

G 14461

G 14461

Jerry  
Sauter.



**Northwest**  
FARM CREDIT SERVICES



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

# Request for Assignment

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

**I, Sagebrush Farm LLC, a Limited Liability Company**

(Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)

2436 11th Ave E Vale, OR 97918 (541) 473-3324  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-14461 ; Permit # G-13533 ; Transfer # \_\_\_\_\_

License # \_\_\_\_\_ ; GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Northwest Farm Credit Services, FLCA 308 SE 10TH Street Ontario, OR 97914  
 (Name of New Owner) (Mailing Address) (City) (State) (Zip)

**Sagebrush Farm LLC, a Limited Liability Company**  
 (Name of New Owner)

2436 11th Ave E Vale, OR 97918 (541) 473-3324  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 3rd day of November, 2015.

Applicant/Permit Holder Kend A. Jensen

Applicant/Permit Holder Sheri L. Jensen

ASSIGN PROOF  
 JS 11/10/15

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
 Fee receipt # 117972  
 For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

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NOV 10 2015

SALEM, OR



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

November 18, 2015

Northwest Farm Credit Services  
308 SE 10<sup>th</sup> St.  
Ontario, OR 97914

Reference: Application G-14461, Permit G-13533

The assignment by proof from Gum Creek Farms Inc. to Sagebrush Farm LLC and Northwest Farm Credit Services has been recorded in the records of the Water Resources Department.

The Departments records will now show Sagebrush Farm LLC and Northwest Farm Credit Services as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 117972 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2003, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure:

cc: Watermaster #9  
GUM CREEK FARMS INC.  
Data Center  
Hydrographics  
File



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **117972**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Northwest Farm  
BY: Credit Services

APPLICATION	G-14461
PERMIT	
TRANSFER	

CASH:  CHECK:  OTHER: (IDENTIFY)

52023260

TOTAL REC'D \$ **85.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407 COPY & TAPE FEES \$ **4611**

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$ **Assignment 85.00**

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ CARD # \_\_\_\_\_

0210 MONITORING WELLS \$ CARD # \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **117972** DATED: 11/10/15 BY: Mark [Signature]



308 SE 10th St  
Ontario, OR 97914-4418  
Voice: 541.823.2660 Toll-Free: 800.597.7173 Fax: 541.823.2665

November 5, 2015

Oregon Water Resource Department  
Attn: Jerry Sauter  
725 Summer Street NE, Suite A  
Salem, OR 97301-2430

*Jerry -  
Please call  
with any  
questions!*

Re: Water Permit Assignment G-13533

Mr. Sauter,

During on our phone conversation on 10/12/15 regarding Water Permit G-13533, you advised me to send proof of ownership in order to complete our assignment of permit (make it simple).

Included you will find all of the transfer deeds between Heid's, Gum Creek Farms, Inc. (which is now Gum Creek South, Inc. owned by Kenneth and Sheri Jensen) and Jensen's.

We would like to request that copies of all notices and correspondence be sent to Sagebrush Farm LLC and Northwest Farm Credit Services, FLCA.

The original check issued 8/20/15 is still good so I will not be re-issuing funds.

Sincerely,

Lindsey Johnson  
Financial Specialist

Enclosures

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308 SE 10th St  
Ontario, OR 97914-4418  
Voice: 541.823.2660 Toll-Free: 800.597.7173 Fax: 541.823.2665

November 5, 2015

Oregon Water Resource Department  
Attn: Jerry Sauter  
725 Summer Street NE, Suite A  
Salem, OR 97301-2430

Re: Water Certificate 75742

Mr. Sauter,

Please remove the name Northwest Farm Credit Services ACA as having an assignment on Water Certificate 75742 (Gum Creek Farms).

Thank you,

A handwritten signature in blue ink that reads "Lindsey Johnson".

Lindsey Johnson  
Financial Specialist

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SALEM, OR



# Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

COPY

August 25, 2015

Northwest Farm Credit Services  
Attn: Lindsey Johnson  
308 SE 10<sup>th</sup>. Street  
Ontario, Oregon 97914

Reference: Application G-14461, Permit G-13533

The requested assignment could not be made as the permit is not in the Jensen's name. The permit is still in the name of Gum Creek Farms; William Heid.

The Department is returning your request and check

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: request and check

cc: file

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Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

\* WARNING \* ORIGINAL DOCUMENT CONTAINS SECURITY FEATURES \* SEE BACK FOR DETAILS \*



308 S.E. 10TH STREET  
ONTARIO, OR 97914

BANK OF AMERICA  
NORTH CAROLINA

66-798  
531

52023260

Control No.: 52023260

Date: 08/20/2015

\$85.00

Eighty-Five Dollars And xx/100

Void after 60 Days

PAY  
TO THE  
ORDER OF

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

AUTHORIZED SIGNATURE

Memo: LJ

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### Business Entity Data

11-05-2015

11:44

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
085122-12	DBC	ACT	OREGON	12-23-1968	12-23-2015	YES
<b>Entity Name</b> GUM CREEK SOUTH, INC.						
<b>Foreign Name</b>						

### Online Renewal:

[Renew Online](#)

[Click here](#)

*Gum Creek Farms, Inc.*  
*is now (as of 1-28-10)*  
*Gum Creek South, Inc.*

[New Search](#) [Printer](#)

Type	PPB	PRINCIPAL BUSINESS
Addr 1	2795 14TH AV	
Addr 2		
CSZ	JAMIESON	AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	01-28-2013	Resign Date	
Name	KENNETH JENSEN					
Addr 1	2436 11TH AVE EAST					
Addr 2						
CSZ	VALE	OR	97918	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	2436 11TH AVE E					
Addr 2						
CSZ	VALE	OR	97918	Country	UNITED STATES OF AMERICA	

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**Business Entity Data**

11-05-2015  
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085122-12	DBC	ACT	OREGON	12-23-1968	12-23-2015	YES
<b>Entity Name</b> GUM CREEK SOUTH, INC.						
<b>Foreign Name</b>						

**Online Renewal:**

[Renew Online](#)

[Click here to generate and print an annual report.](#)

[New Search](#) [Printer Friendly](#) **Associated Names**

<b>Type</b>	PPB	PRINCIPAL PLACE OF BUSINESS			
<b>Addr 1</b>	2795 14TH AVE W				
<b>Addr 2</b>					
<b>CSZ</b>	JAMIESON	OR	97909	<b>Country</b>	UNITED STATES OF AMERICA

*Please click here for general information about registered agents and service of process.*

<b>Type</b>	AGT	REGISTERED AGENT	<b>Start Date</b>	01-28-2013	<b>Resign Date</b>	
<b>Name</b>	KENNETH JENSEN					
<b>Addr 1</b>	2436 11TH AVE EAST					
<b>Addr 2</b>						
<b>CSZ</b>	VALE	OR	97918	<b>Country</b>	UNITED STATES OF AMERICA	

<b>Type</b>	MAL	MAILING ADDRESS			
<b>Addr 1</b>	2436 11TH AVE E				
<b>Addr 2</b>					
<b>CSZ</b>	VALE	OR	97918	<b>Country</b>	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	KENNETH		JENSEN		
Addr 1	2436 11TH AVE EAST				
Addr 2					
CSZ	VALE	OR	97918	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	SHERI		JENSEN		
Addr 1	2436 11TH AVE EAST				
Addr 2					
CSZ	VALE	OR	97918	Country	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
GUM CREEK SOUTH, INC.	EN	CUR	01-28-2010	
GUM CREEK FARMS, INC.	EN	PRE	12-23-1968	01-28-2010

Please read before ordering Copies.

[New Search](#) [Printer Friendly](#) **Summary History**

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	12-26-2014		FI		
	NOTICE LATE ANNUAL	12-26-2014		SYS		
	AMENDED ANNUAL REPORT	12-19-2013		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	01-28-2013		FI	Agent	
	ANNUAL REPORT PAYMENT	11-16-2012		SYS		
	ANNUAL REPORT PAYMENT	12-20-2011		SYS		
	ANNUAL REPORT PAYMENT	01-03-2011		SYS		RECEIVED BY OWRD
	NOTICE LATE ANNUAL	12-30-2010		SYS		NOV 10 2015
	ARTICLES OF AMENDMENT	01-28-2010		FI	Name	SALEM, OR

	ANNUAL REPORT PAYMENT	12-15-2009		SYS		
	ANNUAL REPORT PAYMENT	12-15-2008		SYS		
	ANNUAL REPORT PAYMENT	11-16-2007		SYS		
	ANNUAL REPORT PAYMENT	11-17-2006		SYS		
	ANNUAL REPORT PAYMENT	12-20-2005		SYS		
	ANNUAL REPORT PAYMENT	12-13-2004		SYS		
	ANNUAL REPORT PAYMENT	12-16-2003		SYS		
	ANNUAL REPORT PAYMENT	11-25-2002		SYS		
	ANNUAL REPORT PAYMENT	11-19-2001		SYS		
	STRAIGHT RENEWAL	11-28-2000		FI		
	STRAIGHT RENEWAL	12-22-1999		FI		
	STRAIGHT RENEWAL	11-17-1998		FI		
	STRAIGHT RENEWAL	11-12-1997		FI		
	STRAIGHT RENEWAL	11-14-1996		FI		
	STRAIGHT RENEWAL	12-05-1995		FI		
	STRAIGHT RENEWAL	01-21-1995		FI		
	NOTICE	01-04-1995		SYS		
	NOTICE	01-04-1994		SYS		
	STRAIGHT RENEWAL	12-23-1993		FI		
	STRAIGHT RENEWAL	12-28-1992		FI		
	STRAIGHT RENEWAL	11-22-1991		FI	RECEIVED BY OWRD	
	STRAIGHT RENEWAL	11-21-1990		FI		NOV 10 2015
	STRAIGHT RENEWAL	11-20-1989		FI		SALEM OR
	STRAIGHT RENEWAL	11-25-1988		FI		
	AMENDED RENEWAL	12-02-1987		FI		

STRAIGHT RENEWAL	12-26-1986		FI		
STRAIGHT RENEWAL	01-02-1986		FI		
STRAIGHT RENEWAL	12-18-1984		FI		

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SALEM, OR

130/15

\$55



Articles of Amendment - Business/Professional  
Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 161 - Salem, OR 97310-1327 - http://www.sos.oregon.gov - (503) 986-2200

FILED

JAN 28 2010

OREGON  
SECRETARY OF STATE

REGISTRY NUMBER: 085122-12

In accordance with Oregon Revised Statute 182.410-182.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink.

1) ENTITY NAME: Gum Creek Farms, Inc.

2) STATE THE ARTICLE NUMBER(S) and set forth the article(s) as it is amended to read. (Attach a separate sheet if necessary.)

Article 1 The name of the Corporation shall be changed to "Gum Creek South, Inc."

3) THE AMENDMENT WAS ADOPTED ON: December 31, 2009

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

4) CHECK THE APPROPRIATE STATEMENT:

Shareholder action was required to adopt the amendment(s).

The vote was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the board of directors without shareholder action.

The corporation has not issued any shares of stock. Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the incorporators or by the board of directors.

5) EXECUTION:

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:

William A. Heid

Printed Name:

William A. Heid

Title:

President

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SALEM, OR

CONTACT NAME: (To resolve questions with this filing.)

Cliff Bentz

PHONE NUMBER: (Include area code.)

(541) 889-5368

GUM CREEK SOUTH, INC.



8512212-11600005

AMDART

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8616 submitted by

GUM CREEK FARMS, INC.  
WILLIAM HEID  
5070 SOUTH ROAD K  
VALE, OREGON 97918.

The permit to be modified is Permit G-13533 with a date of priority of FEBRUARY 18, 1997. The permit allows the use of FIVE WELLS, in the MALHEUR RIVER BASIN, for PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20, if available at the original wells; NW¼ NW¼, SW¼ NW¼, NW¼ SW¼, SECTION 7, T 16 S, R 43 E, W.M.; WELL 18 - 769 FEET SOUTH AND 32 FEET EAST; WELL 19 - 2286 FEET SOUTH AND 24 FEET EAST; WELL 20 - 1588 FEET SOUTH AND 50 FEET EAST; WELL 15 - 2655 FEET SOUTH AND 116 FEET EAST; WELL 17 - 2828 FEET SOUTH AND 1097 FEET EAST; ALL FROM THE NW CORNER OF SECTION 7, or its equivalent in case of rotation, measured at the well.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

T-8616.PKS

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Special Order Volume 55, Page 1281.

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SALEM, OR

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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.0 ACRES
SECTION 6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE	26.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.9 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		1.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.2 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.1 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.1 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.6 ACRES	
SECTION 7		
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		11.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		12.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES	9.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 ACRES	
SECTION 8		

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T-8616.PKS

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NOV 10 2015

SALEM, OR

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW¼ NW¼	3.0 ACRES	
SW¼ NW¼	4.2 ACRES	
NE¼ SW¼	19.5 ACRES	
NW¼ SW¼	40.0 ACRES	
SW¼ SW¼	38.5 ACRES	
SE¼ SW¼	36.7 ACRES	
NE¼ SE¼	1.0 ACRE	
SW¼ SE¼	4.4 ACRES	
SE¼ SE¼	4.3 ACRES	
	SECTION 17	

NE¼ SE¼	18.3 ACRES	
SE¼ SE¼	14.4 ACRES	
	SECTION 18	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

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

The applicant proposes to change the place of use to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SE¼	0.4 ACRE	
SE¼ SE¼		5.0 ACRES
	SECTION 6	
NE¼ NE¼	1.0 ACRE	26.2 ACRES
NW¼ NE¼	11.4 ACRES	
SW¼ NE¼	15.9 ACRES	
SE¼ NE¼		1.2 ACRES
NE¼ NW¼	12.2 ACRES	
*SE¼ NW¼	4.8 ACRES	
	SECTION 7	
SW¼ NE¼		1.6 ACRES
NE¼ NW¼		6.8 ACRES
NW¼ NW¼		11.2 ACRES
SW¼ NW¼		12.2 ACRES
SE¼ NW¼	2.0 ACRES	9.0 ACRES
	SECTION 8	

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T-8616.PKS

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SALEM, OR

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 ACRES	
*NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.1 ACRES	
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0 ACRES	
*NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.5 ACRES	
*SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.8 ACRES	
	SECTION 9	
*NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.8 ACRES	
*NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES	
*SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 ACRES	
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES	
*NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES	
*NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.3 ACRES	
*SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 ACRES	
*SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.5 ACRES	
	SECTION 16	
*NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 ACRES	
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6 ACRE	
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.9 ACRES	
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 ACRE	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.4 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 ACRES	
	SECTION 17	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

\* = PLACE OF USE INVOLVED IN THE CHANGE

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

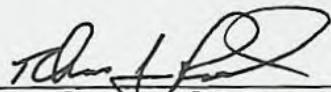
1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.

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Permit G-13533, in the name of GUM CREEK FARMS, INC., is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed DEC 05 2001

  
For Paul R. Cleary, Director

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NOV 10 2015

SALEM, OR



# MALHEUR COUNTY

251 B Street West  
Vale, Oregon 97918

DATE 10/20/2015

SEND TO: Mike  
Attn:

NUMBER OF PAGES (INCL COVER) 19

FROM-NAME: Kathy Pozzi

DEPT: Malheur County Assessor's office

CONTACT NUMBER: 541-473-5118 FAX 541-473-5109

COMMENTS OR INSTRUCTIONS: \_\_\_\_\_

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SALEM, OR

10/20/15

Z4

4:02 POTENTIAL LIABILITY

REAL PROPERTY

INQUIRY

A10100

REF # 2016 R 5895

MAP#	LOT#	A	NUM	CODE	PCL	MCL	AP	VA	ZONE	PAR#	% .xxxx	REAL#	PR
16S43	4000			9	551	501	3		C-A2				

OWNER GUM CREEK FARMS INC

ET ALS

CNTRCT

Pg 1

ADDR C/O KENNETH JENSEN

2436 11TH AVE E

CTY/ST VALE, OR 97918

SC DEF - SITUS: JAMIESON

SITUS: 2818 W 14TH AVE

L/LE/X/EM:

ACTION CDS MAPCODE 0009

YR AP 2013 APPR 25 DAVID SANDERS

NEW CONSTRUCTION

ACRES 2371.80 SPC ASM

CYCLE CONSTRUCTION

RMV M5 VALUE TOTAL AV

CYCLE CONSTRUCTION +

NOTES

LAND

PHOTO# 178 96L & 178 95L

IMPROV

SUBTOT

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ

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SALEM, OR

10/20/15  
4:03

TAX LOT/JOURNAL VOUCHERS

INQUIRY

Z4  
A101V7

REF # 5895 16S43 4000 GUM CREEK FARMS INC PG 1  
CODE AREA: 9

091206	MAP	CHG	JV#R1737	FORMERLY 1643B-900		
041712	PP11-13	122111	JV#R4457	COMB W TL100	+159.78A	2684.20A
041712	PP11-13	122111	JV#R4458	COMB W TL6100	+ 80.00A	2764.20A
041712	PP11-13	122111	JV#R4459	COMB W TL6200	+ 40.00A	2804.20A
041712	PP11-13	122111	JV#R4460	SEG TO TL4001	-432.40A	2371.80A

D

00000000 \_ = ENTER TO ATTACH NEW DOC AUTH# = \_\_\_\_\_ UCJV = \_\_\_\_\_

F2 PRT F5-DEED F7 EOJ F8 CLR F13 (LAST LINE + 1) F20 DOCUMENT

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OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
MULTIHEUR COUNTY ASSESSOR'S OFFICE

Page 1

16	43	B	900	9
TWP. & RSE. E.	SEC. 1/4 1/16	TAX LOT NUMBER	TYPE SPEC. INT. IN REAL PROP.	CODE AREA NUMBER
MAP NUMBER		ACCOUNT NUMBER		FORMERLY PART OF T.L. NO.

INDENT EACH NEW COURSE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEMO RECORD VAL.	PG.	ACRES REMAINING
	05895				
Sec 5	S $\frac{1}{2}$ SW $\frac{1}{4}$ ; NW $\frac{1}{2}$ SW $\frac{1}{4}$				120.00
6	S $\frac{1}{2}$ NE $\frac{1}{4}$ ; W $\frac{1}{2}$ ; SE $\frac{1}{2}$				562.07
7	ALL				
8	NW $\frac{1}{4}$ ; NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$ ; SW $\frac{1}{2}$ NE $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$ ; S $\frac{1}{2}$		72	264	
17	NE $\frac{1}{4}$ ; W $\frac{1}{2}$ NW $\frac{1}{4}$ ; SE $\frac{1}{2}$ NW $\frac{1}{4}$ ; W $\frac{1}{2}$ SW $\frac{1}{4}$		72	265	
18	ALL		97	400	
	All in T16S R43E WM		98	321	
			110	532	2869.41
	Except:	7/1/64	127	180	
	T.L. 1000 DV 76-17				15.58
	T.L. 1100 DV 76-17				12.08
	T.J. 1200 DV 76-17				13.25
	Co. Rd.				16.63
		1/25/66	131	536	2811.87
		WD 2-1-72	Inst#		128884
		WD 2-1-72	Inst#		128885
	EXCEPT TL: 901 20.00 JV# 25610 B&S	11/16/77	#35487		2791.87
	Except				
	TL 902 267.45 acres JV#28535 B&S	1/30/79	#43464		2524.42
	3/9/84 Ordinance #32	84	120015		
	F2 zone to ERU	1/4/85			
	<u>NEW DESCRIPTION</u>				
	T.16S., R.43E., W.M.				
	Sec's. 5 & 6: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec 5 & S $\frac{1}{2}$ of Sec. 6.				
	EXC. A par ly NE of foll desc 11: Baap 908ft W of W $\frac{1}{4}$ cor of Sec 5; th S 65° 23' E, to E li of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5.				
	Sec. 7: All				
	Exc. A par in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 7 desc as folls: Beg 50ft S of W li of NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sd Sec. 7;				
	(over)				

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16	43	-8	4000 900	9
TWP. R.	ROE. E	SEC.	TAX LOT NUMBER	CODE AREA NUMBER
MAP NUMBER		ACCOUNT NUMBER		

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY *Page 2*  
MALHEUR COUNTY ASSESSOR'S OFFICE  
FORMERLY PART OF T.L. NO. \_\_\_\_\_

INDENT EACH NEW COURSE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	<p>05895</p> <p>th S 33° 02' E, 181ft;  th S 53° 01' E, 212ft;  th S 34° 08' E, 291ft;  th S 46° 04' E, 308ft;  th S 40° 47' W, 365ft;  th S 23° 29' W, 262ft;  th S 8° 35' W, 12ft to S li of sd NE¼NE¼;  th W, alg sd S li, to SW cor of NE¼NE¼'  th N, alg W li of NE¼NE¼ to POB.</p> <p>Sec. 8: E½SE¼NE¼, SW¼SE¼NE¼, SW¼NE¼, SE¼, E½SW¼, E½NW¼SW¼, SW¼SW¼.</p> <p>EXC. A par in NE¼NE¼ of Sec 7 &amp; NW¼NW¼ of Sec 8; desc as folls:  Beg 818ft N of SE cor of NW¼NW¼ of Sec. 8;  th S 78° 45' W, 135ft;  th N 81° 50' W, 388ft;  th N 54° 20' W, 304ft;  th N 25° 36' W, 255ft to intersection w/ lower R/W fo Low Line Canal;  th alg sd R/W, S 89° 24' W, 195ft;  th N 73° 43' W, 270ft to W bdry of NW¼NW¼ of Sec. 8;  th NWly, to N li of Sec. 7, pt of intersection of R/W of Low Line Canal, 138ft W of NE¼ of Sec. 7;  th E, to NE cor of NW¼NW¼ of Sec. 8;  th S, to POB.</p> <p>Further Exc. A par in SW¼NW¼ of Sec. 8, ly SW of Low Line Ditch.</p> <p>Sec. 17: NE¼, W½NW¼, SE¼NW¼, W½SW¼.  Sec. 18: All.</p> <p><i>new map/lot (GIS) JV# R1737 9/25/06</i></p>				

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SALEM, OR

16S 43E

4000

9

5895

Malheur

16S43E 100

5839

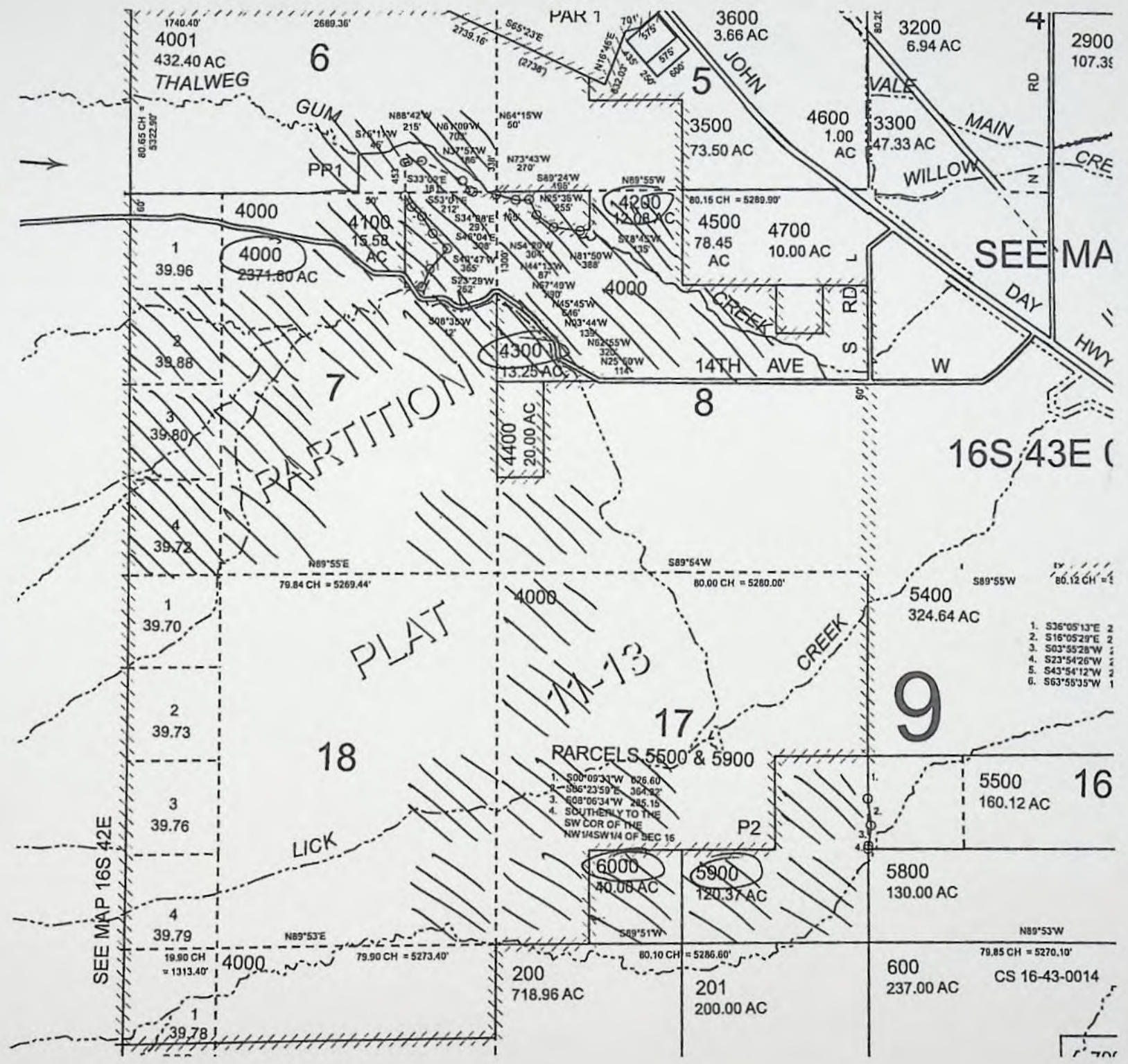
Also: Formerly Parcel 100	JV# R4457	169.78	PP	2/9/2012	11-13	2,884.20
Also: Formerly Parcel 6100	JV# R4458	80.00	PP	2/9/2012	11-13	2,784.20
Also: Formerly Parcel 6200	JV# R4459	40.00	PP	2/9/2012	11-13	2,804.20
Revised Desc: Partition Plat 11-13 Parcels 1 & 2			PP	2/9/2012	11-13	2,804.20
Exc: Parcel 4001 (Parcel 1)	JV# 4460	-432.40	PP	2/9/2012	11-13	2,371.80

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SALEM, OR



INSTRUMENT NO. 22885

WARRANTY DEED

104-228  
BERNARD F. HUTCHEON and ELLEN COLLEEN HUTCHEON, husband and wife, hereinafter called Grantors herein, hereby convey to GUM CREEK FARMS, INC., an Oregon Corporation, the following described real property:

In Malheur County, State of Oregon, to-wit:

Twp. 16 S., R. 42 E. W. M.

Sec. 1: SE $\frac{1}{2}$ SE $\frac{1}{2}$

Twp. 16 S., R. 43 E. W. M.

Sec. 5: S $\frac{1}{2}$ SW $\frac{1}{2}$  and NW $\frac{1}{2}$ SW $\frac{1}{2}$

Sec. 6: All, EXCEPTING therefrom N $\frac{1}{2}$ NE $\frac{1}{2}$  also EXCEPTING

therefrom a parcel of land in the SE $\frac{1}{2}$ SE $\frac{1}{2}$  of said Sec. 6, Twp. 16 S., R. 43 E. W. M., more particularly described as follows: Beginning at a point on the South line of Sec. 6, Twp. 16 S., R. 43 E. W. M., which point bears North 88° 17' West a distance of 338 feet from the Southeast Corner of said Sec. 6; thence North 64° 15' West a distance of 50 feet; parallel to and 100 feet from the Center line of a Canal as now located by the Willow River Land & Irrigation Company thence North 37° 57' West a distance of 186 feet; thence North 61° 09' West a distance of 703 feet; thence North 88° 42' West a distance of 215 feet; thence South 75° 11' West a distance of 45 feet to the West line of said SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6; thence Southerly along the West line of said SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6 a distance of 453 feet to the Southwest Corner of the SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6; thence South 88° 17' East a distance of 982 feet to the place of beginning.

Sec. 7: W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{2}$ , and SE $\frac{1}{2}$ NE $\frac{1}{2}$

Sec. 8: S $\frac{1}{2}$  and the SW $\frac{1}{2}$ NE $\frac{1}{2}$  and the NE $\frac{1}{2}$ NW $\frac{1}{2}$

Sec. 17: W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{2}$ NW $\frac{1}{2}$ , and the NE $\frac{1}{2}$

Sec. 18: All

Lot 1, NE $\frac{1}{2}$ NW $\frac{1}{2}$  and N $\frac{1}{2}$ NE $\frac{1}{2}$  of Sec. 19, Twp. 16 S., R. 43 E. W. M. The S $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$  and the NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$  of Sec. 8, Twp. 16 S., R. 43 E. W. M. ALSO, an irregular tract of land in the SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6, Twp. 16 S., R. 43 E. W. M., in Malheur County, Oregon, described as follows:

Beginning at a point on the South line of Sec. 6, Twp. 16 S., R. 43 E. W. M., which point bears North 88° 17' West a distance of 338 feet from the Southeast Corner of said Sec. 6; thence North 64° 15' West a distance of 50 feet; parallel to and 100 feet from the Center line of a Canal as now located by the Willow River Land & Irrigation Company; thence North 37° 57' West a distance of 186 feet; thence North 61° 09' West a distance of 703 feet; thence North 88° 42' West a distance of 215 feet; thence South 75° 11' West a distance of 45 feet to the West line of said SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6; thence Southerly along the West line of said SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6 a distance of 453 feet to the Southwest Corner of the SE $\frac{1}{2}$ SE $\frac{1}{2}$  of Sec. 6; thence South 88° 17' East a distance of 982 feet to the place of beginning. Said tract containing 7 acres, more or less.

INSTRUMENT NO. 128885

ALSO, the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 8, Twp. 16 S., R. 43 E. W. M., containing 40 acres, more or less. ALSO,

That part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 8 Twp. 16 S., R. 43 E. W. M., lying South and East of the lower right of way of the Low Line Canal (Orchards Water Co.) and irrigable from said canal by a gravity system, described as follows:

Beginning at the Southwest Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , which corner bears South along the Section line from the Northwest Corner of said Section, a distance of 1342 feet, more or less; thence East along the Section line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ , a distance of 1340 feet, more or less; to the Southeast Corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence North along the East line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ , a distance of 818 feet; thence South 78° 45' West a distance of 135 feet; thence North 81° 50' West, a distance of 388 feet; thence North 54° 20' West a distance of 304 feet; thence North 25° 36' West a distance of 255 feet to the intersection with the lower right of way line of the Low Line Canal; thence along the said right of way line as follows: South 89° 24' West a distance of 195 feet; thence North 73° 43' West a distance of 270 feet to the intersection of said right of way line with the West line of said Section 8; thence South along the said section line 1300 feet; more or less, to the point of beginning, said tract containing 30.6 acres, more or less. ALSO,

That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 7, Twp. 16 S., R. 43 E. W. M. lying below the Canal right of way line, described as follows:

Beginning at a point on the North line of said Section from whence the Northeast Corner of said Section 7 bears East along the Section line a distance of 165 feet, more or less; thence West 1155 feet to the Northwest Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 7; thence South along the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$  a distance of 50 feet, more or less, to the intersection of the lower right of way line of the Low Line Canal; thence parallel to and 37 $\frac{1}{2}$  feet from the center line of said Canal, said center line being described as follows: South 33° 02' East a distance of 181 feet; thence South 53° 01' East a distance of 212 feet; thence South 34° 08' East a distance of 291 feet; thence South 46° 04' East a distance of 308 feet; thence South 40° 47' West a distance of 365 feet; thence South 23° 29' West a distance of 262 feet; thence South 8° 35' West a distance of 12 feet to the intersection with the South line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; thence East along said South line a distance of 940 feet to the Southeast Corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; thence North along the East line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  a distance of 1300 feet to the intersection of said line with the right of way line of the Low Line Canal; thence along said right of way line North 83° 40' West a distance of 115 feet; thence North 64° 15' West a distance of 70 feet to the intersection of said right of way line with the North line of Section 7 to the point of beginning, said tract containing 28.0 acres, more or less. ALSO,

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SALEM, OR

INSTRUMENT NO. 28825

That part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 8, Twp. 16 S., R. 43 E. W. M., lying below the lower right of way line of the Low Line Canal of the Company as now constructed (June 15, 1931) described as follows:

Beginning at the Northwest Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  from whence the West Quarter corner of said Section 8 bears South along the section line, a distance of 1342 feet, more or less, thence East along the North line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , a distance of 1340 feet, more or less, to the Northeast Corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , thence South along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , a distance of 1342 feet, more or less, to the Southeast Corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , thence West along the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ , a distance of 200 feet to the intersection of said line with the lower right of way line of the Low Line Canal; thence parallel to and 37 $\frac{1}{2}$  feet distant from the center line of said Canal, said Center line as being described as follows:

North 25° 50' West, a distance of 114 feet; thence North 62° 55' West a distance of 320 feet; thence North 3° 44' West a distance of 139 feet; thence North 45° 45' West a distance of 646 feet; thence North 57° 49' West, a distance of 290 feet; thence North 44° 13' West a distance of 87 feet to the intersection with the West line of said Section 8; thence North along the section line a distance of 270 feet to the place of beginning, said tract containing 26.0 acres, more or less.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Twp. 16 S., R. 43 E. W. M.

and covenant that Grantors are the owners of the above described property free of all encumbrances except subject to reservations in patent, and in all existing easements and rights of way either visible or of record for roads, ditches, transmission lines and public utilities, and to any and all previously existing oil, gas, and mineral reservations, conveyances and leases, and further subject to the charges and assessments of any irrigation districts or other municipal or quasi-municipal boards in districts within the boundaries of which said premises are situated, all terms, covenants and conditions of a United States Soil Bank Conservation Contract entered into on or about October 31, 1958, being Contract No. 19-59-68, Code and Farm No. 92-023-V1000 now on file in the ASC Office in Ontario, Oregon, which covers approximately 197 $\frac{1}{2}$  acres of the real property and Grantee does covenant and agree to observe and assume all of the terms and conditions of said contract, and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The consideration for this transfer is \$64,000.00 to Grantor  
\$32,500 to Silas V. Shaw et al

Dated this 28 day of October, 1969.

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NOV 19 2015

SALEM, OR

INSTRUMENT NO. 128885

x Bernard F. Hutcheon  
x Ellen Colleen Hutcheon  
GRANTORS

STATE OF OREGON }  
County of Malheur } SS.

Oct 28, 1969.

Personally appeared the above named BERNARD F. HUTCHEON and ELLEN COLLEEN HUTCHEON, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



W. B. Adhizer  
Notary Public for Oregon  
My commission expires 8-25-71

INDEXED

STATE OF OREGON }  
County of Malheur } SS.

Inst. No. 128885 I certify that the within instrument of writing was received for record on the 4 day of August, 1969 at 4:48 o'clock P.M.

ROBERT L. MORCOM,  
County Clerk

Jeanie Stubs Deputy

Return to: Gum Creek Farms  
Park Center  
Ontario, Ore.

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NOV 13 2015

SALEM, OR

WARRANTY DEED

MAYNARD J. SEARS and PHILIP C. SEARS, called Grantors herein, hereby convey to GUM GREEK FARMS, INC., an Oregon corporation, whose address is Jamieson, Oregon, the following described real property:

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:  
Sec. 7: NE 1/4 NE 1/4,

EXCEPTING THEREFROM the following described parcel, to-wit:

Beginning at the point of intersection of the lower right of way line of the Low Line Canal with the North line of Sec. 7, said point being 165 feet, more or less, East of the Northeast corner of Sec. 7;  
thence West 1155 feet to the Northwest corner of the NE 1/4 NE 1/4 of Sec. 7;  
thence South, along the West line of the NE 1/4 NE 1/4, 50 feet, more or less, to the intersection with the lower right of way line of Low Line Canal;  
thence Southerly and 37 1/2 feet distant from the center line of said canal, the centerline being described as follows:  
S. 33° 02' E., 181 feet;  
S. 53° 01' E., 212 feet;  
S. 34° 08' E., 291 feet;  
S. 46° 04' E., 308 feet;  
S. 40° 47' W., 365 feet;  
S. 23° 29' W., 262 feet;  
S. 8° 35' W., 12 feet to the intersection with the South line of the NE 1/4 NE 1/4;  
thence East, along the said South line, 940 feet to the Southeast corner of the NE 1/4 NE 1/4;  
thence North, along the East line thereof, 1300 feet to the intersection with the lower right of way line of the Low Line Canal;  
thence along said right of way N. 83° 40' W., 115 feet;  
thence N. 64° 15' W., 70 feet to the point of beginning.

Sec. 8: NW 1/4 NW 1/4, FURTHER EXCEPTING road and canal rights of way.

EXCEPTING THEREFROM the following described parcels, to-wit:

Beginning at the Southwest corner of the said NW 1/4 NW 1/4;  
thence East along the South boundary thereof to the Southeast corner of the NW 1/4 NW 1/4;  
thence North, along the East boundary thereof, 818 feet;  
thence S. 78° 45' W., 135 feet;  
thence N. 81° 50' W., 388 feet;  
thence N. 54° 20' W., 304 feet;  
thence N. 25° 36' W., 255 feet to the intersection with the lower right of way line of the Low Line Canal;  
thence along said right of way line as follows:  
S. 89° 24' W., 195 feet;  
N. 73° 43' W., 270 feet to the West boundary of the NW 1/4 NW 1/4 of Sec. 8;  
thence South along the West boundary 1300 feet, more or less, to the point of beginning.

4300  
BACK PG.

1643B  
1000-  
9

43B  
500  
1100  
17.00  
9

F.V. 18314

1643B  
1100  
4

RECEIVED BY OWRD

NOV 10 2015

SALEM, OR

4300

INDEXED

OF OREGON )  
of Malheur )

Inst. No. 147587 I certify  
that the within instrument or  
writing was received for record on  
the day of July 1973  
at 25 O'clock P.M.  
County Clerk  
L. V. Mearns

SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
EXCEPTING THEREFROM the following described  
parcel, to-wit:  
Beginning at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
thence East, along the North boundary thereof,  
to the Northeast corner;  
thence South, along the East boundary thereof,  
to the Southeast corner;  
thence West, along the South boundary thereof,  
200 feet to the intersection with the lower  
right of way line of the Low Line Canal;  
thence Northerly and 37 $\frac{1}{2}$  feet distant from the  
centerline of said canal, the centerline  
described as follows:  
N. 25° 50' W., 114 feet;  
N. 62° 55' W., 320 feet;  
N. 3° 44' W., 139 feet;  
N. 45° 45' W., 646 feet;  
N. 57° 49' W., 290 feet;  
N. 44° 13' W., 87 feet to the intersection with  
the West boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 8;  
thence North along the said West line, 270 feet  
to the point of beginning.  
FURTHER EXCEPTING road and canal rights of way.

RESERVING, HOWEVER, unto the Grantors the oil and mineral  
rights upon the above described premises.

and covenant that Grantors are the owners of the above described prop-  
erty free of all encumbrances whatsoever and will warrant and defend  
the same against all persons who may lawfully claim the same, except  
as shown above.

The consideration for this transfer is: ONE THOUSAND FIVE HUNDRED  
AND NO/100 DOLLARS (\$1,500.00).

Dated: May 30, 1973.

*Maynard J. Sears*  
MAYNARD J. SEARS  
*Philip C. Sears*  
PHILIP C. SEARS

STATE OF CALIFORNIA )  
County of Marin ) :ss

May 30, 1973.

Personally appeared the above named MAYNARD J. SEARS and  
acknowledged the foregoing instrument to be his voluntary act and

OFFICIAL SEAL  
KATHLEEN McCLIMENT  
Notary Public  
My Commission Expires March 30, 1974  
Bridgeway, Sausalito, Calif. 94965

*Kathleen McCliment*  
Notary Public in and for said County  
and State.

STATE OF CALIFORNIA )  
County of PLACER ) :ss

May 25, 1973.

Personally appeared the above named PHILIP C. SEARS and  
acknowledged the foregoing instrument to be his voluntary act and  
deed.

Before me:

OFFICIAL SEAL  
LOIS VILLENAIN  
Notary Public  
PLACER COUNTY  
My Commission Expires September 20, 1976

*Lois Villenain*  
Notary Public in and for said County  
and State.

RECEIVED BY OWRD

NOV 10 2015

SALEM, OR

30 DEC .997

QUITCLAIM DEED

INSTRUMENT 97-10098  
PAGE 2 OF 2 PAGES

4400  
6000

KNOW ALL MEN BY THESE PRESENTS, That Harry Schaffar, hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto Gum Creek Farms, Inc. hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in the County of Malheur, State of Oregon, described as follows, to-wit:

2401  
40

RA228

SE 1/4 SW 1/4 of Section 17, Township 16 South, Range 43 E., W.M., in Malheur County, Oregon

Tax Lot #2401

TL 6000

W 1/2 NW 1/4 SW 1/4 of section 8, Township 16 South, Range 43 E., W.M., in Malheur County, Oregon

TL 4400

Re-recorded to  
correct legal description  
97-1192

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantees and grantees's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00.  
However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.010.)  
In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.  
In Witness Whereof, the grantor has executed this instrument this 17 day of February, 1997; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMS OR FOREST PRACTICES AS DEFINED IN ORS 30.900.

Harry Schaffar

STATE OF OREGON, County of Malheur, ss.

This instrument was acknowledged before me on Feb 17, 1997.

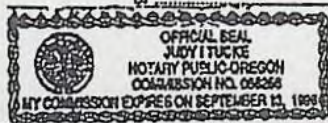
by \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_.

by \_\_\_\_\_

ss \_\_\_\_\_

of \_\_\_\_\_



Judy Tucker  
Notary Public for Oregon  
My commission expires Sept 11, 1998

Harry Schaffar  
PO Box  
Jamieson, OR 97909  
Grantor's Name and Address  
Gum Creek Farms, Inc.  
5070 S. Road K  
Vale, OR 97918  
Grantee's Name and Address  
Also recording herein to (Name, Address, Zip):  
Gum Creek Farms, Inc.  
5070 S Road K  
Vale, OR 97918  
Until requested otherwise send all tax statements to (Name, Address, Zip):  
Gum Creek Farms, Inc.  
5070 S Road K  
Vale, OR 97918

97-10098

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON  
County of Malheur

I certify that the within instrument was received for record on the 30 day of December, 1997, at 1:30 o'clock P.M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/title/instrument/microfilm/reception No. 97-10098 Record of Deeds of said County.

Witness my hand and seal of County afixted.

DEBORAH R. DeLONG  
NAME  
Deputy

RECEIVED BY OWR  
Deputy

NOV 10 2015

SALEM, OR

RECORDER'S INFORMATION:

Until a change is requested, all  
tax statements shall be sent to:  
Monte Heid  
5261 S Road L  
Jamieson OR 97909

After recording return to:  
Yturri Rose LLP  
PO Box "S"  
Ontario, OR 97914

Inst. No: 2009-8983  
I certify that the within Instrument of  
writing was received for record on  
the 31 day of December, 2009  
at 4:58 O'clock P. M. FEE \$57.00  
STATE OF OREGON, County of Malheur

DEBORAH R. DeLONG

County Clerk

By: Shari Baliga Deputy

**BARGAIN AND SALE DEED**  
(Hammack Place)

William A. Heid and Rochelle M. Heid, Husband and Wife, Grantors, convey to Monte Heid, Grantee, the following described real property:

See Exhibit A attached hereto and  
by this reference incorporated herein.

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. 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.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration.

Dated this 31st day of December, 2009.

YTURRI ROSE LLP  
ATTORNEYS AT LAW  
P.O. BOX "S"  
ONTARIO, OR 97914  
(541) 425-2325

BARGAIN AND SALE DEED - Page 1 of 4  
508007/d1/30Dec09/tm

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NOV 10 2015

SALEM, OR

Water

William A. Heid  
William A. Heid

Rochelle M. Heid  
Rochelle M. Heid

State of Oregon            )  
  ) ss.  
County of Malheur        )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 2009 by William A. and Rochelle M. Heid.

Teresa D Mc Lees  
Notary Public for Oregon  
My Commission Expires: 3-6-10



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NOV 10 2015  
SALEM, OR

Exhibit A

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:

Sec. 9: That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying South and West of the John Day Highway right of way.

EXCEPTING THEREFROM that portion conveyed to the Vale Oregon Irrigation District, recorded Aug. 22, 1936, Book 31, Page 202 official records, for a main canal right of way.

AND EXCEPTING a parcel in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  more particularly described as follows:

Beginning at a point S. 89°52' W., 2091.8 feet from the East quarter corner of said Sec. 9;

thence S. 54°14' E., 697 feet;

thence S. 55°51' W., 172 feet;

thence N. 65°2' W., 565 feet;

thence S. 75°43' W., 214 feet;

thence S. 64°53' W., 214 feet;

thence N. 68°20' W., 151 feet;

thence N. 0°9' W., 162 feet;

thence N. 57°26' E., 155 feet;

thence N. 52°20' E., 181 feet;

thence N. 52°20' E., 219 feet;

thence S. 54°14' E., 225 feet to the Point of Beginning.

AND EXCEPTING that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying Westerly of that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded Aug. 22, 1936, Book 31, Page 202 for Main Canal right of way. (SAID parcel lying in the extreme NW corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ .)

ALSO EXCEPTING that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying Southwesterly of the John Day Highway right of way and described as follows:

Beginning at a point 296.5 feet West of the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

thence West 396 feet;

thence N. 18°45' W., 151 feet;

thence N. 36°15' E., 452 feet;

thence S. 54°13' E., along the said South Highway right of way, 881 feet to the Point of Beginning.

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SALEM, OR

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:

Sec. 9: E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
EXCEPTING that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded Aug. 22, 1936, Book 31, Page 202 for Main Canal right of way.

ALSO that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying Southeasterly of the County Road right of way and Southwesterly of that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded Aug. 22, 1936, Book 31, Page 202 for Main Canal right of way.

EXCEPTING FROM the above that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded Aug. 22, 1936, Book 31, Page 202 for Main Canal right of way.

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:

Sec. 9: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  lying Westerly of that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded Aug. 22, 1936, Book 31, Page 202 for Main Canal right of way. (SAID parcel lying in the extreme SW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and extreme NW corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ .)

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:

Sec. 16: North  $\frac{1}{2}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:

Sec. 9: W $\frac{1}{2}$ SW $\frac{1}{4}$ .

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SALEM, OR

RECORDER'S INFORMATION:

MALHEUR COUNTY, OR 2012-1520  
D B&S DEED 04/30/2012 02:59 PM  
Cnt=1 Pgs=5 Total: \$67.00



00009746201200015200050059

I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the Instrument Identified herein was  
recorded in the Clerk records.  
Deborah R. DeLong - County Clerk

*Handwritten signature*

Grantor:  
Monte Heid  
5261 South Road L  
Jamieson OR 97909

Grantee: *Return to:*  
William and Rochelle Heid, et al  
5070 South Road K  
Vale OR 97918

Until a change is requested, all tax statements shall be sent to: William and Rochelle Heid, et al, 5070 South Road K, Vale OR 97918

~~After recording return to:~~ Yturi Rose, LLP, PO Box "S", Ontario OR 97914

OTHER PROPERTY OR VALUE IS PART OF THE WHOLE CONSIDERATION.

**BARGAIN AND SALE DEED**  
(Property Line Adjustment)

164300 B  
②

Monte Heid, Grantor, conveys to William Heid and Rochelle Heid, Husband and Wife, Grantees, the following described real property:

See Exhibit A attached hereto  
and by this reference incorporated herein.

Add  
164300 B  
⑬ 2200  
40  
⑭ 2201  
40

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 2009. 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 2009.

This Deed is granted to effect a property line adjustment as defined by ORS 92.010. No new parcels are created by this Deed.

The original parcel owned by Grantor is described in a Warranty Deed recorded December 31, 2009, as Instrument No. 2009-8983, Malheur County Deed Records, Malheur County, Oregon.

As required by ORS 92.190, description of the adjusted lines are as follows:

- (1) A description of Grantor's parcel, as adjusted after this property line adjustment deed, is described in Exhibit B, attached.

YTURI ROSE LLP  
ATTORNEYS AT LAW  
P.O. BOX "S"  
ONTARIO, OR 97914  
(541) 609-4308

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NOV 10 2015

SALEM, OR



**Exhibit A  
(Legal Description)**

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:  
Sec. 16: The NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

**2012-01620**  
MALHEUR COUNTY, OREGON

Page 3 of 5

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 3 of 7  
508007/d1/22Mar12/tm

2012-1520

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**Exhibit B**  
**(Grantor's Parcel After Property Line Adjustment)**

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:  
Sec. 16: The North ½.

**2012-01520** Page 4 of 5  
MALHEUR COUNTY, OREGON

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**Exhibit C**  
**(Grantee's Tract After Property Line Adjustment)**

Land in Malheur County, Oregon, as follows:

In Twp. 16 S., R. 43 E., W.M.:  
Section 16: The N $\frac{1}{2}$ SE $\frac{1}{4}$  and the N $\frac{1}{2}$ SW $\frac{1}{4}$ .

**2012-01520**  
MALHEUR COUNTY, OREGON

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BARGAIN AND SALE DEED (Property Line Adjustment) - Page 5 of 7  
508007/d1/22Mar12/m

NOV 10 2015

2012-1520

SALEM, OR

RECORDER'S INFORMATION:

Until a change is requested,  
all tax statements shall be sent to:  
Gum Creek South, Inc.  
2436 11<sup>th</sup> Avenue E  
Vale OR 97918

After recording return to:  
Gum Creek South, Inc.  
2436 11<sup>th</sup> Avenue E  
Vale OR 97918

MALHEUR COUNTY, OR 2012-3810  
DB&S DEED  
10/16/2012 4:22:10 PM  
Cnt=1 Pgs=6 Total:\$72.00



I, Deborah R. DeLong, County Clerk for Malheur  
County, Oregon certify that the instrument identified  
herein was recorded in the Clerk records.  
Deborah R. DeLong - County Clerk

164300B  
2/14  
RA228  
Ray

**BARGAIN AND SALE DEED**  
(Property Line Adjustment)

William Heid and Rochelle Heid, Husband and Wife, Grantor, conveys to Gum Creek South, Inc. (formerly Gum Creek Farms, Inc.), Grantee, the following described real property:

See Exhibit A attached hereto  
and by this reference incorporated herein.

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.

This Deed is granted to effect a property line adjustment as defined by ORS 92.010. No new parcels are created by this Deed.

The true consideration for this conveyance is: property line adjustment, for which a record of survey was filed at the office of the Malheur County Surveyor at survey number 16-43-0024, and by this reference incorporated herein.

The original parcel owned by Grantor (Tax Lot 5500) is described in a Warranty Deed recorded as Instrument No. 2012-1520, Malheur County Deed Records, Malheur County, Oregon.

LESLIE ROSE LLP  
ATTORNEYS AT LAW  
P.O. BOX "S"  
MTAINO, OR 97214  
(541) 688-5360

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 1 of 7  
508007/d1/22Mar12/tm

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2012-3810

NOV 10 2015

SALEM, OR

As required by ORS 92.190, description of the adjusted lines are as follows:

- (1) A description of Grantor's parcel, as adjusted after this property line adjustment deed, is described in Exhibit B, attached.
- (2) A description of Grantee's parcel, as adjusted after this property line adjustment deed, is described in Exhibit C attached.

Dated this 16<sup>th</sup> day of October, 2012.

Grantors:

William Heid  
 William Heid

Rochelle Heid  
 Rochelle Heid

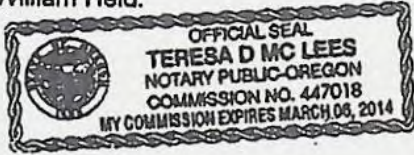
Grantee:

Gum Creek South, Inc.

By: [Signature]  
 Kenneth Jensen, President

State of Oregon     )  
                                   ) ss  
 County of Malheur    )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October, 2012 by William Heid.



Teresa D Mc Lees  
 Notary Public for Oregon  
 My Commission Expires: 3-6-14

State of Oregon     )  
                                   ) ss  
 County of Malheur    )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of October, 2012 by Rochelle Heid.



Teresa D Mc Lees  
 Notary Public for Oregon  
 My Commission Expires: 3-6-14

2012-3810  
MALHEUR COUNTY, OREGON

Page 2 of 6

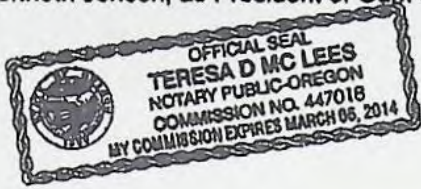
RECEIVED BY OWRD

NOV 10 2015

SALEM, OR

State of Oregon     )  
                              ) ss  
County of Malheur    )

The foregoing instrument was acknowledged before me this 16 day of October, 2012 by Kenneth Jensen, as President of Gum Creek South, Inc.



Teresa D Mc Lees  
Notary Public for Oregon  
My Commission Expires: 3-6-14

2012-3810                   Page 3 of 6  
MALHEUR COUNTY, OREGON

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 3 of 7  
508007/d1/22Mar12/m

2012-3810

RECEIVED BY OWRD

NOV 10 2015

SALEM, OR

**Exhibit A  
(Legal Description)**

**Adjustment Parcel (Tax Lot 5500 to Tax Lot 5900)**

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 16: That portion of the NW1/4SW1/4 lying west of the following described reference line:

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;  
thence along the east line of said Section 16, S. 00° 24' 34" E., 2672.02 feet, to the southeast corner of the NE1/4 (E1/4 corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";  
thence along the north line of the N1/2S1/2 of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW1/4SW1/4, being the POINT OF BEGINNING of said reference line;  
thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E1/4 corner,  
thence following an existing fence line the following four courses:  
1) S. 00° 09' 33" W., 626.60 feet, to a capped rebar  
2) S. 06° 23' 59" E., 364.32 feet, to a capped rebar;  
3) S. 08° 06' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;  
4) southerly to the southwest corner of the NW1/4 SW1/4 of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of this description to describe all lands in the NW1/4SW1/4 of Section 16 lying west of the fence. The section line between Section 16 and 17 has not been determined by survey. It is possible, therefore, that a portion of the NW1/4SW1/4 of Section 16 lies west of the described fence.

2012-3810  
MALHEUR COUNTY, OREGON

Page 4 of 6

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BARGAIN AND SALE DEED (Property Line Adjustment) - Page 4 of 7  
508007/d1/22Mar12/am

NOV 10 2015

2012-3810

SALEM, OR

**Exhibit B**  
**(Grantor's Parcel After Property Line Adjustment)**

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 16: The N1/2SE1/4 and the N1/2SW1/4.

EXCEPTING THEREFROM, that portion of the NW1/4SW1/4 lying west of the following described reference line:

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;

thence along the east line of said Section 16, S. 00° 24' 34" E., 2872.02 feet, to the southeast corner of the NE1/4 (E1/4 corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";

thence along the north line of the N1/2S1/2 of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW1/4SW1/4, being the POINT OF BEGINNING of said reference line;

thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E1/4 corner,

thence following an existing fence line the following four courses:

- 1) S. 00° 09' 33" W., 628.60 feet, to a capped rebar
- 2) S. 06° 23' 59" E., 364.32 feet, to a capped rebar;
- 3) S. 08° 06' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;
- 4) southerly to the southwest corner of the NW1/4 SW1/4 of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of the parties to hold the existing fence described above as the boundary between the party's lands.

2012-3810 Page 5 of 6  
MALHEUR COUNTY, OREGON

RECEIVED BY OWRD

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 5 of 7  
508007/d1/22/Mar12/tm

NOV 10 2015

2012-3810

SALEM, OR

**Exhibit "C"**

**Grantee's Land After Adjustment (Tax Lot 5900)**

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 17: The SW1/4SE1/4 and the E1/2SE1/4;

In Section 16: That portion of the NW1/4SW1/4 lying west of the following described reference line:

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;

thence along the east line of said Section 16, S. 00° 24' 34" E., 2672.02 feet, to the southeast corner of the NE1/4 (E1/4 corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";

thence along the north line of the N1/2S1/2 of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW1/4SW1/4, being the POINT OF BEGINNING of said reference line;

thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E1/4 corner,

thence following an existing fence line the following four courses:

- 1) S. 00° 09' 33" W., 626.80 feet, to a capped rebar
- 2) S. 08° 23' 59" E., 364.32 feet, to a capped rebar;
- 3) S. 08° 06' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;
- 4) southerly to the southwest corner of the NW1/4 SW1/4 of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of the parties to hold the existing fence described above as the boundary between the party's lands.

2012-3810 Page 6 of 6  
MALHEUR COUNTY, OREGON

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NOV 10 2015

SALVOR

RECORDER'S INFORMATION:

MALHEUR COUNTY, OR 2012-3811  
DB&S DEED  
10/16/2012 4:23:10 PM  
Cnt=1 Pgs=6 Total:\$72.00



I, Deborah R. DeLong, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.  
Deborah R. DeLong - County Clerk

*Roy*  
164300B  
② 14  
RA 228

Until a change is requested,  
all tax statements shall be sent to:  
William and Rochelle Heid  
5070 South Road K  
Vale OR 97918

After recording return to:  
William and Rochelle Heid  
5070 South Road K  
Vale OR 97918

**BARGAIN AND SALE DEED**  
(Property Line Adjustment)

Gum Creek South, Inc. (formerly Gum Creek Farms, Inc.), Grantor conveys to William Heid and Rochelle Heid, Husband and Wife, Grantees, the following described real property:

**See Exhibit A attached hereto  
and by this reference incorporated herein.**

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 195.338 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 195.338 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 Deed is granted to effect a property line adjustment as defined by ORS 92.010. No new parcels are created by this Deed.

The true consideration for this conveyance is: property line adjustment, for which a record of survey was filed at the office of the Malheur County Surveyor at survey number 16-43-0024, and by this reference incorporated herein.

LUNA ROSE LLP  
ATTORNEYS AT LAW  
P.O. BOX 5  
MTARNO, OR 97914  
(541) 888-8308

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 1 of 7  
508007/d1/22Mar12/lm

2012-3811

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SALEM, OR

The original parcel owned by Grantor (Tax Lot 5900) is described in a Warranty Deed recorded as Instrument No. 128886, Malheur County Deed Records, Malheur County, Oregon.

As required by ORS 92.190, description of the adjusted lines are as follows:

- (1) A description of Grantor's parcel, as adjusted after this property line adjustment deed, is described in Exhibit B, attached.
- (2) A description of Grantee's parcel, as adjusted after this property line adjustment deed, is described in Exhibit C attached.

Dated this 16 day of October, 2012.

Grantor:

Gum Creek South, Inc.

By: [Signature]  
Kenneth Jensen, President

Grantees:

[Signature]  
William Heid

[Signature]  
Rochelle Heid

State of Oregon )  
                          ) ss  
County of Malheur )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October, 2012 by Kenneth Jensen, President of Gum Creek South, Inc.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 3-6-14

State of Oregon )  
                          ) ss  
County of Malheur )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October, 2012 by William Heid.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 3-6-14

2012-3811 Page 2 of 6  
MALHEUR COUNTY, OREGON

RECEIVED BY OWRD

State of Oregon     )  
                                  ) ss  
County of Malheur    )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of October, 2012 by Rochelle Heid.



Teresa D McLees  
Notary Public for Oregon  
My Commission Expires: 3-6-14

2012-3811                   Page 3 of 6  
MALHEUR COUNTY, OREGON

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 3 of 7  
508007/d1/22Mar12/m

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2012-3811

NOV 10 2015

SALEM, OR

**Exhibit A  
(Legal Description)**

**Adjustment Parcel (Tax Lot 5900 to Tax Lot 5500)**

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 17: That portion of the NE1/4SE1/4 lying east of the following described reference line:

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;

thence along the east line of said Section 16, S. 00° 24' 34" E., 2672.02 feet, to the southeast corner of the NE1/4 (E1/4 corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";

thence along the north line of the N1/2S1/2 of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW1/4SW1/4, being the POINT OF BEGINNING of said reference line;

thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E1/4 corner,

thence following an existing fence line the following four courses:

- 1) S. 00° 09' 33" W., 626.60 feet, to a capped rebar
- 2) S. 06° 23' 59" E., 364.32 feet, to a capped rebar;
- 3) S. 08° 06' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;
- 4) southerly to the southwest corner of the NW1/4 SW1/4 of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of this description to describe all lands in the NW1/4SW1/4 of Section 16 lying west of the fence. The section line between Section 16 and 17 has not been determined by survey. It is possible, therefore, that a portion of the NW1/4SW1/4 of Section 16 lies west of the described fence.

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MALHEUR COUNTY, OREGON

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2012-3811

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SALEM, OR

**Exhibit B**  
(Grantor's Parcel After Property Line Adjustment - Tax Lot 5900)

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 17: The E $\frac{1}{2}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

AND ALSO In Section 16: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  lying west of the following described reference line:

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;

thence along the east line of said Section 16, S. 00° 24' 34" E., 2672.02 feet, to the southeast corner of the NE $\frac{1}{4}$  (E $\frac{1}{4}$  corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";

thence along the north line of the N $\frac{1}{2}$ S $\frac{1}{2}$  of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ , being the POINT OF BEGINNING of said reference line;

thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E $\frac{1}{4}$  corner,

thence following an existing fence line the following four courses:

- 1) S. 00° 09' 33" W., 626.60 feet, to a capped rebar
- 2) S. 06° 23' 59" E., 364.32 feet, to a capped rebar;
- 3) S. 08° 08' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;
- 4) southerly to the southwest corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of the parties to hold the existing fence described above as the boundary between the party's lands.

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MALHEUR COUNTY, OREGON

Page 5 of 6

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 5 of 7  
508007/d1/22Mar12/bm

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2012-3811

SALEM, OR

**Exhibit "C"**

**Grantee's Land After Adjustment (Tax Lot 5500)**

Land in Malheur County, Oregon, as follows:

In Township 16 South, Range 43 East, Willamette Meridian:

In Section 16: The N1/2SE1/4 and the N1/2SW1/4.

EXCEPTING THEREFROM, that portion lying west of the reference line described below:  
AND ALSO in Section 17: That portion of the NE1/4SE1/4 lying east of the reference line described below:

**Reference Line:**

Commencing at the northeast corner of said Section 16, being monumented by a 5/8" rebar with Malheur County aluminum cap;

thence along the east line of said Section 16, S. 00° 24' 34" E., 2672.02 feet, to the southeast corner of the NE1/4 (E1/4 corner) of said Section 16, being monumented by a brass cap monument stamped "General Land Office Survey";

thence along the north line of the N1/2S1/2 of said Section 16, west, 5420 feet, more or less, to the northwest corner of said NW1/4SW1/4, being the POINT OF BEGINNING of said reference line;

thence to a set 5/8" rebar with red plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar", being S. 89° 14' 31" W., 5421.92 feet, from the aforementioned brass cap monument at the E1/4 corner,

thence following an existing fence line the following four courses:

- 1) S. 00° 09' 33" W., 626.60 feet, to a capped rebar
- 2) S. 06° 23' 59" E., 364.32 feet, to a capped rebar;
- 3) S. 08° 06' 34" W., 285.15 feet, to the center of a 4 ft. diameter rock jack;
- 4) southerly to the southwest corner of the NW1/4 SW1/4 of said Section 16, and the POINT OF TERMINUS of said reference line.

It is the intent of the parties to hold the existing fence described above as the boundary between the party's lands.

2012-3811

Page 6 of 6

MALHEUR COUNTY, OREGON

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NOV 10 2015

BARGAIN AND SALE DEED (Property Line Adjustment) - Page 6 of 7

508007/d1/22Mar12/tm

2012-3811

SALEM, OR

After recording return to:  
Malheur County Title Company

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

Kenneth Jensen  
2436 11<sup>th</sup> Ave E  
Vale, OR 97918

Date: December 30, 2014  
Escrow No.: 30822 E

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR **2014-4148**  
DST WD **12/31/2014 03:18 PM**  
Crt#1 Pg#3 **Total: \$62.00**



00027358201400041480030034

I, Deborah R. DeLong, County Clerk for Malheur  
County, Oregon certify that the instrument identified  
herein was recorded in the Clerk records.  
Deborah R. DeLong - County Clerk

See attached  
Exhibit A  
for posting

**STATUTORY WARRANTY DEED**

MONTE HEID, Grantor, conveys and warrants to KENNETH JENSEN, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

Map 1643	Tax Lot 5400	Account No. 5914	Code 9
Map 16439	Tax Lot 501	Account No. 20546	Code 9
Map 16439	Tax Lot 800	Account No. 19645	Code 9
Map 16439	Tax Lot 900	Account No. 5913	Code 9
Map 16439	Tax Lot 700	Account No. 5909	Code 9

This property is free from liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is Exchange of Properties  
(Here comply with requirements of ORS 93.030)

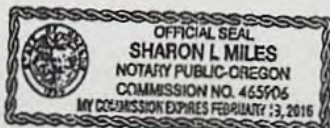
**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AN SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

Dated this 30th day of December, 2014

Monte Heid  
Monte Heid

STATE OF OREGON, Malheur County )ss

On this 30th day of December, 2014 personally appeared before me MONTE HEID, who acknowledged to me that he executed the same as his voluntary act and deed.



Sharon L. Miles  
Notary Public for Oregon  
Commission Expires: 2-13-16

RECEIVED BY OWRD

NOV 10 2015

SALEM, OR

EXHIBIT 'A'

Tax Lot 5400 Map 1643  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 16: The N1/2  
TOGETHER WITH the following described tract:

In Section 15: In the NW1/4, that portion of Tract No's 118 and 119 of the Jamieson Acreage Tracts according to the Official Plat thereof, described as follows:  
Commencing at the Northwest corner of said Section 15, being monumented with a found Malheur County aluminum cap;  
thence along the West line of said Section 15, S. 00° 25' 14" E., 317.07 feet, to the POINT OF BEGINNING.  
thence S. 61° 06' 26" E. 84.82 feet, to a 5/8 rebar with plastic cap stamped "D Coon LS65687", hereinafter referred to as "capped rebar";  
thence S. 56° 07' 11" E., 112.87 feet, to a capped rebar;  
thence S. 36° 05' 13" E., 225.68 feet to a capped rebar;  
thence S. 16° 05' 29" E., 225.76 feet to a capped rebar;  
thence S. 03° 55' 28" W., 225.76 feet, to a capped rebar;  
thence S. 23° 54' 26" W., 225.76 feet to a capped rebar;  
thence S. 43° 54' 12" W., 225.74 feet to a capped rebar;  
thence S. 63° 55' 35" W., 102.03 feet to a capped rebar on the West line of said NW1/4;  
thence along said West line, N. 00° 23' 53" W., 120.97 feet, to a broken G.L.O. metal post with brass cap buried alongside;  
thence continuing along said West line, N00°25'14"W., 1027.37 to the POINT OF BEGINNING.

164300B (2)  
2100/40 (pm)

164315  
PTN 904/42 (PA135)

Tax Lot 900 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: W1/2SW1/4

Tax Lot 800 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: E1/2SW1/4

EXCEPTING that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded August 22, 1936, Book 31 Page 202 for main canal right of way.

ALSO that portion of the SE1/4NW1/4 lying Southeasterly of the County Road right of way and Southwesterly of that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, Page 202 for Main Canal right of way,

EXCEPTING FROM the above description that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, Page 202 for Main Canal right of way.

164300B (11)  
2000/40

16041- (1)

1703/... (10)

P. I P.P. 2012-04

1702/... (12)

Tax Lot 501 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: In the SW1/4SE1/4, Parcel 1 of Partition Plat #12-04, according to the official plat thereof on file in the records of Malheur County at Instrument No 2012-1813.

Also that portion of the SE1/4SE1/4 lying West of the reference line described below, which is intended to follow an existing fence line;

REFERENCE LINE:

Commencing at the Southeast corner of said Section 9, being monumented with a found Malheur County aluminum cap;  
thence along the South line of said Section 9, S. 89° 00' 19" W, 1208.67 feet, to said existing fence line and the POINT OF BEGINNING of said reference line, said point being N. 48° 52' 00" W., 32.26 feet, from a 5/8" rebar with plastic cap stamped "D COON LS65687", hereinafter referred to as "capped rebar";  
thence following said existing fence line the (5) courses:

- 1) N. 48° 52' 00" W., 406.99 feet, to a capped rebar;
- 2) N. 05° 57' 21" W., 377.51 feet to a capped rebar;
- 3) N. 35° 27' 43" E., 141.63 feet, to a capped rebar;
- 4) N. 29° 50' 52" E., 151.25 feet, to a capped rebar;
- 5) N. 17° 52' 42" E., 478.22 feet to a capped rebar in the North line of said SE1/4SE1/4, and the POINT OF TERMINUS of said reference line.

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NOV 10 2015

SALEM, OR

Continued

Exhibit A Continued

Tax Lot 700 Map 16439

Land in Malheur County, Oregon as follows:

In Township 16 South, Range 43 East, Willamette Meridian

In Section 9: That portion of the SW1/4NE1/4 and of the NW1/4SE1/4 lying Westerly of that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, page 202, for Main Canal right of way. (Said parcel lying in the extreme SW corner of the SW1/4NE1/4 and extreme NW corner of the NW1/4SE1/4).

**SUBJECT TO:**

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Regulations of the Vale Oregon Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

An easement for power lines created by instrument, including the terms and provisions thereof;

Recorded: Book 53, Page 215 Deed Records

Favor of: Idaho Power Company

An easement for power lines created by instrument, including the terms and provisions thereof;

Recorded: July 24, 2002, Instrument No 2002-5428

Favor of: Idaho Power Company

An ordinance Filed June 20, 2007 in Malheur County Court regarding Planning and Zoning.

Affects a portion of tax lot 90

2014-4148 Page 3 of 3  
MALHEUR COUNTY, OREGON

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NOV 10 2015

SALEM, OR

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Kenneth Jensen  
2436 11<sup>th</sup> Ave. E  
Vale, OR 97918  
 Grantor's Name and Address

Sagebrush Farm LLC  
2436 11<sup>th</sup> Ave. E  
Vale, OR 97918  
 Grantee's Name and Address

After recording, return to (Name and Address):  
Sagebrush Farm LLC  
2436 11<sup>th</sup> Ave. E  
Vale, OR 97918

Until requested otherwise, send all tax statements to (Name and Address):  
Sagebrush Farms LLC  
2436 11<sup>th</sup> Ave. E  
Vale, OR 97918

MALHEUR COUNTY, OR 2015-3962  
 DB&S DEED 11/04/2015 01:12 PM  
 Cnt=1 Pgs=4 Total:\$67.00



I, Deborah R. DeLong, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.  
 Deborah R. DeLong - County Clerk

*Land*

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Kenneth Jensen

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Sagebrush Farm LLC

hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Malheur County, State of Oregon, described as follows (legal description of property):

*See Exhibit 'A' attached hereto and made a part hereof*

Map 1643	Tax Lot 5400	Account No. 5914	Code 9
Map 16439	Tax Lot 501	Account No. 20546	Code 9
Map 16439	Tax Lot 800	Account No. 19645	Code 9
Map 16439	Tax Lot 900	Account No. 5913	Code 9
Map 16439	Tax Lot 700	Account No. 5909	Code 9

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols ®, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on 11/3/15; any signature on behalf of a business or other entity is made with the authority of that entity.

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.

*Kenneth Jensen*

STATE OF OREGON, County of Malheur ) ss.  
 This instrument was acknowledged before me on 11/3/15,  
 by Kenneth Jensen  
 This instrument was acknowledged before me on \_\_\_\_\_,  
 by \_\_\_\_\_,  
 as \_\_\_\_\_,  
 of \_\_\_\_\_



*Lindsey N. Johnson*  
 Notary Public for Oregon  
 My commission expires 9/2/16

RECEIVED BY OWRD

EXHIBIT 'A'

Tax Lot 5400 Map 1643  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 16: The N1/2  
TOGETHER WITH the following described tract:

In Section 15: In the NW1/4, that portion of Tract No's 118 and 119 of the Jamieson Acreage Tracts according to the Official Plat thereof, described as follows:  
Commencing at the Northwest corner of said Section 15, being monumented with a found Malheur County aluminum cap;  
thence along the West line of said Section 15, S. 00° 25' 14" E., 317.07 feet, to the **POINT OF BEGINNING**.  
thence S. 61°06' 26" E. 84.82 feet, to a 5/8 rebar with plastic cap stamped "D Coon LS65687", hereinafter referred to as "capped rebar";  
thence S.56° 07' 11" E., 112.87 feet, to a capped rebar;  
thence S.36°05'13" E., 225.68 feet to a capped rebar;  
thence S.16°05' 29" E., 225.76 feet to a capped rebar;  
thence S. 03°55'28" W., 225.76 feet, to a capped rebar;  
thence S. 23°54'26" W., 225.76 feet to a capped rebar;  
thence S. 43°54'12" W., 225.74 feet to a capped rebar;  
thence S. 63°55'35" W., 102.03 feet to a capped rebar on the West line of said NW1/4;  
thence along said West line, N.00°23'53" W., 120.97 feet, to a broken G.L.O. metal post with brass cap buried alongside;  
thence continuing along said West line, N00°25'14" W., 1027.37 to the **POINT OF BEGINNING**.

Tax Lot 900 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: W1/2SW1/4

Tax Lot 800 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: E1/2SW1/4  
EXCEPTING that portion as conveyed to Vale Oregon Irrigation Dist. by deed recorded August 22, 1936, Book 31 Page 202 for main canal right of way.  
  
ALSO that portion of the SE1/4NW1/4 lying Southeasterly of the County Road right of way and Southwesterly of that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, Page 202 for Main Canal right of way,  
  
EXCEPTING FROM the above description that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, Page 202 for Main Canal right of way.

Tax Lot 501 Map 16439  
Land in Malheur County, Oregon as follows:  
In Township 16 South, Range 43 East, Willamette Meridian:  
In Section 9: In the ~~SW1/4~~ SE1/4, Parcel 1 of Partition Plat #12-04, according to the official plat thereof on file in the records of Malheur County at Instrument No 2012-1813.

Also that portion of the SE1/4SE1/4 lying West of the reference line described below, which is intended to follow an existing fence line:

**REFERENCE LINE:**

Commencing at the Southeast corner of said Section 9, being monumented with a found Malheur County aluminum cap;  
thence along the South line of said Section 9, S.89°00'19"W, 1208.67 feet, to said existing fence line and the **POINT OF BEGINNING** of said reference line, said point being N.48°52'00"W., 32.26 feet, from a 5/8" rebar with plastic cap stamped "D COON LS65687", hereinafter referred to as "capped rebar";  
thence following said existing fence line the (5) courses:  
1) N.48°52'00"W., 406.99 feet, to a capped rebar;  
2) N. 05°57'21"W., 377.51 feet to a capped rebar;  
3) N. 35°27'43" E., 141.63 feet, to a capped rebar;  
4) N. 29°50'52"E., 151.25 feet, to a capped rebar;  
5) N.17°52'42"E., 478.22 feet to a capped rebar in the North line of said SE1/4SE1/4, and the **POINT OF TERMIMUS** of said reference line.

Continued

Page 1 of 3

Sagebrush Farm LLC  
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2015-3962  
MALHEUR COUNTY, OREGON

Page 2 of 4

NOV 10 2015

SALEM, OR

Tax Lot 501, Map 16439 continued

**EXCEPTING THEREFROM** that portion of Parcel No. 1 of Partition Plat No. 12-04, recorded June 19, 2012, as Instrument No. 2012-1813, in the SW1/4 SE1/4, lying East of an existing fence, the location of which is described by the reference line below;

**REFERENCE LINE:**

Commencing at the Southeast corner of said Sec. 9, being monumented with a found Malheur County aluminum cap;  
thence along the South line of said Sec. 9, S. 89° 00' 19" W., 1208.67 feet to said existing fence line and the POINT OF BEGINNING of said reference line, said point being N. 48° 52' 00" W., 32.26 feet from a 5/8" rebar with plastic cap stamped "D. COON LS65687", hereinafter referred to as "capped rebar";

thence following said existing fence line the five (5) courses;

- 1) N. 48° 52' 00" W., 406.99 feet to a capped rebar;
- 2) N. 05° 57' 21" W., 377.51 feet to a capped rebar;
- 3) N. 35° 17' 43" E., 141.63 feet to a capped rebar;
- 4) N. 29° 50' 52" E., 151.25 feet to a capped rebar;
- 5) N. 17° 52' 42" E., 478.22 feet to a capped rebar in the North line of said SE1/4 SE1/4, and the POINT OF TERMINUS of said reference line.

**FURTHER EXCEPTING THEREFROM** that portion of the SE1/4 SE1/4, as conveyed to the Vale-Oregon Irrigation District, by Deed recorded August 22, 1936, in Book 31, at Page 202, Deed Records of Malheur County, Oregon. For Main Canal right of way.

2015-3962  
MALHEUR COUNTY, OREGON

Page 3 of 4

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NOV 10 2015

SALEM, OR

page 2 of 3

Sagebrush Farm LLC

Exhibit A Continued

Tax Lot 700 Map 16439

Land in Malheur County, Oregon as follows:

In Township 16 South, Range 43 East, Willamette Meridian

In Section 9: That portion of the SW1/4NE1/4 and of the NW1/4SE1/4 lying Westerly of that portion as conveyed to Vale Oregon Irrigation District by deed recorded August 22, 1936, Book 31, page 202, for Main Canal right of way. (Said parcel lying in the extreme SW corner of the SW1/4NE1/4 and extreme NW corner of the NW1/4SE1/4).

SUBJECT TO:

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Regulations of the Vale Oregon Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

An easement for power lines created by instrument, including the terms and provisions thereof;

Recorded: Book 53, Page 215 Deed Records

Favor of: Idaho Power Company

An easement for power lines created by instrument, including the terms and provisions thereof;

Recorded: July 24, 2002, Instrument No 2002-5428

Favor of: Idaho Power Company

An ordinance Filed June 20, 2007 in Malheur County Court regarding Planning and Zoning.  
Affects a portion of tax lot 90

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NOV 10 2015

SALEM, OR

2015-3962  
MALHEUR COUNTY, OREGON

Page 4 of 4

page 3 of 3

Sagebrush Farm LLC

Application No. G14461  
 Permit No. G13533  
 Certificate No. \_\_\_\_\_

**FEES PAID**

Date	Amount	Receipt No.
2-24-97	1548. <sup>00</sup>	10189
11/10/15	85. <sup>00</sup>	117972
		Cert. Fee

Stream Index, Page No. \_\_\_\_\_

*See G-10144  
S-27611*

**FEES REFUNDED**

Date	Amount	Check No.
11-2-98	418. <sup>00</sup>	001744

*Assigned*  
 FILE#: G 14461  
 GUM CREEK FARMS INC.; HEID, WILLIAM  
 5070 SOUTH RD K  
 VALE, OR 97918

Date filed \_\_\_\_\_  
 Priority FEBRUARY 19, 1997  
 Action suspended until \_\_\_\_\_

Return to applicant \_\_\_\_\_  
 Date of approval \_\_\_\_\_

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
11-10-15	Northwest Farm Credit Services 308 SE 10th St. Ontario, OR 97914 Sagebrush Farm LLC 2436 11th Ave. E Vale, OR 97918			

**CONSTRUCTION**

Date for beginning \_\_\_\_\_  
 Date for completion \_\_\_\_\_  
 Extended to \_\_\_\_\_  
 Date for application of water \_\_\_\_\_  
 Extended to \_\_\_\_\_

**REMARKS**

*T-8616 Δ POU spo. U. 55 p. 1281*

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_  
 Form "B" filed \_\_\_\_\_  
 Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Date certificate issued \_\_\_\_\_

**COBU MAP # 0354**



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

August 25, 2015

Northwest Farm Credit Services

Attn: Lindsey Johnson

308 SE 10<sup>th</sup>. Street

Ontario, Oregon 97914

Reference: Application G-14461, Permit G-13533

The requested assignment could not be made as the permit is not in the Jensen's name. The permit is still in the name of Gum Creek Farms; William Heid.

The Department is returning your request and check

Sincerely,

Jerry Sauter

Water Rights Program Analyst

Water Right Services Division

Enclosure: request and check

cc: file



app6 - 14461 (permit 6 - 13533)

USER-ID 9071

2005

Oregon Water Resources Department  
 October 2005 through September 2006  
 Annual Water Use - Monthly Quantities Form

2006



Facility # POD-ID #	WALL #15	WALL #17	WALL #18	WALL #19	WALL #20
	47860	47861	47862	47863	47864
October - 2005	∅ AF	12.4 AF	1.3 AF	10.8 AF	4.5 AF
November - 2005	∅	∅	∅	∅	∅
December - 2005	∅	∅	∅	∅	∅
January - 2006	∅	∅	∅	∅	∅
February - 2006	∅	∅	∅	∅	∅
March - 2006	∅	∅	∅	∅	∅
April - 2006	∅	8.2	10.0	5.8	∅
May - 2006	41.0	21.4	21.0	34.0	<del>∅</del>
June - 2006	54.6	70.6	52.4	60.4	<del>∅</del> 20.7
July - 2006	10.7	62.1	64.3	53.8	58.5
August - 2006	∅	58.8	54.0	49.4	50.3
September - 2006	∅	41.2	52.4	31.2	16.3
TOTAL *	106.3	274.7	255.4	245.4	150.3

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER If use is irrigation, total number acres irrigated 424

I certify this information is true and accurate to the best of my knowledge.

Kenneth Jensen  
Signature

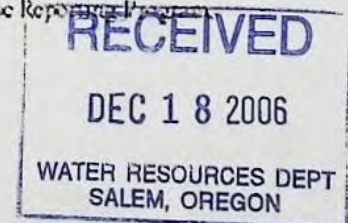
FARM OPERATOR  
Title

GUMCRAK FARMS INC.  
Reporting Entity

12-13-2006  
Date

KENNETH JENSEN  
Name - Please Print

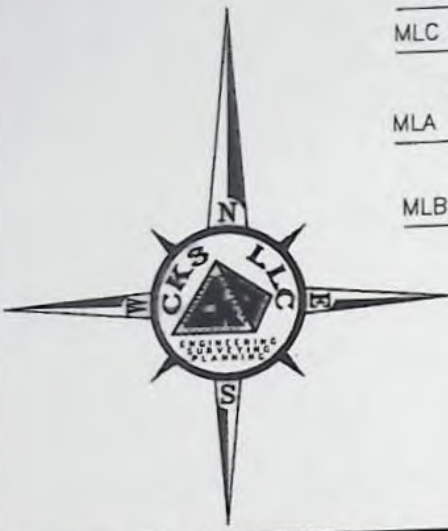
Please complete and mail to: Water Resources Department, Water Use Reporting Program  
 725 Summer Street NE, Suite A, Salem, OR 97301-1266



1320' 0 1320' 2640'

SCALE 1" = 1320'  
ALL DISTANCES SHOWN HERE ARE IN FEET UNLESS NOTED OTHERWISE

G 14461  
T. 8616



LEGEND	
DISCRIPTION	SYMBOLS
EARTH DITCH	--- · --- · --- ·
CONCRETE DITCH	--- ■ --- ■ --- ■
IRRIGATION PIPE	--- IRR --- IRR --- IRR
SECTION LINE	---
QUARTER-QUARTER	---
SECTION CORNER	⊕
IRRIGATION WELL	⊙
SUPPLEMENTAL WATER RIGHT	▨
PRIMARY WATER RIGHT	▩

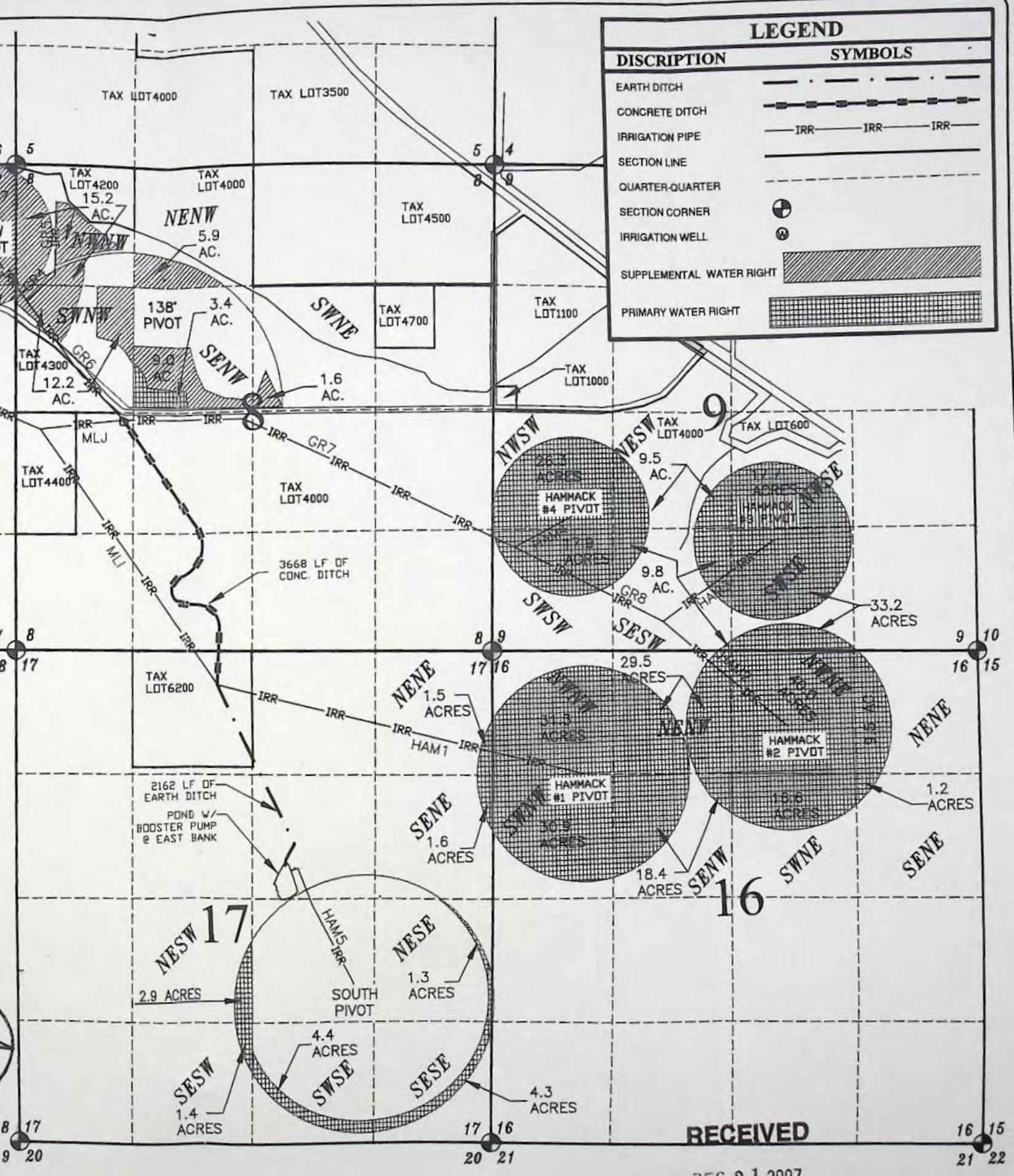
Pipe	Description	Size (in.)	Length (ft.)
MLK	From well 18 to center of Leach Pond Pivot	8	3033
MLM	Center of Leach Pond Pivot to crossover (tee)	8	1018
MLN	From crossover (tee) to Dredge #1	8	755
GR1	Gated pipe from Dredge #1 to Gum Creek	8	926
GR2	From Dredge #1 to center of new pivot	8	860
GR3	From center of new pivot to 8" tee	8	884
GR4	From 8" tee to Stand pipe	8	406
GR5	Gate pipe from stand pipe to Gum Creek	8	798
GR6	From 8" tee to Dredge #2	12	1670
MLD	Well 20 to 15" main line	8	192
MLC	Well 19 to 15" main line	10	369
MLA	Well 15 to 15" main line	10	484
MLB	Well 17 to 15" main line	15	897
MLE	Main line from well 20, 19 & 15 tee to well 17 tee	15	2939
MLF	Well 17 tee to tee @ pipe MLC	8	1414
MLG	From tee in 15" main line, north to crossover (tee)	15	1568
MLH	From pipe MLC to Pivot 2, 3 & 4 tee	15	3406
MLI	From pivot 2, 3, and 4 tee to concrete & earth ditch	12	906
MLJ	From pivot 2, 3, & 4 to Dredge #2	15	4583
GR7	From Dredge #2 to Ham4 pivot tee	12	1836
GR8	Pivot 4 tee to Pivot 3 tee	10	4091
HAM1	Pivot 1 tee Hammack 1 pivot	10	1801
HAM2	Pivot 3 tee to Hammack 2 pivot	8	1505
HAM3	Pivot 3 tee to Hammack 3 pivot	10	707
HAM4	Pivot 4 tee to Hammack 4 pivot	10	1740
HAM5	Booster pump to Hammack 5 pivot		

**DISCLAIMER**  
I, STEWART R. EDWARDS, HEREBY CERTIFY: THAT THIS MAP WAS MADE TO BE PART OF THE APPLICATION FOR A PERMIT TO APPROPRIATE GROUND WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.

Certified Water Right Examiner  
#36234 WRE  
*Stewart R. Edwards*  
STEWART R. EDWARDS  
JULY 24, 2000  
STATE OF OREGON  
Sealed 12/17/07

\*\*NOTE: ALL "BLANK" BUT IRRIGATED AREAS WHERE THERE IS A PIVOT ARE COVERED UNDER PREVIOUS/OTHER WATER RIGHTS.

COBU MAP 0354



ENG. BY: STU EDWARDS  
APR. BY: DC/PW/MT  
DATE: DECEMBER 14, 2007

REVISION	DATE
1	
2	
3	
4	

CLAIM OF BENEFICIAL USE  
T 16S, R 43E,  
SEC. 7, 8, 9, 16, & 17 WM.  
MALHEUR COUNTY, OREGON  
GUM CREEK FARMS, INC.  
5070 SOUTH ROAD K  
VALE, OREGON 97918

CKS, LLC  
368 S.W. 5th Avenue  
Ontario, Oregon 97914  
Phn: (541) 889-5411  
Fax: (541) 889-2074  
CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING, SURVEYING & PLANNING

W1  
SHEET: 1 OF 1  
JOB: WO-04007

RECEIVED  
DEC 21 2007

WATER RESOURCES DEPT  
SALEM, OREGON

THIS DRAWING, & ALL INFORMATION HEREIN, REMAINS THE PROPERTY OF CKS, LLC. ALL RIGHTS ARE EXPRESSLY RESERVED & IT MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF CKS, LLC.



*Serving the Greater Northwest  
since 1972*

## CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING-SURVEYING & PLANNING  
368 SW 5TH AVENUE, ONTARIO, OR 97914

September 26, 2007

**RECEIVED**

SEP 28 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Jerry Gainey  
Water Rights Specialist, Certificate Section  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Application G-14461, Permit G-13533

Dear Mr. Gainey;

This is a request for another extension of time to complete the beneficial use site report and map for the above reference application.

This request for another 60 day extension from October 8, 2007.

Thank you for your consideration.

Respectfully Submitted,

Stewart R. Edwards  
Water Rights Examiner



**CK3, LLC**

CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING, SURVEYING & PLANNING  
368 SW 5TH AVENUE, ONTARIO, OR 97914

BOISE ID 837

26 SEP 2007 PM 1 L



Jerry Gainey  
Water Rights Specialist, Certificate Section  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

9730181266





# Oregon

Theodore R. Kulongoski, Governor

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

August 9, 2007

Stewart Edwards  
Edwards & Cummings, LLC  
156 SE 1<sup>st</sup> Ave, Suites 1 & 2  
Ontario, Oregon 97914

RE: Application G-14461, Permit G-13533

Dear Mr. Edwards,

The Department received your request for a 60-day extension for the resubmit of the claim of beneficial use for the above reference application on August 3, 2007. Your request is approved for a 60-day extension.

The corrected and completed form and map should be returned to the Department not later than October 8, 2007.

We look forward to working with you on this project. Please feel free to contact me at 503-986-0812 if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

  
Jerry Gainey

Water Rights Specialist, Certificate Section

cc: Gum Creek Farms Inc.



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1972*

## CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING-SURVEYING & PLANNING  
368 SW 5TH AVENUE, ONTARIO, OR 97914

August 1, 2007

Jerry Gainey  
Water Rights Specialist, Certificate Section  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Application G-14461, Permit G-13533

Dear MR. Gainey;

This letter is a request for extension of time to complete the beneficial use site report. Your letter dated May 9, 2007 requested that the corrected form be completed and returned to your office within 90 days, which is August 9, 2007. This request is for a minimum 60-day extension beyond August 9, 2007.

Thanking you in advance for your consideration.

Sincerely,

Stewart R. Edwards  
Water Rights Examiner

**RECEIVED**

**AUG 03 2007**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

SRE:djw



**CKS, LLC**

Formerly: Edwards & Conway, LLC

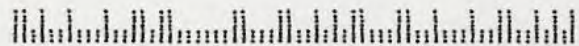
**CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING, SURVEYING & PLANNING**  
368 SW 5th Avenue, Ontario, OR 97914

BOISE ID 837

02 JUL 2007 PM 11



97301+1288





# CK3, LLC

"Formerly: Edwards & Cummings, LLC"

CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING, SURVEYING & PLANNING  
156 SE 1ST AVENUE, SUITE 1, ONTARIO, OR 97914

## FAX TRANSMITTAL FORM

**To** Name: Jerry Guiney **From** Name: Stu Edwards  
**Business** Dept. of Water Resources Phone Number: 541-889-5411  
 Phone Number: \_\_\_\_\_ Fax Number: 541-889-2074  
 Fax Number: 503-986-0904 E-Mail: ecllc@fmtc.com

Date: \_\_\_\_\_ Pages including cover page: 2

- Urgent     Per Your Request     For Your Review     Please Reply

Message:  
Hard copy to follow

RECEIVED  
 AUG 01 2007  
 WATER RESOURCES DEPT.  
 SALEM, OREGON



Serving the Greater Northwest since  
1972

## CK3, LLC

CIVIL-STRUCTURAL-ELECTRICAL  
ENGINEERING-SURVEYING & PLANNING  
368 SW 5TH AVENUE, ONTARIO, OR 97914

August 1, 2007

Jerry Gainey  
Water Rights Specialist, Certificate Section  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Application G-14461, Permit G-13533

Dear MR. Gainey:

This letter is a request for extension of time to complete the beneficial use site report. Your letter dated May 9, 2007 requested that the corrected form be completed and returned to your office within 90 days, which is August 9, 2007. This request is for a minimum 60-day extension beyond August 9, 2007.

Thanking you in advance for your consideration.

Sincerely,

Stewart R. Edwards  
Water Rights Examiner

SRE:djw

RECEIVED

AUG 01 2007

WATER RESOURCES DEPT.  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

May 9, 2007

Stewart Edwards  
Edwards & Cummings, LLC  
156 SE 1<sup>st</sup> Ave, Suites 1 & 2  
Ontario, Oregon 97914

RE: Application G-14461, Permit G-13533

Dear Mr. Edwards,

The Department received the claim of beneficial use site report (COBU) and map for the above reference application on April 30, 2007. The COBU report and/or map failed to meet our minimum requirements as required in OAR 690-014 and OAR 690-310-0050 and are being returned for corrections. Below is a partial list of discrepancies found in our review.

The Claim map submitted is not drawn on at least 0.003-inch polyester film and is not stamped or signed by the CWRE.

The map does not provide the number of acres irrigated in some of the quarter-quarters. If possible, request one map showing all requirements for a final proof map, acreage and points of appropriation.

There is no horsepower information

The COBU report reflects 1/1 as the period of use. The period of use per the permit is April 1 through October 31 for irrigation and April 1 through September 1 for supplemental irrigation, please explain.

The COBU report does not provide system information or calculations for each well.

The permit required the submittal of annual static water level measurements, the COBU report does not reflect if this is a requirement.

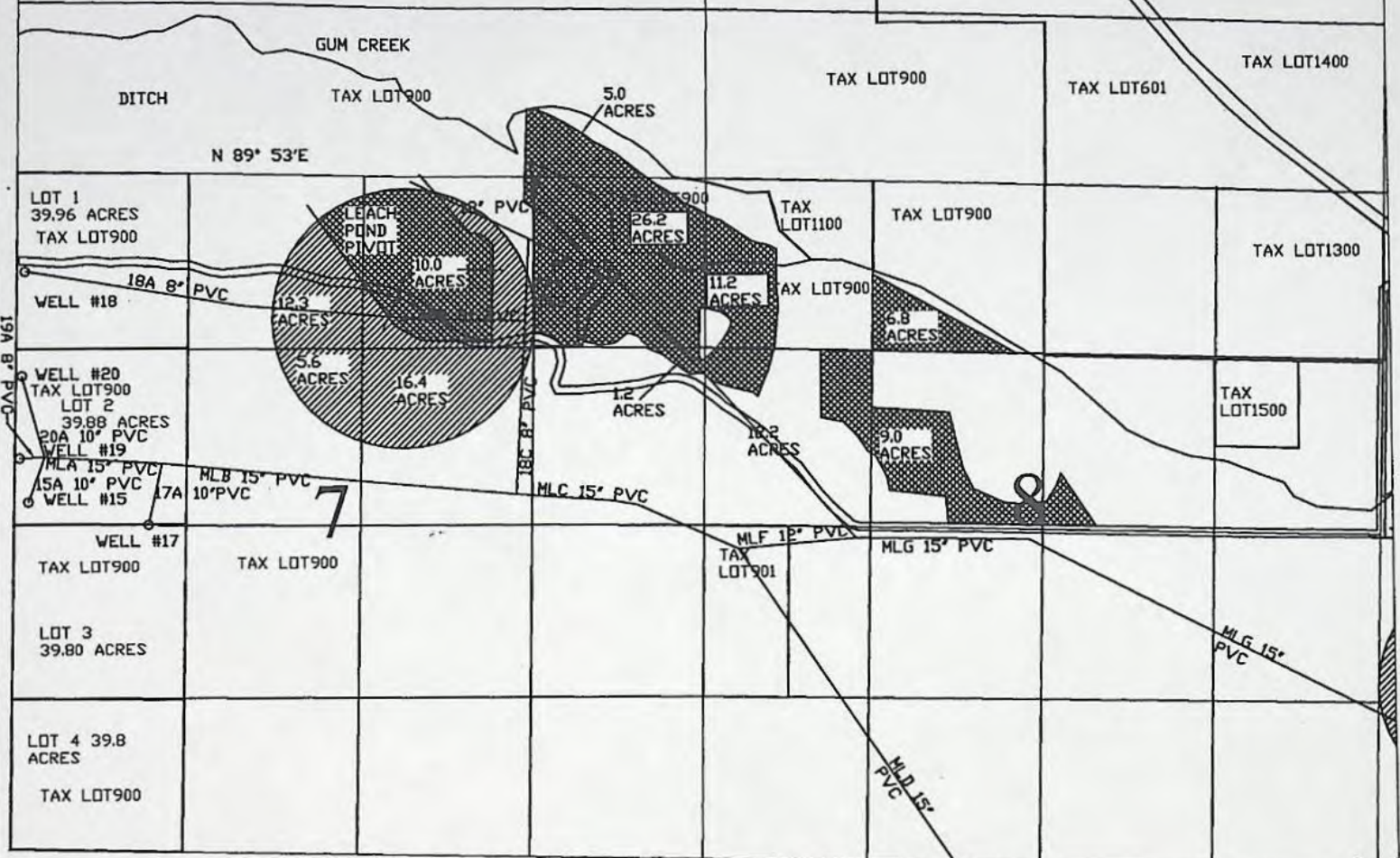
There is a new COBU, as the COBU has been revised twice since the COBU version 7104.

The administrative rules and form can be found at:

[www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml)

TAX LOT900

# PART 1 OF 2 PARTS



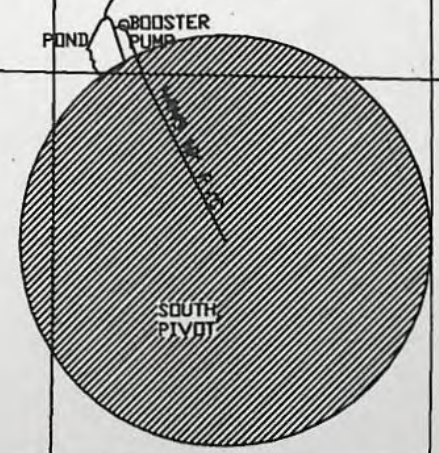
### APPROPRIATION LOCATION REFERENCE

- T16S, R43E, WM, SECTION 7, NORTH WEST CORNER
- WELL 15 - 2655 FEET SOUTH & 116 FEET EAST
- WELL 17 - 2828 FEET SOUTH & 1097 FEET EAST
- WELL 18 - 769 FEET SOUTH & 32 FEET EAST
- WELL 19 - 2286 FEET SOUTH & 24 FEET EAST
- WELL 20 - 1588 FEET SOUTH & 50 FEET EAST

RECEIVED

APR 30 2007

WATER RESOURCES DEPT  
SALEM, OREGON






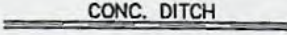


**DISCLAIMER**

I, STEWART R. EDWARDS, HEREBY CERTIFY THAT THIS MAP WAS MADE TO BE A FINAL PROOF OF THE APPLICATION FOR A PERMIT TO APPROPRIATE GROUND WATER. SECTIONAL LINES SHOWN ARE APPROXIMATE AND THIS MAP IS NOT INTENDED FOR ANY OTHER USE AND DOES NOT GUARANTEE LAND OWNERSHIP.

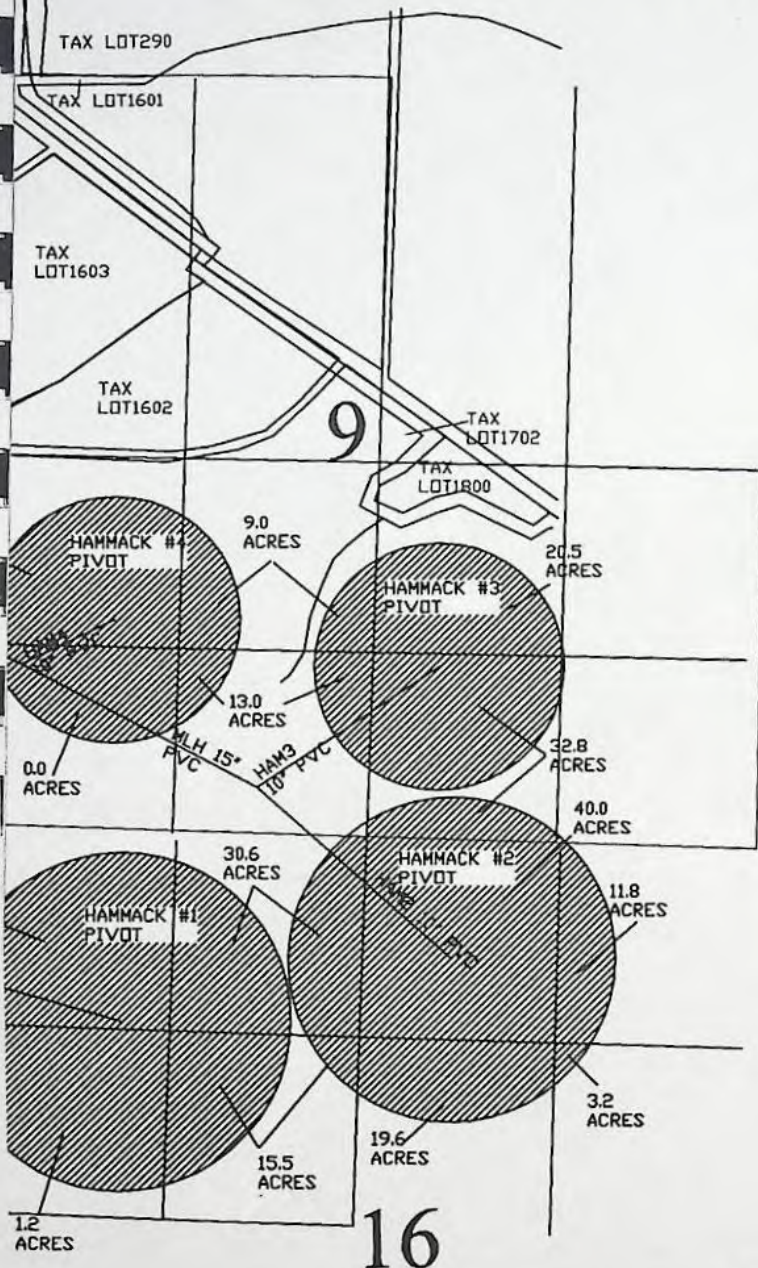
APPLICATION NUMBER: G-14461  
 PERMIT NUMBER: G-13533

**PART 2 OF 2 PARTS**

**LEGEND**

- GOVERNMENT CORNER 
- PRIMARY RIGHT 
- SUPPLEMENTAL RIGHT 
- CONC. LINED DITCH 
- BURIED PIPE LINE 
- WELL PUMP 

Pipe	Description	Size (in.)	Length (ft.)
18A	PVC from well 18 to center of Leach Pond Pivot	8	3036
18B	center Leach Pond Pivot to crossover	8	594
18C	Crossover to main line	8	1386
20A	Well 20 to main line	10	660
19A	Well 19 to main line	10	165
15A	Well 15 to main line	10	330
17A	Well 17 to main line	10	462
MLA	main line from well 20,19 & 15 to connect to 17	15	858
MLB	well 17 connect to crossover	15	2706
MLC	crossover to pivot tee 2, 3 & 4	15	1650
MLD	pivot tee 2, 3 & 4 to pivot tee 1	15	3366
MLE	pivot tee 1 to pond	15	2046
HAM5	booster pump to Hammack 5 pivot	10	1914
HAM1	pivot tee 1 Hammack 1 pivot	10	4092
MLF	pivot tee 2, 3, & 4 to Hammack 4 tee	15	3168
MLG	pivot tee 1 to pivot tee 3	15	1848
HAM4	pivot tee 4 to Hammack 4 pivot	10	726
HAM3	pivot tee to Hammack 3 pivot	10	1518
HAM2	pivot tee 2 to Hammack 2 pivot	10	1782



**RECEIVED**

APR 30 2007

WATER RESOURCES DEPT  
 SALEM, OREGON

FINAL PROOF MAP  
 FOR: **GUM FARMS, INC.**  
**EDWARDS & CUMMINGS, LLC**  
 CIVIL ENGINEERING & LAND SURVEYING  
 156 SE 1ST AVE., SUITES NO. 1 & 2, 889-5411, DONTARIO, OREGON 97914

CHECKED BY: D.C.	DRAWN BY: Darrel	APPROVED BY: SRE
DATE: 1/14/2006	DRAWING No. WD14461	REVISED:
SHEET 1 OF 1	JOB No.	BK.



0 1320' 2640'  
 SCALE: 1" = 1320'

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Steve Brown by e-mail at [Stephen.C.BROWN@wrд.state.or.us](mailto:Stephen.C.BROWN@wrд.state.or.us) or by phone at 503-986-0809

Or Gerry Clark by e-mail at [Gerald.E.CLARK@wrд.state.or.us](mailto:Gerald.E.CLARK@wrд.state.or.us) or by phone at 503-986-0811

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrd.state.or.us/programs/index.shtml>.

\*\*This box can be deleted

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

## CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(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 numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete 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. A separate form shall be completed for each permit or transfer final order.

### I. General Information

1. Application number: G-14461
2. Permit number: G-13533
3. County: Malheur
4. Tax Lot Information:

Tax map number	Tax lot number
NW1/4 T. 16S R. 43E W.M.	See Tax Lot number on Point of Appropriation

5. Date of Site Inspection: 9/22/04

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

RECEIVED

Name	Date	Association with the project
Ken Jensen	9/22/04	Part Owner

APR 30 2007  
WATER RESOURCES DEPT  
SALEM OREGON

7. Permittee / Transferee of record (this may not be the current property owner)

STATE OF OREGON

COUNTY OF MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GUM CREEK FARMS INC.  
WILLIAM HEID  
5070 SOUTH RD. K  
VALE, OREGON 97918

PHONE: (541) 473-3324

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

APPLICATION FILE NUMBER: G-14461

SOURCE OF WATER: FIVE WELLS IN MALHEUR RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES

MAXIMUM RATE: 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 FOR IRRIGATION AND APRIL 1 TO SEPTEMBER 1 FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: FEBRUARY 18, 1997

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 7, T16S, R43E, W.M.; WELL 18- 769 FEET SOUTH & 32 FEET EAST; WELL 19- 2286 FEET SOUTH & 24 FEET EAST; WELL 20- 1588 FEET SOUTH & 50 FEET EAST; WELL 15- 2655 FEET SOUTH AND 116 FEET EAST; AND WELL 17 - 2828 FEET SOUTH & 1097 FEET EAST, ALL FROM NW CORNER SECTION 7

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	0.4 ACRES	
SE 1/4 SE 1/4		5.0 ACRES
SECTION 6		
NE 1/4 NE 1/4	1.0 ACRE	26.2 ACRES
NW 1/4 NE 1/4	11.4 ACRES	
SW 1/4 NE 1/4	15.9 ACRES	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4		1.2 ACRES
NE 1/4 NW 1/4	12.2 ACRES	
SW 1/4 NW 1/4	17.0 ACRES	
SE 1/4 NW 1/4	11.1 ACRES	
NE 1/4 SW 1/4	28.0 ACRES	
NW 1/4 SW 1/4	15.1 ACRES	
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SE 1/4	7.6 ACRES	

## SECTION 7

SW 1/4 NE 1/4		1.6 ACRES
NE 1/4 NW 1/4		6.8 ACRES
NW 1/4 NW 1/4		11.2 ACRES
SW 1/4 NW 1/4		12.2 ACRES
SE 1/4 NW 1/4	2.0 ACRES	9.0 ACRES
NW 1/4 SW 1/4	3.5 ACRES	
SW 1/4 SW 1/4	38.0 ACRES	

## SECTION 8

NW 1/4 NW 1/4	3.0 ACRES	
SW 1/4 NW 1/4	4.2 ACRES	
NE 1/4 SW 1/4	19.5 ACRES	
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	38.5 ACRES	
SE 1/4 SW 1/4	36.7 ACRES	
NE 1/4 SE 1/4	1.0 ACRE	
SW 1/4 SE 1/4	4.4 ACRES	
SE 1/4 SE 1/4	4.3 ACRES	

## SECTION 17

NE 1/4 SE 1/4	18.3 ACRES	
SE 1/4 SE 1/4	14.4 ACRES	

## SECTION 18

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and

- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### STANDARD CONDITIONS

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

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

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

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

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

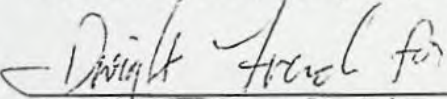
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public.

Actual construction of the well shall begin by November 13, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).interest.

Issued November 13, 1998

  
Martha O. Pagel, Director  
Water Resources Department

Application G-14461  
Basin 10  
RWK

Water Resources Department  
Volume 2 WILLOW CR MISC  
MGMT.CODES 7BG 7BR 7EG 7ER

PERMIT G-13533  
District 9

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14461

Final Order

*Application History*

On February 18, 1997, WILLIAM HEID, for GUM CREEK FARMS INC., submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 25, 1997. The protest period closed January 9, 1998, and no protest was filed.

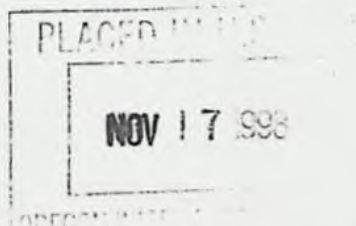
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the number and location of acres.

Order

Application G-14461 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-13533 is issued as limited by the conditions set forth therein.

DATED November 13, 1998

*Martha O. Paegel*  
Martha O. Paegel, Director



*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

*This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document he is most likely the best person to answer your questions. You can reach him toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.*

*If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.*

# Mailing List for FO Copies

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Application #G-14461 Mailing List Print Date October 26, 1998

Original mailed to (when permit issued, include copy of permit map):

Applicant: GUM CREEK FARMS INC., WILLIAM HEID, 5070 SOUTH RD. K, VALE,  
OREGON 97918

Copies Mailed
By: <u>HW</u>
(SUPPORT STAFF)
on: <u>11/17/98</u>
(DATE)

For FO w/Permit - Copies sent to:

1. WRD - File # G-14461
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

5. WRD - Watermaster District #: 9
6. WRD - Regional Manager: ER

CASEWORKER: RWK

STATE OF OREGON

COUNTY OF MALHEUR

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8616 submitted by

GUM CREEK FARMS, INC.  
WILLIAM HEID  
5070 SOUTH ROAD K  
VALE, OREGON 97918.

The permit to be modified is Permit G-13533 with a date of priority of FEBRUARY 18, 1997. The permit allows the use of FIVE WELLS, in the MALHEUR RIVER BASIN, for PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20, if available at the original wells; NW¼ NW¼, SW¼ NW¼, NW¼ SW¼, SECTION 7, T 16 S, R 43 E, W.M.; WELL 18 - 769 FEET SOUTH AND 32 FEET EAST; WELL 19 - 2286 FEET SOUTH AND 24 FEET EAST; WELL 20 - 1588 FEET SOUTH AND 50 FEET EAST; WELL 15 - 2655 FEET SOUTH AND 116 FEET EAST; WELL 17 - 2828 FEET SOUTH AND 1097 FEET EAST; ALL FROM THE NW CORNER OF SECTION 7, or its equivalent in case of rotation, measured at the well.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.0 ACRES
SECTION 6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE	26.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.9 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		1.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.2 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.1 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.1 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.6 ACRES	
SECTION 7		
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		11.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		12.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES	9.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 ACRES	
SECTION 8		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW¼ NW¼	3.0 ACRES	
SW¼ NW¼	4.2 ACRES	
NE¼ SW¼	19.5 ACRES	
NW¼ SW¼	40.0 ACRES	
SW¼ SW¼	38.5 ACRES	
SE¼ SW¼	36.7 ACRES	
NE¼ SE¼	1.0 ACRE	
SW¼ SE¼	4.4 ACRES	
SE¼ SE¼	4.3 ACRES	
	SECTION 17	
NE¼ SE¼	18.3 ACRES	
SE¼ SE¼	14.4 ACRES	
	SECTION 18	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

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

The applicant proposes to change the place of use to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SE¼	0.4 ACRE	
SE¼ SE¼		5.0 ACRES
	SECTION 6	
NE¼ NE¼	1.0 ACRE	26.2 ACRES
NW¼ NE¼	11.4 ACRES	
SW¼ NE¼	15.9 ACRES	
SE¼ NE¼		1.2 ACRES
NE¼ NW¼	12.2 ACRES	
*SE¼ NW¼	4.8 ACRES	
	SECTION 7	
SW¼ NE¼		1.6 ACRES
NE¼ NW¼		6.8 ACRES
NW¼ NW¼		11.2 ACRES
SW¼ NW¼		12.2 ACRES
SE¼ NW¼	2.0 ACRES	9.0 ACRES
	SECTION 8	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.0 ACRES	
*NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.1 ACRES	
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0 ACRES	
*NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.5 ACRES	
*SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.8 ACRES	
	SECTION 9	

*NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.8 ACRES
*NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
*SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 ACRES
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.2 ACRES
*NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.6 ACRES
*NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.3 ACRES
*SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 ACRES
*SE $\frac{1}{4}$ NW $\frac{1}{4}$	15.5 ACRES
	SECTION 16

*NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 ACRES
*SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6 ACRE
*NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.9 ACRES
*SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.1 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 ACRES
	SECTION 17

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

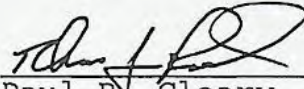
\* = PLACE OF USE INVOLVED IN THE CHANGE

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.

Permit G-13533, in the name of GUM CREEK FARMS, INC., is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed DEC 05 2001.

  
For Paul R. Cleary, Director

TO: Water Rights Section

March 17, 1997

FROM: Groundwater/Hydrology Section Michael Zwart

Reviewer's Name

SUBJECT: Application G-14461

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_ will, or \_\_\_\_\_ have the potential for substantial interference with the nearest
  - b. \_\_\_ will not \_\_\_\_\_ surface water source, namely \_\_\_\_\_; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i.  The permit should contain condition #(s) 7 B;
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not \_\_\_\_\_ and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain conditions #(s) 7 B + 7 E
    - ii. \_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
- 4.
  - a. \_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Well Construction Considerations on Reverse Side)

G-14461



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

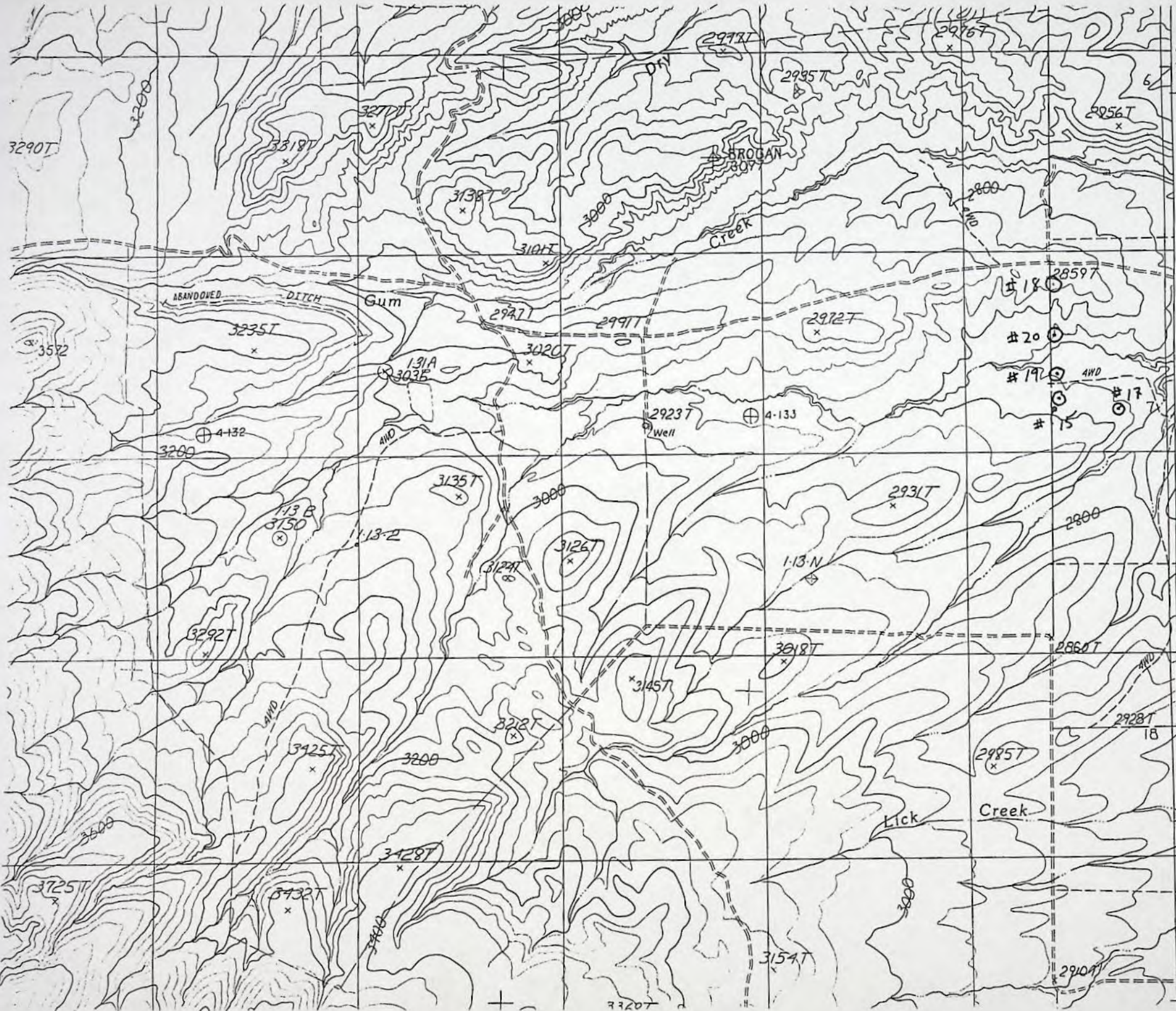
Date: March 17, 1997

From: MICHAEL ZWART

Subject: APPLICATION G-14461, GUM CREEK FARMS, WILLIAM HEID

This application proposes to appropriate 7.90 cfs from five wells for primary and supplemental irrigation of 633.7 acres. The wells are all existing and range in depth from 310 to 370 feet. All wells penetrate a confined aquifer developed in sand or clayey sand overlain by thick clay beds. The wells range from about 2000 to 4000 feet from Gum Creek, but are closer to an unnamed tributary of Gum Creek. There is no potential for substantial interference with the creeks, based on the nature of the aquifer penetrated.

I recommend permit conditions 7B and 7E.



4895  
12' 30"  
6  
4894  
4893  
4892  
4891  
10'

Brogan  
Quad

G-14461

3360T

**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## G-14461

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 16S/43E-7ca

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer: Michael Zwart



2004

Oregon Water Resources Department  
October 2004 through September 2005  
Annual Water Use - Monthly Quantities Form

USER- 9071

2005

APP G 14461  
RECEIVED  
FEB 10 2006  
WATER RESOURCES DEPT OREGON  
WRD

Facility POD-ID	WELL #15 47860	WELL #17 47861	WELL #18 47862	WELL #19 47863	WELL #20 47864
October - 2004	0.5 AF	0.5 AF	∅ AF	25.9 <sup>25.9</sup> AF	0.4 AF
November - 2004	∅	∅	∅	∅ -	∅
December - 2004	∅	∅	∅	∅ -	∅
January - 2005	∅	∅	∅	∅ -	∅
February - 2005	∅	∅	∅	∅ -	∅
March - 2005	∅	∅	∅	∅ -	∅
April - 2005	∅	∅	∅	∅ -	∅
May - 2005	∅	9.2	21.9	∅ -	31.9
June - 2005	∅	38.8	37.4	2.3 <sup>32.3</sup>	44.1
July - 2005	∅	58.5	49.3	∅.7 <sup>48.7</sup>	54.2
August - 2005	∅	67.1	48.8	∅.6 <sup>56.6</sup>	54.1
September - 2005	∅	47.2	34.0	2.5 <sup>28.5</sup>	28.0
TOTAL *	0.5 AF	221.3 AF	191.4 AF	192.0 AF ✓	212.7 AF

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 424

I certify this information is true and accurate to the best of my knowledge.

Kenneth Jensen

FARM OPERATOR

2-7-06

Signature

Title

Reporting Entity

Date

KENNETH JENSEN

Name - Please Print

\* #'s confirmed w/ user

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE; Suite A, Salem, O 97301-1271, or Fax 503-986-0902.

# 2002

Oregon Water Resources Department  
 October 2002 through September 2003  
 Annual Water Use - Monthly Quantities Form

USER-ID 9071

# 2003



IR -

Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	WELL #15 T-8616 APP-G 14461 → 47860	WELL #17 47861	WELL #18 47862	WELL #19 47863	WELL #20 47864
October - 2002	∅	15.1 AF	17.2 AF	23.0 AF	6.2 AF
November - 2002	∅				
December - 2002					
January - 2003					
February - 2003	∅				
March - 2003					
April - 2003	∅	40.5	18.4	36.6	2.6
May - 2003	∅	60.8	30.0	53.5	4.7
June - 2003	18.7	66.0	48.6	50.7	83.5
July - 2003	7.4	63.4	44.8	51.9	74.1
August - 2003	∅	71.6	61.9	54.3	49.8
September - 2003	∅	74.5	62.9	54.1	18.0
TOTAL *	26.1	391.9	283.8	324.1	238.9

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 424

I certify this information is true and accurate to the best of my knowledge.

Kenneth Jensen  
Signature

FARM OPERATOR  
Title

Reporting Entity

1-26-04  
Date

KENNETH JENSEN  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 725 Summer Street NE, Suite A; Salem, OR 97301-1271

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JAN 28 2004  
 WATER RESOURCES DEPT  
 SALEM, OREGON

47863 WELL #19	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 19	DRY CR
47863 WELL #19	0	G	13533	T	8616	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 19	DRY CR
47863 WELL #19	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 19	DRY CR
47863 WELL #19	0	G	13533	T	8616	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 19	DRY CR
47864 WELL #20	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 20	DRY CR
47864 WELL #20	0	G	13533	T	8616	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 20	DRY CR
47864 WELL #20	0	G	13533	T	8616	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 20	DRY CR
47864 WELL #20	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 20	DRY CR

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**OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT**

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.  
Mary Grainey

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

GUM CREEK FARMS INC  
5070 SOUTH ROAD K  
VALE OR 97918

User-ID 9071  
Password: 9071

47860 WELL #15	0 G 13533 G 14461	2/18/1997	IS L	16 S 43 E 7	NWSW	0.92 C S	WELL 15	DRY CR
47860 WELL #15	0 G 13533 T 8616	2/18/1997	IS L	16 S 43 E 7	NWSW	0.92 C S	WELL 15	DRY CR
47860 WELL #15	0 G 13533 T 8616	2/18/1997	IR L	16 S 43 E 7	NWSW	4.39 C P	WELL 15	DRY CR
47860 WELL #15	0 G 13533 G 14461	2/18/1997	IR L	16 S 43 E 7	NWSW	4.39 C P	WELL 15	DRY CR
47861 WELL #17	0 G 13533 T 8616	2/18/1997	IS L	16 S 43 E 7	NWSW	0.92 C A	WELL 17	DRY CR
47861 WELL #17	0 G 13533 G 14461	2/18/1997	IS L	16 S 43 E 7	NWSW	0.92 C A	WELL 17	DRY CR
47861 WELL #17	0 G 13533 G 14461	2/18/1997	IR L	16 S 43 E 7	NWSW	4.39 C A	WELL 17	DRY CR
47861 WELL #17	0 G 13533 T 8616	2/18/1997	IR L	16 S 43 E 7	NWSW	4.39 C A	WELL 17	DRY CR
47862 WELL #18	0 G 13533 G 14461	2/18/1997	IS L	16 S 43 E 7	NWNW	0.92 C A	WELL 18	DRY CR
47862 WELL #18	0 G 13533 T 8616	2/18/1997	IS L	16 S 43 E 7	NWNW	0.92 C A	WELL 18	DRY CR
47862 WELL #18	0 G 13533 T 8616	2/18/1997	IR L	16 S 43 E 7	NWNW	4.39 C A	WELL 18	DRY CR
47862 WELL #18	0 G 13533 G 14461	2/18/1997	IR L	16 S 43 E 7	NWNW	4.39 C A	WELL 18	DRY CR

USER-ID 9071

**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-14461

**NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE**

I, WILLIAM HEID, GUM CREEK FARMS INC., the holder of Permit No. G-13533

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 1<sup>ST</sup> day of MAY, 2003

Remarks: BENEFICIAL USE OF WATER WAS COMPLETED BY MAY 1<sup>ST</sup> 2003.

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NOV 04 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 30<sup>th</sup> day of OCTOBER, 2003

William A. Heid  
(Signature of Applicant)

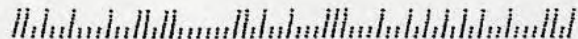
5070 S. Rd K VALE, OR 97918  
(Address)

GUM CREEK FARMS INC  
5070 S. Rd K  
VALE, OR 97918



WATER RESOURCES DEPT  
158 12<sup>th</sup> ST NE  
SALEM, OR 97301-4172

97301+4172



# 2001

Oregon Water Resources Department  
 October 2001 through September 2002  
 Annual Water Use - Monthly Quantities Form

USER-ID 9071

# 2002



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	WELL #15	WELL #17	WELL #18	WELL #19	WELL #23
	47860	47861	47862	47863	47864
October - 2001	11.5 AF	18.7 AF	2.1 AF	21.4 AF	9.7 AF
November - 2001	0				0
December - 2001					
January - 2002					
February - 2002					
March - 2002	0				0
April - 2002	11.0	23.0	7.4	18.1	11.8
May - 2002	23.4	64.0	31.8	54.6	22.8
June - 2002	25.0	75.3	65.4	59.9	61.6
July - 2002	23.8	73.1	56.5	54.4	49.7
August - 2002	23.4	68.8	54.5	52.1	47.5
September - 2002	11.7	26.3	48.8	29.9	29.5
TOTAL *	129.8	349.2	266.5	290.4	232.6

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 424

I certify this information is true and accurate to the best of my knowledge.

Kenneth Jensen  
Signature

FARM OPERATOR  
Title

\_\_\_\_\_  
Reporting Entity

1-31-03  
Date

KENNETH JENSEN  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 158 12<sup>th</sup> Street NE; Salem, OR 97310-0210



### OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

GUM CREEK FARMS INC  
5070 SOUTH ROAD K  
VALE OR 97918

USER-ID 9071

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO						
47860		0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	NWSW	4.39	C	P	WELL 15	DRY CR
47860		0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	NWSW	0.92	C	S	WELL 15	DRY CR
47861	WELL #17	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	NWSW	4.39	C	A	WELL 17	DRY CR
47861	WELL #17	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	NWSW	0.92	C	A	WELL 17	DRY CR
47862	WELL #18	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	NWNW	4.39	C	A	WELL 18	DRY CR
47862	WELL #18	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	NWNW	0.92	C	A	WELL 18	DRY CR
47863	WELL #19	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 19	DRY CR
47863	WELL #19	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 19	DRY CR
47864	WELL #20	0	G	13533	G	14461	2/18/1997	IS	L	16	S	43	E	7	SWNW	0.92	C	A	WELL 20	DRY CR
47864	WELL #20	0	G	13533	G	14461	2/18/1997	IR	L	16	S	43	E	7	SWNW	4.39	C	A	WELL 20	DRY CR

USER-ID 9071

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FPR 0 5 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON



# 2000

G-14461  
 Oregon Water Resources Department  
 October 2000 through September 2001  
 Annual Water Use - Monthly Quantities Form

# 2001

USER-ID 9071



Facility	Well #15	Well #17	Well #18	Well #19	Well #20
POD-ID	47860 IR/IS	47861 IR/IS	47862 IR/IS	47863 IR/IS	47864 IR/IS
October - 2000	0				0
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001	6				0
April - 2001	14.8 AF	23.1 AF	18.5 AF	17.5 AF	20.8 AF
May - 2001	27.8	34.7	30.2	25.1	38.7
June - 2001	26.7	68.5	49.2	53.0	61.7
July - 2001	25.4	65.8	45.5	50.9	54.8
August - 2001	22.3	78.7	71.0	58.9	58.0
September - 2001	11.8	44.6	18.6	95.0	49.6
TOTAL *	128.8 AF	315.4 AF	233.0 AF	300.4 AF	283.6 AF

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 FEB 07 2002  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 424

I certify this information is true and accurate to the best of my knowledge.

Kenneth Jern

Signature

FARM OPERATOR

Title

Reporting Entity

1-30-02

Date

## STATE OF OREGON

## COUNTY OF MALHEUR

## ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8616 submitted by

GUM CREEK FARMS, INC.  
WILLIAM HEID  
5070 SOUTH ROAD K  
VALE, OREGON 97918.

The permit to be modified is Permit G-13533 with a date of priority of FEBRUARY 18, 1997. The permit allows the use of FIVE WELLS, in the MALHEUR RIVER BASIN, for PRIMARY IRRIGATION OF 351.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 73.2 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 5.31 CUBIC FEET PER SECOND (CFS), BEING 4.39 CFS FOR PRIMARY IRRIGATION AND 0.92 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19, AND 2.11 CFS FROM WELL 20, if available at the original wells; NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SECTION 7, T 16 S, R 43 E, W.M.; WELL 18 - 769 FEET SOUTH AND 32 FEET EAST; WELL 19 - 2286 FEET SOUTH AND 24 FEET EAST; WELL 20 - 1588 FEET SOUTH AND 50 FEET EAST; WELL 15 - 2655 FEET SOUTH AND 116 FEET EAST; WELL 17 - 2828 FEET SOUTH AND 1097 FEET EAST; ALL FROM THE NW CORNER OF SECTION 7, or its equivalent in case of rotation, measured at the well.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

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 per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4 ACRE	
SE $\frac{1}{4}$ SE $\frac{1}{4}$		5.0 ACRES
	SECTION 6	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRE	26.2 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.4 ACRES	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.9 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$		1.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.2 ACRES	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17.0 ACRES	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.1 ACRES	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.1 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.6 ACRES	
	SECTION 7	
SW $\frac{1}{4}$ NE $\frac{1}{4}$		1.6 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.8 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		11.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$		12.2 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 ACRES	9.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 ACRES	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 ACRES	
	SECTION 8	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW¼ NW¼	3.0 ACRES	
SW¼ NW¼	4.2 ACRES	
NE¼ SW¼	19.5 ACRES	
NW¼ SW¼	40.0 ACRES	
SW¼ SW¼	38.5 ACRES	
SE¼ SW¼	36.7 ACRES	
NE¼ SE¼	1.0 ACRE	
SW¼ SE¼	4.4 ACRES	
SE¼ SE¼	4.3 ACRES	
	SECTION 17	
NE¼ SE¼	18.3 ACRES	
SE¼ SE¼	14.4 ACRES	
	SECTION 18	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

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

The applicant proposes to change the place of use to:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW¼ SE¼	0.4 ACRE	
SE¼ SE¼		5.0 ACRES
	SECTION 6	
NE¼ NE¼	1.0 ACRE	26.2 ACRES
NW¼ NE¼	11.4 ACRES	
SW¼ NE¼	15.9 ACRES	
SE¼ NE¼		1.2 ACRES
NE¼ NW¼	12.2 ACRES	
*SE¼ NW¼	4.8 ACRES	
	SECTION 7	
SW¼ NE¼		1.6 ACRES
NE¼ NW¼		6.8 ACRES
NW¼ NW¼		11.2 ACRES
SW¼ NW¼		12.2 ACRES
SE¼ NW¼	2.0 ACRES	9.0 ACRES
	SECTION 8	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
*NE¼ SW¼	9.0 ACRES	
*NW¼ SW¼	27.1 ACRES	
*SE¼ SW¼	13.0 ACRES	
*NW¼ SE¼	20.5 ACRES	
*SW¼ SE¼	32.8 ACRES	
	SECTION 9	

*NE¼ NE¼	11.8 ACRES
*NW¼ NE¼	40.0 ACRES
*SW¼ NE¼	19.6 ACRES
*SE¼ NE¼	3.2 ACRES
*NE¼ NW¼	30.6 ACRES
*NW¼ NW¼	36.3 ACRES
*SW¼ NW¼	28.8 ACRES
*SE¼ NW¼	15.5 ACRES
	SECTION 16

*NE¼ NE¼	1.3 ACRES
*SE¼ NE¼	0.6 ACRE
*NE¼ SW¼	2.9 ACRES
*SE¼ SW¼	1.1 ACRES
NE¼ SE¼	1.0 ACRE
SW¼ SE¼	4.4 ACRES
SE¼ SE¼	4.3 ACRES
	SECTION 17

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

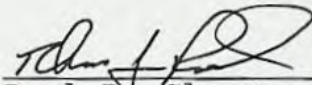
\* = PLACE OF USE INVOLVED IN THE CHANGE

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.

Permit G-13533, in the name of GUM CREEK FARMS, INC., is amended as described herein.

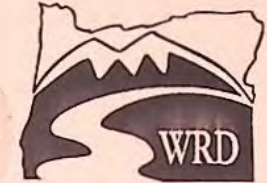
WITNESS the signature of the Water Resources  
Director, affixed DEC 05 2001

  
For Paul R. Cleary, Director



App: 614461  
 Oregon Water Resources Department  
 October 1999 through September 2000  
 Annual Water Use - Monthly Quantities Form

USER-ID 9071



1999 2000

Facility POD-ID	WELL #15 47860	WELL #17 47861	WELL #18 47862	WELL #19 47863	WELL #20 47864
October - 1999	○-----○				
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000	○-----○				
April - 2000	16.9 AF	29.0 AF	6.2 AF	30.8 AF	13.8 AF
May - 2000	25.9	37.7	7.9	29.2	16.8
June - 2000	26.2	44.4	13.1	34.1	26.5
July - 2000	23.0	39.5	11.5	24.7	22.7
August - 2000	18.1	41.9	6.3	30.0	18.0
September - 2000	5.5	9.8	0.4	12.4	5.3
TOTAL *	115.6 AF	202.4 AF	45.4 AF	161.3 AF	103.0 AF

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SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 234

I certify this information is true and accurate to the best of my knowledge.

Kenneth Janson  
Signature

FARM OPERATOR  
Title

\_\_\_\_\_  
Reporting Entity

1-12-01  
Date

KENNETH JANSON  
Name - Please Print

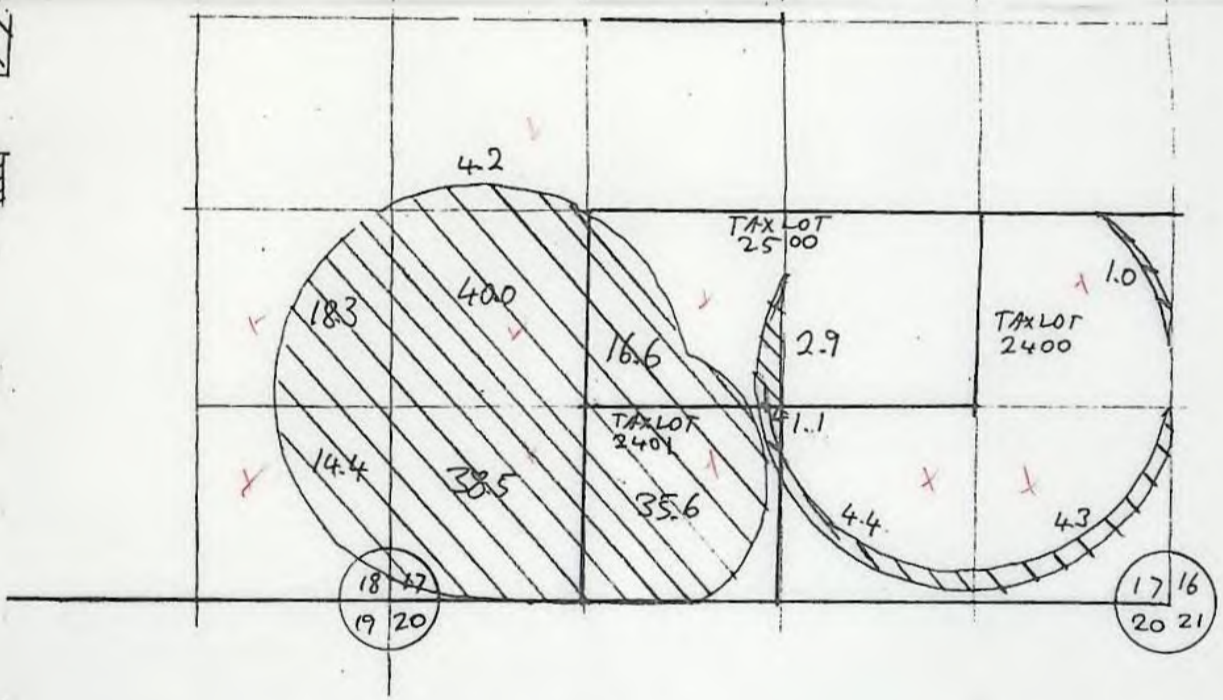
Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
158 12<sup>th</sup> Street NE; Salem, OR 97310-0210

# T16S R43E WM.



PRIMARY

SUPPLEMENTAL TO CERT. 26616



4-7-98 REVISED MAP FOR APPLICATION G-14461 1" = 1320'

IN NAME OF GUM CREEK FARMS INC.

BY KENNETH JENSEN

COPY

Application #: G14461  
 permit #: G13533

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 OCT 09 1998  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

# FO CHECKLIST

FILE # E 14461

REVIEW DATE: 10/27/98

PFO WEEK # 122

## PFO TO FO CONVERSION

INITIALS: Rnk

In preparing to create the FO, you should check the following:

1.  Y/N Were comments or protests received? If so, from whom and when?
2.  On the PFO CC list, verify names and addresses of **ALL** commentors (regardless of comment date), **affected landowners**, and those who paid the \$10 fee.
3.  Y/N/NA Have affected landowners been notified?
4.  Y/N Is the file lacking a signed oath of accuracy for the application?
5.  Y/N/NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6.  Y/N Is water use prohibited for one or more months of the normal use period?
7.  Y/N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8.  WE OWE 418 Verify payment of recording fees (circle the appropriate option)
 

(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO	200 EXAM
(2) Issue FO w/o permit if fees are lacking	100 10 AC
	850 415 AC
	1130
	PO 1548
	418
9.  Y/N Is further processing possible? If not state reason: \_\_\_\_\_
10.  Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
11.  Assign permit numbers to files with oath, fees, and no protests or other issues G/3533
12.  Y/N Do the PFO conclusions requires modification? Why? \_\_\_\_\_  
(If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
<p>COMMENTS:</p> <p style="text-align: center;"><i>New Map NUMBER &amp; LOCATION OF ACRES</i></p>				<p>MGMT CODES:</p> <p style="text-align: center;"><i>7B, 7E</i></p>

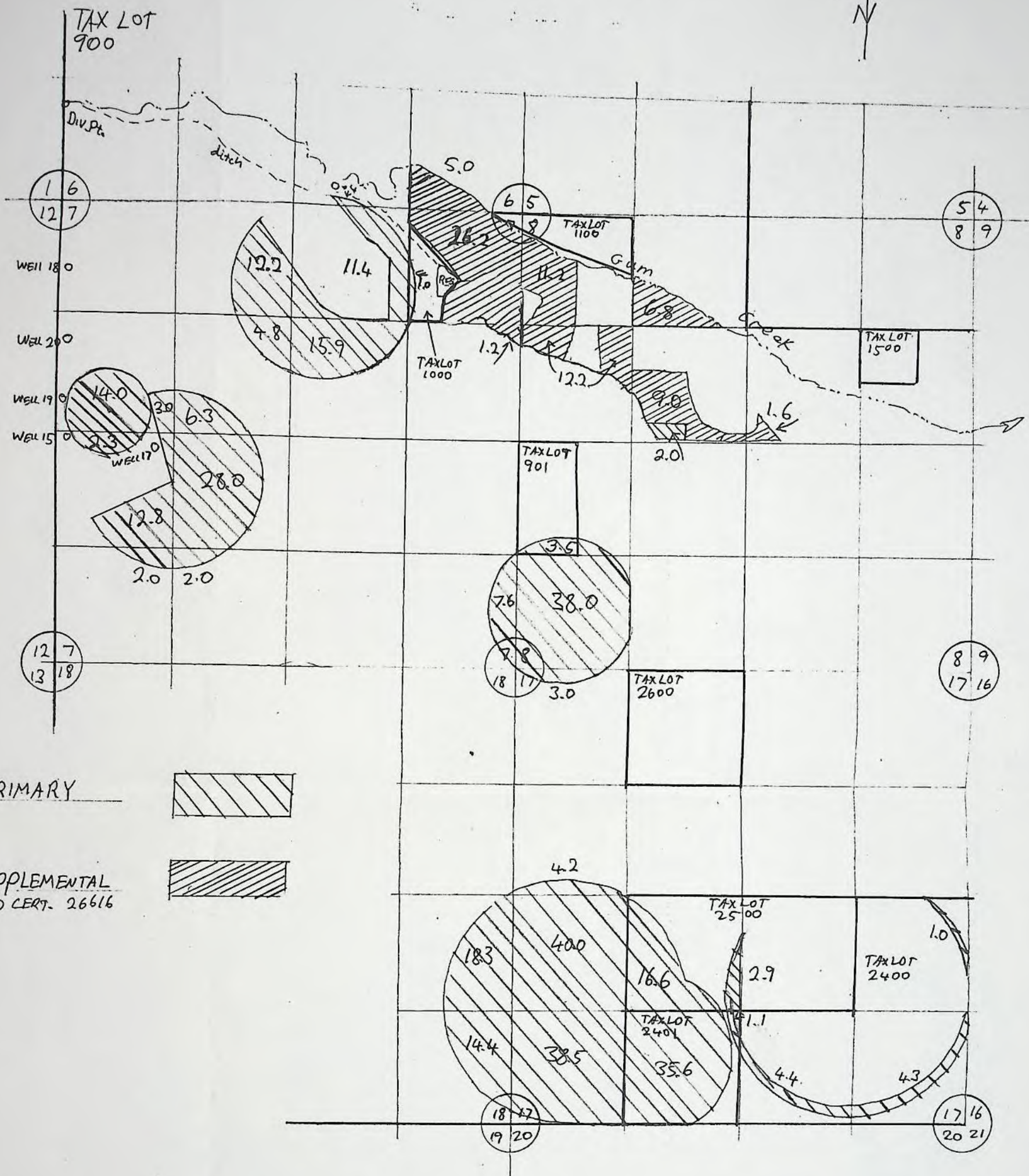
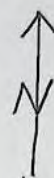
Once created, modify FO as needed to:

- Initials \_\_\_\_\_
13.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
  14.  Include or exclude permit conditions and management codes
  15.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

16.  Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 162 & delete duplicates
17.  Print final draft of document and submit to team leader for review
18.  Y/N Team leader review completed

# T16S R43E WM.



PRIMARY

SUPPLEMENTAL TO CERT. 26616

4-7-98 REVISED MAP FOR APPLICATION G-14461 1" = 1320'

IN NAME OF GUM CREEK FARMS INC.

BY KENNETH JENSEN

Application #: G14461  
 permit #: G13533

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 WATER RESOURCES DEPT.  
 SALEM, OREGON

9/5/98

Dear Laura:

We have decided to not file for a transfer of water rights at this time. Therefore go ahead and process application G-14461 at your convenience.

I have enclosed a description and map like we submitted in April.

Thanks for your patience —

Bill  
Heed

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REVISED 4-7-98. Addendum to Application G-14461

SOURCE OF WATER: 5 wells, Well #'s 15,17,18,19,20.

PURPOSE OF USE: Primary irrigation of 351.5 acres, and supplemental irrigation of 73.2 acres.

MAXIMUM RATE: 5.31 cubic feet per second, being 4.39 cfs for primary irrigation and 0.92 cfs for supplemental irrigation; Further limited to not more than 1.35 cfs from Well 15, 1.43 cfs from Well 17, 1.22 cfs from Well 18, 1.79 cfs from Well 19 and 2.11 cfs from well 20.

WELL # 15

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2655 feet South and 116' feet East from NW corner, Section 7

WELL # 17

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2828 feet South and 1097' feet East from NW corner, Section 7

WELL # 18

Located in the NW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
769 feet South and 32' feet East from NW corner, Section 7

WELL # 19

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
2286 feet South and 24' feet East from NW corner, Section 7

WELL # 20

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
1588 feet South and 50' feet East from NW corner, Section 7

The place of use is located as follows.

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WATER RESOURCES Div.  
SALEM, OREGON

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	0.4 ACRES	
SE 1/4 SE 1/4		5.0 ACRES
	SECTION 6	
NE 1/4 NE 1/4	1.0	26.2
NW 1/4 NE 1/4	11.4	
SW 1/4 NE 1/4	15.9	
SE 1/4 NE 1/4		1.2
NE 1/4 NW 1/4	12.2	
SE 1/4 NW 1/4	11.1	
SW 1/4 NW 1/4	17.0	
NE 1/4 SW 1/4	28.0	
NW 1/4 SW 1/4	15.1	
SW 1/4 SW 1/4	2.0	
SE 1/4 SW 1/4	2.0	
SE 1/4 SE 1/4	7.6	
	SECTION 7	
SW 1/4 NE 1/4		1.6
NE 1/4 NW 1/4		6.8
NW 1/4 NW 1/4		11.2
SW 1/4 NW 1/4		12.2
SE 1/4 NW 1/4	2.0	9.0
NW 1/4 SW 1/4	3.5	
SW 1/4 SW 1/4	38.0	
	SECTION 8	
NW 1/4 NW 1/4	3.0	
SW 1/4 NW 1/4	4.2	
NE 1/4 SW 1/4	19.5	
NW 1/4 SW 1/4	40.0	
SW 1/4 SW 1/4	38.5	
SE 1/4 SW 1/4	36.7	
NE 1/4 SE 1/4	1.0	
SW 1/4 SE 1/4	4.4	
SE 1/4 SE 1/4	4.3	
	SECTION 17	
NE 1/4 SE 1/4	18.3	
SE 1/4 SE 1/4	14.4	
	SECTION 18	

Bill Heid  
5070 S Rd k  
Uale Oregon

G14461  
Laura



Oregon Water Resources Dept  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem Oregon 97310-0210

1  
Att: Laura Snedaker

97310/0210





Oregon Water Resources Department

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FEB 18 1997

WATER RESOURCES DEPT. SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: Last First MI

Mailing address:

City State Zip

Phone: Home Work Other

\*Fax: \*E-Mail address:

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Gum Creek Farms, Inc.

Name and title of person applying: William Heid, President

Mailing address of organization: 5070 South Rd. K

Vale OR 97918 City State Zip

Phone: (541) 473-3324 (541) 473-3324 Day Evening

\*Fax: \*E-Mail address:

\*Optional information

For Department Use

App. No. G14461 Permit No. Date 2/18/97

## 2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

### A. County

In what county is the use proposed? Malheur

In what county is the appropriation point proposed? Malheur

### B. River Basin

(See instruction booklet pg.3 for list):

Malheur

### C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Groundwater Development.")
- No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.\*\*
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.

\*\*If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

## 3. Groundwater Development

A. Number of wells: 5      B. Name of nearest surface water body Gum Creek

C. Distance from well(s) to nearest stream or lake: 1) Well #15 3995 feet      Well #17 4168 feet

2) Well #18 2109 feet      3) Well #19 3626 feet      4) Well #20 2928 feet

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) Well #15 37 feet above      Well #17 21 ft. Above

2) Well #18 135 feet Above      3) Well #19 28 feet above      4) Well # 20 39 feet above

**E. Well Characteristics**

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: \_\_\_\_\_ Wells have been constructed, see logs.

Address: \_\_\_\_\_

Completion date: \_\_\_\_\_

2. Please provide a description of your well development. (Attach additional sheets if needed.)

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

**F. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

### A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Irrigation

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

### B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
15		Irrigation	325.5 acre-ft	601 gpm 1.35cfs
17		Irrigation	343.5 ac-ft	636 gpm 1.43cfs
18		Irrigation	294.0 ac-ft	543 gpm 1.22cfs
19		Irrigation	430.2 ac-ft	797 gpm 1.79cfs
20		Irrigation	507.9 ac-ft	939 gpm 2.11cfs

### C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

April 1 to October 31

### D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

633.7 acres

## 5. Water Management

### A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) All turbine pumps, #15 40HP, #17 50HP  
#18 50HP, #19 40HP, #20 50HP.
- Other means (describe) \_\_\_\_\_

### B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined?  Yes  No
- Pipe (give diameter and total length)  
Diameter(s) 6", 8", 10", 15" Length 1100', 6100', 1600', 11,000'
- Other (describe) \_\_\_\_\_

### C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- Flood  High-pressure sprinkler  Low pressure sprinkler  
 Drip  Water cannons  Center pivot system  
 Hand lines  Wheel lines  
 Siphon tubes or gated pipe with furrows  
 Other, describe \_\_\_\_\_

Distribution method

- In-line storage (tank or pond)  Direct pipe from source  Open canal

### D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Water will be conserved by using pipe distribution systems, and low pressure  
sprinklers on most all of the ground. The non-sprinkler ground is on furrow  
irrigation with cement ditches and siphon tubes or gated pipe.

**6. Project Schedule**

Proposed date construction will begin 2-97

Proposed date construction will be completed 2-2000

Proposed date beneficial water use will begin 5-97

**7. Remarks**

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature**

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:

Sum Creek <sup>WRIF</sup> Farms Inc  
Signature of Applicant

2-12-97  
Date

by William A. Heid, pres  
Signature of Co-applicant

\_\_\_\_\_  
Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-14461

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Additional Information Required:* Before a permit may be issued under this application, a revised application map must be submitted to the Department. The revised map must be of sufficient quality so as to be easily reproducible. The revised map must also correctly identify the number of acres in each quarter quarter section to receive primary and supplemental irrigation, see Findings of Fact.

*Application History*

On February 18, 1997, GUM CREEK FARMS INC., WILLIAM HEID, submitted an application to the Department for the following water use permit:

- Amount of Water: 7.9 CUBIC FEET PER SECOND (CFS), BEING 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20
- Use of Water: PRIMARY IRRIGATION OF 380.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 253.5 ACRES
- Source of Water: FIVE WELLS IN MALHEUR RIVER BASIN
- Area of Proposed Use: MALHEUR County within SECTION 6, SECTION 7, SECTION 8, SECTION 17, AND SECTION 18, TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

On 6/27/97, the Department mailed the applicant notice of its Initial Review, determining that "the use of 7.9 CFS, being 1.35 CFS from Well 15, 1.43 CFS from Well 17, 1.22 CFS from Well 18, 1.79 CFS from Well 19, and 2.11 CFS from Well 20, within the Malheur River Basin for Primary Irrigation of 380.2 acres and Supplemental Irrigation of 253.5 acres is allowable from April 1 through October 31 of each year (the full period requested)." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 7/8/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

#### *Findings of Fact*

According to Department records there is an existing groundwater permit, G-14059, on lands requested under this application for primary irrigation, and existing groundwater rights, Certificates 60414, 51776, 51780, and 19809, on lands requested under this application for supplemental irrigation. The Department's Groundwater/Hydrology Section has found that the wells requested under this application will draw water from the same source, groundwater reservoir, as the existing permit and certificates. The use of water for Irrigation on the same lands, from the same source, is not allowable unless the existing rights/permits are not for the full allowable rate. The permit and certificates allow the use of groundwater for the full rates. Therefore irrigation of these lands, approximately 286.9 acres, is not allowable.

The Malheur Basin Program allows the following uses: PRIMARY IRRIGATION OF 307.48 ACRES AND SUPPLEMENTAL IRRIGATION OF 38.72 ACRES.

Senior water rights exist on FIVE WELLS, IN THE MALHEUR RIVER BASIN, or on downstream waters.

FIVE WELLS, IN THE MALHEUR RIVER BASIN, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's Groundwater/Hydrology Section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation Year Round.

The irrigation season for primary irrigation from groundwater is March 1 through October 31 and the irrigation season for supplemental irrigation is February 15 to September 1 (Willow Creek Decree). The period of use requested by the applicant, April 1 through October 31, shall be limited to April 1 through October 31 for primary irrigation and April 1 to September 1 for supplemental irrigation.

The Department finds that no more than 4.32 CFS, being 3.84 CFS for Primary Irrigation of 307.48 acres and 0.48 CFS for Supplemental Irrigation of 37.02 acres, would be necessary. The amount of water requested, 7.9 CUBIC FEET PER SECOND, BEING 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20, shall be restricted to 4.32 CFS, being 3.84 CFS for Primary Irrigation and 0.48 CFS for Supplemental Irrigation; further limited to not more than 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20.

The wells are not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is **NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

#### *Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Malheur Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

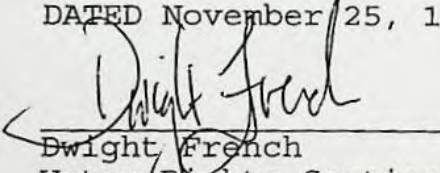
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED November 25, 1997

  
Dwight French  
Water Rights Section Manager

#### Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than **January 9, 1998**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

LKS- WEEK 122

DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF MALHEUR

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GUM CREEK FARMS INC.  
WILLIAM HEID  
5070 SOUTH RD. K  
VALE, OREGON 97918

PHONE: (541) 473-3324

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

APPLICATION FILE NUMBER: G-14461

SOURCE OF WATER: FIVE WELLS IN MALHEUR RIVER BASIN

PURPOSE OR USE: PRIMARY IRRIGATION OF 307.48 ACRES AND SUPPLEMENTAL IRRIGATION OF 37.02 ACRES

MAXIMUM RATE: 4.32 CUBIC FEET PER SECOND (CFS), BEING 3.84 CFS FOR PRIMARY IRRIGATION AND 0.48 CFS FOR SUPPLEMENTAL IRRIGATION; FURTHER LIMITED TO NOT MORE THAN 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20

PERIOD OF USE: APRIL 1 THROUGH OCTOBER 31 FOR PRIMARY IRRIGATION AND APRIL 1 TO SEPTEMBER 1 FOR SUPPLEMENTAL IRRIGATION

DATE OF PRIORITY: FEBRUARY 18, 1997

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 7, T16S, R43E, W.M.; WELL 15 - 2655 FEET SOUTH AND 116 FEET EAST, WELL 17 - 2828 FEET SOUTH & 1097 FEET EAST, WELL 18 - 769 FEET SOUTH & 32 FEET EAST, WELL 19 - 2286 FEET SOUTH & 24 FEET EAST, AND WELL 20 - 1588 FEET SOUTH & 50 FEET EAST ALL FROM NW CORNER, SECTION 7

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SE 1/4		7.5 ACRES
	SECTION 6	
NE 1/4 NE 1/4	1.0 ACRE	14.0 ACRES
NW 1/4 NE 1/4	1.24 ACRES	
SW 1/4 NE 1/4	1.24 ACRES	
SW 1/4 NW 1/4	17.0 ACRES	

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NW 1/4	6.3 ACRES	
NE 1/4 SW 1/4	28.0 ACRES	
NW 1/4 SW 1/4	15.0 ACRES	
SW 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SW 1/4	2.0 ACRES	
SE 1/4 SE 1/4	7.6 ACRES	
	SECTION 7	
NE 1/4 NW 1/4		1.7 ACRES
NW 1/4 NW 1/4		11.2 ACRES
SW 1/4 NW 1/4		3.72 ACRES
SE 1/4 NW 1/4		0.6 ACRE
NW 1/4 SW 1/4	3.5 ACRES	
SW 1/4 SW 1/4	38.0 ACRES	
	SECTION 8	
NW 1/4 NW 1/4	3.0 ACRES	
SW 1/4 NW 1/4	4.2 ACRES	
NE 1/4 SW 1/4	19.5 ACRES	
NW 1/4 SW 1/4	40.0 ACRES	
SW 1/4 SW 1/4	38.5 ACRES	
SE 1/4 SW 1/4	36.7 ACRES	
NE 1/4 SE 1/4	1.0 ACRE	
SW 1/4 SE 1/4	4.4 ACRES	
SE 1/4 SE 1/4	4.3 ACRES	
	SECTION 17	
NE 1/4 SE 1/4	18.3 ACRES	
SE 1/4 SE 1/4	14.4 ACRES	
	SECTION 18	

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

Measurement, recording and reporting conditions:

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

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### STANDARD CONDITIONS

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

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued \_\_\_\_\_, 199\_

**DRAFT - THIS IS NOT A PERMIT**

Water Resources Department  
Director

# Mailing List for PFO Copies

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Application #G-14461

PFO Date November 25, 1997

**Original mailed to:**

Applicant: GUM CREEK FARMS INC.; HEID, WILLIAM, 5070 SOUTH RD K, VALE, OREGON 97918

Copies sent to:

1. WRD - File # G-14461
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 9
4. WRD - Regional Manager: ER
5. ODFW District Biologist: Southeast District

Copies Mailed	
By: <u>JCB</u>	
(SUPPORT STAFF)	
on: <u>11/24/97</u>	
(DATE)	

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

RECEIVED

APR 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

REVISED 4-7-98. Addendum to Application G-14461

SOURCE OF WATER: 5 wells, Well #'s 15,17,18,19,20.

PURPOSE OF USE: Primary irrigation of 351.5 acres, and supplemental irrigation of 73.2 acres.

MAXIMUM RATE: 5.31 cubic feet per second, being 4.39 cfs for primary irrigation and 0.92 cfs for supplemental irrigation; Further limited to not more than 1.35 cfs from Well 15, 1.43 cfs from Well 17, 1.22 cfs from Well 18, 1.79 cfs from Well 19 and 2.11 cfs from well 20.

WELL # 15

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2655 feet South and 116' feet East from NW corner, Section 7

WELL # 17

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2828 feet South and 1097' feet East from NW corner, Section 7

WELL # 18

Located in the NW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
769 feet South and 32' feet East from NW corner, Section 7

WELL # 19

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
2286 feet South and 24' feet East from NW corner, Section 7

WELL # 20

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
1588 feet South and 50' feet East from NW corner, Section 7

To: Laura K. Snedaker

Enclosed is our final revision for G-14461. Hopefully we have satisfactorily addressed the areas in question. We have been unable to pinpoint where the 2.0 acres were in the SE 1/4 NW 1/4 of Section 8. Larry Powers and I looked over his maps and couldn't figure out which 2.0 acres were not included in the original 11.0 acre parcel. The final proof survey map shows all 11.0 acres having a primary right under certificate no. 26616, but the abstract lists only 9.0 acres. Also the notes of the field engineer that you sent me showed the 9.0 acre amount, but didn't indicate which 2.0 acres were not included. Therefore I have arbitrarily selected 2.0 acres out of the 11 acres. Please feel free to change if you can identify which ones they are!

Thanks,  
Bill Klud for  
Sum Creek Farms Inc

RECEIVED

APR 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

The place of use is located as follows.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 SE 1/4	0.4 ACRES	
SE 1/4 SE 1/4		5.0 ACRES

SECTION 6

NE 1/4 NE 1/4	1.0	26.2
NW 1/4 NE 1/4	11.4	
SW 1/4 NE 1/4	15.9	
SE 1/4 NE 1/4		1.2
NE 1/4 NW 1/4	12.2	
SE 1/4 NW 1/4	11.1	
SW 1/4 NW 1/4	17.0	
NE 1/4 SW 1/4	28.0	
NW 1/4 SW 1/4	15.1	
SW 1/4 SW 1/4	2.0	
SE 1/4 SW 1/4	2.0	
SE 1/4 SE 1/4	7.6	

SECTION 7

SW 1/4 NE 1/4		1.6
NE 1/4 NW 1/4		6.8
NW 1/4 NW 1/4		11.2
SW 1/4 NW 1/4		12.2
SE 1/4 NW 1/4	2.0	9.0
NW 1/4 SW 1/4	3.5	
SW 1/4 SW 1/4	38.0	

SECTION 8

NW 1/4 NW 1/4	3.0	
SW 1/4 NW 1/4	4.2	
NE 1/4 SW 1/4	19.5	
NW 1/4 SW 1/4	40.0	
SW 1/4 SW 1/4	38.5	
SE 1/4 SW 1/4	36.7	
NE 1/4 SE 1/4	1.0	
SW 1/4 SE 1/4	4.4	
SE 1/4 SE 1/4	4.3	

SECTION 17

NE 1/4 SE 1/4	18.3	
SE 1/4 SE 1/4	14.4	

SECTION 18



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

September 18, 1998

Bill Heid  
Gum Creek Farms  
5070 South Rd. K  
Vale, Oregon 97918

RE: Application G-14461

Dear Mr. Heid:

On September 9, 1998, the Department received your request for an additional 90 day administrative hold on further processing of the above application.

The application has been on administrative hold since January 9, 1998, and the last administrative hold request has expired.

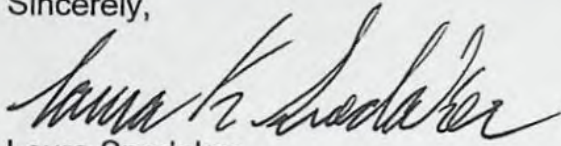
Under OAR 690-310-270, the Department may grant an administrative hold on the application process for up to 180 days. The Department may also grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

The request received on September 9, 1998, did not contain sufficient information for the Director to make a finding that a longer period is reasonable and necessary. As we discussed, this request needed to include some additional information which identifies why more time is necessary.

Therefore, before a longer administrative hold may be granted, the Department requests some additional information regarding the applicant's continuing need for administrative hold on the application process. Please submit, **within 30 days**, information to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time-line, which identifies when the applicant anticipates being ready to continue with the application process.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Snedaker". The signature is fluid and cursive, with the first name "Laura" and last name "Snedaker" clearly distinguishable.

Laura Snedaker  
Senior Water Rights Examiner

cc: Larry Powers, Watermaster District 9

September 9, 1998

Laura Snedaker  
Water Resources Dept  
Fax 503-378-6203

This is a request for an extension on application G-14461 for ninety days for Gum Creek Farms, Inc. 5070 S Rd K, Vale, OR.

Thank you,

*Bill Heid*  
Bill Heid  
5070 S Rd K  
Vale, OR 97918

9-2-98: 10:25 LKS  
left msg for B. Hyde  
tried to call K. Jensen  
but line was busy.

9-9-98:  
Spoke w/ B. Heid  
re transfer - will  
send transfer  
materials, & they  
will request  
additional time  
on this applc.  
to submit the  
transfer.

# ROUTING & REQUEST

DATE: FEBRUARY 12, 1998  
TO: DON KNAUER  
FROM: LAURA SNEDAKER  
SUBJECT: REQUEST FOR CORRECTIO

M

Please...

- Read
- Handle
- Approve

And...

- Forward
- Return
- Keep or Recycle
- Review with Me

To: Laura

From: Don

Post-it® 7664 ©3M 1995

Date: 5/5/98

Please review the attached file and affidavit Certificate 26616. It appears from review of the materials submitted and Department records that part of this certificate includes several acres identified for supplemental irrigation which never had an underlying primary right. Also, please see two memos in the file from Larry Nunn, which also address this issue, dated May 24, 1989.

If this is found to be the case, the land owner would like to have the certificate modified to correct this error.

I have also attached file U-229 for your reference.

The land owner, Bill Heid, Gum Creek Farms Inc., can be reached at 1 (541) 473-3323.

MEMO

DATE: FEBRUARY 12, 1998  
TO: DON KNAUER  
FROM: LAURA SNEDAKER  
SUBJECT: REQUEST FOR CORRECTION OF CERT. 26616

Please review the attached file and affidavit, submitted to request a correction to Certificate 26616. It appears from review of the materials submitted and Department records that part of this certificate includes several acres identified for supplemental irrigation which never had an underlying primary right. Also, please see two memos in the file from Larry Nunn, which also address this issue, dated May 24, 1989.

If this is found to be the case, the land owner would like to have the certificate modified to correct this error.

I have also attached file U-229 for your reference.

The land owner, Bill Heid, Gum Creek Farms Inc., can be reached at 1 (541) 473-3323.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

May 5, 1998

WILLIAM HEID  
C/O GUM CREEK FARMS  
5070 S RD K  
VALE OR 97918

Re: certificate 26616

Dear Mr. Heid,

Thank you for your patience waiting for a response to your letter asking for two corrections to certificate 26616. The first issue has to do with changing what is listed as supplemental irrigation to primary irrigation for 8.0 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and 1.2 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  both in section 7 T16S R43 E. Based on a review of the file, I can issue a correction certificate to make the change from supplemental irrigation to primary irrigation.

The second issue has to do with your request to add 2.0 acres of primary irrigation to your water right certificate. The 2.0 acres are within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  section 8 T16S R43E. I cannot add the 2.0 acres to your water right. The original permit set a limit of a total of 120 acres primary and supplemental irrigation. There is no statutory authority to allow an expansion of a water right. It is my opinion that the only way to cover the 2.0 acres with a water right is to make application for a water right permit. I refer you to Jake Szramek who can answer your questions regarding applications for permits.

In the near future, I will process a certificate changing the supplemental use for the 8.0 and 1.2 acres to primary irrigation. If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer  
Manager Adjudication and Certificates

c: Laura Snedaker

TO: LAURA K. SNEDEGAN  
(503) 378-8130 FAX

FROM: GUM CREEK FARMS INC.  
(541) 473-3135 FAX

REFERENCE FILE G-14461

original w/  
file S-27611  
(cert 26616)

5 PAGES INCLUDING COVER.

Here's a fax of the affidavit for the requested corrections of water right certificate. # 26616 - We mailed the original copies in today's mail (1-27-98) - also we're working on the Permit Amendment for G-10459 - Will probably be calling again in next few days. If you have any further advice just fax it to Kenneth at 541-473-3135 - Thanks for your help so far -

Bill Heid

AFFIDAVIT OF CORRECTION OF A WATER RIGHT

State of Oregon )  
County of Malheur )

I/We, Gum Creek Farms Inc., of 5070 S. R1. K  
(legal owner(s) of property) (address)  
Vale, OR 97918

being first duly sworn, depose and say:

1. That I am/we are the legal owner(s) of the property described by the deed and legal description attached to and made a part of this affidavit;

2. That water right Certificate 26616 was issued to Herbert M. Shaw under date of priority of Sept. 4 1952 for the purpose of irrigation use(s)

3. That Certificate 26616 /that a portion of Certificate \_\_\_\_\_ is appurtenant to our property as described above; and

4. That said right/the portion of said right that is appurtenant to our lands contains the following errors and requires the following corrections:

See Addendum and map.

Gum Creek Farms, Inc  
by William A. Heid  
Signature of Legal Owner

1-26-98  
Date

Signature of Co-Owner

Date

Subscribed and Sworn to Before Me this 26<sup>th</sup> day of January, 1998



Maureen Mackey  
Notary Public for Oregon

My Commission Expires May 25, 1998

## GUM CREEK FARMS, INC.

1

Addendum to affidavit of correction of a water right.

In the NE1/4, NE1/4 of Section 7 there are 8.0 acres, and in the SE1/4, NE1/4 of Section 7 there are 1.2 acres, that were given supplemental rights where there are no primary rights. We request that they be changed to primary rights from supplemental rights.

Also, in the SE1/4, NW1/4 of Section 8 there are 2.0 acres that were on the Final Proof Map but were omitted on the certificate. We request that 2.0 acres of primary right be added to the certificate so that there are 11.0 acres of primary in that 1/4, 1/4 section, as indicated on the Final Proof Map.

See enclosed map and certificate.

Gum Creek-Creek Water Right

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERBERT K. SHAW
of Box 63, Jamieson, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Gum Creek
a tributary of Willow Creek for the purpose of
irrigation of 64.0 acres and supplemental irrigation of 56.0 acres,

under Permit No. 21750 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from September 4, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
3.0 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW 1/4 SW 1/4, Section 6, Township 16 South, Range 43
East, W.M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season of each year,

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

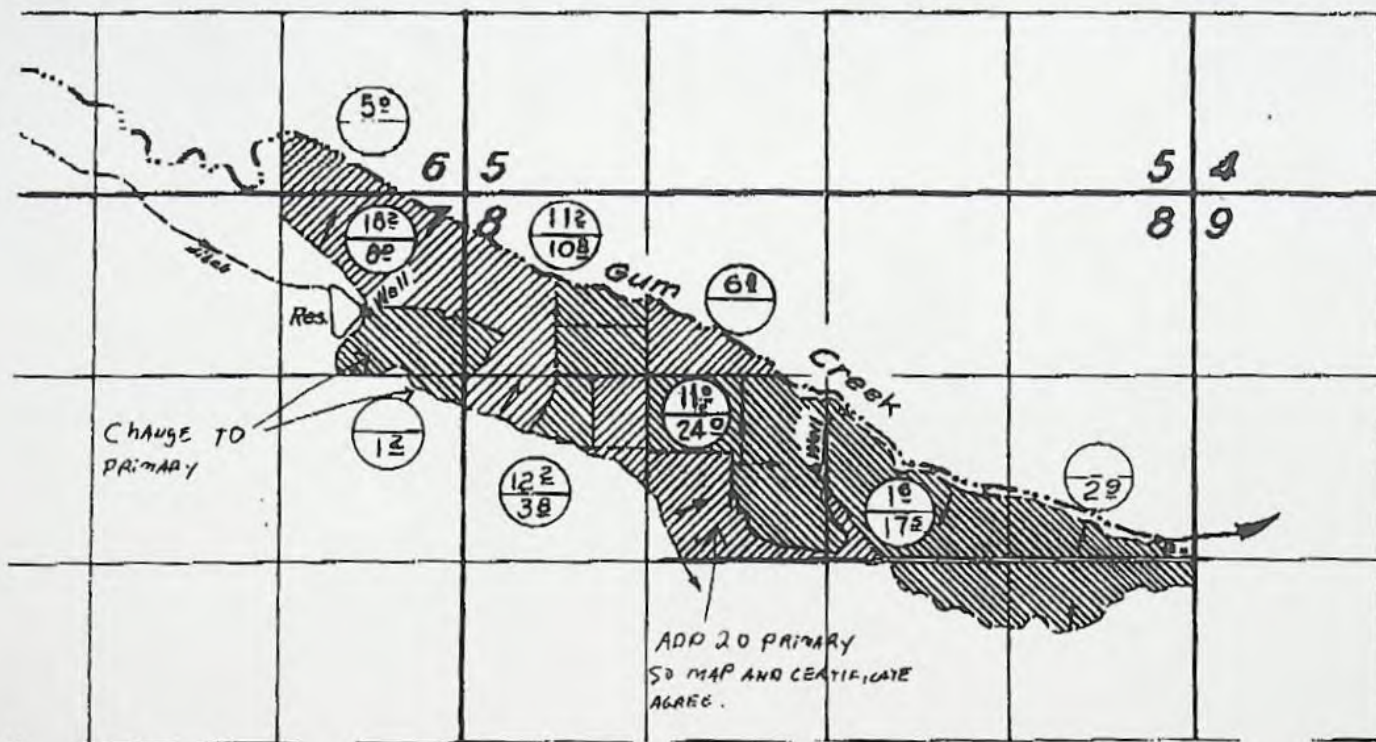
Table with columns: Primary, Supp'l, acres, and section details. Includes handwritten annotations like 'CHANGE TO PRIMARY' and 'CHANGE TO 11.0'.



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

WITNESS the signature of the State Engineer, affixed
this date,

LEWIS A. STANLEY
State Engineer

T.16S. R.43E.W.M.



Primary   
 Supplemental 

FINAL PROOF SURVEY

UNDER

Section No. 276.11. Permit No. 21750.

IN NAME OF

**HERBERT M. SHAW**

Surveyed 14 Oct. 1958., by C.O. Bartels

MEMO

DATE: January 9, 1998  
TO: DWIGHT FRENCH  
FROM: LAURA SNEDAKER  
SUBJECT: Application G-14461 for Gum Creek Farms Inc. (William Heid)

I spoke with you about this application a few days ago. The Department is going to be correcting an existing surface water right, Certificate 26616, which identifies some lands for supplemental irrigation which really should be primary.

The application had also requested to irrigated a lot of acres that were covered by existing groundwater rights and a groundwater permit which conflicted with the current application. The existing rights draw water from the same source as requested under the current application and allow the full rate and duty. The applicant has requested to remove the lands from the current application which are covered by existing groundwater certificates. He has also requested to move the lands under the existing permit.

Based on a conversation with you, I let him know that he could resolve these issues without protesting, that the Dept. would correct the certificate and that he may be able to do a permit amendment to move those lands.

Unfortunately, I just found out yesterday from Kelly Starnes that the applicant would not be able to amend the permit. Apparently the C notice has already been submitted for this permit. Kelly let me know that the file had been scheduled for the Dept. to complete a survey and that it may be possible for the applicant to transfer the lands under the permit if a draft certificate <sup>can</sup> be approved. Kelly indicated that I should check with June in the Canyon City office to find out if she had completed a survey.

I checked with June and it sounds like she completed the survey in 1992 and has all the materials ready to put together but has been waiting on the outcome of HB 3111 in this area ~~before~~. She is checking to determine whether the lands in question fall inside or outside the boundary of 3111. If it's outside she may be able to complete her report and the final proof map. If it's inside, that would delay things.

I spoke with Larry Nunn about this issue. He indicated that if June can submit her report and the final proof map, then there is an expedited process for the report to be reviewed and if approved a draft certificate drawn up. The applicant could then file a transfer application.

I spoke with Mr. Heid, the applicant, yesterday about this issue and discussed with him

several possible scenarios. I told him that these issues could still be resolved without him having to file a protest. But I let him know, that because he could not do a permit amendment and would have to file a transfer, that the process would take quite a bit longer than anticipated. I referred him to Larry for questions about transfer timelines. I also told him that I would try to find out how long the expedited process for a possible draft ~~permit~~<sup>certification</sup> would take. I also discussed with him the possibility of the permit being in an area affected by HB 3111. I mention, that if it is affected by HB 3111, based on a conversation with Larry Nunn, that it may be possible to have that area removed from consideration under HB 3111. We also discussed the possibility of using the current application for supplemental irrigation if the beneficial use under the permit comes out to less than the full allowable rate and duty.

I told Mr. Heid that I would try and discuss this issue with you today and find out what you think or if you see any other possibilities. I also wanted to find out whether, when he files the transfer application (if possible), if the permit for the current application could be conditioned to allow irrigation of the lands in question but that those lands would not be allowed if the transfer application was not approved.

1.9.98

al don't have any other ideas  
No, but how

about conditioning the permit to allow the acreage but irrigation can be allowed until any & all water right with earlier priority dates are ~~cancel~~ no longer valid on said lands.

DJB

The following described lands may only be irrigated under the terms of this permit when all water rights/permits, with earlier priority dates, are no longer valid on said lands.

10-15-98  
No longer necessary.  
LKS

June - Canyon City WM office  
541-575-0119

Survey done - 92

was awaiting outcome of 3111 (may fall into)  
before complete map & report

will find out if within boundary for 3111  
if not, will complete report & map

1-28-98

6-10459 not impacted by 3111 per June  
will complete report & map & send in

2-3-98

June called to let me know that she  
had sent in her preliminary map & report  
to Don Knorr on Jan 23rd.

Also sent copy to Bill Heidl

1/5/98

LKS

8:20 - left msg for Bill Heid  
also left a msg for Kent Jensen

1/6/98

approx 11:30 - Bill Heid called & left a voice mail -  
will call back later this afternoon  
2:00 - returned call & left msg.

1/7/98

Z-S-98

LKS

Bill Heid G-14461

- discussed affidavit  
can't add acres to an existing  
cert
- Will find out how long correction  
& ~~ref~~ review of June's report  
will take.
- Also requested add time-out  
- 60 days - for map

OK per Dwight F.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

February 6, 1998

Bill Heid  
Gum Creek Farms Inc.  
5070 South Rd. K  
Vale, Oregon 97918

RE: Application G-14461

Dear Mr. Heid:

On February 5, 1998, you requested an additional 60 day extension of time for the above application.

On January 9, 1998, you were granted a 30 day extension on the application process until February 9, 1998. Under OAR 690-310-270, the Department may grant an extension of the application process of up to 180 days.

Your request for a time out extension has been approved by the Department.

The Department will not take any action on this application until **April 10, 1998**. Please let us know if you are ready to proceed sooner.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 268, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Laura K. Snedaker  
Senior Water Rights Examiner

cc: Larry Powers, Watermaster District 9



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 9, 1998

William Heid  
Gum Creek Ranch Inc.  
5070 South Rd. K  
Vale, Oregon 97918

Reference File Number: G-14461

Dear Mr. Heid:

This is in follow up to our conversation on January 7, 1998, regarding the correction of Certificate 26616. As we discussed, an affidavit requesting the correction of this certificate will need to be submitted to the Department. When you submit the enclosed, please include a copy of the certificate and final proof map. The certificate and map should identify the corrections which need to be made to modify the character of use from supplemental irrigation to primary irrigation.

You have also requested the Department to hold your application for further processing for 30 days in order to submit a revised application map. Your request for a time out been approved by the Department.

The Department will not take any action on this application until **February 9, 1998**. Please let us know if you are ready to proceed sooner.

If you have any questions, please give me a call at (503) 378-8455 or toll free within Oregon at 1 (800) 624-3199, extension 331.

Sincerely,

Laura K. Snedaker  
Senior Water Rights Examiner

Enclosures: Copy Certificate 26616, Copy of Final Proof Map, Affidavit, Permit Amendment Application

cc: Larry Powers, Watermaster District 9

1/5/97

Notes

LKS

1) Dept will fix cert 26616  
 will need to submit affidavit  
 to complete - copy of cert ~~may~~ include  
 w/ affidavit <sup>marking what needs</sup>  
 no be changed  
 but will proceed next week

1-7-97

LKS

2) Law

9:59

law

Bill Heidl

3) Dan

ca

10:30

Bill Heidl

4) ref

am

Will call around

3:30

5) Pre

th

amend need to be done  
before permit issued

6) can do 30 day extension (per Dwight)  
on map if necessary

1/5/97

Notes

LKS

- 1) Dept will fix cert 26616  
will need to submit affidavit  
to complete - <sup>w/ affidavit</sup> ~~may~~ include <sup>to be changed</sup> copy of cert marking what needs  
but will proceed next week  
When Don returns
- 2) Can amend - to move around  
lands - ok per Dwight French
- 3) Don't need to protest per Dwight  
can be resolved w/out
- 4) ref to Kelly about permit  
amendment (per Kelly amendment can be done  
with 30-60 days)
- 5) Prob will do FO identify  
that cert correct & permit  
amend need to be done  
before permit issued
- 6) can do 30 day extension (per Dwight)  
on map if necessary

12/30

notes G-14461

LKS

? 's

Can move lands & have  
be primary to lands where  
there are only supplemental  
(cert 26616)

Tom Paul

if no primary ever - could issue  
connecting cert.

if pri cancelled & supp been  
used diligently - could  
transfer to pri.

if pri had been transferred  
& supp left behind then  
supp not likely valid

may also be able to slip  
pri~~er~~ under this app. under  
those lands w/ supp only



STATE OF OREGON

Watermaster Div.

DEPT.

378-8128

TELEPHONE

INTEROFFICE MEMO

TO: All Watermasters

DATE: December 22, 1978

FROM: Chris, Newt and Larry

SUBJECT: Correction of Water Right Records

The director has requested that the Watermasters have written instructions on how to go about correcting errors found in water right records. This subject was discussed by Chris Wheeler at the last Watermaster's Conference. You may recall that a detailed step-by-step procedure is not practical because of so many variables over which we have little or no control. This includes the individual preferences of the Circuit Court Judges involved.

The manner in which a water right record may be corrected depends upon the facts of the particular right and whether the right was established under the terms of a permit issued by this office or by Court decree. If the right was established under the terms of a permit, an error in record may be corrected by the Director of the Water Resources Department. If the water right was affirmed by decree of the Court, an error in record may be corrected only by the Court.

When a water right owner comes to you with a claim that there is an error in the water right record, the following general procedure should be initiated.

1. The first step is to examine the records with him to determine whether an error actually exists. Unless there is clear and convincing proof of an error you must assume the record is correct.
2. If your findings support his claim, you should assist the owner in documenting the error and defining the proper correction from the records.
3. The watermaster should submit a report to the Water Resources Department file setting forth the known facts of each case.
4. The Administrator of both the Water Rights and the Watermaster Division must approve the proposed correction before further action is taken by the watermaster.

5. If the water right was established under the terms of a permit, the owner should then submit in the form of an affidavit with allegations of fact his request for correction to the Director.
6. If the water right was affirmed by the Court, the owner should be advised at this point, that he will need the assistance of an attorney in preparing and submitting his petition to the appropriate circuit court.

7. Cautions:

There is no substitute for thorough research and documentation in these cases.

Regardless of how a water right was acquired, any correction of water right record must be based on facts and on the record.

The whole fabric of the water rights system is built upon the records being correct. The rights are a species of property right and no one knows how many times the record has been relied upon in decisions affecting many individuals.

You cannot petition the court for correction of a decreed right.

If more than one land owner is involved, all must be notified and made party to the proceedings.

You cannot correct an error in water right record through the transfer procedure.

Actual physical changes in established water rights can be taken care of only through the regular transfer procedure.

Note that while changes in points of diversion can be approved many years after the fact, changes of place of use or character of use must be formalized by proper transfer within five years of date of change.

8. Remember that today's judgement or appearances cannot be substituted for yesterday's decisions.

Cert 26616 is a SW right

T16S. R43E.

- Primary
- Supp.
- Pri w/Supp



- WELL #15 PRIMARY SUPPLEMENTAL TO CERTIFICATE 26616 + 46-51776
- WELL #17 PRIMARY SUPPLEMENTAL TO CERTIFICATE 46-51776
- WELL #18 PRIMARY SUPPLEMENTAL TO CERTIFICATE 26616
- WELL #19 PRIMARY SUPPLEMENTAL TO CERTIFICATE 46-51776
- WELL #20 PRIMARY SUPPLEMENTAL TO CERTIFICATE 46-51776

APPLICATION FOR PERMIT 1"=1320'

IN NAME OF

GUM CREEK FARMS, INC.

Application No G14461  
Permit No.

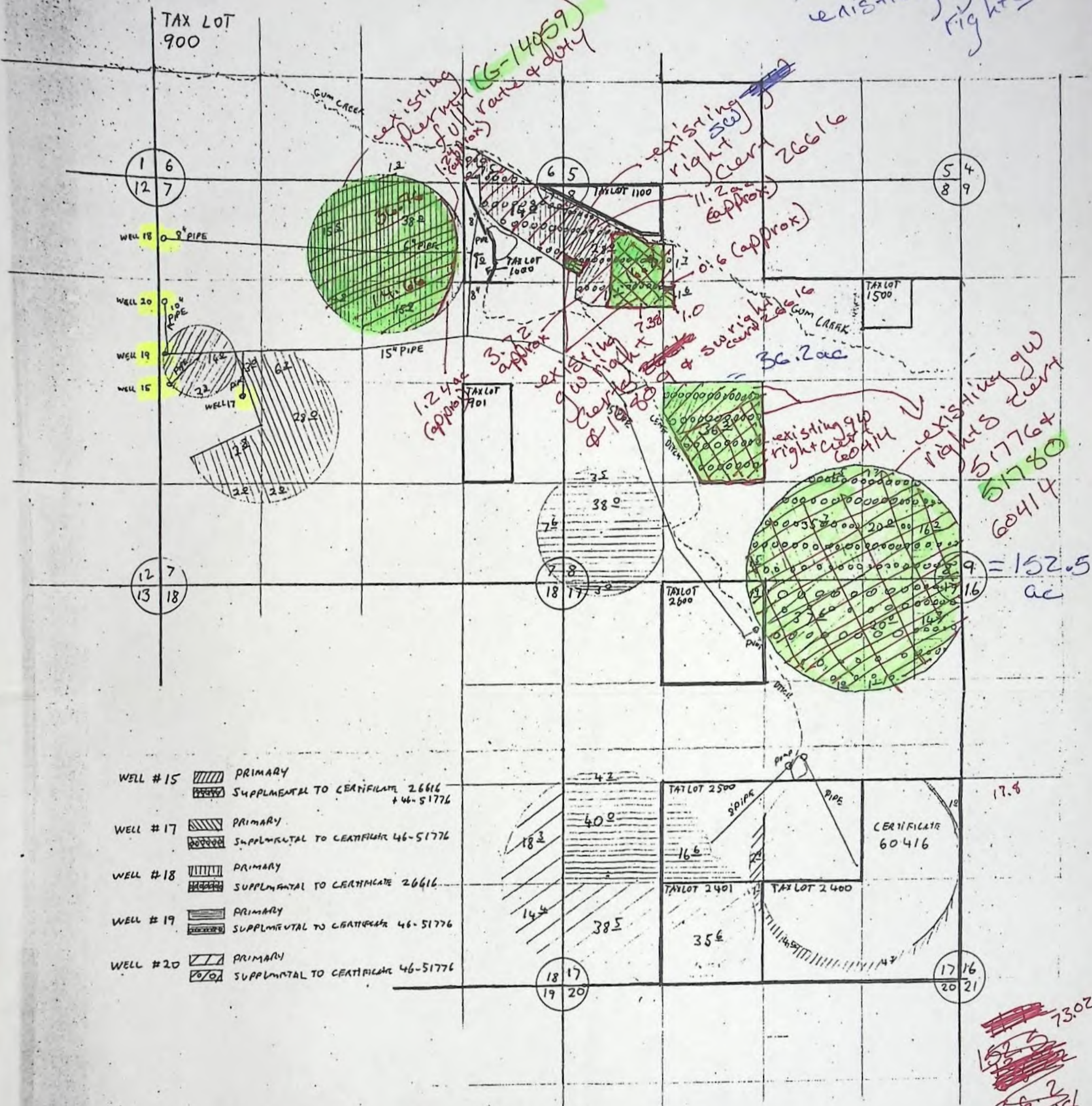
Certs, per GW Sec.  
60414  
51776  
51780 & Permit 6-14059  
draw water from same  
source as this  
application.

**RECEIVED**  
FEB 18 1997  
WATER RESOURCES DEPT.  
SALEM, OREGON

- ? = on land w/ only supp rights can he  
how use this app to put primary in  
place.
- = can he diminish the supp rights to  
primary
- = Do the supp rights need to be cancelled  
where there  
are only supp. rights.

T16S. R43E.

Receive full rate under existing gw rights



- WELL # 15 PRIMARY  
 SUPPLEMENTAL TO CERTIFICATE 26616 + 46-51776
- WELL # 17 PRIMARY  
 SUPPLEMENTAL TO CERTIFICATE 46-51776
- WELL # 18 PRIMARY  
 SUPPLEMENTAL TO CERTIFICATE 26616
- WELL # 19 PRIMARY  
 SUPPLEMENTAL TO CERTIFICATE 46-51776
- WELL # 20 PRIMARY  
 SUPPLEMENTAL TO CERTIFICATE 46-51776

APPLICATION FOR PERMIT 1"=1320'

IN NAME OF  
GUM CREEK FARMS, INC.

Application No G14461  
Permit No.

~~73.02~~  
~~152.5~~  
~~36.2~~  
~~60.16~~  
about ~~286.9~~ acres  
not allowable for  
(green areas) Irrig  
leaves of 38.72 ac  
Supp of 307.48 ac  
Pri.

**RECEIVED**

FEB 18 1997  
WATER RESOURCES DEPT.  
SALEM, OREGON





TOWNSHIP 16 S RANGE 43 E W. M. #1 SECTION 8

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
		35	35											135	85	See 1926 Decree Willow Creek		1627	
						31	26 41									Superseded by Co. Ord. No. 8241 EC		7312	
						* 31	* 26 * 41									Superseded by Co. Ord. No. 8742 EC		7311	
																40		8961	
																40		8962	
																Tr. Str. Or. Vol. 2 Page 327			
		151	29			108										U-228	U-209	19808	
		14				40	38 24°									U-229	U-209	19809	
		35	35											89	6°	U-228	U-209	19808	
		53	29			108	38 24°									27611	21750	26616	
		16				60	112 123 92									27611	21750	26616	
																40			
						105	1 362 05							246	293 342 40	40	4-3224	41-3167	51776

*Supp. 10*

*subject of search*

*NCR*

*NCR*

TOWNSHIP 16 S RANGE 43 E W. M. #2 SECTION 8

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
		37	34			23	36									6-5633	6-6719	51778	
		37	34			23	36									6-5634	6-6720	51777	
										362	05			246	293 342 40	40	6-5635	6-6721	51780
														89	6		6-5636	6-6722	47836
																	6-5637	6-6723	52218 51779
						105	1										6-8655	6-8357	60414
										256				252	172 42 42 38 4		6-10145	6-10460	60415
		172	04 20 140														6-10146	6-10461	
		30	40																

*NCR*

TOWNSHIP 16S RANGE 43E W. M.

SECTION 17

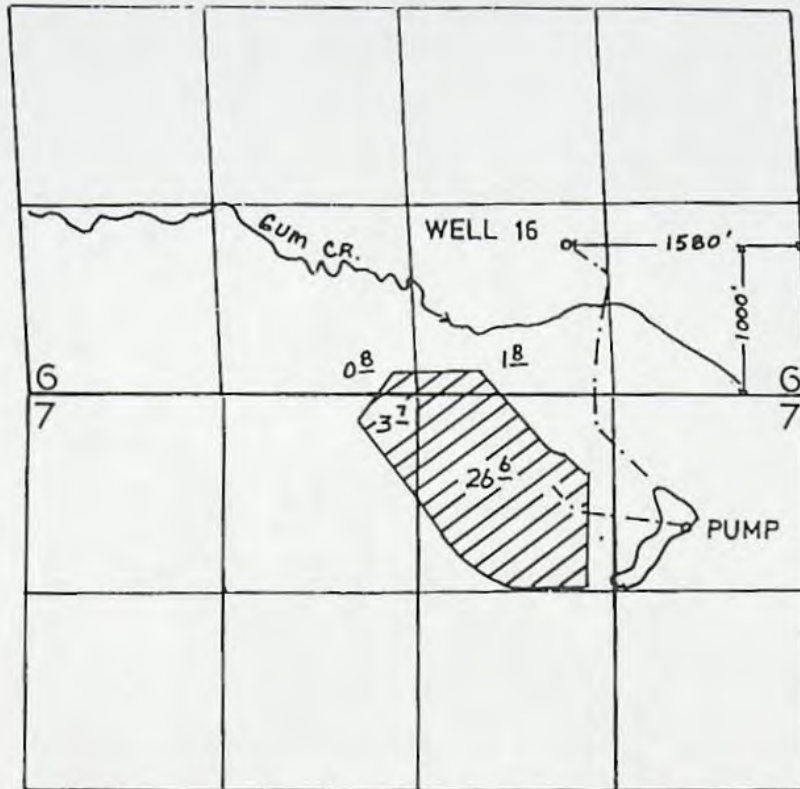
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																			
34 <sup>4</sup>	38 <sup>8</sup>	16 <sup>1</sup>	5	3													G-3224	G-3167	51776
34 <sup>4</sup>	38 <sup>8</sup>	16 <sup>1</sup>	5	3													G-5635	G-6721	51780
7 <sup>0</sup>																	G-5635	G-6724	CANCELED
	4 <sup>8</sup>	4 <sup>8</sup>							35 <sup>2</sup>	38 <sup>8</sup>	26 <sup>8</sup>	22 <sup>8</sup>	G-5639	G-6725	60413				
34 <sup>4</sup>	38 <sup>8</sup>	24 <sup>8</sup>	8 <sup>8</sup>	3 <sup>6</sup>					35 <sup>2</sup>	38 <sup>8</sup>	26 <sup>8</sup>	22 <sup>8</sup>	G-8655	G-8357					
	4 <sup>8</sup>	4 <sup>8</sup>							35 <sup>2</sup>	38 <sup>8</sup>	26 <sup>8</sup>	22 <sup>8</sup>	G-10147	G-10462	60416				

T. 16 S., R. 43 E., W.M.

RECEIVED

APR 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



1" = 1320'

PRELIMINARY  
SUBJECT TO REVISION

32.9 acres 123 287

## FINAL PROOF SURVEY

UNDER

Application No. G-10144 Permit No. G10459  
IN NAME OF

GUM CREEK FARMS

Surveyed 7-31, 1992, by J. MILLER

transferred and without loss of priority transferred to 12 acres in the Township 16 South, Range 43 East, W. M., as hereinafter mentioned and situated-

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION OF )  
ROBT. D. LYTLE AND ANNA H. DAVIS FOR )  
APPROVAL OF A CHANGE IN PLACE OF USE )  
OF WATER THROUGH THE SYSTEM OF THE )  
ORCHARDS WATER COMPANY )  
----- )

ORDER  
APPROVING APPLICATION

On March 27, 1939, Robt. D. Lytle and Anna H. Davis filed an application for approval of a change in place of use of water through the system of the Orchards Water Company.

By decree of the Court for Malheur County, dated January 28, 1926, in the matter of the determination of the relative rights to the use of the waters of Willow Creek and its tributaries, a right to the use of the waters of Willow Creek, stored in Reservoir No. 3, and Black Creek and Pole Creek, stored in Reservoir No. 1, and the direct flow thereof was recognized for the irrigation of, among other lands, 28 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7; 31 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 26 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 41 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, all in Township 16 South, Range 43 East, W. M., with a date of priority of April 7, 1908, as to the waters of Willow Creek, and May 29, 1907, as to the waters of Black Creek and Pole Creek.

The applicants herein, owners in fee simple of the above-described lands and owners of certificates of stock in the Orchards Water Company representing 126 shares of stock, propose to transfer the water rights appurtenant to said lands without loss of priority to 40 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.4 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 19.3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 16 South, Range 43 East, W. M.

Notice by publication as provided by Section 47-712, Oregon Code 1930, was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in place of use of water.

The Orchards Water Company having adopted a resolution approving the proposed transfer, it appears that such change in place of use of water can be made without injury to existing rights.

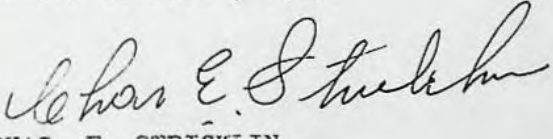
NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water right hereinbefore described as appurtenant to 28 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7; 31 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 26 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 41 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, all in Township 16 South, Range 43 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 40 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.4 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 19.3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 4, Township 16 South, Range 43 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1940, or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of complete application of water to beneficial use upon the lands to which the water is transferred hereby a certificate of water right shall be issued to Orchards Water Company and that the certificate of water right heretofore issued to Orchards Water Company and recorded in State Record of Water Right Certificates, Volume 8, Page 8961, be cancelled.

It is FURTHER ORDERED that in the event there are other rights appurtenant to the lands to which the water is transferred hereby the amount of water from all sources for irrigation purposes is limited to an amount which may be used beneficially on said lands and shall not exceed three acre-feet per acre during each irrigation season.

Dated at Salem, Oregon, this 6th day of April, 1939.

  
CHAS. E. STRICKLIN  
State Engineer

*Noted on Decree  
Vol. 9, p. 223 and  
Cert. 8961*

*Trsf. L-6*

STATE OF OREGON  
COUNTY OF MALHEUR  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** HERBERT M. SHAW

of Jamieson, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of \_\_\_\_\_ for the purpose of irrigation (supplemental)

under Permit No. U-209 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 10, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.725 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 8, T. 16 S., R. 43 E., W. M.

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  $\frac{1}{40}$ th of one cubic foot per second per acre, or its equivalent for each acre irrigated prior to May 1, and  $\frac{1}{80}$ th of one cubic foot per second for its equivalent for each acre irrigated during the remainder of the irrigation season; and shall be still further limited to a diversion of not to exceed 0.75 c.f.s.; provided further that the amount of water allowed herein, together with the amount secured under any other right existing for the same lands and shall not exceed the limitation allowed herein,

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

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

SUPPLEMENTAL	PRIMARY	
3.5	15.1	acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
3.5	2.9	acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
8.9		acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
6.0		acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8  
T. 16 S., R. 43 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 31st day of July, 192

CHAS. E. STRICKLIN  
State Engineer

STATE OF OREGON  
COUNTY OF Malheur  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERBERT M. SHAW  
of Jamieson, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
a well  
a tributary of irrigation for the purpose of  
under Permit No. U-210 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from February 10, 1947  
; that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
1.00 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 7, T. 16 S., R. 43 E., W. M.

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 1/40th of one cubic foot per second  
per acre, or its equivalent for each acre irrigated prior to May 1, and 1/80th of one  
cubic foot per second or its equivalent for each acre irrigated during the  
remainder of the irrigation season

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

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

- 1.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 10.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$
- 3.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$
- 24.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$
- Section 8
- T. 16 S., R. 43 E., W.M.

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

WITNESS the signature of the State Engineer, affixed  
this 31st day of July, 19 52.

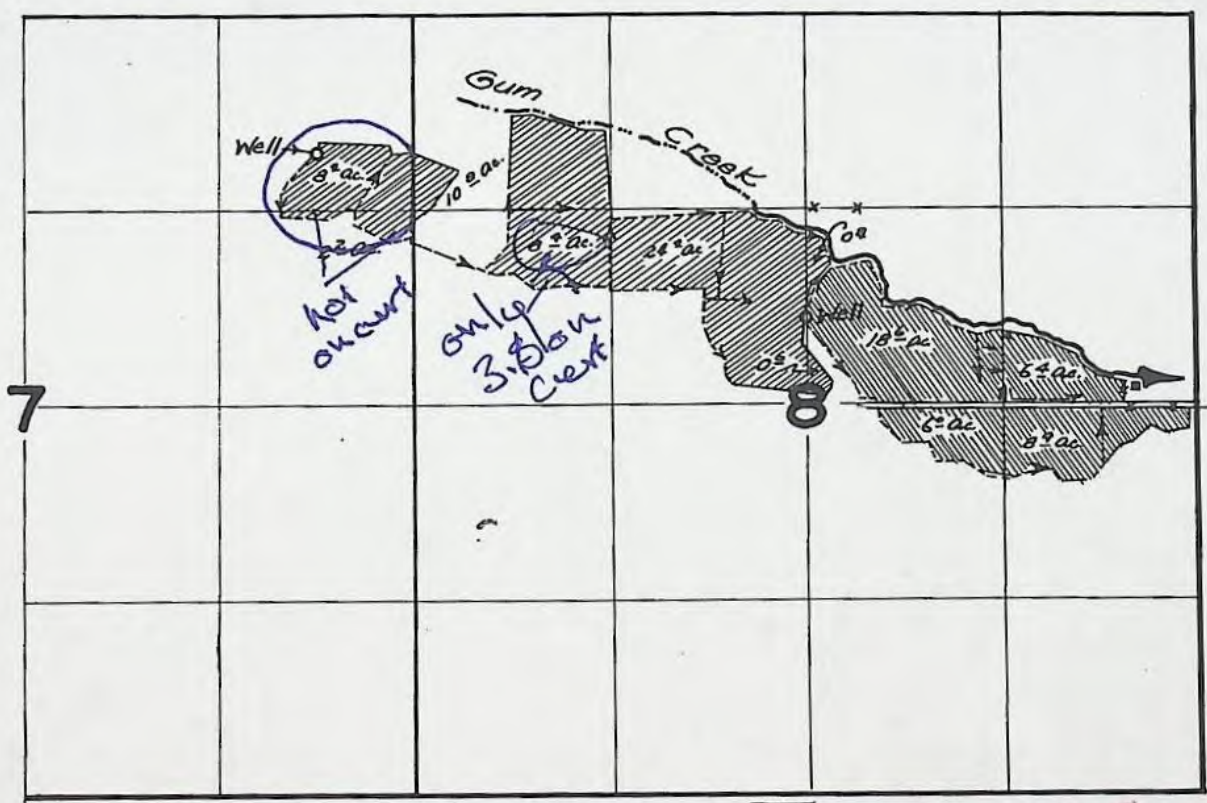
CHAR. W. MELICKIN  
State Engineer



full rate  
at 1/40

JR

# T.16S.R.43E.W.M.

*Pri irrig  
under Cert  
19809*



APP. U-228  Cert 19808  
 APP. U-229  Cert 19809

## FINAL PROOF SURVEY

UNDER

U-228

U-209

Application No. U-229 ✓ Permit No. U-210 Cert 19809

IN NAME OF

HERBERT M. SHAW

Surveyed 8/30 1951, by H.L. COFFMAN.

STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HERBERT M. SHAW

97900

of Box 63, Jamieson, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Gum Creek a tributary of Willow Creek for the purpose of irrigation of 64.0 acres and supplemental irrigation of 56.0 acres,

under Permit No. 21750 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 4, 1952,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 SW 1/4, Section 6, Township 16 South, Range 43 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

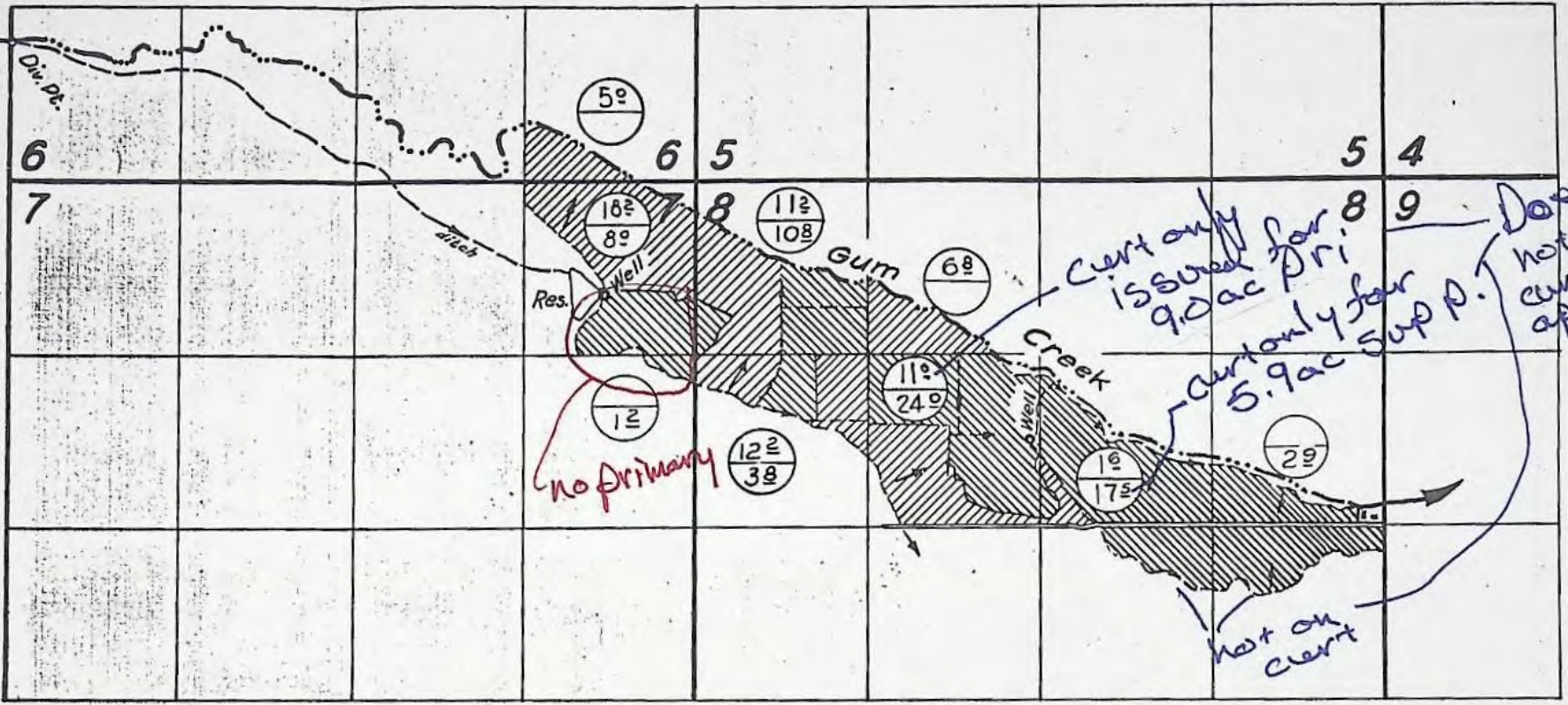
Table with 3 columns: Primary, Supp'l, and description (acres and section/quarter). Rows include 5.0 acres SE 1/4 SE 1/4 Section 6, 18.2 acres NE 1/4 NE 1/4 and SE 1/4 NE 1/4 Section 7, 1.6 acres SW 1/4 NE 1/4 and SE 1/4 NE 1/4 Section 7, 6.8 acres NE 1/4 NW 1/4 Section 7, 11.2 acres NW 1/4 NW 1/4 Section 7, 12.2 acres SW 1/4 NW 1/4 Section 7, 9.0 acres SE 1/4 NW 1/4 Section 8, Township 16 South, Range 43 East, W.M.



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

WITNESS the signature of the State Engineer, affixed this date.

LEWIS A. STANLEY State Engineer

S. Walker
Full rate at 1/40



Primary   
 Supplemental 

Cert 26616

FINAL PROOF SURVEY  
 UNDER  
 Application No. 27611. Permit No. 21750  
 IN NAME OF  
**HERBERT M. SHAW**  
 Surveyed 14 Oct. 1958., by C.O. Bartels

Surface  
 water

BBC-6N-80  
 BBC-6N-118

STATE OF OREGON  
 COUNTY OF MALHEUR  
**CERTIFICATE OF WATER RIGHT**

*[Handwritten signature]*

**This is to certify, That** GUM CREEK FARMS INC. and KANSAS CITY  
 LIFE INSURANCE, COMPANY

of Route 2, Box 2836, Vale, State of Oregon 97918, has made  
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
 Wells 3 and 4

a tributary of Gum Creek for the purpose of  
 irrigation of 318.2 acres

under Permit No. G-3167 and that said right to the use of said waters has been perfected in  
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
 September 7, 1965  
 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is  
 limited to an amount actually beneficially used for said purposes, and shall not exceed  
 2.81 cubic feet per second, being 2.03 cfs from Well 3 and 0.78 cfs from Well 4

*not full  
 value & duty*

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is  
 located in the SW 1/4 NW 1/4, Section 8, T16S, R43E, WM; Well 3 - 2,600  
 feet South and 980 feet East from NW Corner Section 8, SE 1/4 SW 1/4,  
 Section 8, T16S, R43E, WM; Well 4 - 240 feet North and 2,170 feet East from SW  
 Corner Section 8

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 under the right hereby confirmed, and to which such right is  
 appurtenant, is as follows:

SEE NEXT PAGE

WELL 3

10.5 acres SW 1/4 NW 1/4  
 1.0 acre SE 1/4 NW 1/4  
 36.2 acres NE 1/4 SW 1/4  
 0.5 acre NW 1/4 SW 1/4  
 23.1 acres SE 1/4 SW 1/4  
 27.6 acres NE 1/4 SE 1/4  
 32.7 acres NW 1/4 SE 1/4  
 4.3 acres SW 1/4 SE 1/4  
 3.8 acres SE 1/4 SE 1/4  
 Section 8

1.4 acres SW 1/4 SW 1/4  
 Section 9

0.8 acre NW 1/4 NW 1/4  
 Section 16

0.1 acre NE 1/4 NE 1/4  
 1.0 acre NW 1/4 NE 1/4  
 14.2 acres SW 1/4 NE 1/4  
 3.9 acres SE 1/4 NE 1/4  
 1.1 acres NE 1/4 NW 1/4  
 Section 17

Township 16 South, Range 43 East, WM

WELL 4

1.5 acres SE 1/4 SW 1/4  
 1.7 acres NE 1/4 SE 1/4  
 1.5 acres NW 1/4 SE 1/4  
 35.7 acres SW 1/4 SE 1/4  
 36.2 acres SE 1/4 SE 1/4  
 Section 8

1.8 acres SW 1/4 SW 1/4  
 Section 9

0.8 acre NW 1/4 NW 1/4  
 Section 16

34.3 acres NE 1/4 NE 1/4  
 37.6 acres NW 1/4 NE 1/4  
 1.9 acres SW 1/4 NE 1/4  
 1.1 acres SE 1/4 NE 1/4  
 1.9 acres NE 1/4 NW 1/4  
 Section 17

Township 16 South, Range 43 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date. December 8, 1983

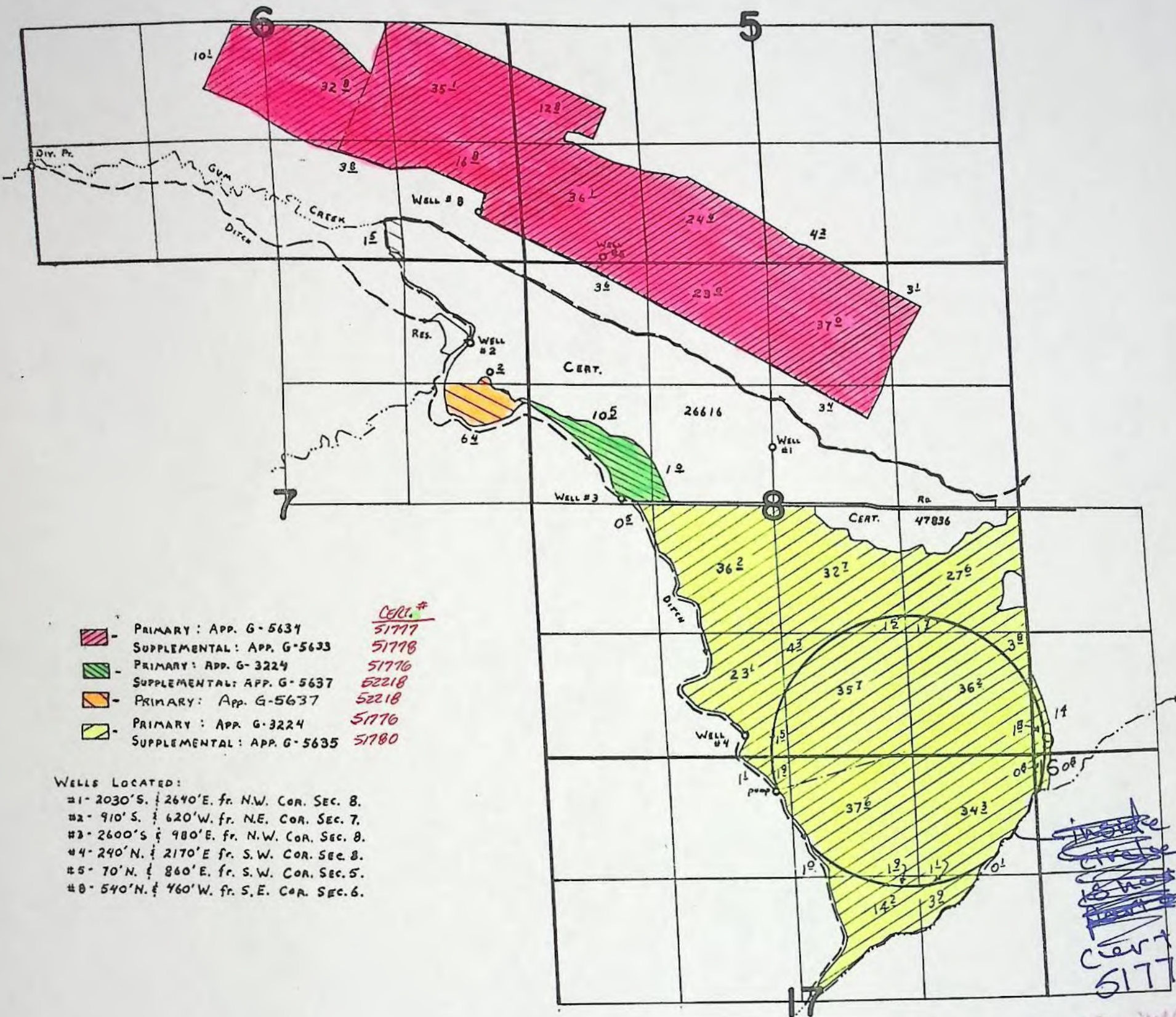
.....William H. Young.....  
 Water Resources Director





6629B

Recorded in State Record of Water Right Certificates, Volume 46 , page 51776

# T16S. R43E. WM.

~~NER~~  
~~for 51776~~



- |   |                           |                                |
|---|---------------------------|--------------------------------|
|  | PRIMARY: APP. G-5634      | <i>Cert. #</i><br><i>51777</i> |
|   | SUPPLEMENTAL: APP. G-5633 | <i>51778</i>                   |
|  | PRIMARY: APP. G-3224      | <i>51776</i>                   |
|   | SUPPLEMENTAL: APP. G-5637 | <i>52218</i>                   |
|  | PRIMARY: APP. G-5637      | <i>52218</i>                   |
|  | PRIMARY: APP. G-3224      | <i>51776</i>                   |
|   | SUPPLEMENTAL: APP. G-5635 | <i>51780</i>                   |

- WELLS LOCATED:
- #1- 2030'S. 2640'E. fr. N.W. COR. SEC. 8.
  - #2- 910'S. 620'W. fr. N.E. COR. SEC. 7.
  - #3- 2600'S. 980'E. fr. N.W. COR. SEC. 8.
  - #4- 240'N. 2170'E fr. S.W. COR. SEC. 8.
  - #5- 70'N. 860'E. fr. S.W. COR. SEC. 5.
  - #8- 540'N. 460'W. fr. S.E. COR. SEC. 6.

*inside circle is not part of Cert 51776 (Primary)*

## FINAL PROOF SURVEY UNDER

	G-5633	G-6719
	G-5634	G-6720
	G-5635	G-6721
Application Nos.	G-5637	Permit Nos. G-6723
	G-3224	G-3167

IN NAME OF

**GUM CREEK FARMS, INC. &  
KANSAS CITY LIFE INS CO**

Surveyed AUG. 6 1979, by C. L. HUGHES  
SEPT 20

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This is to certify, That GUM CREEK FARMS, INC. and KANSAS CITY LIFE INSURANCE CO.

of Route 2, Box 2836, Vale, State of Oregon 97918, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Shaffer Wells 1 and 2

a tributary of Gum Creek for the purpose of supplemental irrigation of 306.1 acres

under Permit No. G-6721 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 1, 1971 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.83 cubic feet per second, being 1.92 cfs from Well 1 and 1.91 cfs from Well 2

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 NW 1/4, Section 8, NE 1/4 NE 1/4, Section 7, T16S, R43E, WM; Well 1 - 2,030 feet South and 2,640 feet East, Well 2 - 910 feet South and 620 feet West; both from NW Corner, Section 8

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 further limited to a total appropriation of not to exceed 2.5 cubic feet per second for all rights of record appurtenant to Well 2

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

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

full rate & duty

SEE NEXT PAGE

36.2 acres NE 1/4 SW 1/4  
0.5 acre NW 1/4 SW 1/4  
24.6 acres SE 1/4 SW 1/4  
29.3 acres NE 1/4 SE 1/4  
34.2 acres NW 1/4 SE 1/4  
40.0 acres SW 1/4 SE 1/4  
40.0 acres SE 1/4 SE 1/4  
Section 8

3.2 acres SW 1/4 SW 1/4  
Section 9

1.0 acre NW 1/4 NW 1/4  
Section 16

34.4 acres NE 1/4 NE 1/4  
38.6 acres NW 1/4 NE 1/4  
16.1 acres SW 1/4 NE 1/4  
5.0 acres SE 1/4 NE 1/4  
3.0 acres NE 1/4 NW 1/4  
Section 17

Township 16 South, Range 43 East, WM

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

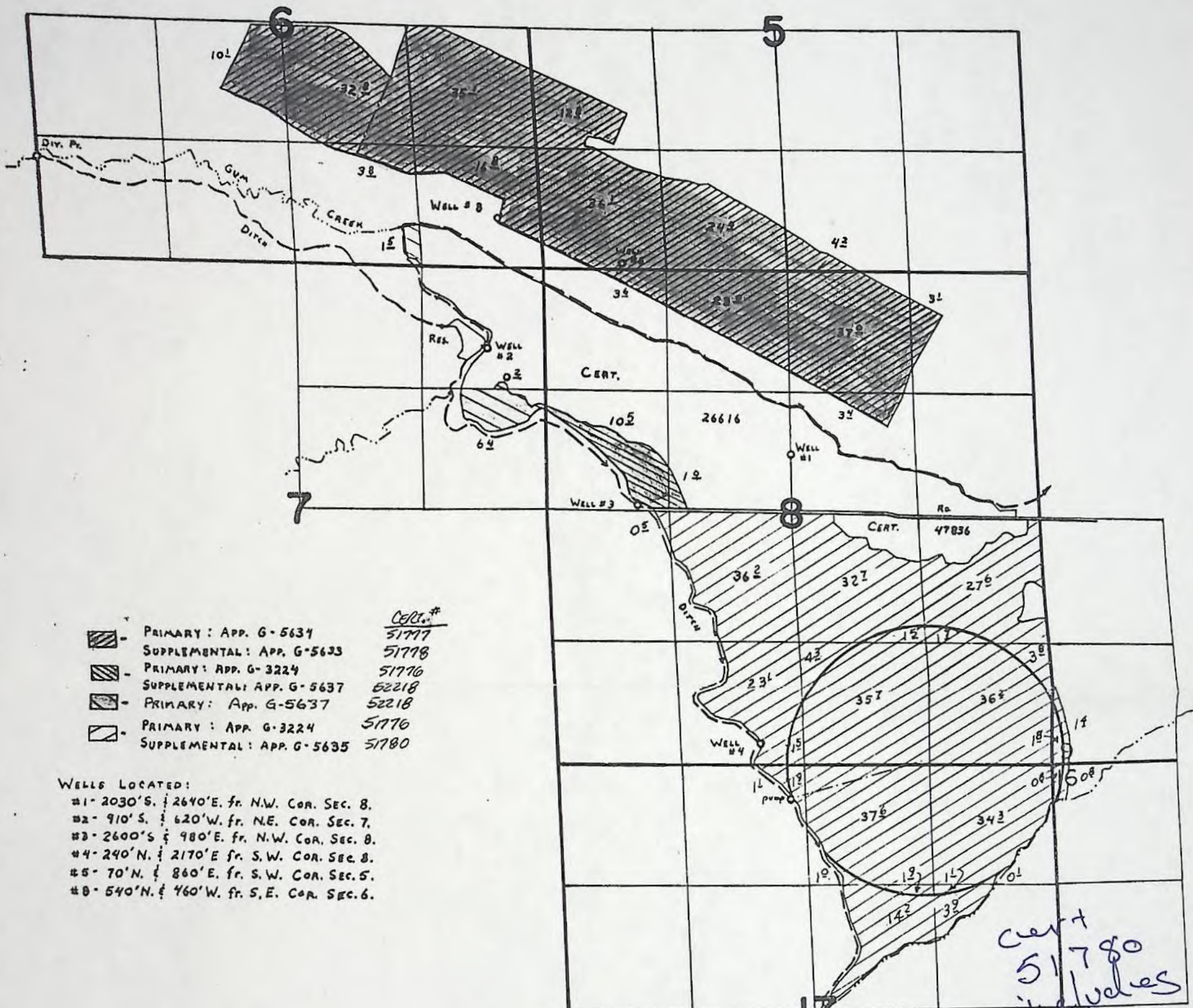
*WITNESS the signature of the Water Resources Director, affixed*

*this date. December 8, 1983*

*.....William H. Young.....  
Water Resources Director*

*Recorded in State Record of Water Right Certificates, Volume 46 , page 51780*

# T16S. R43E. WM.



Symbol	Application	Cert. #
[Diagonal lines /]	PRIMARY: APP. G-5634	51777
[Diagonal lines \]	SUPPLEMENTAL: APP. G-5633	51778
[Diagonal lines /]	PRIMARY: APP. G-3224	51776
[Diagonal lines \]	SUPPLEMENTAL: APP. G-5637	52218
[Diagonal lines /]	PRIMARY: APP. G-5637	52218
[Diagonal lines \]	PRIMARY: APP. G-3224	51776
[Diagonal lines /]	SUPPLEMENTAL: APP. G-5635	51780

- WELLS LOCATED:
- #1- 2030'S. & 2640'E. fr. N.W. COR. SEC. 8.
  - #2- 910'S. & 620'W. fr. N.E. COR. SEC. 7.
  - #3- 2600'S & 980'E. fr. N.W. COR. SEC. 8.
  - #4- 240'N. & 2170'E fr. S.W. COR. SEC. 8.
  - #5- 70'N. & 860'E. fr. S.W. COR. SEC. 5.
  - #8- 540'N. & 460'W. fr. S.E. COR. SEC. 6.

*cert  
51780  
includes  
inside  
circle  
All supp irrig  
by cert*

## FINAL PROOF SURVEY UNDER

G-5633	G-6719
G-5634	G-6720
G-5635	G-6721
Application Nos. G-5637	Permit Nos. G-6723
G-3224	G-3167

IN NAME OF  
**GUM CREEK FARMS, INC. &  
KANSAS CITY LIFE INS CO**

Surveyed AUG. 6 1979, by C. L. HUGHES  
SEPT 20

STATE OF OREGON  
COUNTY OF MALHEUR  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GUM CREEK FARMS, INC.  
5070 SOUTH ROAD 'K'  
VALE, OREGON 97918

confirms the right to use the waters of WELL 9 in the GUM CREEK BASIN for the purpose of SUPPLEMENTAL IRRIGATION OF 428.0 ACRES.

The right has been perfected under Permit G-8357. The date of priority is SEPTEMBER 26, 1978. The right is limited to not more than 1.78 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 SE 1/4, SECTION 7, T 16 S, R 43 E, W.M.; 930 FEET SOUTH AND 530 FEET WEST FROM E 1/4 CORNER 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

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

SEE NEXT PAGE

*Not full rate  
& duty*

NE 1/4 SW 1/4 25.6 ACRES  
SE 1/4 SW 1/4 25.2 ACRES  
NE 1/4 SE 1/4 17.2 ACRES  
NW 1/4 SE 1/4 42.0 ACRES  
SW 1/4 SE 1/4 42.4 ACRES  
SE 1/4 SE 1/4 38.4 ACRES

SECTION 8

SW 1/4 SW 1/4 2.4 ACRES

SECTION 9

NW 1/4 NW 1/4 0.8 ACRE

SECTION 16

NE 1/4 NE 1/4 34.4 ACRES  
NW 1/4 NE 1/4 38.8 ACRES  
SW 1/4 NE 1/4 24.8 ACRES  
SE 1/4 NE 1/4 8.8 ACRES  
NE 1/4 NW 1/4 3.6 ACRES  
NE 1/4 SE 1/4 35.2 ACRES  
NW 1/4 SE 1/4 38.8 ACRES  
SW 1/4 SE 1/4 26.8 ACRES  
SE 1/4 SE 1/4 22.8 ACRES

SECTION 17

TOWNSHIP 16 SOUTH, RANGE 43 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed this date MARCH 23, 1989.

/s/ WILLIAM H. YOUNG

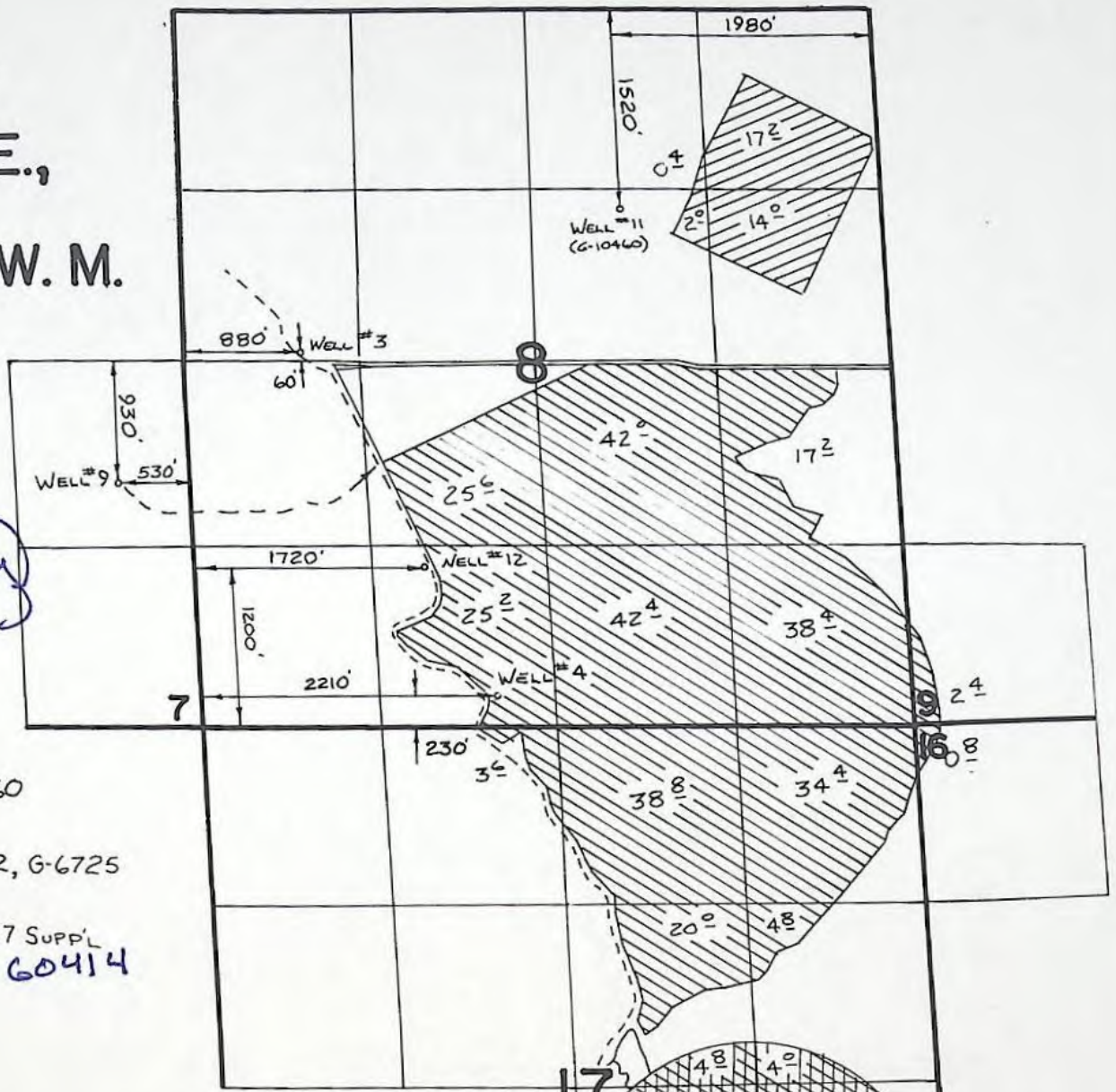
Water Resources Director to




Recorded in State Record of Water Right Certificates numbered 60414

G-8655.VC

T. 16S.,  
R. 43E.,  
W. M.

*Matches  
Curt for  
60414  
(SUPP irrig)*



-  PER. G-10460
-  PER. G-10462, G-6725
-  PER. G-8357 SUPPL  
Curt 60414

# FINAL PROOF SURVEY UNDER

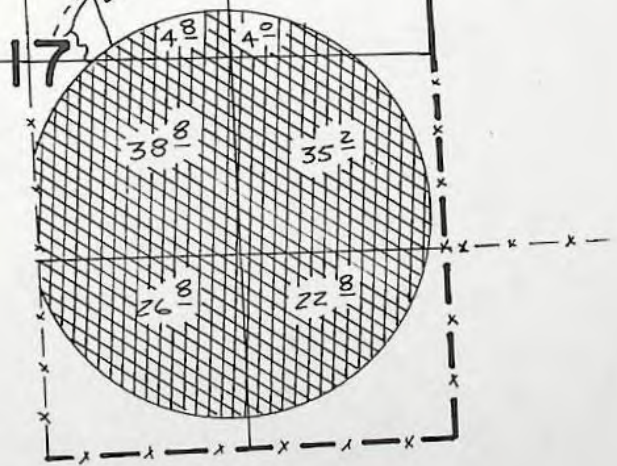
APPL. G-10145  
G-8655  
G-10147  
G-5639

PER. G-10460  
G-8357  
G-10462  
G-6725

IN NAME OF

**GUM CREEK FARMS**

Surveyed 4-18 1988, by V.L. Church



SCALE 1" = 1320'

STATE OF OREGON

STATE OF OREGON

County of MALHEUR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-10144 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Gum Creek Farms, c/o Bill Heid, of Route 2, Box 174, Vale, Oregon 97918, phone 473-3324, for use of the waters from Well 16,

for the PURPOSE of irrigation of 110.0 acres

that the PRIORITY OF THE RIGHT dates from February 5, 1981

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.38 cubic foot per second

*Soil report & duty*

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: North 56 degrees 10 minutes West from the Southeast Corner of Section 6 a distance of 1840 feet, being within the SW 1/4 SE 1/4 of Section 6, Township 16 South, Range 43 East, WM, in the County of Malheur.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 16 South, Range 43 East, WM Section 6	SW 1/4	SE 1/4	5.0 acres
	SE 1/4	SW 1/4	5.0 acres
Section 7	NW 1/4	NE 1/4	36.0 acres
	NE 1/4	NW 1/4	34.0 acres
	SW 1/4	NE 1/4	16.0 acres
	SE 1/4	NW 1/4	14.0 acres

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 1/80 of one cubic foot per second per acre, 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 surface water rights of others, and shall conform 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.

Actual construction work shall begin on or before February 27, 1986, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986.

Complete application of the water to the proposed use shall be made on or before October 1, 1987.

Witness my hand this 27th day of February, 1985.




/s/ WILLIAM H. YOUNG  
WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

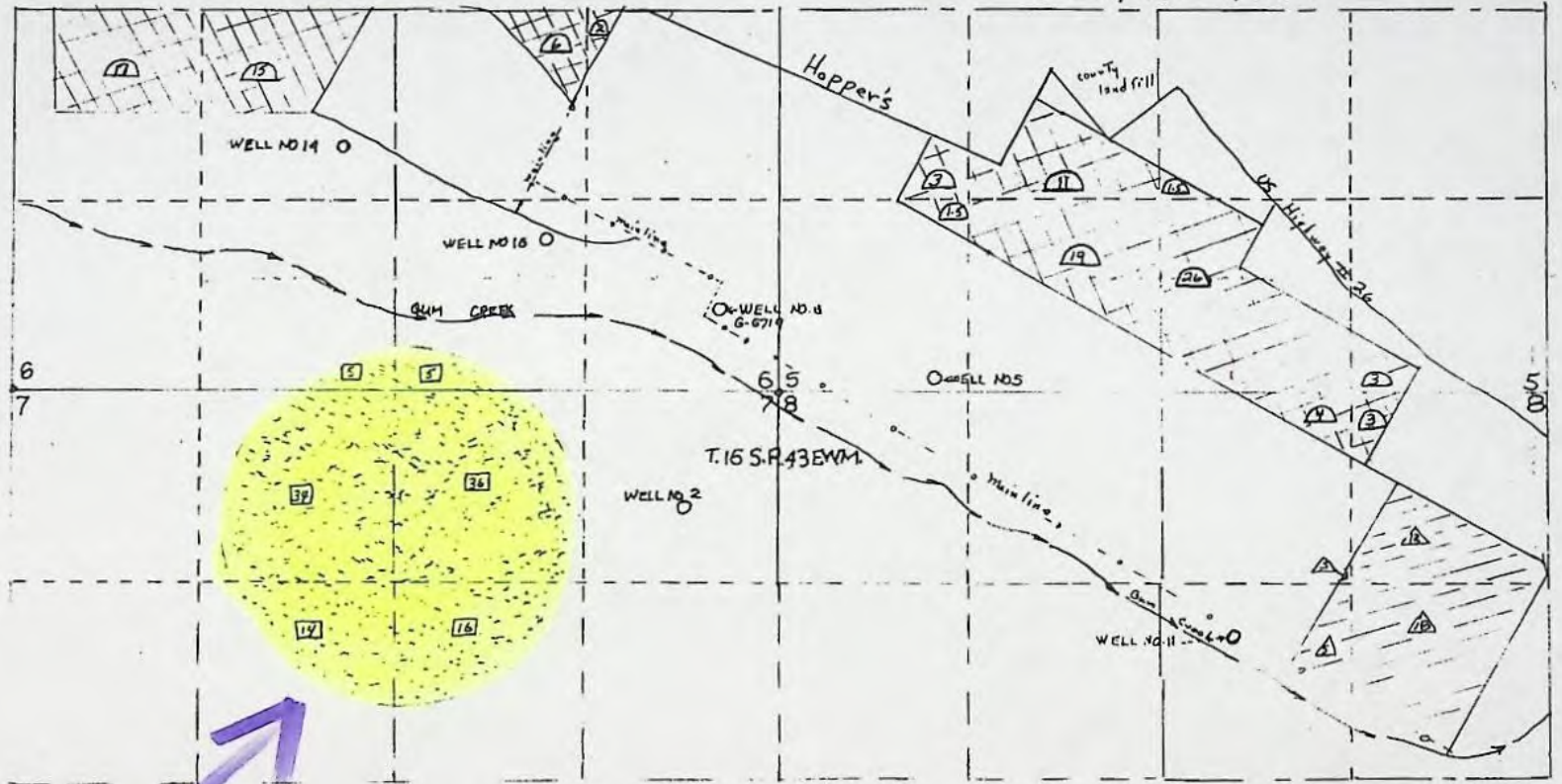
APPLICATION G-10144

PERMIT G10459

Application No. G-10144 / G-10145 / G-10146  
Permit No. G10159 / G10160 / G10161

-  Prime, Well No. 11 - App. No G-10145
-  Prime, Well No. 14 - App. No G-10146
-  Prime, Well No. 16 - App. No G-10144

T.16S., R.43E., W.M.



CONFLICT

12-30-97

TO: LAURA K. SNEDEKER  
APPLICATION G-14461

FROM: GUM CREEK FARMS.  
(541) - 473-3324  
(FAX) (541) 473-3135

5 PAGES TOTAL (INCLUDING COVER)  
2 PAGES DESC.  
2 PAGES MAP.

12-30-97

REVISED. Addendum to Application G-14461

We wish to amend/cancel Permit G10459 where it conflicts with this application. (The conflict is in Sec 6 SW1/4 SE1/4, and SEC 7 in the NE 1/4 and NW 1/4)

SOURCE OF WATER: 5 wells, Well #'s 15,17,18,19,20.

PURPOSE OF USE: Primary irrigation of 391.5 acres, and supplemental irrigation of 64 acres.

MAXIMUM RATE: 5.69 cubic feet per second, being 4.89 cfs for primary irrigation and 0.80 cfs for supplemental irrigation; Further limited to not more than 1.35 cfs from Well 15, 1.43 cfs from Well 17, 1.22 cfs from Well 18, 1.79 cfs from Well 19 and 2.11 cfs from well 20.

WELL # 15

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2655 feet South and 116' feet East from NW corner, Section 7

WELL # 17

Located in the NW 1/4 SW 1/4, Section 7, T16S, R43E, WM;  
2828 feet South and 1097' feet East from NW corner, Section 7

WELL # 18

Located in the NW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
769 feet South and 32' feet East from NW corner, Section 7

WELL # 19

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
2286 feet South and 24' feet East from NW corner, Section 7

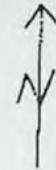
WELL # 20

Located in the SW 1/4 NW 1/4, Section 7, T16S, R43E, WM;  
1588 feet South and 50' feet East from NW corner, Section 7

The place of use is located as follows.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>Change from Application</u>	<u>change from Draft</u>
SW 1/4 SE 1/4	1.3 ACRES			X
SE 1/4 SE 1/4		5.0 ACRES	X	X
SECTION 6				
NE 1/4 NE 1/4	9.0	18.2	X	X
NW 1/4 NE 1/4	38.0			X
SW 1/4 NE 1/4	15.9			X
SE 1/4 NE 1/4	1.2		X	X
NE 1/4 NW 1/4	15.5			X
SE 1/4 NW 1/4	11.1			X
SW 1/4 NW 1/4	17.0			
NE 1/4 SW 1/4	28.0			
NW 1/4 SW 1/4	15.1		X	
SW 1/4 SW 1/4	2.0			
SE 1/4 SW 1/4	2.0			
SE 1/4 SE 1/4	7.6			
SECTION 7				
SW 1/4 NE 1/4		1.6	X	X
NE 1/4 NW 1/4		6.8	X	X
NW 1/4 NW 1/4		11.2	X	X
SW 1/4 NW 1/4		12.2	X	X
SE 1/4 NW 1/4	2.0	9.0	X	X
NW 1/4 SW 1/4	3.5			
SW 1/4 SW 1/4	38.0			
SECTION 8				
NW 1/4 NW 1/4	3.0			
SW 1/4 NW 1/4	4.2			
NE 1/4 SW 1/4	19.5			
NW 1/4 SW 1/4	40.0			
SW 1/4 SW 1/4	38.5			
SE 1/4 SW 1/4	36.7			
NE 1/4 SE 1/4	1.0			
SW 1/4 SE 1/4	4.4			
SE 1/4 SE 1/4	4.3			
SECTION 17				
NE 1/4 SE 1/4	18.3			
SE 1/4 SE 1/4	14.4			
SECTION 18				

# T16S R43E WM.



P04

KENNETH JENSEN

503 473 3135

PRIMARY

TAX LOT 900

Div. Pt.

ditch

TAX LOT 1100

TAX LOT 1000

TAX LOT 901

TAX LOT 1500

TAX LOT 2600

16  
12 7

65  
8

54  
8 9

Well 180

Well 200

Well 170

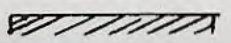
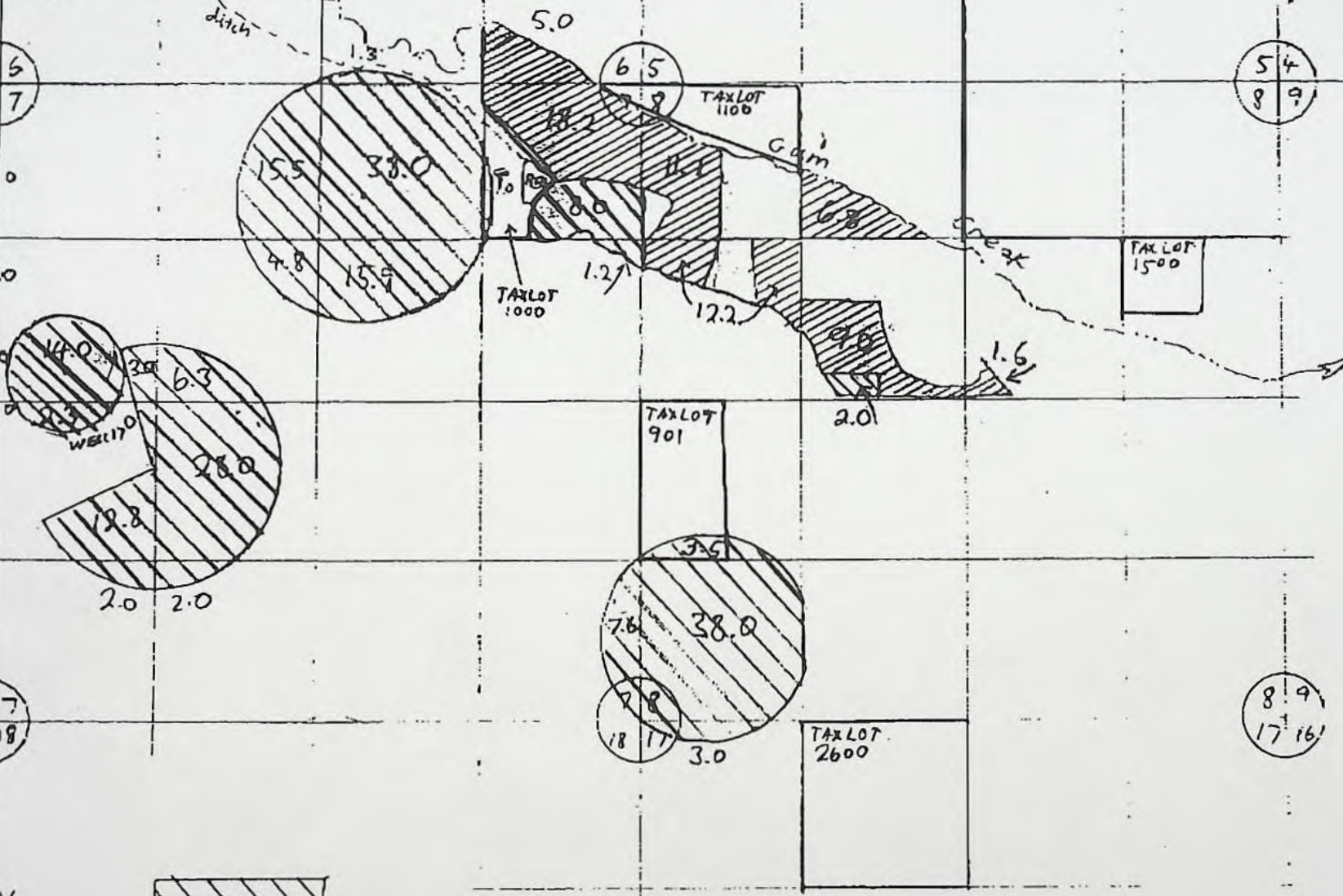
Well 150

Well 110

12 7  
13 18

78  
18 17

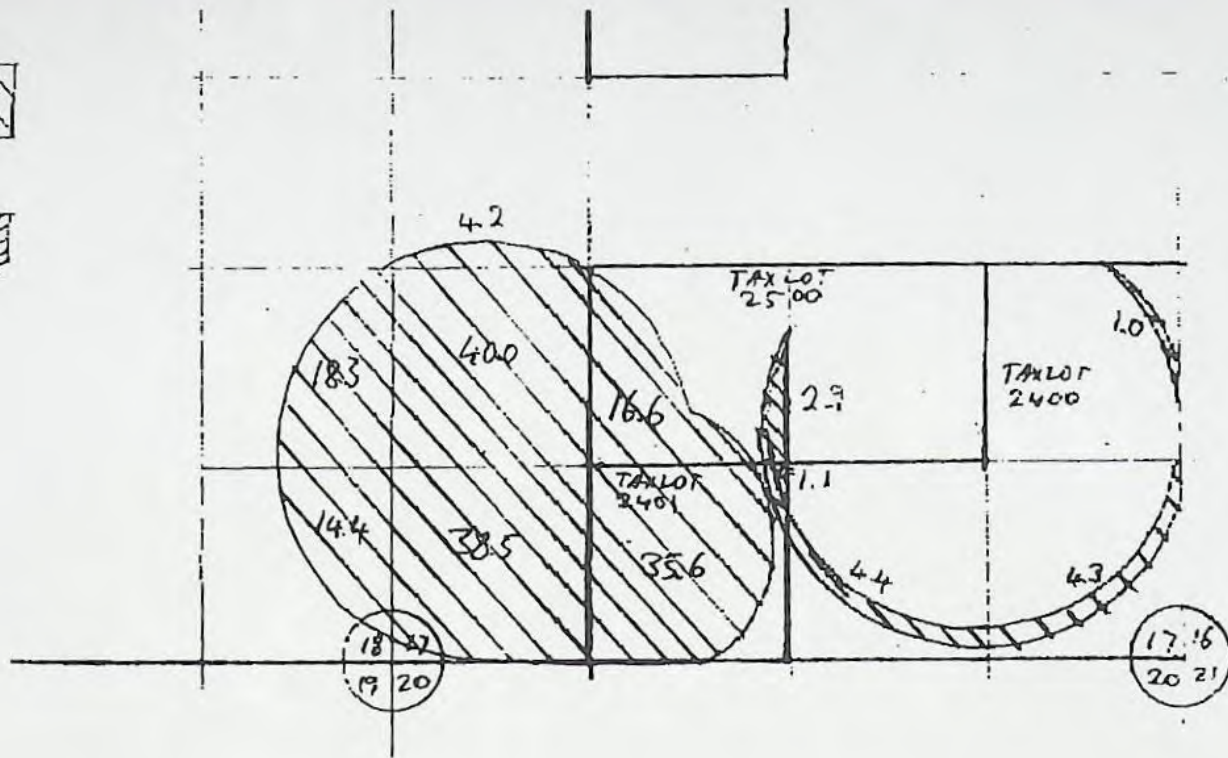
8 9  
17 16



P05 PRIMARY



SUPPLEMENTAL  
TO CERT. 26616



REVISED MAP FOR APPLICATION G-14461

1" = 1320'

IN NAME OF GUM CREEK FARMS INC

KENNETH JENSEN

503 473 3135

harta,

1.2-98

I don't think a  
New PFO will be needed.  
Their intent never changed -  
just a lot of records to  
straighten out so that  
everything is covered.  
Good job DJA

MEMO

461

Department issued a PFO for the above application in the name of Gum Creek Ranch. The proposed use is located in the Malheur River Basin. The applicant has requested the use of 7.9 CFS total from 5 wells for Irrigation of 380.2 acres and Supplemental Irrigation of 253.5 acres.

Based upon review of existing water rights, I identified that 286.9 acres, which includes some of the lands they requested for primary irrigation, had existing groundwater rights which draw water from the same groundwater source that they are currently requested and already allowed the full rate. Therefore, I identified that use of water under this application on those lands would not be allowable. I prepared a draft permit which proposed to allow the use of 4.32 CFS total from 5 wells for Irrigation of 307.48 acres and Supplemental Irrigation of 37.02 acres.

I was contacted by Bill Hyde, the applicant, to talk about his application and the apparent conflicts. Mr Hyde and I, along with Kent Jenson, who is working with Mr. Hyde on the application, discussed Permit G-14059, which covers approximately 71.12 of the lands requested for primary irrigation under this application and is from the same source and allows the full rate. Mr. Hyde has expressed interest in possibly doing a permit amendment to move the lands irrigated under this permit. I referred him to Kelly Starnes to discuss permit amendments and indicated that this may be possible. I also let them know that this may be something that needs to be resolved before the Department can issue a permit that includes primary use on these lands.

I also discussed with Mr. Hyde and Mr. Jenson the other existing groundwater rights that draw water from the same source that they are requesting and all together allow the full rate. I discussed with them why the Department does not allow supplemental in this case. They did not disagree with the Department's findings on this issue and may request to remove these lands from the application.

We also discussed Certificate 26616. As they were reviewing their existing water rights, in order to prepare the revised application map that I requested, they identified that Certificate 26616 identifies about 9.2 acres of lands for supplemental irrigation that do not have a primary right underneath them. There is a note in the file for this certificate from Larry Nunn, dated May 24, 1989, identifying that part of this certificate appears to be in error and that it should be corrected to identify the supplemental lands

MEMO

DATE: December 31, 1997  
TO: DWIGHT FRENCH  
FROM: LAURA SNEDAKER  
SUBJECT: APPLICATION G-14461

On November 25, 1997, the Department issued a PFO for the above application in the name of Gum Creek Ranch. The proposed use is located in the Malheur River Basin. The applicant has requested the use of 7.9 CFS total from 5 wells for Irrigation of 380.2 acres and Supplemental Irrigation of 253.5 acres.

Based upon review of existing water rights, I identified that 286.9 acres, which includes some of the lands they requested for primary irrigation, had existing groundwater rights which draw water from the same groundwater source that they are currently requested and already allowed the full rate. Therefore, I identified that use of water under this application on those lands would not be allowable. I prepared a draft permit which proposed to allow the use of 4.32 CFS total from 5 wells for Irrigation of 307.48 acres and Supplemental Irrigation of 37.02 acres.

I was contacted by Bill Hyde, the applicant, to talk about his application and the apparent conflicts. Mr Hyde and I, along with Kent Jenson, who is working with Mr. Hyde on the application, discussed Permit G-14059, which covers approximately 71.12 of the lands requested for primary irrigation under this application and is from the same source and allows the full rate. Mr. Hyde has expressed interest in possibly doing a permit amendment to move the lands irrigated under this permit. I referred him to Kelly Starnes to discuss permit amendments and indicated that this may be possible. I also let them know that this may be something that needs to be resolved before the Department can issue a permit that includes primary use on these lands.

I also discussed with Mr. Hyde and Mr. Jenson the other existing groundwater rights that draw water from the same source that they are requesting and all together allow the full rate. I discussed with them why the Department does not allow supplemental in this case. They did not disagree with the Department's findings on this issue and may request to remove these lands from the application.

We also discussed Certificate 26616. As they were reviewing their existing water rights, in order to prepare the revised application map that I requested, they identified that Certificate 26616 identifies about 9.2 acres of lands for supplemental irrigation that do not have a primary right underneath them. There is a note in the file for this certificate from Larry Nunn, dated May 24, 1989, identifying that part of this certificate appears to be in error and that it should be corrected to identify the supplemental lands

that do not have a primary right as primary. Mr. Hyde and Mr. Jenson originally requested, before I found this memo, if they could slip use of water under this application in as primary to the existing supplemental rights. I indicated that this may be possible.

Based on a brief discussion that I had with Tom Paul it sounds like they would be able to do this. Tom also indicated that if there had never been a primary right there, the Department could issue a correcting certificate; or if there had been a primary right and it had been canceled and the supplemental had been used diligently, the Department could transfer the use to primary; or if the primary had been transferred and the supplemental had been left behind, then it is not likely that the remaining supplemental is valid.

It appears from review of water right records that there had been a decreed water right on the lands in question but that portion of the decreed right had been transferred in 1939. In February, 1947, a Mr. Herbert Shaw applied for water rights on 40 acres in the NW 1/4 NW 1/4 of Section 8. When this right was proved up on, the final proof map showed the 40 acres spread over several quarter quarters including 8.0 acres in the NE 1/4 NE 1/4 and 2.2 acres in the SE 1/4 NE 1/4. However, when the Certificate 19809 was issued on July 31, 1952, it did not include these 10.2 acres. On September 4, 1952, another application was filed by Mr. Shaw which included a request for supplemental irrigation on these lands. When Certificate 26616 was issued it still included supplemental irrigation in the NE 1/4 NE 1/4 and supplemental irrigation of 1.2 acres in the SE 1/4 NE 1/4 of section 7. The fact that there had not been an underlying water right for primary irrigation at the time the permit had been issued was also not caught at the time the certificate was issued.

I have indicated, at this point, that these issues can most likely be resolved without the applicant having to protest the PFO. However, I have faxed a protest form to them just in case. They did request to move some of the lands that they are going to be irrigating to cover lands that only have a primary right from surface water, Certificate 26616. I told them that this would probably be OK since they are proposing to not irrigate more than 100 acres of the lands that they originally requested due to conflicts with existing groundwater rights from the same source and for the full rate. But I did let them know that I would need to check with you and make sure my assumption was correct. They are now requesting to use 5.69 CFS for irrigation of 391.5 acres and supplemental irrigation of 64.0 acres. This is a total of 455.5 acres. The original request had been for a total of 633.7 acres and the PFO had proposed to allow a total of 344.5 acres.

Part of their current request is contingent upon an amendment of Permit G-14<sup>04</sup>059. I let them know that the Department may need to approve the permit amendment and issue a corrected certificate before a permit could be issued under this current application. I further told them that I would discuss this issue with you. I was also wondering if we would need to do a superseding PFO in this case. If the lands are moved under Permit G-14<sup>04</sup>059 and if certificate 26616 is corrected, these would change the findings of the

PFO (mostly changed by the permit amendment).

The applicant has also requested a 30 day extension, in case it is necessary, to submit a revised application map.

Please review the attached files along with this memo. I have told the applicant that I hope to be able to discuss these files with you Monday morning and get back to them also on Monday.

I think that I have covered everything. Otherwise I will bring it up on Monday. If you need to call the applicant to clarify the issues, their phone numbers are on the yellow notes on the front of file G-14461.

Thanks.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Gum Creek Farms Inc.  
William Heid  
5070 South Rd. K  
Vale, OR 97918

G-14461

4a. Article Number

456236

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD.

7. Date of Delivery

11/28/97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

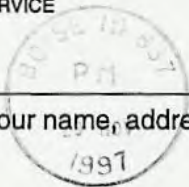
X *William Heid*

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10



• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPT.  
COMMERCE BUILDING  
158 12TH STREET NE  
SALEM, OR 97310





# Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

**CERTIFIED MAIL**  
**Return Receipt Requested**

November 25, 1997

Gum Creek Farms Inc.  
William Heid  
5070 South Rd. K  
Vale, Oregon 97918

RE: Application File # G-14461

Dear Applicant:

On **November 25, 1997**, a Proposed Final Order (PFO) was sent from the Department requesting additional information necessary to complete your application for water use. The following information must be received:

- ▶ A revised application map showing the following information:

The map must be of sufficient clarity so as to be easily reproducible. Parts of the map submitted with the application are not of sufficient clarity and hatching of the lands to be irrigated do not show up clearly when the map is copied.

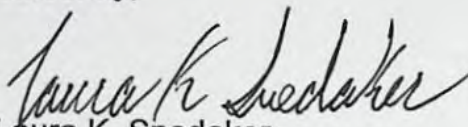
The map must also correctly identify the number of acres to receive primary irrigation in each quarter quarter section and the number of acres in each quarter quarter section to receive supplemental irrigation, see the Findings of Fact in the PFO.

A copy of the Department's map requirements are enclosed for your reference.

Please submit this item by **January 9, 1998**. If we do not receive the item requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,



Laura K. Snedaker  
Senior Water Rights Examiner

Enclosures: Copy of Applicant's Map  
Department Map Requirements  
Example Map  
Copies of Permit G-14059, Certificates 60414, 51776, 51780, 19809, and  
their associated maps

cc: Larry Powers, Watermaster District 9

June 27, 1997

WILLIAM HEID  
GUM CREEK FARMS INC.  
5070 SOUTH RD K  
VALE, OREGON 97918

Reference: File G-14461

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for PRIMARY IRRIGATION OF 380.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 253.5 ACRES is **allowable** under OAR 690-510-010(1), the Malheur Basin Program.
4. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

5. The Department has also determined, based upon available data, that groundwater in the amount of 7.9 CUBIC FEET PER SECOND, BEING 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20 for PRIMARY IRRIGATION OF 380.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 253.5 ACRES will, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

### Summary of Initial Determinations

**The use of 7.9 CUBIC FEET PER SECOND, BEING 1.35 CFS FROM WELL 15, 1.43 CFS FROM WELL 17, 1.22 CFS FROM WELL 18, 1.79 CFS FROM WELL 19 AND 2.11 CFS FROM WELL 20 within the MALHEUR RIVER BASIN for PRIMARY IRRIGATION OF 380.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 253.5 ACRES is allowable from April 1 through October 31 of each year (the full period requested).**

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

#### To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

This application Before the Department issues a Proposed Final Order, may be

There is an existing irrigation permit (Permit #G-10459, Gum Creek Farms) covering lands where water is proposed to be used under this application. **Please indicate whether you wish to cancel the conflicting portion of the existing permit, or make this application supplemental to the existing permit.**

**NOTE:** A supplemental water right can not allow diversion of water from the same source as the primary right for the same land. Before a Proposed Final Order is issued, the Department will attempt to determine whether the well(s) proposed to be used under this application will draw water from the same underground aquifer as the primary groundwater right (Certificate 51776) or conflicting right (groundwater Permit #G-10459). If it does, the preliminary determinations of this Initial Review may require modification, and amending this application to make it supplemental to Permit #G-10459 can not be considered as a possible solution to the conflict noted above.

Also, before a permit may be issued, it will be necessary to submit a legal description of the properties where the water development will occur.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, July 11, 1997**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. You will be required to comply with state and federal water quality standards.
3. The priority date for this application is February 18, 1997.
4. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
5. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

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

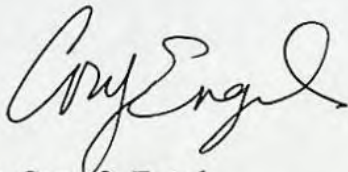
The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary

because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read "Cory Engel". The signature is fluid and cursive, with the first name "Cory" and last name "Engel" clearly distinguishable.

Mr. Cory C. Engel  
Water Right Processing Technician

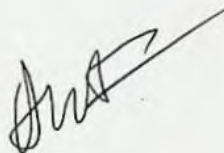
cc: Regional Manager, Watermaster District 9, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

G-14461  
wab 10-  
pou 10-  
gw c

**INTEROFFICE MEMORANDUM**  
Water Rights Section

TO: Fred Lissner

FROM: Dwight French, x268



10-15, 1997

RE: GW File number G-14461

Please have someone on your staff review the memo attached.  
+ file

Mike Zwart of your staff appears to be the most recent GW person to look at this file.

Please route to Laurea when finished.

Thanks.

Laurea: Based on my search, I believe the rights listed all are for wells developing the same aquifer.

Mike Z 10/22/97

November 5, 1991

William Heid  
 Gum Creek Farms, Inc.  
 5070 S Road K  
 Vale OR 9718

USER-ID: 9071

WATER  
 RESOURCES  
 DEPARTMENT

Dear Mr. Heid,

With regard to the pump test requirements for the following wells and associated water rights:

POD-ID	Well	Application	Permit	Certificate	Status
19555	Well 16	G-10144	G-10459	0	Approved
20673	Well 11	G-10145	G-10460	60415	Exempt
19556	Well 14	G-10146	G-10461	0	Exempt
20486	Shaffer Well 1	G-5635	G-6721	51780	Exempt
20487	Well 2	G-5637	G-6723	52218	Exempt
"	Shaffer Well 2	G-5635	G-6721	51780	"
20671	Well 3	G-5639	G-3725	60413	Exempt
"	Shaffer Well 3	G-5636	G-6722	47836	"
20484	Shaffer Well 5	G-5634	G-6720	51777	Exempt
20485	Shaffer Well 8	G-5633	G-6719	51778	Exempt
20672	Well 4	G-5639	G-3725	60413	Exempt

The Water Resources Department has reviewed and accepted the pump test results you submitted (POD-ID 19555, Permit G-10459). The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted.

The Department has also reviewed your request for exemptions for the additional wells listed above based on the results of the tested well. Our review indicates that the tested well and the wells proposed for exemption:

- . are located within a five-mile radius and
- . appear to be completed in the same water-bearing zone.

Therefore, the Department is granting the exemption. This means that the additional wells need not be tested. This exemption is valid **only if all of the wells are owned by the same landowner**. We appreciate your cooperation in this program. If you have any questions, please contact Sam Allison or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

*Sam Allison*

*For* FRED LISSNER, Manager  
 Groundwater/Hydrology Section



cc: Water Rights Section

3850 Portland Rd NE  
 Salem, OR 97310  
 (503) 378-3739  
 FAX 378-8130

MEMO

DATE: OCTOBER 15, 1997  
TO: DWIGHT FRENCH  
FROM: LAURA SNEDAKER  
SUBJECT: G-14461, in the name of Gum Creek Farms Inc.

Please forward this application file to groundwater for some additional review. According to Department records there are several existing groundwater rights on the lands requested for irrigation under this application, Permit G-14059 and Certificates 51776, 51780, 19808, 19809, 60414, and 60416. Additional review is necessary to identify whether the wells requested under this application will draw water from the same source aquifers as the existing rights.

Thanks.

G-3224 ✓  
- 5635 ✓  
U-228 ✓  
U-229 ✓  
G-8655  
G-10147  
G-10144? file

No aa. listed TD 233  
TD 448

~~S 14459 (?)~~