

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G 8976

RECEIVED
APR 23 1979
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Ron Holman, the holder of Permit No. G 8369

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 13 day of April, 19 79

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of April, 19 79

Ron Holman
(Signature of Applicant)

Box 617 Colton, OR 97528
(Address)

OK
CMT

Shallow wells constructed in river alluvium. Direct
hydraulic connection with Umatilla River. Should
be distributed as surface water RBA 11/12/78



Oregon

Kate Brown, Governor

G-8976

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

July 24, 2017

NEW FOOTHILLS PROPERTIES

C/O JAY BALES, MANAGER

PO BOX 189

ECHO, OR 97826

REFERENCE: Temporary Transfer Application T-12648

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2021 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@oregon.gov.

Sincerely,

Marissa Andrews

Water Rights Services Support

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
Shonee D. Langford, Agent
Landowners (other or receiving)
Irrigation Districts

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12648, Umatilla County) TEMPORARY CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

NEW FOOTHILLS PROPERTIES
c/o JAY BALES, MANAGER
PO BOX 189
ECHO, OR 97826

Findings of Fact

1. On April 20, 2017, NEW FOOTHILLS PROPERTIES c/o JAY BALES, MANAGER, filed an application to temporarily change the place of use under Certificate 81319 for a period of five years. The Department assigned the application number T-12648.
2. Notice of the application for transfer was published on April 25, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 22, 2017 the Department notified Stanfield Irrigation District regarding Temporary Transfer T-12648. No comments were filed by the district.
4. The portion of the right to be transferred is as follows:

Certificate: 81319 in the name of RON L. HOLEMAN (perfected under Permit G-8369)
Use: IRRIGATION of 71.4 ACRES
Priority Date: OCTOBER 20, 1978
Rate: 0.89 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-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0

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

acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: 2 WELLS within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SE SE	WELL 1 - 720 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21
3 N	29 E	WM	21	SE SE	WELL 2 - 370 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	4.8
3 N	29 E	WM	21	NW SE	18.8
3 N	29 E	WM	21	SW SE	38.5
3 N	29 E	WM	21	SE SE	7.2
3 N	29 E	WM	28	NW NE	1.5
Total Acres					71.4

5. Temporary Transfer Application T-12648 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.4
3 N	29 E	WM	21	SE SW	2.1
3 N	29 E	WM	21	NW SE	27.5
3 N	29 E	WM	21	SW SE	34.6
3 N	29 E	WM	21	SE SE	6.8
Total Acres					71.4

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-12648 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-12648 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2017, 2018, 2019, 2020, and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 81319 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 81319.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. 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.
9. The use of the remaining water right described by Certificate 81319 shall continue to be in accordance with the terms and conditions of Certificate 81319.

Dated at Salem, Oregon this 20 day of July 2017.


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

JUL 26 2017

Mailing Date: _____

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C-8976
OUT SARAH 8/7/04

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

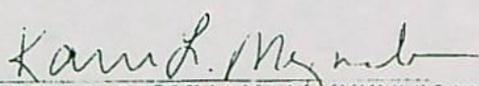
ROLLAND HOLEMAN,
Plaintiff,
v.
STATE OF OREGON, acting by and through
its Water Resources Department,
Defendants.

Case No. CV950538
STIPULATED ORDER FOR DISMISSAL WITH
PREJUDICE

The Parties stipulate to a complete dismissal of the above-captioned cause with prejudice,
and without costs or fees to any party as the matter has been fully compromised and resolved
between the parties.

IT IS SO STIPULATED:


STEPHEN M. BLOOM, OSB#77118
Attorney for Plaintiff


KAREN L. MOYNAHAN, OSB# 95492
Assistant Attorney General
Of Attorneys for Defendants

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JUN 07 2004
WATER RESOURCES DEPT.
SALEM, OREGON

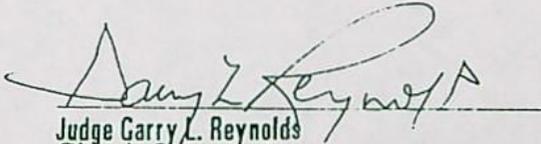
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ORDER

It appearing to the Court that this matter has been fully compromised and resolved, now, therefore:

IT IS HEREBY ORDERED that the above-entitled cause is dismissed with prejudice, and without costs or attorney fees to either party.

DATED this 24 day of March, 1999.


Judge Garry L. Reynolds
Circuit Court Judge

Submitted by: Karen L. Moynahan
Assistant Attorney General
Of Attorneys for Defendants

Approved as to Form: Stephen M. Bloom
Attorney for Plaintiff

SETTLEMENT AGREEMENT

This agreement memorializes a settlement which has been reached between Rolland Holeman and the Oregon Water Resources Department. The Terms of this agreement are set forth below.

A. RECITALS

1. Rolland Holeman (hereinafter, "Holeman") is the owner of real property located in Umatilla County, Oregon and the holder of ground water rights for three wells on that property, being Permit Nos. G-8369 and G-7367, Certificate Nos. 53082 and 53080.

2. On June 1, 1995, the Oregon Water Resources Department (hereinafter, "WRD") advised Holeman that he was required to terminate the use of his three wells for irrigation due to a call for water by the West Extension Irrigation District, a holder of a surface water right with a priority date senior to the priority date for Holeman's ground water rights.

3. On or about June 13, 1995, Holeman filed a petition for judicial review against the State of Oregon, acting through its Water Resources Department, in the Circuit Court of the State of Oregon for Umatilla County, being Case No. CV 95-0538, alleging that his three wells were not hydraulically connected to the Umatilla River or to McKay Creek, and that the order requiring him to cease his use of his wells was therefore erroneous.

4. On June 13, 1995, the Circuit Court issued a temporary restraining order against the Water Resources Department, restraining it from enforcing its order pending a hearing on Holeman's motion for a preliminary injunction.

5. Following a hearing, the court entered a preliminary injunction continuing the restraining order during the pendency of the litigation. Holeman's hydrogeologist, James D.

Graham, was ordered to complete a study which he was then conducting and to report his findings to the State.

6. Since that time, Holeman and WRD have exchanged information and data, and their agents have met on a number of occasions to attempt to resolve their differences. The experts employed by Holeman and WRD have been unable to agree on the degree of interference between the subject wells and the Umatilla River system, although they have made sincere efforts to come to such an agreement. Based upon the information available and accepted methods of modelling, Mr. Graham has concluded that the degree of interference is less than 5%, while WRD has concluded that the degree of interference is 60% or greater. The parties have come to the conclusion that without additional data collection and analysis, reasonable scientific minds may differ as to the degree of interference, and that it would be impossible for a judge, without the considerable training in hydraulics and hydrogeology at the disposal of the parties, to come to a rational conclusion regarding which scientific analysis is more nearly correct. Nonetheless, Holeman and WRD desire to settle their differences on a mutually agreeable basis in order to put an end to the time and expense involved in litigation and to bring certainty to the regulation of the wells at issue.

B. AGREEMENTS

1 After the date of this agreement, when there is insufficient water for a senior water right to the waters of the Umatilla River, Holeman will thereafter continuously pump 60% of the rate of water being used directly into the Umatilla River to preserve the river flow for the benefit of those senior appropriators. Holeman will immediately notify the Watermaster of the number of acres being irrigated and the water use data at that point in time under each permit and will at no time thereafter pump more water from his wells than allowed by permit for that

number of acres. At no time will Holeman pump more water from his wells than the rate and duty allowed under his ground water permits.

2. Totalizing flow meters which meet the general specifications of the Department shall be installed at Well #1 (Permit G-7367, NW/4, NW/4, Sec. 27, T. 3N., R. 29E.), Wells #2 (#1 on Permit G-8369) and #3 (#2 on Permit G-8369, both wells in SE/4, SE/4, Sec. 21, T. 3N., R. 29E.) and at the discharge pipe proposed to convey water from Well #3 to the Umatilla River. The mitigation for both permits shall come from Well #2. The location and installation of the meters shall be subject to prior approval by the watermaster. Flow meter totals shall be read and recorded at the beginning and end of each irrigation season and upon receiving notice from the Department that mitigation is required. Water use data and acres irrigated shall be used by the Watermaster to compute the unused duty. If detailed information is not provided to establish specific duty already applied, the duty will be computed by prorating water used for the total acres irrigated. Flow meter totals and rates shall be recorded daily at times when water is being used during the mitigation period (the period of time after the call is made), and reported to the watermaster monthly within 10 working days of the end of the month during the irrigation season. A report detailing all flow meter readings shall be submitted to the Department in Salem and to the watermaster in Pendleton following each irrigation season, but prior to the end of each calendar year. The frequency of reporting may be increased at the request of the Director. Department staff shall have access to read the flow meters.

3. Flow meters shall be fully operational and accurate. The wells shall not be pumped without accurate and operational flow meters. If the flow meter(s) fails to function properly, the well shall be shut off and the watermaster notified. The well may resume pumping

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SALEM, OREGON

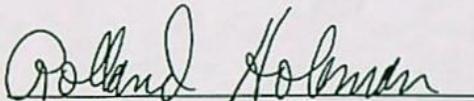
after a fully operational and accurate flow meter is installed and approved by the Watermaster. It is advised that spare flow meters are kept on hand.

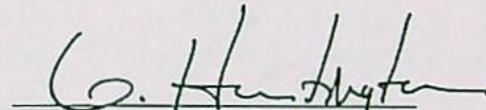
4. The suit currently pending between the parties in the Umatilla County Circuit Court will be dismissed with prejudice and without costs to either party immediately upon the execution of this agreement.

5. Each party will bear their own attorney fees and other litigation costs.

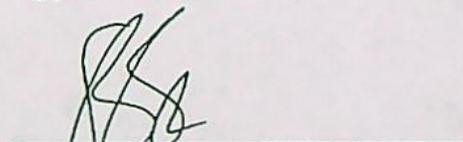
6. Any violation of the terms of this agreement by Holeman shall render the mitigation portion null and void for the remainder of the season and both ground water rights will be subject to regulation in favor of senior surface water rights.

7. This agreement shall affect only the water right(s) described herein and shall have no effect or relevance to any other water right(s).

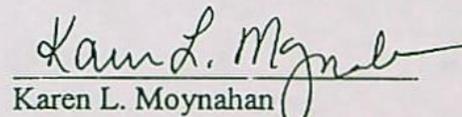

Rolland Holeman
Petitioner


Geoffrey M. Huntington
Deputy Director
Water Resources Department

Approved as to Form:


Stephen M. Bloom, Esq.
Attorney for Petitioner

Approved as to Form:


Karen L. Moynahan
Assistant Attorney General
Attorney for State of Oregon

TRI30744/KLM/cls

G-8976

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LLOYD P. & LOIS J. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

confirms the right to use the waters of TWO WELLS, within in the UMATILLA RIVER BASIN for IRRIGATION of 38.3 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.48 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	3 N	29 E	WM	21	SE SE	720 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21
2	3 N	29 E	WM	21	SE SE	370 FEET NORTH & 530 FEET WEST FROM SE CORNER, SECTION 21

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

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	DLC	Acres
3 N	29 E	WM	21	SW SE			0.2
3 N	29 E	WM	21	SE SE			2.7
3 N	29 E	WM	28	NE NE			12.7
3 N	29 E	WM	28	NW NE			2.0
3 N	29 E	WM	28	SW NE			4.4
3 N	29 E	WM	28	SE NE			16.3

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

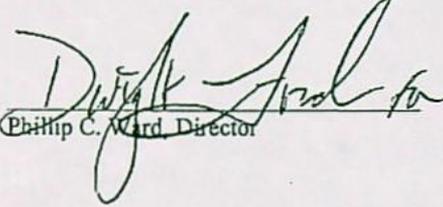
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review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

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered MARCH 28, 2005, at Special Order Volume 63, Page 532, approving Transfer Application 9684, and together with Certificate 81319, supercedes Certificate 53082, State record of Water Right Certificates.

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.

Issued AUG 21 2009


Phillip C. Ward, Director

6-8976

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10696, Umatilla County) TEMPORARY CHANGE IN PLACE OF
) USE

Authority

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

Applicant

FLYING B VINEYARD
C/O JACK RINGE
1309 E. NEWPORT AVE.
HERMISTON, OR 97838

Agent

WILLIAM PORFILY
PO BOX 643
415 E. WHEELER
STANFIELD, OR 97875

Findings of Fact

1. On August 11, 2008, Jack Ringe, Vineyard Manager on behalf of Flying B Vineyard, LLP, filed an application to temporarily change the place of use under Certificate 81319 for a period of five years. The Department assigned the application number T-10696.

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

- Certificate:** 81319 in the name of RON HOLEMAN (perfected under Permit G-8369)
- Use:** IRRIGATION of 73.4 ACRES
- Priority Date:** OCTOBER 20, 1978
- Rate:** 0.92 CUBIC FOOT PER SECOND (cfs)
- Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year
- Source:** WELL 1 and WELL 2 in the UMATILLA RIVER BASIN

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

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SE SE	720 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21
3 N	29 E	WM	21	SE SE	370 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	4.8
3 N	29 E	WM	21	NW SE	18.8
3 N	29 E	WM	21	SW SE	38.5
3 N	29 E	WM	21	SE SE	9.2
3 N	29 E	WM	28	NW NE	1.5
Total					73.4

- Transfer Application T-10696 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.4
3 N	29 E	WM	21	SE SW	4.1
3 N	29 E	WM	21	NW SE	27.5
3 N	29 E	WM	21	SW SE	34.6
3 N	29 E	WM	21	SE SE	6.8
Total					73.4

- Notice of the application for temporary transfer was published on September 19, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

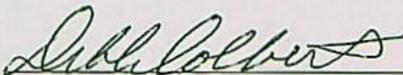
Conclusions of Law

The temporary change in place of use as proposed in Transfer Application T-10696 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10696 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2008, 2009, 2010, 2011 and 2012 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 81319 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 81319.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The use of the remaining water right described by Certificate 81319 shall continue to be in accordance with the terms and conditions of Certificate 81319.

Dated at Salem, Oregon this 29th day of September, 2008.


Phillip C. Ward, Director

Mailing Date: OCT 01 2008

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	29 E	WM	21	SE SE	WELL #1 - 720 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21
3 N	29 E	WM	21	SE SE	WELL #2 - 370 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	1.7
3 N	29 E	WM	21	NW SE	18.8
3 N	29 E	WM	21	SW SE	10.7
3 N	29 E	WM	21	SE SE	7.1

4. Application T-10164 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	1.6
3 N	29 E	WM	21	NW SE	24.9
3 N	29 E	WM	21	SW SE	9.8
3 N	29 E	WM	21	SE SE	2.0

5. Notice of the application for temporary transfer was published on May 30, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.
10. On June 21, 2006, Bill Porfily, agent for the applicant, indicated via an email that the supplemental irrigation associated with these lands under Permit S-53733 will remain unexercised during the term of this temporary transfer.

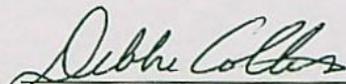
Conclusions of Law

The temporary change in place of use proposed in application T-10164 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10164 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 81319 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 81319.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 81319 shall continue to be in accordance with the terms and conditions of Certificate 81319.

Dated at Salem, Oregon this 14th day of July 2006.

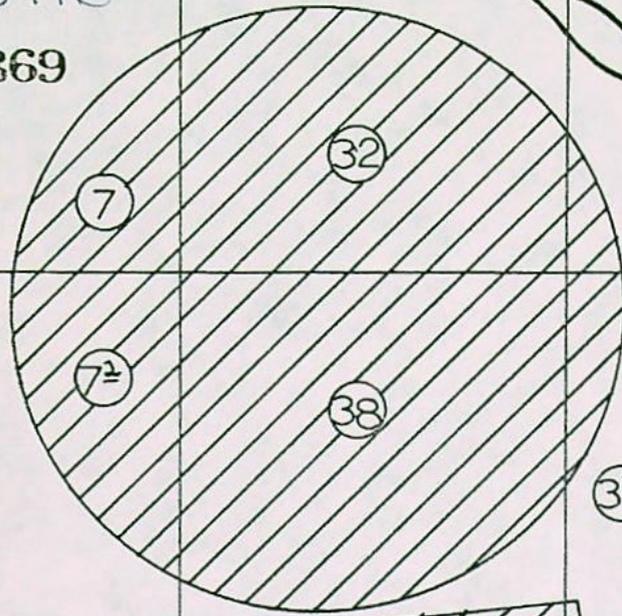

Phillip C. Ward, Director

JUL 21 2006

Mailing Date: _____

Application No. G-8976
Permit No. G 8369

UMATILLA RIVER

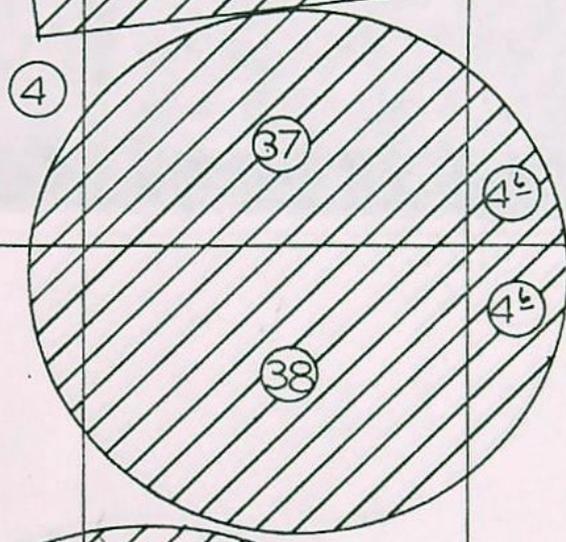


*1 WELL
*2 WELL

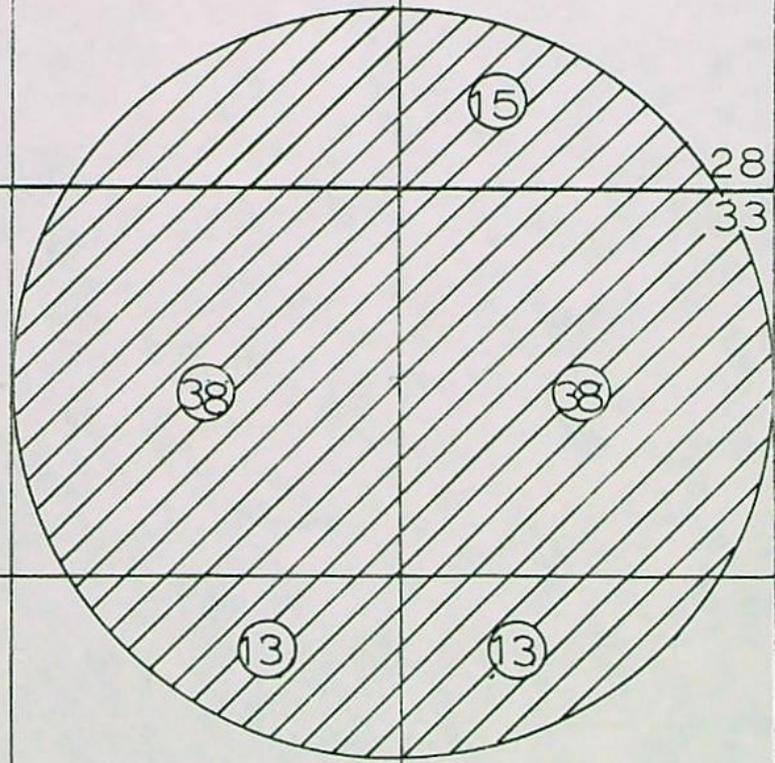
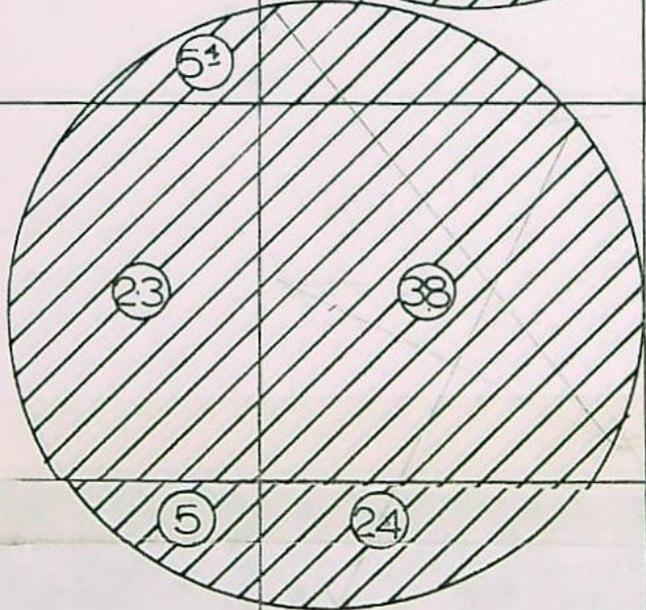
21
28

21
28

RECEIVED
OCT 20 1978
WATER RESOURCES DEPT.
SALEM, OREGON



RECEIVED
DEC 12 1984
WATER RESOURCES DEPT
SALEM, OREGON



28
33

28
33

FINAL PROOF ON APPLICATION No. G-8976 PERMIT No G-8369
GROUND WATER

INFO: NAME: RON HOLEMAN
ADDRESS _____

RECEIVED

TALKED TO: RON HOLEMAN

DEC 12 1984

SOURCES: WELLS

WATER RESOURCES DEPT
SALEM, OREGON

SYSTEM: BURIED MAINLINE & ECP, HANDLINE

WELL 1 (ACING SIZE: 9' WELL 2 9'
C.W.L.: 5' 4'
DEPTH: 20' 17' FLOW METER 80-14-119 # 706612X.001
FLOW (G): 14' 13' PORTS _____

PUMP: MAKE ADRORA (GAS T. ENGINE 3.5 HP) HP 90 TRACTOR, PTO BERKELEY 5X4"
TYPE: 2 1/2 X 2
SUCTION SIZE: 8
DISCHARGE SIZE: 6
MODEL No.: _____
RATING: _____

MOTOR: MAKE: US 180 PSI THIS YEAR
TYPE: _____ 240 PSI LAST YEAR
HP: 100 WELL 1 1600
RPM: 1770 WELL 2 450
CONNECTED 2 REST OR FULLEYS: _____

SPRINKLER SYSTEM:
MAINLINE No. FEET: 7400
SIZE: 14 12 10 8
TYPE: STEEL & PVC
LATERALS No. FEET: 2240 #1 927 #2 927 #3 1100 #4 1320
SIZE: 3 65 PSI 40 PSI 70 PSI 40 PSI
TYPE: HANDLINE

SPRINKLERS: No. HEADS: 56
MAKE: EB
MODEL No.: 30
NOZZLE SIZE: 1/64
MAXIMUM: _____
IN ADDITION: MEAN PRESSURE: _____
No. OF HEADS: 2 CP & 1 ROW HANDLINE

LIFT: _____
DISTANCE: ± 200

USE: WHEAT HAY

TIE MENUMENTS _____

SUPPLIED ON: 122R RT ON 122R

Cher Lee Clark
WATER RIGHTS EXAMINER

DATE: 7-28-82

30.56
PUMP 13.56 (1000) = 5.21
HEAD 20.50 = 4.56
ALLOW 4.57 cfs

RECEIVED

DEC 12 1984

WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-8976

Permit No. G 8369

203

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to appropriate Ground Water

RECEIVED RECEIVED
DEC 12 1984 OCT 20 1978
WATER RESOURCES DEPT WATER RESOURCES DEPT.
SALEM, OREGON SALEM, OREGON

I, Ron Holeman

(Name of Applicant)

of Box 617

(Mailing Address)

Echo

(City)

State of Oregon 97826 Phone No. 376-8165 do hereby

(Zip Code)

make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of Two Wells

(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 9 feet and an estimated depth of 20 feet.

2. The well or other source is to be located #1 740 729 N and 610 530 ft W E

#2 350 370 (N, N^W S.) 720 530 ft W (E^W or W.)

both from the SE corner of Section 21, Township 3N, Range 29E.

(Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of

Sec. 21 Tp. 3N R. 29E, W. M., in the county of Umatilla

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
3N	29E	21	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW	0.6 - 0.2 30
3N	29E	21	NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW	4.8 32.0 100
3N	29E	21	NE $\frac{1}{4}$ SW SE	3.6 7.0 02
3N	29E	21	SE $\frac{1}{4}$ SW NW SE	18.8 7.2 90
3N	29E	21	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 38.0 800
3N	29E	21	SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 3.2 90
3N	29E	28	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.6 4.6 90
3N	29E	28	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.0 37.0 800
3N	29E	28	SW NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0 4.0 00
3N	29E	28	SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.2 4.6 90
3N	29E	28	SW NE $\frac{1}{4}$ NW	0.4 38.0 320
3N	29E	28	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 5.4 00
3N	29E	28	NW $\frac{1}{4}$ SE $\frac{1}{4}$ NESW	12.8 38.0 400
3N	29E	28	SE NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.1 -23.0 120
3N	29E	28	NE SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 -24.0 300
3N	29E	28	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW SE	40.0 5.0 30
3N	29E	28	SW SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.1 15.0 100
3N	29E	33 28	NE $\frac{1}{4}$ NE $\frac{1}{4}$ SESE	18.8 38.0 300
3N	29E	33	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE	32.4 38.0 390
3N	29E	33	NW SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.7 13.0 40
3N	29E	33	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.2 13.0 50

4. It is estimated that 20 feet of the well will require Steel casing.

(Kind)

5. Depth to water table is estimated 0 Well drilled by Dug by Shockman Bros.

(Feet)

2807
A-9349
WJDL

33

SE NE

4.1

NE NW

4.8

367.7

61230

122.R
7-28-82 VCC

Application No. G-8976

Permit No. G 8369

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 4.85 4.6 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from two wells

trib Umatilla River

The use to which this water is to be applied is irrigation of 367.7 acres

If for irrigation, this appropriation shall be limited to 1/80th 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 acre feet per acre for each acre irrigated during the irrigation season of each year; and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is October 20, 1978

Actual construction work shall begin on or before December 21, 1979 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1980

Complete application of the water to the proposed use shall be made on or before October 1, 1981

WITNESS my hand this 21st day of December, 1978


Water Resources Director

*

6 +
48 +
36 +
1.88 +
3.85 +
92 +
96 +
3.50 +
3.20 +
42 +
4 +
6 +
1.28 +
31 +
84 +
400 +
3.81 +
1.88 +
3.24 +
3.97 +
82 +
41 +
48 +
50.77 *

*

6 +
48 +
36 +
1.88 +
3.85 +
92 +
96 +
3.50 +
3.20 +
42 +
4 +
6 +
1.28 +
31 +
84 +
400 +
3.81 +
1.88 +
3.24 +
3.97 +
82 +
41 +
48 +
50.77 *

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

In the Matter of Temporary Transfer)	ORDER WITHDRAWING
Application T-9683,)	TEMPORARY TRANSFER
Umatilla County, Oregon)	APPLICATION T-9683

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

Applicant

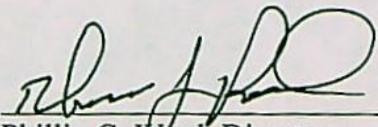
Lloyd P. and Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

On March 25, 2004, Lloyd P. and Lois J. Piercy filed an application to temporarily transfer the place of use under Certificate 53082. The Department assigned the application number T-9683.

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

On March 29, 2005, Dennis Gaylord, CWRE, submitted a written request on behalf of Lloyd P. and Lois J. Piercy to withdraw transfer application T-9683. Transfer application T-9683, in the name of Lloyd P. and Lois J. Piercy, is withdrawn and of no further force or effect. Any unearned fees will be refunded.

Dated at Salem, Oregon this 30th day of March, 2005.



For Phillip C. Ward, Director

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

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township	Range	Meridian	Sec	¼ ¼	Acres	
3	N	29	E	W.M.	28 NE NE	8.0
3	N	29	E	W.M.	28 SE NE	19.0
TOTAL						27.0

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

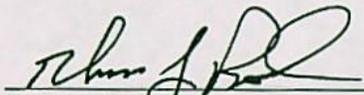
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to 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 Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON HOLEMAN
BOX 617
ECHO, OREGON 97826

confirms the right to use the waters of WELLS #1 and 2, within the UMATILLA RIVER basin, for IRRIGATION OF 329.2 ACRES.

This right was perfected under Permit G-8369. The date of priority is OCTOBER 20, 1978. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.12 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the wells.

The wells are located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 21, T 3 N, R 29 E, W.M.; WELL 1 - 720 FEET NORTH AND 530 FEET WEST; WELL 2 - 370 FEET NORTH AND 530 FEET WEST, BOTH FROM THE SE CORNER, SECTION 21;

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.6 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18.8 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.5 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.2 ACRES

SECTION 21

NE¼ NE¼	9.6 ACRES
NW¼ NE¼	35.0 ACRES
SW¼ NE¼	22.3 ACRES
SE¼ NE¼	2.4 ACRES
NE¼ NW¼	0.4 ACRE
SE¼ NW¼	0.6 ACRE
NE¼ SW¼	12.8 ACRES
SE¼ SW¼	2.1 ACRES
NE¼ SE¼	8.4 ACRES
NW¼ SE¼	40.0 ACRES
SW¼ SE¼	35.1 ACRES
SE¼ SE¼	13.6 ACRES

SECTION 28

NE¼ NE¼	27.2 ACRES
NW¼ NE¼	38.0 ACRES
SW¼ NE¼	3.7 ACRES
SE¼ NE¼	1.3 ACRES
NE¼ NW¼	1.2 ACRE

SECTION 33

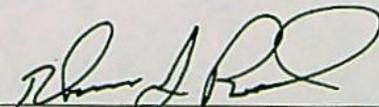
TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

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 describes that portion of the water right confirmed by Certificate 53082, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 28 2005, approving Transfer Application 9684.

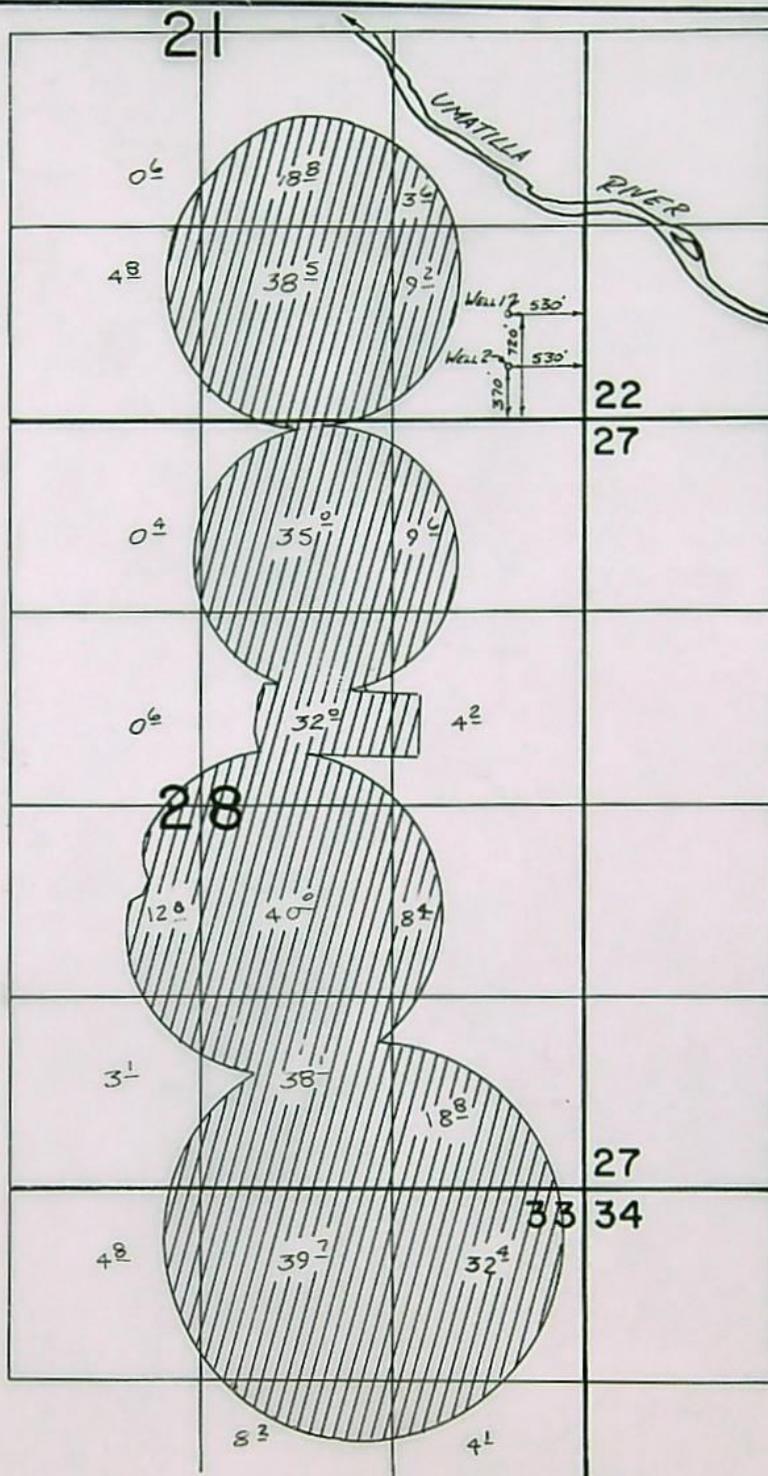
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 28, 2005.


 Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81319

T. 3N.,
R. 29E.,
W.M.



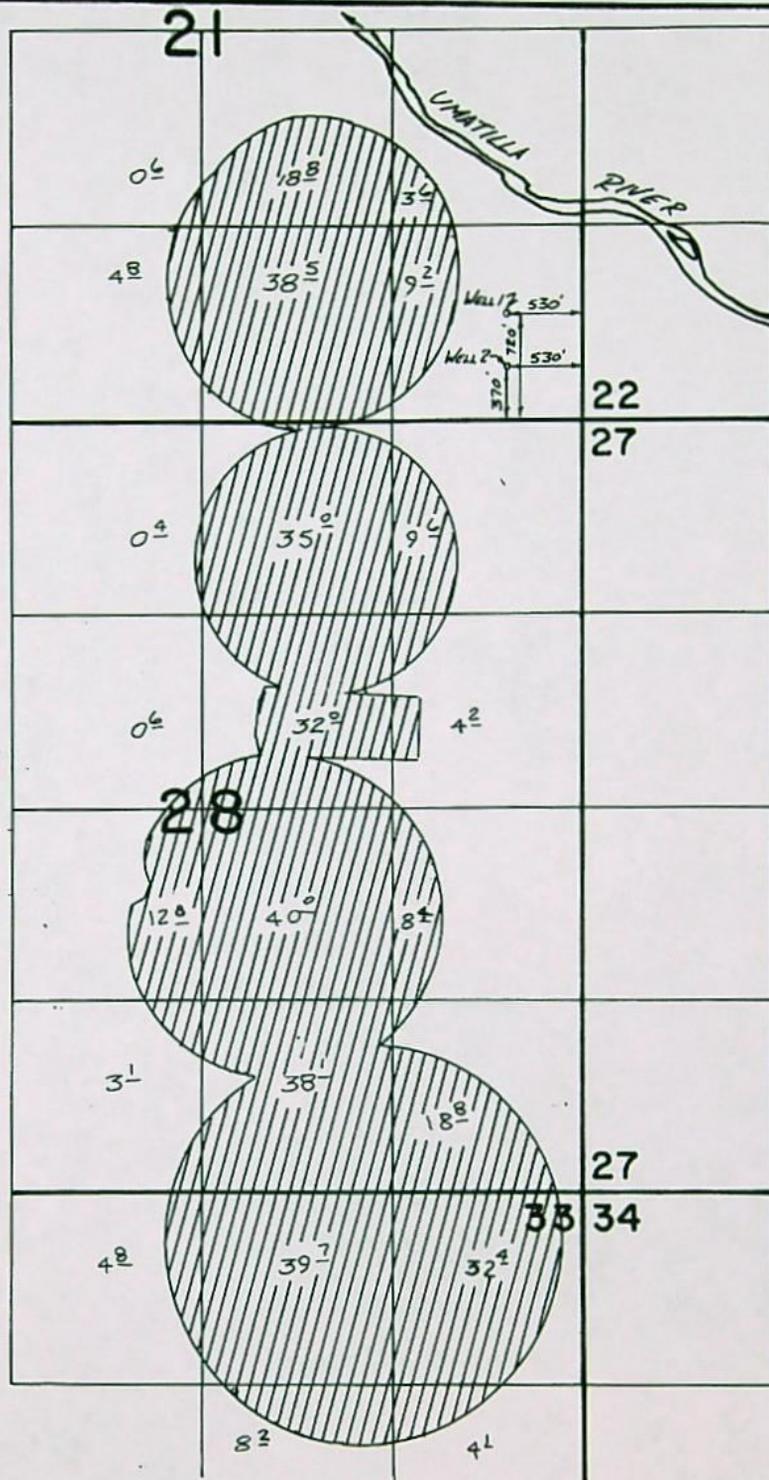
SCALE 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. G-8976 Permit No. G-8369
IN NAME OF
..... **RON HOLEMAN**

Surveyed 7-28..... 1982., by *L.H. Church*

T. 3N.,
R. 29E.,
W.M.



SCALE 1" = 1320'

FINAL PROOF SURVEY
UNDER

Application No. G-8976 Permit No. G-8369
IN NAME OF

..... RON HOLEMAN

Surveyed 7-28..... 1982, by J.H. Church

JED

STATE OF OREGON

COUNTY OF UMATILLA

Proof of Appropriation of Water

RECEIVED

RON HOLEMAN

APR 5 1985

WATER RESOURCES DEPT
SALEM, OREGON

of Box 617, Echo
has applied beneficially the waters of
two wells

, State of Oregon 97826

a tributary of Umatilla River
irrigation of 367.7 acres

for the purpose of

under Permit No. G-8369 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
October 20, 1978
that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
4.6 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well.
The well is located in the SE 1/4 SE 1/4, Section 21, T3N, R29E, WM; #1 - 720
feet North and 530 feet West; #2 - 370 feet North and 530 feet West, both from
SE Corner, Section 21.

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 be further limited to
appropriation of water only to the extent that it does not impair or
substantially interfere with existing surface water rights of others,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right, and to which such right is appurtenant, is
as follows:

SEE NEXT PAGE

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this1..... day of *April*.....

1985.

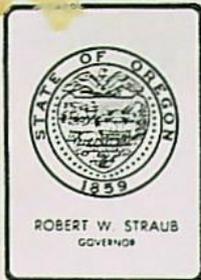
Ron Holman

January 5, 1979

Ron Holeman
Box 617
Echo, Oregon 97326

G-8976

G-8369



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

November 29, 1978

File No. G-8976

Ron Holeman
Box 617
Echo, OR 97826

Dear Mr. Holeman:

Your application for a permit to appropriate 4.85 cubic feet of water per second from two wells for the irrigation of 388.2 acres has been filed as number G-8976. Also received were a map and three copies, and fees in the amount of \$137.46. Enclosed you will find our receipt number 6866.

Your application is now in satisfactory form, and a permit will be issued with our next group.

Sincerely,

Donald R. Buell,
Water Rights Engineer.

DRB:cm
Enclosure

cc: Tony Holcomb, Assistant
Watermaster District #5

Application No. G-8976
Permit No. G 8369

T. 3N. R. 29E

