OREGON WATER RESOURCES DEPARTMENT

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

Application for District Permanent Water Right Transfer

RECEIVED
SEP 27 2021
OWRD

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to the application is available at ***www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review.***

Change in Place of Use Only

1A. APPLICANT INFORMATION

IRRIGATION DISTRICT			PHONE NO.	ADDITIONAL CONTACT NO.
Tualatin Valley Irrigation District			(503) 357-3118	N/A
ADDRESS 2330 Elm St.				COUNTY Washington
CITY Forest Grove	STATE OR	ZIP 97116	E-MAIL bobby.nuvolini@tvid.org	
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.				

1B. AGENT INFORMATION

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Aspen Rural Land Consulting c/o Eric Urstadt, PE, PLS			971.250.1520	
ADDRESS 39290 NW Murtaugh Road				FAX NO. N/A
CITY North Plains	STATE OR	ZIP 97133	E-MAIL ericurstadt@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.				

2. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Certificate	Permit / Previous Transfer	Decree
1.	88122	- S-35792	N/A
2.	N/A	- G-12612	N/A
3.		-	
4.		-	
5.		-	
6.		-	

13837

RECEIVED
SEP 27 2021
OWRD

3. ATTACHMENTS

*Check each of the following **attachments** included with this application. The application will be returned if all required attachments are not included.*

Supplemental Form A – Description of Proposed Change(s) to a Water Right ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer. **Map** ☒ Permanent Transfer A map meeting the requirements of OAR 690-385-3300 must be included but need not be prepared by a Certified Water Right Examiner (CWRE).	**Fees:** ☒ Amount enclosed: $ 1970.00 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900. **Land Use Compatibility Statement** ☒ The Land Use Information Form is 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) a change that does not involve the placement or modification of structures, 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.

4. SIGNATURES

The district certifies the following:

(1) The water rights proposed for transfer are water rights subject to transfer and are not subject to forfeiture for nonuse under ORS 540.610;

(2) Each user affected by the proposed transfer has provided written authorization for the transfer and such authorization is on file with the district;

(3) For lands which are no longer irrigated or susceptible of irrigation that are included in this transfer under the authority of ORS 540.572 and OAR 690-385-5000, notices as required under ORS.572 and OAR 690-385-5100 have been given to the user and any security interest holder of record of intent to transfer the right and the user was provided an opportunity to resolve the matter in the manner described by ORS 540.572 and OAR 690-385-5400 and 690-385-5600.

(4) On behalf of the district, I affirm to the best of my knowledge the information contained in this application is true and accurate.

District Manager signature	ROBERT NUVOLINI name (print)	9/13/2021 date
OR		
Authorized District Representative signature	name (print)	date

Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

13837

ATTACH B1 - 13

OREGON WATER RESOURCES DEPARTMENT

District Permanent Water Right Transfer Application

Supplemental Form A

RECEIVED
SEP 27 2021
OWRD

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A **separate Supplemental Form A must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☑ Certificated Right	88122 Certificate Number	
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	- Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	- Previous Transfer Number	Date Claim of Beneficial Use Submitted
☐ Permit for Supplemental Irrigation	- Permit Number	

- Name on Permit, Certificate, or Decree: US Bureau of Reclamation
- Priority Date(s): Febr. 20, 1963

  If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

  Source(s) of Water to be Affected by Transfer: Scoggins Creek, Gales Creek, Scoggins Reservoir

  Tributary to: Tualatin River
- Are there **other water rights,** Permits or Ground Water Registrations associated with this land?

  ☑ Yes ☐ No

  If "**Yes**", what are the Permit, Registration or Certificate Numbers? G-12612

  Any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

- Certificate Number or other identifying number: 88122

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):
(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#	TWP (N or S)	RNG (E or W)	SEC	Q-Q	DLC	GOV'T LOT	MEASURED DISTANCES
SPP*	1S	3W	8	SW-SW	?	?	Lat: 45*29'32.73" N, Long: -123*05'33.85" W

138837

RECEIVED
SEP 27 2021
OWRD

B1-813

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.	Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 88122

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	3	W	5	NE	NW	700	80	11.9	Irrig	SPP*	1963	POU	2	N	3	W	5	NW	NE	200	80	2.9	Irrig	SPP*	1963
														2	N	3	W	5	SW	NE	200	80	6.3	Irrig	SPP*	1963
														2	N	3	W	5	SE	NW	200	80	2.7	Irrig	SPP*	1963
TOTAL ACRES:									11.9					TOTAL ACRES:									11.9			

Additional remarks: **SPP* means Springhill Pump Plant as per certificate 88122. This right uses a re-diversion point that is serviced from underground pipelines used by Tualatin Valley Irrigation District that flows from SPP.**

RECEIVED
SEP 27 2021
OWRD

B1-2/3

ATTACH B2 - 3

OREGON WATER RESOURCES DEPARTMENT

District Permanent Water Right Transfer Application

Supplemental Form A

RECEIVED
SEP 27 2021
OWRD

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A **separate Supplemental Form A must be completed for each** certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

1. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☐ Certificated Right	Certificate Number	
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	- Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	- Previous Transfer Number	Date Claim of Beneficial Use Submitted
☑ Permit for Supplemental Irrigation	G-12612 (being diminished to suppl. with this transfer) Permit Number	

- Name on Permit, Certificate, or Decree: ~~??????????????~~ Dan & Teresa Fishback ~~Revocable Living Trust~~
- Priority Date(s): June 23, 1995

  If there are **multiple Priority Dates** identified on the water right, any information provided in Supplemental Form A of this application must identify which priority date is associated with each of the authorized points of diversion or appropriation and places of use.

  Source(s) of Water to be Affected by Transfer: a well in Dairy Creek basin

  Tributary to: unknown
- Are there **other water rights,** Permits or Ground Water Registrations associated with this land?

  ☑ Yes ☐ No

  If "**Yes**", what are the Permit, Registration or Certificate Numbers? Cert. 88122

  Any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled.**

Permit

- ~~Certificate~~ Number or other identifying number: Permit G-12612

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer.

If a point of diversion or appropriation is not numbered on the decree or water right certificate or permit, assign it a unique number in the following table (e.g. POD #1 or POA(well) #1). Use the number to refer to the point of diversion or appropriation serving the place of use described in Tables I and II. Note: Permanent district transfers do not allow for a change in point of diversion or appropriation to serve the proposed place of use.

Government lot and donation land claim numbers must be included in the table below **only** if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion (POD) or Appropriation (POA):
(i.e., the allowed point(s) of diversion or appropriation listed on the water right for the "FROM" or "OFF" lands)

AUTHORIZED POINT(S) of DIVERSION (POD) or APPROPRIATION (POA)							
POD# or POA#.	TWP (N or S)	RNG (E or W)	SEC	Q-Q	DLC	GOV'T LOT	MEASURED DISTANCES
well	1N	3W	5	NW-NW	?	?	1310' S & 1340' E of NW S5 (per permit)

13837

RECEIVED
SEP 27 2021
OWRD

B2-2/3

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.	Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Permit # G-12612

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.														Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date			Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
2	N	3	W	5	NE	NW	700	80	11.9	Suppl.	well	1995		POU	2	N	3	W	5	NW	NE	200	80	2.9	Suppl	well	1995
															2	N	3	W	5	SW	NE	200	80	6.3	Suppl	well	1995
															2	N	3	W	5	SE	NW	200	80	2.7	Suppl	well	1995
TOTAL ACRES:									11.9						TOTAL ACRES:									11.9			

Additional remarks: **The primary irrigation portion of G-12612 is being diminished to supplemental as part of this transfer.**

1388

RECEIVED
SEP 27 2021
OWRD

B2 - 3/3

ATTACH D1-1/9

Washington County, Oregon **2021-064803**
D-DW **06/03/2021 03:48:30 PM**
Stn=2 S AKINS **$121.00**
$45.00 $11.00 $5.00 $60.00

I, Joe Nelson, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Interim Director of Assessment and Taxation, Ex-Officio

GRANTOR'S NAME/ADDRESS:
Dan H. Fishback, Co-Trustee
Teresa L. Fishback, Co-Trustee
Dan H. Fishback and Teresa L. Fishback Revocable Living Trust
40065 NW Wilkesboro Rd
Banks, OR 97106

GRANTEE'S NAME/ADDRESS:
NISH Land, LLC
TD Farm, LLC
40065 NW Wilkesboro Rd
Banks, OR 97106

AFTER RECORDING, RETURN TO:
Larry D. Moomaw
Moomaw Mesirow & Godfrey, LLP
4145 SW Watson Ave., Suite 515
Beaverton, OR 97005

UNTIL REQUESTED OTHERWISE, SEND ALL TAX STATEMENTS TO:
Keith R. Fishback
40065 NW Wilkesboro Rd
Banks, OR 97106

RECEIVED
SEP 27 2021
OWRD

FIDELITY NATIONAL TITLE 45149112076-01 Com

STATUTORY WARRANTY DEED

(Property Line Adjustment – Case File No. 18-219-PLA/PLA)

Dan H. Fishback and Teresa L. Fishback, Co-Trustees, the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement dated November 13, 2007, own that certain real property in Washington County, Oregon described on the attached Exhibit A. Dan H. Fishback and Teresa L. Fishback, Co-Trustees, the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement dated November 13, 2007, Grantor, convey and warrant to NISH Land, LLC, an Oregon limited liability company and TD Farm, LLC, an Oregon limited liability company, Grantee, that certain real property described on Exhibit A-1 and depicted on Exhibit A-2 (the "Phase 1 Transfer Parcel"), free of encumbrances except encumbrances of record this date.

The true consideration for the conveyance of the Phase 1 Transfer Parcel stated in terms of dollars is -0- but consists of other good and valuable consideration which is the whole consideration. This Statutory Warranty Deed ("Deed"), together with the Statutory Warranty Deed by NISH Land, LLC and TD Farm, LLC, as Grantor, referencing the "Phase 1 Transfer Parcel" of even date herewith, are to effectuate and clarify the Property Line Adjustment approved by the Washington County Department of Land Use and Transportation on July 20, 2018 in case File No. 18-219-PLA/PLA and the Statutory Warranty Deed recorded in Washington County, Oregon, as Instrument Number 2018-059413.

The parcel of the real property owned by Dan H. Fishback and Teresa L. Fishback, Co-Trustees, the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement dated November 13, 2007, is the parcel described on Exhibit C to this Deed and depicted on Exhibit C-1 (the "Resultant Parcel 1").

This instrument filed for record by Fidelity National Title as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

13837

D1-2/9

RECEIVED
SEP 27 2021
OWRD

In compliance with ORS 92.190(4), the deed by which Dan H. Fishback and Teresa L. Fishback, Co-Trustees of the Dan H. and Teresa L. Fishback Revocable Living Trust acquired title to the property legally described on the attached Exhibit A-1 and which is being conveyed by this Deed is recorded in the official records of Washington County, Oregon as Document No. 2008-000159.

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 2007M 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 LOR 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 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this Statutory Warranty Deed as of June 3, 2021.

GRANTOR:

The Dan H. Fishback and Teresa L. Fishback Revocable Living Trust dated November 13, 2007

Dan H. Fishback, Co-Trustee

Teresa L. Fishback, Co-Trustee

STATE OF OREGON)
)ss.
County of Washington)

This instrument was acknowledged before me on June 3, 2021, by Dan H. Fishback, as co-trustee of the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust, dated November 13, 2007, on behalf of said trust.

D1 - 3/9

RECEIVED
SEP 27 2021
OWRD

OFFICIAL STAMP
NICOLETTE REITE
NOTARY PUBLIC - OREGON
COMMISSION NO. 993496
MY COMMISSION EXPIRES NOVEMBER 05, 2023

Notary Public for Oregon

STATE OF OREGON)
)ss.
County of Washington)

This instrument was acknowledged before me on June 3, 2021, by Teresa L. Fishback, as co-trustee of the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust, dated November 13, 2007, on behalf of said trust.

OFFICIAL STAMP
NICOLETTE REITE
NOTARY PUBLIC - OREGON
COMMISSION NO. 993496
MY COMMISSION EXPIRES NOVEMBER 05, 2023

Notary Public for Oregon

D1-4/9

RECEIVED
SEP 27 2021
OWRD

EXHIBIT A

PORTIONS OF THOSE PARCELS OF LAND AS DESCRIBED IN DEED DOCUMENTS 97111928 AND 94081247, OF RECORD IN COUNTY OF WASHINGTON AND STATE OF OREGON; SAID PORTION MORE PARTICULARILY DESCRIBED AS FOLLOWS;

A PART OF THE ROBERT WALKER AND MANERVA WALKER DONATION LAND CLAIM (DLC) NO. 80, IN SECTION 5 TOWNSHIP 1 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE EAST LINE OF SAID WALKER DLC COMMON WITH THE WEST LINE OF THE WILLIAM WILSON DLC NO. 37, SAID POINT BEING S 16° 16' 32" W 464.83 FEET FROM THE MONUMENTED NORTHWEST CORNER OF SAID WILSON DLC AND ON THE SOUTH LINE OF THE UNITED RAILWAY COMPANY'S RIGHT-OF-WAY(ROW), (SAID ROW BEING 80.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTER OF RAILS), SAID POINT IS MARKED BY A 5/8 INCH BY 30 INCH IRON ROD WITH ALUMINUM CAP MONUMENT (TYPICAL) SET; AND RUNNING THENCE S 16° 16' 32" W, ON SAID COMMON DLC LINE, 327.79 FEET TO A POINT FROM WHICH A REFERENCE MONUMENT IS SET S 16° 16' 32" W 50.00 FEET; THENCE N 82° 17' 30" W 50.00 FEET TO A POINT; THENCE S 16° 16' 32" W, PARALLEL WITH SAID COMMON DLC LINE, 427.00 FEET TO A POINT FROM WHICH A REFERENCE MONUMENT IS SET S 85° 49' 30" E 50.58 FEET; THENCE N 85° 49' 30" W 1806.98 FEET TO A MONUMENT SET; THENCE S 4° 53' 00" W 167.00 FEET TO A MONUMENT SET; THENCE N 83° 23' 00" W 259.13 FEET, MORE OR LESS, TO THE CENTER OF COUNTY ROAD, AS CALLED FOR IN DEED, FROM WHICH A REFERENCE MONUMENT IS SET S 33° 23' 00" E 35.00 FEET; THENCE N 08° 46' 40" E, (DEED BEARING N 8° 03'E) IN CENTER OF ROAD, 1049.65 FEET TO A POINT ON THE SOUTH LINE OF THE UNITED RAILWAY COMPANY'S RIGHT-OF-WAY; (SAID ROW BEING 60.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTER OF RAILS) THENCE S 82° 17' 32" E, (DEED BEARING S82° 23'E) ON SAID RIGHT-OF-WAY, 1549.01 FEET (DEED CALL 23.47 CH.) TO AN ANGLE POINT THEREON; THENCE S 14° 30' 00" W (DEED BEARING) 20.14 FEET TO AN ANGLE POINT THEREON; THENCE S 82° 17' 30" E, ON SAID RIGHT-OF-WAY, 650.63 FEET TO THE POINT OF BEGINNING.

EXCLUDING ANY PORTION IN COUNTY ROAD.

SAID PARCEL CONTAINS 40.23 ACRES, MORE OR LESS, EXCLUDING PORTION IN COUNTY ROAD.
FOR BASIS OF LAND SURVEY BEARINGS SEE U.S.B.T. BOOK 9, PAGE 292, NOTE (2) ENTRY NO.99, DATED SEPT 14, 1995, BEARING ON DLC LINE OF S 16° 16' 32" W ON WHICH JERRY S. MARIS, P.L.S. BASED HIS SURVEY IN DEC. OF 2004.

13837

D1-5/9

RECEIVED
SEP 27 2021
OWRD

EXHIBIT "A-1"

A tract of land for Property Line Adjustment purposes, being a portion of that tract of land described in Warranty Deed to Dan H. Fishback and Teresa L. Fishback, Co-Trustees of the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement, dated November 13, 2007, as recorded in Doc. No. 2008-000159, Washington County Deed Records, in the N.W. 1/4 & N.E. 1/4 of Section 5, Township 1 North, Range 3 West, Willamette Meridian, in Washington County, Oregon, being more particularly described as follows:

Commencing at the Northeasterly corner of said Fishback tract, thence along the South line of the United Railway Company's right-of-way line, North 82°17'30" West, 650.63 feet;

Thence continuing along said South right-of-way line, North 14°30'00" East, 20.14 feet;

Thence continuing along said South right-of-way line, North 82°17'30" West, 433.15 feet;

Thence continuing along said South right-of-way line, North 82°17'30" West, 1116.48 feet to the centerline of County Road 3275 (N.W. Wilkesboro Road, 60.00 feet wide);

Thence along said centerline, South 08°03'44" West, 893.74 feet to the TRUE POINT OF BEGINNING of the herein described tract;

Thence continuing along said centerline, South 08°03'44" West, 38.82 feet to an angle point therein;

Thence continuing along said centerline, South 08°15'57" West, 117.94 feet;

Thence leaving said centerline, along the Southwesterly line of said Fishback tract, South 83°22'14" East, 246.89 feet;

Thence continuing along said Southwesterly line, North 04°56'38" East, 166.93 feet to the re-entrant corner thereof;

Thence North 85°49'01" West, 237.86 to the True Point of Beginning.

TOGETHER WITH the following described portion of said Fishback tract:

Beginning at the Northeasterly corner of said Fishback tract, thence along the South line of the United Railway Company's right-of-way line, North 82°17'30" West, 650.63 feet;

Thence continuing along said South right-of-way line, North 14°30'00" East, 20.14 feet;

Thence continuing along said South right-of-way line, North 82°17'30" West, 433.15 feet;

Thence leaving said right-of-way line South 08°03'44" West, 824.93 feet to the Northerly line of that tract of land described in Statutory Warranty Deed to TD Farm, LLC and NISH Land, LLC, as recorded in Document No. 2004-148929, said Deed Records;

13837

D1-6/9

Thence along the Northerly and Westerly lines of last said tract, South 85°49'01" East, 925.54 feet;

Thence North 16°16'32" East, 427.01 feet;

Thence South 82°17'30" East, 50.02 feet;

Thence North 16°16'32" East, 329.43 feet to the Point of Beginning.

Combined total of both above-described tracts containing therein 18.751 net acres, more or less (excluding the area within County Road 3275).

The Basis of Bearing for this description is per S.N. 30,868, Washington County Survey Records.

13837

D1-8/9

RECEIVED
SEP 27 2021
OWRD

EXHIBIT "C"

A tract of land resulting from an approved Property Line Adjustment, being a portion of that tract of land described in Warranty Deed to Dan H. Fishback and Teresa L. Fishback, Co-Trustees of the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement, dated November 13, 2007, as recorded in Doc. No. 2008-000159, Washington County Deed Records, in the N.W. 1/4 of Section 5, Township 1 North, Range 3 West, Willamette Meridian, in Washington County, Oregon, being more particularly described as follows:

Commencing at the Northeasterly corner of said Fishback tract, thence along the South line of the United Railway Company's right-of-way line, North 82°17'30" West, 650.63 feet;

Thence continuing along said South right-of-way line, North 14°30'00" East, 20.14 feet;

Thence continuing along said South right-of-way line, North 82°17'30" West, 433.15 feet to the TRUE POINT OF BEGINNING of the tract herein described:

Thence continuing along said South right-of-way line, North 82°17'30" West, 1116.48 feet to the centerline of County Road 3275 (N.W. Wilkesboro Road, 60.00 feet wide);

Thence along said centerline, South 08°03'44" West, 893.74 feet;

Thence leaving said centerline, South 85°49'01" East, 1119.02 feet;

Thence parallel with said County Road, North 08°03'44" East, 824.93 feet to the True Point of Beginning.

Containing therein 21.410 net acres, more or less, (excluding area within the right-of-way of County Road 3275).

The Basis of Bearing for this description is per S.N. 30,868, Washington County Survey Records.

13837

ATTACH D2-14

Washington County, Oregon 2021-077854
D-DW
Stn=7 C LOUCKS 07/12/2021 01:33:51 PM
$25.00 $11.00 $5.00 $60.00 $1,984.00 $2,085.00

I, Joe Nelson, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Interim Director of Assessment and Taxation, Ex-Officio

GRANTOR'S NAME/ADDRESS:
Jessie Warner Properties, LLC
TD Farm, LLC
40065 NW Wilkesboro Road
Banks, OR 97106

GRANTEE'S NAME/ADDRESS:
DCA Land Oregon, LLC
5609 N. Blue Valley Rd.
Independence, MO 64058

AFTER RECORDING RETURN TO:
DCA Land Oregon, LLC
5609 N. Blue Valley Rd.
Independence, MO 64058

UNTIL REQUESTED OTHERWISE, SEND ALL TAX STATEMENTS TO:
DCA Land Oregon, LLC
5609 N. Blue Valley Rd.
Independence, MO 64058

RECEIVED
SEP 27 2021
OWRD

FIDELITY NATIONAL TITLE 45142112076-01 Cam

STATUTORY WARRANTY DEED

Jessie Warner Properties, LLC, an Oregon limited liability company, and TD Farm, LLC, an Oregon limited liability company, together, the "Grantor", convey and warrant to DCA Land Oregon, LLC, an Oregon limited liability company, "Grantee", the following described real property located in Washington County, Oregon (the "Property"):

See Exhibit A, attached hereto and incorporated herein.

The true consideration for this conveyance stated in terms of dollars is $1,983,100.00.

The Property is free of encumbrances except (i) encumbrances listed on Exhibit B, attached hereto and incorporated herein; and (ii) any and all encumbrances allowed on the Property by Grantee or an affiliate of Grantee.

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

D2-2/4

RECEIVED

SEP 27 2021

OWRD

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.

Executed this 8th day of July, 2021.

Grantor:

Jessie Warner Properties, LLC,
an Oregon limited liability company

By: _____
Name: David J. Fishback
Title: Manager

STATE OF OREGON)
)ss.
County of Washington)

This instrument was acknowledged before me on July 8th, 2021, by David J. Fishback, as Manager of Jessie Warner Properties, LLC, an Oregon limited liability company, on behalf of said company.

OFFICIAL STAMP
SUZANNE M ASPY
NOTARY PUBLIC OREGON
COMMISSION NO. 986084
MY COMMISSION EXPIRES APRIL 03, 2023

_____
Notary Public for Oregon

TD Farm, LLC,
an Oregon limited liability company

By: _____
Name: David J. Fishback
Title: Manager

STATE OF OREGON)
)ss.
County of Washington)

This instrument was acknowledged before me on July 8th, 2021, by David J. Fishback, as Manager of TD Farm, LLC, an Oregon limited liability company, on behalf of said company.

OFFICIAL STAMP
SUZANNE M ASPY
NOTARY PUBLIC OREGON
COMMISSION NO. 986084
MY COMMISSION EXPIRES APRIL 03, 2023

_____
Notary Public for Oregon

13837

D2 - 3/4

RECEIVED

SEP 27 2021

OWRD

EXHIBIT A

Legal Description

A tract of land resulting from an approved Property Line Adjustment, being a portion of that tract of land described in Statutory Warranty Deed to TD Farm, LLC and NISH Land, LLC, as recorded in Doc. No. 2004-148929, together with a portion of that tract of land described in Warranty Deed to Dan H. Fishback and Teresa L. Fishback, Co-Trustees of the Dan H. Fishback and Teresa L. Fishback Revocable Living Trust Agreement, dated November 13, 2007, as recorded in Doc. No. 2008-000159, Washington County Deed Records, in the N.E. 1/4 & N.W. 1/4 of Section 5, Township 1 North, Range 3 West, Willamette Meridian, in Washington County, Oregon, being more particularly described as follows:

Commencing at the Northwesterly corner of said TD Farm/NISH Land tract, also being the Northeasterly corner of said Fishback tract; thence along the South line of the United Railway Company's right-of-way line, North 82°17'30" West, 63.63 feet to the TRUE POINT OF BEGINNING of the tract herein described;

Thence leaving said South right-of-way line, South 16°16'32" West, 1201.13 feet;

Thence South 72°14'46" East, 62.94 feet to a re-entrant corner of said TD Farm/NISH Land tract of land;

Thence along the Southeasterly line thereof, South 16°16'32" West, 796.09 feet;

Thence South 73°20'00" East, 23.97 feet;

Thence South 16°44'00" West, 121.41 feet to a point on the North line of Parcel 1 of Partition Plat No. 2010-024, Washington County Plat Records;

Thence along the North line of said Partition Plat, North 73°20'00" West, 23.00 feet to an angle point therein;

Thence continuing along said North line and its Westerly extension, South 89°44'21" West, 1724.84 feet to the centerline of County Road 3275 (N.W. Wilkesboro Road, 60.00 feet wide);

Thence along said centerline North 47°54'13" West, 124.55 feet to the beginning of a curve to the right having a radius of 200.00 feet and a long chord bearing North 19°49'25" West, a distance of 188.28 feet;

Thence 196.04 feet along said curve through a central angle of 56°09'37";

Thence continuing along said centerline, North 08°15'57" East 1195.31 feet, to an angle point therein;

Thence continuing along said centerline, North 08°03'44" East 38.82 feet;

D2-4/4

RECEIVED
SEP 27 2021
OWRD

EXHIBIT A (continued)

Legal Description

Thence, leaving said centerline, South 85°49'01" East 1119.02 feet;

Thence, parallel with said County Road 3275, North 08°03'44" East 824.93 feet to said South railroad right of way line;

Thence, along said South right of way, South 82°17'30" East 433.15 feet;

Thence South 14°30'00" West 20.14 feet;

Thence South 82°17'30" East 587.00 feet to the true point of beginning.

The Basis of Bearing for this description is per S.N. 30,868, Washington County Survey Records.

ATTACH E - Y1

Request for Assignment

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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

RECEIVED
SEP 27 2021
OWRD

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

I, Keith R. Fishback and Dan H. Fishback
(Name of Current Holder of Record)

14985 NW Springville Road | Portland | OR | 97229 | 503.313.8079
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

☐ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

☒ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; *(You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right*)*

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-14113 ; Permit # G-12612 ; Transfer Order # N/A ;

Limited License # N/A ; Groundwater Statement # N/A ;

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

Dan H. Fishback and Teresa L. Fishback Revocable Living Trust
(Name of New Owner)

40065 NW Wilkesboro Road, Banks, OR 97106 | Banks | OR | 97106 | 503.320.9671
(Mailing Address) *(City)* *(State)* *(Zip)* *(Phone #)*

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

KF, DF, TF I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 30th (Day) day of August (Month), 2021 (Year).

Signature of Current Holder of Record Keith R. Fishback, Dan H. Fishback, Teresa L. Fishback

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of **$120.**