

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



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

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

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

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

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

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.\

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

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

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

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 4. <input type="checkbox"/> Change in Character of Use |
| 2. <input type="checkbox"/> Change in POA(s) or Additional POA(s) | 5. <input type="checkbox"/> Change in Character of Use – Reservoir |
| 3. <input checked="" type="checkbox"/> Change in Place of Use | |

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

1. File Information

APPLICATION # T-8478

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Phillip Raymond Zurbrick & Jacquetta Le Zurbrick		PHONE NO. 541-963-2361 H 541-786-3595 Cell	ADDITIONAL CONTACT NO.
ADDRESS 63521 Halley Road			
CITY La Grande	STATE OREGON	ZIP 97850	E-MAIL

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

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

TRANSFER HOLDER OF RECORD Steven L. Stonebreaker applicant (note: right is being returned to Phillip Zurbrick as per agreement)			
ADDRESS 63235 Halley Road			
CITY La Grande	STATE OREGON	ZIP 97850	RECEIVED APR 29 2022 OWRD

4. Date of Site Inspection:

April 12, 2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kurt Bowman & Phillip Zurbrick	4/08/2022	Phillip as owner and Kurt as leasee and farmer of property

6. County:

Union County

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

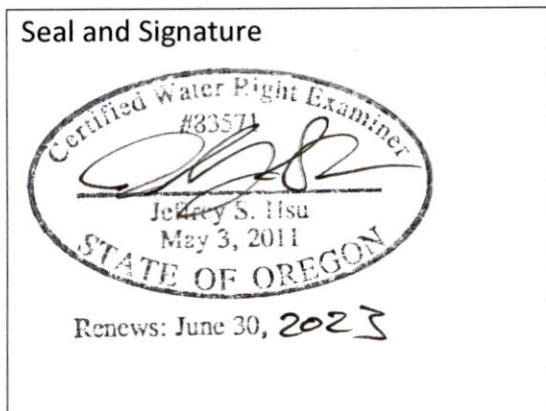
OWNER OF RECORD			
ADDRESS			
CITY	STATE	ZIP	

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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



CWRE NAME Jeffery S. Hsu		PHONE NO. 541-963-6092	ADDITIONAL CONTACT NO.	
ADDRESS 2006 Adams Avenue				
CITY La Grande	STATE OREGON	ZIP 97850	E-MAIL jeff@bgbsurveyors.com	

Transfer Holder of Record Signature or Acknowledgement

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

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

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SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Jacquetta Le Zurbrick</i>	Jacquetta Le Zurbrick	Wife and Prop. owner	4-27-22
<i>Phillip Raymond Zurbrick</i>	Phillip Raymond Zurbrick	Husband and prop Owner	4/27/2022

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SECTION 3
Changes Made

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

Change #1

New or Additional Point of Diversion
Change in POD(s) or Additional POD(s)

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

YES

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If "NO", this Section can be deleted.

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

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD #1 entire length of creek along East Property Line.	Hunter Canyon Creek

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

--

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD #1	1.25 cfs , 1/40cfs		

System Description

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

NO

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

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



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A. POD System Information

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

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE

2. Motor Information

MANUFACTURER	HORSEPOWER

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3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)

4. Provide pump calculations:

--

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

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

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

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

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)

3. Provide calculations:

--

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

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

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

3. Provide calculations:

--

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

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D. Additional notes or comments related to the system:

The first line of irrigation for this property is that Hunter Canyon Creek overflows it banks during runoff usually in the month of April and May. During the overflow period there is no control over where the water breaches the bank and it usually breaches the entire length of the creek along the entire length of the property , and no fish screen is possible. Kurt Bowman, who farms the land, indicated that there can be two periods of overflow. When the creek overflows, the water can remain for a month or more. No pumps have been used in the last 20 years for the irrigation, however there may be a time that the creek does not flood and it would be necessary to use a portable pump. There are no plans to do so at this time.

Change #2

Change in POA(s) or Additional POA(s)

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

If "NO", this Section can be deleted.

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

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

If well logs are available, items A and B below can be deleted

A. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY

B. In addition to the information requested in item "A" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

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3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED

System Description

Are there multiple new or additional Points of Appropriation (POA)?

NO

If "YES" you will need to copy and complete either Section A or B in this Section for each POA.

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

A. POA System Information

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

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE

2. Motor Information

MANUFACTURER	HORSEPOWER

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3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)

4. Provide pump calculations:

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

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

B. Groundwater Source Information (Well and Sump)

1. Is the appropriation from a dug well (sump)?

NO

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

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

2. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

LENGTH	WIDTH	AVERAGE DIAMETER	MAXIMUM DEPTH	SURFACE AREA (IN ACRES)	VOLUME IN CUBIC FEET OR ACRE FEET

3. If the sump is curbed constructed with watertight surface curbing, describe the curbing:

CURBING MATERIAL (CONCRETE, CONCRETE TILES, OR STEEL)	IF CONCRETE, PROVIDE THE THICKNESS OF THE WALL

4. Provide sump volume calculations:

C. Additional notes or comments related to the system:

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Change #3

Change in Place of Use

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

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
50.0 Ac	50.0 Ac

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If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
	YES
	YES NO NA

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

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

The land is irrigated by flood irrigation from Hunter Canyon Creek along the entire East line of the Property. The creek overflows every year sometimes twice from snow melt and run off. The flooding Cannot be controlled as it is a natural occurrence.

Change #4

Change in Character of Use

Did the transfer order authorize a change in character of use?

NO

If "NO", this Section can be deleted.

1. Claim Summary – New Use(s):

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Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED

2. Variations:

Were all the uses developed from what was authorized by the transfer final order?

YES

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

--	--

Change #5

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir?

NO

If "NO", this Section can be deleted.

1. Provide the date that the water was stored for the new character of use:

	DATE FROM TRANSFER	DATE STORAGE MADE THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "FULL USE MADE DATE"
ISSUANCE DATE		
FULL USE MADE (C)		

SECTION 4
CONDITIONS

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

1. Time Limits:

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

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	May 28, 2002	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2003	Complete irrigation of 50 Acres occurred from flooding of Hunter Canyon Creek during April and May Of 2003. Alfalfa was harvested in June and Late August of 2003. Flooding occurred entire length of Hunter Canyon Creek and No fish screens are possible. Flood irrigation has been in use prior to October 1, 2004, and continuously when creek floods to present.

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

2. Is there an extension final order(s)?

Yes

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

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
Volume 58	276	October 1, 2004

3. Measurement Conditions:

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

NO

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

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

b. Has a meter been installed?

NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED

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

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
NONE Required		RECEIVED

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4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

OWRD NO

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

b. Have the reports been submitted?

NO

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **Diversion occurs when Hunter Canyon Creek overflows its banks. It overflows entire length of creek along property line. No place to put fish screens.**

YES

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

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

b. Has the fish screening been installed?

NO

c. When was the fish screening installed?

DATE	BY WHOM
No screening is possible	

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

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

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

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

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

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

- Has the ODFW approval been previously submitted?

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

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

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

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

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

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

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM

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

a. Were there special well construction standards? **NO**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Other conditions? **NO**

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

**SECTION 5
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
Exhibit # 1	Extension of time
Exhibit #2	Permit T-8478
Exhibit # 3 Exhibit # 4	Deed Phillip R Zubrick & Jaccquetta Le Zurbrick Deed Thomas E. and Janice I. Kohr

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

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

The changes that were authorized under the transfer final order must be mapped based on the developed locations; new or additional points of appropriation and place of use.

In cases where the order involved additional points of appropriation, the additional points should be mapped based on their developed locations. The original points of appropriation should be mapped based on the original right of record at the time the transfer final order was issued.

In cases where the order involved changing the place of use for a portion of a water right, the portion of the place of use being changed should be mapped based on the developed location. If the transfer also included portions of the place of use that were not being modified, but were receiving a new or additional point of appropriation, the place of use for those lands should be mapped based on the original right of record at the time the transfer final order was issued.

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

I used a Leica GS 14 GPS receiver, as well as Oregon Tax maps dated 2016 to locate creeks, and corners as well as the location of irrigation ditches. Corners for ties were fence corners.

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Map Checklist

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

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

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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

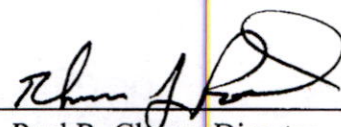
EXTENSION OF TIME

The changes approved under Transfer 8478, in the name of Steven L. Stonebreaker, were to have been completed by October 1, 2003. Jacquetta and Phillip Zurbrick, receiving landowners, have requested additional time to complete the changes.

Jacquetta and Phillip Zurbrick provided compelling reasons why the project could not be completed in the time allowed. The request for extension of time should be approved.

The time for completion of the changes approved by Transfer 8478, in the name of Steven L. Stonebreaker, shall be extended to October 1, 2004.

Witness the signature of the Water Resources Director, affixed DEC 09 2003.


for Paul R. Cleary, Director

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.

Exhibit #2

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STATE OF OREGON

COUNTY OF UNION

ORDER APPROVING A CHANGE IN PLACE OF USE
AND POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8478 submitted by

STEVEN L. STONEBREAKER
63235 HALLEY ROAD
LA GRANDE, OREGON 97850.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as evidenced by Certificate 76178. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1897.

The right allows the use of HUNTER CANYON CREEK, a tributary of the GRANDE RONDE RIVER, for IRRIGATION OF 50.0 ACRES. The amount of water to which this right is entitled is limited to an amount

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.

actually beneficially used and shall not exceed THREE ACRE FEET PER ACRE IN ANY IRRIGATION SEASON DIVERTED AT A RATE OF NOT TO EXCEED ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 24, T 2 S, R 38 E, W.M.; 15 FEET NORTH AND 18 FEET EAST FROM THE E $\frac{1}{4}$ CORNER, SECTION 23, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 23.2 ACRES
SECTION 23

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.8 ACRES
SECTION 24

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

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The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.3 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.7 ACRES
SECTION 23

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

The applicant further proposes to change the point of diversion to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, T 2 S, R 38 E, W.M.; 1340 FEET SOUTH AND 40 FEET WEST FROM THE NE CORNER, SECTION 23.

The SECOND right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UNION County as

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evidenced by a PORTION of Certificate 76235. The decree is recorded in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1872.

The right allows the use of the GRANDE RONDE RIVER, a tributary of the SNAKE RIVER, for IRRIGATION OF 60.00 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed THREE ACRE FEET PER ACRE IN ANY IRRIGATION SEASON DIVERTED AT A RATE OF NOT TO EXCEED ONE-FORTIETH OF A CUBIC FOOT PER SECOND PER ACRE, if available at the point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 2 S, R 38 E, W.M.; ORDELL DITCH - 1858.33 FEET SOUTH AND 80.84 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 31, or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.0 ACRES

SECTION 23

TOWNSHIP 2 SOUTH, RANGE 38 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 and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.5 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.7 ACRES

SECTION 22

TOWNSHIP 2 SOUTH, RANGE 38 EAST, W.M.

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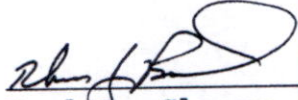
THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2003.
2. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 76178 and 76235 are canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed changes is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed MAY 28 2002 .


For Paul R. Cleary, Director

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EXHIBIT #4

20044730

AT 43220
2228 FLY
\$2.00

STATUTORY WARRANTY DEED

JACQUETTA LE ZURBRICK, as to an undivided 60% interest, and JEFFRY DON ZURBRICK, as to an undivided 40% interest, as tenants in common, Grantors, convey and warrant to THOMAS E. KOHR and JANICE I. KOHR, Grantees, the real property, free of encumbrances and fully described as follows:

The southeast quarter of Section 22 in Township 2 South, Range 38 East of the Willamette Meridian, in Union County, Oregon.

EXCEPTING therefrom an undivided 25% interest in all oil, gas and other minerals therein, and thereunder, which was conveyed to the Shriners Hospitals for Crippled Children, by deed dated March 31, 1986, recorded May 1, 1986, as Microfilm Document No. 118677, deed records of Union County, Oregon.

Also excepting therefrom all perfected surface water rights appurtenant to the land and identified by Certificate Number 80622 issued by the Oregon Water Resources Department as being located on: NW ¼ SE ¼, 7.75 acres, NW ¼ SE ¼, 39.10 acres, Section 22, Township 2 South, Range 38 East, Willamette Meridian.

SITUATE in the County of Union, State of Oregon.

SUBJECT TO:

1. 2004-2005 taxes are now a lien; not yet due or payable.
2. AS DISCLOSED by Union County assessment records, the premises herein described have been zoned or classified for farm use. If said land has been disqualified, or is subsequently disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. RIGHTS OF THE PUBLIC to that portion of said land, if any, lying within the right of way for the County Road known as Halley Road on the east side, and Hunter Road on the west side of said premises, as disclosed and shown on Union County tax assessment maps.
4. Rights of the Public to that portion of said land, if any, lying within the right of way for Dobin Ditch over and across the North side of said premises, as disclosed and shown on Union County tax assessment maps.
5. RIGHT OF WAY EASEMENT, including the terms and provisions thereof; recorded November 1, 1977; Microfilm Document No. 72713; granted to General Telephone Company of the Northwest, Inc., a corporation; for the purpose of granting rights for trimming or removal of any brush, trees, shrubs, structures or objects that may interfere with the construction, maintenance and operation of said services.

The true and actual consideration is \$230,000.00.

///

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AFTER RECORDING, RETURN TO:
Abstract & Title Company
P.O. Box 489
La Grande, OR 97850

SEND TAX NOTICE TO:
Thomas & Janice Kohr
62817 Fruitdale Lane
La Grande OR 97850
TAX Ref # 6432

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6. SUBJECT TO conveyance of an undivided 25% interest in all oil, gas, and other minerals in and under the premises described herein or which may be found therein or produced therefrom as granted by S. Nadean Stoop, Charles Stoop and Susan McCarthy to Shriners Hospitals for Crippled Children, a corporation; dated March 31, 1986, recorded May 1, 1986, Microfilm Document No. 118677, Union County, Oregon. Subject to the terms and provisions of said deed, including the right of ingress and egress fore exploring, drilling and mining as therein provided.
7. Excepting therefrom all perfected surface water rights appurtenant to the land and identified by Certificate Number 80622 issued by the Oregon Water Resources Department as being located on:

NW ¼ SE1/4 7.75 acres
 NW ¼ SE1/4 39.10 acres
 Section 22
 Township 2 South, Range 38 East, W.M.

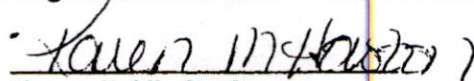
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 1st day of Sept, 2004.


 JACQUETTA LE ZURBRICK, Grantor

STATE OF OREGON)ss
 County of Union)

The foregoing instrument was acknowledged before me this 1 day of Sept, 2004, by Jacquetta Le Zurbrick, who acknowledged said instrument to be her voluntary act and deed.


 Notary Public for Oregon
 My commission expires:



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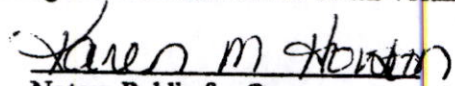
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JEFFRY DON ZURBRICK, Grantor

STATE OF OREGON)ss
County of Union)

The foregoing instrument was acknowledged before me this 1 day of Sept,
2004, by Jeffrey Don Zurbrick, who acknowledged said instrument to be his voluntary act and deed.



Notary Public for Oregon
My commission expires:



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STATE OF OREGON

County of Union

} SS

I certify that this instrument was received and recorded in the book of records of said county.

R. NELLIE BOGUE HIBBERT,
Union County Clerk

by: *R. Nelson* Deputy.

DOC#: 20044730
RCPT: 68863 32.00
9/02/2004 4:08 PM
REFUND: .00

Exhibit #3

EA

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



Grantor's Name and Address

Grantee's Name and Address

After recording, return to (Name, Address, Zip):
 Phillip Zurbrick
 63521 Halley Rd
 La Grande, OR 97850

Until requested otherwise, send all tax statements to (Name, Address, Zip):

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of _____ } ss.

I certify that the within instrument was received for record on _____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy.

20050223

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Phillip Raymond Zurbrick

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Phillip Raymond Zurbrick husband or Jacquetta Le Zurbrick wife 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 Union County, State of Oregon, described as follows, to-wit:

The south half of ^{South half of P.R.} Northwest quarter and the south half of Northeast quarter of Section 23, Township 2 South, Range 38 East of the Willamette, Union County, Oregon

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(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- . 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 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 on January 13, 2005; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so 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 FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Phillip Raymond Zurbrick
Phillip Raymond Zurbrick

RECEIVED

APR 29 2022

OWRD

STATE OF OREGON

County of Union

} SS

I certify that this instrument was received and recorded in the book of records of said county.

R. NELLIE BOGUE HIBBERT,
Union County Clerk

by: *Drew M Johnson* Deputy.
DOC#: 20050223