

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** 24117
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year:** 2021 **End Year:** 2025
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

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Attachments:

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- Completed Temporary Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/or is insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____	Date: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
	Number of water rights included in transfer: <u>1</u> (2a) Subtract 1 from the number in 3a above: <u>0</u> (2b) <i>If only one water right this will be 0</i>		
2	Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »	2	0
	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$200.00, then enter on line 3		
3		3	0
	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » <input checked="" type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »		
4		4	6.90
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » » » Subtotal:	5	816.90
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »		
6	If no box is applicable, enter 0 on line 7 »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	816.90

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » If 2b is greater than 0, round up to the nearest whole number: _____ (2c)		
2	and multiply 2c by \$50, then enter on line 2 »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
- If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
- Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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STATE OF OREGON
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FORREST MARTIN**

of **Route 2, Box 270 G, Dallas**, State of **Oregon**, **97338**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Rickreall Creek**

a tributary of **Willamette River** for the purpose of **irrigation of 5.0 acres and stock**

under Permit No. **34584** 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 **August 11, 1969**

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 **0.05 cubic foot per second, being 0.04 cubic foot per second for irrigation and 0.01 cubic foot per second for stock**

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 $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T. 7 S., R. 5 W., W. M., 180 feet North and 1090 feet East from SW Corner, Section 30.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$ 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:

**4.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
0.6 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30
T. 7 S., R. 5 W., W. M.**

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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. **May 10, 1973**

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume **31**, page **39193**

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 29173

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Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) OR
17 gallons per minute (gpm)

24117

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Handline

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	6 W	25	S W S E	42	None
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		7 S	5 W	30	S W S W		180 Feet North & 1090 Feet east from SW corner Section 30
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 24117

List only the part of the right that will be changed. For the acreage in each 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)										PROPOSED (the "to" or "on" lands)														
The listing that appears on the Certificate BEFORE PROPOSED CHANGES										The listing as it would appear AFTER PROPOSED CHANGES														
List only that part or portion of the water right that will be changed.										are made.														
Twp	Rng	Sec	1/4	1/4	Tax Lot or DLC	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	1/4	Tax Lot or DLC	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																								
2	S	9	E	15	NE	NW	100	15.0	Irrigation	POD #1	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500	5.0	POD #6	1901	
7	S	6	W	3	6	N	W	2.8	IR	POD 1	1951	POU/POD	7	S	5	W	3	0	S	W	2.5	IR	POD 2	1951
7	S	6	W	3	6	N	W	0.2	IR	POD 1	1951	POU/POD	7	S	5	W	3	0	S	W	0.5	IR	POD 2	1951
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OWRD										OWRD														
TOTAL ACRES										TOTAL ACRES														
3																								

Additional remarks: _____

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Daryll's Nursery		PHONE NO. (503) 623-0251	ADDITIONAL CONTACT NO. (503) 930-7840
ADDRESS 15770 W. Ellendale Rd			FAX NO.
CITY Dallas	STATE OR	ZIP 97338	E-MAIL daryllsnursery@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Daryll Combs		PHONE NO. (503) 930-7840	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
move a portion of Certificate 24117 temporarily to my property if my right is shut off. In order to keep Nursery Stock alive.
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

and suspend my Cert. # 39193

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

Daryll Combs **Daryll Combs** **5-27-21**
 Applicant signature Print Name (and Title if applicable) Date

Phyllis Combs **PHYLLIS COMBS** **05-27-21**
 Applicant signature Print Name (and Title if applicable) Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

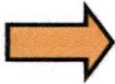
If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Polk County	ADDRESS 850 Main St.	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME City of Dallas	ADDRESS 187 SE COURT ST.	
CITY Dallas	STATE OR	ZIP 97338

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For Place of Use Changes

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Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
NA										

Application for Water Right Transfer

Consent by Deeded Landowner



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

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State of Oregon)
County of Polk)ss)

Charles Essex
Deneice Essex

I _____ in my/our capacity as landowner

mailing address 16320 Ellendale Rd
Dallas, OR 97338

telephone number 503-559-8151, duly sworn depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 24117

described in a Transfer Application (T-24117) submitted by Darryll Combs
(transfer number, if known)

on the property in tax lot number(s) 076360000100, Section 36/25, Township 7 South

North, Range 6 West East, W.M., located at 16320 Ellendale Rd, Dallas, OR 97338
(site address)

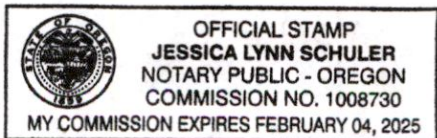
Charles Essex
Signature of Affiant

6-2-21
Date

Deneice Essex
Signature of Affiant

6-2-21
Date

Subscribed and Sworn to before me this 2nd day of June, 2021.



Jessica Lynn Schuler
Notary Public for Oregon

My commission expires 2/4/2025

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STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

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This Is to Certify, That VIRGIL TRICK

of Rt. 2, Box 263, Dallas, 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 Rickreall Creek a tributary of Willamette River for the purpose of irrigation under Permit No. 20126 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 21, 1951,

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 0.30 cubic foot per second,

Chg. pt. of div. - 1/2 mi. N. of
Sp. Use 15 p. 157

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 SE 1/4 as projected within L. G. Tuthill DLC #42, Section 25, Township 7 South, Range 6 West, 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-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 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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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:

- 0.4 acres in the SW 1/4 SE 1/4, as projected within Tuthill DLC #42
 - 3.2 acres in the SE 1/4 SE 1/4, as projected within Tuthill DLC #42
 - 5.2 acres in the SE 1/4 SE 1/4, as projected within R. Boise DLC #47 Section 25
 - 6.8 acres in the NE 1/4 NE 1/4, as projected within R. Boise DLC #47
 - 5.2 acres in the NE 1/4 NE 1/4, as projected within Tuthill DLC #42
 - 2.8 acres in the NE 1/4 NW 1/4 NE 1/4, as projected within Tuthill DLC #42 Section 36
- 23.6 Township 7 South, Range 6 West, W.M.
- 0.4 acres in Lot 1 (NW 1/4 NW 1/4) Section 31 Township 7 South, Range 5 West, 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 24th day of June, 1958.

LEWIS A. STANLEY State Engineer

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From

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TICOR TITLE

200827030

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2008-008863



\$46.00

00201804200800088630040048

07/14/2008 02:38:46 PM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$20.00 \$10.00 \$11.00 \$5.00



After Recording Return To:
Charles P. Essex
Deneice H. Essex
16320 Ellendale Rd. NW
Dallas OR 97304

Send Tax Statements To:
Charles P. Essex
Deneice H. Essex
16320 Ellendale Rd. NW
Dallas OR 97304

Title Order No. 200827030
Escrow No. 200827030
Tax Account No. 165590 7-6W-36
TL 100, 504201 7-6W-36 TL 115

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WARRANTY DEED
(ORS 93.850)

Eileen W. Hayden, Trustee(s) of the The Hayden Family Revocable Living Trust, Grantor, conveys and warrants to Charles P. Essex and Deneice H. Essex, as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

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 the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Dated this 10 day of July, 2008.

THE HAYDEN FAMILY REVOCABLE LIVING TRUST

Eileen W. Hayden Trustee
By: Eileen W. Hayden, Trustee

State of OR, County of Polk)ss.

This instrument was acknowledged before me on _____, 2008
By Eileen W. Hayden, as Trustee, of The Hayden Family Revocable Living Trust.

My commission expires: _____
Notary Public

see attached

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On 7/10/21 before me, Sharmila Patel Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Elson W. Hayden
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sharmila Patel
Signature of Notary Public



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed

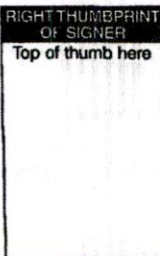
Document Date: 7/10/21 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

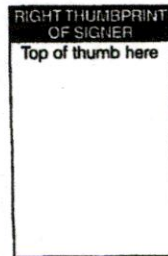
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

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Title No. 200827030 Escrow No. 200827030

EXHIBIT 'A'

Legal Description:

Parcel 1 of Partition Plat No. 2008-0016, recorded June 30, 2008 in the Book of Partition Plats for Polk County, Oregon.

Subject to:

Taxes for the fiscal year 2008-2009, a lien in an amount to be determined, but not yet payable.

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

Regulations, including levies, liens, assessments, rights of way and easements of Polk County Soil and Water Conservation District. (There are no unpaid levies, liens or assessments as of the date herein.)

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

The following matters are excluded from the coverage of the policy based on the proximity of the property to LaCreole Creek.

- a. Rights of the public and governmental bodies for commerce, fishing and navigation as to that portion of the premises lying below the high water mark of LaCreole Creek.
- b. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the LaCreole Creek or has been formed by accretion to such portion.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: City of Dallas
 For: water transmission line
 Recorded: March 27, 1953
 Volume: 150 Page: 238
 in Polk County, Oregon.

An Easement disclosed in instrument, including the terms and provisions thereof,

In favor of: City of Dallas
 For: water pipeline
 Recorded: November 24, 1993
 Book: 277 Page: 1260
 in Polk County, Oregon.

Maintenance Agreement, including the terms and provisions thereof,

Recorded: October 22, 1971
 Grantor: Virgil E. Trick and Wynona A. Trick
 Grantee: City of Dallas
 Book: 23 Page: 379
 Records of Polk County, Oregon.

An Easement and restriction created by instrument, including the terms and provisions thereof,

In favor of: City of Dallas
 For: water pipeline
 Recorded: June 18, 1979
 Book: 140 Page: 629
 in Polk County, Oregon.

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Title No. 200827030 Escrow No. 200827030

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Kenneth W. Hale and Anne C. Hale
For: 50 foot access and water line
Recorded: February 2, 1989
Book: 220 Page: 1412
in Polk County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Michael C. King et ux
For: 50 foot access
Dated: May 12, 1989
Recorded: May 15, 1989
Book: 222 Page: 1097
in Polk County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,
In favor of: PacifiCorp dba Pacific Power and Light Company
For: underground electrical distribution line
Dated: February 3, 1994
Recorded: February 4, 1994
Book: 281 Page: 970
in Polk County, Oregon.

Easement as delineated or dedicated on the recorded plat,
For: Access
Affects: See plat for exact location

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