed on a computer system managed by NMFS in accordance with relevant information technology security policies and standards set out in Appendix III, Security of Automated Information Resources," Office of Management and Budget Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.

4.3 Objectivity:

Information Product Category: Natural Resource Plan.
Standards: This consultation and supporting documents are clear, concise, complete, and unbiased; and were developed using commonly accepted scientific research methods. They adhere to published standards including the NMFS ESA Consultation Handbook, ESA Regulations, 50 CFR 402.01, *et seq.*, and the MSA implementing regulations regarding EFH, 50 CFR 600.920(j).

Best Available Information: This consultation and supporting documents use the best available information, as referenced in the Literature Cited section. The analyses in this opinion/EFH consultation contain more background on information sources and quality.

Referencing: All supporting materials, information, data and analyses are properly referenced, consistent with standard scientific referencing style.

Review Process: This consultation was drafted by NMFS staff with training in ESA and MSA implementation, and reviewed in accordance with Northwest Region ESA quality control and assurance processes.

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JAN -3 2013

Michael Turaski
Acting Chief, Regulatory Branch
Department of the Army
Corps of Engineers, Portland District
P.O. Box 2946
Portland, Oregon 97208-2946

Subject: Formal Consultation for the Stahl H.B. and JSH Farm River Pumping Station: Fish Screening and Intake Modification Project Middle Columbia-Lake Wallula, Umatilla County, Oregon

Dear Mr. Turaski:

This is in response to your request for formal consultation that was in a letter dated September 20, 2012, transmitting your evaluation of the effects to the threatened Columbia River population of bull trout *(Salvelinus conjl.uentus)* and bull trout critical habitat, from the Stahl H.B. and JSH Farm River Pumping Station: Fish Screening and Intake Modification Project Middle Columbia-Lake Wallula, Umatilla County, Oregon. This document transmits the Fish and Wildlife Service's (Service) biological opinion (BO) based on our review of the above-mentioned project and its effects on bull trout and bull trout critical habitat in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.).*

After reviewing the current status of bull trout, bull trout critical habitat, environmental baseline for the action area, and effects of the proposed action, it is the Service's opinion that the above-mentioned project is not likely to jeopardize the continued existence of bull trout and is not likely to destroy or adversely modify bull trout critical habitat. This BO is based on information provided in the September 11, 2012 biological assessment for the project addressing Columbia River bull trout and bull trout critical habitat. A complete administrative record of this consultation is on file at the Oregon Fish and Wildlife Office, Portland, Oregon.

Printed on 100 percent chlorine free/60 percent post-consumer content paper.

If you have any questions or concerns regarding this BO, please contact Dan Perritt at (503) 231-6179.

Sincerely,

f<e v-tate Supervisor

Endangered Species Act-Section 7 Consultation

Biological Opinion

U.S. Fish and Wildlife Service
TAILS No: OIEOFW00-2013-F-0003

Stahl H.B. and JSH Farm River Pumping Station:
Fish Screening and Intake Modification Project
Middle Columbia-Lake Wallula, Umatilla County, Oregon

Agency: Department of the Army, Corps of Engineers, Portland District

Paul Henson, Ph.D.
State Supervisor

1-3-13
Date

Introduction

After reviewing the current status of bull trout *(Salvelinus conjluentus),* bull trout critical habitat, environmental baseline for the action area, effects of the proposed action, and anticipated cumulative effects, it is the Service's opinion that the Stahl H.B. and JSH Farm River Pumping Station: Fish Screening and Intake Modification Project is not likely to jeopardize the continued existence of bull trout and is not likely to destroy or adversely modify bull trout critical habitat. This BOis based on information provided in the biological assessment (BA) (Campbell and Van Staveren 2012) dated September 11, 2012 for the proposed action addressing bull trout and bull trout critical habitat.

Consultation History

This BOis based on correspondence and discussions with Pacific Habitat Services. Inc. (Wilsonville, Oregon), Corps of Engineers (COE), National Marine Fisheries Service (NMFS), and the Fish and Wildlife Service (Service).

A brief history of the consultation is included below:

- July 17, 2012- The Service received a draft copy of the BA for the Stahl H.B. and JSH Farm River Pumping Station: Fish Screening and Intake Modification Project.
- August 2012- The Service provided comments on the draft BA to Eric Campbell, Pacific Habitat Services, Inc.
- September 24, 2012 - A request for formal Section 7 consultation along with the final BA was received from the COE at the Service's La Grande Field Office.
- October 10, 2012 - Formal Section 7 consultation was initiated for the proposed action at the Service's Oregon Fish and Wildlife Office (OFWO), Portland, Oregon.

Biological Opinion

The COE made a determination of *"may affect, likely to adversely affect"* for the threatened bull trout and *"adverse/beneficial affect without adverse modification"* for bull trout critical habitat.

Proposed Action Description

The purpose and need for the proposed action is three-fold: 1) to remove (dredge) accumulated sediments in front of and underneath the Stahl H.B. Farm pumping station, 2) modify and extend the Stahl H.B. and JSH Farm water intakes, and 3) update the fish screening facilities at both pumping stations to current NMFS criteria. All of these activities are proposed to be completed in 2013 during the Oregon Department ofFish and Wildlife (ODFW) preferred in-water work period between January 1 and February 28. Normal operation of the pumping facilities occurs from April through October.

Dredging Activities. To complete proposed modifications at the Stahl H.B. Farm pumping station, a suction dredge operating from a floating barge will remove approximately 300 cubic yards of

accumulated sediment in front of and underneath the pumping station. Accumulated sediments consist of coarse to very coarse sand, as determined through sediment sampling. Removed dredge materials will be returned back to the Columbia River channel approximately 300 feet north of the pumping station at a channel depth of approximately 40 feet. Conditions associated with the Oregon Department of Environmental Quality's 401 Water Quality Certification will be followed during dredging activities. After the removal of dredged materials, a sheet pile wall that extends approximately 35 feet into the active river channel will be removed at the west end of the pumping station.

Water Intake Activities. New 72-inch and 60-inch diameter intake pipes will be installed at the Stahl H.B. and JSH pumping stations, respectively. Intake pipes will extend into deeper water approximately 180 feet out into the Columbia River channel from the pumping stations. Steel piles will be installed in the river bottom with a vibrating hammer to construct the intake pipe cradle supports. Steel manifolds will be attached to the intake pipes. Steel connecting pipes will be installed between the manifolds and each pump unit. Detailed engineered drawings are included in the BA.

Fish Screening Activities. Four new pump cans will be installed on the channel ends of the intake pipes for both pumping stations. Each can will be fitted with NMFS approved slotted fish screens. These screens will improve upon the intake velocity and meet NMFS fish screen criteria to prevent entrainment or impingement of juvenile salmonids during pumping operations. Detailed engineered drawings are included in the BA.

Site Restoration. Site restoration is not anticipated, but if upland areas are disturbed during project staging or access, the areas will be restored with appropriate methods (e.g., grading, hydro-seeding, and/or native plantings).

Action Area

Action area is defined as all areas affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). For the purposes of this consultation, the action area is defined as an area 300 feet around and 500 feet downstream and upstream of the proposed in-water dredging and disposal operation and intake pipe/fish screen installations. The project site is located at river mile 301.6 on the Columbia River, near Hermiston, Oregon in Umatilla County. This action area will encompass any temporary, short-term, or long- term effects of the proposed action to the bull trout and bull trout critical habitat.

Analytical Framework for the Jeopardy and Adverse Modification Determinations

Jeopardy determination

In accordance with policy and regulation, the jeopardy analysis in this BO relies on four components: (1) the Status ofthe Species, which evaluates range-wide conditions, the factors responsible for that condition, and survival and recovery needs for the species covered under the BO; (2) the Environmental Baseline, which evaluates the condition of the species in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and

recovery of the covered species; (3) the Effects of the Proposed Action, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the covered species; and (4) Cumulative Effects, which evaluates the effects of future, non-Federal activities in the action area on the covered species.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed Federal action in the context of the current status of the species covered under the BO, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the covered species in the wild by reducing the reproduction, numbers, or distribution of the species.

The jeopardy analysis in this BO places an emphasis on consideration of the range-wide survival and recovery needs of the species covered under the BO and the role of the action area in the survival and recovery of the covered species as the context for evaluating the significance of the effects of the proposed Federal action, taken together with cumulative effects, for purposes of making the jeopardy determination.

Adverse modification determination

This BO does not rely on the regulatory definition of"destruction or adverse modification" of critical habitat at 50 CFR 402.02. Instead, we have relied upon the statutory provisions of the Endangered Species Act (ESA) to complete the following analysis with respect to critical habitat.

In accordance with policy and regulation, the adverse modification analysis in this BO relies on four components: (1) the Status of Critical Habitat, which evaluates the range-wide condition of designated critical habitats for the species covered under the BO in terms of primary constituent elements (PCEs), the factors responsible for that condition, and the intended recovery function of the critical habitat overall; (2) the Environmental Baseline, which evaluates the condition of the critical habitat in the action area, the factors responsible for that condition, and the recovery role of the critical habitat in the action area; (3) the Effects of the Action, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the PCEs and how that will influence the recovery role of affected critical habitat units; and (4) Cumulative Effects, which evaluates the effects of future, non-Federal activities in the action area on the PCEs and how that will influence the recovery role of affected critical habitat units.

For purposes of the adverse modification determination, the effects of the proposed Federal action on critical habitats for the species covered under the BO are evaluated in the context of the range- wide condition of the critical habitat, taking into account any cumulative effects, to determine if the critical habitat range-wide would remain functional (or would retain the current ability for the PCEs to be functionally established in areas of currently unsuitable but capable habitat) to serve its intended recovery role for the covered species.

The analysis in this BO places an emphasis on using the intended range-wide recovery function of critical habitats for the species covered under the BO and the role of the action area relative to that

intended function as the context for evaluating the significance of the effects of the proposed Federal action, taken together with cumulative effects, for purposes of making the adverse modification determination.

Status of the Species

Listing History. The coterminous United States population of the bull trout (Salvelinus confluentus) was listed as threatened on November 1, 1999 (64 FR 58910). The final designation of critical habitat for bull trout in the coterminous United States was completed in 2010 (75 FR 63898).

Distribution. The historical range of bull trout in the coterminous United States extended from the Canadian border south to the Jarbidge River in northern Nevada and from the Pacific Ocean inland to the Clark Fork River in western Montana and the Little Lost River in central Idaho. Genetic analyses have shown that bull trout in the coterminous United States are divided into major genetically differentiated *(e.g.,* evolutionary) groups or lineages (Spruell *et al.* 2003, Ardren *et al.* 2010, Taylor *eta/.* 1999). At a coarse scale, these assessments have identified the existence of distinct "coastal" and "interior" lineages. The "coastal" lineage includes the Deschutes River and all of the Columbia River drainage downstream (including the Willamette Basin), as well as coastal streams in Washington, Oregon, and British Columbia. The "interior" lineage includes tributaries of the Columbia River upstream from the John Day River, including major river basins in northeastern Oregon, eastern Washington, Idaho, and northwestern Montana.

Life History. Bull trout exhibit both resident and migratory life-history strategies (Rieman and Mcintyre 1993). Resident bull trout complete their entire life cycle in the tributary (or nearby) streams in which they spawn and rear. Migratory bull trout spawn in tributary streams where juvenile fish rear one to four years before migrating to either a lake (adfluvial form), river (fluvial form) (Fraley and Shepard 1989, Goetz 1989), or in certain coastal areas, to saltwater (anadromous) (Cavender 1978, McPhail and Baxter 1996, WDFW 1997). Resident and migratory life-history forms may be found together, but it is unknown if they represent a single population or separate populations (Rieman and Mcintyre 1993). Either form may give rise to offspring exhibiting either resident or migratory behavior (Rieman and Mcintyre 1993). The multiple life-history strategies found in bull trout populations represent important diversity (both spatial and genetic) that help protect these populations from environmental stochasticity.

The size and age of bull trout at maturity depends upon the life history strategy and habitat limitations. Resident fish tend to be smaller than migratory fish at maturity and produce fewer eggs (Fraley and Shepard 1989, Goetz 1989). Resident adults usually range from 150-300 millimeters (mm) (6-12 inches) total length (TL). Migratory adults however, having lived for several years in larger rivers or lakes and feeding on other fish, grow to a much larger size and commonly reach 600 millimeters (24 inches) TL or more (Pratt 1985, Goetz 1989). The largest verified bull trout was a 14.6 kilogram (32 pound) adfluvial fish caught in Lake Pend Oreille, Idaho, in 1949 (Simpson and Wallace 1982). Size differs little between life history forms during their first years of life in headwater streams, but diverges as migratory fish move into larger and more productive waters (Rieman and Mcintyre 1993).

Ratliff(1992) reported that bull trout under 100 nun (4 inches) in length were generally only found in the vicinity of spawning areas, and that fish over 100 nun were found downstream in larger channels and reservoirs in the Metolius River Basin. Juvenile migrants in the Umatilla River were primarily 100-200 mm long (4-8 inches) in the spring and 200-300 nun long (8-12 inches) in October (Buchanan *et al.* 1997). The age at migration for juveniles is variable. Ratliff (1992) reported that most juveniles reached a size to migrate downstream at age 2. Pratt (1992) had similar findings for age-at-migration of juvenile bull trout from tributaries of the Flathead River. The seasonal timing of juvenile downstream migration appears similarly variable.

Bull trout normally reach sexual maturity in 4-7 years and may live longer than 12 years. The species is iteroparous *(i.e.,* can spawn multiple times in their lifetime) and adults may spawn each year or in alternate years (Batt 1996). Repeat spawning frequency and post spawning mortality are not well documented (Leathe and Graham 1982, Fraley and Shepard 1989, Pratt 1992, Rieman and Mcintyre 1996), but post spawning survival rates are believed to be high.

Bull trout typically spawn from late August-November during periods of decreasing water temperatures *(i.e.,* below 9 °C/48 °F). Redds are often constructed in stream reaches fed by springs or near other sources of cold groundwater (Goetz 1989, Pratt 1992, Rieman and Mcintyre 1996). Migratory bull trout frequently begin spawning migrations as early as April and have been known to move upstream as far as 250 kilometers (km) (155 miles) to spawning grounds in Montana (Fraley and Shepard 1989, Swanberg 1997). In Idaho, bull trout moved 109 km (67.5 miles) from Arrowrock Reservoir to spawning areas in the headwaters ofthe Boise River (Flatter 1998). In the Blackfoot River, Montana, bull trout began spring spawning migrations in response to increasing temperatures (Swanberg 1997). Depending on water temperature, egg incubation is normally 100-145 days (Pratt 1992), and after hatching, juveniles remain in the substrate. Time from egg deposition to emergence of fry may surpass 220 days. Fry normally emerge from early April through May, depending on water temperatures and increasing stream flows (Pratt 1992, Ratliff and Howell1992).

Bull trout are opportunistic feeders, with food habits primarily a function of size and life history strategy. Resident and juvenile migratory bull trout prey on terrestrial and aquatic insects, macro-zooplankton, and small fish (Boag 1987, Goetz 1989, Donald and Alger 1993). Adult migratory bull trout feed on various fish species (Leathe and Graham 1982, Fraley and Shepard 1989, Brown 1992, Donald and Alger 1993). In coastal areas of western Washington, bull trout feed on Pacific herring *(Clupea pallasi),* Pacific sand lance *(Ammodytes hexapterus),* and surf smelt *(Hypomesus pretiosus)* in the ocean (WDFW 1997).

Population Dynamics. Although bull trout are widely distributed over a large geographic area, they exhibit a patchy distribution, even in pristine habitats (Rieman and Mcintyre 1993). Increased habitat fragmentation reduces the amount of available habitat and increases isolation from other populations of the same species (Saunders *et al.* 1991). Burkey (1989) concluded that when species are isolated by fragmented habitats, low rates of population growth are typical in local populations and their probability of extinction is directly related to the degree of isolation and fragmentation. Without sufficient immigration, growth for local populations may be low and probability of extinction high (Burkey 1989, Burkey 1995).

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Metapopulation concepts of conservation biology theory have been suggested relative to the distribution and characteristics of bull trout, although empirical evidence is relatively scant (Rieman and Mcintyre 1993, Dunham and Rieman 1999, Rieman and Dunham 2000). A metapopulation is an interacting network of local populations with varying frequencies of migration and gene flow among them (Meffe and Carroll1994). For inland bull trout, metapopulation theory is most likely applicable at the watershed scale where habitat consists of discrete patches or collections of habitat capable of supporting local populations; local populations are for the most part independent and represent discrete reproductive units; and long-term, low-rate dispersal patterns among component populations influences the persistence of at least some of the local populations (Rieman and Dunham 2000).

Ideally, multiple local populations distributed throughout a watershed provide a mechanism for spreading risk because the simultaneous loss of all local populations is unlikely. However, habitat alteration, primarily through the construction of impoundments, dams, and water diversions has fragmented habitats, eliminated migratory corridors, and in many cases isolated bull trout in the headwaters of tributaries (Rieman *eta/.* 1997, Dunham and Rieman 1999, Spruell *eta/.* 1999, Rieman and Dunham 2000). Accordingly, human-induced factors as well as natural factors affecting bull trout distribution have likely limited the expression of the metapopulation concept for bull trout to patches of habitat within the overall distribution ofthe species (Dunham and Rieman 1999).

However, despite the theoretical fit, the relatively recent and brief time period during which bull trout investigations have taken place does not provide certainty as to whether a metapopulation dynamic is occurring *(e.g.,* a balance between local extirpations and recolonizations) across the range of bull trout or whether the persistence of bull trout in large or closely interconnected habitat patches (Dunham and Rieman 1999) is simply reflective of a general deterministic trend towards extinction of the species where the larger or interconnected patches are relics of historically wider distribution (Rieman and Dunham 2000). Recent research (Whiteley *eta/.* 2003) does, however, provide stronger genetic evidence for the presence of a metapopulation process for bull trout, at least in the Boise River basin of Idaho.

Reasons for Listing. Bull trout distribution, abundance, and habitat quality have declined rangewide (Bond 1992, Schill 1992, Thomas 1992, Ziller 1992, Rieman and Mcintyre 1993, Newton and Pribyl 1994, IDFG *in /itt.* 1995, McPhail and Baxter 1996). Several local extirpations have been documented, beginning in the 1950's (Rode 1990, Ratliff and Howell 1992, Donald and Alger 1993, Goetz 1994, Newton and Pribyl 1994, Berg and Priest 1995, Light *eta/.* 1996, Buchanan *eta/.* 1997, WDFW 1998). Bull trout were extirpated from the southernmost portion of their historic range, the McCloud River in California, around 1975 (Moyle 1976, Rode 1990). Bull trout have been functionally extirpated *(i.e.,* few individuals may occur there, but do not constitute a viable population) in the Coeur d'Alene River basin in Idaho and in the Lake Chelan and Okanogan River basins in Washington (64 FR 58910).

These declines result from the combined effects of habitat degradation and fragmentation, the blockage of migratory corridors; poor water quality, angler harvest and poaching, entrainment into diversion channels and dams, and introduced nonnative species. Specific land and water management activities that depress bull trout populations and degrade habitat include dams and

other diversion structures, forest management practices, livestock grazing, agriculture, agricultural diversions, road construction and maintenance, mining, and urban and rural development (Beschta *eta/.* 1987, Chamberlain *eta/.* 1991, Furniss *eta/.* 1991, Meehan 1991, Nehlsen *eta/.* 1991, Sedell and Everest 1991, Craig and Wissmar 1993, Henjum *eta/.* 1994, Mcintosh *eta/.* 1994, Wissmar *et a/.* 1994, MBTSG 1995a-e, MBTSG 1996a-b, Light *eta/.* 1996, USDA 1995).

Rangewide Trend In the rules listing bull trout as threatened, the Service identified subpopulations *(i.e.,* isolated groups ofbull trout thought to lack two-way exchange of individuals), for which status, distribution, and threats to bull trout were evaluated. Because habitat fragmentation and barriers have isolated bull trout throughout their current range, a subpopulation was considered a reproductively isolated group of bull trout that spawns within a particular river or area of a river system. Overall, 187 subpopulations were identified in the 5 distinct population segments, 7 in the Klamath River, 141 in the Columbia River, 1 in the Jarbidge River, 34 in the Coastal-Puget Sound, and 4 in the St. Mary-Belly River populations. No new subpopulations have been identified and no subpopulations have been lost since listing.

Critical Habitat. Over the past several years, the Service has published several proposed and final critical habitat rules for bull trout populations. The latest final bull trout critical habitat rule was completed and published on October 18, 2010 for bull trout in the coterminous United States (75 FR 63898).

Primary Constituent Elements of Critical Habitat. The Service used the best scientific and commercial data available to designate critical habitat, giving consideration to those physical and biological features that are essential to bull trout survival. Within the critical habitat areas, the primary constituent elements (PCEs) for bull trout are those habitat components that are essential for the primary biological needs of foraging, reproducing, rearing of young, dispersal, genetic exchange, or sheltering. In the 2010 final bull trout critical habitat rule (75 FR 63898), the Service listed the following PCEs.

1. Springs, seeps, groundwater sources, and subsurface water connectivity (hyporehic flows) to contribute to water quality and quantity and provide thermal refugia.
2. Migratory habitats with minimal physical, biological, or water quality impediments between spawning, rearing, overwintering, and freshwater and marine foraging habitats, including but not limited to permanent, partial, intermittent, or seasonal barriers.
3. An abundant food base, including terrestrial organisms of riparian origin, aquatic macroinvertebrates, and forage fish.
4. Complex river, stream, lake, reservoir, and marine shoreline aquatic environments and processes with features such as large wood, side channels, pools, undercut banks and substrates, to provide a variety of depths, gradients, velocities, and structure.
5. Water temperatures ranging from 2-15 °C (36-59 °F), with adequate thermal refugia available for temperatures at the upper end of this range. Specific temperatures within this range will vary depending on bull trout life-history stage and form; geography; elevation; diurnal and seasonal variation; shade, such as that provided by riparian habitat; and local groundwater influence.
6. Substrates of sufficient amount, size, and composition to ensure success of egg and embryo overwinter survival, fry emergence, and young-of-the-year and juvenile survival. A minimal

amount *(e.g.,* less than 12%) of fine substrate less than 0.85 mm (0.03 inches) in diameter and minimal embeddedness of these fines in larger substrates are characteristic of these conditions.

7. A natural hydrograph, including peak, high, low, and base flows within historic and seasonal ranges or, if flows are controlled, they minimize departures from a natural hydrograph.
8. Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited.
9. Few or no nonnative predatory *(e.g.,* lake trout *(Salve/inus namaycush),* walleye *(Stizostedion vitreum),* northern pike *(Esox lucius),* smallmouth bass *(Micropterus dolomieui);* inbreeding *(e.g.,* brook trout); or competitive *(e.g.,* brown trout *(Salvelinus trutta))* species present.

Bull trout critical habitat PCEs in the remaining portion of this BO will reference the PCEs by the above numbers.

Conservation Strategy and Objectives. The Service's primary objective in designating critical habitat was to identify key components of bull trout habitat across the range that supported essential life history stages and contributed to addressing the goals and objectives outlined in the draft recovery plan chapters for the species. Recovery of bull trout will require reducing threats to the long-term persistence of populations, maintaining multiple interconnected populations of bull trout across the diverse habitats of their native range, and preserving the diversity of bull trout life history strategies *(e.g.,* resident or migratory forms, emigration age, spawning frequency, local habitat adaptations). To do this, recovery objectives for all areas were identified as follows: 1) maintain current distribution of bull trout within core areas as described in recovery unit chapters and restore distribution where recommended in recovery unit chapters; 2) maintain stable or increasing trend in abundance of bull trout; 3) restore and maintain suitable habitat conditions for all bull trout life history stages and strategies; and 4) conserve genctic diversity and provide opportunity for genetic exchange.

Important considerations in selecting areas for critical habitat designation included factors specific to each river system, such as size *(e.g.,* stream order), gradient, channel morphology, connectivity to other aquatic habitats, and habitat complexity and diversity, as well as rangewide recovery considerations. The Service took into account preferred habitat for bull trout which ranges from small headwater streams used largely for spawning and rearing, to downstream mainstem portions of river networks used for rearing and foraging, migratory, and overwintering (FMO) habitat. It is essential for the conservation of bull trout to protect those features that define the remaining essential habitat, through appropriate management, from irreversible threats and habitat conversion. Within each area designated as critical habitat, the physical and biological features essential for the conservation of the bull trout may require some level of management and/or protection to avoid destruction or adverse modification of habitat essential to its conservation (70 FR 56212). Maintenance or establishment of functional PCEs throughout all core areas is essential to the conservation of bull trout because: 1) genetic diversity enhances long-term survival of a species by increasing the likelihood that the species is able to survive changing environmental conditions; 2) maintaining multiple bull trout core areas distributed and interconnected throughout their current range will provide a mechanism for spreading the risk of extinction from stochastic events; 3) maintaining core areas with multiple local populations will address potential negative implications

associated with low effective population levels; and 4) core areas provide connectivity between areas of high quality habitat and contain important migration corridors for migratory bull trout.

The importance of maintaining the migratory life-history form of bull trout, as well as the presence of migratory runs of other salmonids that may provide a forage base for bull trout, is repeatedly emphasized in the scientific literature, and was a foundational concern addressed during designation of bull trout critical habitat. The ability to migrate is important to the persistence of local bull trout subpopulations (Rieman and Mcintyre 1993, Gilpin 1996, Rieman and Clayton 1997, Rieman *eta/.* 1997). Bull trout rely on migratory corridors to move from spawning and rearing habitats to foraging and overwintering habitats and back. Migratory bull trout become much larger than resident fish in the more productive waters of larger streams and lakes, leading to increased reproductive potential (McPhail and Baxter 1996). Also, local populations that have been extirpated by catastrophic events may become reestablished as a result of movements by bull trout through migratory corridors (Rieman and Mcintyre 1993, MBTSG 1998). Activities that preclude the function of migratory corridors *(e.g.,* stream blockages) may adversely affect bull trout critical habitat.

Consulted-on Effects. Consulted-on effects are those effects that have been analyzed through section 7 consultation as reported in a BO. These effects are an important component of objectively characterizing the current condition of the species. To assess consulted-on effects to bull trout, we analyzed all of the BOs received by the Region 1 and Region 6 Offices, from the time of listing until August 2003; this added to 137 BOs. Of these, 124 BOs (91 percent) applied to activities affecting bull trout in the Columbia Basin DPS, 12 BOs (9 percent) applied to activities affecting bull trout in the Coastal-Puget Sound DPS, 7 BOs (5 percent) applied to activities affecting bull trout in the Klamath Basin DPS, and 1 BO (<1 percent) applied to activities affecting the Jarbidge and St. Mary Belly DPSs (Note: these percentages do not add to 100, because several BOs applied to more than one DPS). The geographic scale of these consultations varied from individual actions *(e.g.,* construction of a bridge or pipeline) within one basin to multiple project actions occurring across several basins.

Our analysis showed that we consulted on a wide array of actions which had varying level of effects. Many of the actions resulted in only short-term adverse effects and some with long-term beneficial effects. Some of the actions resulted in long-term adverse effects. No actions that have undergone consultation were found to appreciably reduce the likelihood of survival and recovery of the bull trout. Furthermore, no actions that have undergone consultation were anticipated to result in the loss of any subpopulations or local populations of bull trout. A more detailed analysis of consulted-on effects to the bull trout is available in our files and is hereby incorporated by reference.

Environmental Baseline

The number of bull trout that may be present in or near the action area during the timing of the proposed action is difficult to determine based on available data. High winter river flows in the Columbia River make the detection of bull trout very difficult. Bull trout are known to use the Columbia River as over wintering area (Nelson *eta/.* 2011), but prefer to over winter in tributaries to the Columbia River. Bull trout in the various tributary river basins along the Columbia River are

primarily fluvial migrants that overwinter in the middle or lower mainstem sections of river basins (BioAnalysts, Inc. 2002, Nelson 2004, Starcevich *et al.* 2012). The closest known local bull trout populations to the action area occur in the North Fork Umatilla River and North Fork Meacham Creek (USFWS 2010). The mouth of the Umatilla River is located approximately 10 miles downstream of the action area below McNary Dam. Bull trout population and redd counts have been variable and show a declining trend in this river basin since the mid 1990's to the present (ODFW 2005, USFWS 2010). Additional bull trout populations occur approximately 20 miles upstream on the Columbia River in the Walla Walla River basin where bull trout population trends are increasing (ODFW 2005). Movement of bull trout population in both of these river basins is hindered by poor water quality and instream diversions and dams (ODFW 2005).

Bull Trout Critical Habitat in the Action Area

The action area is located within the bull trout Umatilla River critical habitat unit (Unit 13) in the mid-Columbia recovery unit. The Columbia River within this critical habitat unit is important foraging, migration, and over wintering habitat for juvenile and adult bull trout. The habitat conditions at the project site do not appear to support preferable habitat conditions for bull trout due to relatively shallow water depths, lack of in/over water structures, sandy substrates, and operational disturbance activities at the pumping stations. The shoreline at the project site consists of a steep, sparsely vegetated rip-rap streambank that provides little aquatic habitat complexity. The general topography within the area ranges from relatively level uplands to steep sloping streambanks along the river.

Effects of the Proposed Action

The effects of the proposed action include an analysis of direct and indirect effects. Direct effects are those impacts from the action that immediately affect federally-listed species or their habitat. Indirect effects are those impacts from the action that are later in time and may occur outside of the area directly affected by the action. Indirect effects must be reasonably certain to occur before they can be considered as an effect of the proposed action.

At times there are other activities that may be interrelated or interdependent with the proposed action under consideration that could result in additional effects to federally-listed species or their habitat that must be considered along with the action. An interrelated activity is an activity that is part of the proposed action and depends on the action for its justification. An interdependent activity is an activity that has no independent utility apart from the proposed action.

In determining whether the proposed action is likely to jeopardize the recovery and survival of a federally-listed species, the Service analyzes effects of the action and the effects of other activities that are interrelated or interdependent with the action in context with the environmental baseline. All activities under the proposed action are evaluated against and added to the environmental baseline.

During the remainder of this analysis, short-term project-related adverse effects to bull trout and bull trout critical habitat are effects usually lasting less than thirty days and long-term effects less

than ninety days. Project-related long-term beneficial effects to the species and critical habitat are expected to last for many years.

Direct and Indirect Effects to Bull Trout

Project activities implemented near or below the water's edge can potentially cause the most direct and indirect effects to bull trout. Timing and construction activities can also cause potential effects to species from in-water work. Lethal and sub-lethal effects are often unavoidable where in-water work cannot be conducted at a time or in a manner when the species is not present.

Entrainment/Impingement

Entrainment may occur if bull trout are drawn into the suction dredge during proposed dredging activities. The potential for entrainment is largely dependent on the likelihood of fish occurring within the dredge prism, depth of dredging, surface area of the suction dredge, and life stage of the fish. However, the probability of entrainment is likely very low given the timing of in-water work (January 1 -February 28), the surface area of the suction dredge intake (8 inches in diameter), and depth that the dredge intake will remain buried in the substrate (up to a foot during dredging).

The new fish screens to be installed on the redesigned intake pipes will improve approach velocity, meet NMFS fish screen criteria, and reduce shoreline attraction flows to prevent entrainment or impingement of migrating juvenile bull trout during pumping operations. Extending the ends of the intake pipes further from the shoreline will lessen future entrainment and impingement of juvenile fish. If properly maintained, these redesigned intakes should be beneficial to salmonids in general during the life of the structures.

Hydro-acoustics

Pile driving activities increase underwater ambient noise, pressure, and water particle motion (Carlson *et al.* 2001, Popper and Hasting 2009). These increases may cause sub-lethal and/or lethal effects on bull trout in the immediate vicinity ofthis activity. A host of sub-lethal effects to fish have been documented under experimental conditions with pile driving activities (Carlson *et al.* 2001, Hastings and Popper 2005, Popper and Hastings 2009), including, but are not limited to, physical injury *(e.g.,* auditory damage, tissue/vessel damage, blood gases increases) and behavioral changes *(e.g.,* interference with migration/movement, foraging, predator avoidance). Lethal affects (immediate or delayed mortality) can also occur depending on the fish species/life stage and site specific activities. These effects will be dependent on several factors including the pile driving method, distance fish are from the site of the disturbance, and received level and duration of the sound exposure.

The two most common methods to drive piles are with a vibrating hammer or impact hammer. A vibrating hammer produces sound levels that are substantially less than an impact hammer. However, the total sound energy imparted by a vibrating hammer can be comparable to impact hammers since vibrating hammers are usually operated on a more continuous basis and requires more time in operation to drive an individual pile. During an Oregon study on the use of a vibrating hammer to drive 9-inch diameter x 60-foot long steel piles, Carlson et al. (2001) determined it was

unlikely for this activity to cause avoidance response by juvenile salmonids beyond the immediate vicinity (approximately 20-30 feet) from the pile driving site. Carlson et al. (2001) further stated the amount of time sound is generated by this activity will be a very small amount for most projects in relation to a work day.

The proposed use of a vibratory hammer to install the 28 steel piles for the intake pipe cradle assemblies is anticipated to result in few, if any, sub-lethal and no lethal affects to bull trout. This is based on the low number of juveniles and adults that are expected to be within the action area during the in-water work period. Short-term displacement or disturbance of bull trout *(e.g.,* from foraging, resting, or moving through project area) may also due to other types of equipment and construction noise and/or human presence.

Water Quality

Short-term, localized project-related increases in background turbidity levels will likely occur as a result of activities associated with dredging and piling installation. Given the existing substrate conditions (coarse sand), proposed dredging (suction dredge) and disposal methods (into the river at a depth of approximately 40 feet), increases in background turbidity associated with dredging activities will be minimized and concentrated away from the shoreline. The implementation ofthe proposed action will also be occurring when higher winter flows are oecurring in the Columbia River allowing for a greater dilution factor of dredged materials. In addition, it is anticipated that turbidity associated with vibratory hammer use during piling installation will be highly localized. Short-term, localized increases in background turbidity resulting from temporary work below the ordinary high water line are not expected to result in any net change in function of the instream habitat. Therefore, suspended turbidity levels from these operations will most likely be low enough and of a short enough duration to avoid any significant adverse effects to bull trout or its designated critical habitat in the action area.

Heavy equipment operating near and over the river channel within the action area represents potential sources of chemical contamination. There may be short-term chemical exposures from the use of this equipment and/or accidental spills *(e.g.,* diesel fuel, oil, hydraulie fluids, and antifreeze). The introduction of chemicals can be acute, occurring as a result of an equipment leak during construction activities, refueling spills, leaching, or run-off. Accidental spills of construction material or petroleum products would adversely affect water quality and potentially impact bull trout. Chemical exposures can alter fecundity, increase disease, shift biotic communities, and reduce the overall health of bull trout. The potential effects of chemical exposures may be lethal or sub-lethal and are generally correlated to the concentration of chemical contaminants within the species' habitat. If contamination levels are high enough, direct lethal effects are possible through the disruption of biological processes. Dcvelopment and implementation of a Pollution Control Plan for the proposed action (to include containment measures and spill response for construction-related chemical hazards) will significantly reduce the likelihood for chemical releases within the action area. In addition, the Portland Sediment Evaluation Team granted a no-test exclusion for sediment samples collected within the dredging area based on the small volume of material to be dredged and the distance of the project area from potential sources of contamination.

Vegetation Disturbance

The temporal and spatial scales of vegetation removal under the proposed action are also factors to consider. The temporal nature of vegetation removal is typically related to the age of the vegetation being removed and the time required for the vegetation to re-establish. The adverse effect from vegetation alterations at the project location is considered relatively small. However, vegetation removal is likely to result in some degree of ground disturbance, generating the potential for soil erosion, and consequently resulting in turbidity and sedimentation on local levels. These effects are generally correlated to the concentration of sediments within the water column. The increased turbidity should decrease as it flows downstream and will likely be back to baseline levels well before reaching the end of the action area.

To minimize or eliminate the above-mentioned potential direct and indirect effects, conservation measures listed in the project BA (hereby incorporated by reference) will be implemented before, during and after project construction, as appropriate. It is expected that any adverse effects to juvenile or adult bull trout will be minimal in intensity and duration and sub-lethal in nature during the implementation of the proposed action.

Effects to Bull Trout Critical Habitat.

The Service has determined that the proposed action will not adversely modify bull trout critical habitat. The proposed action is expected to have a short-term, but limited, adverse effect on PCE 8 *(i.e.,* Sufficient water quality and quantity such that normal reproduction, growth, and survival are not inhibited) primarily during the dredging operation. The proposed action will have a more permanent beneficial effect on this PCE by eliminating the need for dredging activities to occur in the future at the project site.

Effects of Interrelated and interdependent Actions

Interrelated actions are those that are a part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Both interdependent and interrelated activities are assessed by applying the "but for" test, which asks whether any action and its associated impacts would occur "but for" the action. No effects of interrelated and/or interdependent actions are expected to result from the proposed action.

Summary of Effect Analysis

The Service does not expect significant adverse effects to bull trout or adverse modifications to bull trout critical habitat from implementing the proposed action. Adverse effects to bull trout and its critical habitat will be minimized or eliminated, to the extent possible, by implementing conservation measure as listed in the project BA. Table 1 shows the overall effects of the proposed action based on environmental factors.

Table 1. Checklist for documenting environmental baseline and effects of the proposed action on relevant indicators for ESA-listed fish species within the action area (Source: Campbell and Van Staveren 2012).

Pathways and Indicators	Environmental Baseline	Effects of the Proposed Action
Water Qnality		
Temperature	Not Properly Functioning	Maintain
Sediment/Turbidity	Not Properly Functioning	Maintain (-)
Chemical Contamination	Not Properly Functioning	Maintain
Habitat Access		
Physical Barriers	At Risk	Maintain(+)
Habitat Elements		
Substrate	Not Properly Functioning	Maintain (-)
Large Wood	Not Properly Functioning	Maintain
Pool Frequency	At Risk	Maintain
Pool Quality	At Risk	Maintain
Off-Channel Habitat	At Risk	Maintain
Refugia	Not Properly Functioning	Maintain
Channel Conditions and Dynamics		
Width/Depth Ratio	Not Properly Functioning	Maintain
Streambank Condition	At Risk	Maintain
Floodplain Connectivity	Not Properly Functioning	Maintain
Flow/H ydrology		
Peak/Base Flows	Not Properly Functioning	Maintain
Drainage Network Increase	Not Properly Functioning	Maintain
Watershed Conditions		
Road Density/Location	At Risk	Maintain
Disturbance History	Not Properly Functioning	Maintain
Riparian Reserves	Not Properly Functioning	Maintain

Maintam = no localized, temporary, or system-wide effect
Maintain(-)= localized, temporary effect, no system-wide effect
Maintain(+)= localized benefit, no system-wide effect
Restore = system-wide benefit

Cumulative effects

Cumulative effects include the effects of future state, tribal, local or private actions that are reasonably certain to occur in the action area considered in this BO. This includes all efforts completed by these entities in support of bull trout not related to the proposed action covered under this BO. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA. The Service is unaware of any significant change in non-Federal activities that are reasonably certain to occur

within the action area. The Service assumes that future non-Federal, state, and private activities will continue at similar intensities as in recent years.

Conclusion

After the reviewing the 1) current status of bull trout and bull trout designated critical habitat, 2) environmental baseline for bull trout within the action area, and 3) effects of the proposed action on bull trout and bull trout critical habitat, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of bull trout and is not likely to destroy or adversely modify designated critical habitat for bull trout.

The Service's no jeopardy and no adverse modification determinations are also based on the following considerations.

- The conservation measures, as applied to the proposed action will:
    a. Minimize or eliminate the amount of harm and harassment to bull trout *(e.g.,* not expected to appreciably reduce either the surviva\ or recovery of the species, and will not result in a significant reduction in numbers or distribution of the species).
    b. Ensure that there will only be short-term adverse effects to aquatic and terrestrial habitats *(e.g.,* water quality, channel dynamics, and overall watershed conditions and functions), including bull trout critical habitat.
    c. Allow the scheduling of project activities to occur at times that are least sensitive to bull trout *(e.g.,* ODFW preferred in-water work period).

Incidental Take Statement

Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service as an act that actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is further defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by COE so that they become binding conditions of any grant or permit issued to an applicant, as appropriate, for the exemption in section 7(o)(2) to apply. If COE: 1) fails to assume and implement the terms and conditions or 2) fails to adhere to the terms and conditions of the incidental take statement through

enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, COE must report the progress of the action and its impact on federally-listed species to the Service as specified in the incidental take statement (50 CFR 402.14(i)(3)).

Amount or extent of take

Although the Service anticipates a low number of bull trout may be incidentally harmed and harassed as a result of the proposed action, the amount of take is difficult to determine because the presence and number of bull trout is difficult to ascertain within the action area. Detecting an impaired or dead individual is highly unlikely in this area. For instance, an injured juvenile or adult fish would be extremely difficult to find in order to quantify incidental take. Therefore, even though incidental take is expected to occur, sufficient data are not available to enable the Service to determine an exact number of individuals that may be taken under the proposed action. However, the Service is quantifying incidental take in the form of a conservative estimate based on similar past actions.

The Service anticipates that bull trout may be incidentally taken as a result of the dredging operation and pile installation during project implementation. There is also potential for limited incidental take of bull trout from the implementation ofthe other project-related construction activities. This incidental take may result from short-term increases in hydro-acoustics, sedimentation, turbidity, and/or chemical contamination that may affect essential behavioral patterns and/or physiologic processes. Therefore, the amount of sub-lethal and lethal take for bull trout, regardless of the life stage *(i.e.,* juvenile, sub-adult, or adult) for all project-related activities is limited to ten individuals as sub-lethal take through harm and harassment and zero individuals through any manner of lethal take.

Effect of the take

In this BO, the Service determined that these levels of anticipated take are not likely to result in jeopardy to bull trout because very few bull trout are likely to occur in the action area during the ODFW preferred in-water work period between January 1 and February 28. Any take of bull trout will affect the local population and will not have species-wide population or critical habitat effects.

Reasonable and Prudent Measures

Regulations (50 CFR 402.02) implementing section 7 of the ESA define reasonable and prudent alternatives as alternative actions, identified during formal consultation, that: (1) can be implemented in a manner consistent with the intended purpose of the action, (2) can be implemented consistent with the scope of the action agency's legal authority and jurisdiction, (3) are economically and technologically feasible, and (4) would, the Service believes, avoid the likelihood of jeopardizing the continued existence of federally-listed species or resulting in the destruction or adverse modification of designated or proposed critical habitat. The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of the listed species covered under the BO.

1. Reduce potential project-related adverse impacts to bull trout and bull trout critical habitat.
2. To the extent possible, monitor any detectable adverse effects to bull trout during the proposed action.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, COE must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. Implementation of these terms and conditions will further reduce the risk of impacts to bull trout. These terms and conditions are non-discretionary.

1. Follow the conservation measures as described in the project BA, including the installation ofNMFS approved screens on the pump intake pipes.
2. During the dredging operation and pile installation, observe and document any adverse effects to fish that may have occurred from these activities. Contact the Service's OFWO immediately to report your observations, especially if they are related to bull trout. Any verbal communications with this office must be followed-up with a written communication describing the observations in detail within 3 business days of the observation(s).

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize or eliminate the impact of incidental take that might otherwise result from the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The COE must immediately provide an explanation of the causes of the taking, and review with the Service the need for possible modification of the project's reasonable and prudent measures.

Monitoring and Reporting Requirements

The following are monitoring and reporting requirements under this BO.

1. Monitor the overall extent of incidental take of bull trout to ensure the authorized amount of take for the species is not exceeded during the implementation of the proposed action.
2. All documented project inspection records, reports, and plans must be made available for review by the Service upon request.
3. Monitor the proposed action to ensure compliance with the conservation measures addressed in the BA and other requirements addressed in the BO.
4. Notify the Service's Division of Law Enforcement in Wilsonville, Oregon at 503-682-6131 when a federally-listed species is found dead, injured, or sick at the time when the proposed action, covered under the BO, is being implemented. Instructions for proper handling and disposition of the species will be issued by the Division of Law Enforcement. Care must be taken in handling: (A) sick or injured individuals to ensure effective treatment and care and (B) a dead specimen to preserve biological material in the best possible state. The OFWO has the responsibility to ensure that information relative to the date, time, location, and possible cause of injury or death of each individual is recorded and provided to the Division of Law Enforcement.

5. A final project report must be submitted 60 days after completion of the proposed action documenting any project-related affects to the bull trout and/or bull trout critical habitat. Send the report to the address below with the following reference number.

State Supervisor
Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266
Reference Number: 8330.F0003(13)

Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or eliminate adverse effects of a project on federally-listed species or critical habitat, to help implement recovery plans, or to develop information. The Service does not have any conservation recommendations for the proposed action.

Reinitiation of Consultation

This concludes formal consultation for bull trout and bull trout critical habitat for the proposed action described in the BA. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect federally-listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

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Paul Wattenberger
IRZ Consulting
505 East Main St
Hermiston, OR 97838

August 7, 2012

RE: JSH Farms and Stahls Pumping station projects 2012.

In February of 2010, Reiss-Landreau Research (RLR) completed an inventory of several proposed modifications to the existing JSH farms pumping station in a report entitled *A Section 106 Archaeological Review and Inventory of a Proposed Addition to the JSH Columbia River Irrigation Pumping Station Facility, Umatilla County, Oregon.* RLR applied for and received ARP Permit # W912EF-9-10-07 from the USACE Walla Walla District of the US Army Corps of Engineers on January 29, 2010.

> *The field survey consisted of a walkover visual reconnaissance of the entire .12 acre lot, as well as a set of two controlled shovel test probes to at least 70 cm. depths into sterile subsurface. After thorough review and reconnaissance RLR found no evidence of subsurface cultural resources at this locale, either in the cut bank, shoreline or during subsurface testing. Indeed, it is our assertion that the entire project area lays upon a disturbed ground surface, including an area of sandy soil with some sagebrush re-growth.*

In July 2012, IRZ consulting was contracted to make some additional in-water changes to the JSH Farms and Stahls pumping station (adjacent, see Figures 1 and 2). All activity will be confined to the existing disturbed footprint, with the exception of in-water activities which will include modifications to the intake pipes.

Reiss-Landreau Researc
PO Box 2215, Yakima, WA 98907 (509 -5130
E-Mail: chrislandreau@charter.

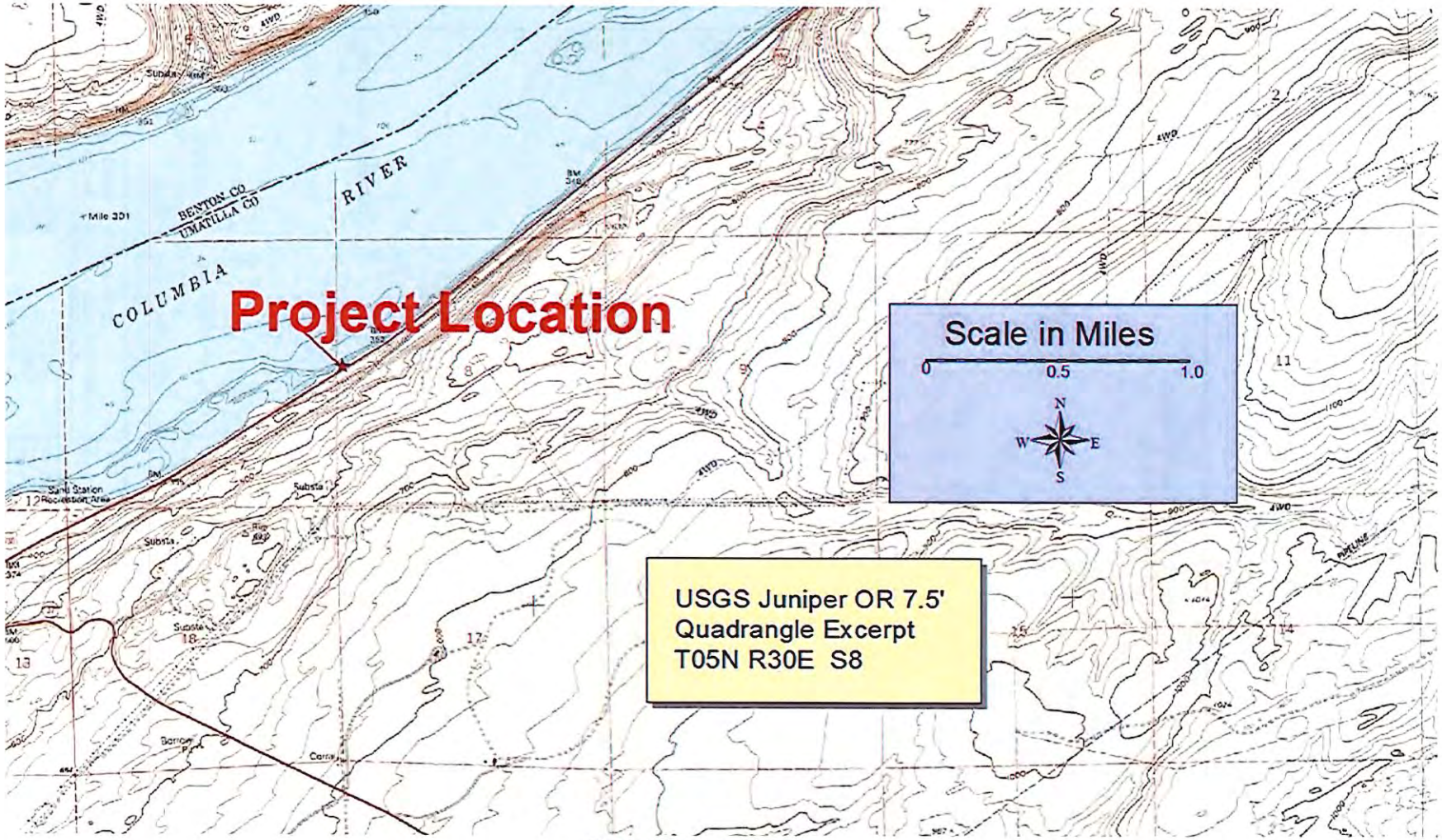
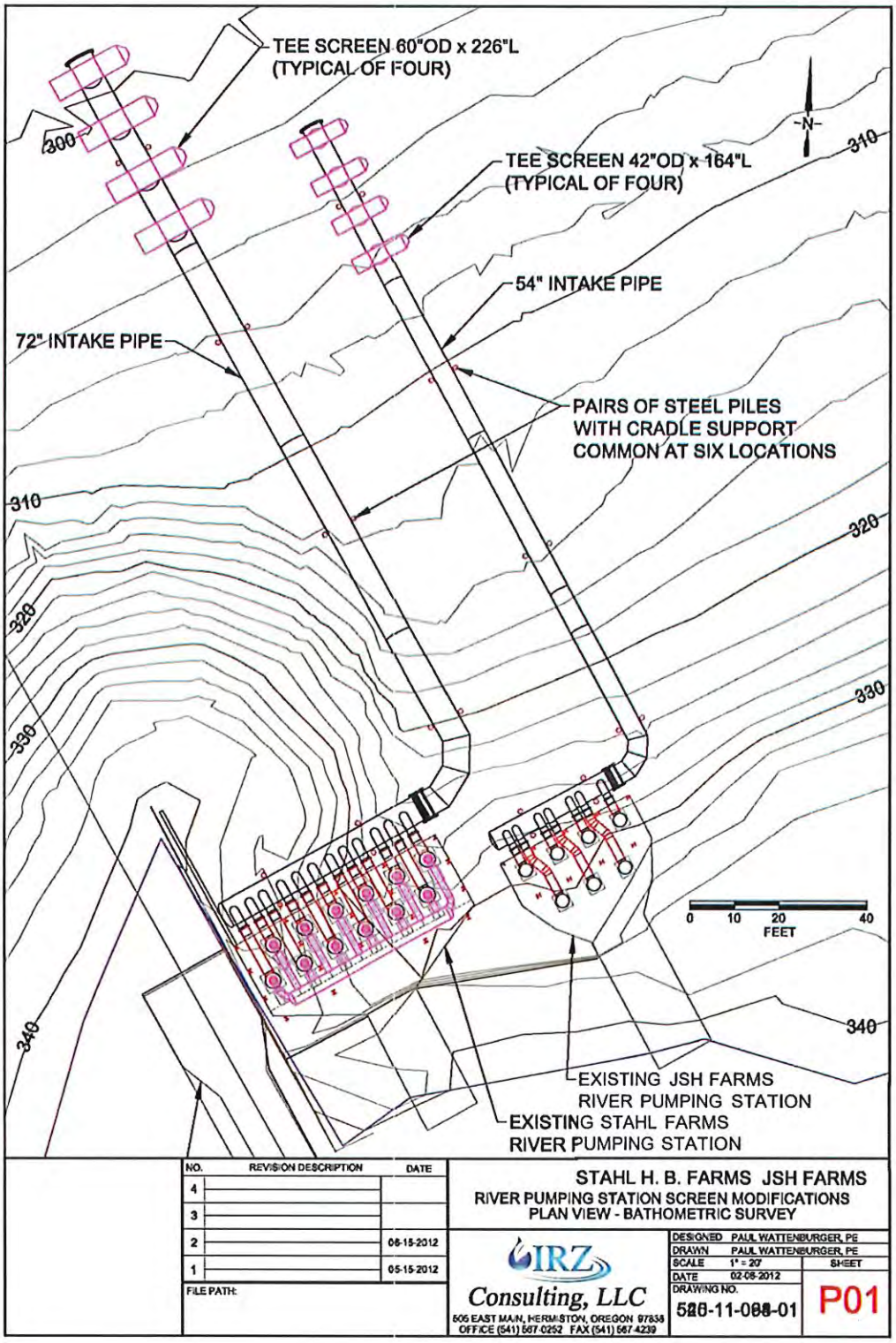


Figure 1: Topographic Map

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PO Box 2215, Yakima, WA 98907 (509) 952-5130
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Project Recommendations:

Archaeologically, the potential exists for disturbance to unknown sites under water in the Columbia River. However, we have no mechanism for observation or inventory of such sites without de-watering, or a prohibitively costly underwater examination. In a practical manner, the sediments around the existing intakes are currently disturbed, and it is not anticipated that we would be able to determine archaeological context within those disturbed sediments. Specifically, archaeologically, it is not possible to contribute any more data to this small disturbed station than was provided in the 2010 report for the proposed modification. Please refer to the original 2010 report for confirmation of this recommendation.

Thank You

Christopher Landreau
Principal Investigator
Reiss-Landreau Research

STATE OF OREGON
CULTURAL RESOURCES SURVEY COVER SHEET

Please submit reports unbound.

Author(s) Name: Last Landreau First Christopher
Title of Report: A Section 106 Archaeological Review and Inventory of a Proposed Addition to the JSH Columbia River Irrigation Pumping Station Facility, Umatilla County, Oregon
Date: 2/10/2010 District/Contractor: Reiss-Landreau Research
Agency/Client: IRZ Consulting Agency Report Number: _____

County (ies): Umatilla` Township: 5N/S Range: 30E/W Section: 8
Quad(s): _____ Project Acres: .05 Survey Acres: .06

CD Submitted? xYes _____No Does this replace a draft? _____Yes xNo

Project activity: Inventory Archaeological Permit No.: _____
Field note location: Disk Curation Location: None
Sites Found? _____Yes xNo Prehistoric #:_____ Historic #:_____
Historic Properties. Found? _____Yes xNo Historic Property #: _____
TCP(s) found? _____Yes xNo Isolates Found? _____Yes xNo Isolate #: _____

Keywords: _____

SHPO Trinomial #: Temporary site #

_____ _____
_____ _____
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_____ _____
_____ _____
_____ _____

REPORT CHECK LIST

Report should contain the following items:

- Location, legal description (T,R,S) with USGS map
- Clear objectives and methods
- A summary of the results of the survey
- A report of where the survey records and data are stored
- A research design that:
  - Details survey objectives
  - Details specific methods
  - Details expected results
  - Details area surveyed including map(s) and legal location information
  - Details how results will feedback in the planning process (i.e., recommendations, future work)

Please be sure that any electronic version of a report submitted to Oregon SHPO has its figures, appendices, attachments, correspondence, graphic elements, etc., compiled into one single PDF file.

Thank you!

A Section 106 Archaeological Review and Inventory of a Proposed Addition to the JSH Columbia River Irrigation Pumping Station Facility, Umatilla County, Oregon

January 11, 2009

RLR Report 2010-179-03

By
Christopher Landreau M.S., and Frank Stipe M.A.

REISS-LANDREAU RESEARCH
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Consultation Provided to: IRZ Consulting and St. Hillaire Bros. Hermiston Farm LLC

Executive Summary

Reiss-Landreau Research (RLR) conducted a thorough visual reconnaissance and controlled subsurface examination of a .12 acre section of extremely disturbed land on the shoreline of the Columbia River (Figures 1, and 2). The lot is located in Umatilla County, Oregon. St. Hilaire Bros. Hermiston Farm LLC runs an irrigation water pumping station at the site, constructed in stages within the last 20 years, and wishes to add additional electrical in a small building at the site. Two other farm pumping stations are adjacent, west of the project (Stahl and G2 Farm; Fig 3).

The project is located in an extremely culturally sensitive area along the Columbia River. The US Army Corps of Engineers (USACE), Portland district stipulated that an archaeological review and inventory must take place on the project area. On October 30, 2009 RLR applied for a federal Archaeological Resources permit (ARP) to allow very limited subsurface examination of the project area. The ARP Permit # W912EF-9-10-07 was received from the USACE Walla Walla District on January 29, 2010.

The preliminary research conducted at the State of Oregon Archaeological archives in Salem revealed nine listed archaeological sites within two linear miles of the locus of this project. There have also been eight archaeological survey reports within two miles.

The field survey consisted of a walkover visual reconnaissance of the entire .12 acre lot, as well as a set of two controlled shovel test probes to at least 70 cm. depths into sterile subsurface. After thorough review and reconnaissance RLR found no evidence of subsurface cultural resources at this locale, either in the cut bank, shoreline or during subsurface testing. Indeed, it is our assertion that the entire project area lays upon a disturbed ground surface, including an area of sandy soil with some sagebrush re-growth. **Thus RLR recommends that the project proceed.**

Legal Information:

Umatilla County, Oregon
T:05N R: 30E Section 8 SW, NW

UTM
Zone 11 0337280 E, 5088376N

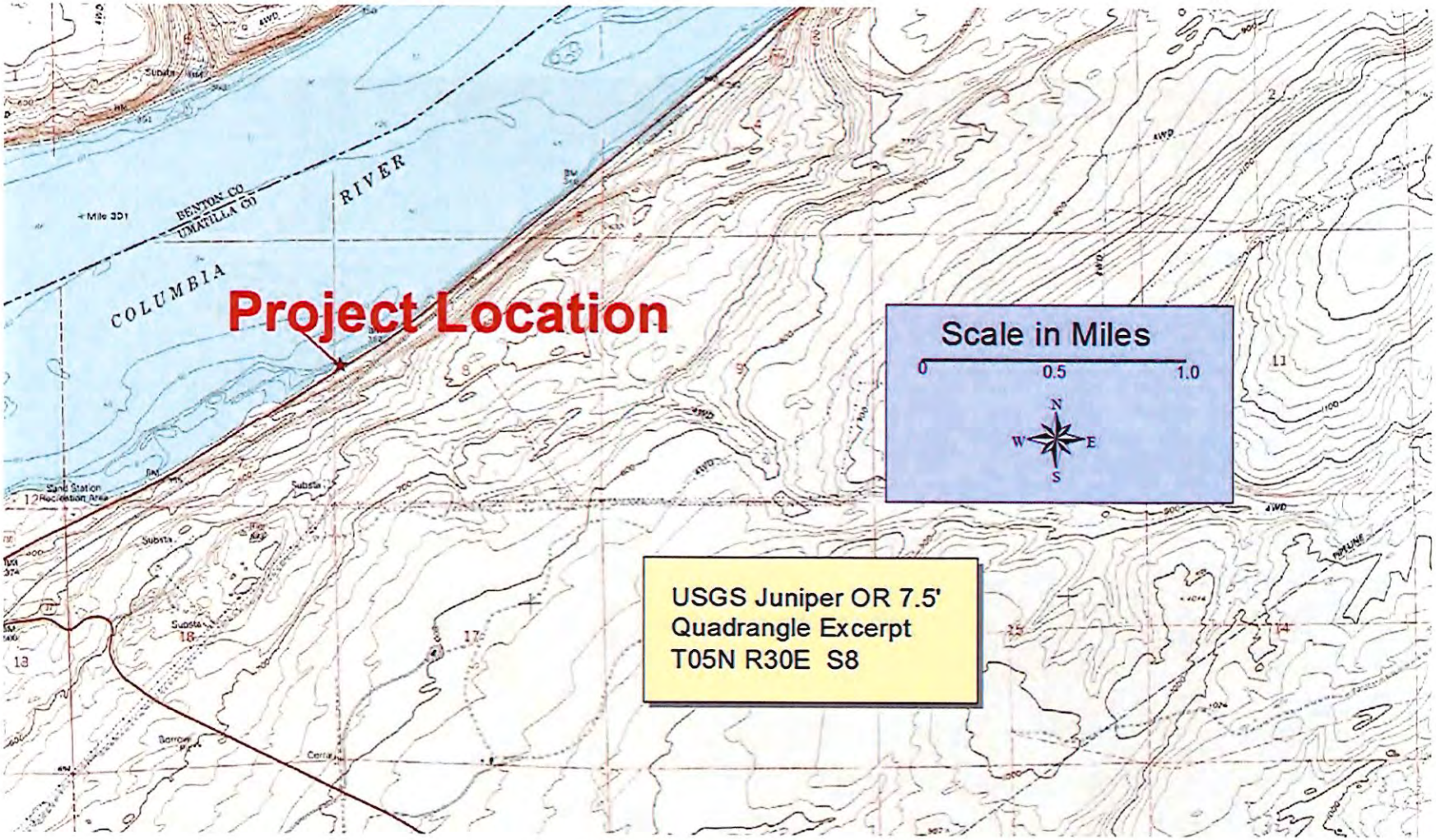


Figure 1: Topographic Map

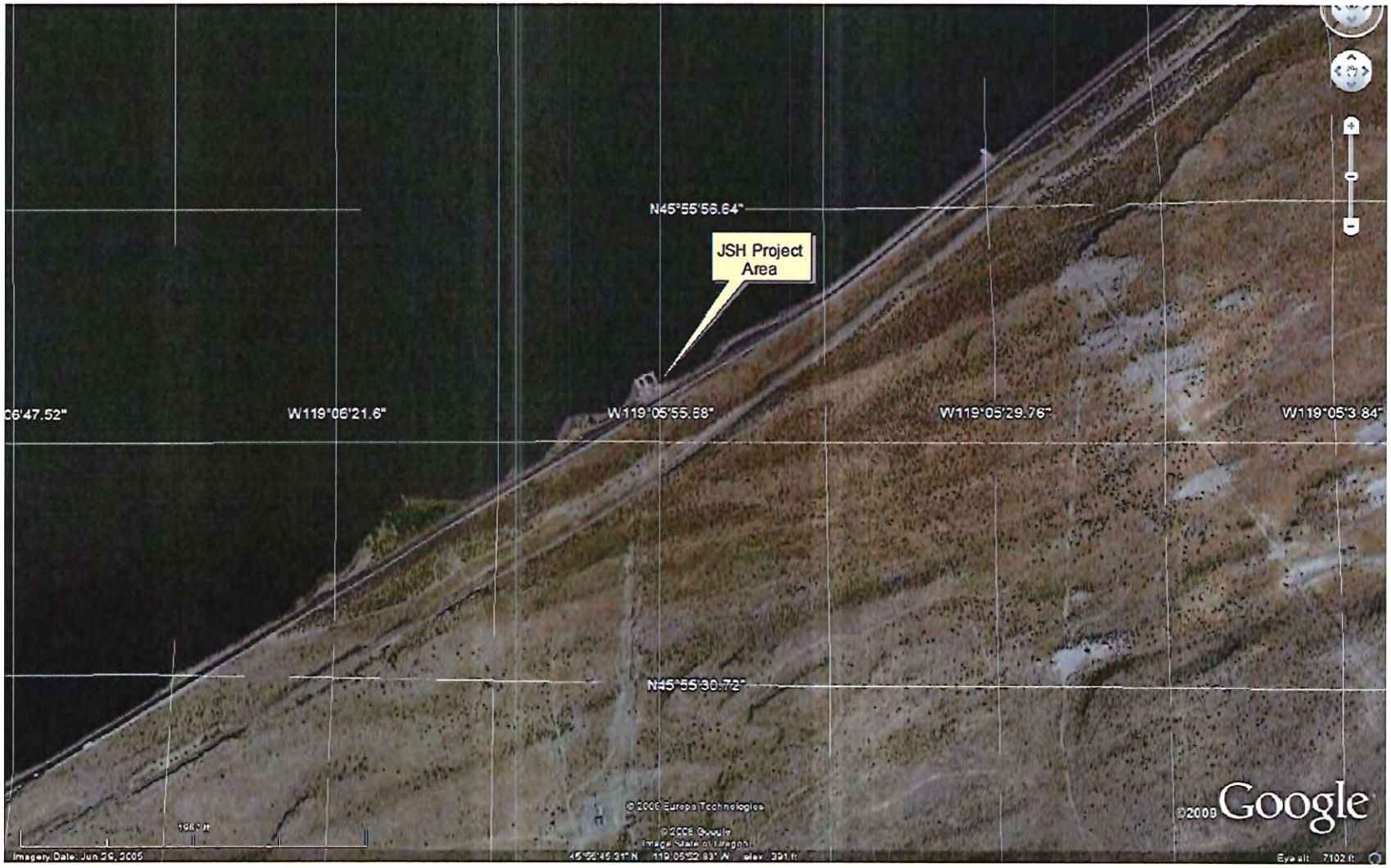


Figure 2:Orthographic Map

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Project Description

A. Project Activities: The project proponent intends to construct a 16' by 10' (3meter x 2.5 meter) electrical service building with a slab floor and foundation (Figures 3 and 4).

B. The Area of Potential Effect: The building work footprint is proposed to be 18 feet long by 12 feet wide by 1 foot deep. Staging will occur on the graveled driveway access to the St Hilaire Brothers pumping station.

C. How the APE was determined: By the project proponents proposed scope of activities.

D. Size (in acres) of the survey area: .12 acres

E. Project proponent, property owner, agency and compliance action: St. Hilaire Bros. Hermiston Farm LLC for The US Army Corps of Engineers Federal Permit.

F. Regulatory: 36 CFR 800 Section 106: The Archaeological Resources (ARP) Permit # W912EF-9-10-07 was received from the USACE Walla Walla District on January 29, 2010.

G. Survey personnel: C. Landreau, K.Y. Reiss
H. What circumstances led to this survey: This project was a standard regulatory compliance project.

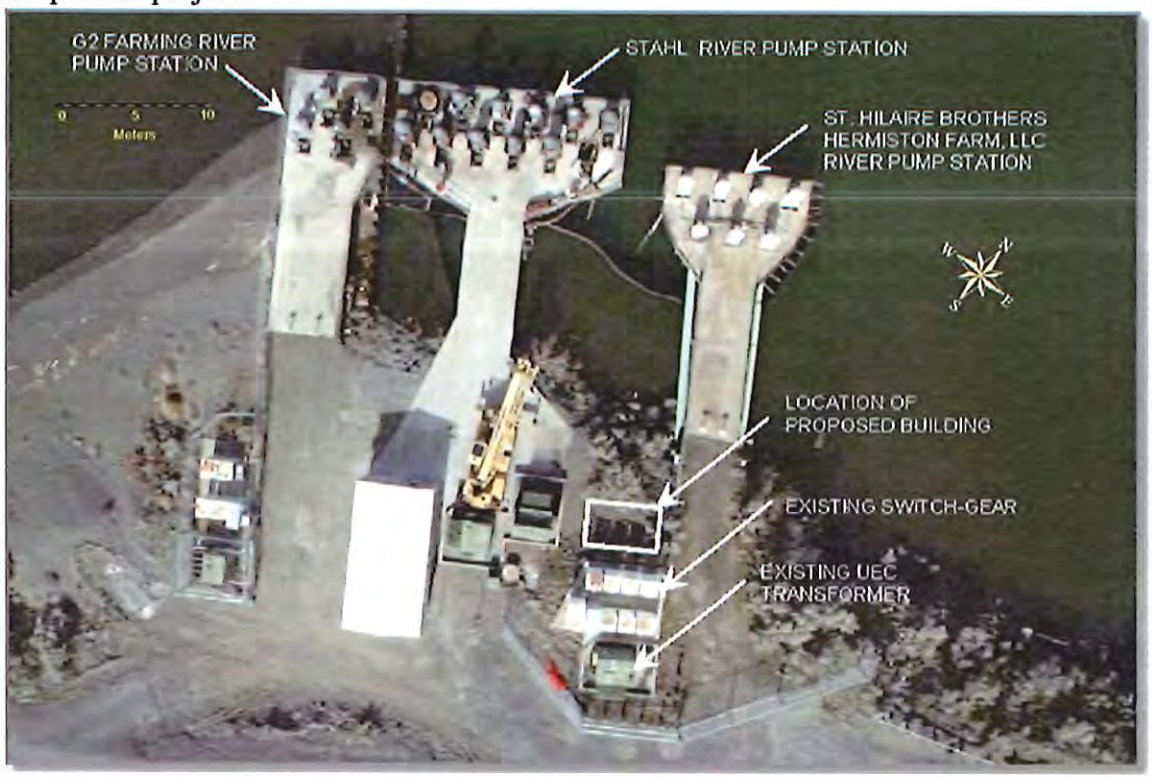


Figure 3: Project overview

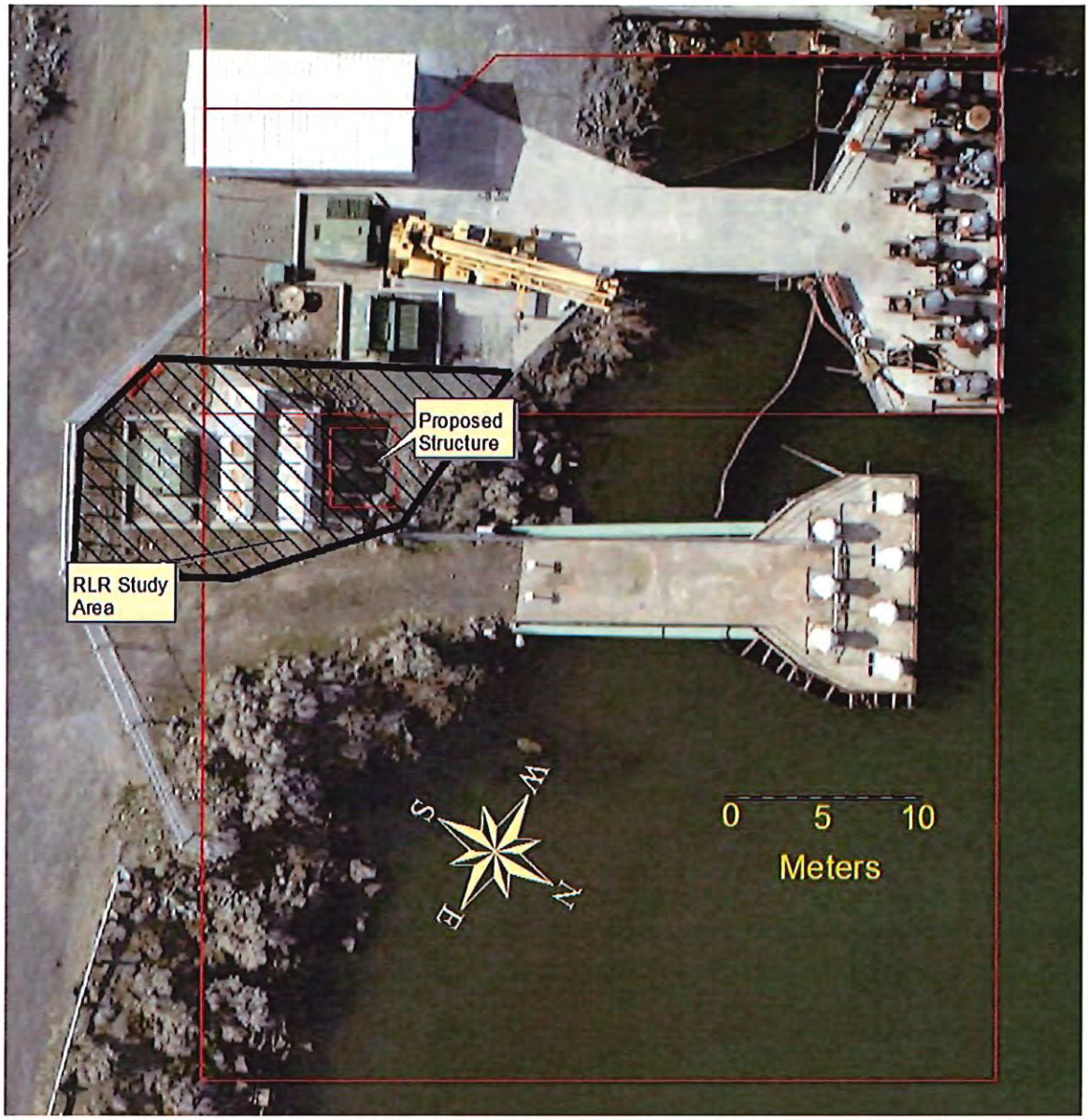


Figure 4: APE of Study Area

Environmental setting

Hermiston, Oregon lies squarely within the Columbia basin of northern Oregon. Its climate is shaped by its geographic location within the eastern rain shadow of the Cascade Mountains. This area is part of the Columbia Basin physiographic region (Lasmanis 1991:265). Importantly, the post glacial depositional forces in the region shape the soils that we see on the surface of the plateau today.

The geomorphology of the area was produced in part by Miocene Volcanism. The oldest basaltic and andesitic rocks in the area were laid down during the Eocene (54.8 to 33.7 mya), and volcanic activity in Oligocene (33.7 to 23.8 mya) led to the beginning of mountain building. However, it was during the latter Miocene (23.8 to 5.3 mya) that the Cascades were actually raised. Simultaneous with this uplifting, the ancient Columbia River started to crush a channel through the rock in the same basic location that it is found in today. Highly viscous basalt flows from the Columbia Basin to the east followed the course of that channel. Included among these flows were the Grande Ronde (16.5 to 15.6 Ma), the Frenchman Springs unit of the Wanapum (15.6 to 14.5 mya), and the Saddle Mountains (14.5 to 6 mya) basalts (The Geology of Washington, Southern Cascades).

The secondary geographic formative process in the area is the result of post glacial flooding, sediment deposition and sediment redistribution from both wind and water. Between 12,700 and 15,300 years B.P., cataclysmic floods raced down the Columbia gorge at a speed estimated at fifteen times greater than the combined flow of all the world's rivers today. The immense power and height of these floods caused great landslides, carved hanging valleys, and sculpting basalt outcrops high above present-day river levels into variously rounded shapes (The Geology of Washington).

Finally, The Columbia River itself continues to shape the landscape, even in its dammed condition. The results of continual adjustments in the height of the normal pool seasonally, and often daily, as well as concentrated wave action in some wind affected areas, have provided constant erosional and depositional areas along the bankshore. Locally, the area encompassed by this project is essentially a portion of the ancient Columbia River floodplain. Specific to this project, the site area sits on a small bank created by the modified and dammed normal pool of the McNary Dam. The project proposal has a limited above water and below roadway surface footprint for the installed station components. The soils appear to be modified with rip rapped boulders and deposited sandy elements.

Vegetation

Vegetation on-site is limited to a few sagebrush. Historically it would have been a classic sage-steppe, with an overstory largely comprised of sagebrush (Artemesia tridenta). Today it is completely disturbed through the construction of river pumping equipment.

Cultural Setting

The project area lies within the Columbia Plateau physiographic province as defined by Walker (1998). Ames et. al. (1998) further define the location of the project area as the southern plateau where their "South-central", "Southeast" and "Southwest" regions converge near the present day location of McNary Dam.

Cultural history of this region begins with the Paleo-Indian period dating to 11,5000 years ago. The Richie-Roberts Clovis Cache is the only known site to contain intact cultural deposits of this age and was found approximately 100 miles NNW of the proposed project area near Wenatchee, WA (Mierendorf 1987). Numerous artifacts attributed to the Clovis period have been found across the landscape but are entirely limited to surface finds (Ames et. al. 1998) where chronological placement is limited to artifact typology association. The climate at this period was experiencing major changes as the cooler Pleistocene environment was transforming into the warmer Holocene environment, this period also represents the last major retreat of the glaciers and a transformation into the landscape that we generally see today (Chatters 1998).

Using the Cultural Chronology developed by Ames et al (1998) the next major technological shift (Period 1B) seen in the archaeological record dates to 11,000-5000/4400 B.C. and is characterized by people who utilized a broad-spectrum hunter-gatherer subsistence economy. These people would have moved across the landscape according to seasonal changes in low population densities that were highly adaptable (Ames et al 1998). No evidence of pit houses or permanent structures have been found, technology inferred from artifacts and features indicate that these people were highly mobile and likely had no use for a permanent structure. This period also predates the eruption of Mount Mazama in southern Oregon, a chronological marker used to date archaeological sites based on their position above or below the lens of ash.

After the eruption of Mount Mazama, Ames et al (1998) identifies the next major technological shift at 5000/4400-1900 B.C. This shift in technology is marked by the decline in frequency of projectile points and an increase in milling stone size and evidence of intensified natural resource exploitation including certain roots and salmon. This period also marks the first appearance of pit houses. The climate during this period also begins to cool relative to the climate observed during Period 1B. Timberlines are beginning to descend and moisture is increasing (Chatters 1998).

The next period of technological shift identified by Ames et al (1998) spans from 1900 B.C. to A.D. 1720. It is at the beginning of this period that the appearance of pit houses becomes widespread, evidence of a heavy reliance on fishing, storage and intensive exploitation of camas and the establishment of land use patterns observed by Euro-American explorers during their first arrivals. The period ends with the arrival of the horse and Europeans explorers. Within this period the climate continues to cool until around 800 B.C. when temperatures begin to warm and glaciers recede as a result (Chatters 1998). This fluctuation in temperature is reflected in the observable tree lines in the archaeological record. Between A.D. 1400 and 1850 a "Little Ice Age" occurred

and while evident in the higher mountain ranges this event had little effect on the flora of the Northwest (Chatters 1998).

At the time of Euro-American contact Cayuse, Umatilla and Walla Walla tribal populations were found across the region of the project area. These people were made up of semi-sedentary tribes that set up temporary camps for fishing, hunting and gathering plant resources from spring through fall and would then establish a large village near a river where they would remain until the next spring (Stern 1998). Two concentrations of pit houses have been identified within 2 miles of the project area and may be the remnants of one of those winter villages. These concentrations are found near the confluence of Spring Wash and the Columbia River, a prime location for a winter village. This particular location of pit houses would have provided easy access to the uplands south of the Columbia River.

Lewis and Clark were likely the first Euro-Americans to visit the project area. Hat Rock was the first distinctive landmark passed by the Lewis and Clark Expedition on their journey down the Columbia, and is one of the few remaining sites not underwater (Coues 1965). In the 1860s and '70s the nearby city of Hermiston was known as Six Mile House, an Old West Hotel with a bar. Six Mile House was an overnight stop for trail-weary travelers and freighters.

With the arrival of the railroad and subsequent building, Hermiston was created and incorporated in 1907. Under administration of the Bureau of Reclamation, Cold Springs Reservoir was constructed east of Hermiston for storage of Umatilla River water. Approximately 800 people turned out to celebrate the formal opening of the head gate leading to the main canals on May 27, 1908. With this advent, irrigated farming was undertaken on a large scale.

This pumping station is a major water access point for regional farming, and with other similar stations, it represents contemporary agricultural landuse in an arid environment.

Literature Review

Sites on or adjacent to the APE (all sites are considered to be confidentially located). Files are found at the Oregon Parks and Recreation Department, Historic Preservation Office, Salem Oregon.

Cadastral Survey

A Review of BLM Cadastral Survey Records shows two prominent surveys with mapping of the area. One was conducted in 1861 by Dolphus S. Payne, and the second in 1914 by Joseph A. Ganong. The 1861 map shows a trail running through sections 7 and 8 along the south bank of a slough that has now been drowned out by the damming of the Columbia River (Fig 5). The land on the small island created by the slough and the Columbia River is described as "Rich Land" while those lands south of the project area above the steep cliffs is described as "Broken & Steep, poor land" (Payne 1861). The survey completed by Joseph A. Ganong shows greater detail of the nearby island of which only one now exists, these are described as "Meridith Island", simply "island" and "Switzler Island" which remains today (Fig 6).

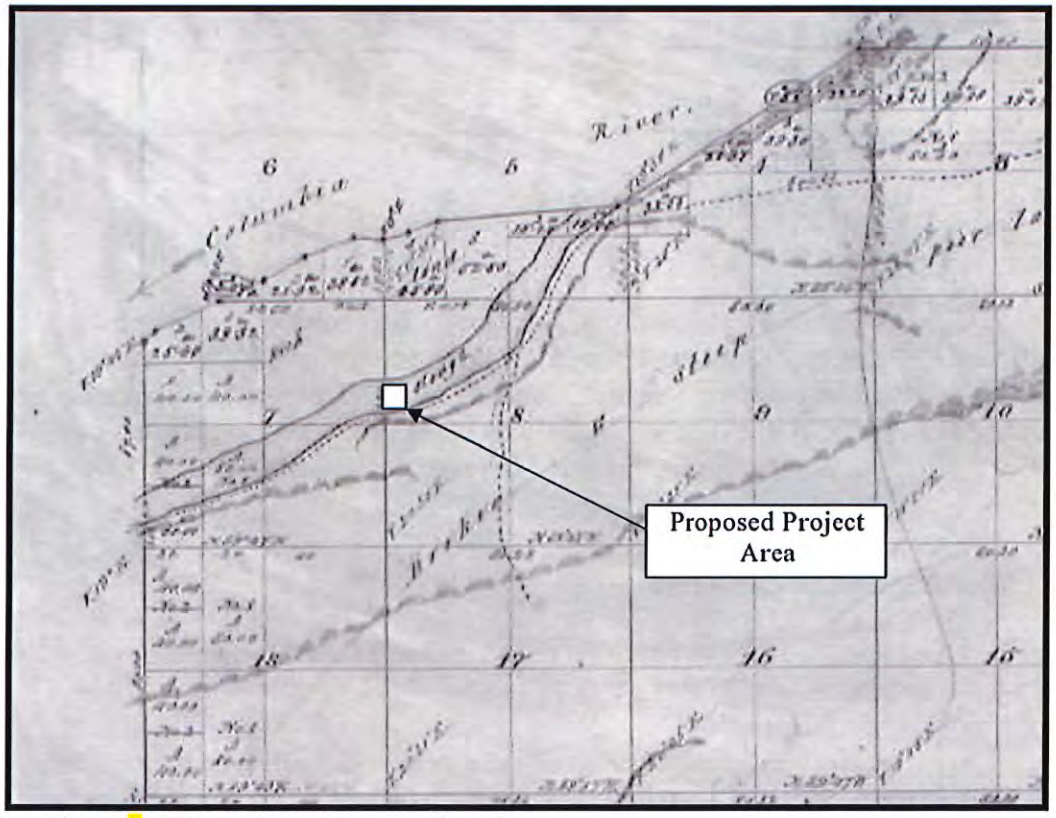


Figure 5: 1861 Cadastral Survey (Payne)

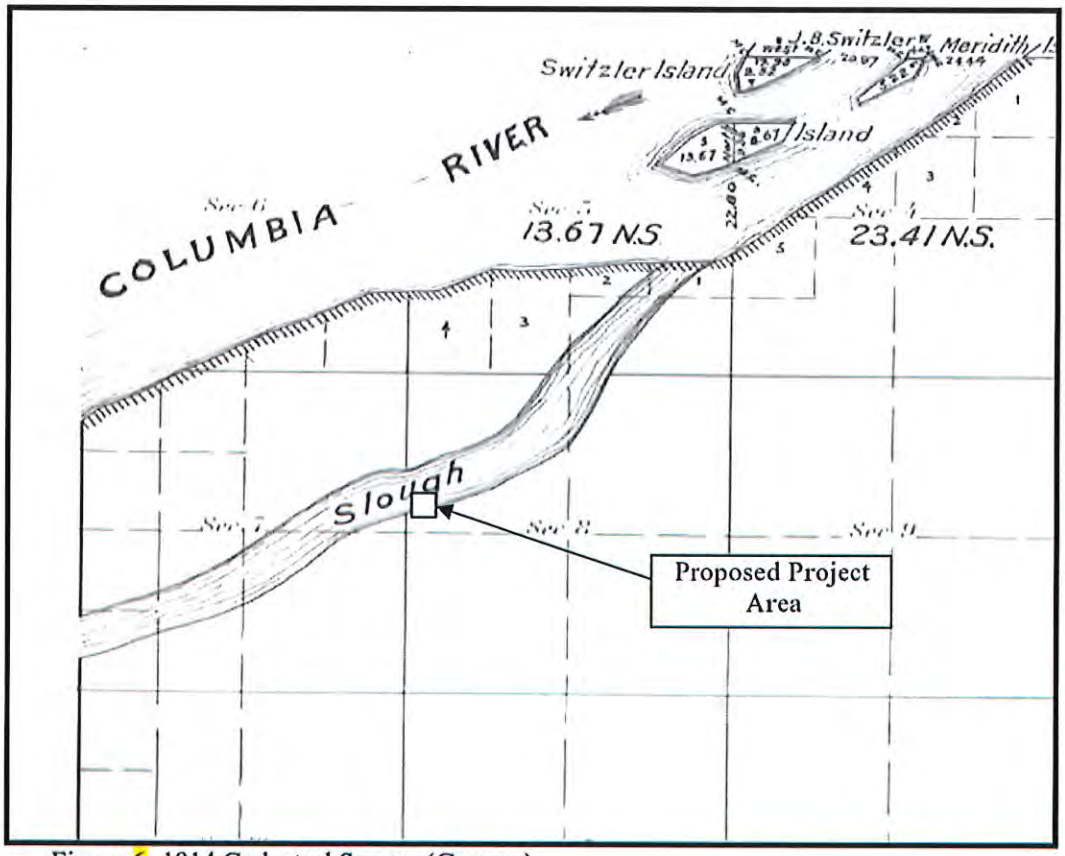


Figure 6: 1914 Cadastral Survey (Ganong)

Archival Research

A review of the Oregon Parks and Recreation Department records in the Historic Preservation Office revealed that eight archaeological surveys have been completed within 2 miles of the proposed project area. Nine archaeological resources are known to exist, or to have existed at one time within 2 miles of the proposed project area. No properties listed on or eligible for the National Register of Historic Places exists within 2 miles of the proposed project area.

Completed Archaeological Surveys

Eight archaeological surveys have been completed within 2 miles of the proposed project area and are described below.

Survey # 17010: McNary Reservoir Cultural Resource Inventory Survey Report. This survey report evaluated known archaeological resources impacted by the McNary Dam and identified new archaeological resources. The survey report was completed by Catherine E. Dickson of the Confederated Tribes of the Umatilla Reservation in 1999. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1.25 miles west of the project area.

Evaluations were made according to the resources present including known burials, pit houses and concentrations of artifacts. A special focus is given to methods to be used to discourage looting activities. All sites within 2 miles of the proposed project area and within the survey boundaries of survey #17010 were previously recorded but re-evaluated by that report. Archaeological sites found within 2 miles of the proposed "Columbia River Pumping Station" and found within the survey boundaries of the McNary Dam Survey are described below. Site forms occasionally indicate that a site was not relocated; this is likely due to the construction of McNary Dam.

35UM007: "House Pit Village with 13 distinctly marked house pits visible on the surface", numerous lithic tools were also found on the surface, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM008: Lithic tools which were eroding out of a sand dune, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM009: Lithic tools found "on top of lava point", area used for a picnicking, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM010: Numerous lithic tools including ground stone found along a long axil in line with the Columbia River. The site was originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM017: Fourteen house depressions found on the northwestern tip of Techumtas Island, surface materials included "artifacts and chips." The site was re-visited during the McNary Reservoir Survey and recorded as "inundated."

Survey # 18187: Cultural Resources Technical Report for the Newport Northwest Transmission Line Project. This report gives the findings for an archaeological survey completed along the APE of a proposed transmission line that would stretch from a proposed Wallula Power substation to the McNary Substation, a distance of 34 miles. This survey did not identify any cultural resources within 2 miles of the proposed project area. The survey did identify 1 archaeological site along the proposed project APE.

The survey report was completed by Carrie Wills, Marcia Montgomery and Kimberly Demuth of Entrix in 2001. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 0.5 miles south of the proposed project area.

Survey # 14231: A Cultural Resources Survey of the Bonneville Power Administration's Umatilla Tap Project. This report gives the findings for an archaeological survey of a single pole transmission line to be built from the BPA Hat Rock Substation to the Umatilla Coop Sand Point Substation, a distance of 0.75 miles. No archaeological resources were identified during the survey.

The survey report was completed by Harvey S. Rice of Archaeological and Historical Services of Eastern Washington University in 1993. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1 mile SW of the proposed project area.

Survey # 20284: Class I and Class III Cultural Resource Investigations for the Umatilla Basin Project, Phase II and for Safety of Dams Modifications to Cold Springs Dam. The survey completed a Class I and III cultural resources investigation of 525 acres comprising a right-of-way corridor and selected portions of Cold Springs National Wildlife Refuge. Pedestrian and selective subsurface testing was completed within the project area. Of those resources identified by survey # 20284 none were found to be eligible for the NRHP.

The survey report was completed by Michael S. Burney, Anna P. Harrison, Mary K. Lovejoy and Jeffery Van Pelt of the Confederated Tribes of the Umatilla Indian Reservation in 1994. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1.1 mile SW of the proposed project area.

Survey # 19978: Cultural Resource Inventory Report No. 05-McNa-056: Sand Station Tree Planting. The survey completed an archaeological survey of 1 acre to identify cultural resources that might be impacted by proposed tree planting.

The cultural resource report was written by Ray L. Tracy in 2005. No cultural resources were identified during the survey. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1.0 mile SW of the proposed Columbia River Pumping Station project area.

Survey # 20992: Cultural Resource Inventory Report for Sand Station Kiosk Installation. The survey completed an archaeological survey of 0.25 acres to identify cultural resources that might be impacted by Kiosk Installation.

The cultural resource report was written by Mary E. Keith in 2006. No cultural resources were identified during the survey. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1.0 mile SW of the proposed project area.

Survey # 20897: A Cultural Resources Survey for the Hat Rock Tap Transmission Line Maintenance Project. The survey completed an archaeological survey of 0.2 acres to identify cultural resources that might be impacted by transmission pole stubbing. The proposed project would install shorter pole next to an existing transmission pole in order to reinforce the original pole without replacement.

The cultural resource report was written by Sunshine R. Clark in 2006. No cultural resources were identified during the survey. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 1.0 mile SSW of the proposed project area.

Survey # 22162: McNary-Walla Walla 230-kV Transmission Line Cultural Resources Investigation. The report summarizes an archaeological survey of 54.6 miles of proposed transmission line.

The cultural resource report was written by James J. Sharpe, James C. Bard and Raena Ballantyne of CH2MHILL. No part of this survey took place over the proposed Columbia River Pumping Station project area and is found 0.5 miles SE of the proposed project area.

Known Archaeological Sites within 2 miles of the proposed project area.

35UM007: "House Pit Village with 13 distinctly marked house pits visible on the surface", numerous lithic tools were also found on the surface, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM008: Lithic tools which were eroding out of a sand dune, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM009: Lithic tools found "on top of lava point", area used for a picnicking, site originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM010: Numerous lithic tools including ground stone found along a long axil in line with the Columbia River. The site was originally recorded in 1947. The site was not relocated during the McNary Reservoir Survey.

35UM016: "No evidence for a campsite, 2 artifacts-notched pebble net sinker and a perforated flat pebble net sinker."

35UM017: Fourteen house depressions found on the northwestern tip of Techumtas Island, surface materials included "artifacts and chips." The site was not relocated during the McNary Reservoir Survey.

35UM019: "Campsite was found." No further information is available.

35UM020: Artifacts and broken stones exposed in large blowout in sand dune and on adjacent beach. The site was not relocated during the McNary Reservoir Survey.

35UM021: Artifacts exposed along beach. Materials include sinkers, choppers, hammer stones, iron spike, chisels, axe blade, various lithic artifacts.

Research Design

Research Goals and questions

RLR developed a hypothesis for this project, based upon the goal of cultural resources management in a massively disturbed context in areas where there is little or no previous contextual work. The immediate goal is to evaluate the potential of this project area for the presence or absence of cultural resources.

Hypothesis: That the cultural survey will provide potential discovery of aspects of the built environment from the recent agricultural infrastructure use of the project area, with some minimal potential for historic agricultural features.

Expected Results

Given the level of disturbance, and the relatively young age of the pumping platforms at this locale, RLR has very minimal expectation for any type of historic or cultural discovery older than 20 years or so.

Inventory Methodology (Planning):

The survey methodology was determined by the surface visibility of the landscape, which was excellent throughout. Reiss-Landreau Research determined that a visual assessment, combined with limited (two probes) testing would provide enough information for a complete inventory here.

Shovel probes were 50 cm wide in the sand, and were excavated at least 40 cm into sterile subsurface (Fig 7).

Survey Results

A. Date of survey, Weather Conditions: 1/30/09, overcast

B. Field personnel: C. Landreau, K. Y. Reiss

C. Actual methodology employed: Visual reconnaisance and two shovel probes.

D. Shovel probes:

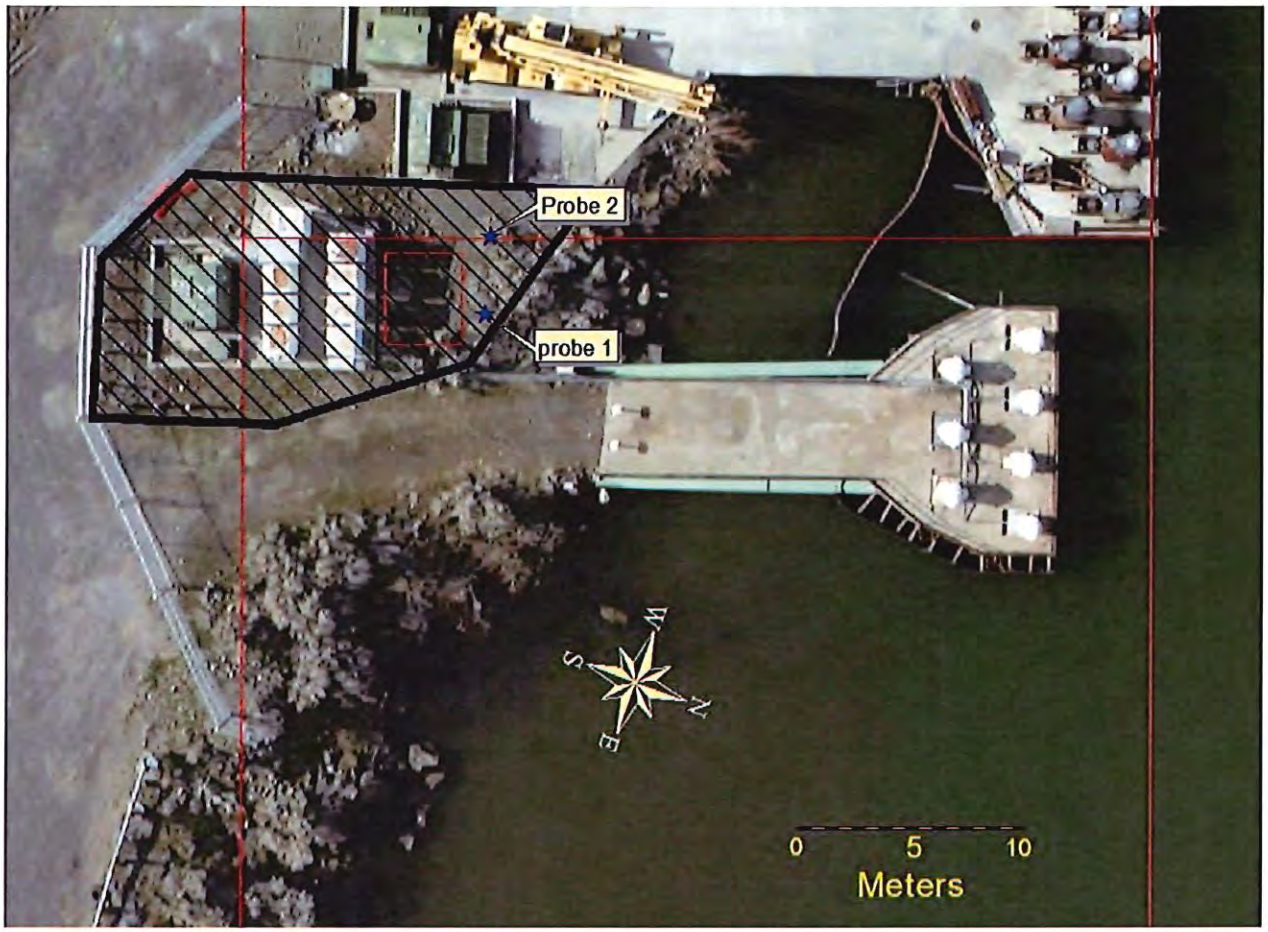


Figure 7: Location of the shovel probes

Location	Depth of test	soil type	Cultural Materials
STP1	40 cm to rip-rap	10yr 6/4 sand	Ø (modern 1 shell)
STP2	36 cm to rip-rap	10yr 6/4 sand	Ø (modern)

E. Depositional Environment: The soils were 10YR 6/4 sands with some industrial oil and some mixed 10Y4/3 loam, as well as plastic, aluminum, clear bottle glass and a small shell fragment (Fig 8). On-site photography revealed that the sandy surface with the sagebrush is likely underlain by engineered rip-rap boulders. It is likely that the entire project area is to some extent fill.

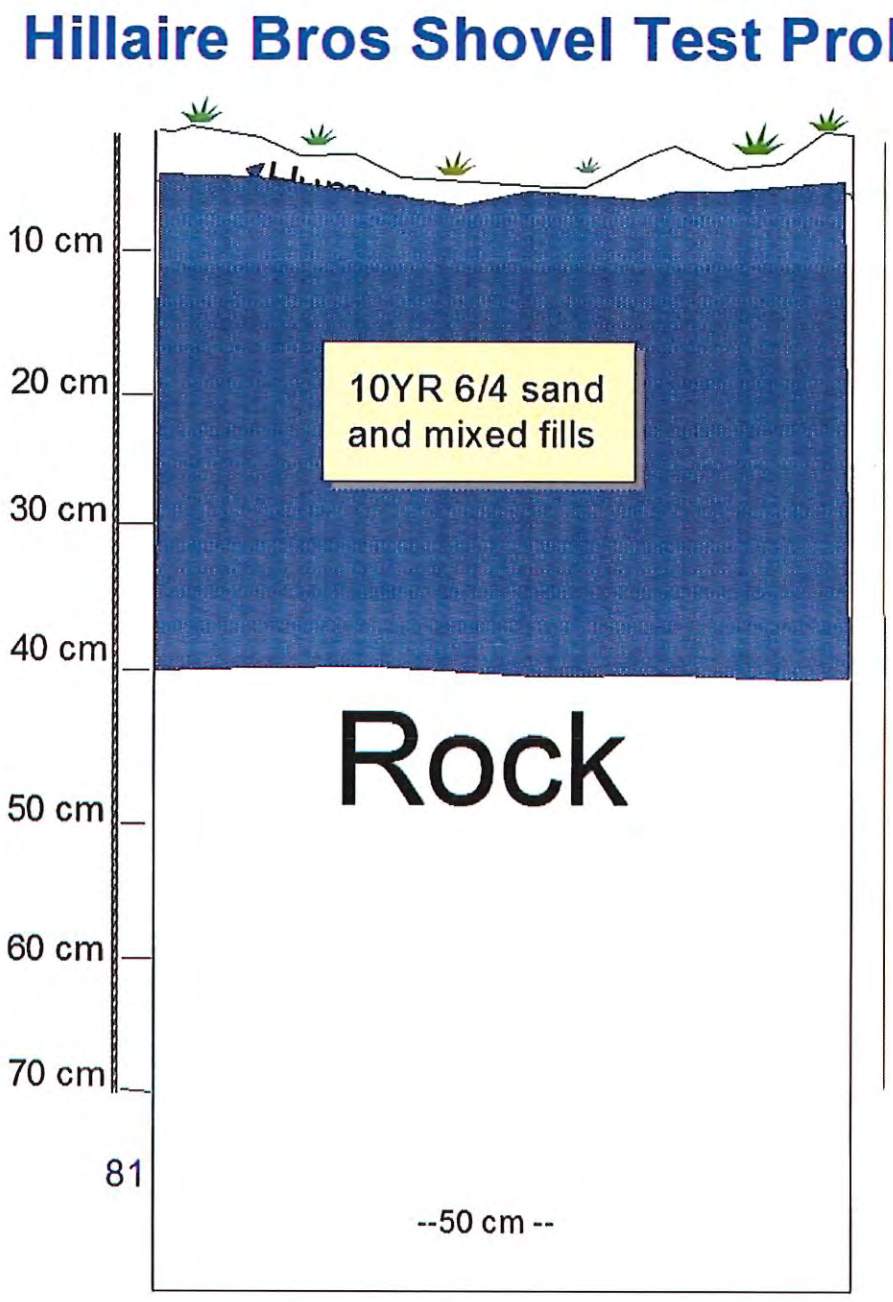


Figure 8: Shovel Probe 1

Project Recommendations:

RLR was unable to locate cultural resources within the .12 acre project area for this proposed development. The project has been subjected to tremendous disturbance within the APE. Indeed, visually, large engineered boulders appear to underlay the sandy sediments on the surface. It is extremely unlikely that buried cultural deposits exist at this locale. Reiss-Landreau Research can provide no empirical archaeological evidence that would allow this project to be impeded, and recommends that it be permitted to proceed.

Inadvertent Discovery Procedure.

If any archaeological resources are discovered or suspected during the course of the project, activity in the immediate area shall stop until a professional archaeologist can asses the discovery.

As the project is on administered federal land, thus all federal laws must be followed by the Walla Walla District such an inadvertent discovery of artifacts or bone occur during construction (e.g., Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act as well as the National Historic Preservation Act).

If the inadvertent discovery is Archaeological material:

1. The project proponent and the US Army Corps of Engineers Walla Walla District will be contacted and work in that area will stop.

2. The archaeologist will contact Paul Shapine, Realty Division, (509) 527-7324

a. Upon notification from RLR of discovery of potential archaeological deposits, RLR will contact the consulting parties. Parties will be contacted by telephone.

b. The Corps of Engineers, the DAHP and the consulting tribes will be given the opportunity to view the artifacts within 48 hours after the discovery or at the earliest possible time thereafter. The discovery will be kept confidential. After halting construction, securing the site, and notifying the contractor, the archaeologist will conduct a brief in-field evaluation. The purpose of the evaluation is to determine whether the discovered resources have potential to answer research questions.

d. If parties agree that the artifacts are not significant, RLR will ask the construction representatives to resume construction.

e. If parties agree that the artifacts are significant, Umatilla County or the Army Corps of Engineers will issue a stop work order until further notice for all construction work in the area defined as a significant site.

Guidelines for the Discovery of Human Remains:
The Federal protocol "Inadvertent Discoveries on Federal Lands After November 16, 1990" will be followed, as outlined in Appendix B

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Appendix A: Photography



Figure 9: Shovel Probe 1



Figure 10: Visible rip-rap under site



Figure 11: Shovel probe 2



Figure 12: Site area, note disturbance



Figure 13: Shoreline rip-rap foreground



Figure 14: Adjacent pumping station



Figure 15: Project area

Appendix B: Inadvertent discovery procedure (Federal)

Inadvertent Discoveries on Federal Lands After November 16, 1990

An *inadvertent* discovery is one for which no plan of action was developed prior to the discovery.

Notification

The person who makes the discovery must **immediately notify the responsible Federal official** by telephone and provide written confirmation to the responsible Federal official.

Stop Work

If the inadvertent discovery occurred in connection with an on-going activity, the person must **cease the activity** in the area of the inadvertent discovery and **make a reasonable effort to protect the human remains and other cultural items.**

Initiating Consultation

No later than three working days after receiving written confirmation of the notification, the responsible Federal agency official must **certify receipt of the notification**, and take immediate steps, if necessary, to **further secure and protect the human remains and other cultural items. NOTE:** activity that resulted in the discovery may resume thirty days after the Federal agency official certifies receipt of the notification.

The responsible Federal agency official must also **notify by telephone** (with written confirmation) and **initiate consultation with any known lineal descendant** and the **Indian tribes and Native Hawaiian organizations –**

- **who are or are likely to be culturally affiliated with the human remains and other cultural items;**
- **on whose aboriginal lands the remains and cultural items were discovered; and**
- **who are reasonably known to have a cultural relationship to the human remains and other cultural items.**

Consultation is initiated with a written notification. The written notification must propose a time and place for meetings or consultation.

During Consultation

The **purpose** of consultation is to **help the Federal agency determine who is entitled to custody** of the human remains and other cultural items under NAGPRA so that the disposition process can be completed, and **to discuss the Federal agency's proposed treatment** of the human remains and other cultural items pending disposition.

The Federal agency official must **provide in writing –**

- a list of all lineal descendants, Indian tribes, or Native Hawaiian organizations that are being, or have been, consulted; and
- an indication that additional documentation will provided on request.

The Federal agency official **must request, as appropriate –**

- names and addresses of the Indian tribe official who will act as the tribe's representative in consultation;
- names and appropriate methods to contact lineal descendants;
- recommendations on how consultation should be conducted; and
- the kinds of cultural items that are considered to be unassociated funerary objects, sacred objects, or objects of cultural patrimony.

After Consultation – Written Plan of Action

The Federal agency official must prepare, approve, and sign a written plan of action. The plan of action must document the kinds of objects to be considered as cultural items; the planned treatment, care, and handling, including traditional treatment, of human remains and other cultural items; the planned archeological recording of the human remains and other cultural items; the kinds of analysis planned for each kind of object; and the nature of reports to be prepared.

The written plan of action must also include --

- the **specific information used to determine custody** of the human remains and other cultural items; and
- the **planned disposition** of the human remains and other cultural items.

Custody must determined in accordance with 25 USC 3002 (a), "Priority of Ownership," and 43 CFR 10.6, "Priority of Custody."

(over)

Will the human remains and other cultural items be left in place?

Yes
The Federal agency secures the site of discovery, and the disposition process does not continue further.

OR

No
Excavation or removal of the human remains and other cultural items must take place following the requirements of the Archeological Resources Protection Act (ARPA) (16 U.S.C. 470aa et seq.) and its implementation regulations. This includes issuance of an excavation permit by the cognizant Federal agency where required by ARPA.

Prior to Disposition – Notice of Intended Disposition

At least 30 days prior to transferring the human remains and other cultural items to the claimant entitled to custody, the responsible Federal agency must first publish a **Notice of Intended Disposition**. The Notice must –

- be published two times (at least a week apart) in a newspaper of general circulation in the area in which the human remains and other cultural items were discovered;
- be published two times (at least a week apart) in a newspaper of general circulation in the area or areas in which the affiliated Indian tribes or Native Hawaiian organization members now reside;
- provide information as to the nature and affiliation of the human remains and other cultural items; and
- solicit further claims to custody.

The Federal agency official must send a copy of the notice and information on when and where it was published to the National NAGPRA program.

Disposition

Disposition is the formal transfer of Native American human remains and other cultural items excavated or inadvertently discovered on Federal or tribal lands after November 16, 1990, to the lineal descendants, Indian Tribes, or Native Hawaiian organizations that have been determined to be the legitimate claimants.

In completing the disposition, the claimant formally accepts custody (ownership). Disposition should be documented, must be consistent with 25 USC 3002 (a), "Priority of Ownership," and 43 CFR 10.6, "Priority of Custody." Physical transfer may take place 30 days after the publication of the second Notice of Intended Disposition, as agreed upon by the claimant and the Federal agency official.

Some Disposition Options

Claimant Takes Physical Custody

The legitimate claimant takes physical possession of the human remains and other cultural items. Where allowable, and upon agreement with the claimant, the Federal agency may provide temporary care until the claimant is able to take physical custody.

Reburial on Federal Land

The human remains and other cultural items may be reburied on Federal land, if the agency's policies and procedures permit such activities.

Relinquishment

Under NAGPRA [25 USC 3002(e)], the governing body of an Indian tribe or Native Hawaiian organization may expressly relinquish control over any Native American human remains, or title to or control over any funerary object or sacred object.

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

April 5, 2023

FARMLAND RESERVE INC.
ATTN: JENS RASMUSSEN
PO BOX 2308
PASCO, WA 99302

REFERENCE: Transfer Application T-13525

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 temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Nila Kamis
Water Rights Services Support
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
Morrow County
Umatilla County
Ted Ressler, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13525, Morrow and Umatilla Counties	)	FINAL ORDER APPROVING CHANGES IN PLACES OF USE, A CHANGE IN POINT OF DIVERSION, AN ADDITIONAL POINT OF DIVERSION, AND PARTIAL DIMINUTION OF A WATER RIGHT

Authority

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

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

Findings of Fact

1. On September 29, 2020, FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST filed an application to change the places of use under Certificates 92990, 92992, 92993, and 92994. The Department assigned the application number T-13525.

2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. Transfer T-13525 involves the same authorized and proposed place of use as approved for Certificate 92994 under temporary transferT-13609 in a Final Order issued by the Department on April 15, 2021 (Special Order Volume 120, Page 151). The use of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently. On November 16, 2021, the Department contacted the applicant's agent by telephone to notify the applicant and the applicant's agent of a deficiency in the application. A portion of the

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.

proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994 will become layered with Certificate 44654. The applicant wishes to diminish these portions of Certificate 44654 from primary to supplemental irrigation. The application did not include an Affidavit for the Voluntary Diminution of a portion of a Water Right Certificate. The Department requested that the deficiency be resolved prior to issuance of a Final Order to approve.

4. On December 7, 2021, the Department received an Affidavit for the Voluntary Partial Diminution of Water Right Certificate 44654 from Patrick Tolman, Vice President for Farmland Reserve, Inc.

5. On January 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 2, 2022, for the applicant to respond.

6. On February 4, 2022, the applicant requested an additional 60 days to review and amend the application, as Certificate 92992 would become layered with Certificate 93872. Both certificates are for primary irrigation. The applicant also requested an additional year to provide proof of beneficial use to October 1, 2024.

7. On July 28, 2022, the Department received revisions to the application along with the required additional fees. The revised application added two additional water right certificates, which includes an additional point of diversion, a change in point of diversion, and a change in place of use under Certificate 93872, and a change in place of use under Certificate 95662.

8. On December 8, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of January 9, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

9. On February 10, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13525 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 14, 2023, and in the East Oregonian newspaper on February 16 and 23, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

10. The first right to be transferred is as follows:

Certificate: 92990 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 133.59 ACRES

Priority Date: JULY 25, 1973

Rate: 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
				Total	133.59

11. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
				Total	133.59

12. The second water right to be transferred is as follows:

Certificate: 92992 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 1425.07 ACRES

Priority Date: JULY 25, 1973

Rate: 30.72 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37
3 N	26 E	WM	1	NW SW	9.47

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	5W SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				Total	1425.07

13. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	4	NW NW		0.01
2 N	28 E	WM	5	NE NE	1	33.07
2 N	28 E	WM	5	NW NE	2	31.09
2 N	28 E	WM	5	SW NE		29.83
2 N	28 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.76
2 N	28 E	WM	7	SE NE		28.77
2 N	28 E	WM	7	NE SE		0.01
2 N	28 E	WM	7	NW SE		0.01
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		6.15
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.43
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.72
3 N	28 E	WM	33	NW SW		0.01
3 N	28 E	WM	33	SW SW		0.01
					Total	1425.07

14. The third right to be transferred is as follows:

Certificate: 92993 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 39.71 ACRES

Priority Date: JULY 25, 1973

Rate: 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under PERMIT 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW), SECTION 2, T2N, R25E, WM; 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				Total	39.71

15. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SE	28.95
3 N	28 E	WM	31	NW SE	4.16
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.01
3 N	28 E	WM	32	NW SW	5.27
				Total	39.71

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

Certificate: 92994 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 164.90 ACRES
Priority Date: JUNE 29, 1973
Rate: 4.08 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	12.31
4 N	26 E	WM	17	NW NE	0.86
				Total	164.90

17. Transfer Application T-13525 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	0.57
4 N	26 E	WM	19	SW NW	2	11.65
4 N	26 E	WM	19	SE NW		4.09
2 N	28 E	WM	17	NE NW		1.25
2 N	28 E	WM	17	NW NW		28.89
2 N	28 E	WM	17	SW NW		29.99
2 N	28 E	WM	17	SE NW		3.84
2 N	28 E	WM	17	NE SW		4.22
2 N	28 E	WM	17	NW SW		29.46
2 N	28 E	WM	17	SW SW		29.57
2 N	28 E	WM	17	SE SW		19.94
3 N	28 E	WM	31	NE SW		1.42
3 N	28 E	WM	31	SE SW		0.01
				Total		164.90

18. The fifth right to be transferred is as follows:

Certificate: 93872 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES

Priority Date: JUNE 29, 1973

Rate: 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2

Period of Use: March 1 through October 31

Limit/Duty: The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION FROM POD 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NE NE	1	31.39
2 N	28 E	WM	5	NW NE	2	30.43
2 N	28 E	WM	5	SW NE		31.35
2 N	28 E	WM	5	SE NE		30.43
2 N	28 E	WM	5	NE SW		31.75
2 N	28 E	WM	5	NW SW		30.77
2 N	28 E	WM	5	SW SW		31.71
2 N	28 E	WM	5	SE SW		30.77
2 N	28 E	WM	5	NE SE		31.38
2 N	28 E	WM	5	NW SE		30.44
2 N	28 E	WM	5	SW SE		31.34
2 N	28 E	WM	5	SE SE		30.44
2 N	28 E	WM	8	SW NE		1.13
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
				Total		497.83

IRRIGATION FROM POD 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	3	NE NE	30.73
3 N	29 E	WM	3	NW NE	34.24
3 N	29 E	WM	3	SW NE	32.16
3 N	29 E	WM	3	SE NE	28.26
3 N	29 E	WM	3	NE NW	0.37
3 N	29 E	WM	3	SE NW	0.30
3 N	29 E	WM	3	NE SW	29.31
3 N	29 E	WM	3	NW SW	29.91
3 N	29 E	WM	3	SW SW	30.28
3 N	29 E	WM	3	SE SW	28.43
3 N	29 E	WM	3	NE SE	30.00
3 N	29 E	WM	3	NW SE	32.88
3 N	29 E	WM	3	SW SE	32.90
3 N	29 E	WM	3	SE SE	29.16
				Total	368.93

19. The Department has received information from the applicant that better describes the location of the authorized point of diversion for POD 2 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STAHL PUMP STATION (PS) - 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

20. Transfer Application T-13525 proposes an additional point of diversion for 368.93 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

21. Transfer Application T-13525 also proposes to change the point of diversion for 497.83 acres from POD 1 (ORIGINAL) approximately 29.6 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD 2 (NEW) – 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

22. Transfer Application T-13525 also proposes an additional point of diversion for 497.83 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

23. Transfer Application T-13525 also proposes to change the place of use of the 497.83 acres to:

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	1	NE NE		1.02
2 N	27 E	WM	1	SE NE		0.57
2 N	28 E	WM	6	NE NW	3	34.33
2 N	28 E	WM	6	NW NW	5	11.93
2 N	28 E	WM	6	SW NW	4	21.36
2 N	28 E	WM	6	SE NW		16.84
3 N	28 E	WM	31	SW SW		0.84
3 N	28 E	WM	31	SE SW		4.99
3 N	29 E	WM	2	NE NW		32.88
3 N	29 E	WM	2	NW NW		20.14
3 N	29 E	WM	2	SW NW		9.74
3 N	29 E	WM	2	SE NW		16.72
3 N	29 E	WM	2	NE SW		8.49
3 N	29 E	WM	2	NW SW		19.26
3 N	29 E	WM	2	SW SW		34.81
3 N	29 E	WM	2	SE SW		16.65
3 N	29 E	WM	3	NE NW		29.64
3 N	29 E	WM	3	NW NW		22.87
3 N	29 E	WM	3	SE NW		11.46
3 N	29 E	WM	3	SE SE		0.28
3 N	29 E	WM	13	SE SE		30.29
3 N	29 E	WM	13	SW SE		31.36
3 N	29 E	WM	24	NE NE		0.01
3 N	29 E	WM	24	NW NE		0.01
3 N	30 E	WM	3	NE SW		14.63
3 N	30 E	WM	3	NW SW		21.76
3 N	30 E	WM	3	SW SW		33.55
3 N	30 E	WM	3	SE SW		27.33
3 N	30 E	WM	3	SW SE		24.07
				Total		497.83

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

Certificate: 95662 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 30.58 ACRES

Priority Date: JUNE 29, 1973

Rate: 0.51 CUBIC FOOT PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2)

Limit/Duty: 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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated

during the irrigation season of each year and an annual volume limitation of 107.03 acre feet.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	26	NW SW	4.45
4 N	26 E	WM	26	SW SW	20.62
4 N	26 E	WM	26	SE SW	0.26
4 N	26 E	WM	35	NW NW	5.25
				Total	30.58

25. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	14.15
4 N	26 E	WM	19	SW NW	2	16.43
					Total	30.58

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

Transfer Review Criteria [OAR 690-380-0100 and 690-380-4010(2)]

27. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

28. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

29. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13525.

30. The proposed changes would not result in enlargement of the rights.

31. The proposed changes would not result in injury to other water rights.

32. All other application requirements are met.

Partial Diminution of Water Right Certificate 44654

33. A portion of water right Certificate 44654 is appurtenant to a portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994. Therefore, to avoid layering of two primary water rights for irrigation, a portion of lands under Certificate 44654 will be diminished from primary to supplemental irrigation as a result of this order.

34. On December 7, 2021, Patrick Tolman who is an authorized representative of Farmland Reserve, Inc., and owner of lands to which a portion of Certificate 44654 is appurtenant, submitted an affidavit requesting a portion of Certificate 44654 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44654 in the name of LARRY HANSON (perfected under Permit G-4049)
Use: IRRIGATION of 446.7 ACRES
Priority Date: September 3, 1968
Rate: 2.5 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of BUTTER CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	7	NE NE	1300	30.25
2 N	28 E	WM	7	NW NE	1300	9.75
2 N	28 E	WM	7	SW NE	1300	8.76
2 N	28 E	WM	7	SE NE	1300	28.77
2 N	28 E	WM	8	NE NW	1500	30.25
2 N	28 E	WM	8	NW NW	1501	28.72
2 N	28 E	WM	8	SW NW	1501	34.72
2 N	28 E	WM	8	SE NW	1500	30.60
2 N	28 E	WM	8	NE SW	1700	14.03
2 N	28 E	WM	8	NW SW	1701	36.09
2 N	28 E	WM	8	SW SW	1701	19.43
2 N	28 E	WM	8	SE SW	1700	11.58
2 N	28 E	WM	8	NE SE	1700	12.56
2 N	28 E	WM	8	NW SE	1700	39.72
2 N	28 E	WM	8	SW SE	1700	35.35

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	8	SE SE	1700	9.67
2 N	28 E	WM	17	NE NW	1700	1.25
2 N	28 E	WM	17	NW NW	1702	28.89
2 N	28 E	WM	17	SW NW	1702	29.99
2 N	28 E	WM	17	SE NW	1702	3.84
2 N	28 E	WM	17	NE SW	1700	0.92
2 N	28 E	WM	17	NW SW	1700	1.56
					Total	446.7

Conclusions of Law

The additional point of diversion, change in point of diversion, and changes in places of use, proposed in Transfer Application T-13525 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of Certificate 44654 should be diminished as requested.

Now, therefore, it is ORDERED:

1. The additional point of diversion, change in point of diversion, and changes in places of use proposed in Transfer Application T-13525 are approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 92990, 92992, 92993, 92994, 93872, and 95662 any related decree.

3. Water right Certificates 92990, 92992, 92993, 92994, 93872, 95662, and 44654 are cancelled. New Certificates will be issued describing the portions of Certificates 92994 and 95662 not affected by this transfer., A new certificate will be issued describing the partial diminishment of Certificate 44654 from primary to supplemental irrigation.

4. Under Certificate 93872, the quantity of water diverted at the new point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1 (ORIGINAL)).

5. Under Certificate 93872, the quantity of water diverted at the new additional point of diversion (East Improvement District Pump Station), together with that diverted at the original point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2 (NEW)).

6. Water use measurement conditions:

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

8. The former places of use of the transferred rights shall no longer receive water under the rights.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024.** A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on APR 0 5 2023

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

Mailing date: APR 0 6 2023

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE INC.
C/O AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 7441.96 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 124.28 CUBIC FEET PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E. W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2) or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and an annual volume limitation of 26,046.66 acre feet. 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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	26 E	WM	5	NE NE	2	30.71
3 N	26 E	WM	5	NW NE	2	32.42
3 N	26 E	WM	5	SW NE	1	31.18
3 N	26 E	WM	5	SE NE	1	29.86
3 N	26 E	WM	5	NE NW	2	31.08
3 N	26 E	WM	5	NW NW	2	33.35

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	26 E	WM	5	SW NW	1	32.43
3 N	26 E	WM	5	SE NW	1	30.06
3 N	26 E	WM	6	NE NE	2	29.74
3 N	26 E	WM	6	NW NE	2	32.63
3 N	26 E	WM	6	SW NE	1	31.99
3 N	26 E	WM	6	SE NE	1	28.50
3 N	26 E	WM	6	NE NW	2	29.18
3 N	26 E	WM	6	NW NW	2	32.48
3 N	26 E	WM	6	SW NW	1	33.04
3 N	26 E	WM	6	SE NW	1	28.48
3 N	26 E	WM	6	NE SW	1	28.77
3 N	26 E	WM	6	NW SW	2	32.41
3 N	26 E	WM	6	SW SW	2	33.00
3 N	26 E	WM	6	SE SW	1	28.64
3 N	26 E	WM	6	NE SE		29.63
3 N	26 E	WM	6	NW SE		31.73
3 N	26 E	WM	6	SW SE		31.79
3 N	26 E	WM	6	SE SE		29.09
3 N	26 E	WM	7	NE NE		23.83
3 N	26 E	WM	7	NW NE		35.24
3 N	26 E	WM	7	SW NE		35.17
3 N	26 E	WM	7	SE NE		23.29
3 N	26 E	WM	7	NE NW	1	25.96
3 N	26 E	WM	7	NW NW	2	38.30
3 N	26 E	WM	7	SW NW	2	38.87
3 N	26 E	WM	7	SE NW	1	26.26
3 N	26 E	WM	7	NE SW	1	25.23
3 N	26 E	WM	7	NW SW	2	37.54
3 N	26 E	WM	7	SW SW	2	37.10
3 N	26 E	WM	7	SE SW	1	24.92
3 N	26 E	WM	7	NE SE		24.48
3 N	26 E	WM	7	NW SE		35.09
3 N	26 E	WM	7	SW SE		34.66
3 N	26 E	WM	7	SE SE		24.90
3 N	27 E	WM	18	NE SW		3.70
4 N	26 E	WM	16	NE SW		1.01
4 N	26 E	WM	16	NW SW		12.26
4 N	26 E	WM	16	SW SW		32.57
4 N	26 E	WM	16	SE SW		37.73
4 N	26 E	WM	16	SW SE		16.69
4 N	26 E	WM	16	SE SE		5.43
4 N	26 E	WM	17	NE SE		22.08
4 N	26 E	WM	17	NW SE		7.48
4 N	26 E	WM	17	SW SE		31.72
4 N	26 E	WM	17	SE SE		31.67
4 N	26 E	WM	20	NE NE		38.90
4 N	26 E	WM	20	NW NE		25.71
4 N	26 E	WM	20	SW NE		31.70

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	20	SE NE		32.36
4 N	26 E	WM	20	NE SE		38.32
4 N	26 E	WM	20	NW SE		26.46
4 N	26 E	WM	20	SW SE		32.19
4 N	26 E	WM	20	SE SE		33.41
4 N	26 E	WM	21	NE NE		40.40
4 N	26 E	WM	21	NW NE		33.72
4 N	26 E	WM	21	SW NE		34.42
4 N	26 E	WM	21	SE NE		35.69
4 N	26 E	WM	21	NE NW		34.19
4 N	26 E	WM	21	NW NW		36.07
4 N	26 E	WM	21	SW NW		30.93
4 N	26 E	WM	21	SE NW		39.56
4 N	26 E	WM	21	NE SW		36.17
4 N	26 E	WM	21	NW SW		36.65
4 N	26 E	WM	21	SW SW		32.52
4 N	26 E	WM	21	SE SW		40.13
4 N	26 E	WM	21	NE SE		40.20
4 N	26 E	WM	21	NW SE		33.79
4 N	26 E	WM	21	SW SE		33.35
4 N	26 E	WM	21	SE SE		36.31
4 N	26 E	WM	22	NE NE		11.64
4 N	26 E	WM	22	NW NE		23.49
4 N	26 E	WM	22	SW NE		35.32
4 N	26 E	WM	22	SE NE		16.15
4 N	26 E	WM	22	NE NW		2.43
4 N	26 E	WM	22	NW NW		14.36
4 N	26 E	WM	22	SW NW		35.29
4 N	26 E	WM	22	SE NW		39.13
4 N	26 E	WM	22	NE SW		34.29
4 N	26 E	WM	22	NW SW		33.26
4 N	26 E	WM	22	SW SW		35.72
4 N	26 E	WM	22	SE SW		38.98
4 N	26 E	WM	22	NE SE		32.95
4 N	26 E	WM	22	NW SE		39.04
4 N	26 E	WM	22	SW SE		33.37
4 N	26 E	WM	22	SE SE		23.35
4 N	26 E	WM	23	SW NE		22.41
4 N	26 E	WM	23	SE NE		21.67
4 N	26 E	WM	23	NE NW		4.87
4 N	26 E	WM	23	NW NW		4.09
4 N	26 E	WM	23	SW NW		35.92
4 N	26 E	WM	23	SE NW		37.96
4 N	26 E	WM	23	NE SW		28.30
4 N	26 E	WM	23	NW SW		31.82
4 N	26 E	WM	23	SW SW		37.89
4 N	26 E	WM	23	SE SW		35.15
4 N	26 E	WM	23	NE SE		35.70

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	23	NW SE		35.03
4 N	26 E	WM	23	SW SE		37.35
4 N	26 E	WM	23	SE SE		3S.56
4 N	26 E	WM	24	SW NE	1	0.56
4 N	26 E	WM	24	5W NW		8.56
4 N	26 E	WM	24	SE NW	6	1.15
4 N	26 E	WM	24	NE SW		35.45
4 N	26 E	WM	24	NW SW		3S.91
4 N	26 E	WM	24	SW SW		37.11
4 N	26 E	WM	24	SE SW		3S.51
4 N	26 E	WM	24	NE SE		26.73
4 N	26 E	WM	24	NW SE		33.87
4 N	26 E	WM	24	SW SE		37.24
4 N	26 E	WM	24	SE SE		35.32
4 N	26 E	WM	25	NE NE		29.76
4 N	26 E	WM	25	NW NE		34.04
4 N	26 E	WM	25	SW NE		36.81
4 N	26 E	WM	25	SE NE		37.84
4 N	26 E	WM	25	NE NW		34.00
4 N	26 E	WM	25	NW NW		35.24
4 N	26 E	WM	25	SW NW		36.80
4 N	26 E	WM	25	SE NW		39.33
4 N	26 E	WM	25	NE SW		34.32
4 N	26 E	WM	25	NW SW		34.10
4 N	26 E	WM	25	5W SW		38.33
4 N	26 E	WM	25	SE SW		36.53
4 N	26 E	WM	25	NE SE		32.75
4 N	26 E	WM	25	NW SE		33.14
4 N	26 E	WM	2S	SW SE		38.09
4 N	26 E	WM	25	SE SE		34.17
4 N	26 E	WM	26	NE NE		34.21
4 N	26 E	WM	26	NW NE		34.05
4 N	26 E	WM	26	SW NE		37.52
4 N	26 E	WM	26	SE NE		38.46
4 N	26 E	WM	26	NE NW		32.72
4 N	26 E	WM	26	NW NW		25.98
4 N	26 E	WM	26	5W NW		37.34
4 N	26 E	WM	26	SE NW		38.90
4 N	26 E	WM	26	NE SW		33.54
4 N	26 E	WM	26	NW SW		12.96
4 N	26 E	WM	26	SE SW		36.15
4 N	26 E	WM	26	NE SE		33.64
4 N	26 E	WM	26	NW SE		33.39
4 N	26 E	WM	26	SW SE		38.42
4 N	26 E	WM	26	SE SE		36.86
4 N	26 E	WM	27	NE NE		33.16
4 N	26 E	WM	27	NW NE		38.48
4 N	26 E	WM	27	SW NE		33.35

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	27	SE NE		25.32
4 N	26 E	WM	27	NE NW		33.79
4 N	26 E	WM	27	NW NW		32.95
4 N	26 E	WM	27	SW NW		35.59
4 N	26 E	WM	27	SE NW		38.55
4 N	26 E	WM	27	NE SW		34.47
4 N	26 E	WM	27	NW SW		33.25
4 N	26 E	WM	27	SW SW		35.42
4 N	26 E	WM	27	SE SW		38.87
4 N	26 E	WM	27	NE SE		33.01
4 N	26 E	WM	27	NW SE		38.93
4 N	26 E	WM	27	SW SE		34.29
4 N	26 E	WM	27	SE SE		25.79
4 N	26 E	WM	28	NE NE		39.72
4 N	26 E	WM	28	NW NE		33.35
4 N	26 E	WM	28	SW NE		33.34
4 N	26 E	WM	28	SE NE		35.56
4 N	26 E	WM	28	NE NW		35.40
4 N	26 E	WM	28	NW NW		36.57
4 N	26 E	WM	28	SW NW		33.26
4 N	26 E	WM	28	SE NW		39.11
4 N	26 E	WM	28	NE SW		35.45
4 N	26 E	WM	28	NW SW		36.39
4 N	26 E	WM	28	SW SW		33.71
4 N	26 E	WM	28	SE SW		38.75
4 N	26 E	WM	28	NE SE		39.68
4 N	26 E	WM	28	NW SE		33.21
4 N	26 E	WM	28	SW SE		33.80
4 N	26 E	WM	28	SE SE		36.36
4 N	26 E	WM	29	NE NE		37.94
4 N	26 E	WM	29	NW NE		26.76
4 N	26 E	WM	29	SW NE		31.16
4 N	26 E	WM	29	SE NE		33.30
4 N	26 E	WM	29	NE SE		37.15
4 N	26 E	WM	29	NW SE		26.65
4 N	26 E	WM	29	SW SE		31.00
4 N	26 E	WM	29	SE SE		34.32
4 N	26 E	WM	32	NE NE		36.91
4 N	26 E	WM	32	NW NE		27.38
4 N	26 E	WM	32	SW NE		31.52
4 N	26 E	WM	32	SE NE		34.71
4 N	26 E	WM	32	NE SE		36.22
4 N	26 E	WM	32	NW SE		29.74
4 N	26 E	WM	32	SW SE		31.68
4 N	26 E	WM	32	SE SE		34.83
4 N	26 E	WM	33	NE NE		39.63
4 N	26 E	WM	33	NW NE		33.04
4 N	26 E	WM	33	SW NE		34.08

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	33	SE NE		35.58
4 N	26 E	WM	33	NE NW		35.50
4 N	26 E	WM	33	NW NW		35.79
4 N	26 E	WM	33	SW NW		33.56
4 N	26 E	WM	33	SE NW		38.23
4 N	26 E	WM	33	NE SW		35.71
4 N	26 E	WM	33	NW SW		34.26
4 N	26 E	WM	33	SW SW		33.35
4 N	26 E	WM	33	SE SW		36.70
4 N	26 E	WM	33	NE SE		3.13
4 N	26 E	WM	33	NW SE		23.25
4 N	26 E	WM	33	SW SE		18.98
4 N	26 E	WM	34	NE NE		32.57
4 N	26 E	WM	34	NW NE		38.43
4 N	26 E	WM	34	SW NE		32.90
4 N	26 E	WM	34	SE NE		24.06
4 N	26 E	WM	34	NE NW		34.20
4 N	26 E	WM	34	NW NW		33.28
4 N	26 E	WM	34	SW NW		34.64
4 N	26 E	WM	34	SE NW		38.44
4 N	26 E	WM	34	NE SW		33.35
4 N	26 E	WM	34	NW SW		21.95
4 N	26 E	WM	34	NW SE		2.66
4 N	26 E	WM	35	NE NE		36.01
4 N	26 E	WM	35	NW NE		35.17
4 N	26 E	WM	35	SW NE		31.08
4 N	26 E	WM	35	SE NE		32.06
4 N	26 E	WM	35	NE NW		36.38
4 N	26 E	WM	35	NW NW		29.72
4 N	26 E	WM	35	SW NW		30.55
4 N	26 E	WM	35	SE NW		31.07
4 N	26 E	WM	36	NE NE		32.14
4 N	26 E	WM	36	NW NE		35.95
4 N	26 E	WM	36	SW NE		32.14
4 N	26 E	WM	36	SE NE		30.39
4 N	26 E	WM	36	NE NW		35.46
4 N	26 E	WM	36	NW NW		35.96
4 N	26 E	WM	36	SW NW		32.00
4 N	26 E	WM	36	SE NW		30.65
					Total	7441.96

This certificate describes that portion of water right Certificate 95662, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 0 5 2023, approving Transfer Application T-13525.

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 APR 0 5 2023.

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

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LARRY HANSON
RT. 1, BOX 30
ECHO, OR 97826

confirms the right to use the waters of A WELL, a tributary of BUTTER CREEK for IRRIGATION of 365.6 ACRES and SUPPLEMENTAL IRRIGATION of 446.7 ACRES.

This right was perfected under Permit G-4049. The date of priority is SEPTEMBER 3, 1968. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	7	NE NE	9.75
2 N	28 E	WM	7	NW NE	30.25
2 N	28 E	WM	7	SW NE	31.24
2 N	28 E	WM	7	SE NE	11.23
2 N	28 E	WM	8	NE NW	9.75
2 N	28 E	WM	8	NW NW	11.28
2 N	28 E	WM	8	SW NW	5.28
2 N	28 E	WM	8	SE NW	9.40
2 N	28 E	WM	8	NE SW	25.97
2 N	28 E	WM	8	NW SW	3.91

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	8	SW SW	20.57
2 N	28 E	WM	8	SE SW	28.42
2 N	28 E	WM	8	NE SE	27.44
2 N	28 E	WM	8	NW SE	0.28
2 N	28 E	WM	8	SW SE	4.65
2 N	28 E	WM	8	SE SE	30.33
2 N	28 E	WM	17	NE NW	38.75
2 N	28 E	WM	17	NW NW	11.11
2 N	28 E	WM	17	SW NW	10.01
2 N	28 E	WM	17	SE NW	36.16
2 N	28 E	WM	17	NE SW	5.18
2 N	28 E	WM	17	NW SW	4.54
				Total	365.5

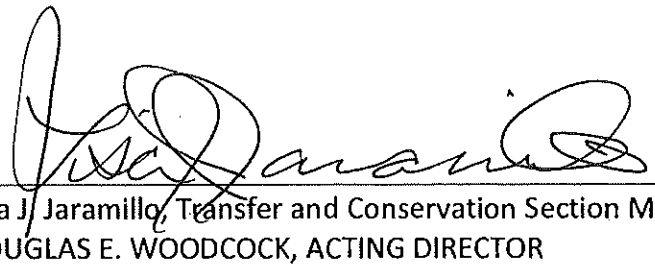
SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	7	NE NE	30.25
2 N	28 E	WM	7	NW NE	9.75
2 N	28 E	WM	7	SW NE	8.76
2 N	28 E	WM	7	SE NE	28.77
2 N	28 E	WM	8	NE NW	30.25
2 N	28 E	WM	8	NW NW	28.72
2 N	28 E	WM	8	SW NW	34.72
2 N	28 E	WM	8	SE NW	30.60
2 N	28 E	WM	8	NE SW	14.03
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
2 N	28 E	WM	8	SE SW	11.58
2 N	28 E	WM	8	NE SE	12.56
2 N	28 E	WM	8	NW SE	39.72
2 N	28 E	WM	8	SW SE	35.35
2 N	28 E	WM	8	SE SE	9.67
2 N	28 E	WM	17	NE NW	1.25
2 N	28 E	WM	17	NW NW	28.89
2 N	28 E	WM	17	SW NW	29.99
2 N	28 E	WM	17	SE NW	3.84
2 N	28 E	WM	17	NE SW	0.92
2 N	28 E	WM	17	NW SW	1.56
				Total	446.7

This certificate describes that portion of water right Certificate 44564, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered APR 0 5 2023, approving Transfer Application T-13525.

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 APR 05 2023.



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

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORP.
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 86.30 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.13 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	16.31
4 N	26 E	WM	17	NE NE	12.97
4 N	26 E	WM	17	NW NE	5.05
4 N	26 E	WM	17	SW NE	33.49
4 N	26 E	WM	17	SE NE	17.06
4 N	26 E	WM	17	SE NW	1.42
				Total	86.30

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at the Cherokee Strip pump site, Booster Pump station #1, and each field control manifold. The type of plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include Troxler Sentry capacitance probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, and monitoring data and flow data shall be available to the Watermaster promptly upon request.

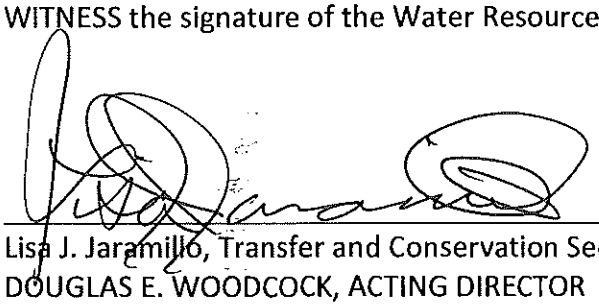
The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring data report shall be provided in a reasonable summary format as approved by the Watermaster. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate describes that portion of water right Certificate 92994, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 0 5 2023, approving Transfer Application T-13525.
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 APR 0 5 2023.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13525

Transfer Type: Regular

Transfer Specialist: Corey

Applicant: FARMLAND RESERVE INC. JENS RASMUSSEN PO BOX 2308 PASCO, WA 99302 Email: Phone:	**Agent**: ☐ N/A TED RESSLER 1600 SW WESTERN AVENUE SUITE 240 CORVALLIS, OR 97333 Email: Phone:
Irrigation District: ☐ N/A Email:	**CWRE**: ☐ N/A Email:
Affected Local Gov'ts: ☐ N/A Morrow County, Umatilla County Email:	**Affected Tribal Gov't**: ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner**: ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S50951	S-37150	92990	☐ Yes ☒ No	
	S-50951	S-37150	92992	☒ No	
☐	S-50951	S-37150	92993	☐ Yes ☒ No	
☐	S-50771	S-36940	92994	☒ Yes ☐ No	

93872 X
95996 X

Key Dates & Initial Actions:

Rec'd: September 29, 2020	Proposed Action(s): PLACE OF USE	
Fees Pd: 16020.00	WM District: 5	ODFW District:
Initial Public Notice: September 29, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested: N/A 1/13/22	Request for news $ sent:	News $ received: 1/30/23
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Electronic PR East Oregonian

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 11/16/21 Initials: CC	Date: 12/13/21 Initials: JOM	Date: ____ Initials: ____	Date: 1/7/23 Initials: PKS	Date: 1/31/22 Initials: CC	CW Sent: 1/31/22	N/A
PD	Date: 12/19/22 Initials: CC	Date: 1/3/22 Initials: SDH	Date: ____ Initials: ____	Date: 1/10/23 Initials: PKS	Date: 1/13/23 Initials: CC	Date: 2/10/22	Date: 2-10-23
FO	Date: 2/23/23 Initials: CC	Date: 2/27/23 Initials: SDH	Date: ____ Initials: ____	Date: 3/7/23 Initials: PKS	Date: 3/9/23 Initials: CC	Date: 4/3/23	Date: 4/5/23
Revised DPD	11/17/22 CC	PKS 11/28/23 only		12/2/22	12/8/22	sent 12/8/22	N/A

Special Issues: _____

Special Order Volume: Vol. 128 Pages 53-71

COURCHANE Corey A * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, March 28, 2023 12:44 PM
To: COURCHANE Corey A * WRD
Subject: RE: T-13525rr, Certificate 96966

Thank you Corey,

Wris has been brought up to match the document and the right has been re-mapped to show the correct acreage.

Sheila

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Tuesday, March 28, 2023 10:53 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Sheila,

Please see attached.

Thank you,

Corey

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Tuesday, March 28, 2023 10:50 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

I do too!
If you could ship me a copy of the new doc showing the acres/rate etc I will get it updated.

Thanks

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Tuesday, March 28, 2023 10:47 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Yes, I changed the rate and acres on C-96965 to 1.73 cfs and 69.99 acres – forgot to update the cert when they submitted revisions. Also changed 96964 from Morrow to Umatilla-can't stand WRs that span more than 1 county as a majority of their stuff is in Morrow. All the little things....

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Tuesday, March 28, 2023 10:44 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Hey Corey,

When you say both items corrected, were there any changes in rates or anything that needs updating in WRIS?

This one was ugly, you did a great job on it!

Sheila

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Tuesday, March 28, 2023 10:40 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Sheila,

Thank you! Both items have been corrected, greatly appreciate your review😊

Corey

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Monday, March 27, 2023 2:56 PM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: FW: T-13525rr, Certificate 96966

Hi Corey,

This has now been completed with the issues below.
If anything changes on the documents please let me know as WRIS will need to be updated accordingly.

Thanks,

Sheila Buchholz
Data Technician 1
725 Summer St. NE, Suite A | Salem, Oregon 97301
Email: Sheila.L.Buchholz@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

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From: BUCHHOLZ Sheila L * WRD
Sent: Friday, March 24, 2023 9:24 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Cc: HARMON Robert C * WRD <Robert.C.HARMON@water.oregon.gov>; MARTIN Duff A * WRD <Duff.A.MARTIN@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Hi Corey,

Well good news, is yes, it's MOSTLY done and reviewed. The agent has responded in over a week now. Although the most difficult task of entering all the POU info into Cert 96966 (snap 222436), the mapping still needs to be done for that. I did come across a couple of issues:

This PD Transfer has been processed through data, with an issue occurring on the transfer coming from Certificate 92994, being the CF Right snap 204873 and the Remaining right Certificate 96966, snap 222436. The correcting certificate 99294 (snap 193190) has a CFS of 5.81 and 234.89 Acres listed on it. The confirming right snap 204873, on page 11 of the order, is for 4.08 CFS and 164.90 acres, which means the remaining right Certificate 96965 snap 222430 should be for 1.73 CFS and 69.99 acres, but instead it is for 2.13 CFS and 86.30 acres. (There is some unique wording in the conditions, and we weren't sure if that was the cause for the unbalance maybe?)

The only other issue I found was on Certificate 96964 snap 222429, (The Diminishment) the county is listed as Morrow County, but the POD and POU both are in Umatilla County.

So, once Bob or I hear back from the Agent again, I will try to get the big one mapped.

Thanks,
Sheila

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Friday, March 24, 2023 8:59 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Good morning Sheila,

I just wanted to check the status of your review, was hoping it was complete 😉 I know this was a big one.

Thank you,

Corey

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Monday, March 13, 2023 9:23 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

This is perfect, thank you!

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Friday, March 10, 2023 1:24 PM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Sheila,

Attached is the revised application they submitted last year. Sincere apologies for the length of the document, but the revised map for "TO" lands for Cert 92992 is on page 76. Hope that helps.

Thank you,

Corey

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Friday, March 10, 2023 9:43 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Hey Corey,

Looking at the map from Cert 92992, I've got some sections that don't match the document. The SW and the SE QQ's of section 8 and in sec 31, the NWSE. You don't have any other maps?

Sheila

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Friday, March 10, 2023 9:38 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Cc: HARMON Robert C * WRD <Robert.C.HARMON@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Sheila,

Ted Ressler is the agent. He can be reached at tressler@summitwr.com.

Thank you,

corey

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Friday, March 10, 2023 8:55 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Cc: HARMON Robert C * WRD <Robert.C.HARMON@water.oregon.gov>
Subject: FW: T-13525rr, Certificate 96966

Hello again Corey,

To assist with the remaining rights 7,000+ mapping and WRIS entry, I would like Bob to help by contacting the agent and get a file that would work for import. Can you supply me a good email address for the agent on this right?

Thanks so much!
Sheila

From: HARMON Robert C * WRD <Robert.C.HARMON@water.oregon.gov>
Sent: Friday, March 10, 2023 8:45 AM
To: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Subject: RE: T-13525rr, Certificate 96966

Good morning Sheila,

It's been a little while, but I seem to recall getting the agent's email from Duff or someone in WR that had the info. And, they were kind enough to send me a file that we could use for mapping.

Bob

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Friday, March 10, 2023 7:48 AM
To: HARMON Robert C * WRD <Robert.C.HARMON@water.oregon.gov>
Subject: T-13525rr, Certificate 96966

Good Morning Bob,

This email is pretty much just a heads up for what I will need, probably next week. I am on the receiving end of this fairly large transfer, of which the very last one for me to do is the Remaining Right, Certificate 96966. I haven't pushed this yet, so there's not a snap or anything for you yet, but I'm hoping you would be willing to import that one when it's time. Duff indicated yesterday we ask you to contact the agent and you're able to import it to save a lot of time. Would that be possible, and if so, what information will you need from me?

Thanks so much!

Sheila Buchholz
Data Technician 1
725 Summer St. NE, Suite A | Salem, Oregon 97301
Email: Sheila.L.Buchholz@water.oregon.gov

OREGON
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RESOURCES
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REIMBURSEMENT AUTHORITY TRANSFER

T-13525

CERTIFICATE 98856 (cf-92990) issued 12-19-2025
CERTIFICATE 98857 (cf-92992) issued 12-19-2025
CERTIFICATE 98858 (cf-92993) issued 12-19-2025
CERTIFICATE 98859 (cf-92994) issued 12-19-2025
CERTIFICATE 98860 (cf-93872) issued 12-19-2025
CERTIFICATE 98861 (cf-95562) issued 12-19-2025

Application # **Permit #** **Transfer # T-13525**

Farmland Reserve Inc. **RA#** **R13135-25**

Reimbursement Authority Process
Itemized Estimate Sheet
for
Certificates

	New Est. Time (hr)	Hourly Multiplie	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review COBU-6 certs-changes-POU, POD	2.50	32%	3.31	Kerry	$84.91	$ 281.24	
2. Conflict Check -IR of 1425 acres	1.25	32%	1.66	Kerry	$84.91	$ 140.62	
3. Prep of def. letter - contigency time	0.00	32%	0.00	Kerry	$84.91	$ -	
4. Enter pump test data -	0.00	32%	0.00	Kerry	$84.91	$ -	
5. Prep of 6 certs	5.25	32%	6.96	Kerry	$84.91	$ 590.60	
6a. Peer review - consultation		32%	0.00	Gerry	$81.03	$ -	
6b. Peer review	0.30	32%	0.30	Katie	$112.50	$ 33.75	
6c. Peer review	3.00	32%	3.97	Gerry	$81.03	$ 322.06	
7. Project Management	0.50	32%	0.66	Kerry	$83.38	$ 55.23	
8a. Water right data record update	0.75	32%	0.99	Support-Tonya	$43.31	$ 42.88	
7. Project Management	4.00	32%	5.30	Kerry	$84.91	$ 449.98	
8b. Water right data record update - 1 cert	3.25	32%	4.31	Data Tech-Michelle	$52.06	$ 224.16	
9. NEED review of PT - n/a	0.00	32%	0.00	Yeh	$52.65	$ -	
10. NEED review of PT - n/a	0.00	32%	0.00	Travis Brown	$87.35	$ -	
Total	**20.80**		**27.46**		Sub Total	**$2,141**	
					10% Overhead	$214.05	
					TOTAL	**$2,355**	

S 8 over (estimated cost = 2347)

TFO issued 4-5-2023. C Date = 10-1-2024. changes in POU, POD & add'l POD - 6 originating certificates.
Cert 92990 -3.51 cfs from Columbia River for IR of 133.59 acres - change in POU
Cert 92992 - 30.72 cfs from Columbia River for IR of 1425.07 acres - change in POU.
Cert 92993 - 0.99 cfs from Columbia River for IR of 39.71 acres - change in POU
portion Cert 92994 - 4.08 cfs from Columbia River for IR of 164.90 acres - change in POU. RR Cert 96965.
Cert 93872 - 8.14 cfs from Columbia River for IR of 866.76 acres - changes in POU, POD & add'l POD.
portion Cert 95662 - 0.51 cfs from Columbia River for IR of 30.58 acres - change in POU. RR Cert 96966.
TFO: quantity of water diverted at new POD...shall not exceed the quantity of water lawfully available at original POD
TFO: same aquifer
TFO: install TFM or OSMD at each POD (new & existing)
TFO: install fish sereening and/or by-pass device at the new POD consistent with ODFW design & construction standards.

Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_93872	3N	29E	2	SENW		16.72	16.72	
T-13525_93872	3N	29E	2	NESW		8.49	8.49	
T-13525_93872	3N	29E	2	NWSW		19.26	19.26	
T-13525_93872	3N	29E	2	SWSW		34.81	34.81	
T-13525_93872	3N	29E	2	SESW		16.65	16.65	
T-13525_93872	3N	29E	3	NENE		30.73	30.73	
T-13525_93872	3N	29E	3	NWNE		34.24	34.24	
T-13525_93872	3N	29E	3	SWNE		32.16	32.16	
T-13525_93872	3N	29E	3	SENE		28.26	28.26	
T-13525_93872	3N	29E	3	NENW		30.01	30.01	
T-13525_93872	3N	29E	3	NWNW		22.87	22.87	
T-13525_93872	3N	29E	3	SENW		11.76	11.76	
T-13525_93872	3N	29E	3	NESW		29.31	29.31	
T-13525_93872	3N	29E	3	NWSW		29.91	29.91	
T-13525_93872	3N	29E	3	SWSW		30.28	30.28	
T-13525_93872	3N	29E	3	SESW		28.43	28.43	
T-13525_93872	3N	29E	3	NESE		30.00	30.00	
T-13525_93872	3N	29E	3	NWSE		32.88	32.88	
T-13525_93872	3N	29E	3	SWSE		32.90	32.90	
T-13525_93872	3N	29E	3	SESE		29.44	29.44	
T-13525_93872	3N	29E	13	SWSE		31.36	31.36	
T-13525_93872	3N	29E	13	SESE		30.29	30.29	
T-13525_93872	3N	29E	24	NENE		0.01	0.01	
T-13525_93872	3N	29E	24	NWNE		0.01	0.01	
T-13525_93872	3N	30E	3	NESW		14.63	14.63	
T-13525_93872	3N	30E	3	NWSW		21.76	21.76	
T-13525_93872	3N	30E	3	SWSW		33.55	33.55	
T-13525_93872	3N	30E	3	SESW		27.33	27.33	
T-13525_93872	3N	30E	3	SWSE		24.07	24.07	
T-13525_95662	4N	26E	19	NWNW	1	14.15	11.17	-2.98
T-13525_95662	4N	26E	19	SWNW	2	16.43	19.41	2.98

93872

95662

0.37
29.64

11.46
0.30

29.16
0.28

93872

95662

Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_92990	2N	27E	1	SENE		6.38	6.38	
T-13525_92990	2N	27E	1	NESE		37.75	37.75	
T-13525_92990	2N	27E	1	NWSE		2.42	2.42	
T-13525_92990	2N	27E	1	SWSE		0.47	0.47	
T-13525_92990	2N	27E	1	SESE		26.40	26.40	
T-13525_92990	2N	28E	8	SWNW		4.42	4.42	
T-13525_92990	2N	28E	8	NESW		0.23	0.23	
T-13525_92990	2N	28E	8	NWSW		36.09	36.09	
T-13525_92990	2N	28E	8	SWSW		19.43	19.43	
T-13525_92992	2N	28E	4	NWNW	4	0.01	0.00	-0.01
T-13525_92992	2N	28E	5	NENE	1	33.07	33.08	0.01
T-13525_92992	2N	28E	5	NWNE	2	31.09	31.09	
T-13525_92992	2N	28E	5	SWNE		29.83	29.83	
T-13525_92992	2N	28E	5	SENE		30.04	30.04	
T-13525_92992	2N	28E	5	NENW	3	33.11	33.11	
T-13525_92992	2N	28E	5	NWNW	4	30.61	30.61	
T-13525_92992	2N	28E	5	SWNW		30.42	30.42	
T-13525_92992	2N	28E	5	SENW		31.01	31.01	
T-13525_92992	2N	28E	5	NESW		32.62	32.62	
T-13525_92992	2N	28E	5	NWSW		30.61	30.61	
T-13525_92992	2N	28E	5	SWSW		30.10	30.10	
T-13525_92992	2N	28E	5	SESW		30.23	30.23	
T-13525_92992	2N	28E	5	NESE		32.96	32.96	
T-13525_92992	2N	28E	5	NWSE		31.48	31.48	
T-13525_92992	2N	28E	5	SWSE		29.62	29.62	
T-13525_92992	2N	28E	5	SESE		29.32	29.32	
T-13525_92992	2N	28E	6	NENE	1	35.62	35.62	
T-13525_92992	2N	28E	6	NWNE	2	37.06	37.06	
T-13525_92992	2N	28E	6	SWNE		31.34	31.34	
T-13525_92992	2N	28E	6	SENE		28.54	28.54	
T-13525_92992	2N	28E	6	NENW	3	1.35	1.35	
T-13525_92992	2N	28E	6	SENW		0.66	0.66	
T-13525_92992	2N	28E	7	NENE		30.25	30.25	
T-13525_92992	2N	28E	7	NWNE		9.75	9.75	
T-13525_92992	2N	28E	7	SWNE		8.76	8.77	0.01
T-13525_92992	2N	28E	7	SENE		28.77	28.78	0.01
T-13525_92992	2N	28E	7	NESE		0.01	0.00	-0.01
T-13525_92992	2N	28E	7	NWSE		0.01	0.00	-0.01
T-13525_92992	2N	28E	8	NENE		31.03	31.03	
T-13525_92992	2N	28E	8	NWNE		30.47	30.47	
T-13525_92992	2N	28E	8	SWNE		32.34	32.34	
T-13525_92992	2N	28E	8	SENE		30.71	30.71	
T-13525_92992	2N	28E	8	NENW		30.25	30.25	
T-13525_92992	2N	28E	8	NWNW		28.72	28.72	
T-13525_92992	2N	28E	8	SWNW		30.30	30.30	
T-13525_92992	2N	28E	8	SENW		30.60	30.60	
T-13525_92992	2N	28E	8	NESW		14.33	14.33	
T-13525_92992	2N	28E	8	SESW		12.07	12.07	
T-13525_92992	2N	28E	8	NESE		12.74	12.74	

92990

92992

Place of Use Listing
Claim of Beneficial Use for Transfer T-13525

Water Right	Twp	Rng	Sec	QQ	GLOT	T13525_FO_Acres	COBU_Acres	Difference
T-13525_92992	2N	28E	8	NWSE		39.83	39.83	
T-13525_92992	2N	28E	8	SWSE		35.70	35.70	
T-13525_92992	2N	28E	8	SESE		9.83	9.83	
T-13525_92992	3N	28E	31	NESW		23.61	23.61	
T-13525_92992	3N	28E	31	SESW		32.17	32.17	
T-13525_92992	3N	28E	31	NWSE		6.15	6.15	
T-13525_92992	3N	28E	31	SWSE		34.15	34.15	
T-13525_92992	3N	28E	31	SESE		2.18	2.18	
T-13525_92992	3N	28E	32	NESW		32.22	32.22	
T-13525_92992	3N	28E	32	NWSW		30.25	30.25	
T-13525_92992	3N	28E	32	SWSW		30.98	30.98	
T-13525_92992	3N	28E	32	SESW		32.33	32.33	
T-13525_92992	3N	28E	32	NESE		31.43	31.44	0.01
T-13525_92992	3N	28E	32	NWSE		29.90	29.90	
T-13525_92992	3N	28E	32	SWSE		30.79	30.79	
T-13525_92992	3N	28E	32	SESE		31.72	31.73	0.01
T-13525_92992	3N	28E	33	NWSW		0.01	0.00	-0.01
T-13525_92992	3N	28E	33	SWSW		0.01	0.00	-0.01
T-13525_92993	3N	28E	31	NESW		1.32	1.32	
T-13525_92993	3N	28E	31	SESW		0.01	0.02	0.01
T-13525_92993	3N	28E	31	NESE		28.95	29.11	0.16
T-13525_92993	3N	28E	31	NWSE		4.16	3.94	-0.22
T-13525_92993	3N	28E	32	NWSW		5.27	5.32	0.05
T-13525_92994	2N	28E	17	NENW		1.25	1.25	
T-13525_92994	2N	28E	17	NWNW		28.89	28.89	
T-13525_92994	2N	28E	17	SWNW		29.99	29.99	
T-13525_92994	2N	28E	17	SENW		3.84	3.84	
T-13525_92994	2N	28E	17	NESW		4.22	4.22	
T-13525_92994	2N	28E	17	NWSW		29.46	29.46	
T-13525_92994	2N	28E	17	SWSW		29.57	29.57	
T-13525_92994	2N	28E	17	SESW		19.94	19.94	
T-13525_92994	3N	28E	31	NESW		1.42	1.42	
T-13525_92994	3N	28E	31	SESW		0.01	0.01	
T-13525_92994	3N	28E	31	NESE		0.00	0.79	0.79
T-13525_92994	3N	28E	31	NWSE		0.00	1.80	1.80
T-13525_92994	4N	26E	19	NWNW	1	0.57	0.39	-0.18
T-13525_92994	4N	26E	19	SWNW	2	11.65	8.59	-3.06
T-13525_92994	4N	26E	19	SENW		4.09	4.74	0.65
T-13525_93872	2N	27E	1	NENE	1	1.02	1.02	
T-13525_93872	2N	27E	1	SENE		0.57	0.57	
T-13525_93872	2N	28E	6	NENW	3	34.33	34.33	
T-13525_93872	2N	28E	6	NWNW	4	11.93	11.93	
T-13525_93872	2N	28E	6	SWNW	5	21.36	21.36	
T-13525_93872	2N	28E	6	SENW		16.84	16.84	
T-13525_93872	3N	28E	31	SWSW		0.84	0.84	
T-13525_93872	3N	28E	31	SESW		4.99	4.99	
T-13525_93872	3N	29E	2	NENW		32.88	32.88	
T-13525_93872	3N	29E	2	NWNW		20.14	20.14	
T-13525_93872	3N	29E	2	SWNW		9.74	9.74	

92992

92993

92994

93872

93872

KAVANAGH Kerry L * WRD

From: Ressler, Ted <tressler@summitwr.com>
Sent: Wednesday, October 1, 2025 12:16 PM
To: KAVANAGH Kerry L * WRD
Cc: jrasmussen; Fullerton, Jacob
Subject: RE: Certificate RA Project R13135-25 for Farmland Reserve Inc. involving Application T-13525
Attachments: Addendum_COBU_T13525_10.1.2025.pdf

Hi Kerry

Please find attached and addendum to the COBU for Transfer T-13525. The revisions documented in this addendum address the items that we discussed by phone yesterday: 1) fractional water right acreage located in several QQs for former certificate 92992 and 2) the change in tax lot numbers in S31, T3N, R28E that the county made in June 2025. Please let me know if you have any concerns regarding the revised COBU map that is provided; if not, I will send a hardcopy and mylar via mail for the file.

Please let me know if there are any questions.

Ted

Theodore R. Ressler, RG, CWRE, PG | Principal Hydrogeologist & Water Resources Consultant | Summit Water Resources, LLC
4784 SE 17th Ave, Suite 111, Portland, OR 97202 | P: 503.967.7050 | C: 503.701.4535 | tressler@summitwr.com | www.summitwr.com | bio | LinkedIn

summit WATER RESOURCES
a Geo-Logic Company

The contents of this e-mail message, including any attachments, are for the sole use of the intended recipient named above. This email may contain confidential and/or legally privileged information. If you are not the intended recipient of this message, be advised that any dissemination, distribution, or use of the contents of this message is strictly prohibited. If you receive this message in error, please notify the sender by return e-mail and permanently delete all copies of the original e-mail and any attached documentation. Thank you.

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Monday, May 19, 2025 9:52 AM
To: jrasmussen <jrasmussen@agrinw.com>; Ressler, Ted <tressler@summitwr.com>
Cc: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Subject: Certificate RA Project R13135-25 for Farmland Reserve Inc. involving Application T-13525

Hello,

Attached are copies of the fully executed Applicant's Agreement signed by the required parties and a receipt for the monies paid for these expedited services. The agreement details the terms and conditions that a work order was issued for the expedited services you requested.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh
Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov| https://www.oregon.gov/OWRD



OREGON
WATER
RESOURCES
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

October 1, 2025

Ms. Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Addendum to Claim of Beneficial Use for Transfer T-13525

Ms. Kavanagh:

This addendum to the Claim of Beneficial Use (COBU) for Transfer T-13525 is submitted on behalf of the transfer holder of record to provide corrections to the developed place of use for the portion of T-13525 associated with former certificate 92992. The map included with the original COBU indicated small (0.01 acre) field acreages in several quarter-quarter sections based on Bureau of Land Management Quarter-Quarter Section data, which did not align precisely with actual ground conditions. All irrigated acreage associated with T-13525 is located on land wholly owned by Farmland Reserve. The mapped water right acreage associated with former certificate 92992 has been revised to accommodate the misalignment between quarter-quarter sections and the tax lot boundaries by shifting these small acreages to the adjacent quarter-quarter sections to accurately recognize ownership boundaries.

If you have any questions regarding this COBU addendum, please call me at 503-967-7050 x204. Thank you for your assistance and I look forward to hearing from you soon

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: Jacob Fullerton – AgReserves
Jens Rasmussen – AgReserves

Enclosures:
Replacement Claim of Beneficial Use -Place of Use Map for Transfer T-13525 (former Certificate 92992)
Replacement Attachment 3 to the COBU for Transfer T-13525 (Place of Use Listing)

Ressler, Ted

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Thursday, November 20, 2025 4:07 PM
To: Ressler, Ted
Cc: jrasmussen; Fullerton, Jacob; KAVANAGH Kerry L * WRD
Subject: FW: Certificate RA Project R13135-25 for Farmland Reserve Inc. involving Application T-13525 - Please submit FINAL revised COBU map for originating Certificate 92992
Attachments: Addendum_COBU_T13525_10.1.2025.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ted,

Sorry for the delayed response.

Please submit a FINAL revised COBU map for originating certificate 92992 on polyester film.

I know that you are currently reviewing the 6 draft certificates.

Thank you,
Kerry

Kerry Kavanagh
Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov| https://www.oregon.gov/OWRD

OREGON WATER RESOURCES DEPARTMENT

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Received
NOV 26 2025
OWRD

From: Ressler, Ted <tressler@summitwr.com>
Sent: Wednesday, October 1, 2025 12:16 PM
To: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Cc: jrasmussen <jrasmussen@agrinw.com>; Fullerton, Jacob <jfullerton@agrinw.com>
Subject: RE: Certificate RA Project R13135-25 for Farmland Reserve Inc. involving Application T-13525

Hi Kerry

Please find attached and addendum to the COBU for Transfer T-13525. The revisions documented in this addendum address the items that we discussed by phone yesterday: 1) fractional water right acreage located in several QQs for former certificate 92992 and 2) the change in tax lot numbers in S31, T3N, R28E that the county made in June 2025. Please let me know if you have any concerns regarding the revised COBU map that is provided; if not, I will send a hardcopy and mylar via mail for the file.

Please let me know if there are any questions.

STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 145200 INVOICE # _____

RECEIVED FROM: Farmland Reserve, Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13525

CASH: ☐ CHECK:# ☒ 40984 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 2,347.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47123 R13135-25	$
0413	OTHER:	(IDENTIFY) Certificate RA	$ 2,347.00

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:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIVED
OVER THE COUNTER

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 145200 DATED: 5/16/25 BY: _____

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

OREGON WATER RESOURCES DEPARTMENT

CERTIFICATE REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

Contract Number: **R13135-25**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Farmland Reserve, Inc.**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	**Applicant's Information**	**Applicant's Representative**
Project Contact: Kerry Kavanagh	Name: Pat Tolman	Name: Ted Ressler
Reimbursement Authority	Title: Vice President	Title: Representative
Oregon Water Resources Department	Company: Farmland Reserve, Inc.	Company: Summit Water Resources LLC
725 Summer Street NE	Address: PO Box 2308	Address: 4784 SE 17th Ave, Ste 111
Salem OR 97301-1271	Pasco WA 99302	Portland OR 97202
Phone: 503-979-3208	Phone: 509-820-3234	Phone: 503-967-7050 x204
Email: Kerry.L.Kavanagh@water.oregon.gov	Email*: jrasmussen@agrinw.com	Email*: tressler@summitwr.com

*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use. (Transfer Application Number: T-13525)**

2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.

3. **Restrictions.** Farmland Reserve, Inc. and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.

5. **Consideration.** Farmland Reserve, Inc. shall pay OWRD in advance for actual costs incurred by OWRD. Farmland Reserve, Inc. agrees to pay the full amount of **$2347** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.

6. **Confidentiality.** Farmland Reserve, Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

Received by OWRD
MAY 16 2025
Salem, OR

PCA 47123

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.

9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.

11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.

12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.

13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: _____
Name: Pat Tolman
Title: Vice President
Company: Farmland Reserve, Inc.
Date: 12/05/25

Communications to be sent attn: Jens Rasmussen

Address: PO Box 2308
Pasco, WA 99302

For OWRD: _____
Name: Kerry Kavanagh
Water Right Services Division
Date: 5-16-2025

Received by OWRD
MAY 16 2025
Salem, OR

Mail signed Agreement to:

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

PCA 47123

OREGON
WATER RESOURCES DEPARTMENT

Received by OWRD
MAY 16 2025
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Pat Tolman PO Box 2308 Pasco, WA 99302

Transaction Type: RA

Fees Received: $ 2347.00

☐ Cash, ☒ Check: **Check No.** 40889

Name(s) on Check: Farmland Reserve Inc

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Sarah Benham
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the *"RECEIVED OVER THE COUNTER"* log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (*application/other document*) in the top drawer of filing cabinet.

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Thursday, April 17, 2025 9:04 AM
To: Rasmussen, Jens; tressler@summitwr.com
Cc: KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R13135-25 for Farmland Reserve, Inc. involving Application T-135257
Attachments: RA contract_T-13525.pdf; RA estimate request_T-13525.pdf; RA estimate receipt_T-13525.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh
Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov| https://www.oregon.gov/OWRD

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

STATE OF OREGON
WATER RESOURCES DEPARTMENT
25 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 144972 INVOICE # _____

RECEIVED FROM: Farmland Reserve, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T. 13525

CASH: ☐ CHECK:# ☒ 40715 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R 13135-25 $
0413 OTHER: (IDENTIFY) Certificate R.A. $ 125.00

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:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIVED OVER THE COUNTER

____ TREASURY OTHER / RDX

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

CEIPT: 144972 DATED: 4/4/25 BY: Lacy Dunn

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

OREGON WATER RESOURCES DEPARTMENT

CERTIFICATE REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. ***A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of $125.00 per request.***

REQUEST	TYPE	FILE NUMBER
☒	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) T-13525

	Applicant Information	Applicant's Representative/Contact
Name:	Farmland Reserve, Inc. Attn: Jens Rasmussen	Summit Water Resources, LLC Attn: Theodore R. Ressler
Address:	PO Box 2308	4784 SE 17th Avenue, Suite 11
	Pasco, WA 99302	Portland, OR 97202
Phone:	509-820-3234	503-967-7050
Fax:	_____	_____
E-Mail Address:	jrasmussen@agrinw.com	tressler@summitwr.com

I certify that I *(check one)*:

☐ have previously filed a Claim of Beneficial Use

☒ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- For a groundwater permit, a pump test or exemption request must be submitted to OWRD prior to this request.
- The fee covers reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

  Oregon Water Resources Department
  Certificate Reimbursement Authority Program
  725 Summer St. NE, Suite A
  Salem, OR 97301-1271

Received
APR 04 2025
OWRD

I certify that I am the *(check one)*:

☒ Applicant ☐ Applicant's Representative ☐ Other *(Please specify)* _____

Name: Pat Tolman, Vice President - Farmland Reserve, Inc.

Signature: _____

OWRD USE ONLY: Reimbursement Authority Number: R13 135- 25

STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 140052 INVOICE # _____

RECEIVED FROM: Farmland Reserve, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13525

CASH: ☐ CHECK:# ☒ 372060 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 680.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	46118	$
0207	OTHER:	(IDENTIFY) Newspaper Notice	$ 680.40

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:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

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

RECEIPT: 140052 DATED: 1-30-2023 BY: Mindy Conlee

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

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

}AFFIDAVIT OF PUBLICATION
STATE OF OREGON
County of Umatilla/Morrow} ss

I, Audra Workman being duly sworn, depose and say that I am principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; that the

EO-12396 NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13525 T-13525 FILED BY FARMLAND RESERVE INC ATTN JENS RASMUSSEN AGRINORTHWEST PO BOX 2308 PASCO WA 99302 PROPOSES A CHANGE IN P

a printed copy of which is hereto annexed; was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues:

2/16/23, 2/23/23

Subscribed and sworn to before me on this 23rd day of February, A.D. 2023

Dayle R Stinson
Notary Public of Oregon

AdId: 352795
PO:
Tagline: EO-12396 T-13525

OFFICIAL STAMP
DAYLE R STINSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 990035
MY COMMISSION EXPIRES JULY 28, 2023

RECEIVED
MAR 01 2023
OWRD
SALEM, OREGON

EO-12396
NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-13525

T-13525 filed by Farmland Reserve, Inc., Attn: Jens Rasmussen, Agri-Northwest, PO Box 2308, Pasco, WA 99302, proposes a change in places of use under Certificates 92990, 92992, 92993, and 92994. Certificate 92990 allows the use of 3.51 cubic feet per second (cfs), provided the total quantity diverted under the rights perfected under Permit 37150 does not exceed 140.1 cfs from the Columbia River in Sec. 2, T4N, R25E, WM for irrigation in Sects. 4, 7, 8, and 9, T3N, R27E, WM. The applicant proposes to change the place of use to Sec. 1, T2N, R27E, WM, and Sec. 8, T2N, R28E, WM. Certificate 92992 allows the use of 30.72 cfs, provided the total quantity diverted under the rights perfected under Permit 37150 does not exceed 140.1 cfs from the Columbia River in Sec. 2, T4N, R25E, WM for irrigation in Sects. 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, and 13, T3N, R26E, WM, Sects. 5, 6, 7, and 9, T3N, R27E, WM, and Sec. 34, T4N, R26E, WM. The applicant proposes to change the place of use to Sects. 4, 5, 6, 7, and 8, T2N, R28E, WM, and Sects. 31, 32, and 33, T3N, R28E, WM. Certificate 92993 allows the use of 0.99 cfs, provided the total quantity diverted under the rights perfected under Permit 37150 does not exceed 140.1 cfs from the Columbia River in Sec. 2, T4N, R25E, WM for irrigation in Sects. 2, 3, 11, and 13, T3N, R26E, WM. The applicant proposes to change the place of use to Sects. 31 and 32, T3N, R28E, WM. Certificate 92994 allows the use of 3.68 cfs from the Columbia River in Sec. 2, T4N, R25E, WM for irrigation in Sects. 16 and 17, T4N, R26E, WM. The applicant proposes to change the place of use to Sec. 17, T2N, R28E, WM, and Sec. 31, T3N, R28E, WM. Certificate 93872 allows the use of 9.14 cfs from the Columbia River in Sec. 2, T4N, R25E, WM, and Sec. 8, T5N, R30E, WM for irrigation in Sects. 5 and 8, T2N, R28E, WM, and Sec. 3, T3N, R29E, WM. The applicant proposes to change the point of diversion within Sec. 8, T5N, R30E, WM, add additional points of diversion within Sec. 8, T5N, R30E, WM, and change the place of use to Sec. 1, T2N, R27E, WM, Sec. 6, T2N, R28E, WM, Sec. 31, T3N, R28E, WM, Sects. 2, 3, 13, and 24, T3N, R29E, WM, and Sec. 3, T3N, R30E, WM. Certificate 95662 allows the use of 0.51 cfs, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2), from the Columbia River in Sec. 2, T4N, R25E, WM for irrigation in Sects. 26 and 35, T4N, R26E, WM. The applicant proposes to change the place of use to Sec. 19, T4N, R26E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an $950 protest fee for non-applicant, or $480 protest fee for applicant. Call (503) 986-0815 to obtain additional information. Protests must be received by the Department on or before March 9, 2023, or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Publish February 16, 23, 2023

Oregon
Tina Kotek, Governor

RECEIVED
JAN 30 2023
OWRD

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

January 23, 2023

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

SUBJECT: Water Right Transfer Application T-13525

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for $680.40 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. **write "for T-13525 NOTICE" on the front of your check**, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than February 23, 2023**.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the East Oregonian newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

✂----------

Attached is a check for $680.40 **(PCA #46118)** for Newspaper Notice for Transfer T-13525 made out to Oregon Water Resources Department (or WRD)

- **"for T-13525 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: cc

RECEIVED
JAN 30 2023
OWRD

If we do not receive payment for newspaper notice by February 23, 2023, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: T-13525
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*

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
www.oregon.gov/owrd

February 10, 2023

VIA CERTIFIED MAIL AND E-MAIL

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

SUBJECT: Water Right Transfer Application T-13525

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13525. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the East Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application T-13525
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13525, Morrow and Umatilla Counties	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF CHANGES IN PLACES OF USE, A CHANGE IN POINT OF DIVERSION, AN ADDITIONAL POINT OF DIVERSION, AND PARTIAL DIMINUTION OF A WATER RIGHT

Authority

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

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

Findings of Fact

1. On September 29, 2020, FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST filed an application to change the places of use under Certificates 92990, 92992, 92993, and 92994. The Department assigned the application number T-13525.

2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. Transfer T-13525 involves the same authorized and proposed place of use as approved for Certificate 92994 under temporary transferT-13609 in a Final Order issued by the Department on April 15, 2021 (Special Order Volume 120, Page 151). The use of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently. On November 16, 2021, the Department contacted the applicant's agent by telephone to notify

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.

the applicant and the applicant's agent of a deficiency in the application. A portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994 will become layered with Certificate 44654. The applicant wishes to diminish these portions of Certificate 44654 from primary to supplemental irrigation. The application did not include an Affidavit for the Voluntary Diminution of a portion of a Water Right Certificate. The Department requested that the deficiency be resolved prior to issuance of a Final Order to approve.

4. On December 7, 2021, the Department received an Affidavit for the Voluntary Partial Diminution of Water Right Certificate 44654 from Patrick Tolman, Vice President for Farmland Reserve, Inc.

5. On January 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 2, 2022, for the applicant to respond.

6. On February 4, 2022, the applicant requested an additional 60 days to review and amend the application, as Certificate 92992 would become layered with Certificate 93872. Both certificates are for primary irrigation. The applicant also requested an additional year to provide proof of beneficial use to October 1, 2024.

7. On July 28, 2022, the Department received revisions to the application along with the required additional fees. The revised application added two additional water right certificates, which includes an additional point of diversion, a change in point of diversion, and a change in place of use under Certificate 93872, and a change in place of use under Certificate 95662.

8. On December 8, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13525 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of January 9, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

9. The first right to be transferred is as follows:

Certificate:	92990 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)
Use:	IRRIGATION OF 133.59 ACRES
Priority Date:	JULY 25, 1973
Rate:	3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.
Limit/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each

acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
				Total	133.59

10. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
				Total	133.59

11. The second water right to be transferred is as follows:

Certificate: 92992 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 1425.07 ACRES

Priority Date: JULY 25, 1973

Rate: 30.72 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37
3 N	26 E	WM	1	NW SW	9.47
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				Total	1425.07

12. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	4	NW NW		0.01
2 N	28 E	WM	5	NE NE	1	33.07
2 N	28 E	WM	5	NW NE	2	31.09
2 N	28 E	WM	5	SW NE		29.83
2 N	28 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.76
2 N	28 E	WM	7	SE NE		28.77
2 N	28 E	WM	7	NE SE		0.01
2 N	28 E	WM	7	NW SE		0.01
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		6.15
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.43
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.72

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	28 E	WM	33	NW SW		0.01
3 N	28 E	WM	33	SW SW		0.01
					Total	1425.07

13. The third right to be transferred is as follows:

Certificate: 92993 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 39.71 ACRES

Priority Date: JULY 25, 1973

Rate: 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under PERMIT 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW), SECTION 2, T2N, R25E, WM; 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				Total	39.71

14. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SE	28.95
3 N	28 E	WM	31	NW SE	4.16
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.01
3 N	28 E	WM	32	NW SW	5.27
				Total	39.71

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

Certificate: 92994 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 164.90 ACRES
Priority Date: JUNE 29, 1973
Rate: 4.08 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	12.31
4 N	26 E	WM	17	NW NE	0.86
				Total	164.90

16. Transfer Application T-13525 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	0.57
4 N	26 E	WM	19	SW NW	2	11.65
4 N	26 E	WM	19	SE NW		4.09
2 N	28 E	WM	17	NE NW		1.25
2 N	28 E	WM	17	NW NW		28.89
2 N	28 E	WM	17	SW NW		29.99
2 N	28 E	WM	17	SE NW		3.84
2 N	28 E	WM	17	NE SW		4.22
2 N	28 E	WM	17	NW SW		29.46
2 N	28 E	WM	17	SW SW		29.57
2 N	28 E	WM	17	SE SW		19.94
3 N	28 E	WM	31	NE SW		1.42
3 N	28 E	WM	31	SE SW		0.01
				Total		164.90

17. The fifth right to be transferred is as follows:

Certificate: 93872 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES

Priority Date: JUNE 29, 1973

Rate: 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2

Period of Use: March 1 through October 31

Limit/Duty: The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.

Source: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION FROM POD 1						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	5	NE NE	1	31.39
2 N	28 E	WM	5	NW NE	2	30.43
2 N	28 E	WM	5	SW NE		31.35
2 N	28 E	WM	5	SE NE		30.43
2 N	28 E	WM	5	NE SW		31.75
2 N	28 E	WM	5	NW SW		30.77
2 N	28 E	WM	5	SW SW		31.71
2 N	28 E	WM	5	SE SW		30.77
2 N	28 E	WM	5	NE SE		31.38
2 N	28 E	WM	5	NW SE		30.44
2 N	28 E	WM	5	SW SE		31.34
2 N	28 E	WM	5	SE SE		30.44
2 N	28 E	WM	8	SW NE		1.13
2 N	28 E	WM	8	NE SW		14.33
2 N	28 E	WM	8	SE SW		12.07
2 N	28 E	WM	8	NE SE		12.74
2 N	28 E	WM	8	NW SE		39.83
2 N	28 E	WM	8	SW SE		35.70
2 N	28 E	WM	8	SE SE		9.83
				Total		497.83

IRRIGATION FROM POD 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	3	NE NE	30.73
3 N	29 E	WM	3	NW NE	34.24
3 N	29 E	WM	3	SW NE	32.16
3 N	29 E	WM	3	SE NE	28.26
3 N	29 E	WM	3	NE NW	0.37
3 N	29 E	WM	3	SE NW	0.30
3 N	29 E	WM	3	NE SW	29.31
3 N	29 E	WM	3	NW SW	29.91
3 N	29 E	WM	3	SW SW	30.28
3 N	29 E	WM	3	SE SW	28.43
3 N	29 E	WM	3	NE SE	30.00
3 N	29 E	WM	3	NW SE	32.88
3 N	29 E	WM	3	SW SE	32.90
3 N	29 E	WM	3	SE SE	29.16
				Total	368.93

18. The Department has received information from the applicant that better describes the location of the authorized point of diversion for POD 2 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	STAHL PUMP STATION (PS) - 2860 FEET NORTH AND 70 FEET EAST FROM THE SW CORNER OF SECTION 8

19. Transfer Application T-13525 proposes an additional point of diversion for 368.93 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

20. Transfer Application T-13525 also proposes to change the point of diversion for 497.83 acres from POD 1 (ORIGINAL) approximately 29.6 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	POD 2 (NEW) – 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

21. Transfer Application T-13525 also proposes an additional point of diversion for 497.83 acres approximately 70 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	EAST IMPROVEMENT DISTRICT PUMP STATION - 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

22. Transfer Application T-13525 also proposes to change the place of use of the 497.83 acres to:

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	1	NE NE		1.02
2 N	27 E	WM	1	SE NE		0.57
2 N	28 E	WM	6	NE NW	3	34.33
2 N	28 E	WM	6	NW NW	5	11.93
2 N	28 E	WM	6	SW NW	4	21.36
2 N	28 E	WM	6	SE NW		16.84
3 N	28 E	WM	31	SW SW		0.84
3 N	28 E	WM	31	SE SW		4.99
3 N	29 E	WM	2	NE NW		32.88
3 N	29 E	WM	2	NW NW		20.14
3 N	29 E	WM	2	SW NW		9.74
3 N	29 E	WM	2	SE NW		16.72
3 N	29 E	WM	2	NE SW		8.49
3 N	29 E	WM	2	NW SW		19.26
3 N	29 E	WM	2	SW SW		34.81
3 N	29 E	WM	2	SE SW		16.65
3 N	29 E	WM	3	NE NW		29.64
3 N	29 E	WM	3	NW NW		22.87
3 N	29 E	WM	3	SE NW		11.46

IRRIGATION FROM POD 2 (NEW) AND EAST IMPROVEMENT DISTRICT PUMP STATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	29 E	WM	3	SE SE		0.28
3 N	29 E	WM	13	SE SE		30.29
3 N	29 E	WM	13	SW SE		31.36
3 N	29 E	WM	24	NE NE		0.01
3 N	29 E	WM	24	NW NE		0.01
3 N	30 E	WM	3	NE SW		14.63
3 N	30 E	WM	3	NW SW		21.76
3 N	30 E	WM	3	SW SW		33.55
3 N	30 E	WM	3	SE SW		27.33
3 N	30 E	WM	3	SW SE		24.07
				Total		497.83

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

Certificate: 95662 in the name of FARMLAND RESERVE INC., C/O AGRINORTHWEST (perfected under Permit S-36940)

Use: IRRIGATION of 30.58 ACRES

Priority Date: JUNE 29, 1973

Rate: 0.51 CUBIC FOOT PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E, W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2)

Limit/Duty: 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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and an annual volume limitation of 107.03 acre feet.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	26	NW SW	4.45
4 N	26 E	WM	26	SW SW	20.62
4 N	26 E	WM	26	SE SW	0.26
4 N	26 E	WM	35	NW NW	5.25
				Total	30.58

24. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	19	NW NW	1	14.15
4 N	26 E	WM	19	SW NW	2	16.43
					Total	30.58

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

Transfer Review Criteria [OAR 690-380-0100 and 690-380-4010(2)]

26. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

27. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

28. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13525.

29. The proposed changes would not result in enlargement of the rights.

30. The proposed changes would not result in injury to other water rights.

31. All other application requirements are met.

Partial Diminution of Water Right Certificate 44654

32. A portion of water right Certificate 44654 is appurtenant to a portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994. Therefore, to avoid layering of two primary water rights for irrigation, a portion of lands under Certificate 44654 will be diminished from primary to supplemental irrigation as a result of this order.

33. On December 7, 2021, Patrick Tolman who is an authorized representative of Farmland Reserve, Inc., and owner of lands to which a portion of Certificate 44654 is appurtenant, submitted an affidavit requesting a portion of Certificate 44654 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44654 in the name of LARRY HANSON (perfected under Permit G-4049)
Use: IRRIGATION of 446.7 ACRES

Priority Date: September 3, 1968
Rate: 2.5 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of BUTTER CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	7	NE NE	1300	30.25
2 N	28 E	WM	7	NW NE	1300	9.75
2 N	28 E	WM	7	SW NE	1300	8.76
2 N	28 E	WM	7	SE NE	1300	28.77
2 N	28 E	WM	8	NE NW	1500	30.25
2 N	28 E	WM	8	NW NW	1501	28.72
2 N	28 E	WM	8	SW NW	1501	34.72
2 N	28 E	WM	8	SE NW	1500	30.60
2 N	28 E	WM	8	NE SW	1700	14.03
2 N	28 E	WM	8	NW SW	1701	36.09
2 N	28 E	WM	8	SW SW	1701	19.43
2 N	28 E	WM	8	SE SW	1700	11.58
2 N	28 E	WM	8	NE SE	1700	12.56
2 N	28 E	WM	8	NW SE	1700	39.72
2 N	28 E	WM	8	SW SE	1700	35.35
2 N	28 E	WM	8	SE SE	1700	9.67
2 N	28 E	WM	17	NE NW	1700	1.25
2 N	28 E	WM	17	NW NW	1702	28.89
2 N	28 E	WM	17	SW NW	1702	29.99
2 N	28 E	WM	17	SE NW	1702	3.84
2 N	28 E	WM	17	NE SW	1700	0.92
2 N	28 E	WM	17	NW SW	1700	1.56
					Total	446.7

Determination and Proposed Action

The additional point of diversion, change in point of diversion, and changes in places of use, proposed in Transfer Application T-13525 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of Certificate 44654 should be diminished as requested. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the portion of Certificate 44654 will be diminished from primary to supplemental irrigation.

If Transfer Application T-13525 is approved, the final order will include the following:

1. *The additional point of diversion, change in point of diversion, and changes in places of use proposed in Transfer Application T-13525 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 92990, 92992, 92993, 92994, 93872, and 95662 any related decree.*

3. *Water right Certificates 92990, 92992, 92993, 92994, 93872, 95662, and 44654 are cancelled. New Certificates will be issued describing the portions of Certificates 92994 and 95662 not affected by this transfer., A new certificate will be issued describing the partial diminishment of Certificate 44654 from primary to supplemental irrigation.*

4. *Under Certificate 93872, the quantity of water diverted at the new point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1 (ORIGINAL)).*

5. *Under Certificate 93872, the quantity of water diverted at the new additional point of diversion (East Improvement District Pump Station), together with that diverted at the original point of diversion (POD 2 (NEW)), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2 (NEW)).*

6. *Water use measurement conditions:*

   a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*

   b. *The water user shall maintain the meters or measuring devices in good working order.*

   c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

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

8. *The former places of use of the transferred rights shall no longer receive water under the rights.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on FEB 10 2023

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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

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

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: http://legalassistance.law.af.mil

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13525, Rasmussen Date of review: 10/03/2022

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

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____*[stream]*, tributary to _____, because _____.

(Please attach any available supporting information.)

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

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Please return all 3 pages to: Transfers Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266

☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should **NOT** be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____*

Note: This option will yield the following:

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

Condition: By October 1, 20__ [Within **two** years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]

Jorden D Smith Digitally signed by Jorden D Smith Date: 2022.10.03 11:20:26 -07'00'

Signature

(541) 805-1990
Phone

Jorden Smith
Printed Name

East Region Hydro and Water Rights Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant

(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-13525, Rasmussen

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

☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

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

ODFW staff name: Nathaniel Ashley

Address: 357 Patterson Bridge Rd

City/State/Zip: John Day, OR 97845

Phone: (541) 575-1561

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

ODFW staff name: Taylor McCroskey

Address: 73471 Mytinger Lane

City/State/Zip: Pendleton, OR 97801

Phone: (541) 318-7969 ext. 8769

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summit WATER RESOURCES

Transmittal

To:	Corey Courchane Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301
CC:	Nathan Rau – Farmland Reserve
From:	Ted Ressler, RG, CWRE – Summit Water Resources, LLC
Date:	July 26, 2022
Subject	Transfer T-13525
Attachments	1. Redline version of revised transfer application, T-13525 2. Revised transfer application submittal, T-13525

Corey

Please find enclosed a redline version of transfer application T-13525 showing the changes made to the original transfer application filed with the Department on 9/29/2020. Also enclosed is revised transfer application package including attachments and a check in the amount of $5,470 (Check No. 36255) for payment of the additional fee for the transfer application resulting from the revisions.

Please do not hesitate to contact me with questions.

Ted Ressler
503-701-4535

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 138772

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

INVOICE # _____

RECEIVED FROM: Farmland Reserve, Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13525

CASH: ☐ CHECK:# ☒ 36255 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 5,470.00

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

46110

MISCELLANEOUS

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	$ 5470.00		

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: 138772 DATED: 07/28/22 BY: _____

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

Redline version of transfer application form

Application for Perm
Water Right Tra
Part 1 of 5 – Minimum R

gon Water Resources Department
Summer Street NE, Suite A
m, Oregon 97301-1266
) 986-0900
w.oregon.gov/OWRD

This transfer appl … nd all required
a…
For ques… ection.

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Check all items included with th…

☒ Part 1 – Complet…

☒ Part 2 – Complet…

☒ Part 3 – Applicat… r Resources Department, and completed Fee W…ulator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 4-6 List them here: 92990, 92992, 92993, 92994, 93872, 95662**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)

☒ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient
___ Land Use Form not enclosed or incomplete
___ Additional signature(s) required
___ Map not included or incomplete
___ Evidence of Use Form not enclosed or incomplete
___ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0___ Date: ____/____/____

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Part 2 of 5 – Transfer Application Map

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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	*1*	$1,160
2	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = ~~1~~ 2 (2a) Subtract 1 from the number in line 2a = ~~0~~ 1 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	*2*	~~0~~$930
3	Number of water rights included in transfer ~~4~~ 6 (3a) Subtract 1 from the number in 3a above: ~~3~~ 5 (3b) *If only one water right this will be 0* Multiply line 3b by $520 and enter » » » » » » » » » » » » » »	*3*	~~$1,560~~$ 2,600
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter $410 »	*4*	0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): ~~38.9~~48.95 (5a) Subtract 1.0 from the number in 5a above: ~~37.9~~47.95 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: ~~38~~ 48 (5c) and multiply 5c by $350, then enter on line 5 » » » » » » »	*5*	$16,800 ~~13,300~~
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	*6*	$21,490 ~~16,020~~
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » »	*7*	0
8	Subtract line 7 from line 6 » » » » » » » » » » » **Transfer Fee:**	***8***	$21,490 ~~16,020~~

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*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
   a. Divide total authorized cfs by total acres in the water right *(for C12345, 1.25 cfs ÷100 ac)*; then multiply by the number of acres to be transferred to get the transfer cfs *(x 45 ac= 0.56 cfs)*.
   b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). *(For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)*
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. *(In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).*

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	*1*	~~$840.00~~
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) *If only one well this will be 0*	*2*	N/A

	Multiply line 2b by $410 and enter » » » » » » » » » » » » » »		
3	Add entries on lines 1 through 2 above » » » » » **Fee for Substitution:**	***3***	**N/A**

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Farmland Reserve, Inc., Attn: Jens Rasmussen, AgriNorthwest			509-820-3234	
ADDRESS				FAX NO.
PO Box 2308				509-734-1092
CITY	STATE	ZIP	E-MAIL	
Pasco	WA	99302	jrasmussen@agrinw.com	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
~~GSI Water Solutions~~Summit Water Resources LLS, Attn: Ted Ressler			~~971-200-8509~~503-701-4535	
ADDRESS				FAX NO.
~~55 SW Yamhill St., Suite 300~~PO Box 11268				
CITY	STATE	ZIP	E-MAIL	
Portland	OR	~~9720~~97211	~~tressler@gsiws.com~~tressler@summitwr.com	

BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

Explain in your own words what you propose to accomplish with this transfer application, and why:
The Applicant is proposing to change the entire Place of Use for Certificates, 92990, 92992, ~~&~~ 92993, and 93872, and a portion of the Place of Use for 92994 and 95662.

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

Check One Box

☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☐ I affirm 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; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

_____	Patrick Tolman, Vice President	_____
Applicant signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail*

addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

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Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME	ADDRESS	
Columbia Improvement District	501 Columbia Ave	
CITY	STATE	ZIP
Boardman	OR	97818

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
Morrow County	100 S. Court St.	
CITY	STATE	ZIP
Heppner	OR	97836

ENTITY NAME	ADDRESS	
Umatilla County	216 SE Fourth St.	
CITY	STATE	ZIP
Pendleton	OR	97801

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92990

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92990

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	27	E	1	SE	NE	500		6.38	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NW	SE	500		2.42	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NE	SE	500		37.75	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SE	SE	500		26.40	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SW	SE	500		0.47	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NW	1501		4.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	SW	1701		36.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SW	1701		0.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	SW	1701		19.43	Irrigation	CRPS	7/25/1973
TOTAL ACRES:									133.59					TOTAL ACRES:									133.59			

Additional remarks: The transfer involves the entire place of Certificate 92990.

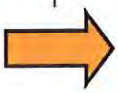
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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit G-17354 is associated with the TO land; the permit holder is intending to file a permit amendment to move this water right off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer).



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92992

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92992

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	4	NW	NW	800		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NW	900	L4	30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NW	900	L3	33.11	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NW	900		31.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NW	900		30.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NE	900	L2	31.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NE	900	L1	33.07	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NE	900		30.04	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NE	900		29.83	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SE	900		31.48	Irrigation	CRPS	7/25/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	5	NE	SE	900		32.96	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SE	900		29.32	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SE	900		29.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SW	900		30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	SW	900		32.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SW	900		30.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SW	900		30.10	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NW	1000	L3	1.35	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NW	1000		0.66	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NW	NE	1000	L2	37.06	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NE	1000	L1	35.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NE	1000		28.54	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SW	NE	1000		31.34	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	7	NW	NE	1300		9.75	Irrigation	CRPS	7/26/1973
													POU	2	N	28	E	7	NE	NE	1300		30.25	Irrigation	CRPS	7/27/1973
													POU	2	N	28	E	7	SE	NE	1300		28.77	Irrigation	CRPS	7/28/1973
													POU	2	N	28	E	7	SW	NE	1300		8.76	Irrigation	CRPS	7/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	7	NW	SE	1300		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	7	NE	SE	1300		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	NW	1501		28.72	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	NW	1500		30.25	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	NW	1500		30.60	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NW	1501		30.30	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	NE	1600		30.47	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	NE	1600		31.03	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	NE	1600		30.71	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NE	1600		32.34	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	SE	1700		39.833 ~~9.72~~	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SE	1700		12.741 ~~2.56~~	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	SE	1700		9.839.6 ~~7~~	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	SE	1700		35.703 ~~5.35~~	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SW	1700		14.331 ~~3.80~~	Irrigation	CRPS	7/26/1973
													POU	2	N	28	E	8	SE	SW	1700		12.071 ~~1.58~~	Irrigation	CRPS	7/27/1973
													POU	3	N	28	E	31	NW	SE	90430 0		6.157.9 ~~7~~	Irrigation	CRPS	7/28/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	SE	SE	~~90430~~ 0		2.18	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SW	SE	~~90430~~ 0		34.15	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	~~90430~~ 0		23.61	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	~~90430~~ 0		32.17	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SE	9000		29.90	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SE	9000		31.43	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SE	9000		31.72	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SE	9000		30.79	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		30.25	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SW	9000		32.22	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SW	9000		32.33	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SW	9000		30.98	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	NW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	SW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
TOTAL ACRES: 1425.07														TOTAL ACRES: 1425.07												

Additional remarks: **The transfer involves the entire place of Certificate 92992. The "From" place of use for Certificate 92992 is located in 8-ft wide strips and the place of use for Certificate 92993 is in 2-ft wide strips interlaced between the 8-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

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Certificate # 92992

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water rights off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- ~~Certificate 93872 is associated with the TO land; the water right holder will be filing a separate transfer application to move this water right off of the TO land.~~
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # 92993

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92993

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	NW	SE	300		4.16	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SE	300		28.95	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		5.27	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	300		1.32	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS.	7/25/1973
TOTAL ACRES:									39.71					TOTAL ACRES:									39.71			

Additional remarks: **The transfer involves the entire place of Certificate 92993. The "From" place of use for Certificate 92993 is located in 2-ft wide strips and the "From" place of use for Certificate 92992 is in 8-ft wide strips interlaced between the 2-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

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Certificate # 92993

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water rights off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92994

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92994

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
4	N	26	E	16	NW	NW	3418		26.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	NW	1702		28.89	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NW	3418		36.63	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	NW	1700		1.25	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NW	3418		2.2	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	NW	1700		3.84	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NW	NE	3418		38.98	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	NW	1702		29.99	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NE	3418		30.9914 .68	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	SW	1700		29.46	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NE	3418		2.41	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	SW	1700		4.22	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SW	NE	3418		14.21	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	SW	1700		19.94	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NE	NE	3418		12.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	SW	1700		29.57	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NW	NE	3418		0.86	Irrigation	CRPS	6/29/1973	POU	3	N	28	E	31	NE	SW	300		1.42	Irrigation	CRPS	6/29/1973
													POU	3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	NW	NW	3416	1	0.57	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	SE	NW	3416 3419		4.09	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	SW	NW	3416 3419	2	11.65	Irrigation	CRPS	6/29/1973
TOTAL ACRES:									164.901					TOTAL ACRES:									164.90			

Additional remarks: The lands described above are a portion of Certificate 92994. The remaining lands are not listed on the above table.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these waters right off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 93872

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Stahl Diversion – 7,140 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

CID System - Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Stahl Diversion - water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters to the sprinkler systems.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2
Stahl Pump Station (PS)	☒ Authorized ☐ Proposed		5	N	30	E	8	SW	NW		2860 feet North and 70 feet East from the SW corner of Section 8 **
East Improvement District (EID) Pump Station (PS)	☐ Authorized ☒ Proposed		5	N	30	E	8	SW	NW		2910 feet North and 120 feet East from the SW corner of Section 8

****NOTE: This is an updated location description to more accurately locate the existing Stahl Diversion POD.**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☒ Point of Diversion (POD)
- ☒ Additional Point of Diversion (APOD)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)

☐ Surface Water POD to Ground Water POA (SW/GW)

☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 93872

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
↓ 368.93-acre portion with proposed APOD ↓																										
3	N	29	E	3	NE	NE	-	-	30.73	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	NE	-	-	30.73	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NW	NE	-	-	34.24	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	NE	-	-	34.24	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	NE	-	-	32.16	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	NE	-	-	32.16	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	NE	-	-	28.26	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	NE	-	-	28.26	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	NW	-	-	0.37	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	NW	-	-	0.37	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	NW	-	-	0.3	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	NW	-	-	0.3	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	SW	-	-	29.31	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	SW	-	-	29.31	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NW	SW	-	-	29.91	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	SW	-	-	29.91	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	SW	-	-	30.28	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	SW	-	-	30.28	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	SW	-	-	28.43	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	SW	-	-	28.43	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	SE	-	-	30	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	SE	-	-	30	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
3	N	29	E	3	NW	SE	-	-	32.88	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	SE	-	-	32.88	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	SE	-	-	32.9	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	SE	-	-	32.9	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	SE	-	-	29.16	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	SE	-	-	29.16	Irrigation	EID PS & Stahl PS	6/29/1973
↓ 497.83-acre portion with proposed change in POU, POD, and APOD ↓																										
2	N	28	E	5	NE	NE		1	31.39	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	27	E	1	NE	NE	500		1.02	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	NE		2	30.43	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	27	E	1	SE	NE	500		0.57	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	NE			31.35	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	NE	NW	1000	3	34.33	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SE	NE			30.43	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	NW	NW	1000	5	11.93	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NE	SW			31.75	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	SW	NW	1000	4	21.36	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	SW			30.77	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	SE	NW	1000		16.84	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	SW			31.71	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	28	E	31	SW	SW	300		0.84	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SE	SW			30.77	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	28	E	31	SE	SW	300		4.99	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NE	SE			31.38	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NE	NW	400		32.88	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	SE			30.44	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NW	NW	400		20.14	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	SE			31.34	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SW	NW	400	-	9.74	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	28	E	5	SE	SE	-	-	30.44	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SE	NW	400	-	16.72	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SW	NE	-	-	1.13	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NE	SW	400		8.49	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NE	SW	-	-	14.33	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NW	SW	400	-	19.26	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SE	SW	-	-	12.07	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SW	SW	400	-	34.81	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NE	SE	-	-	12.74	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SE	SW	400	-	16.65	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NW	SE	-	-	39.83	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	NW	NW	400	-	22.87	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SW	SE	-	-	35.7	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	NE	NW	400	-	29.64	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SE	SE	-	-	9.83	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	SE	NW	400	-	11.46	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	3	SE	SE	400	-	0.28	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	13	SE	SE	3700	-	30.29	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	13	SW	SE	3700	-	31.36	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	24	NE	NE	8700	-	0.01	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	24	NW	NE	8700	-	0.01	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SW	SE	500	-	24.07	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	NW	SW	500	-	21.76	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU, POD, APOD	3	N	30	E	3	NE	SW	500	-	14.63	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SE	SW	500	-	27.33	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SW	SW	500	-	33.55	Irrigation	EID PS & Stahl PS	6/29/1973
TOTAL ACRES:									866.76					TOTAL ACRES:									866.76			

Additional remarks: **The transfer involves the entirety of Certificate 93872; however, not all of the proposed changes are made uniformly. An APOD is proposed for a 368.93-acre portion of Certificate 93872. A change in POU, a change in POD, and an APOD are proposed for a 497.83-acre portion of Certificate 93872.**

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **124.50 acres of the FROM lands are layered with Certificate 44654 (NESW, SESW, NESE, NWSE, SWSE, and SESE of Section 8, T2N, R28E). The 124.50 acres of FROM lands for Certificate 93872 are the TO lands for Certificate 92992. Certificate 93872 and Certificate 92992 authorize use of the same source and are of similar reliability. The water right holder proposes to leave the layered portion of Certificate 44654 in place and to diminish this layered portion to supplemental (Attachment E) with primary irrigation provided by this transfer (TO lands for Certificate 92992).**

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A**;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 95662

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed	_____	**4**	**N**	**25**	**E**	**2**	**NE**	**NW**	_____	**South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 95662

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
4	N	26	E	26	NW	SW	3414		4.45	Irrigation	CRPS	6/29/1973	POU	4	N	26	E	19	NW	NW	3416	1	14.15	Irrigation	CRPS	6/29/1973
4	N	26	E	26	SE	SW	3414		0.26	Irrigation	CRPS	6/29/1973	POU	4	N	26	E	19	SW	NW	3416	2	16.43	Irrigation	CRPS	6/29/1973
4	N	26	E	26	SW	SW	3414		20.62	Irrigation	CRPS	6/29/1973	POU													
4	N	26	E	35	NW	NW	3414		5.25	Irrigation	CRPS	6/29/1973	POU													
TOTAL ACRES:									30.58					TOTAL ACRES:									30.58			

Additional remarks: **The lands described above are a portion of Certificate 95662. The remaining lands are not listed on the above table.**

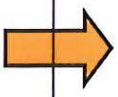
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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit G-16151 is associated with the FROM land; however, this permit is for industrial use and is therefore not layered with Certificate 95662.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A**;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

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Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Revised transfer application package

Applicat
Wate
Part 1 of

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

arts 1 through 5 and all required
ted and included.
and ask for Transfer Section.

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Check all item **pplicable)**

☒ Checklist.

☒ Checklist.

☒ the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 6 List them here: 92990, 92992, 92993, 92994, 93872, 95662**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)

☒ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.

☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient
___ Land Use Form not enclosed or incomplete
___ Additional signature(s) required
___ Map not included or incomplete
___ Evidence of Use Form not enclosed or incomplete
___ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0___ Date: _____/_____/_____

Part 2 of 5 – Transfer Application Map

Your transfer application <u>will be returned</u> if any of the map requirements listed below are not met.

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

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☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	$1,160
2	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = 2 (2a) Subtract 1 from the number in line 2a = 1 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	2	$930
3	Number of water rights included in transfer 6 (3a) Subtract 1 from the number in 3a above: 5 (3b) *If only one water right this will be 0* Multiply line 3b by $520 and enter » » » » » » » » » » » » »	3	$2,600
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter $410 »	4	0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): 48.95 (5a) Subtract 1.0 from the number in 5a above: 47.95 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: 48 (5c) and multiply 5c by $350, then enter on line 5 » » » » » » » »	5	$16,800
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	$21,490
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » **Transfer Fee:**	8	$21,490

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*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
   a. Divide total authorized cfs by total acres in the water right *(for C12345, 1.25 cfs ÷100 ac)*; then multiply by the number of acres to be transferred to get the transfer cfs *(x 45 ac= 0.56 cfs)*.
   b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). *(For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)*
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. *(In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).*

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	~~$840.00~~
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) *If only one well this will be 0* Multiply line 2b by $410 and enter » » » » » » » » » » » » »	2	N/A
3	Add entries on lines 1 through 2 above » » » » » **Fee for Substitution:**	3	N/A

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Farmland Reserve, Inc., Attn: Jens Rasmussen, AgriNorthwest			509-820-3234	
ADDRESS				FAX NO.
PO Box 2308				509-734-1092
CITY	STATE	ZIP	E-MAIL	
Pasco	WA	99302	jrasmussen@agrinw.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Summit Water Resources LLS, Attn: Ted Ressler			503-701-4535	
ADDRESS				FAX NO.
PO Box 11268				
CITY	STATE	ZIP	E-MAIL	
Portland	OR	97211	tressler@summitwr.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The Applicant is proposing to change the entire Place of Use for Certificates, 92990, 92992, 92993, and 93872, and a portion of the Place of Use for 92994 and 95662.

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

Check One Box

☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☐ I affirm 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; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

Applicant signature	Patrick Tolman, Vice President	7/11/22
	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME	ADDRESS	
Columbia Improvement District	**501 Columbia Ave**	
CITY	STATE	ZIP
Boardman	**OR**	**97818**

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
Morrow County	**100 S. Court St.**	
CITY	STATE	ZIP
Heppner	**OR**	**97836**

ENTITY NAME	ADDRESS	
Umatilla County	**216 SE Fourth St.**	
CITY	STATE	ZIP
Pendleton	**OR**	**97801**

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92990

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92990

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	27	E	1	SE	NE	500		6.38	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NW	SE	500		2.42	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NE	SE	500		37.75	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SE	SE	500		26.40	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SW	SE	500		0.47	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NW	1501		4.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	SW	1701		36.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SW	1701		0.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	SW	1701		19.43	Irrigation	CRPS	7/25/1973
TOTAL ACRES:									133.59					TOTAL ACRES:									133.59			

Additional remarks: The transfer involves the entire place of Certificate 92990.

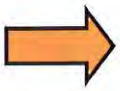
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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit G-17354 is associated with the TO land; the permit holder is intending to file a permit amendment to move this water right off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92992

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92992

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	4	NW	NW	800		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NW	900	L4	30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NW	900	L3	33.11	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NW	900		31.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NW	900		30.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NE	900	L2	31.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NE	900	L1	33.07	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NE	900		30.04	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NE	900		29.83	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SE	900		31.48	Irrigation	CRPS	7/25/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	5	NE	SE	900		32.96	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SE	900		29.32	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SE	900		29.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SW	900		30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	SW	900		32.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SW	900		30.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SW	900		30.10	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NW	1000	L3	1.35	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NW	1000		0.66	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NW	NE	1000	L2	37.06	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NE	1000	L1	35.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NE	1000		28.54	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SW	NE	1000		31.34	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	7	NW	NE	1300		9.75	Irrigation	CRPS	7/26/1973
													POU	2	N	28	E	7	NE	NE	1300		30.25	Irrigation	CRPS	7/27/1973
													POU	2	N	28	E	7	SE	NE	1300		28.77	Irrigation	CRPS	7/28/1973
													POU	2	N	28	E	7	SW	NE	1300		8.76	Irrigation	CRPS	7/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	7	NW	SE	1300		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	7	NE	SE	1300		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	NW	1501		28.72	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	NW	1500		30.25	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	NW	1500		30.60	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NW	1501		30.30	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	NE	1600		30.47	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	NE	1600		31.03	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	NE	1600		30.71	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NE	1600		32.34	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	SE	1700		39.83	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SE	1700		12.74	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SE	SE	1700		9.83	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	SE	1700		35.70	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SW	1700		14.33	Irrigation	CRPS	7/26/1973
													POU	2	N	28	E	8	SE	SW	1700		12.07	Irrigation	CRPS	7/27/1973
													POU	3	N	28	E	31	NW	SE	300		6.15	Irrigation	CRPS	7/28/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	SE	SE	300		2.18	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SW	SE	300		34.15	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	300		23.61	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	300		32.17	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SE	9000		29.90	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SE	9000		31.43	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SE	9000		31.72	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SE	9000		30.79	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		30.25	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SW	9000		32.22	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SW	9000		32.33	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SW	9000		30.98	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	NW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	SW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
TOTAL ACRES: 1425.07														TOTAL ACRES: 1425.07												

Additional remarks: **The transfer involves the entire place of Certificate 92992. The "From" place of use for Certificate 92992 is located in 8-ft wide strips and the place of use for Certificate 92993 is in 2-ft wide strips interlaced between the 8-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water rights off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # 92993

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92993

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	NW	SE	300		4.16	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SE	300		28.95	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		5.27	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	300		1.32	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS	7/25/1973
TOTAL ACRES:									39.71					TOTAL ACRES:									39.71			

Additional remarks: **The transfer involves the entire place of Certificate 92993. The "From" place of use for Certificate 92993 is located in 2-ft wide strips and the "From" place of use for Certificate 92992 is in 8-ft wide strips interlaced between the 2-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water rights off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92994

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92994

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
4	N	26	E	16	NW	NW	3418		26.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	NW	1702		28.89	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NW	3418		36.63	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	NW	1700		1.25	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NW	3418		2.2	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	NW	1700		3.84	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NW	NE	3418		38.98	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	NW	1702		29.99	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NE	3418		30.99	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	SW	1700		29.46	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NE	3418		2.41	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	SW	1700		4.22	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SW	NE	3418		14.21	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	SW	1700		19.94	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NE	NE	3418		12.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	SW	1700		29.57	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NW	NE	3418		0.86	Irrigation	CRPS	6/29/1973	POU	3	N	28	E	31	NE	SW	300		1.42	Irrigation	CRPS	6/29/1973
													POU	3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	NW	NW	3416	1	0.57	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	SE	NW	3416 3419		4.09	Irrigation	CRPS	6/29/1973
													POU	4	N	26	E	19	SW	NW	3416 3419	2	11.65	Irrigation	CRPS	6/29/1973
TOTAL ACRES:									164.90					TOTAL ACRES:									164.90			

Additional remarks: The lands described above are a portion of Certificate 92994. The remaining lands are not listed on the above table.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).
- Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these waters right off of the TO land.
- Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.
- Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplemental (Attachment E) with primary provided by this transfer.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 93872

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Stahl Diversion – 7,140 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

CID System - Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Stahl Diversion - water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters to the sprinkler systems.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2
Stahl Pump Station (PS)	☒ Authorized ☐ Proposed		5	N	30	E	8	SW	NW		2860 feet North and 70 feet East from the SW corner of Section 8 **
East Improvement District (EID) Pump Station (PS)	☐ Authorized ☒ Proposed		5	N	30	E	8	SW	NW		2910 feet North and 120 feet East from the SW corner of Section 8

****NOTE: This is an updated location description to more accurately locate the existing Stahl Diversion POD.**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☒ Point of Diversion (POD)
- ☒ Additional Point of Diversion (APOD)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)

☐ Surface Water POD to Ground Water POA (SW/GW)

☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 93872

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
↓ 368.93-acre portion with proposed APOD ↓																										
3	N	29	E	3	NE	NE			30.73	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	NE			30.73	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NW	NE			34.24	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	NE			34.24	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	NE			32.16	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	NE			32.16	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	NE			28.26	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	NE			28.26	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	NW			0.37	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	NW			0.37	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	NW			0.3	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	NW			0.3	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	SW			29.31	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	SW			29.31	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NW	SW			29.91	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	SW			29.91	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	SW			30.28	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	SW			30.28	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	SW			28.43	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	SW			28.43	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	NE	SE			30	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NE	SE			30	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
3	N	29	E	3	NW	SE			32.88	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	NW	SE			32.88	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SW	SE			32.9	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SW	SE			32.9	Irrigation	EID PS & Stahl PS	6/29/1973
3	N	29	E	3	SE	SE			29.16	Irrigation	Stahl PS	6/29/1973	APOD	3	N	29	E	3	SE	SE			29.16	Irrigation	EID PS & Stahl PS	6/29/1973
↓ 497.83-acre portion with proposed change in POU, POD, and APOD ↓																										
2	N	28	E	5	NE	NE		1	31.39	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	27	E	1	NE	NE	500		1.02	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	NE		2	30.43	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	27	E	1	SE	NE	500		0.57	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	NE			31.35	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	NE	NW	1000	3	34.33	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SE	NE			30.43	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	NW	NW	1000	5	11.93	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NE	SW			31.75	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	SW	NW	1000	4	21.36	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	SW			30.77	Irrigation	CRPS	6/29/1973	POU, POD, APOD	2	N	28	E	6	SE	NW	1000		16.84	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	SW			31.71	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	28	E	31	SW	SW	300		0.84	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SE	SW			30.77	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	28	E	31	SE	SW	300		4.99	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NE	SE			31.38	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NE	NW	400		32.88	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	NW	SE			30.44	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NW	NW	400		20.14	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	5	SW	SE			31.34	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SW	NW	400		9.74	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	28	E	5	SE	SE			30.44	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SE	NW	400		16.72	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SW	NE			1.13	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NE	SW	400		8.49	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NE	SW			14.33	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	NW	SW	400		19.26	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SE	SW			12.07	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SW	SW	400		34.81	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NE	SE			12.74	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	2	SE	SW	400		16.65	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	NW	SE			39.83	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	NW	NW	400		22.87	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SW	SE			35.7	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	NE	NW	400		29.64	Irrigation	EID PS & Stahl PS	6/29/1973
2	N	28	E	8	SE	SE			9.83	Irrigation	CRPS	6/29/1973	POU, POD, APOD	3	N	29	E	3	SE	NW	400		11.46	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	3	SE	SE	400		0.28	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	13	SE	SE	3700		30.29	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	13	SW	SE	3700		31.36	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	24	NE	NE	8700		0.01	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	29	E	24	NW	NE	8700		0.01	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SW	SE	500		24.07	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	NW	SW	500		21.76	Irrigation	EID PS & Stahl PS	6/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU, POD, APOD	3	N	30	E	3	NE	SW	500		14.63	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SE	SW	500		27.33	Irrigation	EID PS & Stahl PS	6/29/1973
													POU, POD, APOD	3	N	30	E	3	SW	SW	500		33.55	Irrigation	EID PS & Stahl PS	6/29/1973
TOTAL ACRES:									866.76					TOTAL ACRES:									866.76			

Additional remarks: **The transfer involves the entirety of Certificate 93872; however, not all of the proposed changes are made uniformly. An APOD is proposed for a 368.93-acre portion of Certificate 93872. A change in POU, a change in POD, and an APOD are proposed for a 497.83-acre portion of Certificate 93872.**

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- 124.50 acres of the FROM lands are layered with Certificate 44654 (NESW, SESW, NESE, NWSE, SWSE, and SESE of Section 8, T2N, R28E). The 124.50 acres of FROM lands for Certificate 93872 are the TO lands for Certificate 92992. Certificate 93872 and Certificate 92992 authorize use of the same source and are of similar reliability. The water right holder proposes to leave the layered portion of Certificate 44654 in place and to diminish this layered portion to supplemental (Attachment E) with primary irrigation provided by this transfer (TO lands for Certificate 92992).

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

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CERTIFICATE # 95662

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		4	N	25	E	2	NE	NW		South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 95662

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
4	N	26	E	26	NW	SW	3414		4.45	Irrigation	CRPS	6/29/1973	POU	4	N	26	E	19	NW	NW	3416	1	14.15	Irrigation	CRPS	6/29/1973
4	N	26	E	26	SE	SW	3414		0.26	Irrigation	CRPS	6/29/1973	POU	4	N	26	E	19	SW	NW	3416	2	16.43	Irrigation	CRPS	6/29/1973
4	N	26	E	26	SW	SW	3414		20.62	Irrigation	CRPS	6/29/1973	POU													
4	N	26	E	35	NW	NW	3414		5.25	Irrigation	CRPS	6/29/1973	POU													
TOTAL ACRES:									30.58					TOTAL ACRES:									30.58			

Additional remarks: The lands described above are a portion of Certificate 95662. The remaining lands are not listed on the above table.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit G-16151 is associated with the FROM land; however, this permit is for industrial use and is therefore not layered with Certificate 95662.**

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 133.59 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
	TOTAL:				**133.59**

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92926. This Certificate supersedes Certificate 92926, and describes the portion of water right Certificate 76584, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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

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

WITNESS the signature of the Water Resources Director, affixed APR 11 2017.

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

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STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 1425.07 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 30.72 CUBIC FEET PER SECOND, PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	1	NW SW	9.47
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01

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Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68

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Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				TOTAL:	**1425.07**

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92928. This Certificate supersedes Certificate 92928, and describes the portion of water right Certificate 76586, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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 APR 11 2017.

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

RECEIVED
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STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

RECEIVED
JUL 28 2022
OWRD

THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OREGON 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 39.71 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under permit 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE¼ NW), Section 2, T 2 N, R 25 E, WM; 150 SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				TOTAL:	**39.71**

The location of the place of use is in the irrigation of 2 foot wide strips, in between the 8 foot wide strip/tree rows, which are currently being irrigated.

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include the Gro-Point Sensor data (or other monitoring data of similar or superior accuracy) at 1, 3 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster. Modification to the monitoring program could occur if approved by the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class. Each paired site shall consist of a pair of access tubes located on the outer edge of the irrigated strip between the tree rows such that the outer edge of the sphere of influence is at the edge of the dry zone. (In this description, outer means area farthest away from the tree). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted

area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by Potlatch for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, monitoring data and flow data, including access to real time data on an internal web site, shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92929. This Certificate supersedes Certificate 92929, and describes the portion of water right Certificate 83588, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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 APR 11 2017.

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

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STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORP.
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 234.89 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.81 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	25.28
4 N	26 E	WM	17	NW NE	5.91

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

4 N	26 E	WM	17	SW NE	33.49
4 N	26 E	WM	17	SE NE	17.06
4 N	26 E	WM	17	SE NW	1.42
				TOTAL:	**234.89**

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at the Cherokee Strip pump site, Booster Pump station #1, and each field control manifold. The type of plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include Troxler Sentry capacitance probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, and monitoring data and flow data shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring data report shall be provided in a reasonable summary format as approved by the Watermaster. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92930. This Certificate supersedes Certificate 92930, and describes the portion of water right Certificate 89511, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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 APR 11 2017.

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

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STATE OF OREGON

COUNTIES OF UMATILLA AND MORROW

CERTIFICATE OF WATER RIGHT

RECEIVED
JUL 28 2022
OWRD

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE INC.
C/O AGRINORTHWEST
6716 W RIO GRANDE
KENNEWICK WA 99336

confirms the right to the use of water perfected under the terms of Permit S-36940. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES

MAXIMUM RATE: 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 29, 1973

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) – SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) – 2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

The amount of water used for irrigation is limited to 1/95 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 1.53 acre-feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A description of the place of use is as follows:

IRRIGATION FROM POD 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres
2 N	28 E	WM	5	NE NE	1	900	31.39
2 N	28 E	WM	5	NW NE	2	900	30.43
2 N	28 E	WM	5	SW NE		900	31.35
2 N	28 E	WM	5	SE NE		900	30.43
2 N	28 E	WM	5	NE SW		900	31.75
2 N	28 E	WM	5	NW SW		900	30.77
2 N	28 E	WM	5	SW SW		900	31.71
2 N	28 E	WM	5	SE SW		900	30.77
2 N	28 E	WM	5	NE SE		900	31.38
2 N	28 E	WM	5	NW SE		900	30.44
2 N	28 E	WM	5	SW SE		900	31.34
2 N	28 E	WM	5	SE SE		900	30.44
2 N	28 E	WM	8	SW NE		1600	1.13
2 N	28 E	WM	8	NE SW		1700	14.33
2 N	28 E	WM	8	SE SW		1700	12.07
2 N	28 E	WM	8	NE SE		1700	12.74
2 N	28 E	WM	8	NW SE		1700	39.83
2 N	28 E	WM	8	SW SE		1700	35.70
2 N	28 E	WM	8	SE SE		1700	9.83

IRRIGATION FROM POD 2						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29E	WM	3	NE NE	400	30.73
3 N	29E	WM	3	NW NE	400	34.24
3 N	29E	WM	3	SW NE	400	32.16
3 N	29E	WM	3	SE NE	400	28.26
3 N	29E	WM	3	NE NW	400	0.37
3 N	29E	WM	3	SE NW	400	0.30
3 N	29E	WM	3	NE SW	400	29.31
3 N	29E	WM	3	NW SW	400	29.91
3 N	29E	WM	3	SW SW	400	30.28
3 N	29E	WM	3	SE SW	400	28.43
3 N	29E	WM	3	NE SE	400	30.00
3 N	29E	WM	3	NW SE	400	32.88
3 N	29E	WM	3	SW SE	400	32.90
3 N	29E	WM	3	SE SE	400	29.16

Measurement, recording and reporting conditions:

A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of diversion (new and existing).

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To prevent expansion of the original right (Certificate 79482), Farmland Reserve, Inc., shall install such measuring devices deemed appropriate by the District #5 Watermaster.

The quantity of water diverted at the new point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion.

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

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director entered MAY 27, 2014, and recorded at Special Order Volume 92, Page 615, approving Conserved Water Application CW-84, and the disposition of the conserved water entered September 5, 2017, and recorded in Special Order Volume 105, Page 716. This certificate together with Certificates 89303, 89304, and 89305, supersede Certificate 79482, State Record of Water Right Certificates.

Issued JUL 10 2018.

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

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STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

RECEIVED
JUL 28 2022
OWRD

THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE INC.
C/O AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 7472.54 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 124.79 CUBIC FEET PER SECOND, if available at the original point of diversion: Lot 7 (NE NW, Section 2, T 4 N, R 25 E. W.M.; South 86 Degrees 22 Minutes 46 Seconds West, 2811 Feet from the NE Corner of Section 2) or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA RIVER PUMP STATION: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2

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-SIXTIETH (1/60) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year and an annual volume limitation of 26,153.69 acre feet. 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	GLot	Acres
3 N	26 E	WM	5	NE NE	2	30.71
3 N	26 E	WM	5	NW NE	2	32.42

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 N	26 E	WM	5	SW NE	1	31.18
3 N	26 E	WM	5	SE NE	1	29.86
3 N	26 E	WM	5	NE NW	2	31.08
3 N	26 E	WM	5	NW NW	2	33.35
3 N	26 E	WM	5	SW NW	1	32.43
3 N	26 E	WM	5	SE NW	1	30.06
3 N	26 E	WM	6	NE NE	2	29.74
3 N	26 E	WM	6	NW NE	2	32.63
3 N	26 E	WM	6	SW NE	1	31.99
3 N	26 E	WM	6	SE NE	1	28.50
3 N	26 E	WM	6	NE NW	2	29.18
3 N	26 E	WM	6	NW NW	2	32.48
3 N	26 E	WM	6	SW NW	1	33.04
3 N	26 E	WM	6	SE NW	1	28.48
3 N	26 E	WM	6	NE SW	1	28.77
3 N	26 E	WM	6	NW SW	2	32.41
3 N	26 E	WM	6	SW SW	2	33.00
3 N	26 E	WM	6	SE SW	1	28.64
3 N	26 E	WM	6	NE SE		29.63
3 N	26 E	WM	6	NW SE		31.73
3 N	26 E	WM	6	SW SE		31.79
3 N	26 E	WM	6	SE SE		29.09
3 N	26 E	WM	7	NE NE		23.83
3 N	26 E	WM	7	NW NE		35.24
3 N	26 E	WM	7	SW NE		35.17
3 N	26 E	WM	7	SE NE		23.29
3 N	26 E	WM	7	NE NW	1	25.96
3 N	26 E	WM	7	NW NW	2	38.30
3 N	26 E	WM	7	SW NW	2	38.87
3 N	26 E	WM	7	SE NW	1	26.26
3 N	26 E	WM	7	NE SW	1	25.23
3 N	26 E	WM	7	NW SW	2	37.54
3 N	26 E	WM	7	SW SW	2	37.10
3 N	26 E	WM	7	SE SW	1	24.92
3 N	26 E	WM	7	NE SE		24.48
3 N	26 E	WM	7	NW SE		35.09
3 N	26 E	WM	7	SW SE		34.66
3 N	26 E	WM	7	SE SE		24.90
3 N	27 E	WM	18	NE SW		3.70
4 N	26 E	WM	16	NE SW		1.01
4 N	26 E	WM	16	NW SW		12.26
4 N	26 E	WM	16	SW SW		32.57
4 N	26 E	WM	16	SE SW		37.73
4 N	26 E	WM	16	SW SE		16.69
4 N	26 E	WM	16	SE SE		5.43
4 N	26 E	WM	17	NE SE		22.08
4 N	26 E	WM	17	NW SE		7.48
4 N	26 E	WM	17	SW SE		31.72
4 N	26 E	WM	17	SE SE		31.67

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	20	NE NE		38.90
4 N	26 E	WM	20	NW NE		25.71
4 N	26 E	WM	20	SW NE		31.70
4 N	26 E	WM	20	SE NE		32.36
4 N	26 E	WM	20	NE SE		38.32
4 N	26 E	WM	20	NW SE		26.46
4 N	26 E	WM	20	SW SE		32.19
4 N	26 E	WM	20	SE SE		33.41
4 N	26 E	WM	21	NE NE		40.40
4 N	26 E	WM	21	NW NE		33.72
4 N	26 E	WM	21	SW NE		34.42
4 N	26 E	WM	21	SE NE		35.69
4 N	26 E	WM	21	NE NW		34.19
4 N	26 E	WM	21	NW NW		36.07
4 N	26 E	WM	21	SW NW		30.93
4 N	26 E	WM	21	SE NW		39.56
4 N	26 E	WM	21	NE SW		36.17
4 N	26 E	WM	21	NW SW		36.65
4 N	26 E	WM	21	SW SW		32.52
4 N	26 E	WM	21	SE SW		40.13
4 N	26 E	WM	21	NE SE		40.20
4 N	26 E	WM	21	NW SE		33.79
4 N	26 E	WM	21	SW SE		33.35
4 N	26 E	WM	21	SE SE		36.31
4 N	26 E	WM	22	NE NE		11.64
4 N	26 E	WM	22	NW NE		23.49
4 N	26 E	WM	22	SW NE		35.32
4 N	26 E	WM	22	SE NE		16.15
4 N	26 E	WM	22	NE NW		2.43
4 N	26 E	WM	22	NW NW		14.36
4 N	26 E	WM	22	SW NW		35.29
4 N	26 E	WM	22	SE NW		39.13
4 N	26 E	WM	22	NE SW		34.29
4 N	26 E	WM	22	NW SW		33.26
4 N	26 E	WM	22	SW SW		35.72
4 N	26 E	WM	22	SE SW		38.98
4 N	26 E	WM	22	NE SE		32.95
4 N	26 E	WM	22	NW SE		39.04
4 N	26 E	WM	22	SW SE		33.37
4 N	26 E	WM	22	SE SE		23.35
4 N	26 E	WM	23	SW NE		22.41
4 N	26 E	WM	23	SE NE		21.67
4 N	26 E	WM	23	NE NW		4.87
4 N	26 E	WM	23	NW NW		4.09
4 N	26 E	WM	23	SW NW		35.92
4 N	26 E	WM	23	SE NW		37.96
4 N	26 E	WM	23	NE SW		28.30
4 N	26 E	WM	23	NW SW		31.82
4 N	26 E	WM	23	SW SW		37.89

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Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	23	SE SW		35.15
4 N	26 E	WM	23	NE SE		35.70
4 N	26 E	WM	23	NW SE		35.03
4 N	26 E	WM	23	SW SE		37.35
4 N	26 E	WM	23	SE SE		35.56
4 N	26 E	WM	24	SW NE	1	0.56
4 N	26 E	WM	24	SW NW		8.56
4 N	26 E	WM	24	SE NW	6	1.15
4 N	26 E	WM	24	NE SW		35.45
4 N	26 E	WM	24	NW SW		35.91
4 N	26 E	WM	24	SW SW		37.11
4 N	26 E	WM	24	SE SW		35.51
4 N	26 E	WM	24	NE SE		26.73
4 N	26 E	WM	24	NW SE		33.87
4 N	26 E	WM	24	SW SE		37.24
4 N	26 E	WM	24	SE SE		35.32
4 N	26 E	WM	25	NE NE		29.76
4 N	26 E	WM	25	NW NE		34.04
4 N	26 E	WM	25	SW NE		36.81
4 N	26 E	WM	25	SE NE		37.84
4 N	26 E	WM	25	NE NW		34.00
4 N	26 E	WM	25	NW NW		35.24
4 N	26 E	WM	25	SW NW		36.80
4 N	26 E	WM	25	SE NW		39.33
4 N	26 E	WM	25	NE SW		34.32
4 N	26 E	WM	25	NW SW		34.10
4 N	26 E	WM	25	SW SW		38.33
4 N	26 E	WM	25	SE SW		36.53
4 N	26 E	WM	25	NE SE		32.75
4 N	26 E	WM	25	NW SE		33.14
4 N	26 E	WM	25	SW SE		38.09
4 N	26 E	WM	25	SE SE		34.17
4 N	26 E	WM	26	NE NE		34.21
4 N	26 E	WM	26	NW NE		34.05
4 N	26 E	WM	26	SW NE		37.52
4 N	26 E	WM	26	SE NE		38.46
4 N	26 E	WM	26	NE NW		32.72
4 N	26 E	WM	26	NW NW		25.98
4 N	26 E	WM	26	SW NW		37.34
4 N	26 E	WM	26	SE NW		38.90
4 N	26 E	WM	26	NE SW		33.54
4 N	26 E	WM	26	NW SW		17.41
4 N	26 E	WM	26	SW SW		20.62
4 N	26 E	WM	26	SE SW		36.41
4 N	26 E	WM	26	NE SE		33.64
4 N	26 E	WM	26	NW SE		33.39
4 N	26 E	WM	26	SW SE		38.42
4 N	26 E	WM	26	SE SE		36.86
4 N	26 E	WM	27	NE NE		33.16

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	27	NW NE		38.48
4 N	26 E	WM	27	SW NE		33.35
4 N	26 E	WM	27	SE NE		25.32
4 N	26 E	WM	27	NE NW		33.79
4 N	26 E	WM	27	NW NW		32.95
4 N	26 E	WM	27	SW NW		35.59
4 N	26 E	WM	27	SE NW		38.55
4 N	26 E	WM	27	NE SW		34.47
4 N	26 E	WM	27	NW SW		33.25
4 N	26 E	WM	27	SW SW		35.42
4 N	26 E	WM	27	SE SW		38.87
4 N	26 E	WM	27	NE SE		33.01
4 N	26 E	WM	27	NW SE		38.93
4 N	26 E	WM	27	SW SE		34.29
4 N	26 E	WM	27	SE SE		25.79
4 N	26 E	WM	28	NE NE		39.72
4 N	26 E	WM	28	NW NE		33.35
4 N	26 E	WM	28	SW NE		33.34
4 N	26 E	WM	28	SE NE		35.56
4 N	26 E	WM	28	NE NW		35.40
4 N	26 E	WM	28	NW NW		36.57
4 N	26 E	WM	28	SW NW		33.26
4 N	26 E	WM	28	SE NW		39.11
4 N	26 E	WM	28	NE SW		35.45
4 N	26 E	WM	28	NW SW		36.39
4 N	26 E	WM	28	SW SW		33.71
4 N	26 E	WM	28	SE SW		38.75
4 N	26 E	WM	28	NE SE		39.68
4 N	26 E	WM	28	NW SE		33.21
4 N	26 E	WM	28	SW SE		33.80
4 N	26 E	WM	28	SE SE		36.36
4 N	26 E	WM	29	NE NE		37.94
4 N	26 E	WM	29	NW NE		26.76
4 N	26 E	WM	29	SW NE		31.16
4 N	26 E	WM	29	SE NE		33.30
4 N	26 E	WM	29	NE SE		37.15
4 N	26 E	WM	29	NW SE		26.65
4 N	26 E	WM	29	SW SE		31.00
4 N	26 E	WM	29	SE SE		34.32
4 N	26 E	WM	32	NE NE		36.91
4 N	26 E	WM	32	NW NE		27.38
4 N	26 E	WM	32	SW NE		31.52
4 N	26 E	WM	32	SE NE		34.71
4 N	26 E	WM	32	NE SE		36.22
4 N	26 E	WM	32	NW SE		29.74
4 N	26 E	WM	32	SW SE		31.68
4 N	26 E	WM	32	SE SE		34.83
4 N	26 E	WM	33	NE NE		39.63
4 N	26 E	WM	33	NW NE		33.04

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Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	33	SW NE		34.08
4 N	26 E	WM	33	SE NE		35.58
4 N	26 E	WM	33	NE NW		35.50
4 N	26 E	WM	33	NW NW		35.79
4 N	26 E	WM	33	SW NW		33.56
4 N	26 E	WM	33	SE NW		38.23
4 N	26 E	WM	33	NE SW		35.71
4 N	26 E	WM	33	NW SW		34.26
4 N	26 E	WM	33	SW SW		33.35
4 N	26 E	WM	33	SE SW		36.70
4 N	26 E	WM	33	NE SE		3.13
4 N	26 E	WM	33	NW SE		23.25
4 N	26 E	WM	33	SW SE		18.98
4 N	26 E	WM	34	NE NE		32.57
4 N	26 E	WM	34	NW NE		38.43
4 N	26 E	WM	34	SW NE		32.90
4 N	26 E	WM	34	SE NE		24.06
4 N	26 E	WM	34	NE NW		34.20
4 N	26 E	WM	34	NW NW		33.28
4 N	26 E	WM	34	SW NW		34.64
4 N	26 E	WM	34	SE NW		38.44
4 N	26 E	WM	34	NE SW		33.35
4 N	26 E	WM	34	NW SW		21.95
4 N	26 E	WM	34	NW SE		2.66
4 N	26 E	WM	35	NE NE		36.01
4 N	26 E	WM	35	NW NE		35.17
4 N	26 E	WM	35	SW NE		31.08
4 N	26 E	WM	35	SE NE		32.06
4 N	26 E	WM	35	NE NW		36.38
4 N	26 E	WM	35	NW NW		34.97
4 N	26 E	WM	35	SW NW		30.55
4 N	26 E	WM	35	SE NW		31.07
4 N	26 E	WM	36	NE NE		32.14
4 N	26 E	WM	36	NW NE		35.95
4 N	26 E	WM	36	SW NE		32.14
4 N	26 E	WM	36	SE NE		30.39
4 N	26 E	WM	36	NE NW		35.46
4 N	26 E	WM	36	NW NW		35.96
4 N	26 E	WM	36	SW NW		32.00
4 N	26 E	WM	36	SE NW		30.65
Total						7472.54

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

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.

This certificate describes that portion of water right Certificate 95155, State Record of Water Right Certificates, REDUCED IN RATE by the provisions of an order of the Water Resources Director entered APR 15 2021, approving Conserved Water Application CW-119. This certificate together with Certificate 95661 and the conserved water under CW-119, supersedes Certificate 95155 State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed APR 15 2021.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, Director
Oregon Water Resources Department

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Application for a Permanent Water Right Transfer - Point of Diversion Map 1

Certificates 92990, 92992, 92993, 92994, 93872, and 95622

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Water Rights in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 25 East (W.M.)



LEGEND

- Point of Diversion (POD)
- Government Lots
- Pipeline
- Railroad
- Road
- Watercourse

POD Location Description

Columbia River Pump Station
Located South 86 degrees 22 minutes 46 seconds West, 2,829 feet from the NE corner of Section 2, Township 4 North, Range 25 East (W.M.)

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022

CWRE Seal and Signature

N

Scale
0 200 400 ft
1-inch = 1,320 feet

Date: 6/10/2022
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

summit WATER RESOURCES

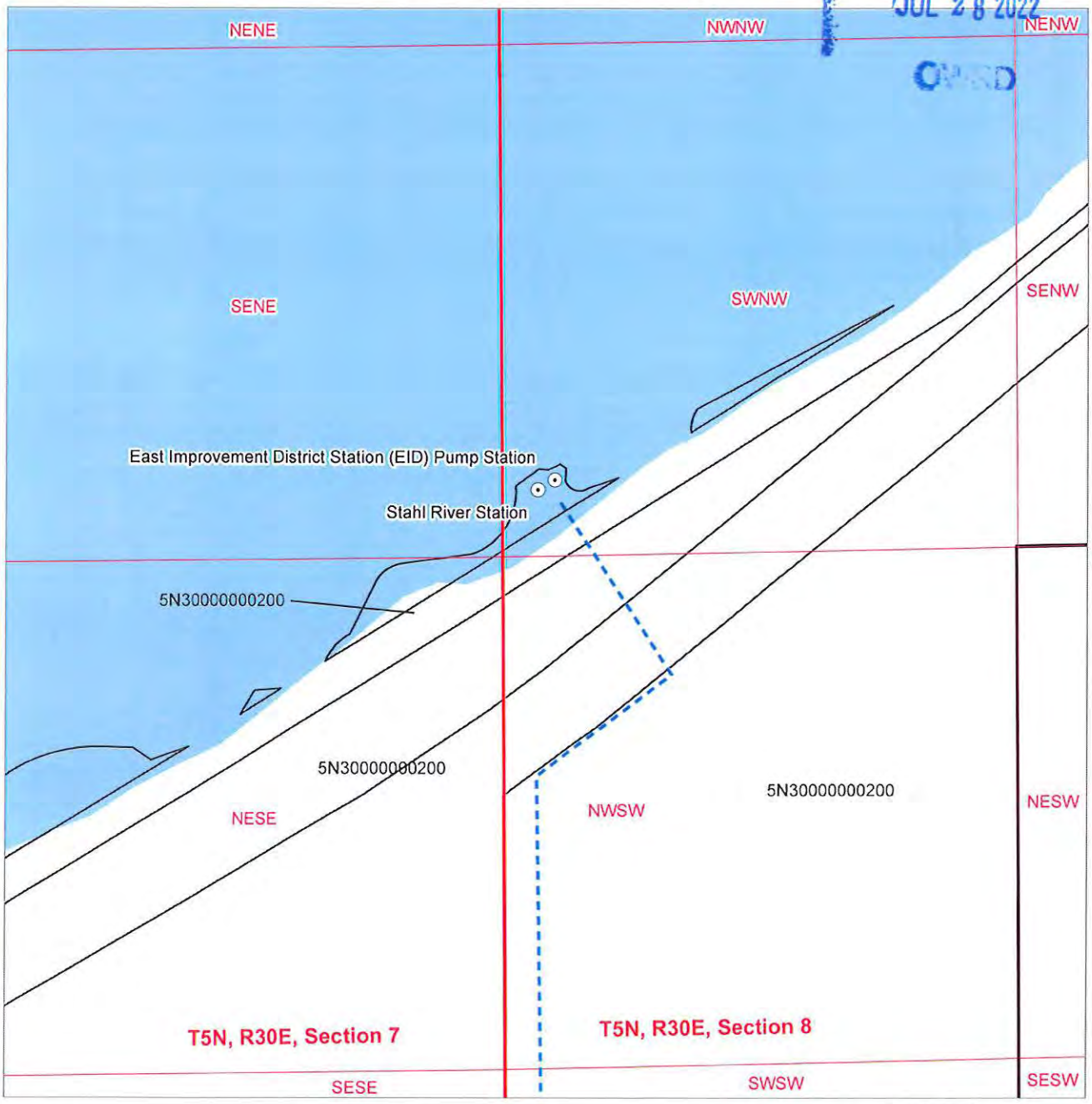
C:\OneDrive\Geo-Logic Associates Inc\SWR - Files\Project\Farmland Reserve\1 GIS\SWR Files\1 SWR Maps\Farmland Reserve.qgz

Application for a Permanent Water Right Transfer - Point of Diversion Map 2

Certificate - 93872

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 5 North, Range 30 East (W.M.)

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Legend

- Point of Diversion (POD)
- Pipeline
- Taxlot
- Watercourse

Scale
N
0 200 400 ft
1 inch = 400 feet

POD Location Description

Stahl Pump Station: Located 2660 feet North and 70 feet East from the SW corner of Section 8, Township 5 North, Rage 30 East (W.M.)
East Improvement (EID) District Pump Station: Located 2910 feet North and 120 feet East from the SW corner of Section 8, Township 5 North, Rage 30 East (W.M.)

Date: 6/13/2022
Data Sources: BLM, ESRI, OWRD, USGS, Coos. Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022

CWRE Seal and Signature

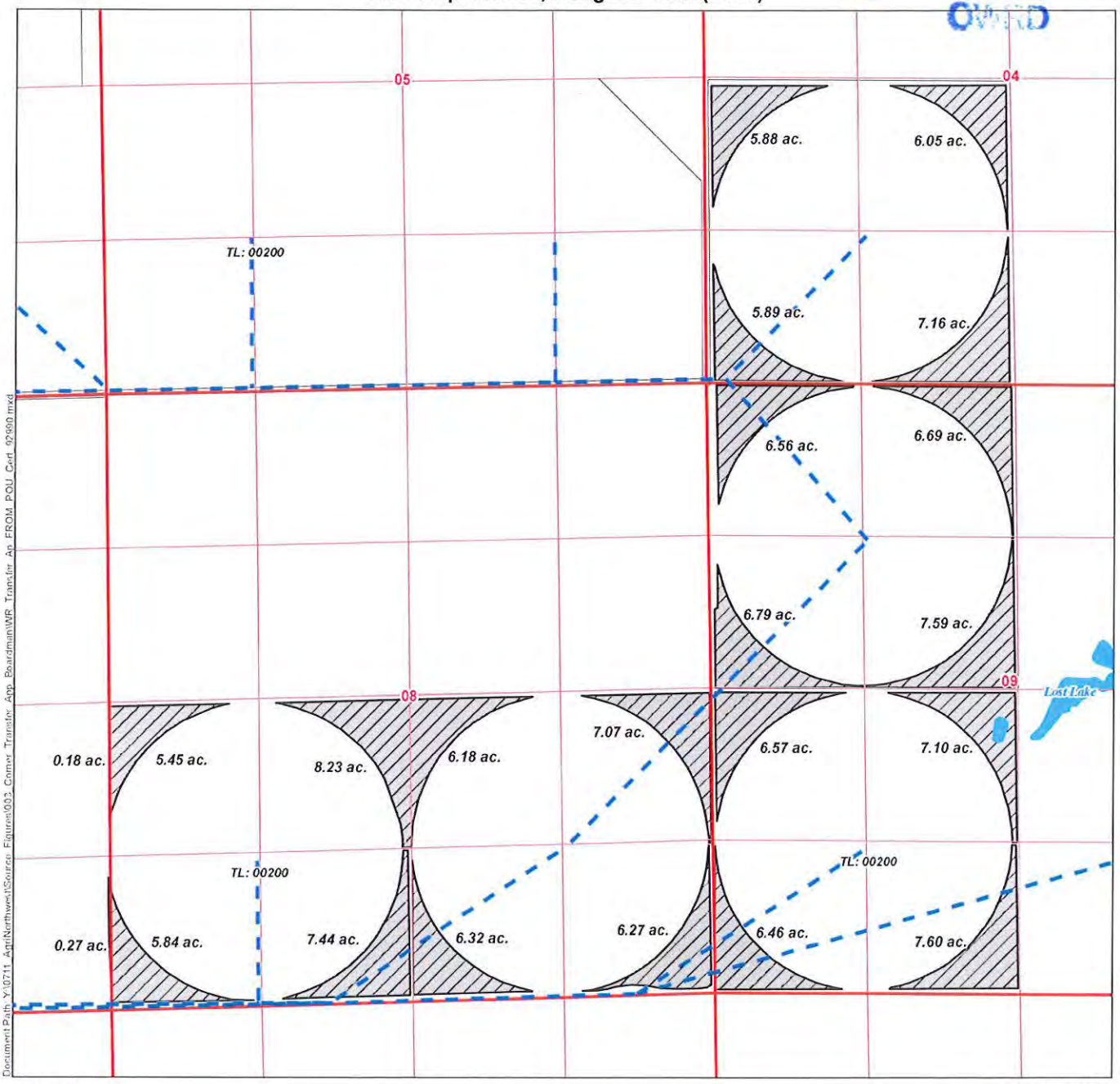
summit WATER RESOURCES

Copy of map already on-file for T13252 - No changes

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92990

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 3 North, Range 27 East (W.M.)

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LEGEND

Place of Use

From Lands, 133.59 ac.

All Other Features

- Pipeline
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#701855CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co

N

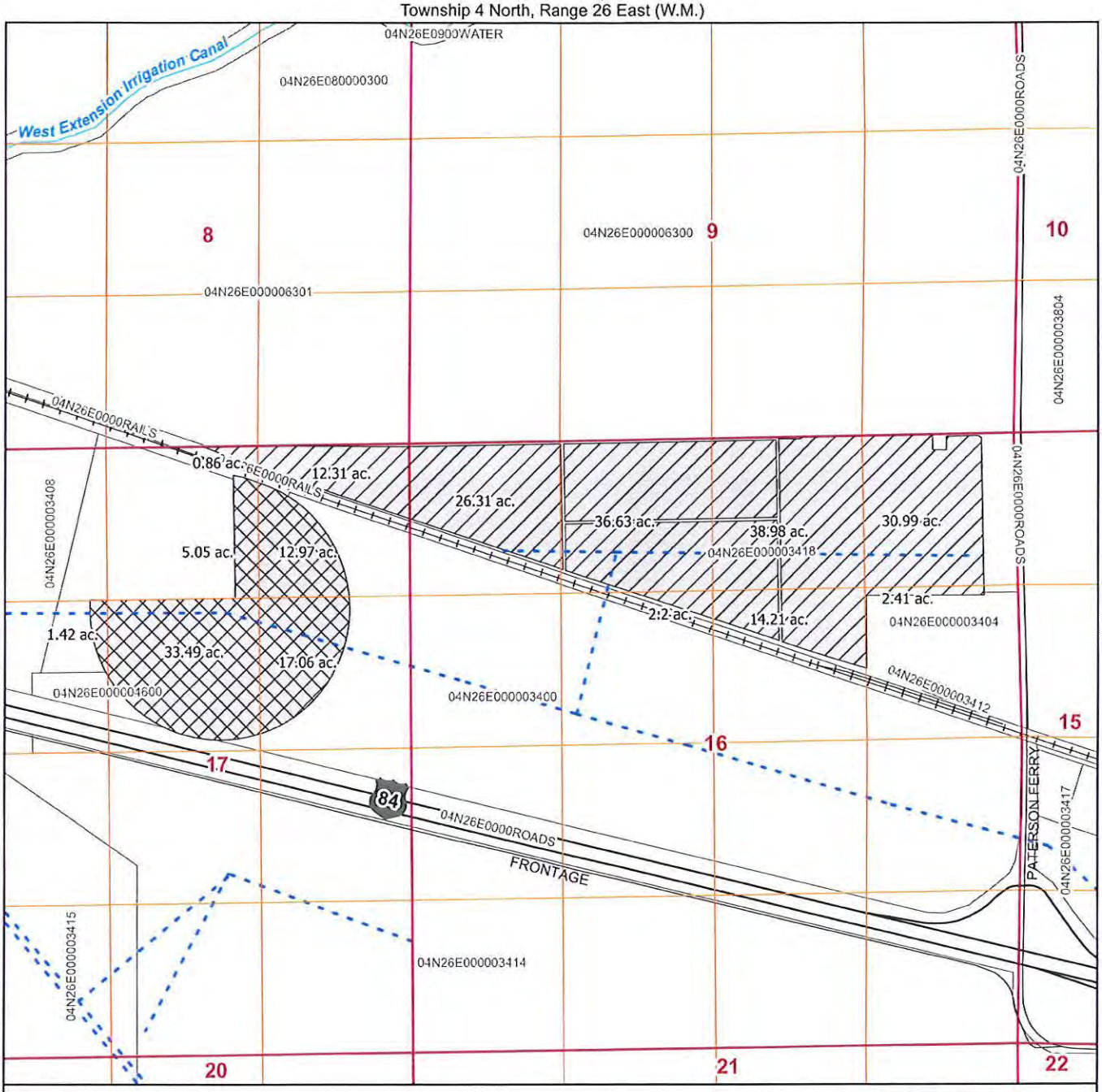
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer - FROM Lands Map

Certificate 92994

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

Place of Use

- From Lands (164.90 acres)
- Remaining Lands (69.99 acres)

Other Features

- Pipeline
- Railroad
- Road
- Watercourse

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CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022
CWRE Seal and Signature

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 6/10/2022
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

summit WATER RESOURCES

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FROM Lands Map 1 of 2 for Certificate 93872

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JUN 26 2018

OWRD

Claim of Beneficial Use Map
Conserved Water Application CW-84

A Water Right in the Name of Farmland Reserve, Inc.

Township 3 North, Range 29 East (W.M.)



Document Path: Y:\0711_Apr\Northwest\Source_Figures\001 IWR Services\COBU Ap CW84 POD2.mxd

LEGEND

- Point of Diversion (POD)
- M Flow Meter
- Pipeline
- Place of Use (POU)
- Tax Lot
- Watercourse
- Waterbody

POD LOCATION DESCRIPTION

POD 2
Located 2,910 feet North and 120 feet East from the SW corner of Section 8, Township 5 North, Range 30 East (W.M.)

Certified Water Rights Examiner Stamp

Certified Water Rights Examiner
#78185WRE
Theodore R. Ressler
June 29, 2007
STATE OF OREGON
EXPIRES: 12-31-2018

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines

MAP NOTES

Date: June 20, 2018
Data Sources: OWRD, Umatilla Co., BLM, ESRI, USGS

N

0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

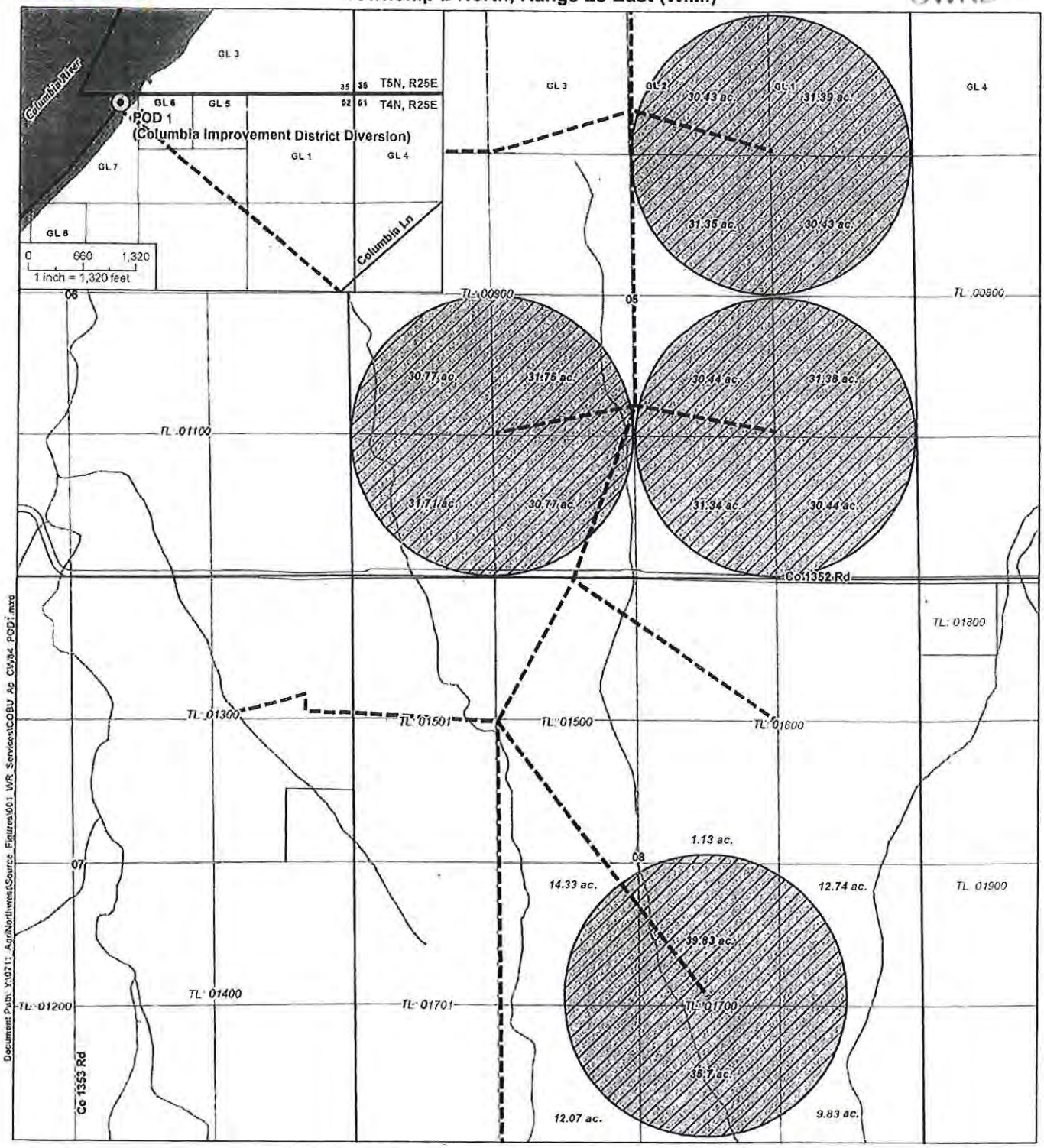
RECEIVED
JUL 28 2022
OWRD

FROM Lands Map 2 of 2 for Certificate 93872

RECEIVED
JUN 26 2018
OWRD

Claim of Beneficial Use Map
Conserved Water Application CW-84

A Water Right in the Name of Farmland Reserve, Inc.
Township 2 North, Range 28 East (W.M.)



Document Path: X:\0711_Agri\Northwest\Source_Figures\001 WR Services\COBU_Ap_CW84_POD1.mxd

LEGEND

- Point of Diversion (POD)
- Pipeline
- Place of Use (POU)
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

Certified Water Rights Examiner
#78185WRE
Theodore R. Ressler
June 29, 2007
STATE OF OREGON
EXPIRES: 12-31-2018

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 20, 2018
Data Sources: OWRD, Umatilla Co., BLM, ESRI, USGS

POD LOCATION DESCRIPTION

POD 1: Located South 86 degrees 22 minutes 46 seconds West, 2,829 feet from the NE corner of Section 2, Township 4 North, Range 25 East (W.M.)

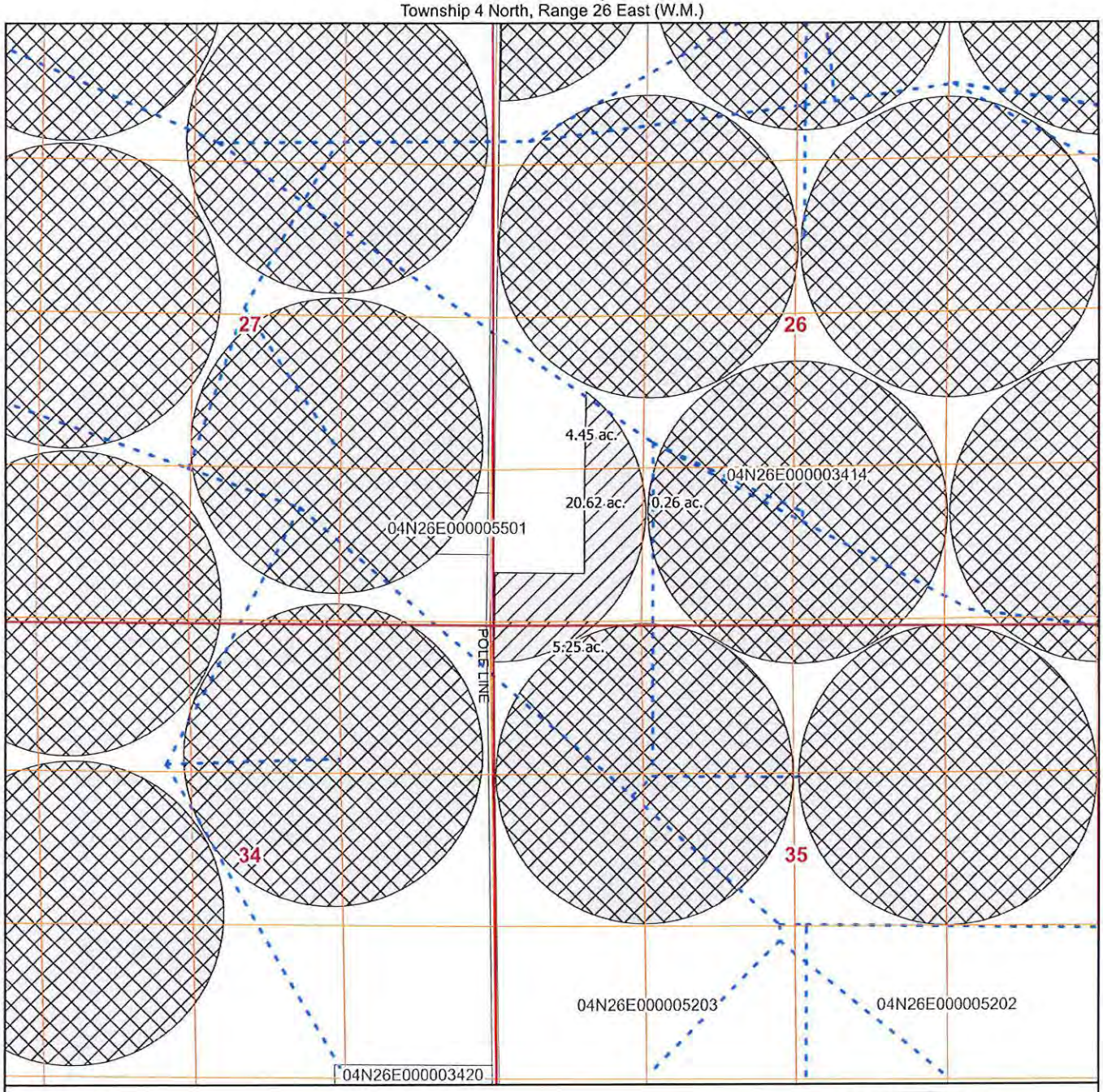
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer - FROM Lands Map

Certificate 95662

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

Place of Use

- From Lands (30.58 acres)
- Remaining Lands

Other Features

- Pipeline
- Railroad
- Road
- Watercourse

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CERTIFIED WATER RIGHTS EXAMINER
#78165CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022
CWRE Seal and Signature

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 6/9/2022
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

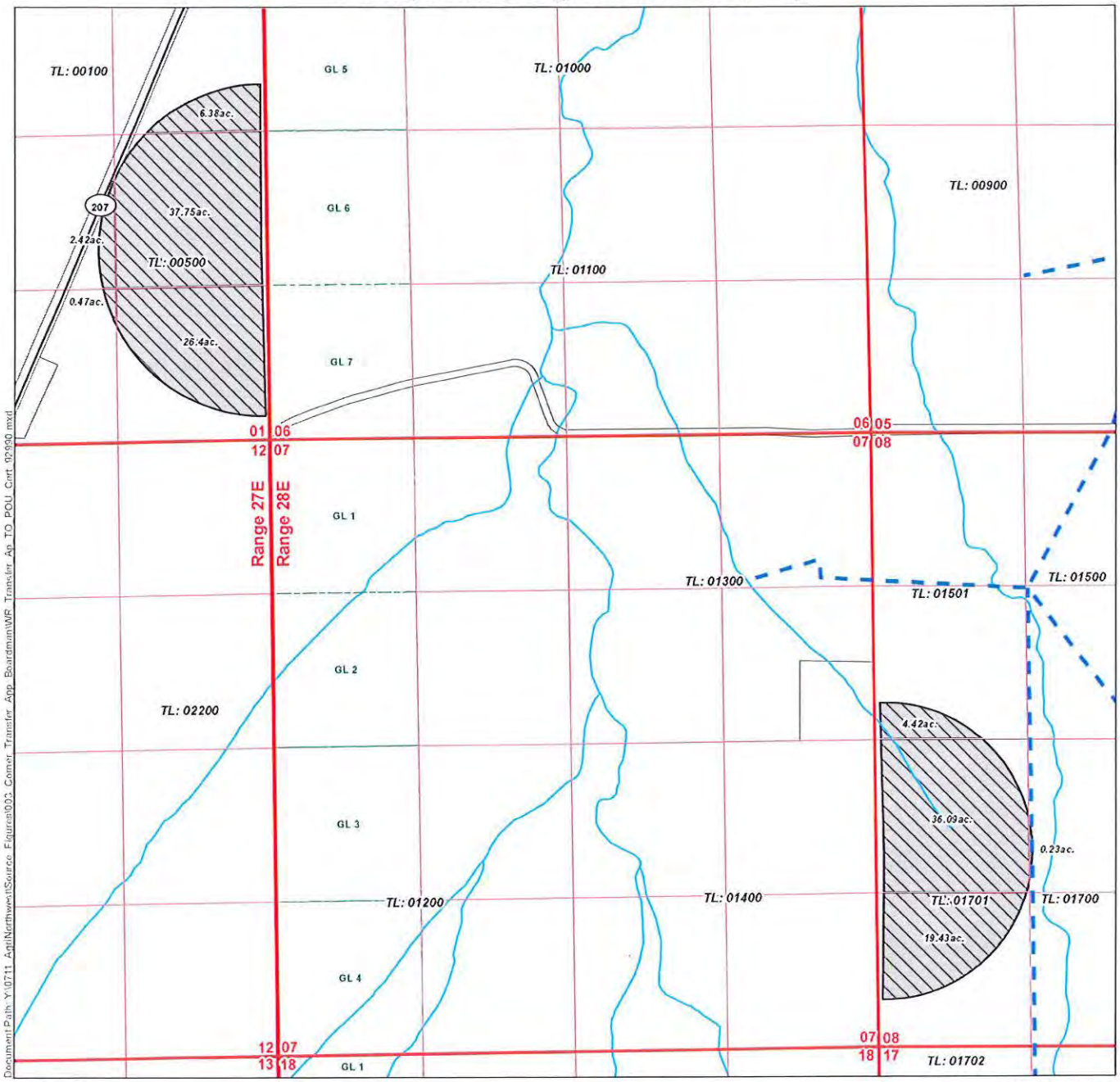
summit WATER RESOURCES

C:\OneDrive\ Geo-Logic Associates Inc\SWR - Files\Project Farmland-Reserve\1_GIS SWR Files\1_SWR Maps\Farmland Reserve.aprx

Copy of map already on-file for T13252 - No changes

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92990

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 North, Range 27 and 28 East (W.M.)



Document Path: Y:\0711_AgriNorthwest\Source_Figures\002_Comer_Transfer_App_BoardmanWR_Transfer_Ap_TO_POU_Cert_92990.mxd

LEGEND

Place of Use

- To Lands, 133.59 ac.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

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Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

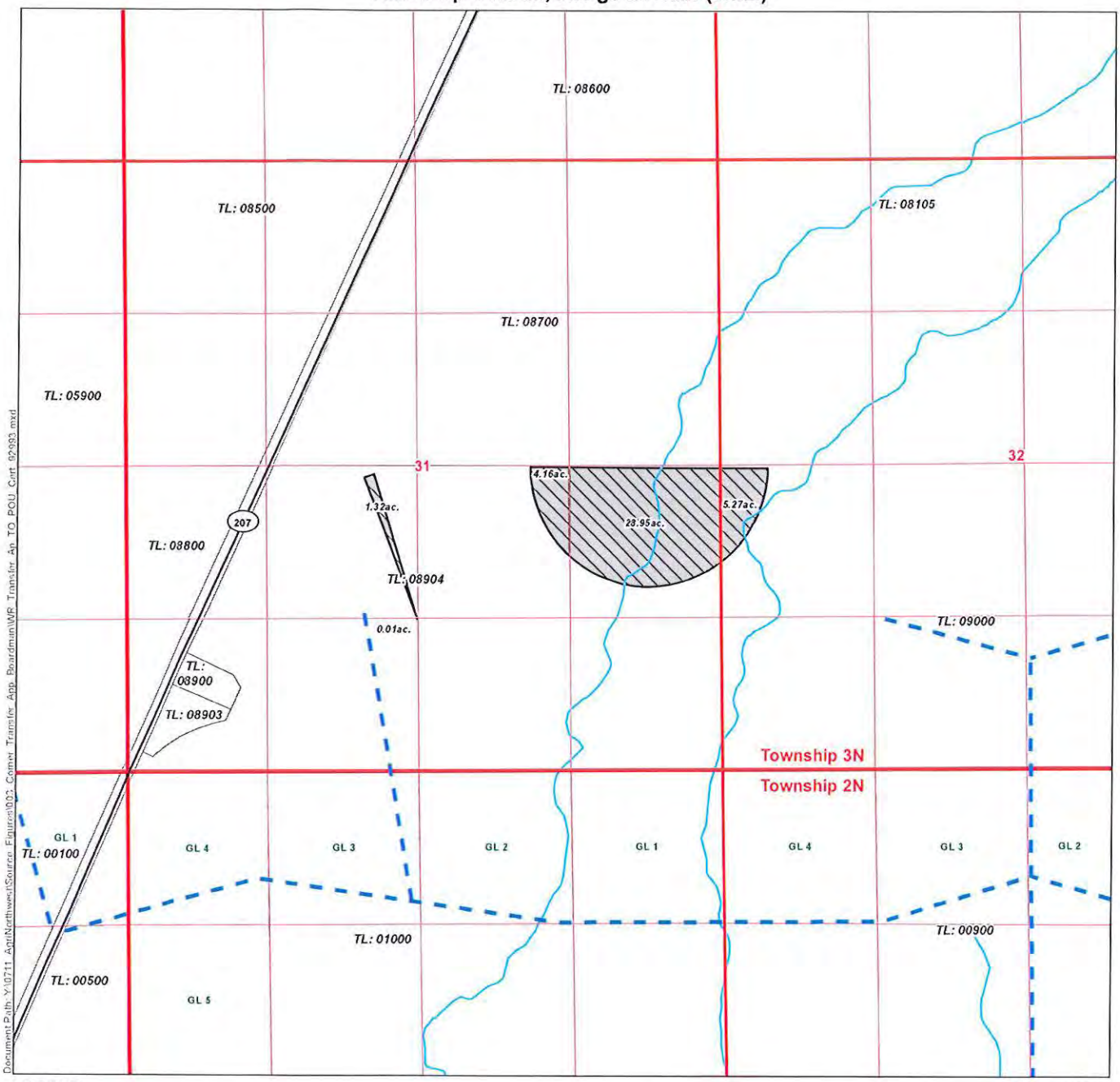
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Copy of map already on-file for T13252 - No changes

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92993

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 28 East (W.M.)



LEGEND

Place of Use
- To Lands, 39.71 ac.

All Other Features
- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

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Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

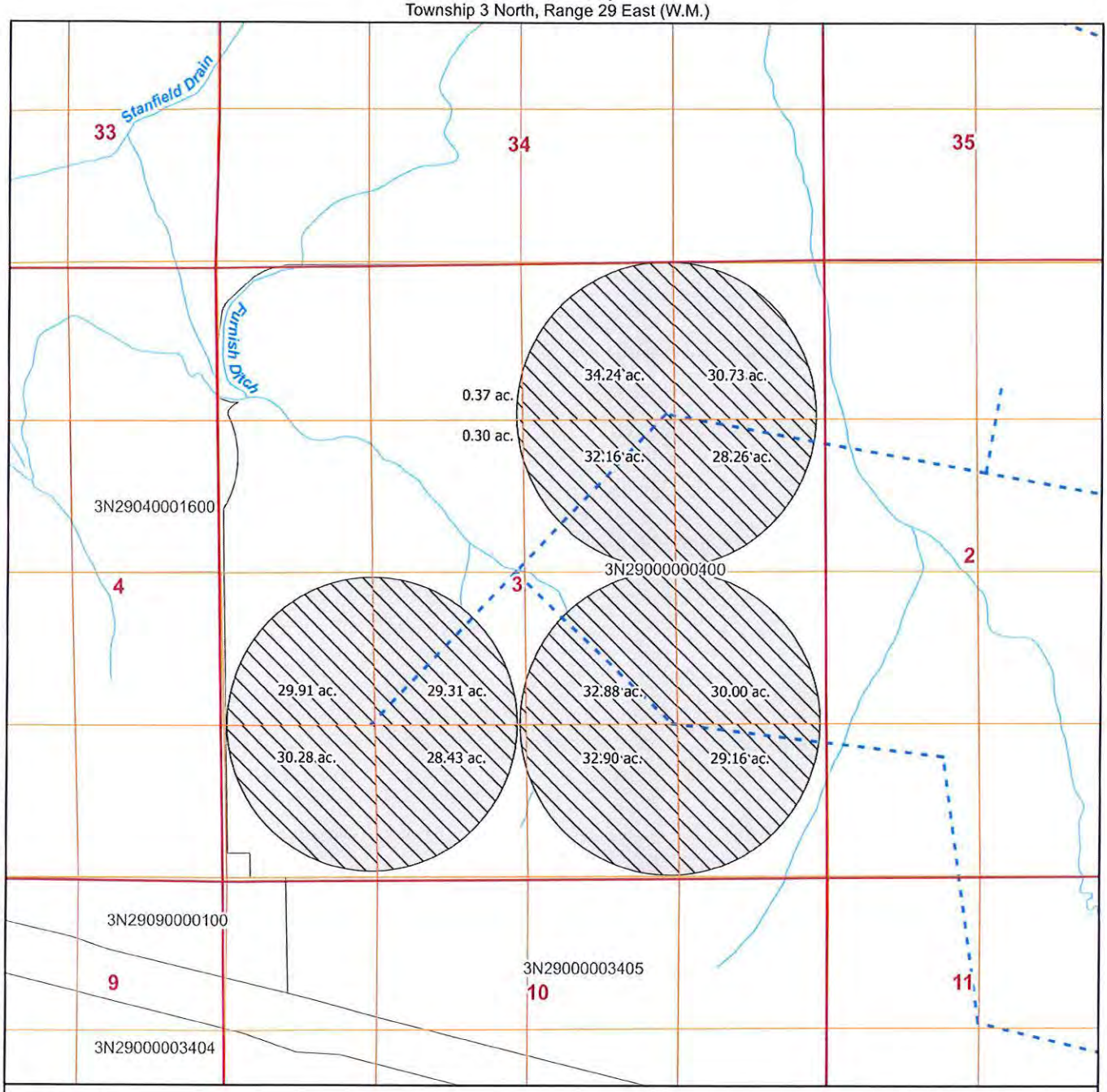
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer - TO Lands Map (1 of 2)

Certificate 93872

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 29 East (W.M.)



LEGEND

Place of Use

TO Lands to be served by Stahl PS and EID PS (368.93 acres)

Other Features

- Pipeline
- Railroad
- Road
- Watercourse

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CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022

CWRE Seal and Signature

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 6/10/2022
Data Sources: BLM,OGIC, ESRI, USGS, Umatilla Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

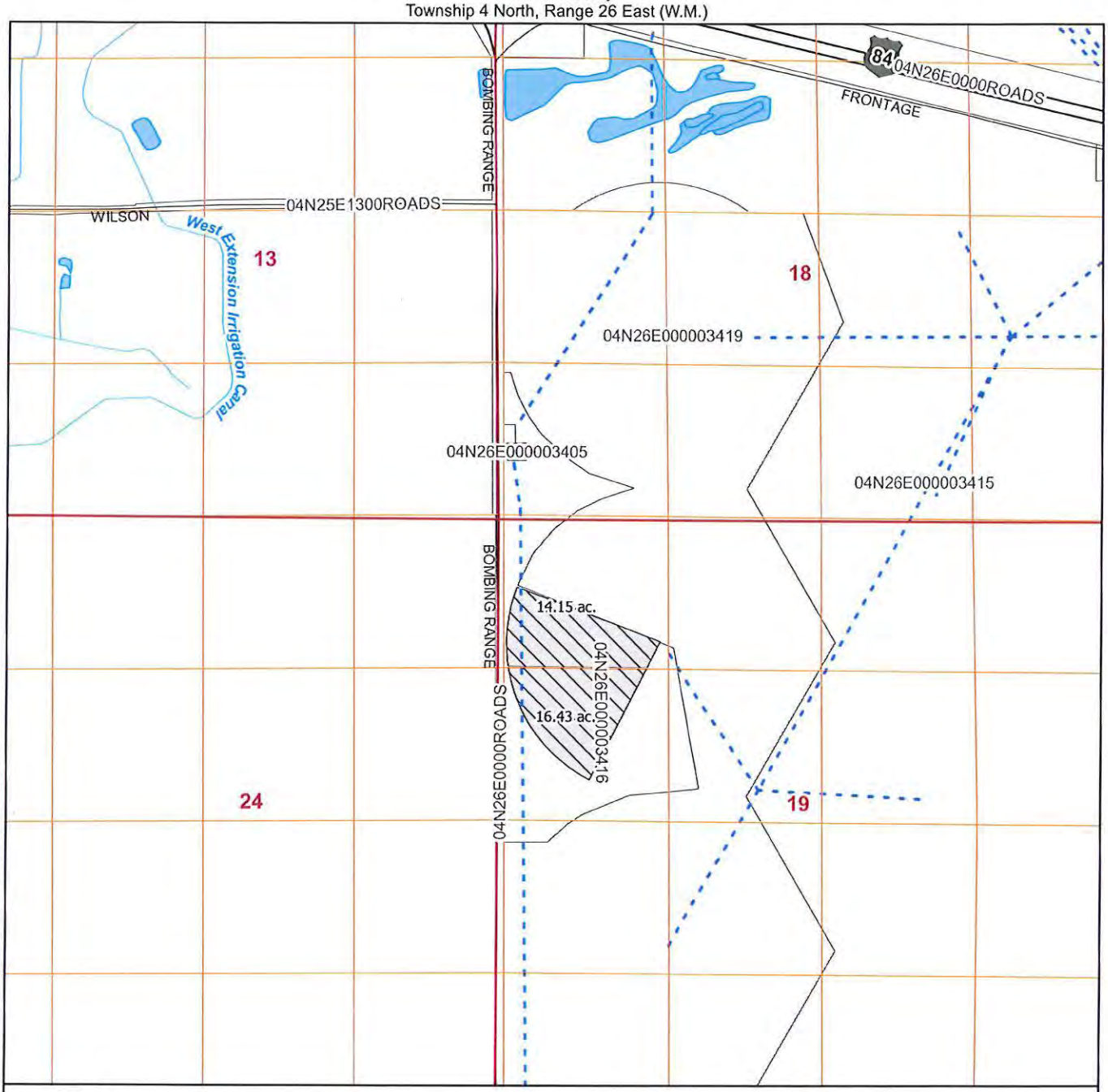
summit WATER RESOURCES

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Application for a Permanent Water Right Transfer - TO Lands Map

Certificate 95662

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

Place of Use

To Lands (30.58 acres)

Other Features

- Pipeline
- Railroad
- Road
- Watercourse

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 6/9/2022
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

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CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022

CWRE Seal and Signature

summit WATER RESOURCES

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Ted Ressler

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Tuesday, September 8, 2020 9:59 AM
To: Ted Ressler; JARAMILLO Lisa J * WRD
Subject: Re: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Hi Ted,

I have examined the maps and the Department will grant a map scale waiver.

Please include a print out of this email when you mail in the maps.

Kelly

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JUL 28 2022
OWRD

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Ted Ressler <tressler@gsiws.com>
Sent: Tuesday, September 8, 2020 9:02:59 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Lisa

Attached is are electronic copies of the stamped transfer maps, which include the following:

- Map showing the POD
- Separate maps for FROM and TO lands map for each certificate (92990, 92992, 92993, and 92994)
- Index map for the TO lands (to show how the TO lands for all of the water rights fit together)

Two of the maps (not including the Index map) are drawn using the scale of 1"=2000'. For the FROM lands map for Certificate 92992, this scale was necessary to keep the page size smaller than 30" x 30". **Please advise if this scale is acceptable.**

These water rights are associated with the former Boardman tree farm, specifically the irrigation corners that were not included in Transfer T-12522. I am copying Kelly on this email because of the unique aspects of the water rights for the tree farm as he was involved in Transfer T-12522 that involved other portions of the Boardman tree farm water rights. Two of the water rights involved in this new transfer, Certificates 92992 and 92993, have places of use that are interlaced with each other. I have made note of these interlaced places of use area on the maps.

If any discussion or clarification is needed for the transfer, please do not hesitate to give me a call.

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of UMATILLA)

I, LUKE MAYNARD, in my capacity as IRRIGATION MANAGER FOR AGRINORTHWEST,

mailing address PO BOX 2308 PASCO, WA 99302

telephone number (541)945-1684, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

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2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 92990*, 92992*, 92993*, 92994**; **OR**
* USED UNDER TEMPORARY TRANSFER T-13398
** USED UNDER TEMPORARY TRANSFER T-13399

☐ My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

13525

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): TREES, AND TEMPORARY TRASNFERS T-3398 AND T-3399,

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

9/1/2020
Date

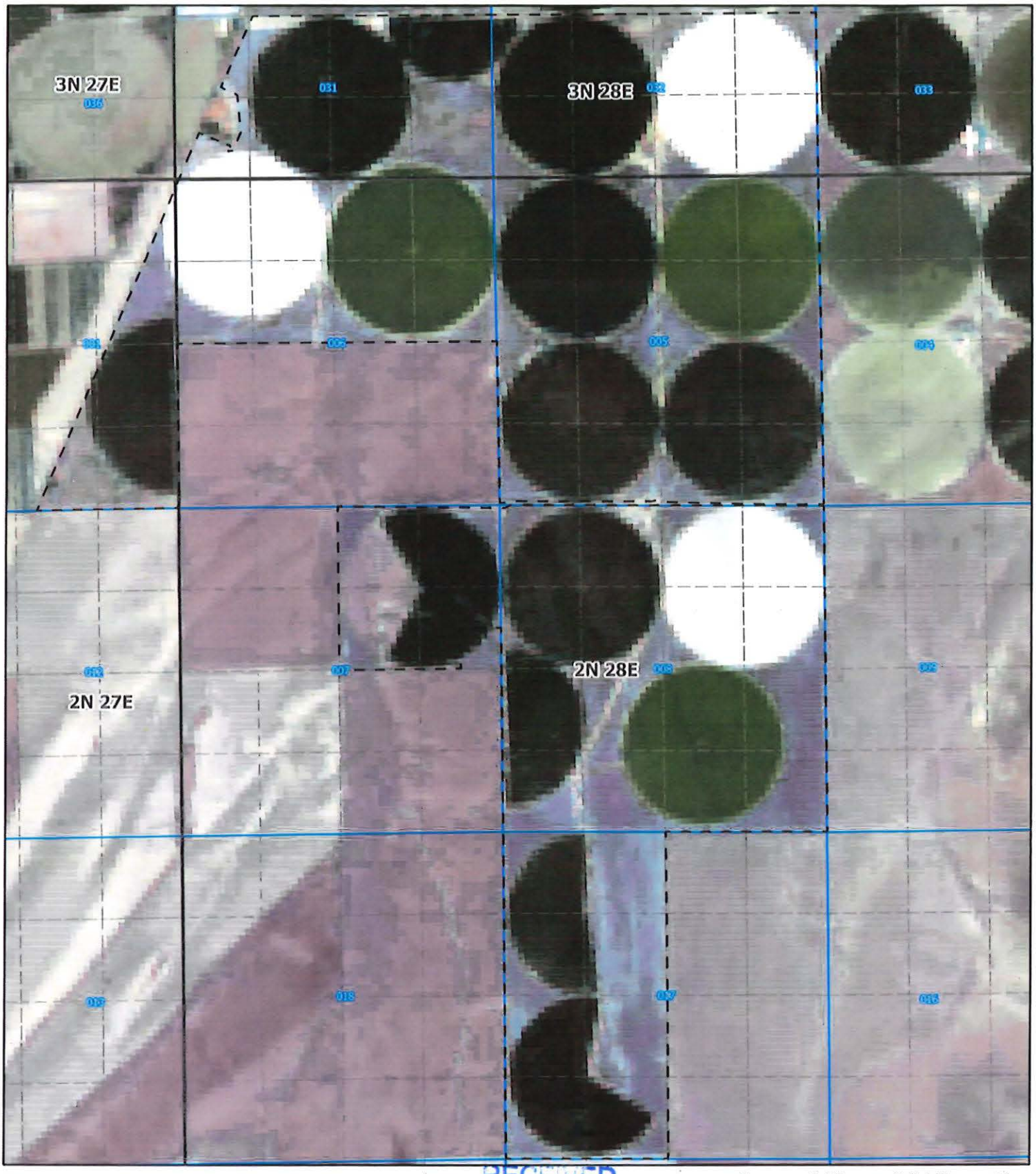
CONNIE L GORDANIER
APPOINTMENT EXPIRES NOVEMBER 04, 2022
NOTARY PUBLIC
Commission # 181259
STATE OF WASHINGTON

Signed and sworn to (or affirmed) before me this 1 day of Sept., 2020.

Connie L Gordanier
Notary Public for Oregon

My Commission Expires: 11-4-2022

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Butter Creek Farm - 2020 Proof of Irrigation

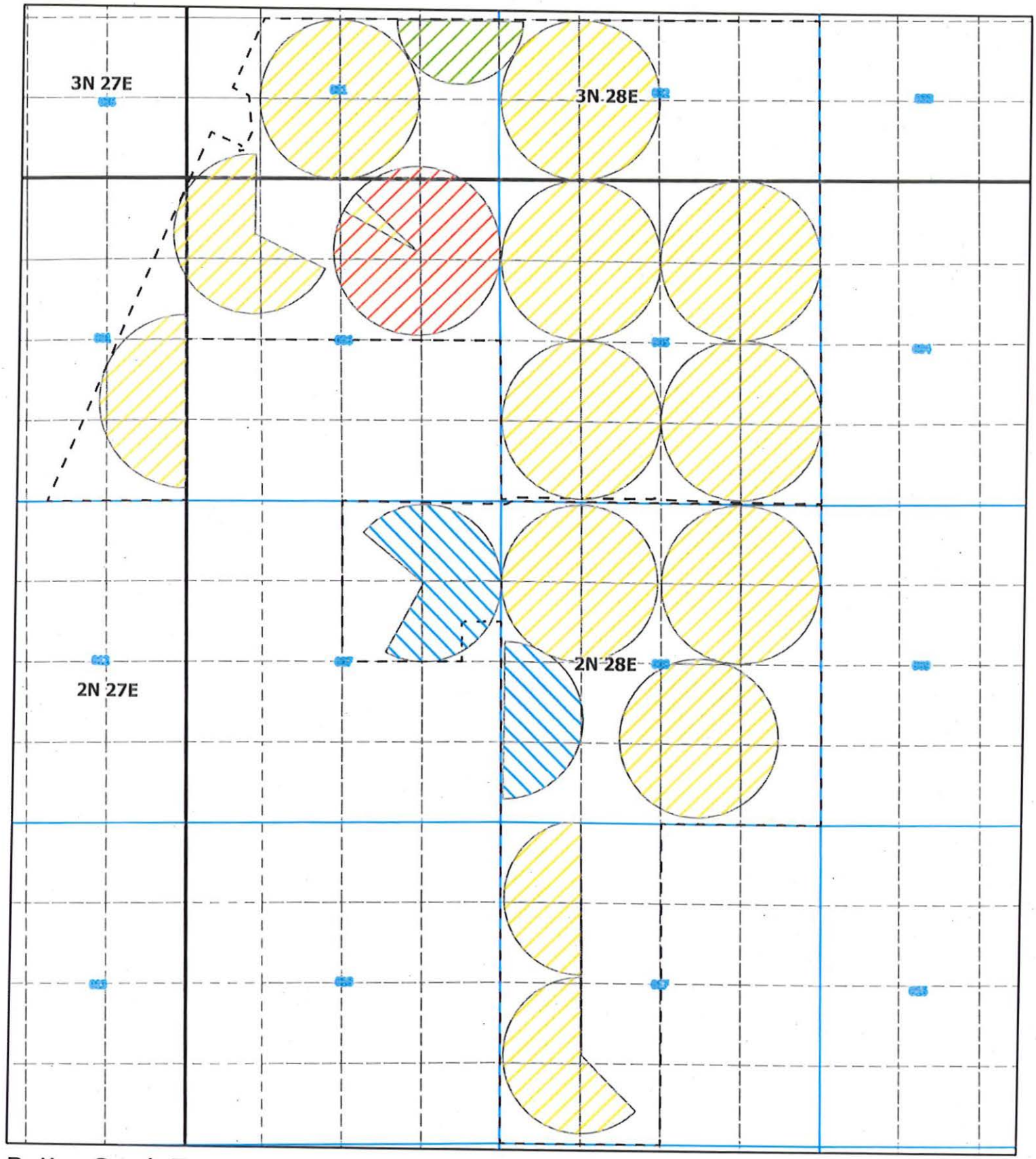
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0 0.25 0.5 Miles

N

Property Boundaries
Section
Township & Range
Quarter-Quarter Sections

Landsat-8 Image Courtesy of U.S. Geological Survey
Image Date: August 9, 2020



Butter Creek Farm - 2020 Proof of Irrigation

0 0.25 0.5 Miles N

- Property Boundaries
- 92990 TO Lands (T-13398)
- 92992 TO Lands (T-13398)
- 92993 TO Lands (T-13398)
- 92994 TO Lands (T-13399)
- Township & Range
- Section
- Quarter-Quarter Sections

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OWRD

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

RECEIVED
JUL 28 2022
OWRD

State of Oregon)
) ss
County of UMATILLA)

I, JENS RASMUSSEN, in my capacity as LAND AND GOVERNMENTAL AFFAIRS MANAGER,

mailing address PO BOX 2308, PASCO, WA 99302

telephone number (509)820-3234, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
95662	4	N	26	E	WM	26	NW	SW		4.45
95662	4	N	26	E	WM	26	SE	SW		0.26
95662	4	N	26	E	WM	26	SW	SW		20.62
95662	4	N	26	E	WM	26	NW	NW		5.25

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS.

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

19 July 2022
Date

Signed and sworn to (or affirmed) before me this 19th day of July, 2022

LINDA A. HEADLEY
COMMISSION NO. 128058
NOTARY PUBLIC
EXPIRES MAY 23, 2023
STATE OF WASHINGTON

Linda A. Headley
Notary Public for Washington

My Commission Expires: 5/23/23

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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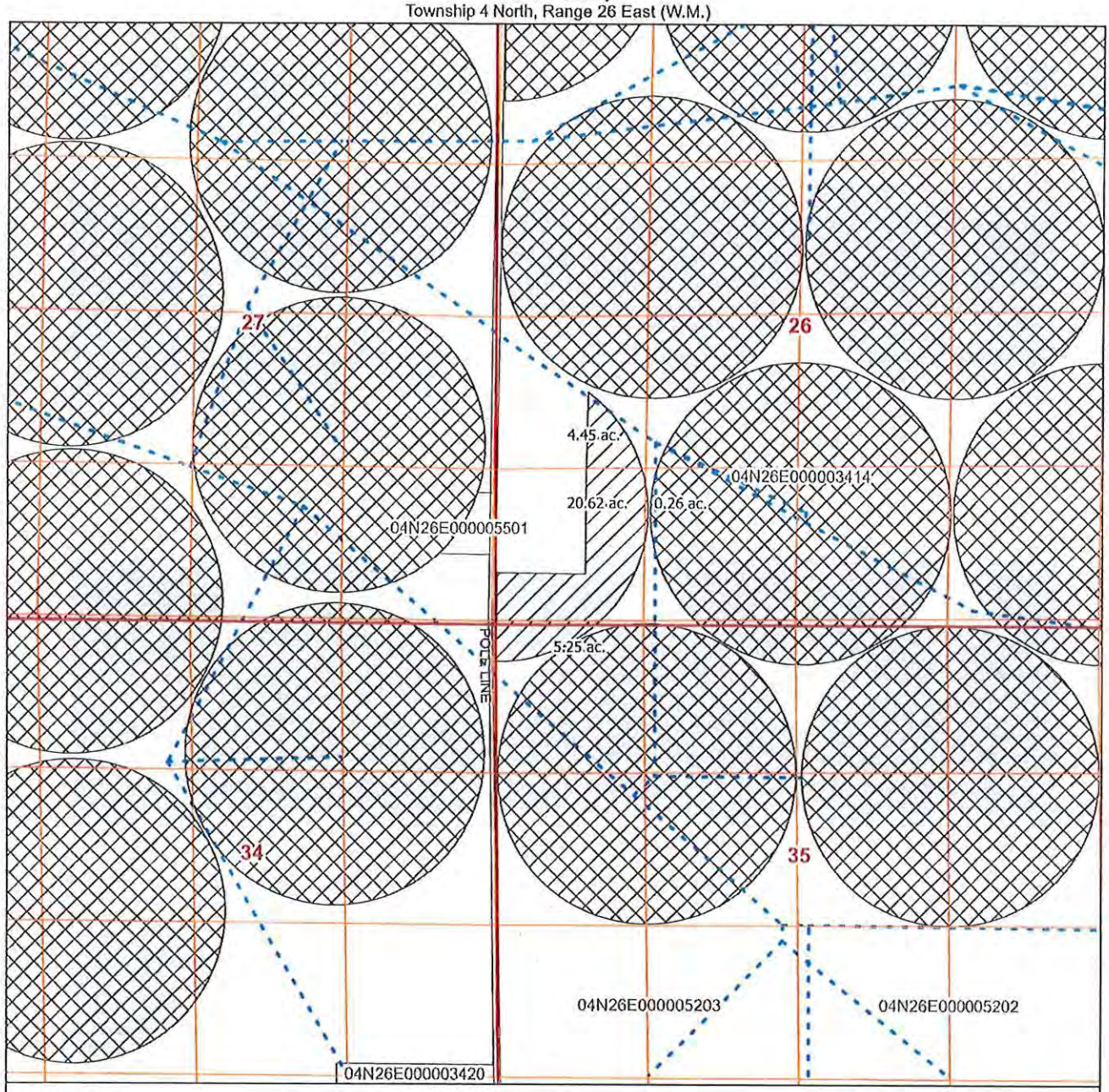
Certificate 95662



Application for a Permanent Water Right Transfer - FROM Lands Map

Certificate 95662

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



LEGEND

Place of Use
- From Lands (30.58 acres)
- Remaining Lands

Other Features
- Pipeline
- Railroad
- Road
- Watercourse

N

Scale
0 660 1,320 ft
1-inch = 1,320 feet

Date: 6/9/2022
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

CERTIFIED WATER RIGHTS EXAMINER
#78165CWRE
THEODORE A. REGSLER
JUNE 29, 2007
STATE OF OREGON

RENEWS: 12-31-2022
CWRE Seal and Signature

summit WATER RESOURCES

C:\OneDrive\Data-Logic Associates Inc\SWR - Files\Project\Farmland-Reserve\1_GIS\SWR_Files\1_SWR_Maps\Farmland_Reserve.qgz

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of UMATILLA)

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I, JENS RASMUSSEN, in my capacity as LAND AND GOVERNMENTAL AFFAIRS MANAGER,

mailing address PO BOX 2308, PASCO, WA 99302

telephone number (509)820-3234, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

☒ Confirming Certificate # 93872 has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS.

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

19 July 2022
Date

Signed and sworn to (or affirmed) before me this 19th day of July, 2022.

LINDA A. HEADLEY COMMISSION NO. 128058 NOTARY PUBLIC EXPIRES MAY 23, 2023 STATE OF WASHINGTON

Linda A. Headley
Notary Public for Washington

My Commission Expires: 5/23/23

Supporting Documents	Examples
☒ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

STATE OF OREGON

COUNTIES OF UMATILLA AND MORROW

CERTIFICATE OF WATER RIGHT

RECEIVED
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THIS CERTIFICATE ISSUED TO

FARMLAND RESERVE INC.
C/O AGRINORTHWEST
6716 W RIO GRANDE
KENNEWICK WA 99336

confirms the right to the use of water perfected under the terms of Permit S-36940. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: COLUMBIA RIVER, A TRIBUTARY OF PACIFIC OCEAN

PURPOSE OR USE: IRRIGATION OF 866.76 ACRES, BEING 5.25 CFS FROM POD 1 FOR IRRIGATION OF 497.83 ACRES AND 3.89 CFS FROM POD 2 FOR IRRIGATION OF 368.93 ACRES

MAXIMUM RATE: 9.14 CUBIC FEET PER SECOND (CFS), BEING 5.25 CFS FROM POD 1 AND 3.89 CFS FROM POD 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 29, 1973

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POD 1 (ORIGINAL) - SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER, SECTION 2
5 N	30 E	WM	8	SW NW		POD 2 (NEW) - 2910 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 8

The amount of water used for irrigation is limited to 1/95 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 1.53 acre feet per acre for each acre irrigated during the irrigation season of each year, and limited to an annual volume of 1325.07 acre feet, being 761.06 acre feet from POD 1 and 564.01 acre feet from POD 2.

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A description of the place of use is as follows:

IRRIGATION FROM POD 1							
Twp	Rng	Mer	Sec	Q-Q	GLot	Tax Lot	Acres
2 N	28 E	WM	5	NE NE	1	900	31.39
2 N	28 E	WM	5	NW NE	2	900	30.43
2 N	28 E	WM	5	SW NE		900	31.35
2 N	28 E	WM	5	SE NE		900	30.43
2 N	28 E	WM	5	NE SW		900	31.75
2 N	28 E	WM	5	NW SW		900	30.77
2 N	28 E	WM	5	SW SW		900	31.71
2 N	28 E	WM	5	SE SW		900	30.77
2 N	28 E	WM	5	NE SE		900	31.38
2 N	28 E	WM	5	NW SE		900	30.44
2 N	28 E	WM	5	SW SE		900	31.34
2 N	28 E	WM	5	SE SE		900	30.44
2 N	28 E	WM	8	SW NE		1600	1.13
2 N	28 E	WM	8	NE SW		1700	14.33
2 N	28 E	WM	8	SE SW		1700	12.07
2 N	28 E	WM	8	NE SE		1700	12.74
2 N	28 E	WM	8	NW SE		1700	39.83
2 N	28 E	WM	8	SW SE		1700	35.70
2 N	28 E	WM	8	SE SE		1700	9.83

IRRIGATION FROM POD 2						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 N	29E	WM	3	NE NE	400	30.73
3 N	29E	WM	3	NW NE	400	34.24
3 N	29E	WM	3	SW NE	400	32.16
3 N	29E	WM	3	SE NE	400	28.26
3 N	29E	WM	3	NE NW	400	0.37
3 N	29E	WM	3	SE NW	400	0.30
3 N	29E	WM	3	NE SW	400	29.31
3 N	29E	WM	3	NW SW	400	29.91
3 N	29E	WM	3	SW SW	400	30.28
3 N	29E	WM	3	SE SW	400	28.43
3 N	29E	WM	3	NE SE	400	30.00
3 N	29E	WM	3	NW SE	400	32.88
3 N	29E	WM	3	SW SE	400	32.90
3 N	29E	WM	3	SE SE	400	29.16

Measurement, recording and reporting conditions:

A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of diversion (new and existing).

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To prevent expansion of the original right (Certificate 79482), Farmland Reserve, Inc., shall install such measuring devices deemed appropriate by the District #5 Watermaster.

The quantity of water diverted at the new point of diversion (POD 2), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion.

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

This certificate is issued to confirm an ALLOCATION OF CONSERVED WATER approved by an order of the Water Resources Director entered MAY 27, 2014, and recorded at Special Order Volume 92, Page 615, approving Conserved Water Application CW-84, and the disposition of the conserved water entered September 5, 2017, and recorded in Special Order Volume 105, Page 716. This certificate together with Certificates 89303, 89304, and 89305, supersede Certificate 79482, State Record of Water Right Certificates.

Issued JUL 10 2018

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

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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]

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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME				PHONE (HM)
FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST				
PHONE (WK)	CELL			FAX
509-820-3234				509-734-1092
ADDRESS				
PO BOX 2308				
CITY	STATE	ZIP	E-MAIL**	
PASCO	WA	99302	JRASMUSSEN@AGRINW.COM	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME				PHONE (HM)
COLUMBIA IMPROVEMENT DISTRICT				
PHONE (WK)	CELL			FAX
541-481-8454				
ADDRESS				
PO BOX 47				
CITY	STATE	ZIP	E-MAIL**	
BOARDMAN	OR	97818		

** **By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.**

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	92990	YES ☐
2.		-	92992	YES ☐
3.		-	92993	YES ☐
4.		-	92994	YES ☐
6.		-	95662	YES ☐

Attach additional pages for additional water rights if necessary. **Bureau of Reclamation*

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [*You may need to consult with your district/water supplier.*]

CURRENT ASSOCIATIONS *Please answer the following "yes" or "no" questions:*

YES ☒ NO ☐ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; *i.e., the POU is currently layered with a district or BOR water supplied water right(s).*

PROPOSED ASSOCIATIONS *Please answer the following "yes" or "no" questions:*

YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; *i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).*

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COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
☐ email, ☒ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature	Name (print)	Date
P Tolman	Pat Tolman	7/19/22

5. *(WHEN REQUIRED)* DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent **is required** if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES ☐ NO ☒ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES ☐ NO ☒ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier	Name (print), Title	Date

AFFIDAVIT FOR THE VOLUNTARY PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

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State of Washington)
) ss
County of Benton)

I/We (or authorized agent), Patrick Tolman, VP for Farmland Reserve, Inc.,

residing at _____,

telephone number (509) 734-1195, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number (see table on next page, within the ¼ ¼, Section _____, Township _____ N/S, Range _____ E/W, of the Willamette Meridian, in Umatilla County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. ~~All or~~ A portion of water right certificate number 44654 issued to Larry Hanson, with a date of priority of Sep. 3, 1968 for use of 4.5 cubic foot per second of water from A groundwater well in Section 7 T2N R28E (UMAT 472) (sources) for the purpose of Irrigation (uses) is appurtenant to my/our property;

3. The appurtenant water right is/~~is not~~ located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Columbia Improvement District;

4. If the water right is issued in the name of an irrigation district, then the affiant must have the concurrence of the district to the diminishment of the portion of the water right. (Signature of district manager on the line below documents concurrence of the district.)

N/A
Signature of district manager _____ Printed Name _____ Date

5. I/We are requesting partial diminution of water right certificate number 44654 in the amount of 2.475 cubic foot per second of water from A groundwater well in Section 7 T2N R28E (sources) for the irrigation of 446.7 acres at the following locations as listed on the certificate (attach a table if needed):

____¼ ____¼ _____Acres
____¼ ____¼ _____Acres
____¼ ____¼ _____Acres
Section ____
Township _____ N/S, Range _____ E/W, WM;

(see table, below)

Town	Range	Section	QQ	Q	TaxParcel	Acres
2N	28E	7	NE	NE	1300	30.25
2N	28E	7	NW	NE	1300	9.75
2N	28E	7	SW	NE	1300	8.76
2N	28E	7	SE	NE	1300	28.77
2N	28E	8	NE	NW	1500	30.25
2N	28E	8	NW	NW	1501	28.72
2N	28E	8	SW	NW	1501	34.72
2N	28E	8	SE	NW	1500	30.60
2N	28E	8	NE	SW	1700	14.33
2N	28E	8	NW	SW	1701	36.09
2N	28E	8	SW	SW	1701	19.43
2N	28E	8	SE	SW	1700	12.07
2N	28E	8	NE	SE	1700	12.74
2N	28E	8	NW	SE	1700	39.83
2N	28E	8	SW	SE	1700	35.70
2N	28E	8	SE	SE	1700	9.83
2N	28E	17	NE	NW	1700	1.25
2N	28E	17	NW	NW	1702	28.89
2N	28E	17	SW	NW	1702	29.99
2N	28E	17	SE	NW	1700	3.84
2N	28E	17	NE	SW	1700	0.92
2N	28E	17	NW	SW	1700	1.56

6. I/we have found a more dependable source of primary water, and therefore request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation on the lands described above in item #5;

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AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE (CONTINUED)

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) for primary irrigation of these lands.

[signature] 7/11/22

Signature of legal owner as listed on deed, or authorized agent — Date

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 11th day of July, 2022

Linda A. Headley

Notary Public for Washington

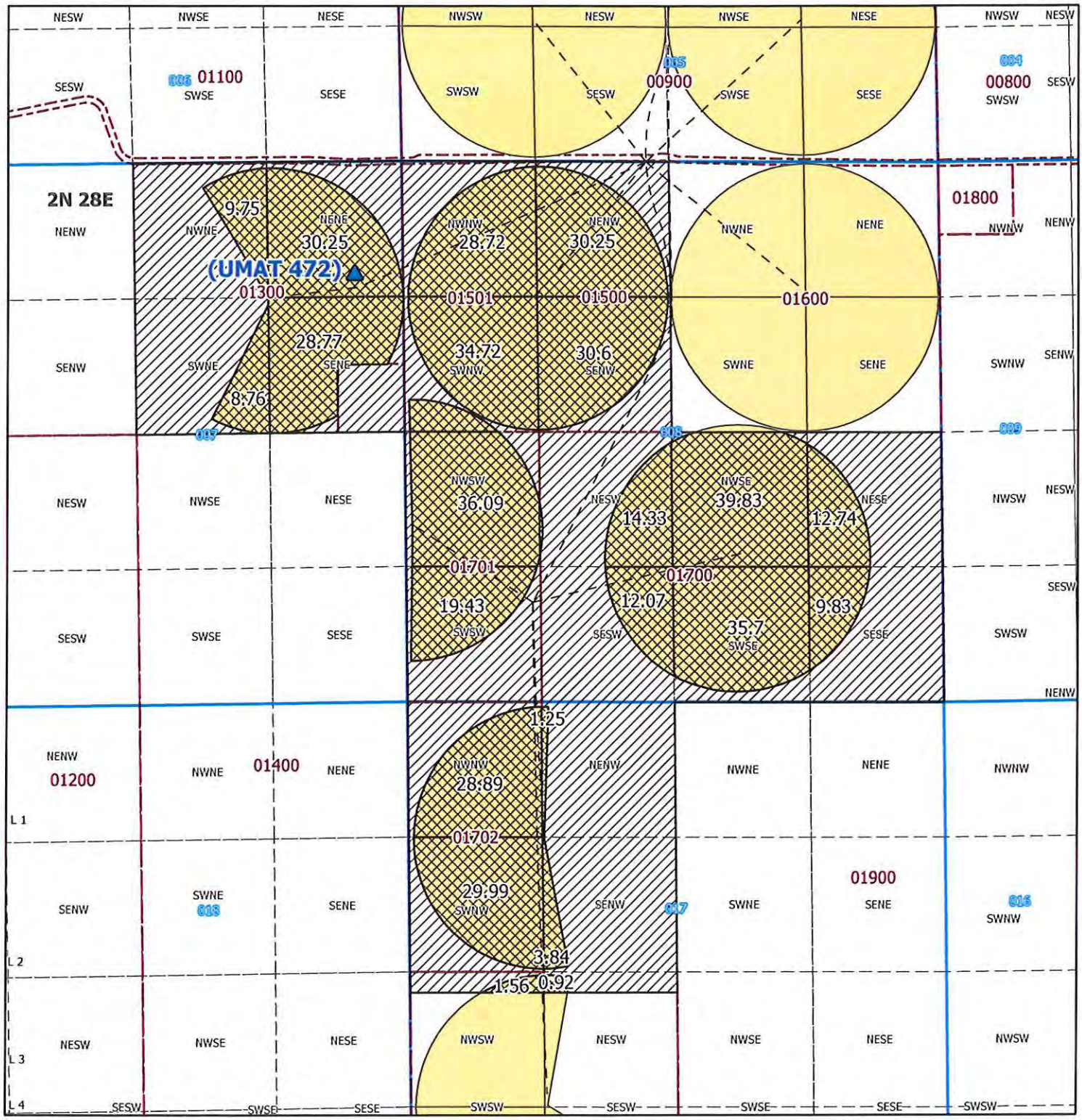
LINDA A. HEADLEY COMMISSION NO. 128058 NOTARY PUBLIC EXPIRES MAY 23, 2023 STATE OF WASHINGTON

My Commission Expires 5/23/2023

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PLEASE ATTACH A LEGIBLE COPY OF :

1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED.
3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.



Certificate 44654 - Place of Use

- Point of Diversion
- Water Mainlines
- Umatilla County Parcels
- Township & Range
- Section
- 1/4-1/4
- T-13525
- 44654 (Primary)
- 44654 (Supplemental)

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Land Use Information Form

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

Applicant(s): Farmland Reserve, Inc., Attn: Jens Rasmussen, AgriNorthwest

Mailing Address: PO Box 2308

City: Pasco State: WA Zip Code: 99032 Daytime Phone: 509-734-1092

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5N	30E	8	SWNW	200	EFU	☒ Diverted	☒ Conveyed	☐ Used	New diversion point to provide water for irrigation.
2N	27E	1	NENE	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
2N	27E	1	SENE	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
2N	28E	6	NENW	1000	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
2N	28E	6	NWNW	1000	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
2N	28E	6	SWNW	1000	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
2N	28E	6	SENW	1000	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	28E	31	SWSW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	28E	31	SESW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	NENW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	NWNW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	SWNW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	SENW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	NESW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	NWSW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	SWSW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	2	SESW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	3	NWNW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	3	NENW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	3	SENW	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	3	SESE	400	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	13	SESE	3700	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation

3N	29E	13	SWSE	3700	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	24	NENE	8700	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	29E	24	NWNE	8700	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	30E	3	SWSE	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	30E	3	NWSW	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	30E	3	NESW	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	30E	3	SESW	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
3N	30E	3	SWSW	500	EFU	☐ Diverted	☒ Conveyed	☒ Used	Irrigation

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

Umatilla County

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

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

Estimated quantity of water needed: 0* ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The applicant is filing a transfer application to make changes to six existing water right certificates. The lands listed in the table under Item A above include the land where the new (additional) point of diversion is located and the that will be served irrigation water from the new (additional) point of diversion.
*Note: no 'new' water use rate is being requested by this transaction.

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

See bottom of Page 4. →

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.

RECEIVED
JUL 28 2022
OWRD

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.056 (A)

☐ Land uses to be served by the 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:	
		☐ 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.

Name: CAROL JOHNSON Title: PLANNER

Signature: Carol Johnson Phone: (541) 278-6301 Date: 07/07/2022

Government Entity: UMATILLA 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: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January 31, 2022

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

Reference: Water Right Transfer Application T-13525

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13525. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by March 2, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.

2. **Respond in writing** by MARCH 2, 2022, with acknowledgement that you agree to the proposed action and conditions.

3. If you find any errors, please let me know.

4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
   - **a)** Must be prepared by a title company;
   - **b)** Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
   - **c)** Must be:
     - **i.** Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
     - **ii.** Prepared within 3 months of recording of a water right conveyance agreement; **OR**
     - **iii.** Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

     If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

d) Must include a list of owners at the time the report was generated; **AND**

e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf

Please note the proposed date by which all conditions must be met: October 1, 2023. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by March 2, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13525
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13525, Morrow County	)))))	D R A F T PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USEAND PARTIAL DIMINUTION OF A WATER RIGHT

Authority

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

Applicant

FARMLAND RESERVE, INC.
ATTN: JENS RASMUSSEN, AGRINORTHWEST
PO BOX 2308
PASCO, WA 99302

Findings of Fact

1. On September 29, 2020, FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST filed an application to change the places of use under Certificates 92990, 92992, 92993, and 92994. The Department assigned the application number T-13525.

2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. Transfer T-13525 involves the same authorized and proposed place of use as approved for Certificate 92994 under temporary transferT-13609 in a Final Order issued by the Department on April 15, 2021 (Special Order Volume 120, Page 151). The use of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2025 irrigation season, or earlier, if requested in writing by the applicant. The authorization to use changed points of diversion shall be terminated concurrently. On November 16, 2021, the Department contacted the applicant's agent by telephone to notify the applicant and the applicant's agent of a deficiency in the application. A portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificate 92994 will become layered with Certificate 44654. The applicant wishes to diminish these portions of Certificate 44654 from primary to supplemental irrigation. The application did not include an Affidavit for the Voluntary Diminution of a

portion of a Water Right Certificate. The Department requested that the deficiency be resolved prior to issuance of a Final Order to approve.

4. On December 7, 2021, the Department received an Affidavit for the Voluntary Partial Diminution of Water Right Certificate 44654 from Patrick Tolman, Vice President for Farmland Reserve, Inc.

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

Certificate: 92990 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)
Use: IRRIGATION OF 133.59 ACRES
Priority Date: JULY 25, 1973
Rate: 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
				Total	133.59

6. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	27 E	WM	1	SE NE	6.38
2 N	27 E	WM	1	NE SE	37.75
2 N	27 E	WM	1	NW SE	2.42
2 N	27 E	WM	1	SW SE	0.47
2 N	27 E	WM	1	SE SE	26.40
2 N	28 E	WM	8	SW NW	4.42
2 N	28 E	WM	8	NE SW	0.23
2 N	28 E	WM	8	NW SW	36.09
2 N	28 E	WM	8	SW SW	19.43
				Total	133.59

7. The second water right to be transferred is as follows:

Certificate: 92992 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)
Use: IRRIGATION OF 1425.07 ACRES
Priority Date: JULY 25, 1973
Rate: 30.72 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NE NE	6.32

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37
3 N	26 E	WM	1	NW SW	9.47
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				Total	1425.07

8. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	27 E	WM	4	NW NW		0.01
2 N	27 E	WM	5	NE NE	1	33.07
2 N	27 E	WM	5	NW NE	2	31.09
2 N	27 E	WM	5	SW NE		29.83
2 N	27 E	WM	5	SE NE		30.04
2 N	28 E	WM	5	NE NW	3	33.11
2 N	28 E	WM	5	NW NW	4	30.61
2 N	28 E	WM	5	SW NW		30.42
2 N	28 E	WM	5	SE NW		31.01
2 N	28 E	WM	5	NE SW		32.62
2 N	28 E	WM	5	NW SW		30.61
2 N	28 E	WM	5	SW SW		30.10
2 N	28 E	WM	5	SE SW		30.23
2 N	28 E	WM	5	NE SE		32.96
2 N	28 E	WM	5	NW SE		31.48
2 N	28 E	WM	5	SW SE		29.62
2 N	28 E	WM	5	SE SE		29.32
2 N	28 E	WM	6	NE NE	1	35.62
2 N	28 E	WM	6	NW NE	2	37.06
2 N	28 E	WM	6	SW NE		31.34
2 N	28 E	WM	6	SE NE		28.54
2 N	28 E	WM	6	NE NW	3	1.35
2 N	28 E	WM	6	SE NW		0.66
2 N	28 E	WM	7	NE NE		30.25
2 N	28 E	WM	7	NW NE		9.75
2 N	28 E	WM	7	SW NE		8.76
2 N	28 E	WM	7	SE NE		28.77
2 N	28 E	WM	7	NE SE		0.01
2 N	28 E	WM	7	NW SE		0.01
2 N	28 E	WM	8	NE NE		31.03
2 N	28 E	WM	8	NW NE		30.47
2 N	28 E	WM	8	SW NE		32.34

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	28 E	WM	8	SE NE		30.71
2 N	28 E	WM	8	NE NW		30.25
2 N	28 E	WM	8	NW NW		28.72
2 N	28 E	WM	8	SW NW		30.30
2 N	28 E	WM	8	SE NW		30.60
2 N	28 E	WM	8	NE SW		13.80
2 N	28 E	WM	8	SE SW		11.58
2 N	28 E	WM	8	NE SE		12.56
2 N	28 E	WM	8	NW SE		39.72
2 N	28 E	WM	8	SW SE		35.35
2 N	28 E	WM	8	SE SE		9.67
3 N	28 E	WM	31	NE SW		23.61
3 N	28 E	WM	31	SE SW		32.17
3 N	28 E	WM	31	NW SE		7.97
3 N	28 E	WM	31	SW SE		34.15
3 N	28 E	WM	31	SE SE		2.18
3 N	28 E	WM	32	NE SW		32.22
3 N	28 E	WM	32	NW SW		30.25
3 N	28 E	WM	32	SW SW		30.98
3 N	28 E	WM	32	SE SW		32.33
3 N	28 E	WM	32	NE SE		31.43
3 N	28 E	WM	32	NW SE		29.90
3 N	28 E	WM	32	SW SE		30.79
3 N	28 E	WM	32	SE SE		31.72
3 N	28 E	WM	33	NW SW		0.01
3 N	28 E	WM	33	SW SW		0.01
					Total	1425.07

9. The third right to be transferred is as follows:

Certificate: 92993 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)

Use: IRRIGATION OF 39.71 ACRES

Priority Date: JULY 25, 1973

Rate: 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under PERMIT 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE1/4 NW), SECTION 2, T2N, R25E, WM; 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				Total	39.71

10. Transfer Application T-13525 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	31	NE SE	28.95
3 N	28 E	WM	31	NW SE	4.16
3 N	28 E	WM	31	NE SW	1.32
3 N	28 E	WM	31	SE SW	0.01
3 N	28 E	WM	32	NW SW	5.27
				Total	39.71

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

Certificate: 92994 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 148.59 ACRES
Priority Date: JUNE 29, 1973
Rate: 3.68 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	16	NE NE	14.68
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	12.31
4 N	26 E	WM	17	NW NE	0.86
				Total	148.59

12. Transfer Application T-13525 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	17	NE NW	1.25
2 N	28 E	WM	17	NW NW	28.89
2 N	28 E	WM	17	SW NW	29.99
2 N	28 E	WM	17	SE NW	3.84
2 N	28 E	WM	17	NE SW	4.22
2 N	28 E	WM	17	NW SW	29.46
2 N	28 E	WM	17	SW SW	29.57
2 N	28 E	WM	17	SE SW	19.94
3 N	28 E	WM	31	NE SW	1.42
3 N	28 E	WM	31	SE SW	0.01
				Total	148.59

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

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

14. The water rights are subject to transfer as defined in OAR 690-385-0100(17).

15. Diversion structures, district canals, wells, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13525.

16. The proposed changes would not result in enlargement of the rights.

17. The proposed changes would not result in injury to other water rights.

18. All other application requirements are met.

Partial Diminution of Water Right Certificate 44654

19. A portion of water right Certificate 44565 is appurtenant to a portion of the proposed places of use under Certificates 92990 and 92992, and the entire proposed place of use under Certificates 92994. Therefore, to avoid layering of two primary water rights for irrigation, a portion lands under Certificate 44565 will be diminished from primary to supplemental irrigation as a result of this order.

20. On December 7, 2021, Patrick Tolman, owner of lands to which a portion of Certificate 44565 is appurtenant, submitted an affidavit requesting a portion of Certificate 44565 be diminished from primary irrigation to supplemental irrigation. The portion to be diminished is described as follows:

Certificate: 44654 in the name of LARRY HANSON (perfected under Permit G-4396)
Use: IRRIGATION of 446.7 ACRES
Priority Date: September 3, 1968
Rate: 2.5 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of BUTTER CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
2 N	28 E	WM	7	NE NE	1040 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 7

. **Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres
2 N	28 E	WM	7	NE NE	1300	30.25
2 N	28 E	WM	7	NW NE	1300	9.75
2 N	28 E	WM	7	SW NE	1300	8.76
2 N	28 E	WM	7	SE NE	1300	28.77
2 N	28 E	WM	8	NE NW	1500	30.25
2 N	28 E	WM	8	NW NW	1501	28.72
2 N	28 E	WM	8	SW NW	1501	34.72
2 N	28 E	WM	8	SE NW	1500	30.60
2 N	28 E	WM	8	NE SW	1700	14.03
2 N	28 E	WM	8	NW SW	1701	36.09
2 N	28 E	WM	8	SW SW	1701	19.43
2 N	28 E	WM	8	SE SW	1700	11.58
2 N	28 E	WM	8	NE SE	1700	12.56
2 N	28 E	WM	8	NW SE	1700	39.72
2 N	28 E	WM	8	SW SE	1700	35.35
2 N	28 E	WM	8	SE SE	1700	9.67
2 N	28 E	WM	17	NE NW	1700	1.25
2 N	28 E	WM	17	NW NW	1702	28.89
2 N	28 E	WM	17	SW NW	1702	29.99
2 N	28 E	WM	17	SE NW	1702	3.84
2 N	28 E	WM	17	NE SW	1700	0.92
2 N	28 E	WM	17	NW SW	1700	1.56
					Total	446.7

Determination and Proposed Action

The change in places of use proposed in Transfer Application T-13525 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the portion of Certificate 44654 should be diminished as requested. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the portion of Certificate 44654 will be diminished from primary to supplemental irrigation.

If Transfer Application T-13525 is approved, the final order will include the following:

1. *The change in places of use proposed in Transfer Application T-13525 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 92990, 92992, 92993, 92994, and any related decree.*

3. *Water right Certificates 92990, 92992, 92993, 92994 and 44654 are cancelled. A certificate will be issued describing that portion of Certificate 92994 not affected by this transfer, and a new certificate will be issued describing the partial diminishment of Certificate 44654 from primary to supplemental irrigation.*

4. *Water use measurement conditions:*

   a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*

   b. *The water user shall maintain the meters or measuring devices in good working order.*

   c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

5. *The former places of use of the transferred rights shall no longer receive water under the rights.*

6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2023****. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

7. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on _____

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@oregon.gov

December 10, 2021

P.O. BOX 2308 TRI-CITIES, WA 99302-2308
509-734-1195

Oregon Water Resources Department
Attn. Corey Courchane
725 Summer Street NE, Suite A
Salem, OR 97301

RE: T-13525 Diminution of 44654

Mr. Courchane,

Per your request, please find enclosed the original, "wet" signature affidavit for voluntary partial diminution for water right certificate 44654. I have also included a copy of the land deed, a copy of the map, and an incumbency certificate for Pat Tolman, who signed the affidavit.

I appreciate your help processing our application. Please let me or Ted Ressler know if you need any additional information, or if there is a problem with something we have already submitted.

Sincerely,

Nathan Rau
Natural Resource Analyst
Office: (509) 820-3231
Mobile: (385) 522-1730
P.O. Box 2308, Tri-Cities, WA 99302
nrau@farmlandreserve.org

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AFFIDAVIT FOR THE VOLUNTARY PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

State of Washington)
) ss
County of **Benton**)

I/We (or authorized agent), **Patrick Tolman, VP for Farmland Reserve, Inc.**,

residing at _____,

telephone number **(509) 734-1195**, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number **(see table on next page**, within the ¼ ¼, Section _____, Township _____ N/S, Range _____ E/W, of the Willamette Meridian, in **Umatilla** County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. ~~All or~~ **A portion** of water right certificate number **44654** issued to **Larry Hanson**, with a date of priority of **Sep. 3, 1968** for use of **4.5** cubic foot per second of water from **A groundwater well in Section 7 T2N R28E (UMAT 472)** (sources) for the purpose of **Irrigation** (uses) is appurtenant to my/our property;

3. The appurtenant water right **is**/~~is not~~ located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: **Columbia Improvement District**;

4. If the water right is issued in the name of an irrigation district, then the affiant must have the concurrence of the district to the diminishment of the portion of the water right. (Signature of district manager on the line below documents concurrence of the district.)

N/A _____ _____
Signature of district manager Printed Name Date

5. I/We are requesting partial diminution of water right certificate number **44654** in the amount of **2.475** cubic foot per second of water from **A groundwater well in Section 7 T2N R28E** (sources) for the irrigation of **446.7** acres at the following locations as listed on the certificate (attach a table if needed):

____¼____¼ _____Acres
____¼____¼ _____Acres
____¼____¼ _____Acres
Section ____
Township_____N/S, Range_____E/W, WM;

(see table, below)

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Town	Range	Section	QQ	Q	TaxParcel	Acres
2N	28E	7	NE	NE	1300	30.25
2N	28E	7	NW	NE	1300	9.75
2N	28E	7	SW	NE	1300	8.76
2N	28E	7	SE	NE	1300	28.77
2N	28E	8	NE	NW	1500	30.25
2N	28E	8	NW	NW	1501	28.72
2N	28E	8	SW	NW	1501	34.72
2N	28E	8	SE	NW	1500	30.60
2N	28E	8	NE	SW	1700	14.03
2N	28E	8	NW	SW	1701	36.09
2N	28E	8	SW	SW	1701	19.43
2N	28E	8	SE	SW	1700	11.58
2N	28E	8	NE	SE	1700	12.56
2N	28E	8	NW	SE	1700	39.72
2N	28E	8	SW	SE	1700	35.35
2N	28E	8	SE	SE	1700	9.67
2N	28E	17	NE	NW	1700	1.25
2N	28E	17	NW	NW	1702	28.89
2N	28E	17	SW	NW	1702	29.99
2N	28E	17	SE	NW	1700	3.84
2N	28E	17	NE	SW	1700	0.92
2N	28E	17	NW	SW	1700	1.56

6. I/we have found a more dependable source of primary water, and therefore request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation on the lands described above in item #5;

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AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE (CONTINUED)

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) for primary irrigation of these lands.

Signature of legal owner as listed on deed, or authorized agent — Date: 12/6/21

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 6th day of December, 2021

Notary Public for Washington

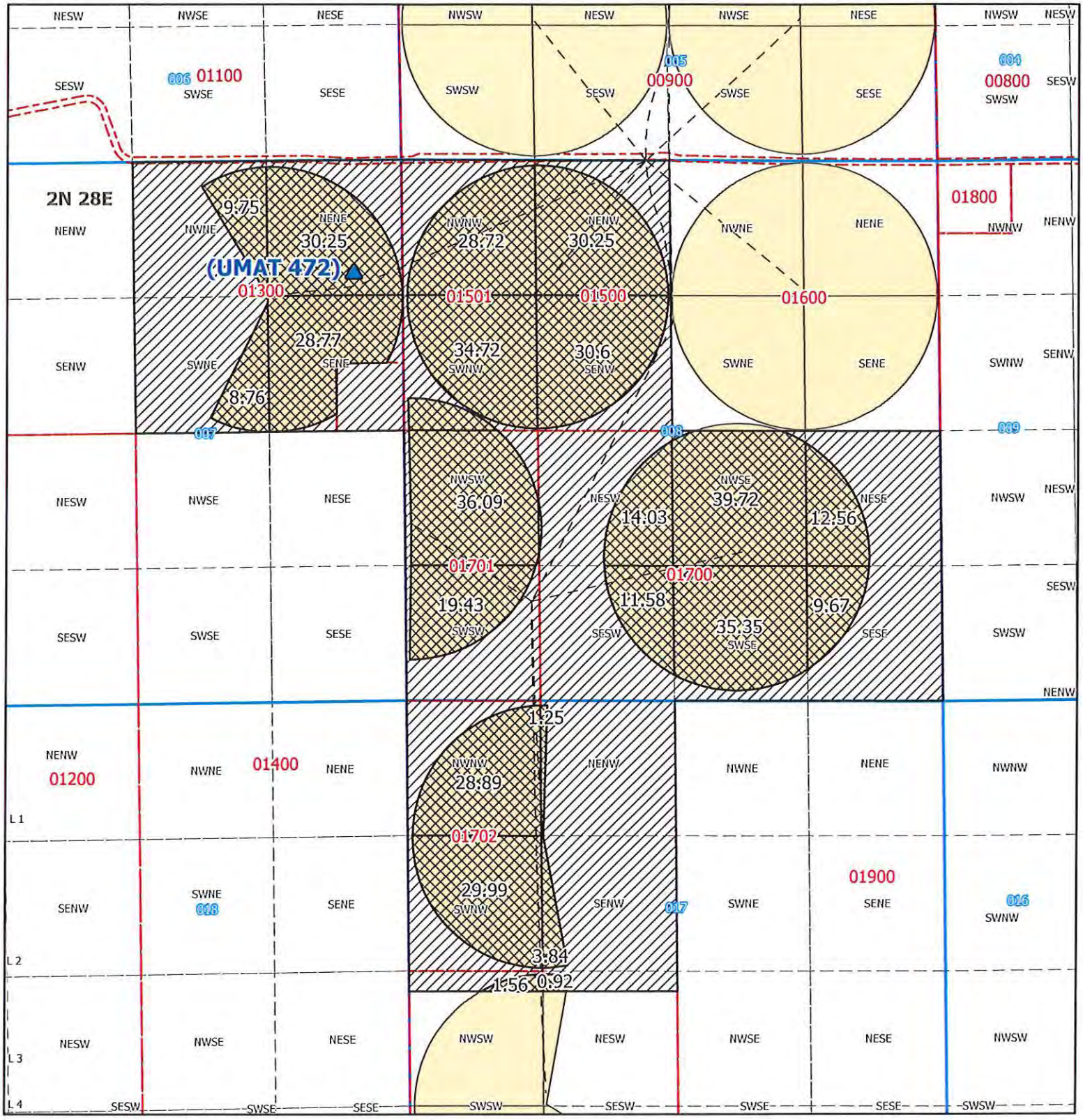
My Commission Expires 5/23/2023

LINDA A. HEADLEY NOTARY PUBLIC COMMISSION NO. 20058 EXPIRES MAY 23, 2023 STATE OF WASHINGTON

PLEASE ATTACH A LEGIBLE COPY OF :

1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED.
3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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Certificate 44654 - Place of Use

0 1,000 2,000 4,000 Feet

1 Inch = 1,320 Feet

N

- Point of Diversion
- Water Mainlines
- Umatilla County Parcels
- Township & Range
- Section
- 1/4-1/4
- T-13525
- 44654 (Primary)
- 44654 (Supplemental)

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FARMLAND RESERVE, INC.

INCUMBENCY CERTIFICATE

I, Paul L. Allen, HEREBY CERTIFY that I am the Secretary/Treasurer of Farmland Reserve, Inc., a Utah Corporation (the "Corporation").

I DO HEREBY FURTHER CERTIFY:

1. Patrick A. Tolman is the duly elected and acting Vice President of the Corporation.

2. Pursuant to the Corporation's Articles of Incorporation and Bylaws, Patrick A. Tolman, in his capacity of the Corporation's Vice President, is authorized to execute instruments, documents, applications and agreements on behalf of the Corporation and otherwise to represent the Corporation before and in dealing with individuals, other entities and governmental bodies and authorities.

IN WITNESS WHEREOF, I have signed my name this 6th day of December, 2021.

Paul L. Allen, Secretary/Treasurer

STATE OF UTAH)
§
COUNTY OF SALT LAKE)

On this 6th day of December, 2021, Paul L. Allen, who is personally known by me, signed this document in my presence.

NOTARY PUBLIC
My Commission Expires 6-14-2022

ANNE JELLINICH
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 700890
COMM. EXP. 06-14-2022

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AFTER RECORDING RETURN TO:

Kirton McConkie
Attn: Tyler Buswell
50 East South Temple
Salt Lake City, Utah 84111

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

Farmland Reserve, Inc.
Attn: Rex Burgener
79 South Main Street, Suite 1000
Salt Lake City, Utah 84111

FATCO NCS-804179

MORROW COUNTY, OREGON **2016-39221**
D-WD
Cnt=1 Stn=0 TC **11/09/2016 01:29:36 PM**
$200.00 $11.00 $10.00 $20.00 **$241.00**

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk

SPECIAL WARRANTY DEED

HALE FARMS, L.L.C., an Oregon limited liability company, with an address at 73120 Hwy 207, Echo, Oregon 97826, together with **H4 FARMS, INC.**, an Oregon corporation, with an address at 73120 Hwy 207, Echo, Oregon 97826 (collectively as "**Grantor**"),, conveys and specially warrants to **FARMLAND RESERVE, INC.**, a Utah nonprofit corporation ("**Grantee**"), with an address at 79 S. Main Street, Suite 1000, Salt Lake City, Utah 84111, the real property described on Exhibit A attached hereto (the "**Property**"), free of liens and encumbrances created or suffered by Grantor, except as set forth on (i) Exhibit B for the real property located in Umatilla County, and (ii) Exhibit C for the real property located in Morrow County, both attached hereto.

The true consideration for this conveyance is [redacted].

TOGETHER WITH (i) all buildings located on the Property, (ii) all roads, bridges and other improvements located on the Property, (iii) all water rights and other rights to the use of water owned by Grantor appurtenant to or used in connection with the Property, (iv) surface and subsurface rights of the Property owned by Grantor, including, without limitation, all appurtenant mineral, gas, oil, and geothermal rights, and (v) all other privileges, appurtenances, easements in respect thereof and other rights appertaining to the Property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE

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ID: 2016-29771
County: Morrow
Date: 11/9/2016 Time: 1:29:36 PM

AFTER RECORDING RETURN TO:

Kirton McConkie
Attn: Tyler Buswell
50 East South Temple
Salt Lake City, Utah 84111

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:

Farmland Reserve, Inc.
Attn: Rex Burgener
79 South Main Street, Suite 1000
Salt Lake City, Utah 84111

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FATCO NCS 801179

SPECIAL WARRANTY DEED

HALE FARMS, L.L.C., an Oregon limited liability company, with an address at 73120 Hwy 207, Echo, Oregon 97826, together with **H4 FARMS, INC.**, an Oregon corporation, with an address at 73120 Hwy 207, Echo, Oregon 97826 (collectively as "**Grantor**"),, conveys and specially warrants to **FARMLAND RESERVE, INC.**, a Utah nonprofit corporation ("**Grantee**"), with an address at 79 S. Main Street, Suite 1000, Salt Lake City, Utah 84111, the real property described on Exhibit A attached hereto (the "**Property**"), free of liens and encumbrances created or suffered by Grantor, except as set forth on (i) Exhibit B for the real property located in Umatilla County, and (ii) Exhibit C for the real property located in Morrow County, both attached hereto.

The true consideration for this conveyance is [redacted].

TOGETHER WITH (i) all buildings located on the Property, (ii) all roads, bridges and other improvements located on the Property, (iii) all water rights and other rights to the use of water owned by Grantor appurtenant to or used in connection with the Property, (iv) surface and subsurface rights of the Property owned by Grantor, including, without limitation, all appurtenant mineral, gas, oil, and geothermal rights, and (v) all other privileges, appurtenances, easements in respect thereof and other rights appertaining to the Property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE

UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature and Acknowledgement to Follow]

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DATED effective as of Nov. 8, 2016.

GRANTOR:

HALE FARMS, L.L.C.,
an Oregon limited liability company

By: _____
Name: Robert Hale
Its: Operating Manager

STATE OF OREGON)
)
COUNTY OF Umatilla)

On this 8 day of November, 2016, before me, the undersigned, a Notary Public in and for the state of Oregon, duly commissioned and sworn, personally appeared Robert Hale, known to be the Operating Manager of Hale Farms, L.L.C., an Oregon limited liability company, that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of that company for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the instrument on behalf of the company.

WITNESS my hand and official seal hereto affixed the day and year first above written.

OFFICIAL STAMP
CHRISTINE SABRI
NOTARY PUBLIC-OREGON
COMMISSION NO. 923418
MY COMMISSION EXPIRES JANUARY 30, 2018

_____
Print Name: Christine Sabri
NOTARY PUBLIC for the State of Oregon
My Commission Expires: January 30, 2018

(Signature and Acknowledgement to follow)

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GRANTOR:

H4 FARMS, INC.,
an Oregon corporation

By: _____
Name: Robert Hale
Its: President

STATE OF OREGON)
)
COUNTY OF Umatilla)

On this 8th day of November, 2016, before me, the undersigned, a Notary Public in and for the state of Oregon, duly commissioned and sworn, personally appeared Robert Hale, known to be the President of H4 FARMS, INC., an Oregon corporation, that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of that company for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the instrument on behalf of the company.

WITNESS my hand and official seal hereto affixed the day and year first above written.

OFFICIAL STAMP
CHRISTINE SABRI
NOTARY PUBLIC-OREGON
COMMISSION NO. 923418
MY COMMISSION EXPIRES JANUARY 30, 2018

_____
Print Name: Christine Sabri
NOTARY PUBLIC for the State of Oregon
My Commission Expires: January 30, 2018

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EXHIBIT A

(Legal Description of the Property)

HALE FARMS, L.L.C., AN OREGON LIMITED LIABILITY COMPANY, AS GRANTOR OF PARCEL I, TRACTS 1 THROUGH 10, 12 THROUGH 29, 31 THROUGH 35, AND 38, AND H4 FARMS, INC., AN OREGON CORPORATION, AS GRANTOR OF PARCEL I, TRACTS 39 THROUGH 42, 45 AND ALL OF PARCEL II OF THE BELOW DESCRIBED PROPERTY.

PARCEL I (Umatilla County, Oregon):

TRACT 1

TOWNSHIP 2 NORTH, RANGE 27, E.W.M.

SECTION 1: ALL THAT PORTION OF THE EAST HALF WHICH LIES EASTERLY OF STATE HIGHWAY 207.

EXCEPTING THEREFROM THOSE TRACTS OF LANDS CONVEYED TO THE STATE OF OREGON BY DEEDS RECORDED IN BOOK 205, PAGE 138 AND BOOK 283, PAGE 589, DEED RECORDS.

EXCEPTING THEREFROM ANY PORT ION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 2

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

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SECTION 5: ALL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 3

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 6: ALL THAT PORTION OF THE NORTH HALF WHICH LIES EASTERLY OF STATE HIGHWAY 207.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND

HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 4

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 7: NORTHEAST QUARTER.

EXCEPTING THEREFROM THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF -WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 5

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: EAST HALF OF THE NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 6

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: WEST HALF OF THE NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 7

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 8

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: EAST HALF OF THE SOUTHWEST QUARTER.
SOUTHEAST QUARTER.

SECTION 17: EAST HALF OF THE NORTHWEST QUARTER.
SOUTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 9

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: WEST HALF OF THE SOUTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 10

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 17: WEST HALF OF THE NORTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 12

PARCEL 1, PARTITION PLAT NO. 2005-27 (INSTRUMENT NO. 2005-4900419, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON;

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE MOST NORTHWESTERLY CORNER OF PARCEL 2, SAID PARTITION PLAT NO. 2005-27; THENCE NORTH 25°12'28" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 207 (WHICH IS ALSO THE WEST LINE OF SAID PARCEL 1), A DISTANCE OF 520.26 FEET; THENCE SOUTH 64°47'32" EAST

AND PERPENDICULAR TO THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 300 FEET; THENCE SOUTH 05°25'26" EAST, A DISTANCE OF 611.12 FEET; THENCE SOUTH 25°12'28" WEST AND PARALLEL WITH THE WEST LINE OF SAID PARCEL 2, A DISTANCE OF 325 FEET; THENCE ALONG THE ARC OF A 1370 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 81°22'32" WEST, 72.23 FEET) A DISTANCE OF 72.24 FEET TO A POINT ON THE EAST LINE OF PARCEL 3, SAID PARTITION PLAT NO. 2005-27; THENCE NORTH 25°12'28" EAST ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 103.68 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 2; THENCE NORTH 25°12'28" EAST ALONG THE EAST LINE OF SAID PARCEL 2, A DISTANCE OF 197.82 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID PARCEL 2; THENCE NORTH 31°57'18" WEST ALONG THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 127.80 FEET TO AN ANGLE POINT; THENCE NORTH 64°47'32" WEST AND CONTINUING ALONG THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 444 FEET TO THE POINT OF BEGINNING.

TRACT 13

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

SECTION 32: SOUTH HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 14

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

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SECTION 1: ALL.

SECTION 2: EAST HALF.

SECTION 12: NORTHEAST QUARTER.

SECTION 12: ALL THAT PORTION OF THE SOUTHEAST QUARTER WHICH LIES NORTHERLY OF U.S. INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE STATE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 293, PAGE 721, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 15

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

SECTION 11: ALL THAT PORTION WHICH LIES NORTHERLY OF U.S. INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 130, PAGE 587, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 16

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

SECTION 11: ALL THAT PORTION OF THE SOUTH HALF WHICH LIES SOUTHERLY OF U. S, HIGHWAY NO, 30 AND INTERSTATE I-84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 130, PAGE 587, DEED RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 17

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

SECTION 9: ALL THAT PORTION OF THE NORTHEAST QUARTER WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AND INTERSTATE 84-N.

SECTION 10: ALL THAT PORTION WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AND INTERSTATE 84-N.

SECTION 15: NORTH HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS

BEGINNING AT A POINT WHICH LIES 1,320 FEET DISTANT SOUTHERLY AND 736.56 FEET DISTANT EASTERLY FROM THE NORTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 30° EAST, A DISTANCE OF 660 FEET; THENCE NORTH 61° EAST, A DISTANCE OF 264 FEET; THENCE SOUTH 47° EAST, A DISTANCE OF 531.30 FEET TO THE ECHO-PENDLETON COUNTY ROAD; THENCE SOUTH 55°30' WEST ALONG SAID COUNTY ROAD, A DISTANCE OF 586.08 FEET; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 462 FEET TO THE POINT OF BEGINNING.

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

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND LOCATED IN THE NORTH HALF OF SAID SECTION 15 AND BEING DESCRIBED AS BEGINNING AT A POINT WHERE THE SECTION LINES BETWEEN SECTIONS 15 AND 16 INTERSECTS WITH THE SOUTH RIGHT- OF-WAY LINE OF THE COUNTY ROAD; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 343 FEET TO THE EASTERLY FENCE LINE OF THE TRACT; THENCE SOUTHERLY ALONG SAID EASTERLY FENCE LINE, A DISTANCE OF 371 FEET, MORE OR LESS, TO THE FENCE CORNER; THENCE WESTERLY ALONG THE SOUTHERLY FENCE LINE OF SAID TRACT, A DISTANCE OF 336 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE SECTION LINE BETWEEN SAID SECTIONS 15 AND 16; THENCE NORTHERLY, ALONG THE SECTION LINE BETWEEN SAID SECTIONS 15 AND 16, A DISTANCE OF 210 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15 WHICH LIES SOUTHERLY OF HIGHWAY NO. 320.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE WEST 280 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15 WHICH LIES SOUTHERLY OF HIGHWAY NO. 320.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTHERLY, A DISTANCE OF 1,320 FEET TO A POINT LOCATED ON THE EAST LINE OF SAID SECTION 15; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 2,360 FEET; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,210 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF HIGHWAY NO. 320; THENCE GENERALLY EASTERLY ALONG SAID HIGHWAY TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT WHICH LIES 310 FEET DISTANT NORTHERLY AND 2,467. 5 FEET DISTANT EASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 67°43' EAST, A DISTANCE OF 679.70 FEET; THENCE SOUTHERLY, A

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DISTANCE OF 524.90 FEET TO A POINT LOCATED ON THE NORTH LINE OF COUNTY ROAD NO. 770; THENCE SOUTH 89° 45' WEST ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 160 FEET; THENCE WESTERLY ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 461.70 FEET; THENCE SOUTH 48°52' WEST ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 61.50 FEET; THENCE NORTHERLY, A DISTANCE OF 467.30 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO BRAD E. WILLIAMS, ETUX, BY DEED RECORDED IN INSTRUMENT NO. 2005-4830487, OFFICE OF UMATILLA COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 18

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

SECTION 12: ALL THAT PORTION OF THE WEST HALF WHICH LIES NORTHERLY OF U.S, INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 293, PAGE 721, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 19

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

SECTION 12: ALL THAT PORTION OF THE SOUTHWEST QUARTER WHICH LIES SOUTHERLY OF U.S. HIGHWAY NO. 30 AND INTERSTATE I-84.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 575 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 330 FEET; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 825 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 330 FEET TO

A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 12; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 825 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 20

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

SECTION 13: NORTHWEST QUARTER.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 450 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 330 FEET; THENCE SOUTHWESTERLY TO A POINT WHICH MEASURES 200 FEET DISTANT EASTERLY FROM THE WEST LINE OF SAID SECTION 13 (WHEN MEASURED AT RIGHT ANGLES THERETO) AND 530 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID SECTION 13 (WHEN MEASURED AT RIGHT ANGLES THERETO); THENCE WESTERLY, A DISTANCE OF 200 FEET TO THE WEST LINE OF SAID SECTION 13; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 530 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 21

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

SECTION 14: NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 22

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

SECTION 14: WEST HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 23

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

SECTION 23: SOUTHEAST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 24

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

SECTION 9: ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SAID SECTION 9 WHICH LIES EASTERLY OF THE OLD OREGON TRAIL HIGHWAY (AS THE SAME WAS LOCATED ON MARCH 5, 1949) AND NORTHERLY AND EASTERLY OF THE U.S.R.S. FEED CANAL AS DESCRIBED IN DEED RECORDED IN BOOK 78, PAGE 341, DEED RECORDS AND WESTERLY OF THAT TRACT OF LAND CONVEYED TO H.B. MCCORMICK, ETUX, RECORDED IN BOOK 123, PAGE 214, DEED RECORDS. EXCEPTING ALL THAT PORTION LYING WESTERLY OF RELOCATED COUNTY ROAD. ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE STATE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, BY DEED RECORDED IN INSTRUMENT NO. 2002-4210394, OFFICE OF UMATILLA COUNTY RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 25

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

SECTION 9: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY, A DISTANCE OF 705 FEET TO A POINT LOCATED ON THE EAST RIGHT -OF -WAY LINE OF THE U.S.R.S. FEED

CANAL; THENCE NORTH 15°50' EAST ALONG THE EAST RIGHT- OF-WAY LINE OF SAID 0 CANAL, A DISTANCE OF 96 FEET; THENCE NORTH 45° 25' EAST AND CONTINUING ALONG THE EAST RIGHT- OF-WAY LINE OF SAID CANAL, A DISTANCE OF 374 FEET; THENCE NORTH 62°20' WEST AND CONTINUING ALONG THE EAST RIGHT-OF -WAY LINE OF SAID CANAL, A DISTANCE OF 500 FEET; THENCE NORTH 02°50' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL, A DISTANCE OF 11 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE COUNTY ROAD; THENCE NORTH 19° 50' EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 131 FEET; THENCE NORTH 05° 18' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 700 FEET; THENCE NORTH 04°28 ' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 200 FEET; THENCE NORTH 09°12' EAST AND CONTINUING ALONG THE EAST RIGHT- OF -WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 222 FEET; THENCE NORTH 28°22' EAST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 815 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 9; THENCE EASTERLY, A DISTANCE OF 3,102 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTHERLY, A DISTANCE OF 2,640 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE WESTERLY, A DISTANCE OF 2,640 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING A RIGHT-OF-WAY FOR THE FURNISH DITCH COMPANY, BEING A STRIP OF LAND 100 FEET IN WIDTH AND A STRIP OF LAND 50 FEET IN WIDTH DESCRIBED IN MICROFILM REEL 100, PAGE 1114, OFFICE OF UMATILLA COUNTY RECORDS.

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

SECTION 9: ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9; THENCE SOUTH 89° 35'33" WEST ALONG THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 287.08 FEET; THENCE NORTH 04°35'55" EAST, A DISTANCE OF 29.68 FEET TO A POINT LOCATED ON THE EXISTING FENCE; THENCE NORTH 89 17'07" EAST ALONG THE EXISTING FENCE, A DISTANCE OF 284.49 FEET; THENCE SOUTH 00°24'17" EAST AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 31. 09 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT LOCATED ON THE NORTH LINE OF SECTION 16, SAID TOWNSHIP 3 NORTH, RANGE 29, SAID POINT BEING NORTH 89°35'33" EAST, A DISTANCE OF 484.95 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 16; THENCE SOUTH 23°55' WEST, A DISTANCE OF 572.58 FEET; THENCE NORTH 33°38'02" EAST, A DISTANCE OF 6.19 FEET; THENCE NORTH 20°05'21 " EAST, A DISTANCE OF 102.56 FEET; THENCE NORTH 66°12' 10" EAST, A DISTANCE OF 60.36 FEET; THENCE NORTH 24°04'47" EAST, A DISTANCE OF 440.66 FEET; THENCE

NORTH 26°46'52" WEST, A DISTANCE OF 40.47 FEET; THENCE SOUTH 89°17'07" WEST, A DISTANCE OF 38.20 FEET; THENCE SOUTH 00°24'17" EAST, A DISTANCE OF 33.69 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO ECHO CEMETERY MAINTENANCE DISTRICT BY DEED RECORDED IN BOOK 343, PAGE 62, DEED RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 26

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

SECTION 15: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,320 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 2,360 FEET, MORE OR LESS, TO A POINT WHICH LIES 280 FEET DISTANT EASTERLY FROM THE WEST LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,210 FEET, MORE OR LESS, TO THE SOUTH LINE OF COUNTY ROAD NO. 770; THENCE EASTERLY ALONG THE SOUTH LINE OF THE SAID COUNTY ROAD TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 27

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

SECTION 15: SOUTHEAST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 28

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

SECTION 15: ALL THAT PORTION OF THE SOUTHWEST QUARTER BEING DESCRIBED AS BEGINNING AT A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 15, SAID POINT BEING LOCATED 420 FEET DISTANT EASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 03°30' WEST, A DISTANCE OF 490 FEET; THENCE NORTH 00°30' EAST, A DISTANCE OF 700 FEET; THENCE NORTH 23°45' EAST, A DISTANCE OF 550 FEET; THENCE NORTH 18°15' EAST, A DISTANCE OF 50 FEET; THENCE NORTH 13°45' WEST, A DISTANCE OF 150 FEET; THENCE NORTH 48°30' WEST, A DISTANCE OF 93.60 FEET; THENCE NORTH 12°00' WEST, A DISTANCE OF 115 FEET; THENCE NORTH 30°30' WEST, A DISTANCE OF 200 FEET; THENCE NORTH 03°00' WEST, A DISTANCE OF 100 FEET; THENCE NORTHERLY, A DISTANCE OF 306.70 FEET TO A POINT LOCATED ON THE EAST-WEST CENTERLINE OF SAID SECTION 15, SAID POINT BEING LOCATED 360.07 FEET DISTANT EASTERLY FROM THE QUARTER SECTION CORNER ON THE WEST LINE OF SAID SECTION 15; THENCE EASTERLY ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 15 TO THE CENTER OF SAID SECTION 15; THENCE SOUTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 15 TO THE QUARTER SECTION CORNER ON THE SOUTH LINE OF SAID SECTION 15; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 29

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TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 1: WEST HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1; THENCE SOUTH 00°56'32" EAST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1,703.56 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 09°11'11" EAST, A DISTANCE OF 143.77 FEET; THENCE ALONG A 1375.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS SOUTH 46°32'27 EAST, 1,218.84 FEET) A DISTANCE OF 1,262.75 FEET; THENCE SOUTH 02°07'17" EAST, A DISTANCE OF 56.78 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE SOUTH 87°59'29" WEST ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 892.75 FEET; THENCE NORTH 00°56'32" WEST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1,068.46 FEET TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 31

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 2: EAST HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 2; THENCE SOUTH 00°56'32" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 2,772.02 FEET; THENCE SOUTH 89°48'25" WEST ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1,183 FEET; THENCE NORTH 00 09'34" WEST, A DISTANCE OF 86.60 FEET; THENCE ALONG A 1320.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS NORTH 45°32'56" EAST, 858.61 FEET) A DISTANCE OF 874.51 FEET; THENCE NORTH 17°37'35" EAST, A DISTANCE OF 292.89 FEET; THENCE NORTH 00°07'19" WEST, A DISTANCE OF 817.25 FEET; THENCE SOUTH 79°29'40" WEST, A DISTANCE OF 35.41 FEET; THENCE NORTH 01°16'04" WEST, A DISTANCE OF 718.72 FEET; THENCE SOUTH 89°31'37" WEST, A DISTANCE OF 646. 02 FEET; THENCE NORTH 13°19'43" WEST, A DISTANCE OF 786.74 FEET; THENCE ALONG A 1230.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS NORTH 59°34'48" EAST, 1,402. 96 FEET) A DISTANCE OF 1,492.93 FEET; THENCE NORTH 89°07'45" EAST, A DISTANCE OF 86.47 FEET TO THE EAST LINE OF SAID SECTION 2; THENCE SOUTH 00°56'27" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 1,192.78 FEET TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TOWNSHIP 4 NORTH, RANGE 30, E.W.M.

SECTION 35: ALL THAT PORTION OF THE SOUTH HALF WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF STAGE GULCH ROAD.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT- OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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<u>TRACT 32</u>

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 2: ALL THAT PORTION OF THE WEST HALF WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF STAGE GULCH ROAD.

SECTION 3: SOUTH HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 33

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 3: NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 34

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TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 6: WEST HALF.

SECTION 7: ALL THAT PORTION OF THE WEST HALF WHICH LIES NORTHERLY OF U.S, INTERSTATE 84.

EXCEPTING THEREFROM THAT TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7 AND BEING DESCRIBED AS BEGINNING AT THE INTERSECTION OF WHITMORE ROAD AND COUNTY ROAD NO. 678; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID COUNTY ROAD NO. 678, A DISTANCE OF 1,369.30 FEET; THENCE WESTERLY AND PARALLEL WITH THE CENTERLINE OF SAID WHITMORE ROAD, A DISTANCE OF 1,270.50 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE CENTERLINE OF SAID COUNTY ROAD NO. 678, A DISTANCE OF 1,369.50 FEET TO A POINT WHICH LIES ON THE CENTERLINE OF SAID WHITMORE ROAD; THENCE EASTERLY ALONG THE CENTERLINE OF SAID WHITMORE ROAD, A DISTANCE OF 1,270.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 35

TOWNSHIP 4 NORTH, RANGE 30, E. W.M.

SECTION 36: ALL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 38

PARCEL 3, PARTITION PLAT NO. 2004 - 24 (INSTRUMENT NO. 2004 - 4670161, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 39

PARCEL 1, PARTITION PLAT NO. 2015- 14 (INSTRUMENT NO. 2015-6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 40

PARCEL 2, PARTITION PLAT NO. 2015- 14 (INSTRUMENT NO. 2015-6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 41

PARCEL 3, PARTITION PLAT NO. 2015-14 (INSTRUMENT NO. 2015- 6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 42

TOWNSHIP 4 NORTH, RANGE 27, E.W.M.

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SECTION 25: A TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25, SAID POINT BEING THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT NO. 1998-03 (INSTRUMENT NO. 1998-3240382, OFFICE OF UMATILLA COUNTY RECORDS) THENCE NORTH 89°26'07" EAST ALONG THE SOUTH LINE OF SAID PARCEL 3, A DISTANCE OF 252.09 FEET; THENCE SOUTH 00 33'53" EAST ALONG THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO EDGAR T. JOHNSON, BY DEED RECORDED IN BOOK 323, PAGE 251, DEED RECORDS, A DISTANCE OF 431.41 FEET; THENCE SOUTH 89°27'07" WEST, A DISTANCE OF 252 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE NORTH 00°36'02" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25, A DISTANCE OF 431.41 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PARCEL 3 AND THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 45

TOWNSHIP 4 NORTH, RANGE 27 E.W.M.

SECTION 25:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 25 AND BEING DESCRIBED AS COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AND THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE ALONG A 6,129.64 FEET RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 76°41'40" EAST, A DISTANCE OF 216.87 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 75°40'50" EAST, A DISTANCE OF 573.50 FEET TO THE TRUE OF POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 14°19'10" WEST, A DISTANCE OF 180 FEET; THENCE NORTH 75°40'50" EAST, A DISTANCE OF 325 FEET; THENCE SOUTH 14°19'10" EAST, A DISTANCE OF 180 FEET TO A POINT LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD; THENCE SOUTH 75°40'50" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 325 FEET TO THE POINT OF BEGINNING.

SECTION 25:

TOGETHER WITH AN EASEMENT, 20 FEET IN WIDTH, FOR ROADWAY, ACCESS, INGRESS, EGRESS AND UTILITIES CONTAINED IN MICROFILM REEL 129, PAGE 2159, OFFICE OF UMATILLA COUNTY RECORDS AND THE EAST LINE OF THE SAID EASEMENT IS BEING DESCRIBED AS COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AND THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE, ALONG A 6,129.64 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 76°41'40" EAST, A DISTANCE OF 216.87 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 75°40'50" EAST, A DISTANCE OF 609.18 FEET; THENCE NORTH 00°04'40" EAST, A DISTANCE OF 185.84 FEET TO THE TRUE POINT OF BEGINNING OF THE SAID EAST LINE DESCRIPTION; THENCE NORTH 00°04'40" EAST, TO THE SOUTHERLY LINE OF THE COUNTY ROAD THAT RUNS DIAGONALLY THROUGH THE NORTHEAST QUARTER OF SAID SECTION 25 AND THE POINT OF TERMINUS FOR THE SAID EAST LINE DESCRIPTION.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RAILROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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EASEMENT TRACTS:

TRACT 50

WATER DELIVERY AND WATER RIGHT PURCHASE AGREEMENT, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, DISCLOSED IN MEMORANDUM BETWEEN STAHL HUTTERIAN BRETHREN AND HALE FARMS, LLC, RECORDED SEPTEMBER 14, 2009 IN INSTRUMENT NO. 2009-5560371 AND AMENDED AUGUST 18, 2016 IN INSTRUMENT NO. 2016-6470333, OFFICE OF UMATILLA COUNTY RECORDS.

TRACT 51

EASEMENT FOR WATER CONVEYANCE, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, DISCLOSED IN AGREEMENT BETWEEN DITCHEN LAND COMPANY, LLC AND HALE FARMS, LLC RECORDED SEPTEMBER 14, 2009 IN INSTRUMENT NO. 2009-5560372 AND AMENDED MAY 31, 2012 IN INSTRUMENT NO. 2012-5920412, OFFICE OF UMATILLA COUNTY RECORDS.

TRACT 52

EASEMENT FOR IRRIGATION AND PIPELINE PURPOSES RESERVED IN DEED FROM HALE FARMS, L.L.C., RECORDED SEPTEMBER 30, 2016 IN INSTRUMENT NO. 2016-6490431, OFFICE OF THE UMATILLA COUNTY RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

PARCEL II (Morrow County, Oregon):

TRACT 1:

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A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 4 NORTH, RANGE 26 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 01°06'02" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2682.67 FEET TO A POINT WHICH LIES 90.00 FEET SOUTH OF THE CENTERLINE OF THE OREGON-WASHINGTON RAILROAD & NAVIGATION CO. RAILROAD; THENCE SOUTH 72°10'06" EAST PARALLEL WITH SAID RAILROAD A DISTANCE OF 147.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PATTERSON FERRY ROAD; AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 72°10'06" EAST A DISTANCE OF 420.00 FEET; THENCE SOUTH 17°49'54" WEST A DISTANCE OF 550.00 FEET; THENCE NORTH 72°10'06" WEST A DISTANCE OF 237.03 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY OF SAID PATTERSON

FERRY ROAD; THENCE NORTH 02°39'54" WEST ALONG SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 155.31 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 00°11'51" EAST A DISTANCE OF 424.47 FEET TO THE TRUE POINT OF BEGINNING.

ALSO A 40 FOOT EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN DOCUMENT RECORDED MARCH 12, 1998 AS MICROFILM NO. M-53612, MORROW COUNTY MICROFILM RECORDS, BETWEEN POTLATCH CORPORATION AND EASTERN OREGON FARMING COMPANY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 26 EAST OF THE WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON; THENCE SOUTH 01°06'02" EAST ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 2682.67 FEET TO A POINT WHICH LIES 90.00 FEET SOUTH OF THE CENTERLINE OF THE OREGON-WASHINGTON RAILROAD & NAVIGATION CO. RAILROAD; THENCE SOUTH 72°10'06" EAST PARALLEL WITH SAID RAILROAD A DISTANCE OF 147.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE PATERSON FERRY ROAD AND HEREIN REFERRED TO AS POINT "A" AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 72°10'06" EAST A DISTANCE OF 910.00 FEET TO A POINT; THENCE NORTH 17°49'54" EAST A DISTANCE OF 40.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID RAILROAD; THENCE NORTH 72°10'06" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 922.72 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY SAID ROAD; THENCE SOUTH 00°11'51" WEST ALONG SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 41.97 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 2:

PARCEL 2 OF PARTITION PLAT 2010-6, IN THE COUNTY OF MORROW AND STATE OF OREGON

TRACT 3:

PARCEL 2 OF PARTITION PLAT NO. 1996-1, IN THE COUNTY OF MORROW AND STATE OF OREGON, TOGETHER WITH A 20 FEET INGRESS-EGRESS EASEMENT AS SHOWN ON PARTITION PLAT 1996-1.

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EXHIBIT B

(Permitted Encumbrances – Umatilla County)

The following matters affect the Umatilla County Parcel:

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.

   Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

2. The premises herein described are within the boundaries of the Echo Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof, including but not limited to the U.S.R.S Canal.

3. Water charges of the Echo Irrigation District, if any.

4. The premises herein described are within the boundaries of the Teel Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

5. Water charges of the Teel Irrigation District, if any.

6. The premises herein described are within the boundaries of the Westland Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

7. Water charges of the Westland Irrigation District, if any.

8. The premises herein described are within the boundaries of the Butter Creek Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

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9. Water charges of the Butter Creek Irrigation District, if any.

10. Lack of Access: We are unable to ascertain from the records if the premises herein described has a physical means of ingress and egress to and from a legally dedicated road or highway and for this reason such rights cannot be insured. (Affects Tracts 23 & 44)

11. The lands described herein consist of portions that are contiguous. Access to such lands may be through adjoining lands that have common ownership. Rights of access to the lands are limited to those County Roads which may abut or pass through the lands described herein and no representation is made that all lands and/or parts thereof have independent rights of access. (Affects Tracts 8, 9, 10, 25, 27, 28 and 42)

12. Reservations, including the terms and provisions thereof, contained in Patent,

    Recorded: January 14, 1897, Book 24, Page 235, Deed Records.

    (Affects Tracts 1, 2, 8, 10, 14, 17, 24, 25, 28, 32 and 38 thru 42)

13. Coal and Iron Rights, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railroad Company
    Recorded: December 21, 1897, Book 25, Page 309, Deed Records.
    (Affects Tracts 2)

14. Reservation of coal and iron, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: August 14, 1900, Book 33, Page 588, Deed Records.
    (Affects Tracts 14, and 32)

15. Reservations of iron and coal, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: March 2, 1901, Book 36, Page 133, Deed Records.
    (Affects Tract 24, 25 and 28)

16. Coal and Iron Rights, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railroad Company
    Recorded: February 10, 1905, Book 45, Page 406, Deed Records.
    (Affects Tracts 8 and 10)

17. Reservations, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: July 17, 1905, Book 48, Page 115, Deed Records.
    (Affects Tracts 38 thru 42 and 45)

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18. Easement, including the terms and provisions thereof,

    Grantee: Hermiston Power and Light Company
    Recorded: November 13, 1913, Book 85, Page 579, Deed Records.
    (Affects Tracts 25)

19. Reservations of coal, iron, natural gas and oil, including the terms and provisions thereof,

contained in Deed,

Grantor: Northern Pacific Railway Company
Recorded: December 19, 1917, Book 101, Page 302, Deed Records.
(Affects Tracts 17 and 26)

20. Reservations of iron, coal, natural gas and oil, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: November 15, 1922, Book 118, Page 424, Deed Records.
    (Affects Tract 23)

21. Easement, including the terms and provisions thereof,
    Grantee: Pacific Telephone and Telegraph Company
    Recorded: December 14, 1922, Book 118, Page 527, Deed Records.
    (Affects Tracts 24 and 25)

22. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: April 14, 1938, Book 120, Page 514, Deed Records.
    (Affects Tracts 1)

23. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: October 23, 1939, Book 120, Page 628a, Deed Records.
    (Affects Tracts 14 and 34)

24. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: October 23, 1939, Book 120, Page 628b, Deed Records.
    (Affects Tracts 15 and 18)

25. Easement, including the terms and provisions thereof,

    Grantee: Pacific Telephone and Telephone Company
    Recorded: June 29, 1939, Book 155, Page 503, Deed Records.
    (Affects Tracts 24 and 25)

26. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: January 18, 1943, Book 160, Page 587, Deed Records.

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(all property owned by Umatilla County at time of conveyance)

27. Easement, including the terms and provisions thereof,

    Grantee: Pacific Power and Light Company
    Assignee: Telephone Utilities of Eastern Oregon Inc.
    Recorded: July 18, 1945, Book 170, Page 364, Deed Records.
    (Affects Tracts 17 and 26)

28. Easement, including the terms and provisions thereof,

    Grantee: Pacific Power and Light Company
    Assignee: Telephone Utilities of Eastern Oregon Inc.
    Recorded: July 18, 1945, Book 170, Page 413, Deed Records.
    (Affects Tracts 28)

29. Coal and other minerals rights, including the terms and provisions thereof, contained in Deed,

    Grantor: State of Oregon, State Land Board
    Recorded: October 23, 1944, Book 172, Page 50, Deed Records.
    (Affects Tracts 1)

30. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: October 22, 1947, Book 185, Page 41, Deed Records.
    (Affects Tracts 35)

31. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: September 6, 1949, Book 190, Page 140, Deed Records.
    (Affects Tracts 38 thru 42 and 45)

32. Easement, including the terms and provisions thereof,

    Grantee: United States of America, BPA
    Recorded: June 14, 1951, Book 197, Page 326, Deed Records.
    (Affects Tracts 17)

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33. Easement, including the terms and provisions thereof,

    Grantee: United States of America, BPA
    Recorded: July 17, 1951, Book 197, Page 549, Deed Records.
    (Affects Tracts 23)

34. Easement, including the terms and provisions thereof,

Grantee: United States of America, BPA
Recorded: May 19, 1951, Book 197, Page 566, Deed Records.
(Affects Tract 22)

35. Easement, including the terms and provisions thereof,

Grantee: United States of America, BPA
Recorded: October 29, 1951, Book 200, Page 444, Deed Records.
(Affects Tracts 17, 26 and 27)

36. Easement, including the terms and provisions thereof,
Grantee: Umatilla Electric Cooperative Association
Recorded: March 1, 1955, Book 223, Page 486, Deed Records.
(Affects Tract 12)

37. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Gas Pipeline Corporation
Recorded: October 14, 1955, Book 229, Page 143, Deed Records and
Amended: February 17, 1981, Microfilm Reel 76, Page 1089, Office of Umatilla County Records.
(Affects Tracts 35)

38. Easement, including the terms and provisions thereof,

Grantee: Pacific Telephone and Telegraph Company
Recorded: November 28, 1960, Book 261, Page 120, Deed Records.
(Affects Tracts 24 and 25)

39. Easement, including the terms and provisions thereof,

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Grantee: Umatilla Electric Cooperative Association
Recorded: September 25, 1961, Book 264, Page 726, Deed Records.
(Affects Tract 34)

40. Reservations of all oil and gas, including the terms and provisions thereof, contained in Patent,

Recorded: December 12, 1961, Book 265, Page 712, Deed Records.
(Affects Tracts 5 thru 9)

41. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: April 26, 1963, Book 271, Page 483, Deed Records.
(Affects Tract 34)

42. Easement, including the terms and provisions thereof,

Grantee: State of Oregon, State Highway Commission
Recorded: August 7, 1967, Book 290, Page 231, Deed Records.
(Affects Tract 17)

43. Easement, including the terms and provisions thereof,

Grantee : State of Oregon, State Highway Commission
Recorded : August 7, 1967, Book 290, Page 234, Deed Records.
(Affects Tract 17)

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44. Easement, including the terms and provisions thereof,

Grantee: State of Oregon, State Highway Commission
Recorded: August 7, 1967, Book 290, Page 237, Deed Records.
(Affects Tract 17)

45. Access Restrictions, including the terms and provisions thereof, contained in Judgment,

Plaintiff: State of Oregon, by and through its State Highway Commission
Filed: January 2, 1968, Case No. 9382 in the State Circuit Court for Umatilla County, Oregon.
(Affects Tracts 18, 19, and 20)

46. Access Restrictions, including the terms and provisions thereof, contained in Judgment,

Plaintiff: State of Oregon, by and through its State Highway Commission
Filed: January 2, 1968, Case No. 9380 in the State Circuit Court for Umatilla County, Oregon.
(Affects Tracts 14, 15 and 16)

47. Access Restrictions, including the terms and provisions thereof, contained in Deed,

Grantee: State of Oregon, State Highway Commission
Recorded: May 2, 1968, Book 293, Page 721, Deed Records.
(Affects Tracts 14)

48. Easement for ingress and egress purposes, including the terms and provisions thereof,

Grantee: Leonard A. Lorenzen, etux
Recorded: December 6, 1968, Book 297, Page 491, Deed Records.

(Affects Tracts 31)

49. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: September 22, 1970, Book 309, Page 184, Deed Records.
(Affects Tracts 4, 5, 6, 8, 9 and 10)

50. Easement for buried water pipeline purposes, including the terms and provisions thereof,

Grantor: Larry D. Hanson
Grantee: Larry D. Hanson, etux
Recorded : April 12, 1973, Book 327, Page 559, Deed Records.
(Affects Tracts 4, 5, 6, 8, 9 and 10)

51. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: June 25, 1975, Book 347, Page 486, Deed Records.
(Affects Tracts 15 and 18)

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52. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Ivan J. Cook, etux
Recorded: December 11, 1975, Book 353, Page 46, Deed Records.
(Affects Tract 16)

53. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Ivan J. Cook, etux
Recorded: December 11, 1975, Book 353, Page 48, Deed Records.
(Affects Tract 21)

54. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Leo Vernon Cook, etux
Recorded: August 3, 1976, Microfilm Reel 8, Page 184, Office of Umatilla County Records.
(Affects Tract 16)

55. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Leo Vernon Cook, etux
Recorded: August 3, 1976, Microfilm Reel 8, Page 186, Office of Umatilla County Records.
(Affects Tract 19)

56. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 23, 1977, Microfilm Reel 16, Page 1230, Office of Umatilla County Records.
(Affects Tract 14)

57. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: May 11, 1978, Microfilm Reel 33, Page 1176, Office of Umatilla County Records.
(Affects Tract 21)

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58. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: July 12, 1978, Microfilm Reel 36, Page 1367, Office of Umatilla County Records.
(Affects Tracts 20, 21 and 22)

59. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: July 12, 1978, Microfilm Reel 36, Page 1369, Office of Umatilla County Records.
(Affects Tract 17)

60. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 26, 1979, Microfilm Reel 47, Page 1017, Office of Umatilla County Records.
(Affects Tract 22)

61. Easement, including the terms and provisions thereof,

Grantee: Pacific Power and Light Company
Recorded: April 24, 1981, Microfilm Reel 79, Page 189, Office of Umatilla County Records.
(Affects Tracts 17)

62. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: Umatilla County
Second Party: Roger S. Bounds
Recorded: July 13, 1984, Microfilm Reel 115, Page 805, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

63. Easement, including the terms and provisions thereof, contained in Deed,

Grantor: Roger S. Bounds
Grantee: Mt. Tahoma Leasing Company
Recorded: July 20, 1984, Microfilm Reel 115, Page 1198, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

64. Reciprocal Easement for ingress, egress and utility purposes, including the terms and provisions thereof,

First Party: Roger S. Bounds
Second Party: Mt. Tahoma Leasing Co.
Recorded: August 2, 1984, Microfilm Reel 116, Page 391, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

65. Easement for ingress and egress purposes, including the terms and provisions thereof, reserved in Deed,

Grantor: James Edward Liesegang
Recorded: July 9, 1987, Microfilm Reel 155, Page 1051, Office of Umatilla County Records.
(Affects Tracts 26)

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66. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Recorded: August 3, 1981, Microfilm Reel 167, Page 901, Office of Umatilla County Records.
(Affects Tracts 1 and 12)

67. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: November 21, 1988, Microfilm Reel 173, Page 467, Office of Umatilla County Records.

(Affects Tract 26)

68. Easement for ingress and egress and utility purposes, including the terms and provisions thereof, reserved in Deed,

Grantor: Roger S. Bounds
Recorded: April 18, 1989, Microfilm Reel 178, Page 893, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

69. Covenant Not To Sell Separately, including the terms and provisions thereof,

First Party: Roger S. Bounds
Second Party: Umatilla County
Recorded: Recorded April 21, 1995, Microfilm Reel 269, Page 1577, Office of Umatilla County Records.
(Affects Tracts 38 thru 42)

70. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 30, 1996, Microfilm Reel 290, Page 1629, Office of Umatilla County Records.
(Affects Tracts 15 and 18)

71. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: July 2, 1996, Microfilm Reel 293, Page 44 and
Re-recorded: August 6, 1996, Microfilm Reel 295, Page 8, Office of Umatilla County Records.
(Affects Tract 1)

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72. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: November 24, 1997, Microfilm Reel 319, Page 755, Office of Umatilla County Records.
(Affects Tract 14)

73. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 1, 1999, Instrument No. 1999-3460288, Office of Umatilla County Records.
(Affects Tract 16)

74. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Umatilla Generating Company, L.P.
Recorded: September 20, 2001, Instrument No. 2001-3970336, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

75. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Umatilla Generating Company, L.P.
Recorded: September 20, 2001, Instrument No. 2001-3970337, Office of Umatilla County Records.
(Affects Tract 42)

76. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: State of Oregon, by and through its Department of Transportation
Recorded: October 7, 2002, Instrument No. 2002-4210394, Office of Umatilla County Records.
(Affects Tracts 24 and 25)

77. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: November 29, 2002, Instrument No. 2002-4250342, Office of Umatilla County Records.
(Affects Tracts 15)

78. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: April 26, 2004, Instrument No. 2004-4610133, Office of Umatilla County Records.
(Affects Tract 31)

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79. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: August 30, 2004, Instrument No. 2004-4680415, Office of Umatilla County Records.
(Affects Tract 31)

80. Easements as shown on Partition Plat No. 2005-07,

Recorded: March 22, 2005, Instrument No. 2005-4790065, Office of Umatilla County

Records.
(Affects Tracts 39 thru 41)

81. Covenant Not To Sue, including the terms and provisions thereof,

First Party: Robert L. Hale and Jane Adell Hale
Second Party: Umatilla County
Recorded: October 14, 2005, Instrument No. 2005-490040, Office of Umatilla County Records.
(Affects Tract 12)

82. Road Easement and Covenants, including the terms and provisions thereof, contained under Agreement,

Grantor: Robert L. Hale and Jane Adell Hale
Recorded: January 19, 2006, Instrument No. 2006-4950006 and
Re-recorded: January 31, 2006, Instrument No. 2006-4950470, Office of Umatilla County Records.
(Affects Tract 12)

83. Well and Well Pipeline Easements and Covenants, including the terms and Provisions thereof, contained under Agreement,

Grantor: Robert L. Hale and Jane Adell Hale
Recorded: January 19, 2006, Instrument No. 2006-4950007 and
Re-recorded: January 31, 2006, Instrument No. 2006-4950471, Office of Umatilla County Records.
(Affects Tract 12)

84. Road Use and Improvement Agreement, including the terms and provisions thereof,

First Party: Roger Bounds, et al
Second Party: Hale Farms, LLC, et al
Recorded: September 19, 2006, Instrument No. 2006-5070743, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

85. Water Delivery and Water Right Purchase Agreement, including the terms and provisions thereof, disclosed in Memorandum,

First Party: Stahl Hutterian Brethren
Second Party: Hale Farms, LLC
Recorded: September 14, 2009, Instrument No. 2009-5560371, Office of Umatilla County Records.
(Affects Tracts 14 thru 28, and 34)

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86. The failure of the Insured to comply with the terms, conditions and provisions thereof contained in the Easement for Water Conveyance,

Grantee: Hale Farms, LLC
Recorded: September 14, 2009, Instrument No . 2009-5560372 and
Amended: May 31, 2012, Instrument No. 2012-5920412, Office of Umatilla County Records.
(Affects Insured Tract 51)

87. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: August 23, 2010, Instrument No. 2010-5690597, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

88. Water Development, Delivery and Water Right Purchase Agreement, including the terms and provisions thereof, disclosed by Memorandum,

First Party: Kent Madison, et al
Second Party: Hale Farms, LLC
Recorded: October 19, 2011, Instrument No. 2011-5830759, Office of Umatilla County Records.
(Affects Tracts 1 thru 10, 12 and 13)

89. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: July 27, 2012, Instrument No. 2012-5940332, Office of Umatilla County Records.
(Affects Tract 15)

90. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: July 27, 2012, Instrument No. 2012-5940334, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

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91. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: September 2, 2014, Instrument No . 2014-6200376, Office of Umatilla County Recorder
(Affects Tracts 39 thru 41)

92. Easement for ingress, egress and utility purposes, including the terms and provisions thereof,

First Party: Hale Farms, LLC
Second Party: H4 Farms, Inc.
Recorded: June 15, 2015, Instrument No . 2015-6300692, Office of Umati lla County Records.
(Affects Tracts 38 thru 41)

93. Easements as shown on Partition Plat No. 2015-14,

Recorded: June 23, 2015, Instrument No. 2015-6310049, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

94. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310050, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

95. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310051, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

96. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310052, Office of Umatilla County Records.
(Affects Tracts 40 and 41)

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97. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: February 8, 2016, Instrument No. 2016-6390524, Office of Umatilla County Records
(Affects Tract 31)

98. Easement for ingress and egress purposes, including the terms and provisions thereof,

Grantee: Hale Farms, L.L.C.
Recorded: May 2, 2016, Instrument No. 2016 - 6430016, Office of Umatilla County Records.
(Affects Tracts 29, 31 and 35)

99. Covenant Not to Sell Separately, including the terms and provisions thereof,

First Party: Hale Farms, L.L.C.
Second Party: Umatilla County
Recorded: June 1, 2016, Instrument No. 2016-6440108, Office of Umatilla County Records.
(Affects Tract 31)

100. Easement, including terms and provisions contained therein:

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Recording Date: April 10, 1973
Recording Information: Book 327, page 539
In Favor of: Umatilla Electric Cooperative Association
For: Electric transmission or distribution system
Affects: (Tract 45)

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101. The terms and provisions contained in the document entitled "Easement" recorded September 23, 1985 as Microfilm Reel 129, page 2159 of Official Records.
(Affects Tract 45)

102. The terms and provisions contained in the document entitled "Well Easement Agreement" recorded March 5, 2002 as Instrument No. 2002-4070524 of Official Records.
(Affects Tract 45)

103. The failure of the Insured to comply with the terms, conditions and provisions contained in the Easement for Irrigation and Pipeline purposes, as reserved in Deed

Grantor : Hale Farms, L.L.C.
Recorded : September 30, 2016, Instrument No. 2016-6490431, Office of Umatilla County Records.
(Affects Insured Tract 52)

104. Water Delivery Agreement, including the terms and provisions thereof, disclosed by Memorandum

First Party : Hale Farms, L.L.C.
Second Party : Todd D. Longgood
Recorded : September 30, 2016, Instrument No. 2016-6490432, Office of Umatilla

EXHIBIT C

(Permitted Encumbrances – Morrow County)

The following matters affect the Morrow County Parcel:

Exceptions for Tract 1:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.

2. Reservations and Right of Way, including the terms and provisions thereof, in favor of Oregon Railroad and Navigation Company, recorded February 23, 1911, in Book Y, Page 166, Morrow County Deed Records.

3. Easement for Erosion Control Fences, including the terms and provisions thereof, in favor of Oregon-Washington Railway and Navigation Company and its Lessee Union Pacific Railroad Company, recorded April 20, 1972, as Microfilm No. M-4656, Morrow County Microfilm Records.

4. Water Agreement, including the terms and provisions thereof, between Eastern Oregon Farming Company and Oscar E. Peterson et al., recorded June 26, 1975, as M-8246, Morrow County Microfilm Records.

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5. Telephone Line Right of Way Easement, including the terms and provisions thereof, between Eastern Oregon Farming Company and Telephone Utilities of Eastern Oregon, Inc. d.b.a. PTI Communications, recorded May 16, 1994, as Microfilm No. M-42734, Morrow County Microfilm Records.

6. Easement for Water Well and Access, including the terms and provisions thereof, in favor of Eastern Oregon Farming Company, recorded January 11, 1996, as Microfilm No. M-47093, Morrow County Microfilm Records.

7. 40 Foot Easement for Ingress and Egress, including the terms and provisions thereof, as recorded in document recorded March 12, 1998 as Microfilm No. M-53612, Morrow County Microfilm Records, between Potlatch Corporation and Eastern Oregon Farming Company.

8. 10 Foot Water Line Easement, including the terms and provisions thereof, reserved in Deed from Eastern Oregon Farming Company to H4 Farms, recorded April 9, 1998, as Microfilm No. M-53965, Morrow County Microfilm Records.

Exceptions for Tract 2:

9. Covenants, Conditions, Restrictions and Easements, including the terms and provisions thereof, as reserved in Deed from the United States of America, recorded December 13, 1963 in Book 70, page 91, Morrow County Deed Records.

10. Transmission Line Easement, including the terms and provisions thereof, in favor of the United States of America, recorded November 18, 1965, in Book 72, Page 521, Morrow County Deed Records.

11. Reservations and acknowledgement, including the terms and provisions thereof, as contained in Deed recorded February 15, 1991, as Microfilm No. M-36263, Morrow County Microfilm Records.

12. Non-exclusive easement for roadway purposes, including the terms and provisions thereof, recorded January 11, 2000, as Microfilm No. 2000-81, and rerecorded February 4, 2000, as Microfilm No. 2000-287, Morrow County Microfilm Records.

13. Utility Easements and Driveway as disclosed on Partition Plat 2010-6 recorded September 2, 2010, Morrow County Clerk Records. (Affects Tract 2)

Exceptions for Tract 3:

14. These premises are within the boundaries of the West Extension Irrigation District and are subject to the levies and assessments thereof.

15. Right of way for ditches, canals and reservoir site for irrigation purposes, including the terms and provisions thereof, as set forth in deed from the State Land Board to M.D. Clark, recorded March 11, 1908 in Book U, page 516, Morrow County Deed Records.

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16. Easement, including terms and provisions contained therein:

    Recording Information: April 20, 1972 as M-4656
    In Favor of: Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company
    For: Erosion control fences

17. Easement, including terms and provisions contained therein:

    Recording Information: September 25, 1992 as Microfilm No. M-39127
    In Favor of: Umatilla County Electric Cooperative Association
    For: Electric transmission and distribution lines

18. The terms and provisions contained in the document entitled "Easement Agreement" recorded January 11, 1996 as Microfilm No. M-47092 of Official Records.

19. Easements for access purposes as shown on the recorded plat of PARTITION PLAT NO. 1996-1.

COURCHANE Corey A * WRD

From: Rau, Nathan <nrau@farmlandreserve.org>
Sent: Tuesday, December 07, 2021 3:41 PM
To: Ted Ressler; COURCHANE Corey A * WRD
Cc: Rasmussen, Jens
Subject: RE: Farmland Reserve, T-13525
Attachments: Deed_2016(1).pdf; 44654 Dim.pdf; 44654 Diminution - SIGNED.pdf

Corey,

Here is a scanned copy of the affidavit, along with a map and a copy of the deed (with the relevant lands highlighted). Please let me know if you need anything else from us or if you have any questions about the affidavit.

Thanks for your help,

Nate Rau

From: Ted Ressler <tressler@gsiws.com>
Sent: Monday, December 6, 2021 2:43 PM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Cc: Rau, Nathan <nrau@farmlandreserve.org>
Subject: RE: Farmland Reserve, T-13525

Corey

Happy Monday, I hope you had a good weekend.

I'm adding Nate Rau (applicant) to the conversation as I will be out of the office from 12/10-12/17. I know there is some time sensitivity to getting the DPD out for T-13525, so I wanted to make sure Nate was connected with you in there event actions needed during this time.

Regarding temporary transfer T-13609, the applicant would like partially terminate everything in T-13609 except for Certificate 93872.

The signature page for the partial diminution of Certificate 44654 is coming soon; ideally you will have it by tomorrow.

Thanks, and let me know if there are questions or if further discussion is needed.

Ted

From: Ted Ressler
Sent: Wednesday, November 24, 2021 10:15 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: Farmland Reserve, T-13525

Corey

Following up on our discussion yesterday. We are very close to having the diminution ready – perhaps later today. The water right holder will be diminishing only the portion of the certificate that will be layered with the TO lands.

Regarding Certificate 93872, the temporary transfer that involves Certificate 93872 (T-13609, for the period through 2025) also involves one of the certificates that are included in permanent transfer T-13525 (specifically certificate 92994). Does the applicant need to terminate temporary transfer T-13609 early so that Certificate 92994 can be included in permanent transfer T-13525? If so, the applicant will be filing a new temporary transfer for Certificate 93872 so that it is moved off of the TO lands for permanent transfer T-13525. Per our discussion yesterday, this new temporary transfer would need to be in place before the FO is issued for T-13525, correct?

I will be available for a phone call between 2-3:30 today to discuss in more detail.

Thanks
Ted

Theodore R. Ressler
RG, CWRE, PG
Hydrogeologist and Water Resources Consultant
direct: 971.200.8509 | mobile: 503.701.4535
55 SW Yamhill St., Suite 300, Portland, OR 97204
GSI Water Solutions, Inc. | www.gsiws.com

Please note: GSI is open for business, although most of us are working remotely. I am available by phone or e-mail; if you do call, please use my mobile number.

AFTER RECORDING RETURN TO:

Kirton McConkie
Attn: Tyler Buswell
50 East South Temple
Salt Lake City, Utah 84111

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UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

Farmland Reserve, Inc.
Attn: Rex Burgener
79 South Main Street, Suite 1000
Salt Lake City, Utah 84111

FATCO NCS-804179

MORROW COUNTY, OREGON **2016-39221**
D-WD
Cnt=1 Stn=0 TC **11/09/2016 01:29:36 PM**
$200.00 $11.00 $10.00 $20.00 **$241.00**

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Bobbi Childers - County Clerk

SPECIAL WARRANTY DEED

HALE FARMS, L.L.C., an Oregon limited liability company, with an address at 73120 Hwy 207, Echo, Oregon 97826, together with **H4 FARMS, INC.**, an Oregon corporation, with an address at 73120 Hwy 207, Echo, Oregon 97826 (collectively as "**Grantor**"),, conveys and specially warrants to **FARMLAND RESERVE, INC.**, a Utah nonprofit corporation ("**Grantee**"), with an address at 79 S. Main Street, Suite 1000, Salt Lake City, Utah 84111, the real property described on Exhibit A attached hereto (the "**Property**"), free of liens and encumbrances created or suffered by Grantor, except as set forth on (i) Exhibit B for the real property located in Umatilla County, and (ii) Exhibit C for the real property located in Morrow County, both attached hereto.

The true consideration for this conveyance is [redacted].

TOGETHER WITH (i) all buildings located on the Property, (ii) all roads, bridges and other improvements located on the Property, (iii) all water rights and other rights to the use of water owned by Grantor appurtenant to or used in connection with the Property, (iv) surface and subsurface rights of the Property owned by Grantor, including, without limitation, all appurtenant mineral, gas, oil, and geothermal rights, and (v) all other privileges, appurtenances, easements in respect thereof and other rights appertaining to the Property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE

E-RECORDED simplifile
ID: 2016-2778
County: Morrow
Date: 11/9/2016 Time: 1:20:36 PM

AFTER RECORDING RETURN TO:

Kirton McConkie
Attn: Tyler Buswell
50 East South Temple
Salt Lake City, Utah 84111

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:

Farmland Reserve, Inc.
Attn: Rex Burgener
79 South Main Street, Suite 1000
Salt Lake City, Utah 84111

FATCO NO. 80179

SPECIAL WARRANTY DEED

HALE FARMS, L.L.C., an Oregon limited liability company, with an address at 73120 Hwy 207, Echo, Oregon 97826, together with **H4 FARMS, INC.**, an Oregon corporation, with an address at 73120 Hwy 207, Echo, Oregon 97826 (collectively as "**Grantor**"),, conveys and specially warrants to **FARMLAND RESERVE, INC.**, a Utah nonprofit corporation ("**Grantee**"), with an address at 79 S. Main Street, Suite 1000, Salt Lake City, Utah 84111, the real property described on Exhibit A attached hereto (the "**Property**"), free of liens and encumbrances created or suffered by Grantor, except as set forth on (i) Exhibit B for the real property located in Umatilla County, and (ii) Exhibit C for the real property located in Morrow County, both attached hereto.

The true consideration for this conveyance is [redacted].

TOGETHER WITH (i) all buildings located on the Property, (ii) all roads, bridges and other improvements located on the Property, (iii) all water rights and other rights to the use of water owned by Grantor appurtenant to or used in connection with the Property, (iv) surface and subsurface rights of the Property owned by Grantor, including, without limitation, all appurtenant mineral, gas, oil, and geothermal rights, and (v) all other privileges, appurtenances, easements in respect thereof and other rights appertaining to the Property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE

UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature and Acknowledgement to Follow]

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DATED effective as of Nov. 8, 2016.

GRANTOR:

HALE FARMS, L.L.C.,
an Oregon limited liability company

By: _____
Name: Robert Hale
Its: Operating Manager

STATE OF OREGON)
)
COUNTY OF Umatilla)

On this 8 day of November, 2016, before me, the undersigned, a Notary Public in and for the state of Oregon, duly commissioned and sworn, personally appeared Robert Hale, known to be the Operating Manager of Hale Farms, L.L.C., an Oregon limited liability company, that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of that company for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the instrument on behalf of the company.

WITNESS my hand and official seal hereto affixed the day and year first above written.

OFFICIAL STAMP
CHRISTINE SABRI
NOTARY PUBLIC-OREGON
COMMISSION NO. 923418
MY COMMISSION EXPIRES JANUARY 30, 2018

_____
Print Name: Christine Sabri
NOTARY PUBLIC for the State of Oregon
My Commission Expires: January 30, 2018

(Signature and Acknowledgement to follow)

GRANTOR:

H4 FARMS, INC.,
an Oregon corporation

By: _____
Name: Robert Hale
Its: President

STATE OF OREGON)
)
COUNTY OF Umatilla)

On this 8 day of November, 2016, before me, the undersigned, a Notary Public in and for the state of Oregon, duly commissioned and sworn, personally appeared Robert Hale, known to be the President of H4 FARMS, INC., an Oregon corporation, that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of that company for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the instrument on behalf of the company.

WITNESS my hand and official seal hereto affixed the day and year first above written.

OFFICIAL STAMP
CHRISTINE SABRI
NOTARY PUBLIC-OREGON
COMMISSION NO. 923418
MY COMMISSION EXPIRES JANUARY 30, 2018

_____
Print Name: Christine Sabri
NOTARY PUBLIC for the State of Oregon
My Commission Expires: January 30, 2018

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EXHIBIT A

(Legal Description of the Property)

HALE FARMS, L.L.C., AN OREGON LIMITED LIABILITY COMPANY, AS GRANTOR OF PARCEL I, TRACTS 1 THROUGH 10, 12 THROUGH 29, 31 THROUGH 35, AND 38, AND H4 FARMS, INC., AN OREGON CORPORATION, AS GRANTOR OF PARCEL I, TRACTS 39 THROUGH 42, 45 AND ALL OF PARCEL II OF THE BELOW DESCRIBED PROPERTY.

PARCEL I (Umatilla County, Oregon):

TRACT 1

TOWNSHIP 2 NORTH, RANGE 27, E.W.M.

SECTION 1: ALL THAT PORTION OF THE EAST HALF WHICH LIES EASTERLY OF STATE HIGHWAY 207.

EXCEPTING THEREFROM THOSE TRACTS OF LANDS CONVEYED TO THE STATE OF OREGON BY DEEDS RECORDED IN BOOK 205, PAGE 138 AND BOOK 283, PAGE 589, DEED RECORDS.

EXCEPTING THEREFROM ANY PORT ION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 2

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 5: ALL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 3

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 6: ALL THAT PORTION OF THE NORTH HALF WHICH LIES EASTERLY OF STATE HIGHWAY 207.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND

HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 4

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 7: NORTHEAST QUARTER.

EXCEPTING THEREFROM THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF -WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 5

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: EAST HALF OF THE NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 6

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: WEST HALF OF THE NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 7

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 8

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: EAST HALF OF THE SOUTHWEST QUARTER.
SOUTHEAST QUARTER.

SECTION 17: EAST HALF OF THE NORTHWEST QUARTER.
SOUTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 9

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 8: WEST HALF OF THE SOUTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 10

TOWNSHIP 2 NORTH, RANGE 28, E.W.M.

SECTION 17: WEST HALF OF THE NORTHWEST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 12

PARCEL 1, PARTITION PLAT NO. 2005-27 (INSTRUMENT NO. 2005-4900419, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON;

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE MOST NORTHWESTERLY CORNER OF PARCEL 2, SAID PARTITION PLAT NO. 2005-27; THENCE NORTH 25°12'28" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 207 (WHICH IS ALSO THE WEST LINE OF SAID PARCEL 1), A DISTANCE OF 520.26 FEET; THENCE SOUTH 64°47'32" EAST

AND PERPENDICULAR TO THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 300 FEET; THENCE SOUTH 05°25'26" EAST, A DISTANCE OF 611.12 FEET; THENCE SOUTH 25°12'28" WEST AND PARALLEL WITH THE WEST LINE OF SAID PARCEL 2, A DISTANCE OF 325 FEET; THENCE ALONG THE ARC OF A 1370 FOOT RADIUS CURVE LEFT (LONG CHORD BEARS SOUTH 81°22'32" WEST, 72.23 FEET) A DISTANCE OF 72.24 FEET TO A POINT ON THE EAST LINE OF PARCEL 3, SAID PARTITION PLAT NO. 2005-27; THENCE NORTH 25°12'28" EAST ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 103.68 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 2; THENCE NORTH 25°12'28" EAST ALONG THE EAST LINE OF SAID PARCEL 2, A DISTANCE OF 197.82 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID PARCEL 2; THENCE NORTH 31°57'18" WEST ALONG THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 127.80 FEET TO AN ANGLE POINT; THENCE NORTH 64°47'32" WEST AND CONTINUING ALONG THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 444 FEET TO THE POINT OF BEGINNING.

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TRACT 13

TOWNSHIP 3 NORTH, RANGE 28, E.W.M.

SECTION 32: SOUTH HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 14

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

SECTION 1: ALL.

SECTION 2: EAST HALF.

SECTION 12: NORTHEAST QUARTER.

SECTION 12: ALL THAT PORTION OF THE SOUTHEAST QUARTER WHICH LIES NORTHERLY OF U.S. INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE STATE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 293, PAGE 721, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 15

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

SECTION 11: ALL THAT PORTION WHICH LIES NORTHERLY OF U.S. INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 130, PAGE 587, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 16

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

SECTION 11: ALL THAT PORTION OF THE SOUTH HALF WHICH LIES SOUTHERLY OF U. S, HIGHWAY NO, 30 AND INTERSTATE I-84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 130, PAGE 587, DEED RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 17

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

SECTION 9: ALL THAT PORTION OF THE NORTHEAST QUARTER WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AND INTERSTATE 84-N.

SECTION 10: ALL THAT PORTION WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30 AND INTERSTATE 84-N.

SECTION 15: NORTH HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS

BEGINNING AT A POINT WHICH LIES 1,320 FEET DISTANT SOUTHERLY AND 736.56 FEET DISTANT EASTERLY FROM THE NORTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 30° EAST, A DISTANCE OF 660 FEET; THENCE NORTH 61° EAST, A DISTANCE OF 264 FEET; THENCE SOUTH 47° EAST, A DISTANCE OF 531.30 FEET TO THE ECHO-PENDLETON COUNTY ROAD; THENCE SOUTH 55°30' WEST ALONG SAID COUNTY ROAD, A DISTANCE OF 586.08 FEET; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 462 FEET TO THE POINT OF BEGINNING.

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

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ALSO EXCEPTING THEREFROM THAT TRACT OF LAND LOCATED IN THE NORTH HALF OF SAID SECTION 15 AND BEING DESCRIBED AS BEGINNING AT A POINT WHERE THE SECTION LINES BETWEEN SECTIONS 15 AND 16 INTERSECTS WITH THE SOUTH RIGHT- OF-WAY LINE OF THE COUNTY ROAD; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 343 FEET TO THE EASTERLY FENCE LINE OF THE TRACT; THENCE SOUTHERLY ALONG SAID EASTERLY FENCE LINE, A DISTANCE OF 371 FEET, MORE OR LESS, TO THE FENCE CORNER; THENCE WESTERLY ALONG THE SOUTHERLY FENCE LINE OF SAID TRACT, A DISTANCE OF 336 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE SECTION LINE BETWEEN SAID SECTIONS 15 AND 16; THENCE NORTHERLY, ALONG THE SECTION LINE BETWEEN SAID SECTIONS 15 AND 16, A DISTANCE OF 210 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15 WHICH LIES SOUTHERLY OF HIGHWAY NO. 320.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE WEST 280 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15 WHICH LIES SOUTHERLY OF HIGHWAY NO. 320.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTHERLY, A DISTANCE OF 1,320 FEET TO A POINT LOCATED ON THE EAST LINE OF SAID SECTION 15; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 2,360 FEET; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,210 FEET TO A POINT LOCATED ON THE SOUTH SIDE OF HIGHWAY NO. 320; THENCE GENERALLY EASTERLY ALONG SAID HIGHWAY TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT WHICH LIES 310 FEET DISTANT NORTHERLY AND 2,467. 5 FEET DISTANT EASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 67°43' EAST, A DISTANCE OF 679.70 FEET; THENCE SOUTHERLY, A

DISTANCE OF 524.90 FEET TO A POINT LOCATED ON THE NORTH LINE OF COUNTY ROAD NO. 770; THENCE SOUTH 89° 45' WEST ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 160 FEET; THENCE WESTERLY ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 461.70 FEET; THENCE SOUTH 48°52' WEST ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 61.50 FEET; THENCE NORTHERLY, A DISTANCE OF 467.30 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO BRAD E. WILLIAMS, ETUX, BY DEED RECORDED IN INSTRUMENT NO. 2005-4830487, OFFICE OF UMATILLA COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 18

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

SECTION 12: ALL THAT PORTION OF THE WEST HALF WHICH LIES NORTHERLY OF U.S, INTERSTATE 84.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON BY DEED RECORDED IN BOOK 293, PAGE 721, DEED RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 19

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

SECTION 12: ALL THAT PORTION OF THE SOUTHWEST QUARTER WHICH LIES SOUTHERLY OF U.S. HIGHWAY NO. 30 AND INTERSTATE I-84.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 575 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 330 FEET; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 825 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SECTION 12, A DISTANCE OF 330 FEET TO

A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 12; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 825 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 20

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

SECTION 13: NORTHWEST QUARTER.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 450 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 330 FEET; THENCE SOUTHWESTERLY TO A POINT WHICH MEASURES 200 FEET DISTANT EASTERLY FROM THE WEST LINE OF SAID SECTION 13 (WHEN MEASURED AT RIGHT ANGLES THERETO) AND 530 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID SECTION 13 (WHEN MEASURED AT RIGHT ANGLES THERETO); THENCE WESTERLY, A DISTANCE OF 200 FEET TO THE WEST LINE OF SAID SECTION 13; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 530 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 21

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

SECTION 14: NORTHEAST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 22

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

SECTION 14: WEST HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 23

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

SECTION 23: SOUTHEAST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 24

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

SECTION 9: ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SAID SECTION 9 WHICH LIES EASTERLY OF THE OLD OREGON TRAIL HIGHWAY (AS THE SAME WAS LOCATED ON MARCH 5, 1949) AND NORTHERLY AND EASTERLY OF THE U.S.R.S. FEED CANAL AS DESCRIBED IN DEED RECORDED IN BOOK 78, PAGE 341, DEED RECORDS AND WESTERLY OF THAT TRACT OF LAND CONVEYED TO H.B. MCCORMICK, ETUX, RECORDED IN BOOK 123, PAGE 214, DEED RECORDS. EXCEPTING ALL THAT PORTION LYING WESTERLY OF RELOCATED COUNTY ROAD. ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE STATE HIGHWAY RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO THAT TRACT OF LAND CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, BY DEED RECORDED IN INSTRUMENT NO. 2002-4210394, OFFICE OF UMATILLA COUNTY RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 25

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

SECTION 9: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE WESTERLY, A DISTANCE OF 705 FEET TO A POINT LOCATED ON THE EAST RIGHT -OF -WAY LINE OF THE U.S.R.S. FEED

CANAL; THENCE NORTH 15°50' EAST ALONG THE EAST RIGHT- OF-WAY LINE OF SAID 0 CANAL, A DISTANCE OF 96 FEET; THENCE NORTH 45° 25' EAST AND CONTINUING ALONG THE EAST RIGHT- OF-WAY LINE OF SAID CANAL, A DISTANCE OF 374 FEET; THENCE NORTH 62°20' WEST AND CONTINUING ALONG THE EAST RIGHT-OF -WAY LINE OF SAID CANAL, A DISTANCE OF 500 FEET; THENCE NORTH 02°50' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID CANAL, A DISTANCE OF 11 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE COUNTY ROAD; THENCE NORTH 19° 50' EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 131 FEET; THENCE NORTH 05° 18' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 700 FEET; THENCE NORTH 04°28 ' WEST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 200 FEET; THENCE NORTH 09°12' EAST AND CONTINUING ALONG THE EAST RIGHT- OF -WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 222 FEET; THENCE NORTH 28°22' EAST AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, A DISTANCE OF 815 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 9; THENCE EASTERLY, A DISTANCE OF 3,102 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTHERLY, A DISTANCE OF 2,640 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE WESTERLY, A DISTANCE OF 2,640 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING A RIGHT-OF-WAY FOR THE FURNISH DITCH COMPANY, BEING A STRIP OF LAND 100 FEET IN WIDTH AND A STRIP OF LAND 50 FEET IN WIDTH DESCRIBED IN MICROFILM REEL 100, PAGE 1114, OFFICE OF UMATILLA COUNTY RECORDS.

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

SECTION 9: ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 9; THENCE SOUTH 89° 35'33" WEST ALONG THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 287.08 FEET; THENCE NORTH 04°35'55" EAST, A DISTANCE OF 29.68 FEET TO A POINT LOCATED ON THE EXISTING FENCE; THENCE NORTH 89 17'07" EAST ALONG THE EXISTING FENCE, A DISTANCE OF 284.49 FEET; THENCE SOUTH 00°24'17" EAST AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 31. 09 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT LOCATED ON THE NORTH LINE OF SECTION 16, SAID TOWNSHIP 3 NORTH, RANGE 29, SAID POINT BEING NORTH 89°35'33" EAST, A DISTANCE OF 484.95 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 16; THENCE SOUTH 23°55' WEST, A DISTANCE OF 572.58 FEET; THENCE NORTH 33°38'02" EAST, A DISTANCE OF 6.19 FEET; THENCE NORTH 20°05'21 " EAST, A DISTANCE OF 102.56 FEET; THENCE NORTH 66°12' 10" EAST, A DISTANCE OF 60.36 FEET; THENCE NORTH 24°04'47" EAST, A DISTANCE OF 440.66 FEET; THENCE

NORTH 26°46'52" WEST, A DISTANCE OF 40.47 FEET; THENCE SOUTH 89°17'07" WEST, A DISTANCE OF 38.20 FEET; THENCE SOUTH 00°24'17" EAST, A DISTANCE OF 33.69 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO ECHO CEMETERY MAINTENANCE DISTRICT BY DEED RECORDED IN BOOK 343, PAGE 62, DEED RECORDS.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 26

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

SECTION 15: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,320 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 2,360 FEET, MORE OR LESS, TO A POINT WHICH LIES 280 FEET DISTANT EASTERLY FROM THE WEST LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1,210 FEET, MORE OR LESS, TO THE SOUTH LINE OF COUNTY ROAD NO. 770; THENCE EASTERLY ALONG THE SOUTH LINE OF THE SAID COUNTY ROAD TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 27

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

SECTION 15: SOUTHEAST QUARTER.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 28

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

SECTION 15: ALL THAT PORTION OF THE SOUTHWEST QUARTER BEING DESCRIBED AS BEGINNING AT A POINT LOCATED ON THE SOUTH LINE OF SAID SECTION 15, SAID POINT BEING LOCATED 420 FEET DISTANT EASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH 03°30' WEST, A DISTANCE OF 490 FEET; THENCE NORTH 00°30' EAST, A DISTANCE OF 700 FEET; THENCE NORTH 23°45' EAST, A DISTANCE OF 550 FEET; THENCE NORTH 18°15' EAST, A DISTANCE OF 50 FEET; THENCE NORTH 13°45' WEST, A DISTANCE OF 150 FEET; THENCE NORTH 48°30' WEST, A DISTANCE OF 93.60 FEET; THENCE NORTH 12°00' WEST, A DISTANCE OF 115 FEET; THENCE NORTH 30°30' WEST, A DISTANCE OF 200 FEET; THENCE NORTH 03°00' WEST, A DISTANCE OF 100 FEET; THENCE NORTHERLY, A DISTANCE OF 306.70 FEET TO A POINT LOCATED ON THE EAST-WEST CENTERLINE OF SAID SECTION 15, SAID POINT BEING LOCATED 360.07 FEET DISTANT EASTERLY FROM THE QUARTER SECTION CORNER ON THE WEST LINE OF SAID SECTION 15; THENCE EASTERLY ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 15 TO THE CENTER OF SAID SECTION 15; THENCE SOUTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 15 TO THE QUARTER SECTION CORNER ON THE SOUTH LINE OF SAID SECTION 15; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 29

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TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 1: WEST HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1; THENCE SOUTH 00°56'32" EAST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1,703.56 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 09°11'11" EAST, A DISTANCE OF 143.77 FEET; THENCE ALONG A 1375.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS SOUTH 46°32'27 EAST, 1,218.84 FEET) A DISTANCE OF 1,262.75 FEET; THENCE SOUTH 02°07'17" EAST, A DISTANCE OF 56.78 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE SOUTH 87°59'29" WEST ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 892.75 FEET; THENCE NORTH 00°56'32" WEST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1,068.46 FEET TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 31

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 2: EAST HALF.

EXCEPTING THEREFROM THAT TRACT OF LAND BEING DESCRIBED AS BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 2; THENCE SOUTH 00°56'32" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 2,772.02 FEET; THENCE SOUTH 89°48'25" WEST ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1,183 FEET; THENCE NORTH 00 09'34" WEST, A DISTANCE OF 86.60 FEET; THENCE ALONG A 1320.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS NORTH 45°32'56" EAST, 858.61 FEET) A DISTANCE OF 874.51 FEET; THENCE NORTH 17°37'35" EAST, A DISTANCE OF 292.89 FEET; THENCE NORTH 00°07'19" WEST, A DISTANCE OF 817.25 FEET; THENCE SOUTH 79°29'40" WEST, A DISTANCE OF 35.41 FEET; THENCE NORTH 01°16'04" WEST, A DISTANCE OF 718.72 FEET; THENCE SOUTH 89°31'37" WEST, A DISTANCE OF 646. 02 FEET; THENCE NORTH 13°19'43" WEST, A DISTANCE OF 786.74 FEET; THENCE ALONG A 1230.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD OF WHICH BEARS NORTH 59°34'48" EAST, 1,402. 96 FEET) A DISTANCE OF 1,492.93 FEET; THENCE NORTH 89°07'45" EAST, A DISTANCE OF 86.47 FEET TO THE EAST LINE OF SAID SECTION 2; THENCE SOUTH 00°56'27" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 1,192.78 FEET TO THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TOWNSHIP 4 NORTH, RANGE 30, E.W.M.

SECTION 35: ALL THAT PORTION OF THE SOUTH HALF WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF STAGE GULCH ROAD.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT- OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 32

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 2: ALL THAT PORTION OF THE WEST HALF WHICH LIES SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF STAGE GULCH ROAD.

SECTION 3: SOUTH HALF.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 33

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 3: NORTHWEST QUARTER.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 34

TOWNSHIP 3 NORTH, RANGE 30, E.W.M.

SECTION 6: WEST HALF.

SECTION 7: ALL THAT PORTION OF THE WEST HALF WHICH LIES NORTHERLY OF U.S, INTERSTATE 84.

EXCEPTING THEREFROM THAT TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7 AND BEING DESCRIBED AS BEGINNING AT THE INTERSECTION OF WHITMORE ROAD AND COUNTY ROAD NO. 678; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID COUNTY ROAD NO. 678, A DISTANCE OF 1,369.30 FEET; THENCE WESTERLY AND PARALLEL WITH THE CENTERLINE OF SAID WHITMORE ROAD, A DISTANCE OF 1,270.50 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE CENTERLINE OF SAID COUNTY ROAD NO. 678, A DISTANCE OF 1,369.50 FEET TO A POINT WHICH LIES ON THE CENTERLINE OF SAID WHITMORE ROAD; THENCE EASTERLY ALONG THE CENTERLINE OF SAID WHITMORE ROAD, A DISTANCE OF 1,270.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD AND HIGHWAY RIGHTS-OF-WAYS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 35

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TOWNSHIP 4 NORTH, RANGE 30, E. W.M.

SECTION 36: ALL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 38

PARCEL 3, PARTITION PLAT NO. 2004 - 24 (INSTRUMENT NO. 2004 - 4670161, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 39

PARCEL 1, PARTITION PLAT NO. 2015- 14 (INSTRUMENT NO. 2015-6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 40

PARCEL 2, PARTITION PLAT NO. 2015- 14 (INSTRUMENT NO. 2015-6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 41

PARCEL 3, PARTITION PLAT NO. 2015-14 (INSTRUMENT NO. 2015- 6310049, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE EAST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 27, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

TRACT 42

TOWNSHIP 4 NORTH, RANGE 27, E.W.M.

SECTION 25: A TRACT OF LAND BEING DESCRIBED AS BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25, SAID POINT BEING THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT NO. 1998-03 (INSTRUMENT NO. 1998-3240382, OFFICE OF UMATILLA COUNTY RECORDS) THENCE NORTH 89°26'07" EAST ALONG THE SOUTH LINE OF SAID PARCEL 3, A DISTANCE OF 252.09 FEET; THENCE SOUTH 00 33'53" EAST ALONG THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO EDGAR T. JOHNSON, BY DEED RECORDED IN BOOK 323, PAGE 251, DEED RECORDS, A DISTANCE OF 431.41 FEET; THENCE SOUTH 89°27'07" WEST, A DISTANCE OF 252 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE NORTH 00°36'02" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25, A DISTANCE OF 431.41 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PARCEL 3 AND THE POINT OF BEGINNING.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

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TRACT 45

TOWNSHIP 4 NORTH, RANGE 27 E.W.M.

SECTION 25:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SAID SECTION 25 AND BEING DESCRIBED AS COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AND THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE ALONG A 6,129.64 FEET RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 76°41'40" EAST, A DISTANCE OF 216.87 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 75°40'50" EAST, A DISTANCE OF 573.50 FEET TO THE TRUE OF POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 14°19'10" WEST, A DISTANCE OF 180 FEET; THENCE NORTH 75°40'50" EAST, A DISTANCE OF 325 FEET; THENCE SOUTH 14°19'10" EAST, A DISTANCE OF 180 FEET TO A POINT LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD; THENCE SOUTH 75°40'50" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 325 FEET TO THE POINT OF BEGINNING.

SECTION 25:

TOGETHER WITH AN EASEMENT, 20 FEET IN WIDTH, FOR ROADWAY, ACCESS, INGRESS, EGRESS AND UTILITIES CONTAINED IN MICROFILM REEL 129, PAGE 2159, OFFICE OF UMATILLA COUNTY RECORDS AND THE EAST LINE OF THE SAID EASEMENT IS BEING DESCRIBED AS COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AND THE NORTH-SOUTH CENTERLINE OF SAID SECTION 25; THENCE ALONG SAID RAILROAD RIGHT-OF-WAY LINE, ALONG A 6,129.64 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF WHICH BEARS NORTH 76°41'40" EAST, A DISTANCE OF 216.87 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 75°40'50" EAST, A DISTANCE OF 609.18 FEET; THENCE NORTH 00°04'40" EAST, A DISTANCE OF 185.84 FEET TO THE TRUE POINT OF BEGINNING OF THE SAID EAST LINE DESCRIPTION; THENCE NORTH 00°04'40" EAST, TO THE SOUTHERLY LINE OF THE COUNTY ROAD THAT RUNS DIAGONALLY THROUGH THE NORTHEAST QUARTER OF SAID SECTION 25 AND THE POINT OF TERMINUS FOR THE SAID EAST LINE DESCRIPTION.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RAILROAD RIGHT-OF-WAY.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

EASEMENT TRACTS:

TRACT 50

WATER DELIVERY AND WATER RIGHT PURCHASE AGREEMENT, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, DISCLOSED IN MEMORANDUM BETWEEN STAHL HUTTERIAN BRETHREN AND HALE FARMS, LLC, RECORDED SEPTEMBER 14, 2009 IN INSTRUMENT NO. 2009-5560371 AND AMENDED AUGUST 18, 2016 IN INSTRUMENT NO. 2016-6470333, OFFICE OF UMATILLA COUNTY RECORDS.

TRACT 51

EASEMENT FOR WATER CONVEYANCE, TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN, DISCLOSED IN AGREEMENT BETWEEN DITCHEN LAND COMPANY, LLC AND HALE FARMS, LLC RECORDED SEPTEMBER 14, 2009 IN INSTRUMENT NO. 2009-5560372 AND AMENDED MAY 31, 2012 IN INSTRUMENT NO. 2012-5920412, OFFICE OF UMATILLA COUNTY RECORDS.

TRACT 52

EASEMENT FOR IRRIGATION AND PIPELINE PURPOSES RESERVED IN DEED FROM HALE FARMS, L.L.C., RECORDED SEPTEMBER 30, 2016 IN INSTRUMENT NO. 2016-6490431, OFFICE OF THE UMATILLA COUNTY RECORDS.

ALL BEING EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

PARCEL II (Morrow County, Oregon):

TRACT 1:

A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 4 NORTH, RANGE 26 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH 01°06'02" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2682.67 FEET TO A POINT WHICH LIES 90.00 FEET SOUTH OF THE CENTERLINE OF THE OREGON-WASHINGTON RAILROAD & NAVIGATION CO. RAILROAD; THENCE SOUTH 72°10'06" EAST PARALLEL WITH SAID RAILROAD A DISTANCE OF 147.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PATTERSON FERRY ROAD; AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 72°10'06" EAST A DISTANCE OF 420.00 FEET; THENCE SOUTH 17°49'54" WEST A DISTANCE OF 550.00 FEET; THENCE NORTH 72°10'06" WEST A DISTANCE OF 237.03 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY OF SAID PATTERSON

FERRY ROAD; THENCE NORTH 02°39'54" WEST ALONG SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 155.31 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 00°11'51" EAST A DISTANCE OF 424.47 FEET TO THE TRUE POINT OF BEGINNING.

ALSO A 40 FOOT EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN DOCUMENT RECORDED MARCH 12, 1998 AS MICROFILM NO. M-53612, MORROW COUNTY MICROFILM RECORDS, BETWEEN POTLATCH CORPORATION AND EASTERN OREGON FARMING COMPANY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 26 EAST OF THE WILLAMETTE MERIDIAN, MORROW COUNTY, OREGON; THENCE SOUTH 01°06'02" EAST ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 2682.67 FEET TO A POINT WHICH LIES 90.00 FEET SOUTH OF THE CENTERLINE OF THE OREGON-WASHINGTON RAILROAD & NAVIGATION CO. RAILROAD; THENCE SOUTH 72°10'06" EAST PARALLEL WITH SAID RAILROAD A DISTANCE OF 147.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE PATERSON FERRY ROAD AND HEREIN REFERRED TO AS POINT "A" AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 72°10'06" EAST A DISTANCE OF 910.00 FEET TO A POINT; THENCE NORTH 17°49'54" EAST A DISTANCE OF 40.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID RAILROAD; THENCE NORTH 72°10'06" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 922.72 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY SAID ROAD; THENCE SOUTH 00°11'51" WEST ALONG SAID EASTERLY RIGHT-OF-WAY A DISTANCE OF 41.97 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 2:

PARCEL 2 OF PARTITION PLAT 2010-6, IN THE COUNTY OF MORROW AND STATE OF OREGON

TRACT 3:

PARCEL 2 OF PARTITION PLAT NO. 1996-1, IN THE COUNTY OF MORROW AND STATE OF OREGON, TOGETHER WITH A 20 FEET INGRESS-EGRESS EASEMENT AS SHOWN ON PARTITION PLAT 1996-1.

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EXHIBIT B

(Permitted Encumbrances – Umatilla County)

The following matters affect the Umatilla County Parcel:

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.

   Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

2. The premises herein described are within the boundaries of the Echo Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof, including but not limited to the U.S.R.S Canal.

3. Water charges of the Echo Irrigation District, if any.

4. The premises herein described are within the boundaries of the Teel Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

5. Water charges of the Teel Irrigation District, if any.

6. The premises herein described are within the boundaries of the Westland Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

7. Water charges of the Westland Irrigation District, if any.

8. The premises herein described are within the boundaries of the Butter Creek Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.

9. Water charges of the Butter Creek Irrigation District, if any.

10. Lack of Access: We are unable to ascertain from the records if the premises herein described has a physical means of ingress and egress to and from a legally dedicated road or highway and for this reason such rights cannot be insured. (Affects Tracts 23 & 44)

11. The lands described herein consist of portions that are contiguous. Access to such lands may be through adjoining lands that have common ownership. Rights of access to the lands are limited to those County Roads which may abut or pass through the lands described herein and no representation is made that all lands and/or parts thereof have independent rights of access. (Affects Tracts 8, 9, 10, 25, 27, 28 and 42)

12. Reservations, including the terms and provisions thereof, contained in Patent,

    Recorded: January 14, 1897, Book 24, Page 235, Deed Records.

    (Affects Tracts 1, 2, 8, 10, 14, 17, 24, 25, 28, 32 and 38 thru 42)

13. Coal and Iron Rights, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railroad Company
    Recorded: December 21, 1897, Book 25, Page 309, Deed Records.
    (Affects Tracts 2)

14. Reservation of coal and iron, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: August 14, 1900, Book 33, Page 588, Deed Records.
    (Affects Tracts 14, and 32)

15. Reservations of iron and coal, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: March 2, 1901, Book 36, Page 133, Deed Records.
    (Affects Tract 24, 25 and 28)

16. Coal and Iron Rights, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railroad Company
    Recorded: February 10, 1905, Book 45, Page 406, Deed Records.
    (Affects Tracts 8 and 10)

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17. Reservations, including the terms and provisions thereof, contained in Deed,

    Grantor: Northern Pacific Railway Company
    Recorded: July 17, 1905, Book 48, Page 115, Deed Records.
    (Affects Tracts 38 thru 42 and 45)

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18. Easement, including the terms and provisions thereof,

    Grantee: Hermiston Power and Light Company
    Recorded: November 13, 1913, Book 85, Page 579, Deed Records.
    (Affects Tracts 25)

19. Reservations of coal, iron, natural gas and oil, including the terms and provisions thereof,

contained in Deed,

Grantor: Northern Pacific Railway Company
Recorded: December 19, 1917, Book 101, Page 302, Deed Records.
(Affects Tracts 17 and 26)

20. Reservations of iron, coal, natural gas and oil, including the terms and provisions thereof, contained in Deed,

Grantor: Northern Pacific Railway Company
Recorded: November 15, 1922, Book 118, Page 424, Deed Records.
(Affects Tract 23)

21. Easement, including the terms and provisions thereof,
Grantee: Pacific Telephone and Telegraph Company
Recorded: December 14, 1922, Book 118, Page 527, Deed Records.
(Affects Tracts 24 and 25)

22. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: April 14, 1938, Book 120, Page 514, Deed Records.
(Affects Tracts 1)

23. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: October 23, 1939, Book 120, Page 628a, Deed Records.
(Affects Tracts 14 and 34)

24. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: October 23, 1939, Book 120, Page 628b, Deed Records.
(Affects Tracts 15 and 18)

25. Easement, including the terms and provisions thereof,

Grantee: Pacific Telephone and Telephone Company
Recorded: June 29, 1939, Book 155, Page 503, Deed Records.
(Affects Tracts 24 and 25)

26. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: January 18, 1943, Book 160, Page 587, Deed Records.

(all property owned by Umatilla County at time of conveyance)

27. Easement, including the terms and provisions thereof,

    Grantee: Pacific Power and Light Company
    Assignee: Telephone Utilities of Eastern Oregon Inc.
    Recorded: July 18, 1945, Book 170, Page 364, Deed Records.
    (Affects Tracts 17 and 26)

28. Easement, including the terms and provisions thereof,

    Grantee: Pacific Power and Light Company
    Assignee: Telephone Utilities of Eastern Oregon Inc.
    Recorded: July 18, 1945, Book 170, Page 413, Deed Records.
    (Affects Tracts 28)

29. Coal and other minerals rights, including the terms and provisions thereof, contained in Deed,

    Grantor: State of Oregon, State Land Board
    Recorded: October 23, 1944, Book 172, Page 50, Deed Records.
    (Affects Tracts 1)

30. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: October 22, 1947, Book 185, Page 41, Deed Records.
    (Affects Tracts 35)

31. Easement, including the terms and provisions thereof,

    Grantee: Umatilla Electric Cooperative Association
    Recorded: September 6, 1949, Book 190, Page 140, Deed Records.
    (Affects Tracts 38 thru 42 and 45)

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32. Easement, including the terms and provisions thereof,

    Grantee: United States of America, BPA
    Recorded: June 14, 1951, Book 197, Page 326, Deed Records.
    (Affects Tracts 17)

33. Easement, including the terms and provisions thereof,

    Grantee: United States of America, BPA
    Recorded: July 17, 1951, Book 197, Page 549, Deed Records.
    (Affects Tracts 23)

34. Easement, including the terms and provisions thereof,

Grantee: United States of America, BPA
Recorded: May 19, 1951, Book 197, Page 566, Deed Records.
(Affects Tract 22)

35. Easement, including the terms and provisions thereof,

Grantee: United States of America, BPA
Recorded: October 29, 1951, Book 200, Page 444, Deed Records.
(Affects Tracts 17, 26 and 27)

36. Easement, including the terms and provisions thereof,
Grantee: Umatilla Electric Cooperative Association
Recorded: March 1, 1955, Book 223, Page 486, Deed Records.
(Affects Tract 12)

37. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Gas Pipeline Corporation
Recorded: October 14, 1955, Book 229, Page 143, Deed Records and
Amended: February 17, 1981, Microfilm Reel 76, Page 1089, Office of Umatilla County Records.
(Affects Tracts 35)

38. Easement, including the terms and provisions thereof,

Grantee: Pacific Telephone and Telegraph Company
Recorded: November 28, 1960, Book 261, Page 120, Deed Records.
(Affects Tracts 24 and 25)

39. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: September 25, 1961, Book 264, Page 726, Deed Records.
(Affects Tract 34)

40. Reservations of all oil and gas, including the terms and provisions thereof, contained in Patent,

Recorded: December 12, 1961, Book 265, Page 712, Deed Records.
(Affects Tracts 5 thru 9)

41. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: April 26, 1963, Book 271, Page 483, Deed Records.
(Affects Tract 34)

42. Easement, including the terms and provisions thereof,

Grantee: State of Oregon, State Highway Commission
Recorded: August 7, 1967, Book 290, Page 231, Deed Records.
(Affects Tract 17)

43. Easement, including the terms and provisions thereof,

Grantee : State of Oregon, State Highway Commission
Recorded : August 7, 1967, Book 290, Page 234, Deed Records.
(Affects Tract 17)

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44. Easement, including the terms and provisions thereof,

Grantee: State of Oregon, State Highway Commission
Recorded: August 7, 1967, Book 290, Page 237, Deed Records.
(Affects Tract 17)

45. Access Restrictions, including the terms and provisions thereof, contained in Judgment,

Plaintiff: State of Oregon, by and through its State Highway Commission
Filed: January 2, 1968, Case No. 9382 in the State Circuit Court for Umatilla County, Oregon.
(Affects Tracts 18, 19, and 20)

46. Access Restrictions, including the terms and provisions thereof, contained in Judgment,

Plaintiff: State of Oregon, by and through its State Highway Commission
Filed: January 2, 1968, Case No. 9380 in the State Circuit Court for Umatilla County, Oregon.
(Affects Tracts 14, 15 and 16)

47. Access Restrictions, including the terms and provisions thereof, contained in Deed,

Grantee: State of Oregon, State Highway Commission
Recorded: May 2, 1968, Book 293, Page 721, Deed Records.
(Affects Tracts 14)

48. Easement for ingress and egress purposes, including the terms and provisions thereof,

Grantee: Leonard A. Lorenzen, etux
Recorded: December 6, 1968, Book 297, Page 491, Deed Records.

(Affects Tracts 31)

49. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: September 22, 1970, Book 309, Page 184, Deed Records.
(Affects Tracts 4, 5, 6, 8, 9 and 10)

50. Easement for buried water pipeline purposes, including the terms and provisions thereof,

Grantor: Larry D. Hanson
Grantee: Larry D. Hanson, etux
Recorded : April 12, 1973, Book 327, Page 559, Deed Records.
(Affects Tracts 4, 5, 6, 8, 9 and 10)

51. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: June 25, 1975, Book 347, Page 486, Deed Records.
(Affects Tracts 15 and 18)

52. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Ivan J. Cook, etux
Recorded: December 11, 1975, Book 353, Page 46, Deed Records.
(Affects Tract 16)

53. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Ivan J. Cook, etux
Recorded: December 11, 1975, Book 353, Page 48, Deed Records.
(Affects Tract 21)

54. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Leo Vernon Cook, etux
Recorded: August 3, 1976, Microfilm Reel 8, Page 184, Office of Umatilla County Records.
(Affects Tract 16)

55. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Leo Vernon Cook, etux
Recorded: August 3, 1976, Microfilm Reel 8, Page 186, Office of Umatilla County Records.
(Affects Tract 19)

56. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 23, 1977, Microfilm Reel 16, Page 1230, Office of Umatilla County Records.
(Affects Tract 14)

57. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: May 11, 1978, Microfilm Reel 33, Page 1176, Office of Umatilla County Records.
(Affects Tract 21)

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58. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: July 12, 1978, Microfilm Reel 36, Page 1367, Office of Umatilla County Records.
(Affects Tracts 20, 21 and 22)

59. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: July 12, 1978, Microfilm Reel 36, Page 1369, Office of Umatilla County Records.
(Affects Tract 17)

60. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 26, 1979, Microfilm Reel 47, Page 1017, Office of Umatilla County Records.
(Affects Tract 22)

61. Easement, including the terms and provisions thereof,

Grantee: Pacific Power and Light Company
Recorded: April 24, 1981, Microfilm Reel 79, Page 189, Office of Umatilla County Records.
(Affects Tracts 17)

62. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: Umatilla County
Second Party: Roger S. Bounds
Recorded: July 13, 1984, Microfilm Reel 115, Page 805, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

63. Easement, including the terms and provisions thereof, contained in Deed,

Grantor: Roger S. Bounds
Grantee: Mt. Tahoma Leasing Company
Recorded: July 20, 1984, Microfilm Reel 115, Page 1198, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

64. Reciprocal Easement for ingress, egress and utility purposes, including the terms and provisions thereof,

First Party: Roger S. Bounds
Second Party: Mt. Tahoma Leasing Co.
Recorded: August 2, 1984, Microfilm Reel 116, Page 391, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

65. Easement for ingress and egress purposes, including the terms and provisions thereof, reserved in Deed,

Grantor: James Edward Liesegang
Recorded: July 9, 1987, Microfilm Reel 155, Page 1051, Office of Umatilla County Records.
(Affects Tracts 26)

66. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Recorded: August 3, 1981, Microfilm Reel 167, Page 901, Office of Umatilla County Records.
(Affects Tracts 1 and 12)

67. Easement, including the terms and provisions thereof,

Grantee: Pacific Northwest Bell Telephone Company
Assignee: Telephone Utilities of Eastern Oregon Inc.
Recorded: November 21, 1988, Microfilm Reel 173, Page 467, Office of Umatilla County Records.

(Affects Tract 26)

68. Easement for ingress and egress and utility purposes, including the terms and provisions thereof, reserved in Deed,

Grantor: Roger S. Bounds
Recorded: April 18, 1989, Microfilm Reel 178, Page 893, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

69. Covenant Not To Sell Separately, including the terms and provisions thereof,

First Party: Roger S. Bounds
Second Party: Umatilla County
Recorded: Recorded April 21, 1995, Microfilm Reel 269, Page 1577, Office of Umatilla County Records.
(Affects Tracts 38 thru 42)

70. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 30, 1996, Microfilm Reel 290, Page 1629, Office of Umatilla County Records.
(Affects Tracts 15 and 18)

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71. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: July 2, 1996, Microfilm Reel 293, Page 44 and
Re-recorded: August 6, 1996, Microfilm Reel 295, Page 8, Office of Umatilla County Records.
(Affects Tract 1)

72. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: November 24, 1997, Microfilm Reel 319, Page 755, Office of Umatilla County Records.
(Affects Tract 14)

73. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: March 1, 1999, Instrument No. 1999-3460288, Office of Umatilla County Records.
(Affects Tract 16)

74. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Umatilla Generating Company, L.P.
Recorded: September 20, 2001, Instrument No. 2001-3970336, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

75. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: Umatilla Generating Company, L.P.
Recorded: September 20, 2001, Instrument No. 2001-3970337, Office of Umatilla County Records.
(Affects Tract 42)

76. Easement for pipeline purposes, including the terms and provisions thereof,

Grantee: State of Oregon, by and through its Department of Transportation
Recorded: October 7, 2002, Instrument No. 2002-4210394, Office of Umatilla County Records.
(Affects Tracts 24 and 25)

77. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative Association
Recorded: November 29, 2002, Instrument No. 2002-4250342, Office of Umatilla County Records.
(Affects Tracts 15)

78. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: April 26, 2004, Instrument No. 2004-4610133, Office of Umatilla County Records.
(Affects Tract 31)

79. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: August 30, 2004, Instrument No. 2004-4680415, Office of Umatilla County Records.
(Affects Tract 31)

80. Easements as shown on Partition Plat No. 2005-07,

Recorded: March 22, 2005, Instrument No. 2005-4790065, Office of Umatilla County

Records.
(Affects Tracts 39 thru 41)

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81. Covenant Not To Sue, including the terms and provisions thereof,

First Party: Robert L. Hale and Jane Adell Hale
Second Party: Umatilla County
Recorded: October 14, 2005, Instrument No. 2005-490040, Office of Umatilla County Records.
(Affects Tract 12)

82. Road Easement and Covenants, including the terms and provisions thereof, contained under Agreement,

Grantor: Robert L. Hale and Jane Adell Hale
Recorded: January 19, 2006, Instrument No. 2006-4950006 and
Re-recorded: January 31, 2006, Instrument No. 2006-4950470, Office of Umatilla County Records.
(Affects Tract 12)

83. Well and Well Pipeline Easements and Covenants, including the terms and Provisions thereof, contained under Agreement,

Grantor: Robert L. Hale and Jane Adell Hale
Recorded: January 19, 2006, Instrument No. 2006-4950007 and
Re-recorded: January 31, 2006, Instrument No. 2006-4950471, Office of Umatilla County Records.
(Affects Tract 12)

84. Road Use and Improvement Agreement, including the terms and provisions thereof,

First Party: Roger Bounds, et al
Second Party: Hale Farms, LLC, et al
Recorded: September 19, 2006, Instrument No. 2006-5070743, Office of Umatilla County Records.
(Affects Tracts 38 thru 41)

85. Water Delivery and Water Right Purchase Agreement, including the terms and provisions thereof, disclosed in Memorandum,

First Party: Stahl Hutterian Brethren
Second Party: Hale Farms, LLC
Recorded: September 14, 2009, Instrument No. 2009-5560371, Office of Umatilla County Records.
(Affects Tracts 14 thru 28, and 34)

86. The failure of the Insured to comply with the terms, conditions and provisions thereof contained in the Easement for Water Conveyance,

Grantee: Hale Farms, LLC
Recorded: September 14, 2009, Instrument No . 2009-5560372 and
Amended: May 31, 2012, Instrument No. 2012-5920412, Office of Umatilla County Records.
(Affects Insured Tract 51)

87. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: August 23, 2010, Instrument No. 2010-5690597, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

88. Water Development, Delivery and Water Right Purchase Agreement, including the terms and provisions thereof, disclosed by Memorandum,

First Party: Kent Madison, et al
Second Party: Hale Farms, LLC
Recorded: October 19, 2011, Instrument No. 2011-5830759, Office of Umatilla County Records.
(Affects Tracts 1 thru 10, 12 and 13)

89. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: July 27, 2012, Instrument No. 2012-5940332, Office of Umatilla County Records.
(Affects Tract 15)

90. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: July 27, 2012, Instrument No. 2012-5940334, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

91. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: September 2, 2014, Instrument No . 2014-6200376, Office of Umatilla County Recorder
(Affects Tracts 39 thru 41)

92. Easement for ingress, egress and utility purposes, including the terms and provisions thereof,

First Party: Hale Farms, LLC
Second Party: H4 Farms, Inc.
Recorded: June 15, 2015, Instrument No . 2015-6300692, Office of Umati lla County Records.
(Affects Tracts 38 thru 41)

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93. Easements as shown on Partition Plat No. 2015-14,

Recorded: June 23, 2015, Instrument No. 2015-6310049, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

94. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310050, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

95. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310051, Office of Umatilla County Records.
(Affects Tracts 39 thru 41)

96. Irrevocable Consent Agreement, including the terms and provisions thereof,

First Party: H4 Farms, Inc.
Second Party: Umatilla County
Recorded: June 23, 2015, Instrument No. 2015-6310052, Office of Umatilla County Records.
(Affects Tracts 40 and 41)

97. Easement, including the terms and provisions thereof,

Grantee: Umatilla Electric Cooperative
Recorded: February 8, 2016, Instrument No. 2016-6390524, Office of Umatilla County Records
(Affects Tract 31)

98. Easement for ingress and egress purposes, including the terms and provisions thereof,

Grantee: Hale Farms, L.L.C.
Recorded: May 2, 2016, Instrument No. 2016 - 6430016, Office of Umatilla County Records.
(Affects Tracts 29, 31 and 35)

99. Covenant Not to Sell Separately, including the terms and provisions thereof,

First Party: Hale Farms, L.L.C.
Second Party: Umatilla County
Recorded: June 1, 2016, Instrument No. 2016-6440108, Office of Umatilla County Records.
(Affects Tract 31)

100. Easement, including terms and provisions contained therein:

Recording Date: April 10, 1973
Recording Information: Book 327, page 539
In Favor of: Umatilla Electric Cooperative Association
For: Electric transmission or distribution system
Affects: (Tract 45)

101. The terms and provisions contained in the document entitled "Easement" recorded September 23, 1985 as Microfilm Reel 129, page 2159 of Official Records.
(Affects Tract 45)

102. The terms and provisions contained in the document entitled "Well Easement Agreement" recorded March 5, 2002 as Instrument No. 2002-4070524 of Official Records.
(Affects Tract 45)

103. The failure of the Insured to comply with the terms, conditions and provisions contained in the Easement for Irrigation and Pipeline purposes, as reserved in Deed

Grantor : Hale Farms, L.L.C.
Recorded : September 30, 2016, Instrument No. 2016-6490431, Office of Umatilla County Records.
(Affects Insured Tract 52)

104. Water Delivery Agreement, including the terms and provisions thereof, disclosed by Memorandum

First Party : Hale Farms, L.L.C.
Second Party : Todd D. Longgood
Recorded : September 30, 2016, Instrument No. 2016-6490432, Office of Umatilla

EXHIBIT C

(Permitted Encumbrances – Morrow County)

The following matters affect the Morrow County Parcel:

Exceptions for Tract 1:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.

2. Reservations and Right of Way, including the terms and provisions thereof, in favor of Oregon Railroad and Navigation Company, recorded February 23, 1911, in Book Y, Page 166, Morrow County Deed Records.

3. Easement for Erosion Control Fences, including the terms and provisions thereof, in favor of Oregon-Washington Railway and Navigation Company and its Lessee Union Pacific Railroad Company, recorded April 20, 1972, as Microfilm No. M-4656, Morrow County Microfilm Records.

4. Water Agreement, including the terms and provisions thereof, between Eastern Oregon Farming Company and Oscar E. Peterson et al., recorded June 26, 1975, as M-8246, Morrow County Microfilm Records.

5. Telephone Line Right of Way Easement, including the terms and provisions thereof, between Eastern Oregon Farming Company and Telephone Utilities of Eastern Oregon, Inc. d.b.a. PTI Communications, recorded May 16, 1994, as Microfilm No. M-42734, Morrow County Microfilm Records.

6. Easement for Water Well and Access, including the terms and provisions thereof, in favor of Eastern Oregon Farming Company, recorded January 11, 1996, as Microfilm No. M-47093, Morrow County Microfilm Records.

7. 40 Foot Easement for Ingress and Egress, including the terms and provisions thereof, as recorded in document recorded March 12, 1998 as Microfilm No. M-53612, Morrow County Microfilm Records, between Potlatch Corporation and Eastern Oregon Farming Company.

8. 10 Foot Water Line Easement, including the terms and provisions thereof, reserved in Deed from Eastern Oregon Farming Company to H4 Farms, recorded April 9, 1998, as Microfilm No. M-53965, Morrow County Microfilm Records.

Exceptions for Tract 2:

9. Covenants, Conditions, Restrictions and Easements, including the terms and provisions thereof, as reserved in Deed from the United States of America, recorded December 13, 1963 in Book 70, page 91, Morrow County Deed Records.

10. Transmission Line Easement, including the terms and provisions thereof, in favor of the United States of America, recorded November 18, 1965, in Book 72, Page 521, Morrow County Deed Records.

11. Reservations and acknowledgement, including the terms and provisions thereof, as contained in Deed recorded February 15, 1991, as Microfilm No. M-36263, Morrow County Microfilm Records.

12. Non-exclusive easement for roadway purposes, including the terms and provisions thereof, recorded January 11, 2000, as Microfilm No. 2000-81, and rerecorded February 4, 2000, as Microfilm No. 2000-287, Morrow County Microfilm Records.

13. Utility Easements and Driveway as disclosed on Partition Plat 2010-6 recorded September 2, 2010, Morrow County Clerk Records. (Affects Tract 2)

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Exceptions for Tract 3:

14. These premises are within the boundaries of the West Extension Irrigation District and are subject to the levies and assessments thereof.

15. Right of way for ditches, canals and reservoir site for irrigation purposes, including the terms and provisions thereof, as set forth in deed from the State Land Board to M.D. Clark, recorded March 11, 1908 in Book U, page 516, Morrow County Deed Records.

16. Easement, including terms and provisions contained therein:

    Recording Information: April 20, 1972 as M-4656
    In Favor of: Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company
    For: Erosion control fences

17. Easement, including terms and provisions contained therein:

    Recording Information: September 25, 1992 as Microfilm No. M-39127
    In Favor of: Umatilla County Electric Cooperative Association
    For: Electric transmission and distribution lines

18. The terms and provisions contained in the document entitled "Easement Agreement" recorded January 11, 1996 as Microfilm No. M-47092 of Official Records.

19. Easements for access purposes as shown on the recorded plat of PARTITION PLAT NO. 1996-1.

AFFIDAVIT FOR THE VOLUNTARY PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

State of Washington)
) ss
County of Benton)

I/We (or authorized agent), Patrick Tolman, VP for Farmland Reserve, Inc.,

residing at _____,

telephone number (509) 734-1195, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number (see table on next page, within the ¼ ¼, Section _____, Township _____ N/S, Range _____ E/W, of the Willamette Meridian, in Umatilla County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;

2. ~~All or~~ A portion of water right certificate number 44654 issued to Larry Hanson, with a date of priority of Sep. 3, 1968 for use of 4.5 cubic foot per second of water from A groundwater well in Section 7 T2N R28E (UMAT 472) (sources) for the purpose of Irrigation (uses) is appurtenant to my/our property;

3. The appurtenant water right ~~is/is not~~ located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: Columbia Improvement District;

4. If the water right is issued in the name of an irrigation district, then the affiant must have the concurrence of the district to the diminishment of the portion of the water right. (Signature of district manager on the line below documents concurrence of the district.)

N/A		
Signature of district manager	Printed Name	Date

5. I/We are requesting partial diminution of water right certificate number 44654 in the amount of 2.475 cubic foot per second of water from A groundwater well in Section 7 T2N R28E (sources) for the irrigation of 446.7 acres at the following locations as listed on the certificate (attach a table if needed):

____¼ ____¼ _____Acres
____¼ ____¼ _____Acres
____¼ ____¼ _____Acres
Section ____
Township _____N/S, Range _____E/W, WM;

(see table, below)

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Town	Range	Section	QQ	Q	TaxParcel	Acres
2N	28E	7	NE	NE	1300	30.25
2N	28E	7	NW	NE	1300	9.75
2N	28E	7	SW	NE	1300	8.76
2N	28E	7	SE	NE	1300	28.77
2N	28E	8	NE	NW	1500	30.25
2N	28E	8	NW	NW	1501	28.72
2N	28E	8	SW	NW	1501	34.72
2N	28E	8	SE	NW	1500	30.60
2N	28E	8	NE	SW	1700	14.03
2N	28E	8	NW	SW	1701	36.09
2N	28E	8	SW	SW	1701	19.43
2N	28E	8	SE	SW	1700	11.58
2N	28E	8	NE	SE	1700	12.56
2N	28E	8	NW	SE	1700	39.72
2N	28E	8	SW	SE	1700	35.35
2N	28E	8	SE	SE	1700	9.67
2N	28E	17	NE	NW	1700	1.25
2N	28E	17	NW	NW	1702	28.89
2N	28E	17	SW	NW	1702	29.99
2N	28E	17	SE	NW	1700	3.84
2N	28E	17	NE	SW	1700	0.92
2N	28E	17	NW	SW	1700	1.56

6. I/we have found a more dependable source of primary water, and therefore request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation on the lands described above in item #5;

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE (CONTINUED)

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from A groundwater well in Section 7 T2N R28E (UMAT 472) (source) for primary irrigation of these lands.

S Johnson — 12/6/21

Signature of legal owner as listed on deed, or authorized agent — Date

Signature of legal co-owner as listed on deed (if applicable) — Date

Subscribed and Sworn to Before Me this 6th day of December, 2021

Linda A. Headley

Notary Public for Washington

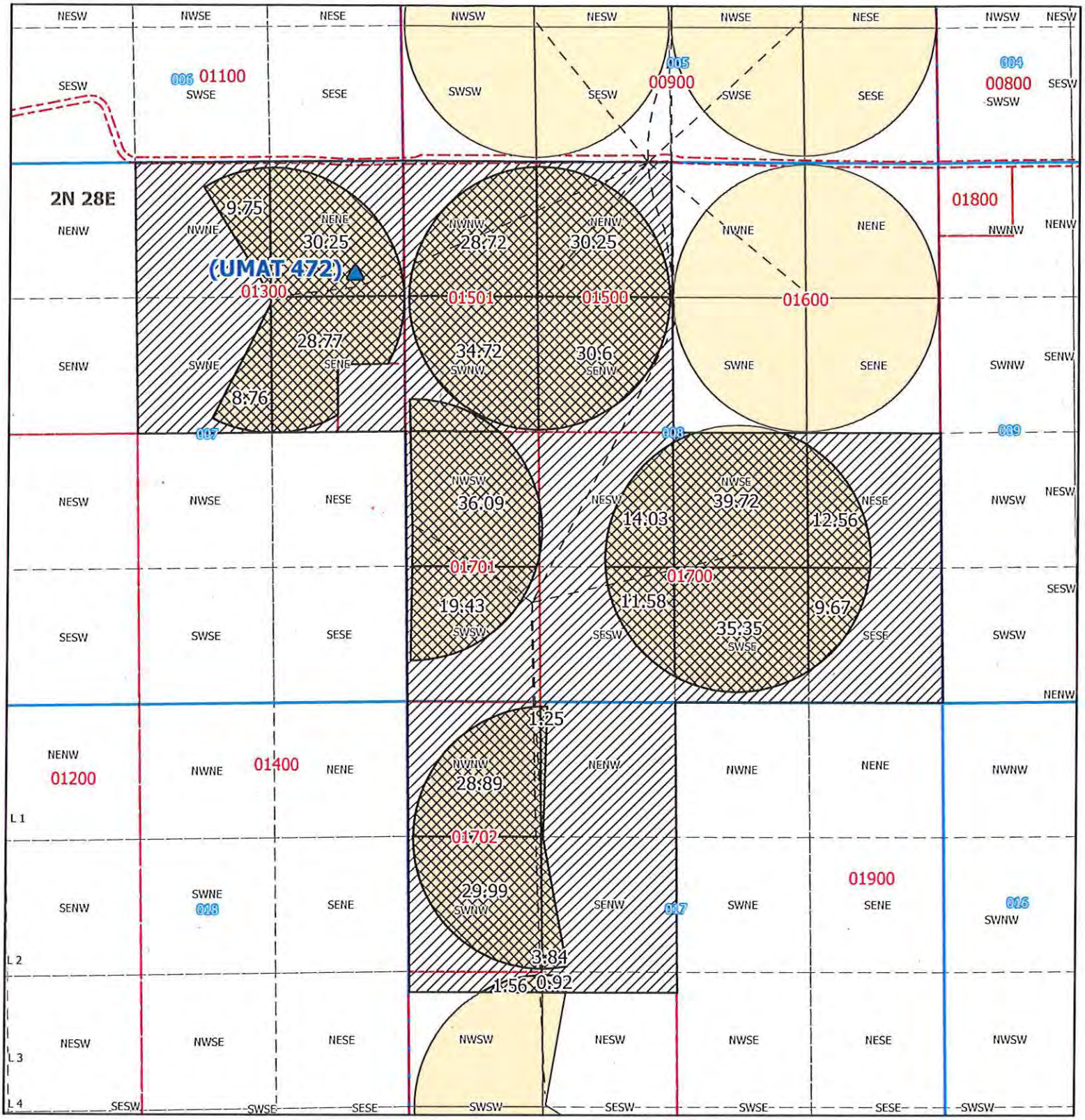
My Commission Expires 5/23/2023

LINDA A HEADLEY NOTARY PUBLIC COMMISSION NO. 21058 STATE OF WASHINGTON EXPIRES MAY 23, 2023

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PLEASE ATTACH A LEGIBLE COPY OF :

1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED.
3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.



Certificate 44654 - Place of Use

0 1,000 2,000 4,000 Feet

1 Inch = 1,320 Feet

N

- Point of Diversion
- Water Mainlines
- Umatilla County Parcels
- Township & Range
- Section
- 1/4-1/4
- T-13525
- 44654 (Primary)
- 44654 (Supplemental)

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Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Transfer Application Map Checklist.

☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.

☒ Part 4 – Completed Applicant Information and Signature.

☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 4 List them here: 92990, 92992, 92993, 92994**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)

☒ ☐ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.

☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

___ Application fee not enclosed/insufficient
___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete
___ Evidence of Use Form not enclosed or incomplete
___ Additional signature(s) required
___ Part _____ is incomplete
Other/Explanation _____
Staff: _____ 503-986-0___ Date: ____/____/____

13525

Part 2 of 5 – Transfer Application Map

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

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

☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.

☒ ☐ N/A If **more than three** water rights are involved, separate maps are needed for each water right.

☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	*1*	$1,160
2	Types of change proposed: ☒ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation Number of above boxes checked = 1 (2a) Subtract 1 from the number in line 2a = 0 (2b) *If only one change, this will be 0* Multiply line 2b by $930 and enter » » » » » » » » » » » » » »	*2*	0
3	Number of water rights included in transfer 4 (3a) Subtract 1 from the number in 3a above: 3 (3b) *If only one water right this will be 0* Multiply line 3b by $520 and enter » » » » » » » » » » » » » »	*3*	$1,560
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter $410 »	*4*	0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): 38.9 (5a) Subtract 1.0 from the number in 5a above: 37.9 (5b) If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » If 5b is greater than 0, round up to the nearest whole number: 38 (5c) and multiply 5c by $350, then enter on line 5 » » » » » » » »	*5*	$13,300
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	*6*	$16,020
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » »	*7*	0
8	Subtract line 7 from line 6 » » » » » » » » » » » **Transfer Fee:**	*8*	**$16,020**

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
   a. Divide total authorized cfs by total acres in the water right *(for C12345, 1.25 cfs ÷100 ac)*; then multiply by the number of acres to be transferred to get the transfer cfs *(x 45 ac= 0.56 cfs)*.
   b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). *(For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)*
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. *(In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).*

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	*1*	~~$840.00~~
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) *If only one well this will be 0* Multiply line 2b by $410 and enter » » » » » » » » » » » » »	*2*	N/A
3	Add entries on lines 1 through 2 above » » » » » **Fee for Substitution:**	*3*	N/A

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Farmland Reserve, Inc., Attn: Jens Rasmussen, AgriNorthwest			509-820-3234	
ADDRESS				FAX NO.
PO Box 2308				509-734-1092
CITY	STATE	ZIP	E-MAIL	
Pasco	WA	99302	jrasmussen@agrinw.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
GSI Water Solutions, Attn: Ted Ressler			971-200-8509	
ADDRESS				FAX NO.
55 SW Yamhill St., Suite 300				
CITY	STATE	ZIP	E-MAIL	
Portland	OR	97204	tressler@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The Applicant is proposing to change the entire Place of Use for Certificates, 92990, 92992 & 92993, and a portion of the Place of Use for 92994.

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

Check One Box

☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**

☐ I affirm 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; **OR**

☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: East Oregonian.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

Applicant signature	Print Name (and Title if applicable)	Date
P Tolman	Patrick Tolman, Vice President	8/31/20

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.

☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.

☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: _____

☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip: Complete and attach Supplemental Form D.**)

IRRIGATION DISTRICT NAME	ADDRESS	
Columbia Improvement District	**501 Columbia Ave**	
CITY	STATE	ZIP
Boardman	**OR**	**97818**

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
Morrow County	**100 S. Court St.**	
CITY	STATE	ZIP
Heppner	**OR**	**97836**

ENTITY NAME	ADDRESS	
Umatilla County	**216 SE Fourth St.**	
CITY	STATE	ZIP
Pendleton	**OR**	**97801**

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92990

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		**4**	**N**	**25**	**E**	**2**	**NE**	**NW**		**South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92990

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU	2	N	27	E	1	SE	NE	500		6.38	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NW	SE	500		2.42	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	NE	SE	500		37.75	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SE	SE	500		26.40	Irrigation	CRPS	7/25/1973
													POU	2	N	27	E	1	SW	SE	500		0.47	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	NW	1501		4.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NW	SW	1701		36.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	NE	SW	1701		0.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	8	SW	SW	1701		19.43	Irrigation	CRPS	7/25/1973
							TOTAL ACRES:		133.59												TOTAL ACRES:		133.59			

133.59

Additional remarks: **The transfer involves the entire place of Certificate 92990.**

Certificate # 92990

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit G-17354 is associated with the TO land; the permit holder is intending to file a permit amendment to move this water right off of the TO land.**
- **Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.**
- **Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplement (with primary provided by this transfer).**

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92992

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		**4**	**N**	**25**	**E**	**2**	**NE**	**NW**		**South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92992

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																									
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU	2	N	28	E	4	NW	NW	800		0.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NW	900	L4	30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NW	900	L3	33.11	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NW	900		31.01	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NW	900		30.42	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	NE	900	L2	31.09	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	NE	900	L1	33.07	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	NE	900		30.04	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	NE	900		29.83	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SE	900		31.48	Irrigation	CRPS	7/25/1973

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	2	N	28	E	5	NE	SE	900		32.96	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SE	900		29.32	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SE	900		29.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NW	SW	900		30.61	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	NE	SW	900		32.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SE	SW	900		30.23	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	5	SW	SW	900		30.10	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NW	1000	L3	1.35	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NW	1000		0.66	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NW	NE	1000	L2	37.06	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	NE	NE	1000	L1	35.62	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SE	NE	1000		28.54	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	6	SW	NE	1000		31.34	Irrigation	CRPS	7/25/1973
													POU	2	N	28	E	7	NW	NE	1300		9.75	Irrigation	CRPS	7/26/1973
													POU	2	N	28	E	7	NE	NE	1300		30.25	Irrigation	CRPS	7/27/1973
													POU	2	N	28	E	7	SE	NE	1300		28.77	Irrigation	CRPS	7/28/1973
													POU	2	N	28	E	7	SW	NE	1300		8.76	Irrigation	CRPS	7/29/1973

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
												POU	2	N	28	E	7	NW	SE	1300		0.01	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	7	NE	SE	1300		0.01	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NW	NW	1501		28.72	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NE	NW	1500		30.25	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SE	NW	1500		30.60	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SW	NW	1501		30.30	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NW	NE	1600		30.47	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NE	NE	1600		31.03	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SE	NE	1600		30.71	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SW	NE	1600		32.34	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NW	SE	1700		39.72	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NE	SE	1700		12.56	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SE	SE	1700		9.67	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	SW	SE	1700		35.35	Irrigation	CRPS	7/25/1973
												POU	2	N	28	E	8	NE	SW	1700		13.80	Irrigation	CRPS	7/26/1973
												POU	2	N	28	E	8	SE	SW	1700		11.58	Irrigation	CRPS	7/27/1973
												POU	3	N	28	E	31	NW	SE	904		7.97	Irrigation	CRPS	7/28/1973

13525

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	SE	SE	904		2.18	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SW	SE	904		34.15	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	904		23.61	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	904		32.17	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SE	9000		29.90	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SE	9000		31.43	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SE	9000		31.72	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SE	9000		30.79	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		30.25	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NE	SW	9000		32.22	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SE	SW	9000		32.33	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	SW	SW	9000		30.98	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	NW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	33	SW	SW	8103		0.01	Irrigation	CRPS	7/25/1973
TOTAL ACRES: 1425.07														TOTAL ACRES: 1425.07												

Additional remarks: **The transfer involves the entire place of Certificate 92992. The "From" place of use for Certificate 92992 is located in 8-ft wide strips and the place of use for Certificate 92993 is in 2-ft wide strips interlaced between the 8-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).**
- **Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water right off of the TO land.**
- **Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.**
- **Certificate 93872 is associated with the TO land; the water right holder will be filing a separate transfer application to move this water right off of the TO land.**
- **Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplement (with primary provided by this transfer).**

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

13525

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

13525

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92993

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		**4**	**N**	**25**	**E**	**2**	**NE**	**NW**		**South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

13525

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92993

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													POU	3	N	28	E	31	NW	SE	300		4.16	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SE	300		28.95	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	32	NW	SW	9000		5.27	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	NE	SW	300		1.32	Irrigation	CRPS	7/25/1973
													POU	3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS	7/25/1973
TOTAL ACRES:									39.71					TOTAL ACRES:									39.71			

Additional remarks: **The transfer involves the entire place of Certificate 92993. The "From" place of use for Certificate 92993 is located in 2-ft wide strips and the "From" place of use for Certificate 92992 is in 8-ft wide strips interlaced between the 2-ft strips of Certificate 92992. While there is common land between these two water rights, the rights DO NOT OVERLAP and will therefore be transferred separately.**

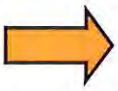
13523

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).**
- **Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water right off of the TO land.**
- **Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # **N/A;**
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **N/A**

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

13525

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

13525

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92994

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**

CID System – 142,000 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is withdrawn at a pump station located on the Columbia River. The water is then transported through a series of pipelines and boosters into the CID canal. From the canal, water enters an underground pipeline and is pumped into the sprinkler system.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Columbia River Pump Station (CRPS)	☒ Authorized ☐ Proposed		**4**	**N**	**25**	**E**	**2**	**NE**	**NW**		**South 86 degrees 22 minutes 46 seconds West, 2829 feet from the NE Corner of Section 2**

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

- ☒ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☐ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

Will all of the proposed changes affect the entire water right?

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

13525

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.	Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92994

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES. List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	N	26	E	16	NW	NW	3418		26.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	NW	1702		28.89	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NW	3418		36.63	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	NW	1700		1.25	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NW	3418		2.2	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	NW	1700		3.84	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NW	NE	3418		38.98	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	NW	1702		29.99	Irrigation	CRPS	6/29/1973
4	N	26	E	16	NE	NE	3418		14.68	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NW	SW	1700		29.46	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SE	NE	3418		2.41	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	NE	SW	1700		4.22	Irrigation	CRPS	6/29/1973
4	N	26	E	16	SW	NE	3418		14.21	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SE	SW	1700		19.94	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NE	NE	3418		12.31	Irrigation	CRPS	6/29/1973	POU	2	N	28	E	17	SW	SW	1700		29.57	Irrigation	CRPS	6/29/1973
4	N	26	E	17	NW	NE	3418		0.86	Irrigation	CRPS	6/29/1973	POU	3	N	28	E	31	NE	SW	300		1.42	Irrigation	CRPS	6/29/1973
														3	N	28	E	31	SE	SW	300		0.01	Irrigation	CRPS	6/29/1973
TOTAL ACRES:									148.59					TOTAL ACRES:									148.59			

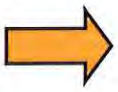
Additional remarks: **The lands described above are a portion of Certificate 92994. The remaining lands are not listed on the above table.**

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☒ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers:

- **Permit S-51017 is associated with the TO land; the permit holder has filed a permit amendment to move this water right off of the TO land (T-13367).**
- **Permits S-54675 and G-17354 are associated with the TO land; the permit holder is intending to file a permit amendment to move these water right off of the TO land.**
- **Permits S-55061, S-55190, and S-55192 are mitigation water rights held by NOWA. These permits will temporarily cover the TO lands in this application until there is a permanent mitigation program in place that will allow them to be certificated.**
- **Certificate 44654 is associated with the TO land; the water right holder would like to diminish this water right to supplement (with primary provided by this transfer).**



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: N/A

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.
Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

13525

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

13525

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 133.59 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially and shall not exceed 3.51 CUBIC FEET PER SECOND (CFS), PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4½ acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	4	NE SW	6.05
3 N	27 E	WM	4	NW SW	5.88
3 N	27 E	WM	4	SW SW	5.89
3 N	27 E	WM	4	SE SW	7.16
3 N	27 E	WM	7	NE SE	0.18
3 N	27 E	WM	7	SE SE	0.27
3 N	27 E	WM	8	NE SW	8.23
3 N	27 E	WM	8	NW SW	5.45
3 N	27 E	WM	8	SW SW	5.84

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	8	SE SW	7.44
3 N	27 E	WM	8	NE SE	7.07
3 N	27 E	WM	8	NW SE	6.18
3 N	27 E	WM	8	SW SE	6.32
3 N	27 E	WM	8	SE SE	6.27
3 N	27 E	WM	9	NE NW	6.69
3 N	27 E	WM	9	NW NW	6.56
3 N	27 E	WM	9	SW NW	6.79
3 N	27 E	WM	9	SE NW	7.59
3 N	27 E	WM	9	NE SW	7.10
3 N	27 E	WM	9	NW SW	6.57
3 N	27 E	WM	9	SW SW	6.46
3 N	27 E	WM	9	SE SW	7.60
	TOTAL:				**133.59**

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92926. This Certificate supersedes Certificate 92926, and describes the portion of water right Certificate 76584, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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

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

WITNESS the signature of the Water Resources Director, affixed APR 11 2017.

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

Recorded in State Record of Water Right Certificates numbered 92990

13525

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 1425.07 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 30.72 CUBIC FEET PER SECOND, PROVIDED THE TOTAL QUANTITY DIVERTED UNDER THE RIGHTS PERFECTED UNDER PERMIT 37150 DOES NOT EXCEED 140.1 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	1	NE NE	6.32
3 N	26 E	WM	1	NW NE	6.40
3 N	26 E	WM	1	SW NE	6.92
3 N	26 E	WM	1	SE NE	7.24
3 N	26 E	WM	1	NE NW	6.14
3 N	26 E	WM	1	NW NW	6.36
3 N	26 E	WM	1	SW NW	6.29
3 N	26 E	WM	1	SE NW	6.35
3 N	26 E	WM	1	NE SW	5.37

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	1	NW SW	9.47
3 N	26 E	WM	1	SW SW	8.36
3 N	26 E	WM	1	SE SW	4.93
3 N	26 E	WM	1	NE SE	6.58
3 N	26 E	WM	1	NW SE	9.91
3 N	26 E	WM	1	SW SE	10.24
3 N	26 E	WM	1	SE SE	6.61
3 N	26 E	WM	2	NE NE	5.54
3 N	26 E	WM	2	NW NE	7.43
3 N	26 E	WM	2	SW NE	7.59
3 N	26 E	WM	2	SE NE	5.64
3 N	26 E	WM	2	NE NW	6.15
3 N	26 E	WM	2	NW NW	6.22
3 N	26 E	WM	2	SW NW	6.45
3 N	26 E	WM	2	SE NW	6.19
3 N	26 E	WM	2	NE SW	6.51
3 N	26 E	WM	2	NW SW	7.08
3 N	26 E	WM	2	SW SW	7.01
3 N	26 E	WM	2	SE SW	5.88
3 N	26 E	WM	2	NE SE	7.30
3 N	26 E	WM	2	NW SE	9.05
3 N	26 E	WM	2	SW SE	8.25
3 N	26 E	WM	2	SE SE	5.92
3 N	26 E	WM	3	NE NE	4.05
3 N	26 E	WM	3	NW NE	7.15
3 N	26 E	WM	3	SW NE	7.65
3 N	26 E	WM	3	SE NE	6.21
3 N	26 E	WM	3	NE NW	8.06
3 N	26 E	WM	3	NW NW	7.72
3 N	26 E	WM	3	SW NW	6.71
3 N	26 E	WM	3	SE NW	6.66
3 N	26 E	WM	3	NE SW	6.90
3 N	26 E	WM	3	NW SW	6.57
3 N	26 E	WM	3	SW SW	6.92
3 N	26 E	WM	3	SE SW	6.68
3 N	26 E	WM	3	NE SE	5.44
3 N	26 E	WM	3	NW SE	6.45
3 N	26 E	WM	3	SW SE	8.07
3 N	26 E	WM	3	SE SE	6.42
3 N	26 E	WM	5	NE NE	7.98
3 N	26 E	WM	5	NW NE	6.45
3 N	26 E	WM	5	SW NE	5.44
3 N	26 E	WM	5	SE NE	6.59
3 N	26 E	WM	5	NE NW	7.57
3 N	26 E	WM	5	NW NW	4.80
3 N	26 E	WM	5	SW NW	5.00
3 N	26 E	WM	5	SE NW	8.53
3 N	26 E	WM	5	NE SW	6.88
3 N	26 E	WM	5	NW SW	6.12
3 N	26 E	WM	5	SW SW	5.85
3 N	26 E	WM	5	SE SW	7.26
3 N	26 E	WM	5	NE SE	6.88
3 N	26 E	WM	5	NW SE	7.32

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	5	SW SE	7.43
3 N	26 E	WM	5	SE SE	7.22
3 N	26 E	WM	6	NE NE	6.53
3 N	26 E	WM	6	NW NE	6.14
3 N	26 E	WM	6	SW NE	5.89
3 N	26 E	WM	6	SE NE	6.94
3 N	26 E	WM	6	NE NW	12.15
3 N	26 E	WM	6	NW NW	6.54
3 N	26 E	WM	6	SW NW	5.98
3 N	26 E	WM	6	SE NW	11.95
3 N	26 E	WM	6	NE SW	11.59
3 N	26 E	WM	6	NW SW	7.07
3 N	26 E	WM	6	SW SW	6.20
3 N	26 E	WM	6	SE SW	11.24
3 N	26 E	WM	6	NE SE	7.66
3 N	26 E	WM	6	NW SE	5.04
3 N	26 E	WM	6	SW SE	4.55
3 N	26 E	WM	6	SE SE	7.49
3 N	26 E	WM	7	NE NE	9.49
3 N	26 E	WM	7	NW NE	3.57
3 N	26 E	WM	7	SW NE	3.95
3 N	26 E	WM	7	SE NE	10.22
3 N	26 E	WM	7	NE NW	10.93
3 N	26 E	WM	7	NW NW	6.45
3 N	26 E	WM	7	SW NW	5.79
3 N	26 E	WM	7	SE NW	10.45
3 N	26 E	WM	7	NE SW	11.48
3 N	26 E	WM	7	NW SW	6.67
3 N	26 E	WM	7	SW SW	4.90
3 N	26 E	WM	7	SE SW	10.57
3 N	26 E	WM	7	NE SE	9.28
3 N	26 E	WM	7	NW SE	4.00
3 N	26 E	WM	7	SW SE	3.17
3 N	26 E	WM	7	SE SE	8.13
3 N	26 E	WM	8	NE NE	6.84
3 N	26 E	WM	8	NW NE	5.60
3 N	26 E	WM	8	SW NE	3.24
3 N	26 E	WM	8	SE NE	9.04
3 N	26 E	WM	8	NE SE	7.15
3 N	26 E	WM	8	NW SE	2.32
3 N	26 E	WM	8	SW SE	4.79
3 N	26 E	WM	8	SE SE	0.08
3 N	26 E	WM	9	NE NE	6.69
3 N	26 E	WM	9	NW NE	6.11
3 N	26 E	WM	9	SW NE	6.01
3 N	26 E	WM	9	SE NE	6.96
3 N	26 E	WM	9	NE NW	7.94
3 N	26 E	WM	9	NW NW	6.25
3 N	26 E	WM	9	SW NW	4.88
3 N	26 E	WM	9	SE NW	7.22
3 N	26 E	WM	9	NE SW	9.29
3 N	26 E	WM	9	NW SW	5.66
3 N	26 E	WM	9	SW SW	0.01

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Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	9	SE SW	2.98
3 N	26 E	WM	9	NE SE	7.40
3 N	26 E	WM	9	NW SE	5.80
3 N	26 E	WM	9	SW SE	2.10
3 N	26 E	WM	9	SE SE	3.55
3 N	26 E	WM	11	NE NE	7.15
3 N	26 E	WM	11	NW NE	6.99
3 N	26 E	WM	11	SW NE	7.90
3 N	26 E	WM	11	SE NE	7.12
3 N	26 E	WM	11	NE NW	7.39
3 N	26 E	WM	11	NW NW	7.16
3 N	26 E	WM	11	SW NW	6.88
3 N	26 E	WM	11	SE NW	5.97
3 N	26 E	WM	11	NE SW	7.33
3 N	26 E	WM	11	NW SW	4.14
3 N	26 E	WM	11	SW SW	6.02
3 N	26 E	WM	11	SE SW	6.08
3 N	26 E	WM	11	NE SE	6.18
3 N	26 E	WM	11	NW SE	7.01
3 N	26 E	WM	11	SW SE	7.76
3 N	26 E	WM	11	SE SE	5.71
3 N	26 E	WM	12	NE NE	5.69
3 N	26 E	WM	12	NW NE	9.18
3 N	26 E	WM	12	SW NE	9.09
3 N	26 E	WM	12	SE NE	6.42
3 N	26 E	WM	12	NE NW	6.36
3 N	26 E	WM	12	NW NW	5.79
3 N	26 E	WM	12	SW NW	7.74
3 N	26 E	WM	12	SE NW	6.29
3 N	26 E	WM	12	NE SW	6.45
3 N	26 E	WM	12	NW SW	6.98
3 N	26 E	WM	12	SW SW	6.97
3 N	26 E	WM	12	SE SW	7.54
3 N	26 E	WM	12	NE SE	5.52
3 N	26 E	WM	12	NW SE	8.28
3 N	26 E	WM	12	SW SE	7.86
3 N	26 E	WM	12	SE SE	5.10
3 N	26 E	WM	13	NE NE	6.99
3 N	26 E	WM	13	NW NE	6.05
3 N	26 E	WM	13	SW NE	6.87
3 N	26 E	WM	13	SE NE	0.06
3 N	26 E	WM	13	NE NW	5.95
3 N	26 E	WM	13	NW NW	5.49
3 N	26 E	WM	13	SW NW	1.18
3 N	26 E	WM	13	SE NW	7.58
3 N	26 E	WM	13	NE SW	7.36
3 N	26 E	WM	13	NW SW	1.74
3 N	26 E	WM	13	SW SW	6.45
3 N	26 E	WM	13	SE SW	7.73
3 N	26 E	WM	13	NE SE	7.30
3 N	26 E	WM	13	NW SE	6.46
3 N	26 E	WM	13	SW SE	6.70
3 N	26 E	WM	13	SE SE	7.68

13525

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	27 E	WM	5	NE SW	7.38
3 N	27 E	WM	5	NW SW	5.92
3 N	27 E	WM	5	SW SW	6.60
3 N	27 E	WM	5	SE SW	7.71
3 N	27 E	WM	5	NE SE	1.79
3 N	27 E	WM	5	NW SE	7.72
3 N	27 E	WM	5	SW SE	5.99
3 N	27 E	WM	5	SE SE	6.71
3 N	27 E	WM	6	NE NE	3.89
3 N	27 E	WM	6	NW NE	3.66
3 N	27 E	WM	6	SW NE	5.14
3 N	27 E	WM	6	SE NE	7.47
3 N	27 E	WM	6	NE NW	11.53
3 N	27 E	WM	6	NW NW	4.88
3 N	27 E	WM	6	SW NW	5.94
3 N	27 E	WM	6	SE NW	11.75
3 N	27 E	WM	6	NE SW	8.87
3 N	27 E	WM	6	NW SW	9.86
3 N	27 E	WM	6	SW SW	10.11
3 N	27 E	WM	6	SE SW	8.11
3 N	27 E	WM	6	NE SE	7.73
3 N	27 E	WM	6	NW SE	6.03
3 N	27 E	WM	6	SW SE	4.28
3 N	27 E	WM	6	SE SE	7.09
3 N	27 E	WM	7	NE NE	6.25
3 N	27 E	WM	7	NW NE	5.67
3 N	27 E	WM	7	SW NE	6.71
3 N	27 E	WM	7	SE NE	8.28
3 N	27 E	WM	7	NE NW	11.20
3 N	27 E	WM	7	NW NW	8.59
3 N	27 E	WM	7	SW NW	10.46
3 N	27 E	WM	7	SE NW	11.63
3 N	27 E	WM	7	NE SW	11.88
3 N	27 E	WM	7	NW SW	8.72
3 N	27 E	WM	7	SW SW	4.01
3 N	27 E	WM	7	SE SW	11.05
3 N	27 E	WM	7	NE SE	9.06
3 N	27 E	WM	7	NW SE	4.65
3 N	27 E	WM	7	SW SE	3.94
3 N	27 E	WM	7	SE SE	7.67
3 N	27 E	WM	9	NE SE	0.42
3 N	27 E	WM	9	NW SE	0.15
3 N	27 E	WM	9	SW SE	5.98
3 N	27 E	WM	9	SE SE	6.13
4 N	26 E	WM	34	SW SE	0.22
				TOTAL:	**1425.07**

13525

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include neutron probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92928. This Certificate supersedes Certificate 92928, and describes the portion of water right Certificate 76586, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

13525

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 APR 11 2017.

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

13525

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORPORATION
PO BOX 38
BOARDMAN, OREGON 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 39.71 ACRES.

This right was perfected under Permit S-37150. The date of priority is JULY 25, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.99 CUBIC FOOT PER SECOND (CFS), provided the total quantity diverted under the rights perfected under permit 37150 does not exceed 140.1 CFS, if available at the original point of diversion; LOT 7 (NE¼ NW), Section 2, T 2 N, R 25 E, WM; 150 SOUTH AND 2990 FEET WEST FROM THE NE CORNER, SECTION 2, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	2	NW NE	0.05
3 N	26 E	WM	2	SW NE	0.05
3 N	26 E	WM	2	NE NW	1.54
3 N	26 E	WM	2	NW NW	1.58
3 N	26 E	WM	2	SW NW	1.64
3 N	26 E	WM	2	SE NW	1.53
3 N	26 E	WM	2	NE SW	1.61

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	26 E	WM	2	NW SW	1.80
3 N	26 E	WM	2	SW SW	1.67
3 N	26 E	WM	2	SE SW	1.34
3 N	26 E	WM	2	NW SE	0.25
3 N	26 E	WM	2	SW SE	0.24
3 N	26 E	WM	3	NE NE	0.99
3 N	26 E	WM	3	NW NE	1.77
3 N	26 E	WM	3	SW NE	1.91
3 N	26 E	WM	3	SE NE	1.53
3 N	26 E	WM	3	NE NW	2.04
3 N	26 E	WM	3	NW NW	1.96
3 N	26 E	WM	3	SW NW	1.71
3 N	26 E	WM	3	SE NW	1.67
3 N	26 E	WM	3	NE SW	1.46
3 N	26 E	WM	3	NW SW	1.67
3 N	26 E	WM	3	SW SW	1.76
3 N	26 E	WM	3	SE SW	1.42
3 N	26 E	WM	3	NE SE	0.06
3 N	26 E	WM	3	NW SE	0.10
3 N	26 E	WM	11	NE SW	1.84
3 N	26 E	WM	11	NW SW	1.05
3 N	26 E	WM	11	SW SW	1.53
3 N	26 E	WM	11	SE SW	1.54
3 N	26 E	WM	13	SW NE	0.39
3 N	26 E	WM	13	SE NE	0.01
				TOTAL:	**39.71**

The location of the place of use is in the irrigation of 2 foot wide strips, in between the 8 foot wide strip/tree rows, which are currently being irrigated.

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at each canal pump station. The type and plans of the headgate and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include the Gro-Point Sensor data (or other monitoring data of similar or superior accuracy) at 1, 3 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster. Modification to the monitoring program could occur if approved by the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class. Each paired site shall consist of a pair of access tubes located on the outer edge of the irrigated strip between the tree rows such that the outer edge of the sphere of influence is at the edge of the dry zone. (In this description, outer means area farthest away from the tree). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted

area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by Potlatch for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, monitoring data and flow data, including access to real time data on an internal web site, shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring equipment, monitoring sites and monitoring data in a reasonable summary format as approved by the Watermaster shall be available to the Watermaster promptly upon request. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92929. This Certificate supersedes Certificate 92929, and describes the portion of water right Certificate 83588, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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 APR 11 2017.

Dwight French

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

13525

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

POTLATCH CORP.
PO BOX 38
BOARDMAN, OR 97818

confirms the right to use the waters of the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN for IRRIGATION of 234.89 ACRES.

This right was perfected under Permit S-36940. The date of priority is JUNE 29, 1973. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.81 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	26 E	WM	16	NE NE	30.99
4 N	26 E	WM	16	NW NE	38.98
4 N	26 E	WM	16	SW NE	14.21
4 N	26 E	WM	16	SE NE	2.41
4 N	26 E	WM	16	NE NW	36.63
4 N	26 E	WM	16	NW NW	26.31
4 N	26 E	WM	16	SE NW	2.20
4 N	26 E	WM	17	NE NE	25.28
4 N	26 E	WM	17	NW NE	5.91

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

13525

4 N	26 E	WM	17	SW NE	33.49
4 N	26 E	WM	17	SE NE	17.06
4 N	26 E	WM	17	SE NW	1.42
				TOTAL:	**234.89**

The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for controlling, measuring and recording the quantity of water diverted. In-line flow meters shall be installed at the Cherokee Strip pump site, Booster Pump station #1, and each field control manifold. The type of plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall operate and maintain the headgates and measuring devices, as needed. The Watermaster may operate the headgates and monitor accuracy of the measuring devices, as needed.

The water user shall install and maintain a soil moisture monitoring program. The monitoring shall include Troxler Sentry capacitance probe data (or other monitoring data of similar or superior accuracy) at 1, 2, 3, 4 and 5 foot depths, at weekly intervals, beginning one week prior to the irrigation season and continuing one week past the end of the irrigation season. The monitoring program and the location of the monitoring sites shall be approved by the Watermaster. Review of the monitoring program can occur at any time with a formal request from the water user or the Watermaster.

Monitoring shall include one paired data sampling site with access tubes between adjacent tree rows for every 1000 acres of each major soil type in each age class (each paired site shall consist of a pair of access tubes located within the non-irrigated strip between the tree rows and at the outer edges of that strip). Major soil types with less than 1000 acres in a given age class will have one paired site. Monitoring shall include one access tube for each soil type located outside the planted area to be used as control for each major soil type. Soil types are as identified in attached soil classification map dated 12/2/2000. This data will be supplemented with other ongoing monitoring data from tubes in the tree rows as normally required by the water user for accurate irrigation scheduling, and as reasonably approved by the Watermaster.

Monitoring sites, and monitoring data and flow data shall be available to the Watermaster promptly upon request.

The water user shall supply, to the Watermaster, bi-annual reports of water use and monitoring data. The first report will cover the period through June of each year and the second report will cover the remainder of the growing season. Monitoring data report shall be provided in a reasonable summary format as approved by the Watermaster. The water user shall promptly inform the Watermaster of encroachment events into any areas without water rights, including the areas between tree rows and inform the Watermaster of the course of action to correct the problem.

If water use under the irrigation system delivers water to areas without water rights, including the area between the tree rows, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the areas without water rights are no longer receiving water.

This certificate is issued to correct a scrivener's error in the date of issuance of the Final Order approving T-12522 described on Certificate 92930. This Certificate supersedes Certificate 92930, and describes the portion of water right Certificate 89511, NOT modified by the provisions of an order of the Water Resources Director entered March 31, 2017, and recorded at Volume 104, Page 293, approving Transfer Application T-12522.

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 APR 11 2017.

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

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of UMATILLA)

I, LUKE MAYNARD, in my capacity as IRRIGATION MANAGER FOR AGRINORTHWEST,

mailing address PO BOX 2308 PASCO, WA 99302

telephone number (541)945-1684, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 92990*, 92992*, 92993*, 92994**; **OR**
* USED UNDER TEMPORARY TRANSFER T-13398
** USED UNDER TEMPORARY TRANSFER T-13399

☐ My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

13525

Application for Water Right
Transfer
Evidence of Use Affidavit

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

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

State of Oregon)
) ss
County of UMATILLA)

I, LUKE MAYNARD, in my capacity as IRRIGATION MANAGER FOR AGRINORTHWEST,

mailing address PO BOX 2308 PASCO, WA 99302

telephone number (541)945-1684, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for Certificate # 92990*, 92992*, 92993*, 92994**; **OR**
* USED UNDER TEMPORARY TRANSFER T-13398
** USED UNDER TEMPORARY TRANSFER T-13399

☐ My knowledge is specific to the use of water at the following locations within the last five years:

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

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **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.

☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____(For Historic POD/POA Transfers)

13525

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): TREES, AND TEMPORARY TRASNFERS T-3398 AND T-3399,

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

9/1/2020
Date

CONNIE L GORDANIER
APPOINTMENT EXPIRES NOVEMBER 04, 2022
NOTARY PUBLIC
Commission # 161259
STATE OF WASHINGTON

Signed and sworn to (or affirmed) before me this 1 day of Sept., 2020.

Connie L Gordanier
Notary Public for Oregon

My Commission Expires: 11-4-2022

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of **confirming** water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]

OREGON WATER RESOURCES DEPARTMENT

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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME				PHONE (HM)
FARMLAND RESERVE, INC., ATTN: JENS RASMUSSEN, AGRINORTHWEST				
PHONE (WK)	CELL			FAX
509-820-3234				509-734-1092
ADDRESS				
PO BOX 2308				
CITY	STATE	ZIP	E-MAIL**	
PASCO	WA	99302	JRASMUSSEN@AGRINW.COM	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME				PHONE (HM)
COLUMBIA IMPROVEMENT DISTRICT				
PHONE (WK)	CELL			FAX
541-481-8454				
ADDRESS				
PO BOX 47				
CITY	STATE	ZIP	E-MAIL**	
BOARDMAN	OR	97818		

** **By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.**

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.		-	92990	YES ☐
2.		-	92992	YES ☐
3.		-	92993	YES ☐
4.			92994	YES ☐

Attach additional pages for additional water rights if necessary. **Bureau of Reclamation*

b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [*You may need to consult with your district/water supplier.*]

CURRENT ASSOCIATIONS *Please answer the following "yes" or "no" questions:*

YES ☒ NO ☐ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; *i.e., the POU is currently layered with a district or BOR water supplied water right(s).*

PROPOSED ASSOCIATIONS *Please answer the following "yes" or "no" questions:*

YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; *i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).*

COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
☐ email, ☒ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Applicant Signature	Name (print)	Date
P Tolman	Pat Tolman	8/31/20

5. *(WHEN REQUIRED)* DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent **is required** if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES ☐ NO ☒ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES ☐ NO ☒ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier	Name (print), Title	Date

13525

Ted Ressler

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Tuesday, September 8, 2020 9:59 AM
To: Ted Ressler; JARAMILLO Lisa J * WRD
Subject: Re: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Hi Ted,

I have examined the maps and the Department will grant a map scale waiver.

Please include a print out of this email when you mail in the maps.

Kelly

RECEIVED
SEP 16 2020
OWRD

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Ted Ressler <tressler@gsiws.com>
Sent: Tuesday, September 8, 2020 9:02:59 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Lisa

Attached is are electronic copies of the stamped transfer maps, which include the following:

- Map showing the POD
- Separate maps for FROM and TO lands map for each certificate (92990, 92992, 92993, and 92994)
- Index map for the TO lands (to show how the TO lands for all of the water rights fit together)

Two of the maps (not including the Index map) are drawn using the scale of 1"=2000'. For the FROM lands map for Certificate 92992, this scale was necessary to keep the page size smaller than 30" x 30". **Please advise if this scale is acceptable.**

These water rights are associated with the former Boardman tree farm, specifically the irrigation corners that were not included in Transfer T-12522. I am copying Kelly on this email because of the unique aspects of the water rights for the tree farm as he was involved in Transfer T-12522 that involved other portions of the Boardman tree farm water rights. Two of the water rights involved in this new transfer, Certificates 92992 and 92993, have places of use that are interlaced with each other. I have made note of these interlaced places of use area on the maps.

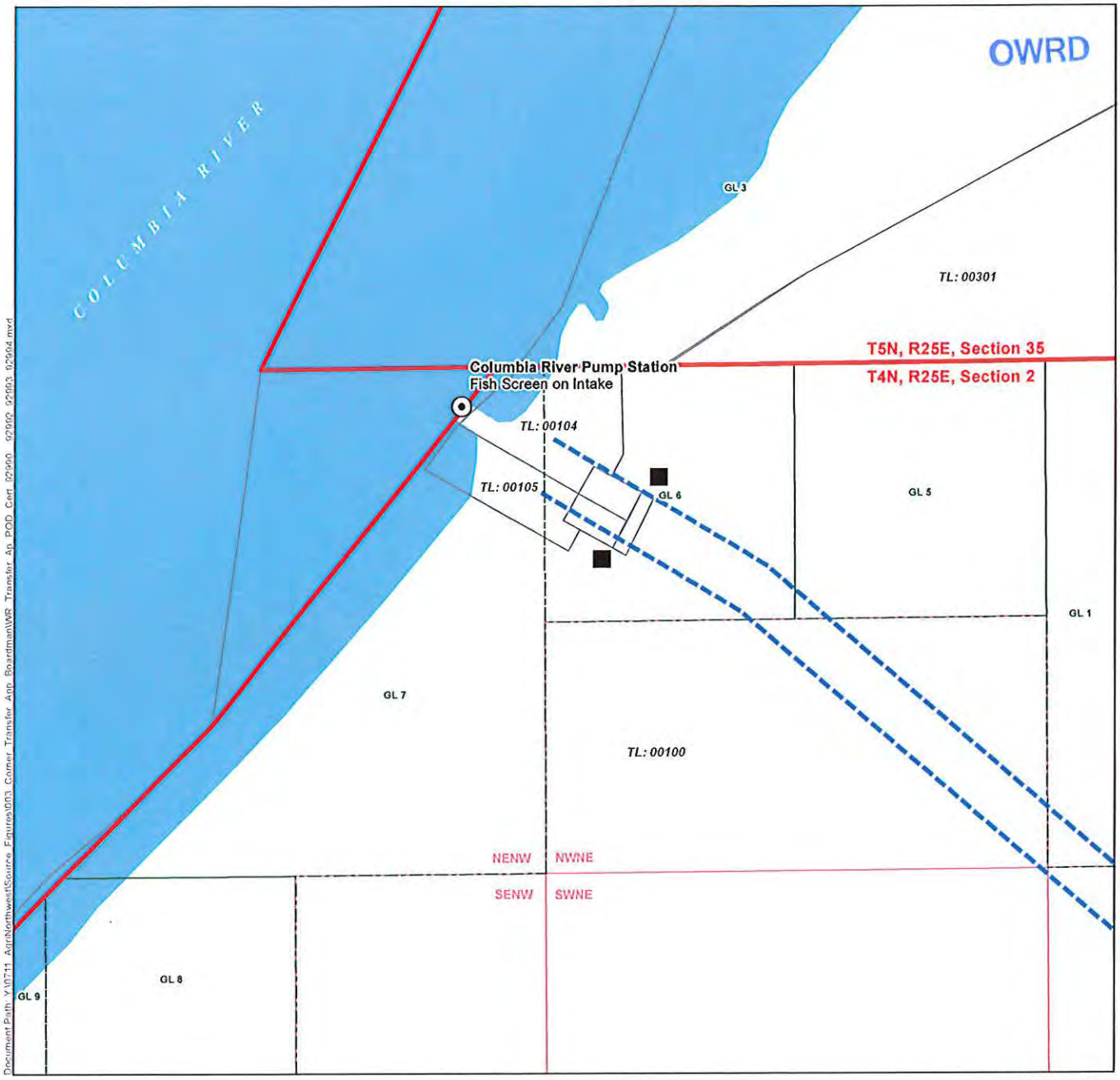
If any discussion or clarification is needed for the transfer, please do not hesitate to give me a call.

13525

Application for a Permanent Water Right Transfer – Point of Diversion Map
Certificates 92990, 92992, 92993, and 92994

Water Rights in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 25 East (W.M.)

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SEP 16 2020
OWRD



Document Path: Y:\0711 AgriNorthwest\Source Figures\003 Corner Transfer App. BoardmanWR Transfer Ap. POD Cert. 92990, 92992, 92993, 92994.mxd

LEGEND

- Point of Diversion (POD)
- Flow Meter (Readout)
- Pipeline
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

POD LOCATION DESCRIPTION

Columbia River Pump Station: Located South 86 degrees 22 minutes 46 seconds West, 2,829 feet from the NE corner of Section 2, Township 4 North, Range 25 East (W.M.)

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#70185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: USGS, Morrow Co., ESRI, BLM

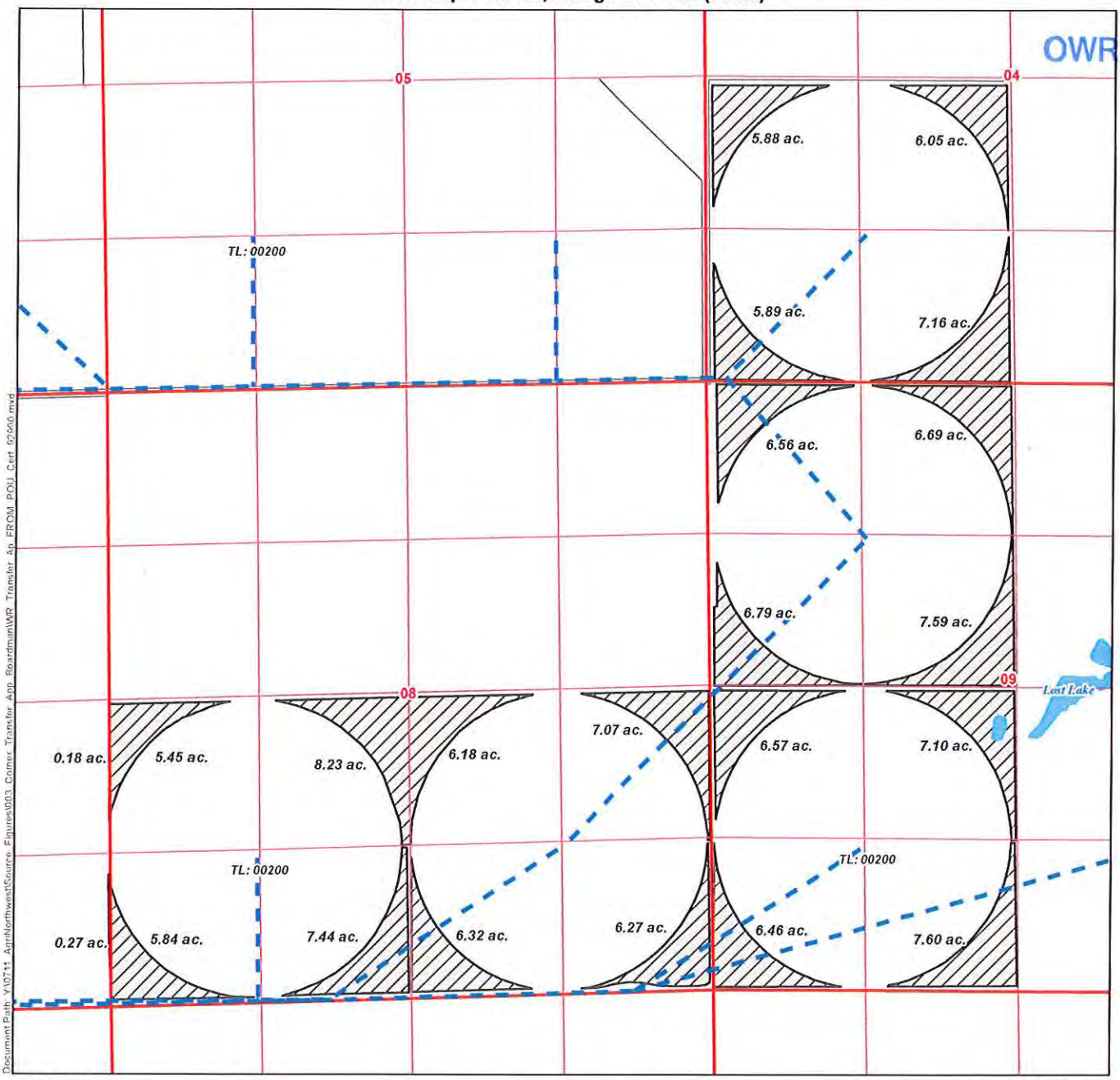
N
0 200 400
1 inch = 400 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92990

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 3 North, Range 27 East (W.M.)

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LEGEND

Place of Use

From Lands, 133.59 ac.

All Other Features

- Pipeline
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12.31.2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

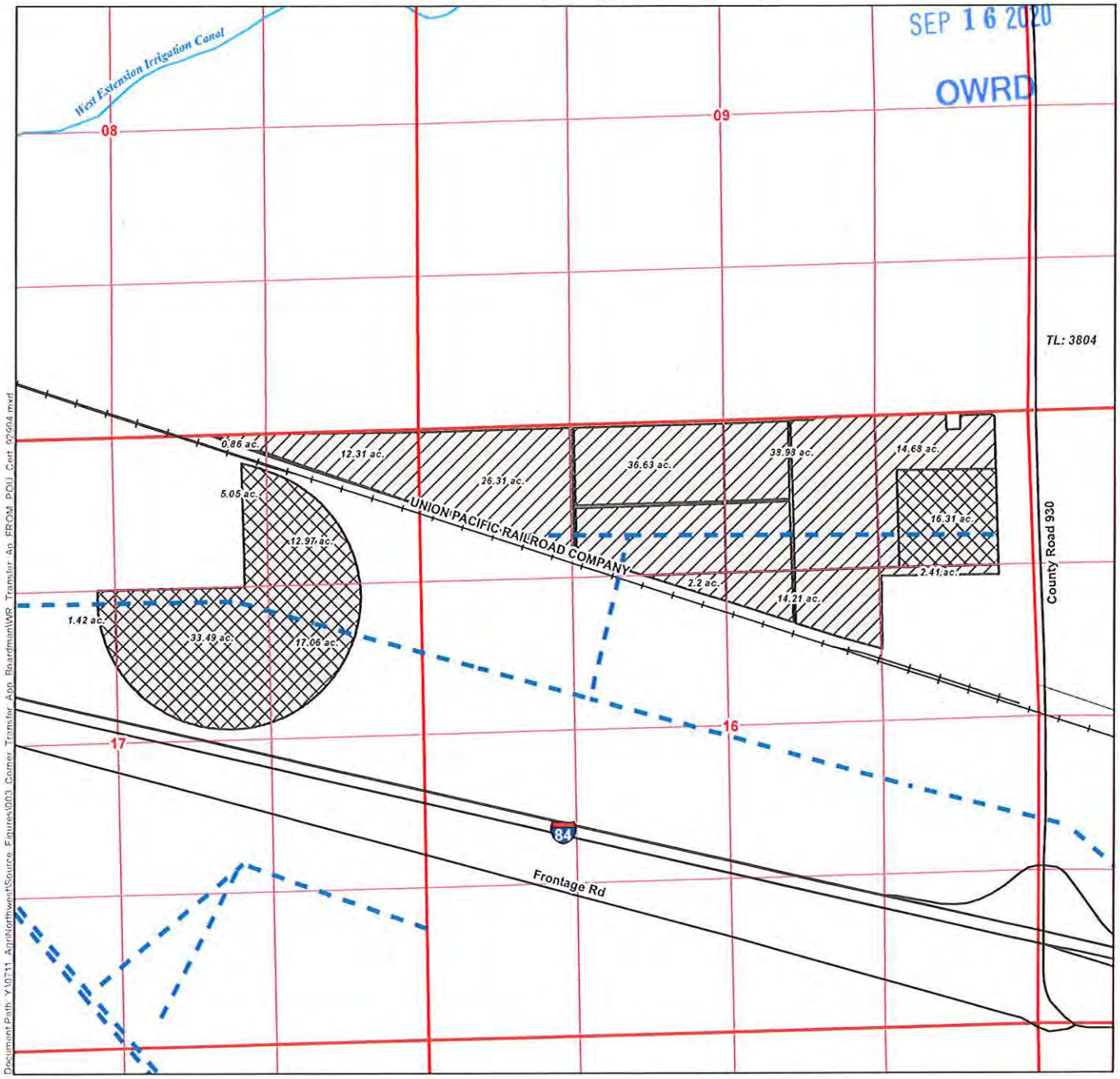
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92994

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)

RECEIVED
SEP 16 2020
OWRD



Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_FROM_POU_Cert_92994.mxd

LEGEND

Place of Use
- From Lands, 148.59 ac.
- Remaining Lands, 86.3 ac.

All Other Features
- Pipeline
- Railroad
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#70185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

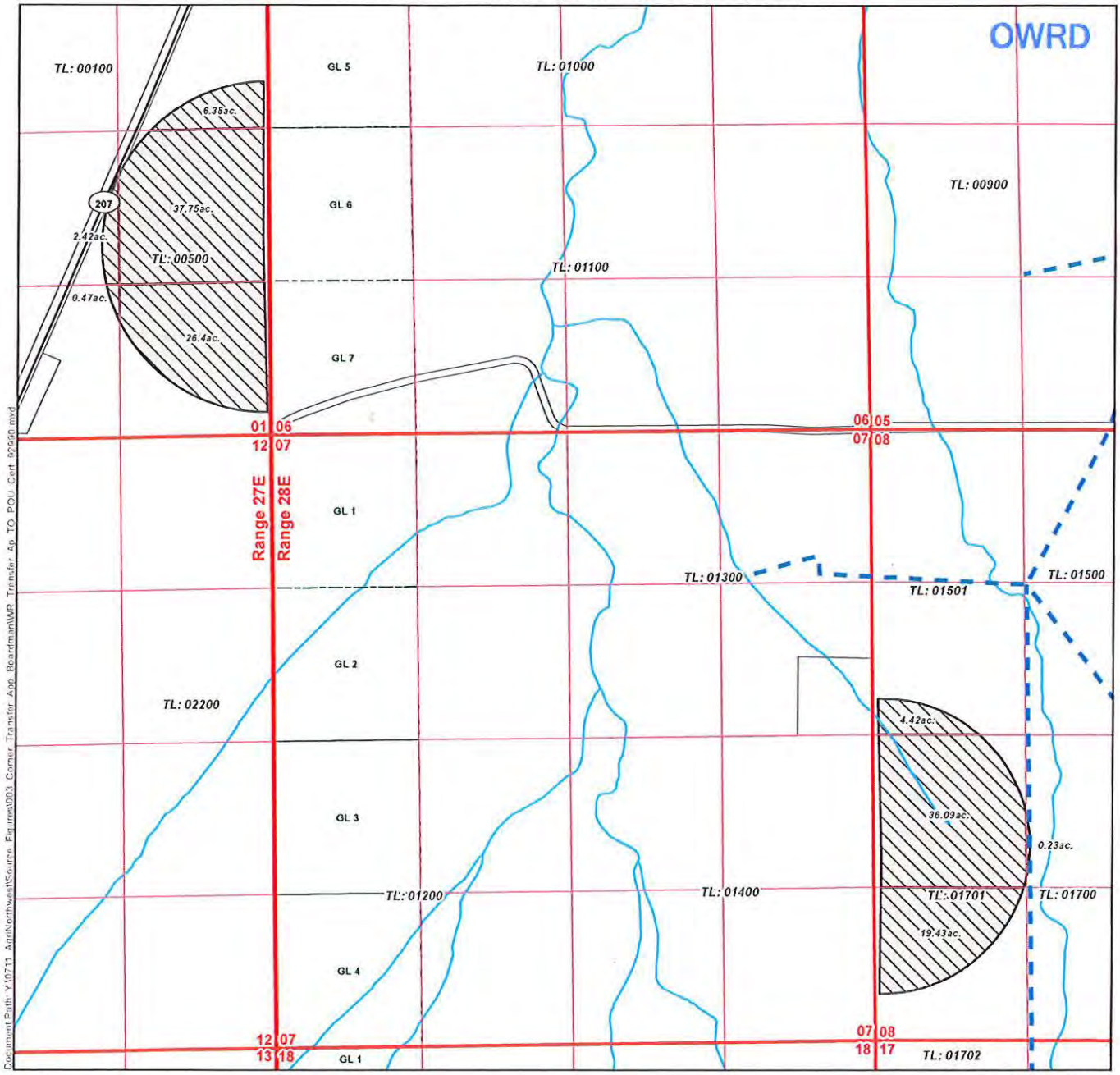
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92990

RECEIVED
SEP 16 2020
OWRD

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 North, Range 27 and 28 East (W.M.)



Document Path: Y:\0711_Agri\Northwest\Source Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_POU_Cert_92990.mxd

LEGEND

Place of Use
- To Lands, 133.59 ac.

All Other Features
- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#70105CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

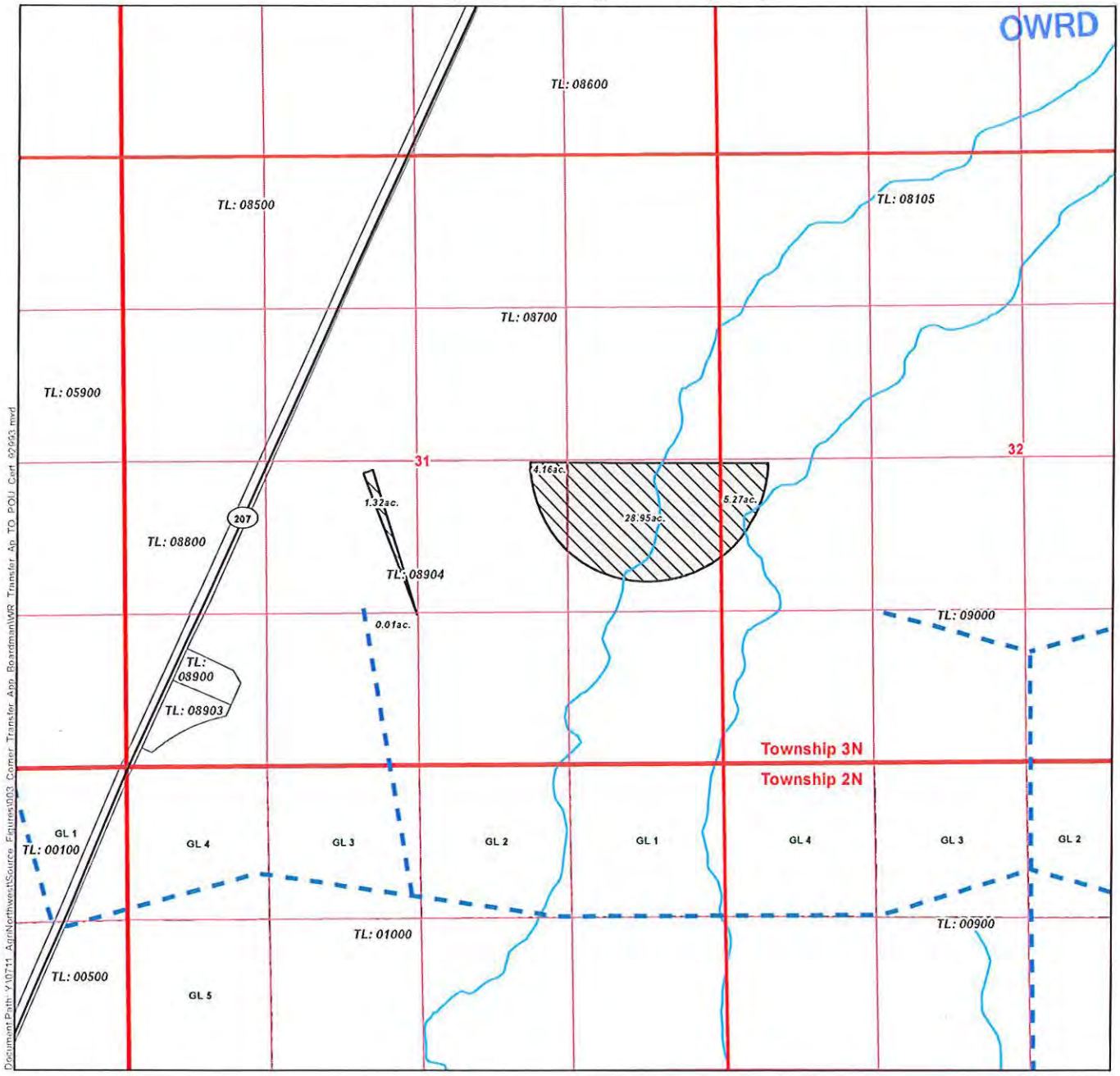
N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92993

RECEIVED
SEP 16 2020
OWRD

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 28 East (W.M.)



Document Path: V:\0711 Agri\Northwest\Source Figures\003 Corner Transfer App, Boardman\WR Transfer Ap TO POU Cert 92993.mxd

LEGEND

Place of Use
- To Lands, 39.71 ac.

All Other Features
- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

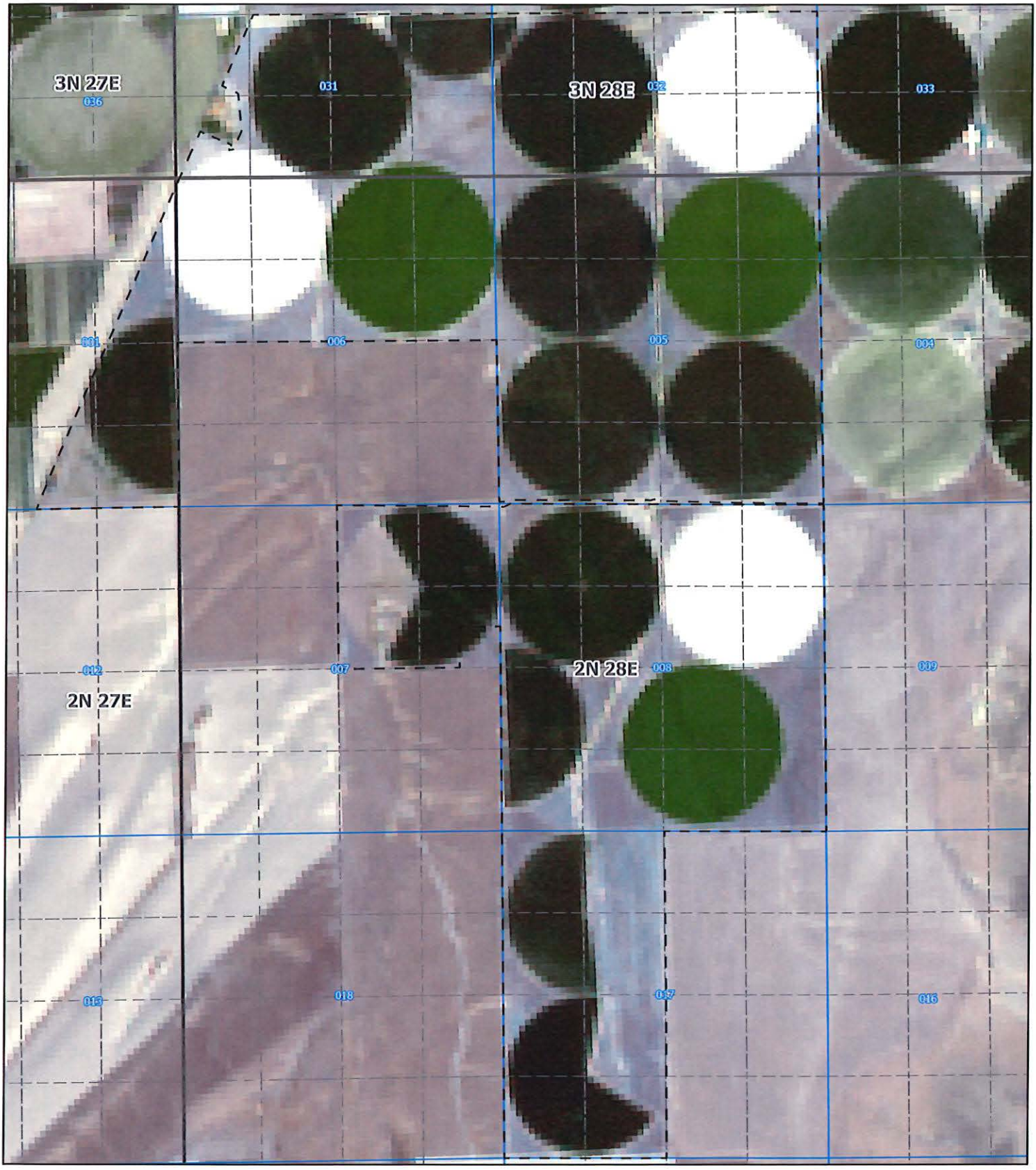
CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES
Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.



Butter Creek Farm - 2020 Proof of Irrigation

0 0.25 0.5 Miles N

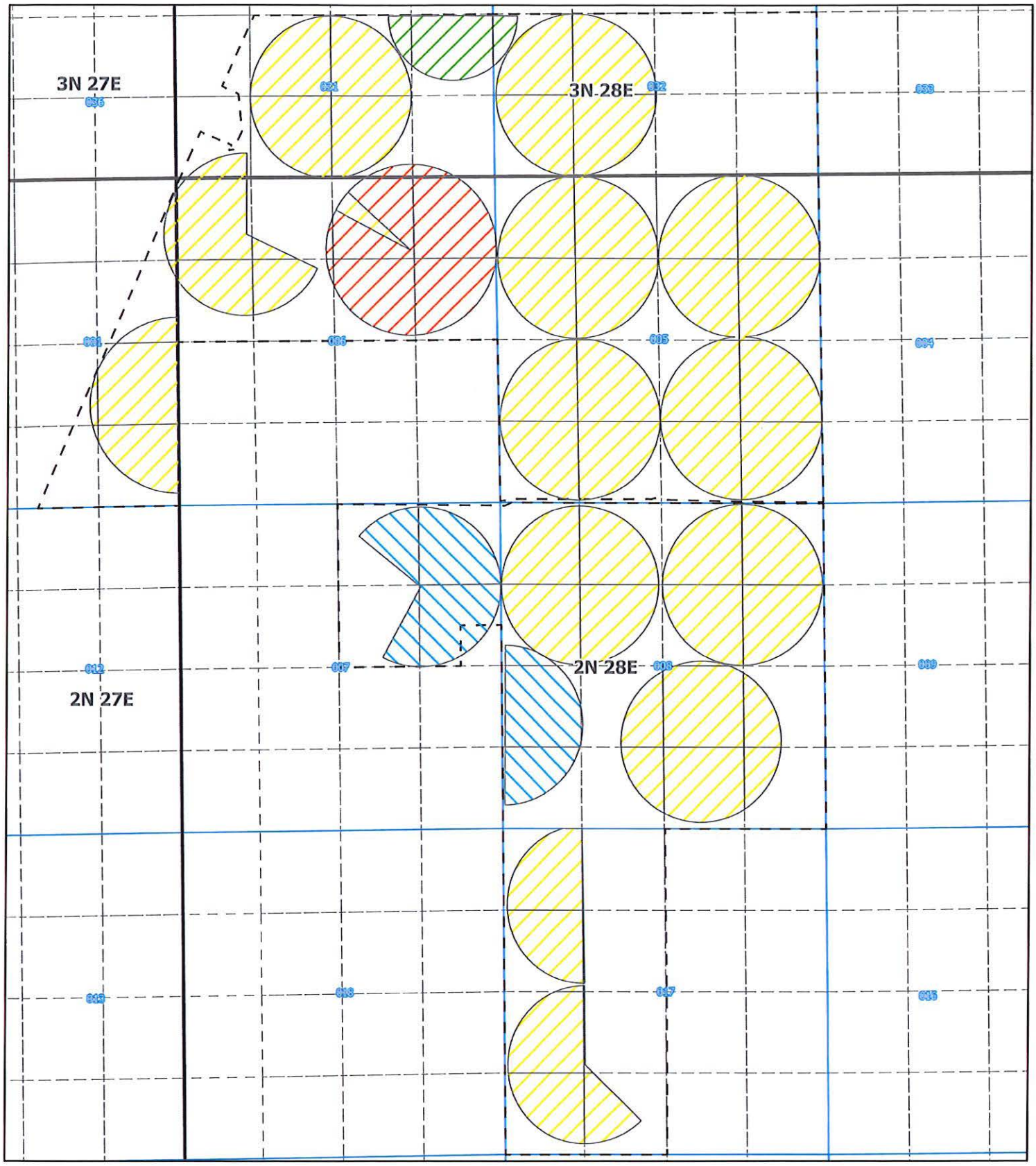
Property Boundaries

Section

Township & Range

Quarter-Quarter Sections

Landsat-8 Image Courtesy of U.S. Geological Survey
Image Date: August 9, 2020



Butter Creek Farm - 2020 Proof of Irrigation

- Property Boundaries
- 92990 TO Lands (T-13398)
- 92992 TO Lands (T-13398)
- 92993 TO Lands (T-13398)
- 92994 TO Lands (T-13399)
- Township & Range
- Section
- Quarter-Quarter Sections

Ted Ressler

From: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Sent: Tuesday, September 8, 2020 9:59 AM
To: Ted Ressler; JARAMILLO Lisa J * WRD
Subject: Re: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Hi Ted,

I have examined the maps and the Department will grant a map scale waiver.

Please include a print out of this email when you mail in the maps.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Telephone: 503-986-0886 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Ted Ressler <tressler@gsiws.com>
Sent: Tuesday, September 8, 2020 9:02:59 AM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: STARNES Patrick K * WRD <Patrick.K.Starnes@oregon.gov>
Subject: RE: Incoming transfer application (involving 92990, 92992, 92993, and 92994)

Lisa

Attached is are electronic copies of the stamped transfer maps, which include the following:

- Map showing the POD
- Separate maps for FROM and TO lands map for each certificate (92990, 92992, 92993, and 92994)
- Index map for the TO lands (to show how the TO lands for all of the water rights fit together)

Two of the maps (not including the Index map) are drawn using the scale of 1"=2000'. For the FROM lands map for Certificate 92992, this scale was necessary to keep the page size smaller than 30" x 30". **Please advise if this scale is acceptable.**

These water rights are associated with the former Boardman tree farm, specifically the irrigation corners that were not included in Transfer T-12522. I am copying Kelly on this email because of the unique aspects of the water rights for the tree farm as he was involved in Transfer T-12522 that involved other portions of the Boardman tree farm water rights. Two of the water rights involved in this new transfer, Certificates 92992 and 92993, have places of use that are interlaced with each other. I have made note of these interlaced places of use area on the maps.

If any discussion or clarification is needed for the transfer, please do not hesitate to give me a call.

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
SEP 09 2020
OWRD
Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Farmland Reserve, Inc.

Transaction Type: Transfer

Fees Received: $ 16,020.00

☐ Cash ☒ Check: **Check No.** 0000024289

Name(s) on Check: Farmland Reserve

Address on Check: 79 South Main Street Ste 1000 Salt Lake City, UTAH 84111

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

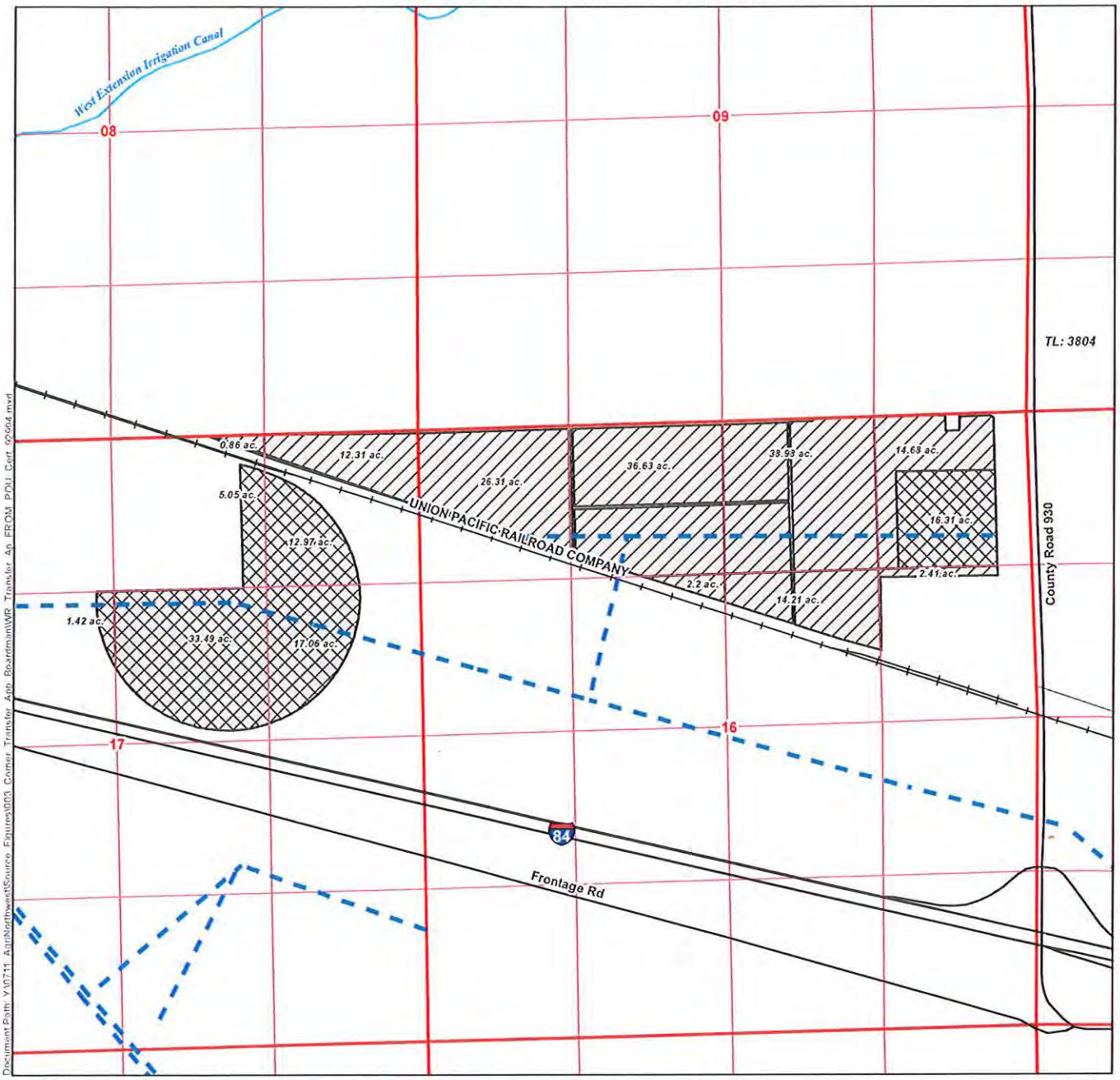
Submission received by: KD Hall
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (*i.e., "Fiscal Pick Up Drawer"*). Place the Submission Receipt with submission (*application/other document*) in the large bottom drawer.

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92994

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 4 North, Range 26 East (W.M.)



Document Path: Y:\0711 Agri\Northwest\Source Figures\003 Corner Transfer App Boardman\WR Transfer Ap FROM POU Cert 92994.mxd

LEGEND

Place of Use

- From Lands, 148.59 ac.
- Remaining Lands, 86.3 ac.

All Other Features

- Pipeline
- Railroad
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

DISCLAIMER

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MAP NOTES

Date: June 23, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

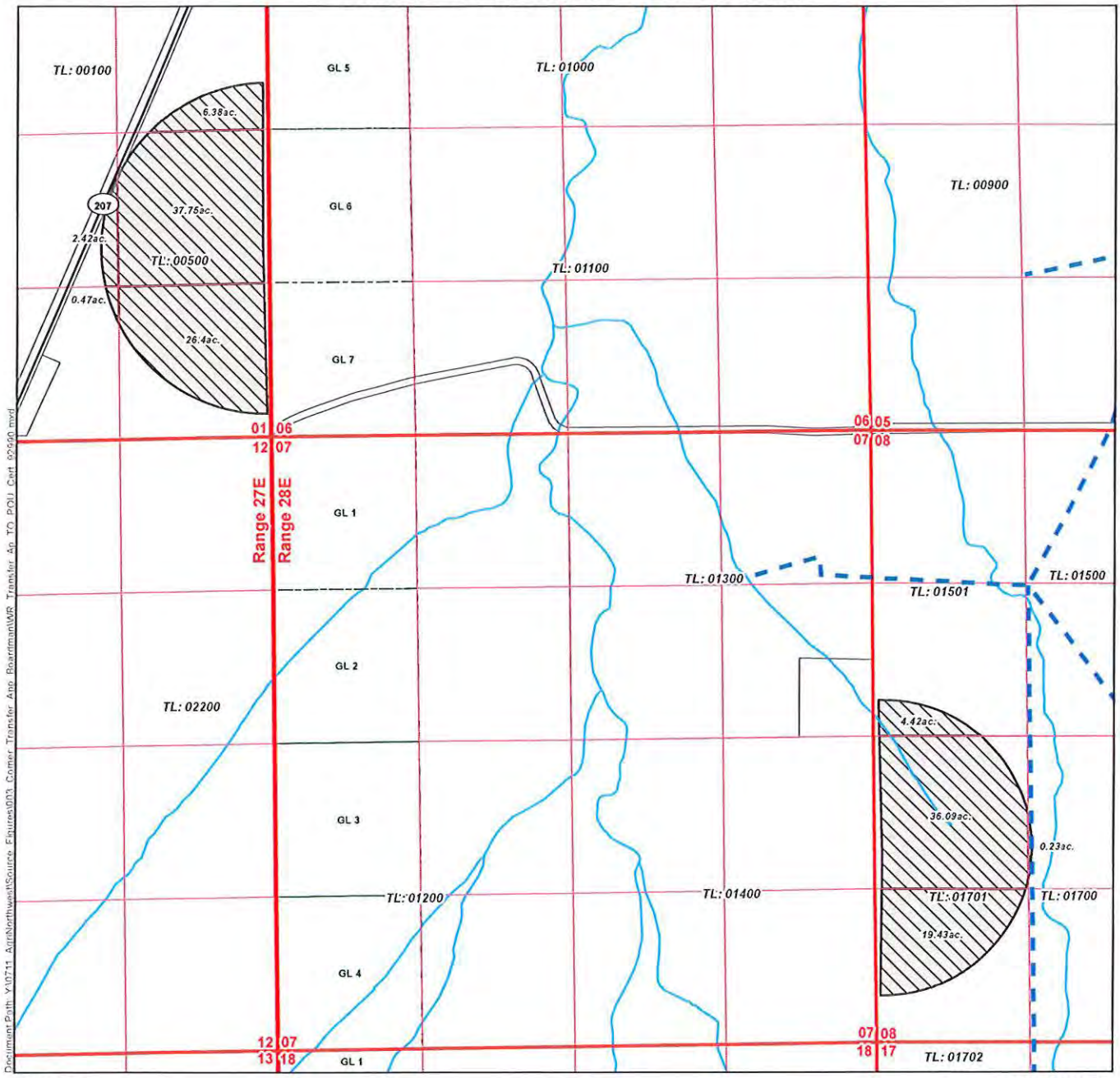
N

0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92990

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 North, Range 27 and 28 East (W.M.)



Document Path: Y:\0711 Arts\Northwest\Source Figures\003 Comer Transfer App Boardman\WR Transfer Ap TO POU Cert 92990.mxd

LEGEND

Place of Use

- To Lands, 133.59 ac.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

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MAP NOTES

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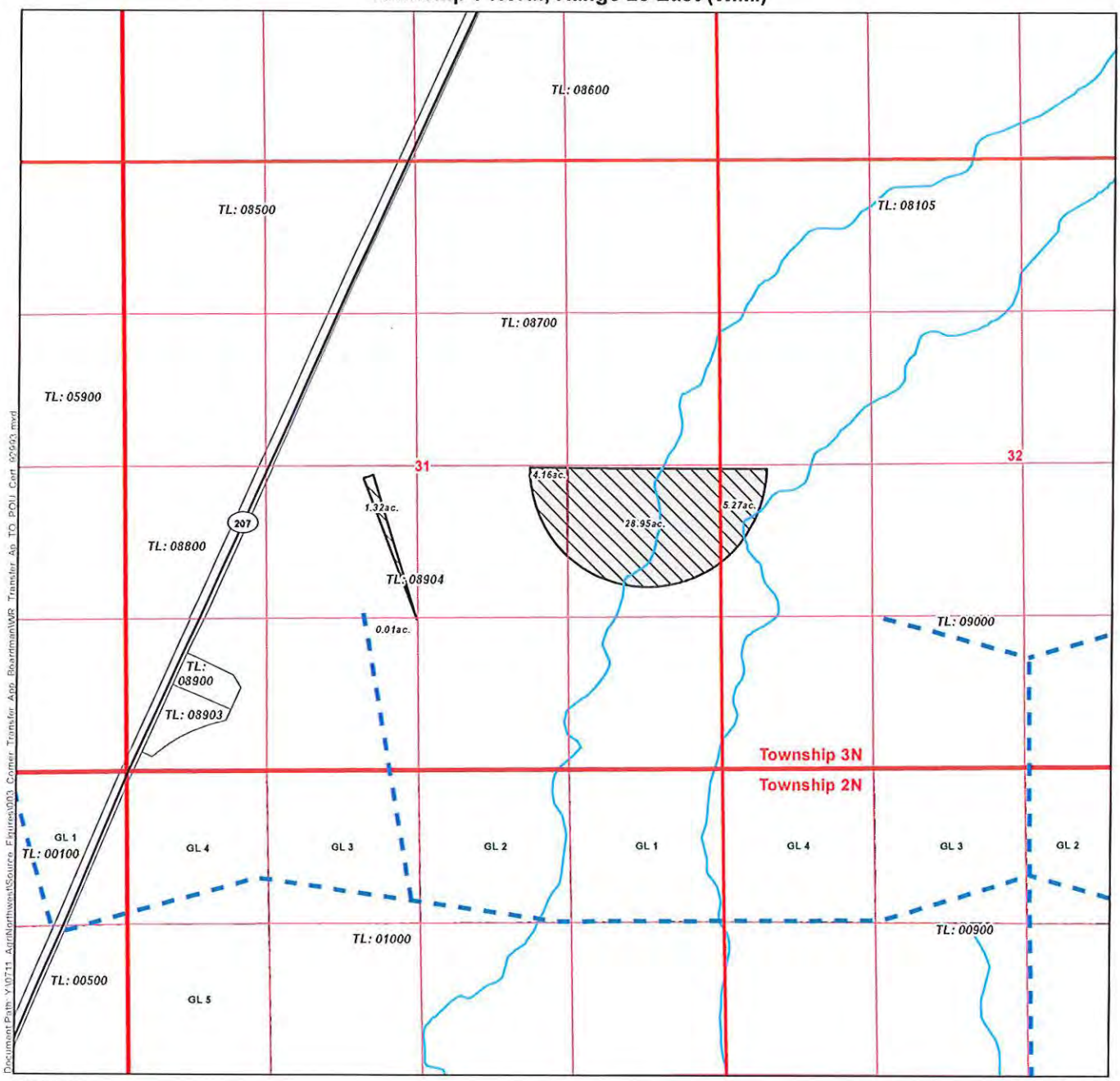
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0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92993

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 3 North, Range 28 East (W.M.)



Document Path: Y:\0711 AgriNorthwest\Source Figures\003 Corner Transfer App Boardman\WR Transfer Ap TO POU Cert 92993.mxd

LEGEND

Place of Use
- To Lands, 39.71 ac.

All Other Features
- Pipeline
- Tax Lot
- Government Lot (GL)
- Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

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MAP NOTES
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Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

N
0 660 1,320
1 inch = 1,320 feet

GSI Water Solutions, Inc.

Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

September 29, 2020

FARMLAND RESERVE INC.
JENS RASMUSSEN
PO BOX 2308
PASCO, WA 99302

Reference: Application T- 13525

On September 29, 2020, we received your water right Transfer application. The application was accompanied by $16020.00. Our receipt number 133442 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 requested change.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use until a final order approving the transfer application has been issued by the Department. 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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #5 *(via email)*
Morrow County
Umatilla County
Ted Ressler, Agent

Enclosure

Regular Permanent Water Right Transfer Application Checklist

Checked by Scott **Date** 9/22/20

(If OK, check box to left; if not, fill in the blank)

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____

☑ **1.** Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? original Maps are on way in Mail.

☑ **2.** Are fees included and correct? Fee paid: _____

If not, the correct fee would be: _____, so the amount missing is: _____

▶ If a Government Action POD change (see: Page 5): NO CHARGE

***NOTE:** [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE ***or*** (Supplemental to Primary)] are counted as one type

☑ **3.** Page 3 of application: Have all the applicants listed at the top of the page signed? Yes
If no, whose signature is missing? _____.

☑ **4.** Are all listed certificates or permits shown by WRIS as non-cancelled? yes N/C
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☑ **5.** If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed? enclosed
☐ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Application for a Permanent Water Right Transfer Index Map for TO Lands

Certificates 92990, 92992, 92993 and 92994

Water Rights in the Name of
Farmland Reserve, Inc.
Morrow County
Townships 2/3 North, Range 27/28 East (W.M.)

Range 27 East
Range 28 East

Township 3 North
Township 2 North

Butter Creek

207

LEGEND

Place of Use, To Lands

- Certificate 92990, 133.59 ac.
- Certificate 92992, 1425.07 ac.
- Certificate 92993, 39.71 ac.
- Certificate 92994, 148.59 ac.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

DISCLAIMER

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MAP NOTES

Date: August 19, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

N

0 1,000 2,000
1 inch = 2,000 feet

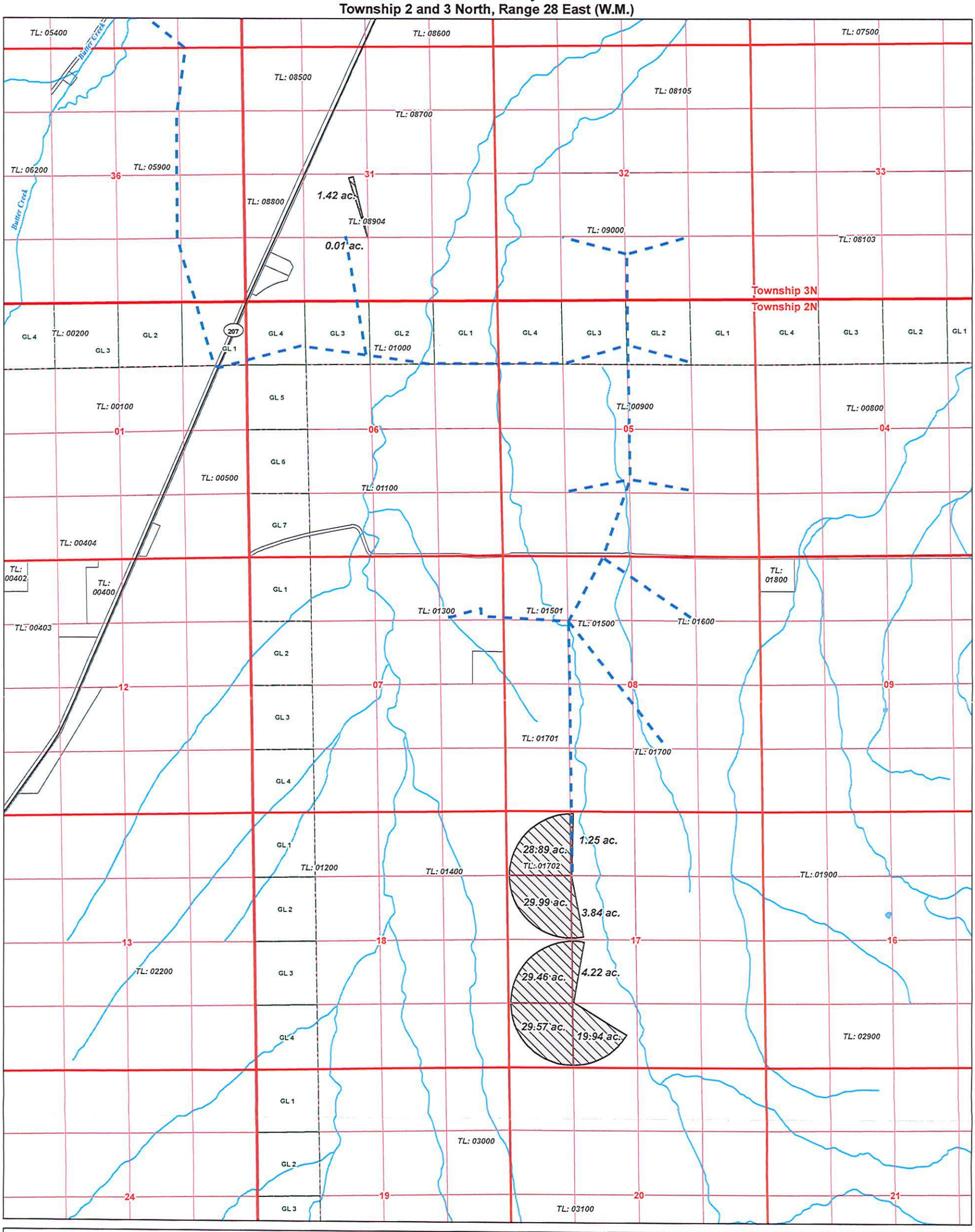
Date: August 19, 2020
Data Sources:

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_Overview.mxd, npalmer

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92994

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



LEGEND

Place of Use

- To Lands, 148.59 ac.

All Other Features

- Pipeline
- Tax Lot
- Donation Land Claim (DLC)
- Major Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

DISCLAIMER

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N

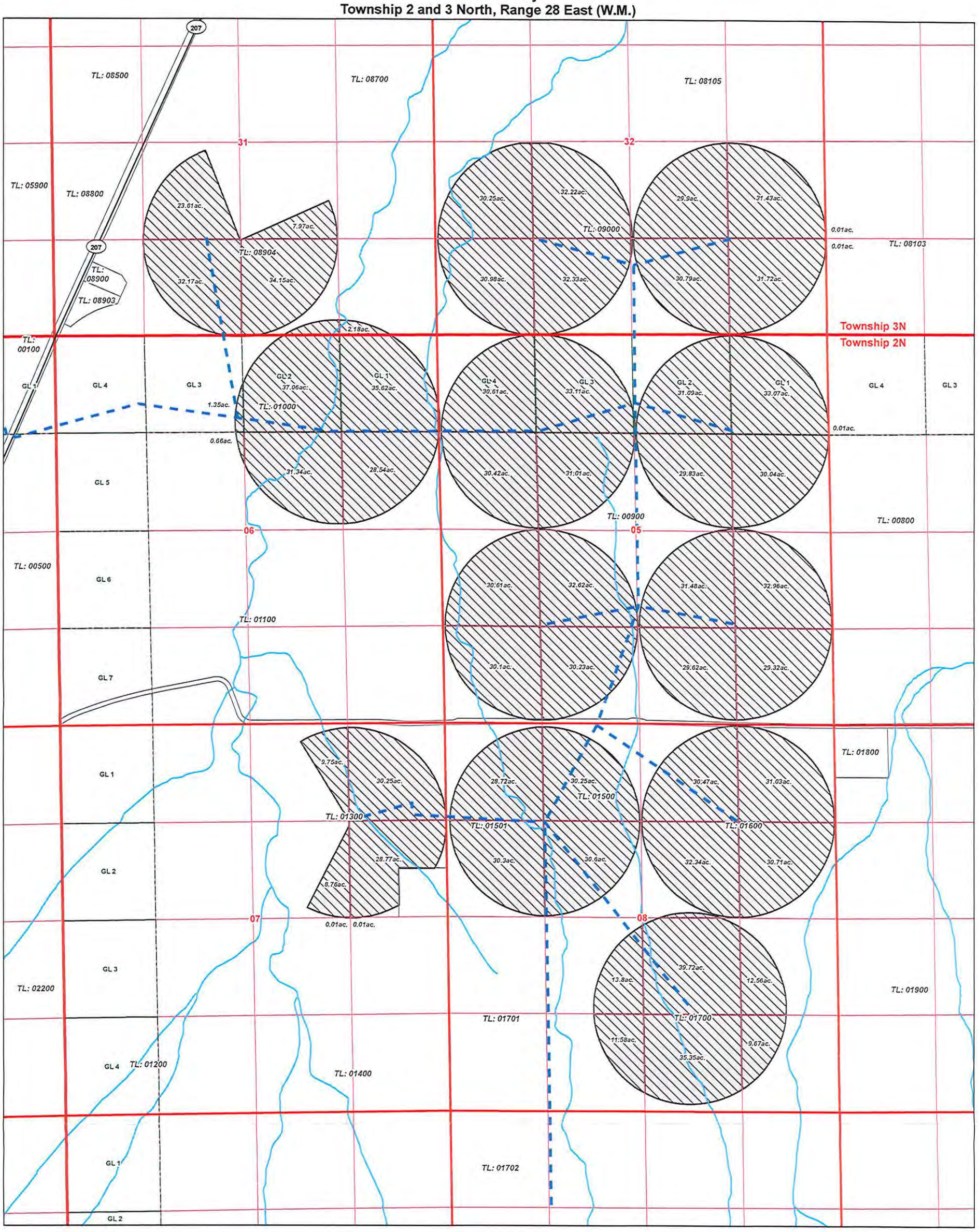
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1 inch = 2,000 feet

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_POU_Cert_92994.mxd

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92992

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



LEGEND

Place of Use

- To Lands, 1425.07 ac.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

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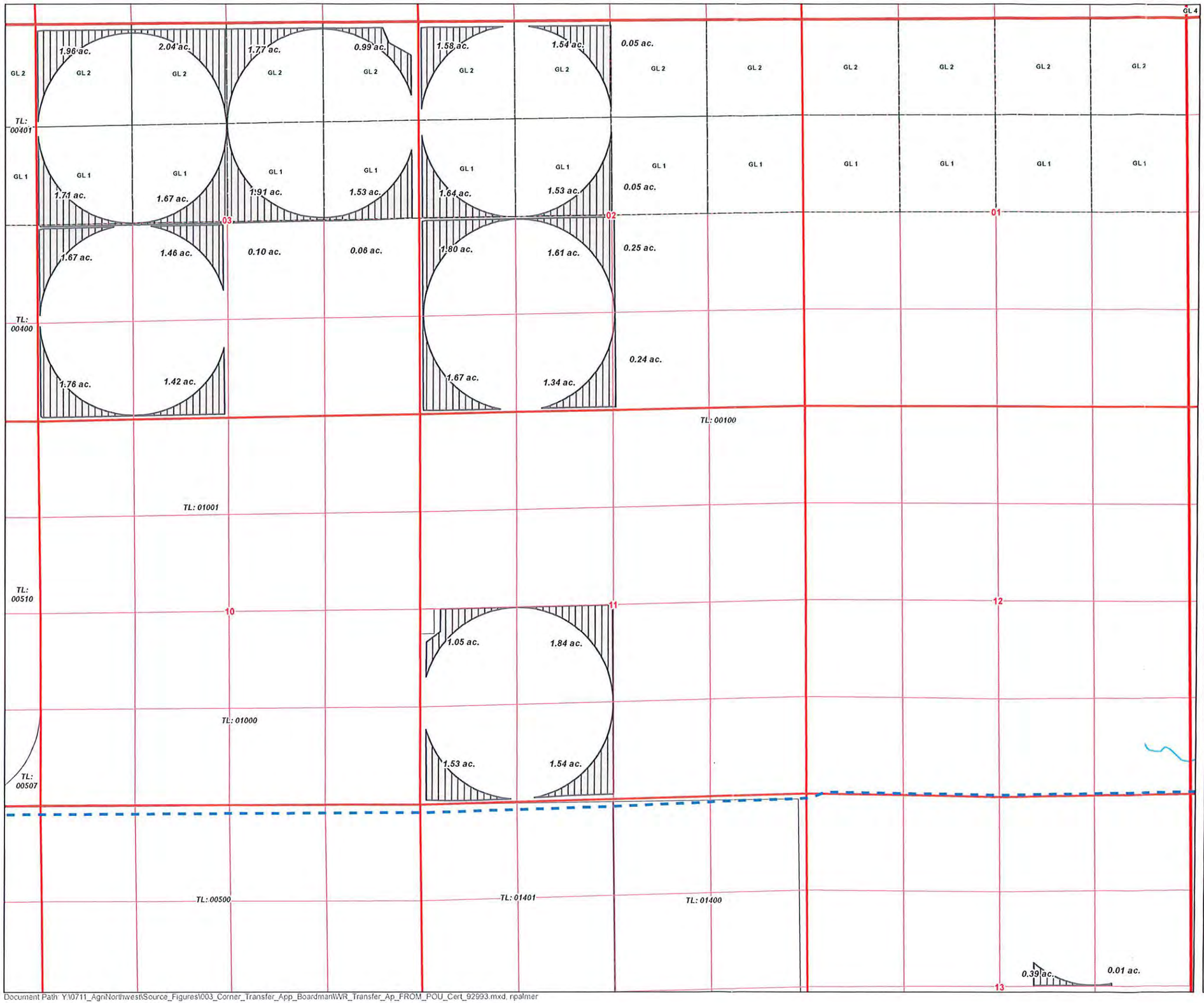
Date: August 19, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Umatilla Co.

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1 inch = 1,320 feet

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_POU_Cert_92992.mxd



Application for a Permanent Water Right Transfer – FROM Lands Map

Certificate 92993

A Water Right in the Name of
Farmland Reserve, Inc. Morrow County
Township 3 North, Range 26/27 East (W.M.)

LEGEND

Place of Use

From Lands (Interlaced), 39.71 ac.

The place of use for Certificate 92993 is located in 2 foot wide strips interlaced between 8 foot wide strips from Certificate 92992 which were previously used for irrigation of tree rows. These two water rights are interlaced but DO NOT overlap.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

DISCLAIMER

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MAP NOTES

Date: June 24, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

N

0 660 1,320
1 inch = 1,320 feet

Date: June 24, 2020
Data Sources:

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_FROM_POU_Cert_92993.mxd, rpalmer

Application for a Permanent Water Right Transfer – FROM Lands Map

Certificate 92993

A Water Right in the Name of
Farmland Reserve, Inc. Morrow County
Township 3 North, Range 26/27 East (W.M.)

LEGEND

Place of Use

From Lands (Interlaced), 39.71 ac.

The place of use for Certificate 92993 is located in 2 foot wide strips interlaced between 8 foot wide strips from Certificate 92992 which were previously used for irrigation of tree rows. These two water rights are interlaced but DO NOT overlap.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

RECEIVED
SEP 16 2020
OWRD

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#70185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

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N

0 660 1,320
1 inch = 1,320 feet

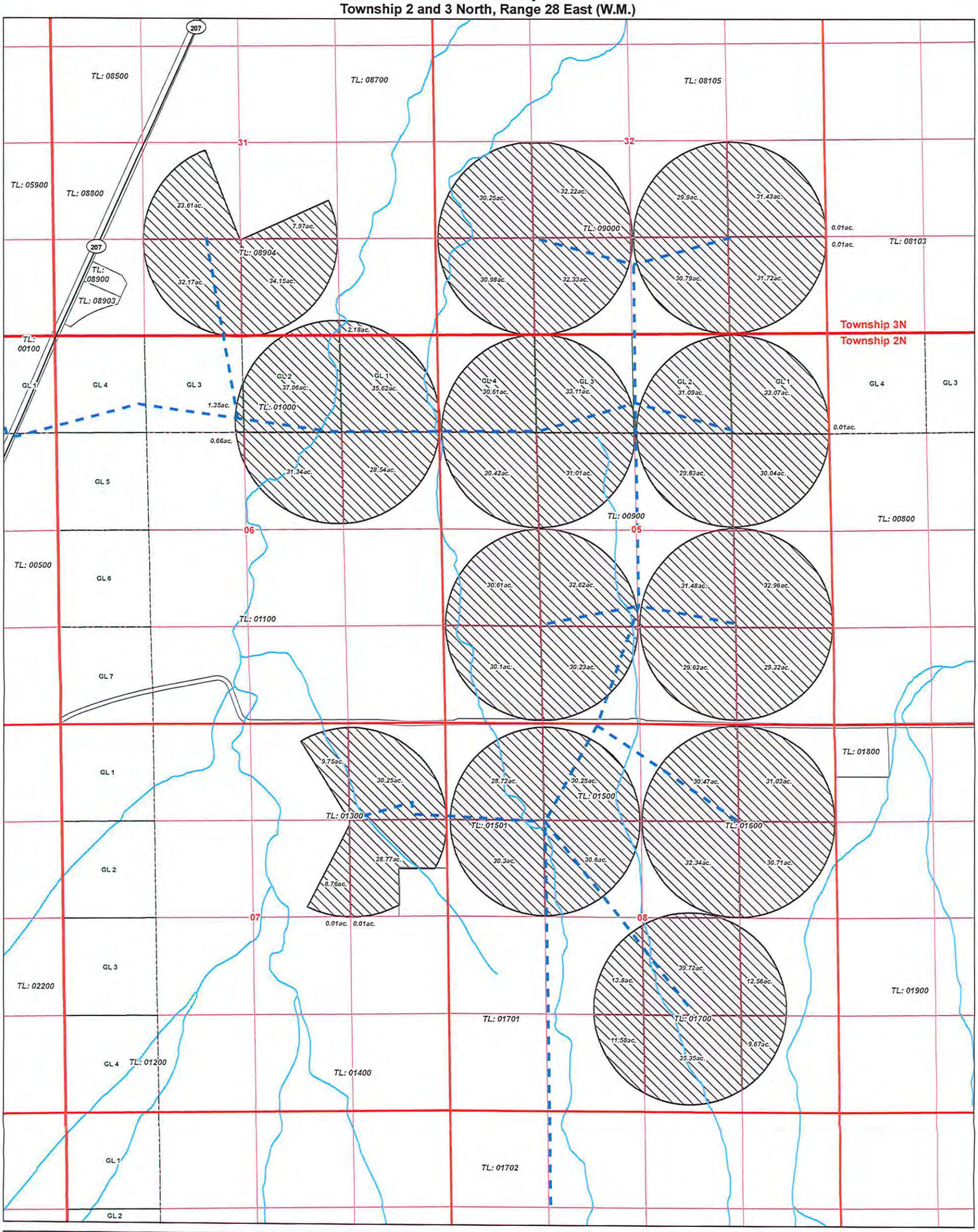
Date: June 24, 2020
Data Sources:

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_FROM_POU_Cert_92993.mxd, rpalmer

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92992

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



LEGEND

Place of Use

- To Lands, 1425.07 ac.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

RECEIVED
SEP 16 2020
OWRD

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N

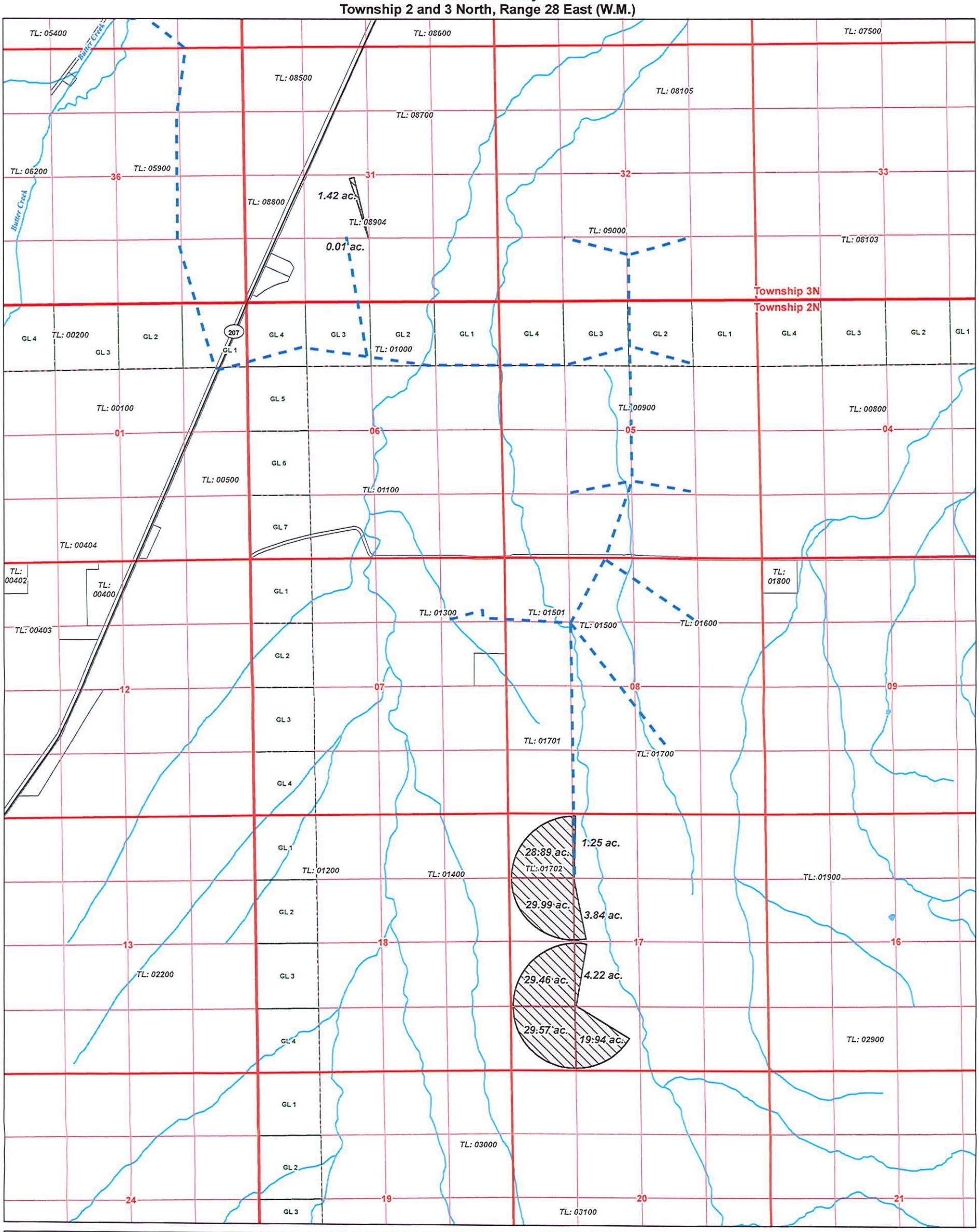
0 660 1,320
1 Inch = 1,320 feet

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_POU_Cert_92992.mxd

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92994

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



LEGEND

Place of Use

- To Lands, 148.59 ac.

All Other Features

- Pipeline
- Tax Lot
- Donation Land Claim (DLC)
- Major Road
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

RECEIVED
SEP 16 2020
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Application for a Permanent Water Right Transfer Index Map for TO Lands

Certificates 92990, 92992, 92993 and 92994

Water Rights in the Name of
Farmland Reserve, Inc.
Morrow County
Townships 2/3 North, Range 27/28 East (W.M.)

Range 27 East
Range 28 East

Township 3 North
Township 2 North

Butter Creek

207

LEGEND

Place of Use, To Lands

- Certificate 92990, 133.59 ac.
- Certificate 92992, 1425.07 ac.
- Certificate 92993, 39.71 ac.
- Certificate 92994, 148.59 ac.

All Other Features

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- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

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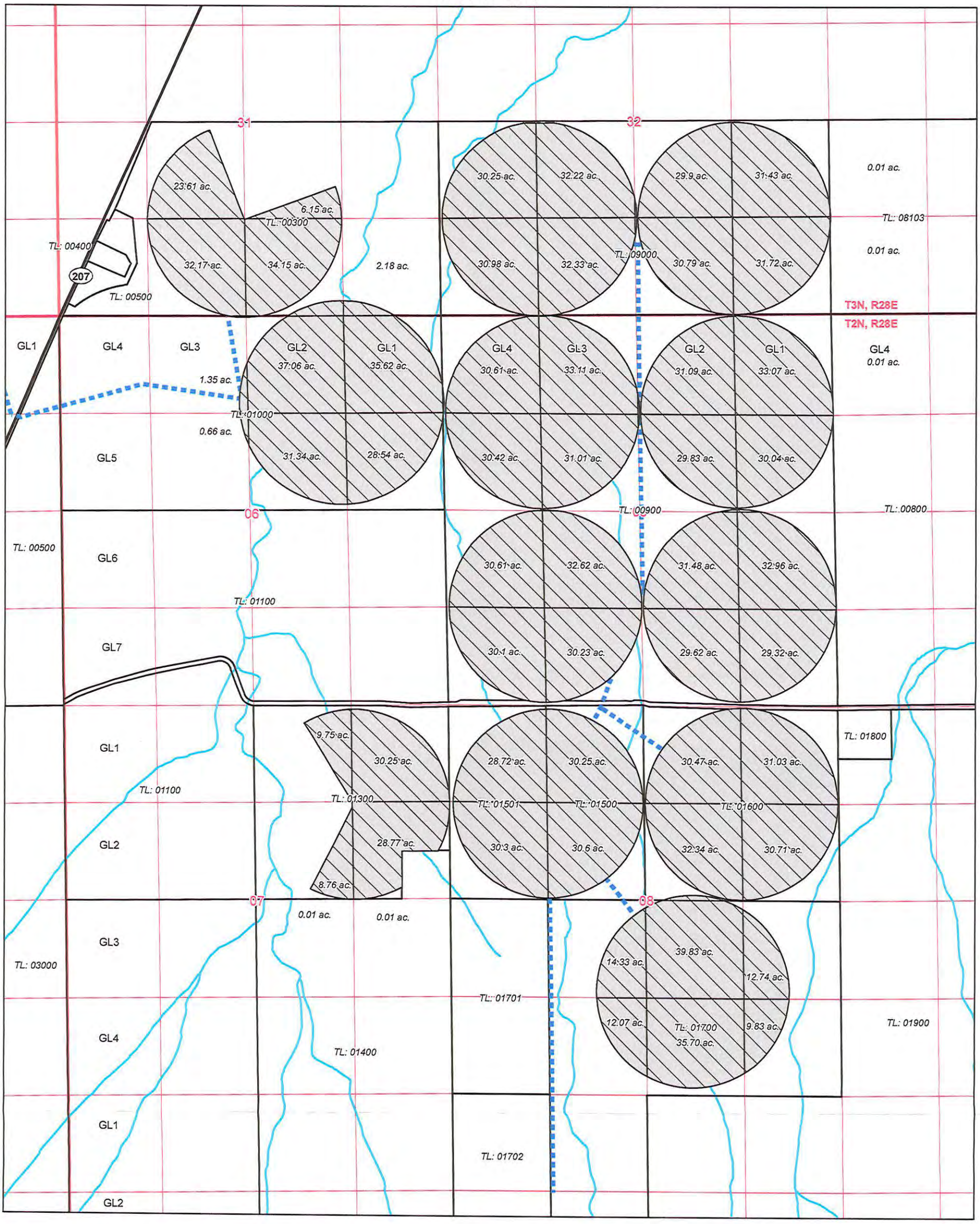
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Date: August 19, 2020
Data Sources:

GSI Water Solutions, Inc.

Document Path: Y:\0711_AgriNorthwest\Source_Figures\003_Corner_Transfer_App_Boardman\WR_Transfer_Ap_TO_Overview.mxd, npalmer

Application for a Permanent Water Right Transfer – TO Lands Map
Certificate 92992
A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County



LEGEND

- To Lands, 1,425.07 ac.
- Pipeline
- Government Lot (GL)
- Tax Lot
- Watercourse

RECEIVED
JUL 28 2022
OWRD

CERTIFIED WATER RIGHTS EXAMINER
#78185CWRE
THEODORE R. RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2022

CWRE Seal and Signature

N

Scale
0 660 1,320 Ft
1 in = 1,320 feet

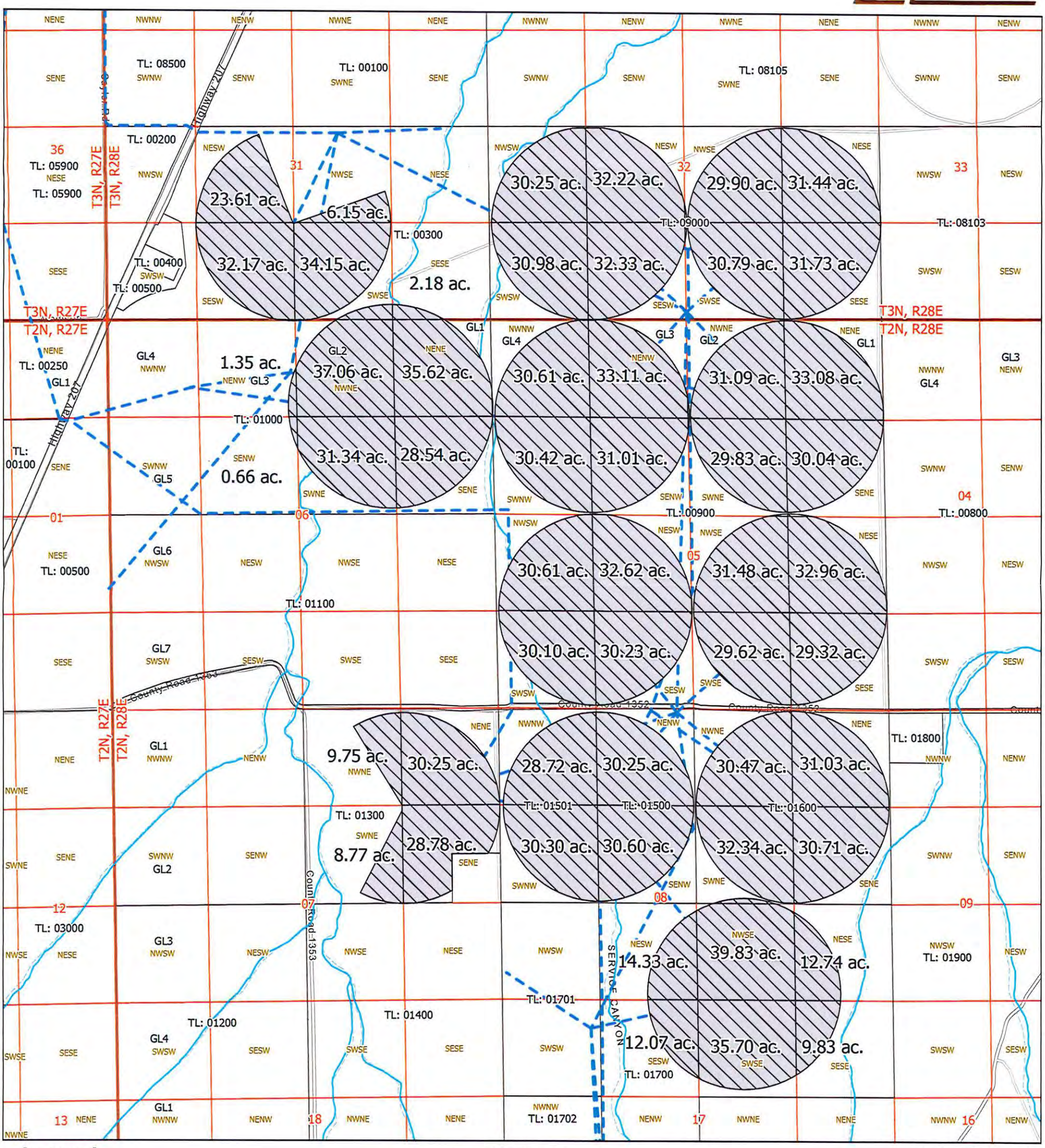
Date: 6/13/2022
Data Sources: BLM, ESRI, OWRD, USGS, Coos. Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

summit WATER RESOURCES

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Claim of Beneficial Use - Place of use Map
Transfer T-13525 (former Certificate 92992)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



Legend

- Place of Use (1,425.07 acres)
- Pipeline
- Watercourse
- Government Lot (GL)
- Tax Lot

CERTIFIED WATER RIGHT EXAMINER
78185
THEODORE R RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2026

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Data Sources: BLM, ODFW, OGIC, ESRI, USGS, Umatilla Co.

Current as of: 10/1/2025

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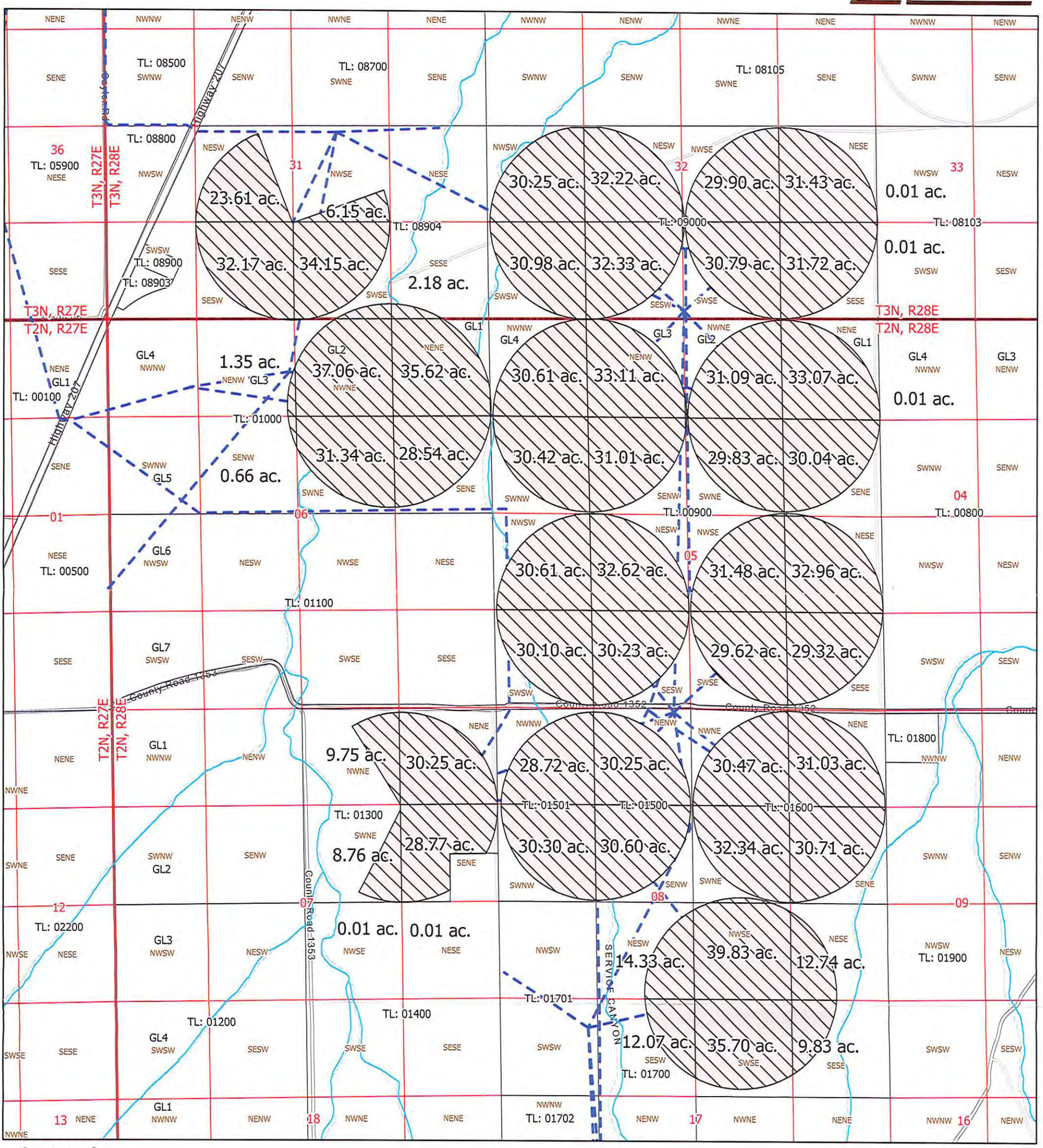
0 690 1,380 Feet

1" = 1,320 feet

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Claim of Beneficial Use - Place of use Map
Transfer T-13525 (former Certificate 92992)

A Water Right in the Name of Farmland Reserve, Inc.
Umatilla County
Township 2 and 3 North, Range 28 East (W.M.)



Legend

- Place of Use (1,425.07 acres)
- Pipeline
- Watercourse
- Tax Lot
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CERTIFIED WATER RIGHT EXAMINER
78185
THEODORE R RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2026

DISCLAIMER

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MAP NOTES

Data Sources: BLM, ODFW, OGIC, ESRI, USGS, Umatilla Co.
Current as of: 11/7/2024

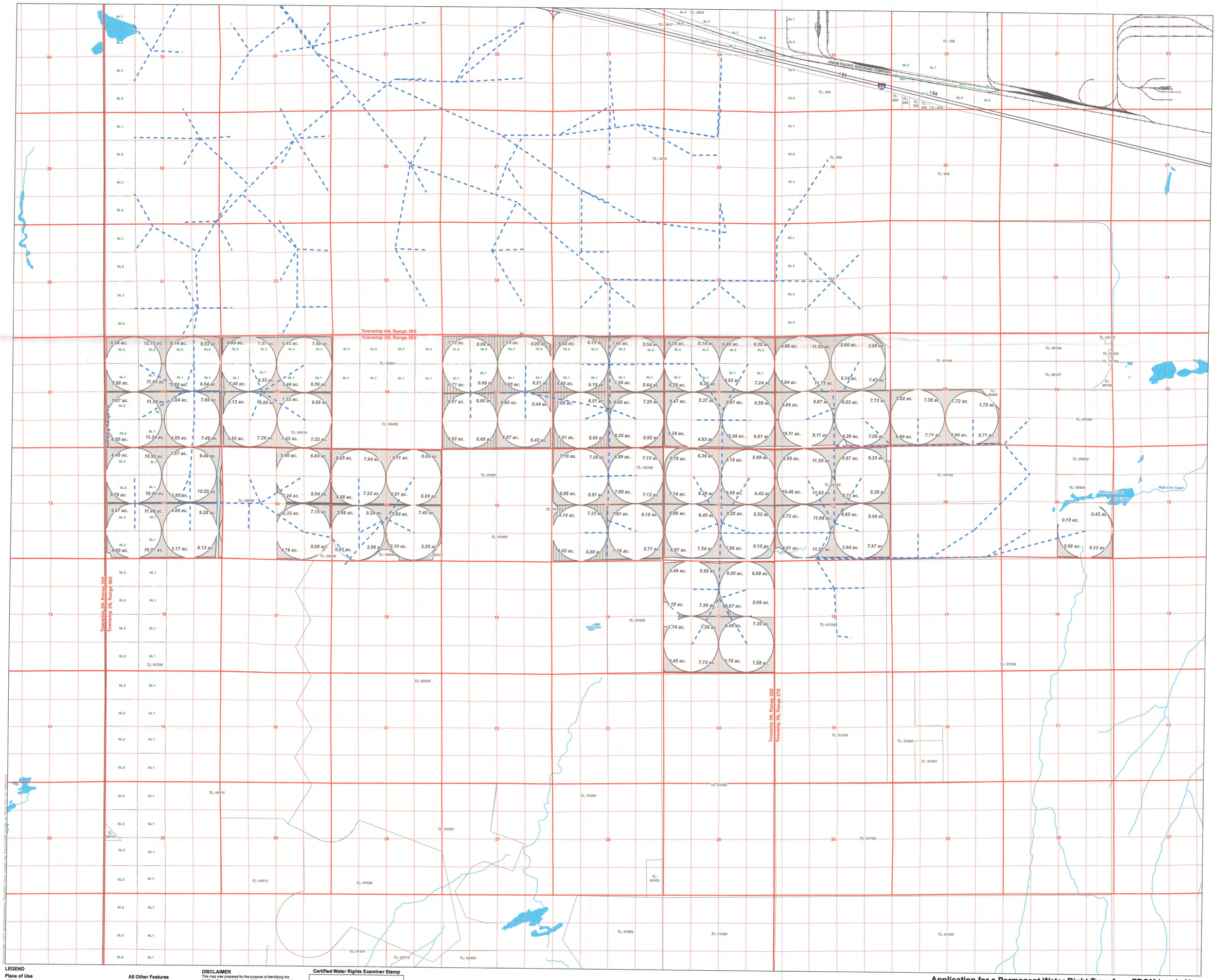
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0 690 1,380 Feet

1" = 1,320 feet

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LEGEND

Place of Use

- From Lands (Continuous), 1,385.36 ac.
- From Lands (Interlaced), 39.71 ac.

The place of use for Certificate 92992 is located in 8 foot wide strips interlaced between 2 foot wide strips from Certificate 92993 which were previously used for irrigation of tree rows. These two water rights are interlaced but DO NOT overlap.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Railroad
- Major Road
- Watercourse
- Waterbody

DISCLAIMER

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MAP NOTES

Date: June 24, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

Certified Water Rights Examiner Stamp

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92992

A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 3 North, Range 26 and 27 East (W.M.)

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1 inch = 2,000 feet

GSI Water Solutions, Inc.

Document Path: V:\GIS\Applications\Figures\92992 Cross Transfer App Submission\92992 Cross Transfer App Submission.mxd

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Township 4N, Range 26E
Township 3N, Range 26E
Township 3N, Range 25E
Township 3N, Range 27E
Bombing Range Rd
UNION PACIFIC RAILROAD COMPANY
I-84
High Line Canal
Sand Lake

LEGEND

Place of Use
- From Lands (Continuous), 1,385.36 ac.
- From Lands (Interlaced), 39.71 ac.

The place of use for Certificate 92992 is located in 8 foot wide strips interlaced between 2 foot wide strips from Certificate 92993 which were previously used for irrigation of tree rows. These two water rights are interlaced but DO NOT overlap.

All Other Features
- Pipeline
- Tax Lot
- Government Lot (GL)
- Railroad
- Major Road
- Watercourse
- Waterbody

DISCLAIMER
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MAP NOTES
Date: June 24, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#70185OWRE
THEODORE R. KESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2020

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92992
A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 3 North, Range 26 and 27 East (W.M.)

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1 inch = 2,000 feet
GSI

Copy of map already on-file for T13252 - No changes

Township 4N, Range 26E
Township 3N, Range 26E
Township 3N, Range 25E
Township 3N, Range 27E
Bombing Range Rd
UNION PACIFIC RAILROAD COMPANY
I-84
High Line Canal
High Line Canal East Lake
Sand Lake

LEGEND

Place of Use

From Lands (Continuous), 1,385.36 ac.

From Lands (Interlaced), 39.71 ac.

The place of use for Certificate 92992 is located in 8 foot wide strips interlaced between 2 foot wide strips from Certificate 92993 which were previously used for irrigation of tree rows. These two water rights are interlaced but DO NOT overlap.

All Other Features

- Pipeline
- Tax Lot
- Government Lot (GL)
- Railroad
- Major Road
- Watercourse
- Waterbody

DISCLAIMER

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MAP NOTES

Date: June 24, 2020
Data Sources: BLM, OGIC, ESRI, USGS, Morrow Co.

Certified Water Rights Examiner Stamp

CERTIFIED WATER RIGHTS EXAMINER
#7518SCWRE
THEODORE R. KUSILLER
JUNE 24, 2007
STATE OF OREGON
RENEWS: 12-31-2020

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JUL 28 2022
OWRD

Application for a Permanent Water Right Transfer – FROM Lands Map
Certificate 92992
A Water Right in the Name of Farmland Reserve, Inc.
Morrow County
Township 3 North, Range 26 and 27 East (W.M.)

Copy of map already on-file for T13252 - No changes

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0 1,000 2,000
1 inch = 2,000 feet

GSI Water Solutions, Inc.

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Claim of Beneficial Use - Place of Use Map

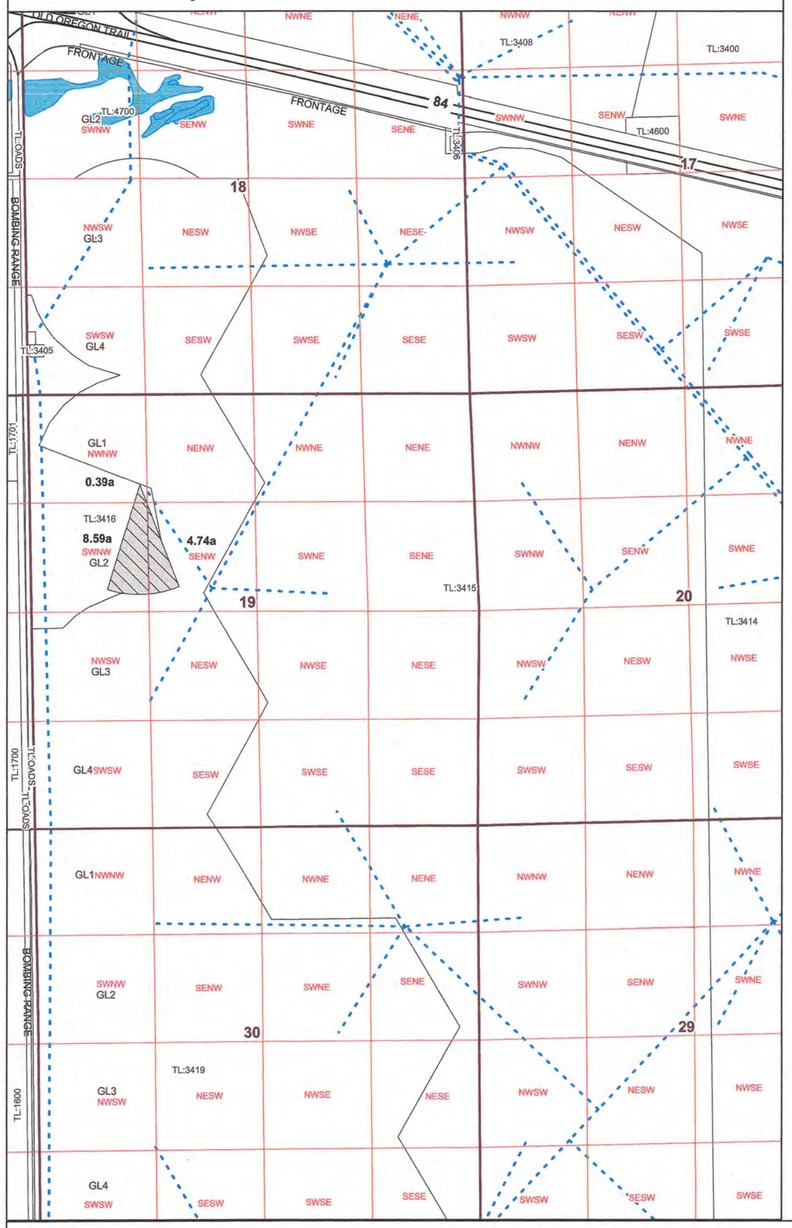
Transfer T-13525 (former Certificate 92994)

A Water Right in the Name of Farmland Reserve, Inc.

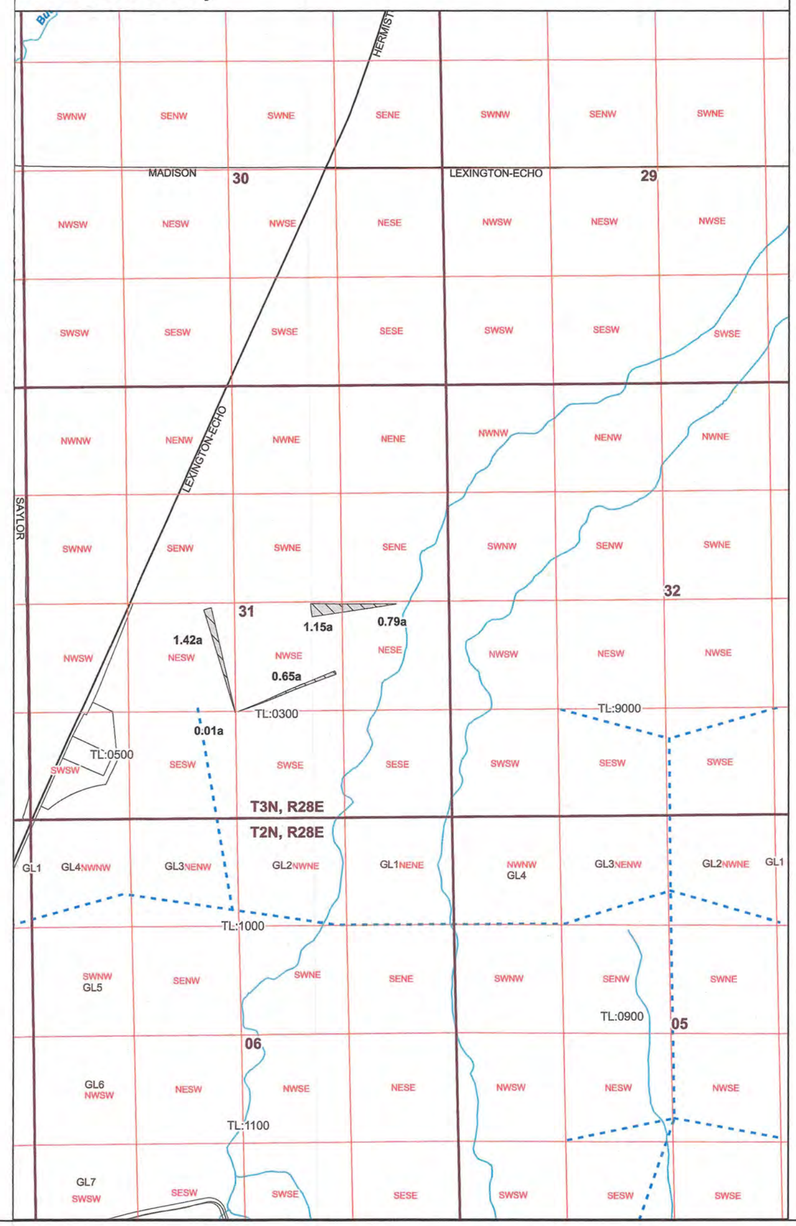
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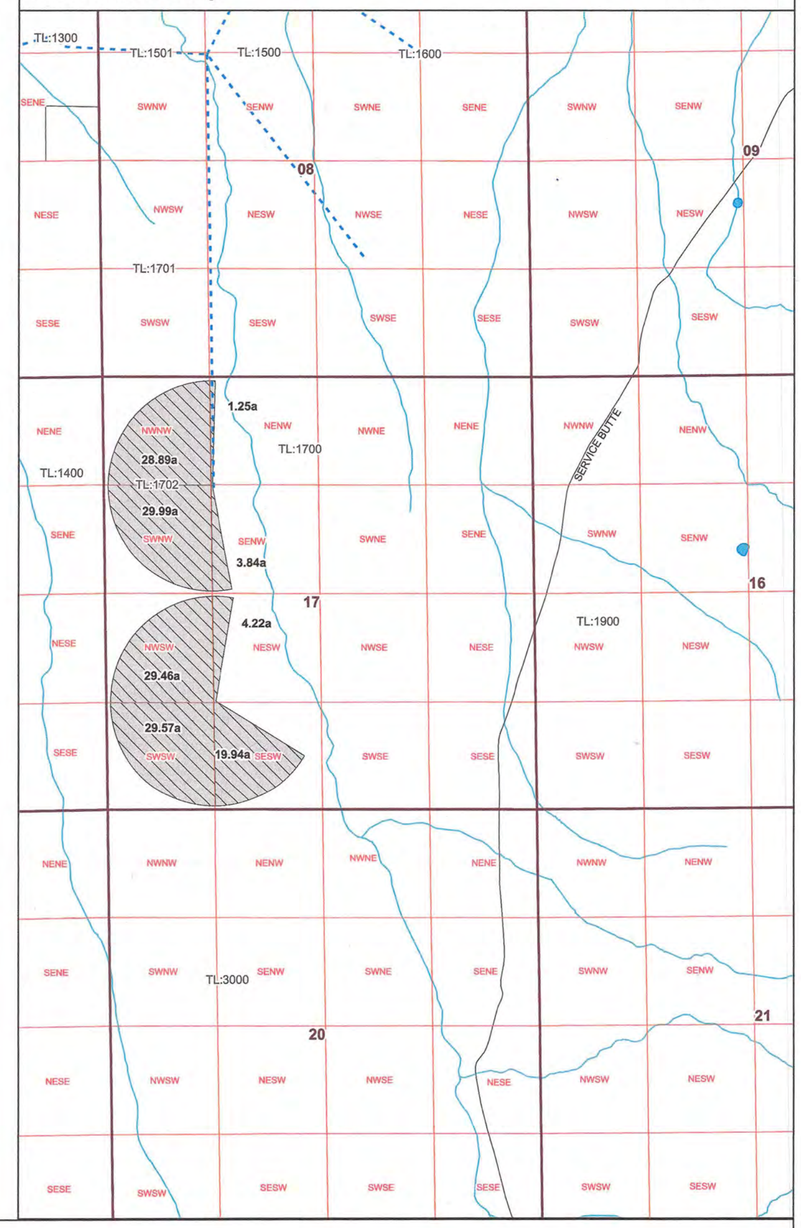
Map 1:
Township 4 N, Range 26 E (W.M.)
Morrow County



Map 2:
Township 3 N, Range 28 E (W.M.)
Umatilla County



Map 3:
Township 2 N, Range 28 E (W.M.)
Umatilla County



LEGEND

Place of Use (164.90 acres)

- Tax Lots
- Roads
- Railroads
- Watercourses
- Pipelines

Date: 11/6/2024
Data Sources: BLM,OGIC, ESRI, USGS, Morrow Co.
Disclaimer: This map was prepared for the purpose of identifying the location of a water right only and is not indended to provide legal dimensions or property ownership lines.

CERTIFIED WATER RIGHT EXAMINER
78185
THEODORE R RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2026

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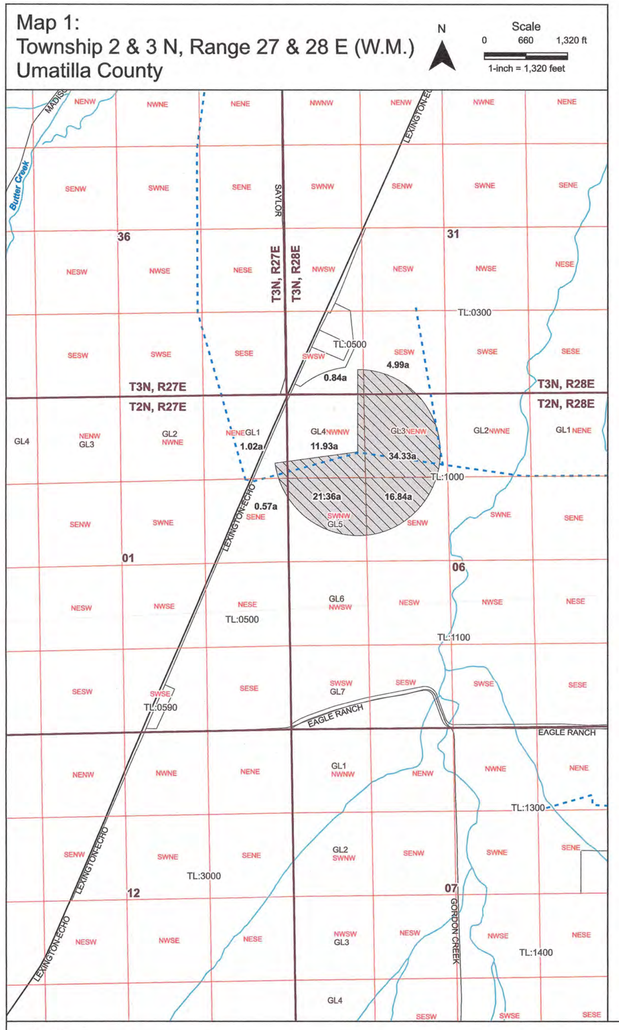
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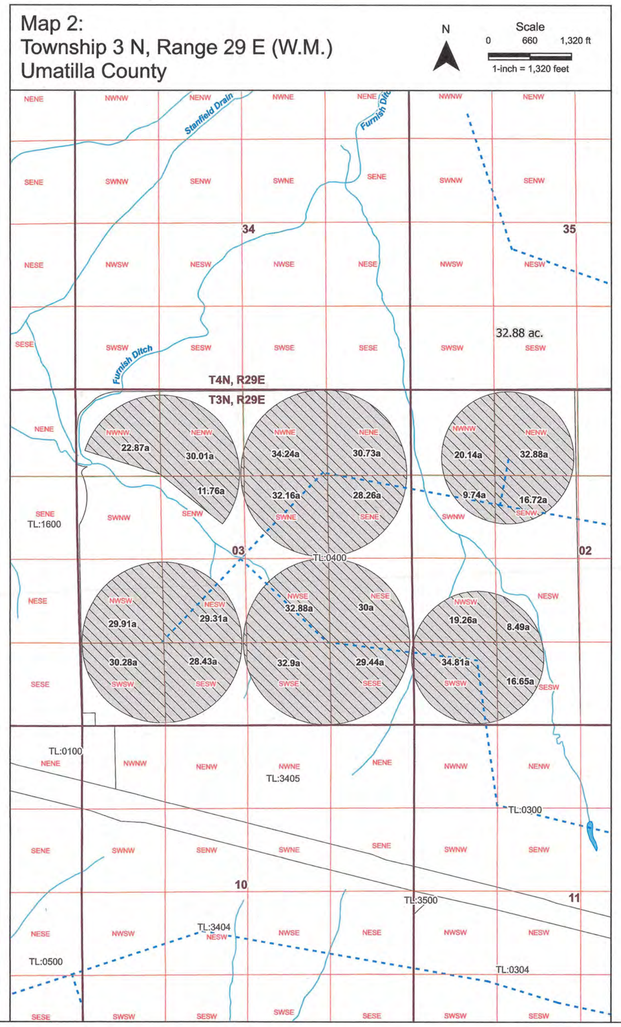
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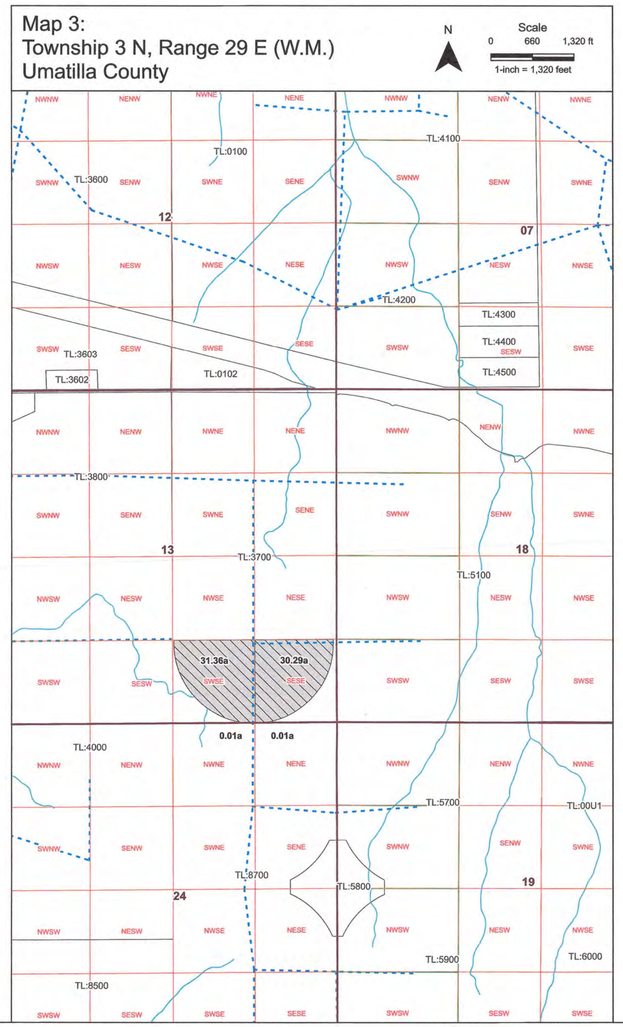
Claim of Beneficial Use - Place of Use Map

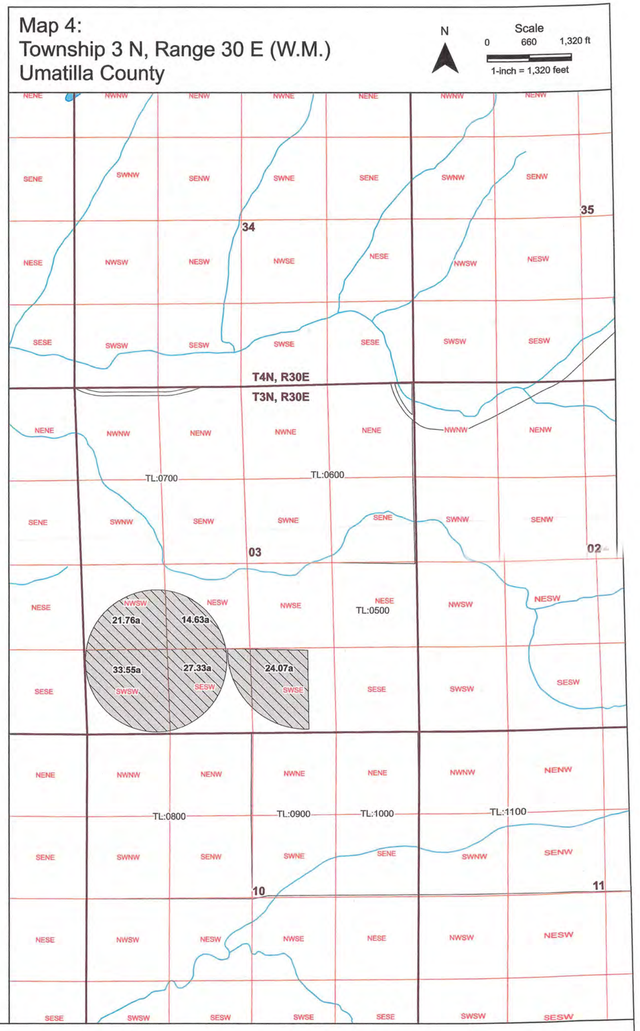
Transfer T-13525 (former Certificate 93872)

A Water Right in the Name of Farmland Reserve, Inc.









LEGEND

- Place of Use (368.93 + 497.83 = 866.76 acres)
- Pipelines
- Tax Lots
- Railroads
- Roads
- Watercourses

Date: 11/6/2024
Data Sources: BLM,OGIC, ESRI, USGS, Umatilla Co.
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CERTIFIED WATER RIGHT EXAMINER
78185
THEODORE R RESSLER
JUNE 29, 2007
STATE OF OREGON
RENEWS: 12-31-2026

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