

**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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

RECEIVED

AUG 21 2023

OWRD

- 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.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Cert. 83200, 87717**
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: 2023 End Year: 2023.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- 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 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):

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required ___ Part ___ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: **14312-**

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.

RECEIVED

AUG 21 2023

OWRD

- 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°).

14312 - -

Part 4 of 5 – Applicant Information and Signature

Applicant Information

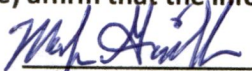
APPLICANT/BUSINESS NAME Mark Gaibler		PHONE NO. (503) 209-4086	ADDITIONAL CONTACT NO.
ADDRESS PO Box 808		FAX NO.	
CITY Carlton	STATE OR	ZIP 97111	E-MAIL markgaibler@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Will McGill Surveying, LLC		PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE		FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.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.			

Explain in your own words what you propose to accomplish with this transfer application and why:
As requested by the watermaster, it is proposed to move a portion of Certificate 83200 (and the layered supplemental Cert. 87717) to finish harvesting a garlic crop for the 2023 irrigation season from a field that has not been irrigated this season.

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


 Applicant signature

Mark Gaibler
 Print Name (and Title if applicable)

8/18/23
 Date

 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.

RECEIVED

AUG 21 2023

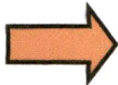
14312-OWRD

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	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	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 820 SW Church St.	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

AUG 21 2023

OWRD

14312 -

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 # 83200

RECEIVED

AUG 21 2023

Description of Water Delivery System

System capacity: **3.27** cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

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. **75 HP Centrifugal pump delivers water through 8" buried PVC mainline to big gun.**

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		6	S	4	W	7	NE	SE	46	1590' S and 450' W from NE corner, DLC 46
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<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) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) 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 # 83200

List only the part of the right that will be changed. For the acreage in each ¼ ¼, 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.

143128

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				
6	S	4	W	17	NE SW	501	3	17.3	Irrigation	POD 1	1982	POU	6	S	4	W	6	SW SW	300	38	9.2	Irrigation	POD 1	1982
6	S	4	W	17	NW SW	501		28.6	Irrigation	POD 1	1982	POU	6	S	4	W	6	SE SW	300	38	13.9	Irrigation	POD 1	1982
6	S	4	W	17	SW SW	501		11.3	Irrigation	POD 1	1982	POU	6	S	4	W	6	SE SW	300	39	16.0	Irrigation	POD 1	1982
6	S	4	W	17	SE SW	501	4	8.2	Irrigation	POD 1	1982	POU	6	S	4	W	6	SW SE	300	39	16.3	Irrigation	POD 1	1982
												POU	6	S	4	W	7	NW NE	300	39	2.5	Irrigation	POD 1	1982
												POU	6	S	4	W	7	NE NW	300	39	2.4	Irrigation	POD 1	1982
												POU	6	S	4	W	7	NE NW	300	38	2.1	Irrigation	POD 1	1982
												POU	6	S	4	W	7	NW NW	300	38	3.0	Irrigation	POD 1	1982
						TOTAL ACRES	65.4																	

Additional remarks: _____

RECEIVED

AUG 21 2023

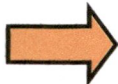
OWRD

TACS

For Place of Use Changes

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: Cert. 87717



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

RECEIVED

AUG 21 2023

OWRD

Water Right Certificate # 87717

Description of Water Delivery System

System capacity: 3.27 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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. 75 HP Centrifugal pump delivers water through 8" buried PVC mainline to big gun.

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 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		6	S	4	W	7	SE	SW	46	3695' S and 2155' W from NE corner, DLC 46
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<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) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

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

RECEIVED
 AUG 21 2023

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 # 87717

List only the part of the right that will be changed. For the acreage in each ¼ ¼, 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.

14312

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		
6	S	4	W 17	NE SW	501	3	17.3	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SW SW	300	38	9.2	Supplemental Irrigation	POD 2	2009
6	S	4	W 17	NW SW	501		28.6	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SE SW	300	38	13.9	Supplemental Irrigation	POD 2	2009
6	S	4	W 17	SW SW	501		11.3	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SE SW	300	39	16.0	Supplemental Irrigation	POD 2	2009
6	S	4	W 17	SE SW	501	4	8.2	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SW SE	300	39	16.3	Supplemental Irrigation	POD 2	2009
											POU	6	S	4	W 7	NW NE	300	39	2.5	Supplemental Irrigation	POD 2	2009
											POU	6	S	4	W 7	NE NW	300	39	2.4	Supplemental Irrigation	POD 2	2009
											POU	6	S	4	W 7	NE NW	300	38	2.1	Supplemental Irrigation	POD 2	2009
											POU	6	S	4	W 7	NW NW	300	38	3.0	Supplemental Irrigation	POD 2	2009
						TOTAL ACRES	65.4															

Additional remarks: _____

RECEIVED

AUG 21 2023

OWRD

TACS

For Place of Use Changes

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: Cert. 83200

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

RECEIVED
AUG 21 2023

This document is being re-recorded to correct the legal description



After recording return to:
Mark S. Galbler Trust
P.O. Box 180
St. Paul, OR 97137

Until a change is requested all tax statements shall be sent to the following address:
Mark S. Galbler Trust
P.O. Box 180
St. Paul, OR 97137

File No.: 1031-3896712 (MWG)
Date: April 04, 2022

STATUTORY SPECIAL WARRANTY DEED

DeRaeve Family L.L.C., an Oregon Limited Liability Company, Grantor, conveys and specially warrants to Mark S. Galbler, Trustee of the Mark S. Galbler Trust U/T/A dated April 26, 2000, as to an undivided one-half interest, and Marcel K. Galbler, Trustee of the Marcel K. Galbler Trust U/T/A dated April 26, 2000, as to an undivided one-half interest, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

- 1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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

The true consideration for this conveyance is \$**143,120** as shown on the **2012 Polk County Records 2012-009757**. (Here comply with requirements of ORS 93.030)

RECEIVED
AUG 21 2023
OWPD
14312-

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk
2022-004364
04/08/2022 02:05:59 PM
REC-WD Cnt=1 Sm=7 V. UNGER
\$35.00 \$11.00 \$10.00 \$60.00 \$5.00
\$121.00

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk
2022-004660
04/15/2022 10:25:01 AM
REC-COR Cnt=1 Sm=5 K. WILLIAMS
\$40.00 \$11.00 \$10.00 \$60.00 \$5.00
\$126.00

THIS SPACE RESERVED FOR RECORDER'S USE

FIRST AMERICAN TITLE 3898712

This document is being re recorded
to correct the legal description



After recording return to:
Mark S. Gaibler Trust
P.O. Box 180
St. Paul, OR 97137

Until a change is requested all tax
statements shall be sent to the
following address:
Mark S. Gaibler Trust
P.O. Box 180
St. Paul, OR 97137

File No.: 1031-3898712 (MWG)
Date: April 04, 2022

FIRST AMERICAN TITLE 3898712

THIS SPACE RESERVED FOR RECORDER'S USE

E-RECORDING ORIGINAL

STATUTORY SPECIAL WARRANTY DEED

DeRaeve Family L.L.C., an Oregon Limited Liability Company, Grantor, conveys and specially warrants to **Mark S. Gaibler, Trustee of the Mark S. Gaibler Trust U/T/A dated April 26, 2000, as to an undivided one-half interest, and Marcel K. Gaibler, Trustee of the Marcel K. Gaibler Trust U/T/A dated April 26, 2000, as to an undivided one-half interest**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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

The true consideration for this conveyance is **\$Fulfillment of Contract recorded September 25, 2012 Polk County Records 2012-009757.** (Here comply with requirements of ORS 93.030)

RECEIVED

AUG 21 2023

OWRD

14312-

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

Dated this 6th day of April, 2022.

DeRaeve Family L.L.C.

Ed DeRaeve Manager
Ed DeRaeve, Manager

STATE OF Texas)
County of Collin)ss.

This instrument was acknowledged before me on this 6th day of April, 2022 by Ed DeRaeve as Manager of DeRaeve Family L.L.C., on behalf of the L.L.C. .



Erik Keith Ewers
Notary Public for Texas
My commission expires: 06/25/2025

RECEIVED

AUG 21 2023

14312-OWRD

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

PARCEL 1:

BEGINNING AT A POINT WHICH IS SOUTH 44.52 CHAINS FROM THE NORTHEAST CORNER OF THE NOTIFICATION LAND CLAIM OF JOHN MCCARTY, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN COUNTY OF POLK, STATE OF OREGON; THENCE NORTH 89°32' WEST 39.73 CHAINS; THENCE SOUTH 0°08' WEST 29.55 CHAINS; THENCE SOUTH 88°42' EAST 39.82 CHAINS; THENCE NORTH 30.18 CHAINS TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT A POINT SOUTH 25 CHAINS FROM THE NORTHEAST CORNER OF THE JOHN MCCARTY AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN COUNTY OF POLK, STATE OF OREGON; THENCE WEST 11.50 CHAINS; THENCE NORTH 3.50 CHAINS; THENCE WEST 28.17 CHAINS; THENCE SOUTH 0°08' WEST 22.73 CHAINS; THENCE SOUTH 89°32' EAST 39.73 CHAINS; THENCE NORTH 19.52 CHAINS TO THE PLACE OF BEGINNING.

ALSO:

A PART OF THE DONATION LAND CLAIM OF JOHN MCCARTY AND WIFE, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN COUNTY OF POLK, STATE OF OREGON, AND SAID PART BOUNDED AS FOLLOWS:

BEGINNING AT A POINT, 25 CHAINS SOUTH OF THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM; THENCE RUNNING WEST 11.50 CHAINS; THENCE NORTH 3.50 CHAINS; THENCE EAST 11.50 CHAINS TO THE EAST LINE OF SAID DONATION LAND CLAIM; THENCE SOUTH 3.50 CHAINS TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT A POINT, 40.18 CHAINS NORTH AND 18.71 CHAINS EAST OF A STONE AT THE SOUTHWEST CORNER OF THE JOHN MCCARTY AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN COUNTY OF POLK, STATE OF OREGON; AND RUNNING THENCE EAST 21.53 CHAINS; THENCE SOUTH 40.18 CHAINS; THENCE WEST ~~21.63~~ 21.53 CHAINS; AND THENCE NORTH 40.18 CHAINS TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT, AND RUNNING THENCE WEST 18.71 CHAINS; THENCE SOUTH 40 FEET; THENCE EAST 18.71 CHAINS; AND THENCE NORTH 40 FEET TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT A POINT 36 CHAINS AND 31 LINKS NORTH OF THE SOUTHWEST CORNER OF HORACE G. BURNETT AND WIFE DONATION LAND CLAIM NO. 45, IN COUNTY OF POLK, STATE OF OREGON, AND AT A METAL PIPE POST AT SAID POINT, RUNNING THENCE WEST 75 FEET; THENCE NORTH 25 FEET, THENCE EAST 75 FEET; THENCE SOUTH 25 FEET TO THE

EXCEPTING THEREFROM----(BOR2020-17683, AND RERECORD BOR2021-11834- EXHIBIT E)

RECEIVED

AUG 21 2023

OWRD

14312

PLACE OF BEGINNING.

EXCEPTING FROM THE ABOVE PARCEL 1 THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO RONALD J. LEWIS AND JAMIE L. LEWIS BY INSTRUMENT RECORDED SEPTEMBER 21, 2006, RECORDER'S NO. 2006-015752;

AND RERECORDED ON APRIL 5, 2007 AS RECORDER'S NO. 2007-5188 A TRACT OF LAND IN SECTIONS 7, 8 AND 18, TOWNSHIP 6 SOUTH RANGE 4 WEST POLK COUNTY, OREGON, BEING PART OF THAT TRACT OF LAND DESCRIBED IN DEED FROM PATRICIA A. DERA EVE TO THE DERA EVE FAMILY LLC, AND RECORDED IN BOOK 350, PAGE 1315, POLK COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE EAST 765 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID DERA EVE TRACT (PARCEL 3) TO THE WESTERLY MARGIN OF THE WESTERN OREGON RAILROAD CO. AS DESCRIBED IN DEED RECORDED IN VOLUME 12, PAGE 366; THENCE SOUTHERLY 5000 FEET, MORE OR LESS, ALONG THE WESTERLY MARGIN, TO THE SOUTH LINE OF SAID DERA EVE TRACT (PARCEL 1), WHICH IS ON RECORD AS BEING 74.70 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46. THENCE WEST 1650 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID DERA EVE TRACT, TO THE CENTER OF THE CREEK; THENCE NORTHERLY AND NORTHEASTERLY, ALONG THE CENTER OF SAID CREEK, TO THE NORTH LINE OF SAID TRACT (PARCEL 3); THENCE EAST 200 FEET, MORE OR LESS, ALONG SAID NORTH LINE, TO A POINT THAT IS 21.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE NORTH 21.50 CHAINS, ALONG THE WEST LINE OF SAID DERA EVE TRACT, TO THE POINT OF BEGINNING.

PARCEL 2:

AN UNDIVIDED ONE-HALF INTEREST IN AND TO A STRIP OF LAND 25 FEET IN WIDTH DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, 36.31 CHAINS NORTH OF THE SOUTHWEST CORNER OF THE HORACE BURNETT AND WIFE DONATION LAND CLAIM NO. 45 IN THE COUNTY OF POLK AND STATE OF OREGON, AND AT AN INITIAL PIPE POST AT SAID POINT; THENCE RUNNING EAST 38.25 CHAINS TO THE CENTER OF THE COUNTY ROAD; THENCE NORTH 25 FEET; THENCE WEST 38.25 CHAINS; THENCE SOUTH 25 FEET TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY WITHIN SAID DESCRIPTION.

ALSO EXCEPTING FROM THE ABOVE PARCEL 2 THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO RONALD J. LEWIS AND JAMIE L. LEWIS BY INSTRUMENT RECORDED SEPTEMBER 21, 2006, RECORDER'S NO. 2006-015752;
AND RERECORDED ON APRIL 5, 2007 AS RECORDER'S NO. 2007-5188 A TRACT OF LAND IN SECTIONS 7, 8 AND 18, TOWNSHIP 6 SOUTH, RANGE 4 WEST, POLK COUNTY, OREGON BEING PART OF THAT TRACT OF LAND DESCRIBED IN DEED FROM PATRICIA A. DERA EVE TO THE DERA EVE FAMILY LLC, AND RECORDED IN BOOK 350, PAGE 1315, POLK COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS

RECEIVED

AUG 21 2023

14312 - OWRD

FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE EAST 765 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID DERA EVE TRACT (PARCEL 3) TO THE WESTERLY MARGIN OF THE WESTERN OREGON RAILROAD CO. AS DESCRIBED IN DEED RECORDED IN VOLUME 12, PAGE 366; THENCE SOUTHERLY 5000 FEET, MORE OR LESS, ALONG THE WESTERLY MARGIN, TO THE SOUTH LINE OF SAID DERA EVE TRACT (PARCEL 1), WHICH IS ON RECORD AS BEING 74.70 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE WEST 1650 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID DERA EVE TRACT, TO THE CENTER OF THE CREEK; THENCE NORTHERLY AND NORTHEASTERLY, ALONG THE CENTER OF SAID CREEK, TO THE NORTH LINE OF SAID TRACT (PARCEL 3); THENCE EAST 200 FEET, MORE OR LESS, ALONG SAID NORTH LINE, TO A POINT THAT IS 21.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE NORTH 21.50 CHAINS, ALONG THE WEST LINE OF SAID DERA EVE TRACT, TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING EASTERLY OF THE SOUTHERN PACIFIC COMPANY RAILROAD RIGHT OF WAY:

BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF LOT 2, SECTION 17, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN POLK COUNTY, STATE OF OREGON; RUNNING THENCE WEST 68.50 CHAINS, MORE OR LESS, TO THE CENTER OF SECTION 18 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 4.00 CHAINS, MORE OR LESS, TO A POINT WHICH IS 16.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE ENOCH RICHARDSON DONATION LAND CLAIM NO. 54 IN SAID TOWNSHIP AND RANGE; THENCE WEST 30.24 CHAINS; THENCE NORTH 16.50 CHAINS TO A POINT IN THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO R.R. MASSEY BY DEED RECORDED IN VOLUME 97, PAGE 200, POLK COUNTY RECORDS: THENCE EAST 19.00 CHAINS, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID MASSEY TRACT THENCE NORTH 5.62 CHAINS; THENCE EAST 40.00 CHAINS TO THE EAST LINE OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP AND RANGE, THENCE SOUTH 5.62 CHAINS TO THE SOUTHEAST CORNER OF SAID MCCARTY CLAIM: THENCE EAST 38.10 CHAINS TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 20.00 CHAINS TO THE PLACE OF BEGINNING

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS

FURTHER SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING ON THE WEST LINE OF THE STATE HIGHWAY, AT A POINT WHICH IS 5351.00 FEET SOUTH 0°25' WEST AND 2470.40 FEET SOUTH 89°05' EAST AND 327.00 FEET SOUTH 0°17' WEST FROM THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46 IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 315.00 FEET; THENCE NORTH 0°17' EAST, PARALLEL WITH THE WEST LINE OF SAID HIGHWAY, 332.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE

RECEIVED**AUG 21 2023****14312 OWRD**

HORACE BURNETT DONATION LAND CLAIM: THENCE SOUTH 89°05' EAST, ALONG THE SOUTH LINE OF SAID BURNETT CLAIM, 315.00 FEET TO A POINT ON THE WEST LINE OF SAID HIGHWAY, THENCE SOUTH 0°17' WEST 327.00 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

PARCEL 4:

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WESTERLY OF STATE HIGHWAY 99W:

40.56

BEGINNING AT THE NORTHWEST CORNER OF THE WILLIAM TURPIN DONATION LAND CLAIM NO. 37 IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF POLK, STATE OF OREGON; THENCE NORTH 18.28 CHAINS TO THE INTERIOR CORNER ON THE WEST LINE OF THE HORACE BURNETT DONATION LAND CLAIM NO. 45; THENCE WEST 38.10 CHAINS TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID BURNETT DONATION LAND CLAIM; THENCE NORTH 36.25 CHAINS, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO S. LESLIE STEWART AND MARJORIE N. STEWART, HUSBAND AND WIFE, BY DEED RECORDED DECEMBER 23, 1954, IN VOLUME 155, PAGE 409, POLK COUNTY RECORDS; THENCE EAST, ALONG THE SOUTH LINE OF SAID STEWART TRACT, A DISTANCE OF 38.10 CHAINS; THENCE NORTH 11° WEST A DISTANCE OF 1.53 CHAINS, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO S. LESLIE STEWART AND MARJORIE N. STEWART, HUSBAND AND WIFE, BY DEED RECORDED MAY 16, 1942, IN VOLUME 110, PAGE 410, POLK COUNTY RECORDS; THENCE EAST A DISTANCE OF 40.17 CHAINS; THENCE NORTH 9.03 CHAINS TO THE ANGLE CORNER OF SAID STEWART TRACT; THENCE EAST A DISTANCE OF 40.58 CHAINS; THENCE SOUTH 24.93 CHAINS; THENCE WEST 40.22 CHAINS; THENCE SOUTH 12.45 CHAINS; THENCE WEST 26.38 CHAINS; THENCE SOUTH 26.51 CHAINS TO THE SOUTH LINE OF SAID BURNETT DONATION LAND CLAIM; THENCE WEST 13.18 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND CONVEYED TO WESTERN OREGON RAILROAD COMPANY BY DEED RECORDED MAY 12, 1879, IN VOLUME 12, PAGE 364, POLK COUNTY RECORDS

PARCEL 5:

BEGINNING AT AN IRON PIPE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 422.00 FEET TO AN IRON ROD; THENCE EAST 564.68 FEET TO AN IRON ROD; THENCE SOUTH 00°00'45" WEST 1676.00 FEET TO AN IRON ROD; THENCE EAST 1146.40 FEET TO AN IRON ROD; THENCE NORTH 00°03' WEST 398.00 FEET TO AN IRON ROD; THENCE EAST 128.80 FEET TO AN IRON ROD SET ON THE WEST LINE OF HIGHWAY 99 WEST THENCE NORTH 00°25'30" WEST, ALONG THE WEST LINE OF SAID HIGHWAY, A DISTANCE OF 1700.05 FEET TO THE NORTH LINE OF THAT LAND DESCRIBED IN PARCEL 2 OF A CONVEYANCE FROM LUELLE M. BROWN AND ROBERT M. BROWN TO JOHN M. FINN AND RYDER W. FINN BY INSTRUMENT OF RECORD IN BOOK 200, PAGE 648, POLK COUNTY RECORDS, THENCE WEST 1826.58 FEET TO THE POINT OF BEGINNING.

RECEIVED

AUG 21 2023

OWRD

14312

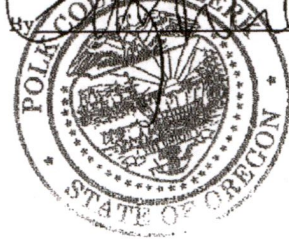
APN: 231727

Statutory Special Warranty Deed
- continued

File No.: 1031-3898712 (MWG)
Date: 04/04/2022

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
VALERIE CHERRY Polk County Clerk



Page 7 of 7

Certified Copy Page 8 of 8

RECEIVED

AUG 21 2023

OWRD

14312-

CORRECTED EXHIBIT A

PARCEL 1:

BEGINNING AT A POINT WHICH IS SOUTH 44.52 CHAINS FROM THE NORTHEAST CORNER OF THE NOTIFICATION LAND CLAIM OF JOHN MCCARTY, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN COUNTY OF POLK, STATE OF OREGON; THENCE NORTH 89°32' WEST 39.73 CHAINS; THENCE SOUTH 0°08' WEST 29.55 CHAINS; THENCE SOUTH 88°42' EAST 39.82 CHAINS; THENCE NORTH 30.18 CHAINS TO THE PLACE OF BEGINNING.

— CORNER

ALSO:BEGINNING AT A POINT SOUTH 25 CHAINS FROM THE NORTHEAST ~~CORNER~~ OF THE JOHN MCCARTY AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN COUNTY OF POLK, STATE OF OREGON; THENCE WEST 11.50 CHAINS; THENCE NORTH 3.50 CHAINS; THENCE WEST 28.17 CHAINS; THENCE SOUTH 0°08' WEST 22.73 CHAINS; THENCE SOUTH 89°32' EAST 39.73 CHAINS; THENCE NORTH 19.52 CHAINS TO THE PLACE OF BEGINNING.

ALSO:A PART OF THE DONATION LAND CLAIM OF JOHN MCCARTY AND WIFE, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN COUNTY OF POLK, STATE OF OREGON, AND SAID PART BOUNDED AS FOLLOWS:BEGINNING AT A POINT, 25 CHAINS SOUTH OF THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM; THENCE RUNNING WEST 11.50 CHAINS; THENCE NORTH 3.50 CHAINS; THENCE EAST 11.50 CHAINS TO THE EAST LINE OF SAID DONATION LAND CLAIM; THENCE SOUTH 3.50 CHAINS TO THE PLACE OF BEGINNING.

ALSO: BEGINNING AT A POINT, 40.18 CHAINS NORTH AND 18.71 CHAINS EAST OF A STONE AT THE SOUTHWEST CORNER OF THE JOHN MCCARTY AND WIFE DONATION LAND CLAIM, NOTIFICATION NO. 252, CLAIM NO. 46, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN COUNTY OF POLK, STATE OF OREGON; AND RUNNING THENCE EAST 21.53 CHAINS; THENCE SOUTH 40.18 CHAINS; THENCE WEST ~~21.63~~ CHAINS; AND THENCE NORTH 40.18 CHAINS TO THE PLACE OF BEGINNING.

21.53

EXCEPTING THEREFROM: A TRACT OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN THE FOURTH DESCRIPTION FOR PARCEL 1 IN THAT INSTRUMENT RECORDED IN DOCUMENT NO. 2012-010286, POLK COUNTY DEED RECORDS, SAID POINT RECORDED AS BEING EAST 18.71 CHAINS FROM A STONE AT THE SOUTHWEST CORNER OF THE JOHN MCCARTY AND WIFE DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP; AND RUNNING THENCE: NORTH 00°06'11" EAST 827.72 FEET ALONG THE WEST LINE OF SAID PROPERTY; THENCE LEAVING SAID WEST LINE, SOUTH 89°53'49" EAST 38.80 FEET; THENCE SOUTH 00°06'11" WEST 827.65 FEET TO A POINT ON THE SOUTH LINE OF SAID PROPERTY; THENCE WEST 38.80 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING

RECEIVED

14312 -

AUG 21 2023

OWRD

ALSO: BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT, AND RUNNING THENCE WEST 18.71 CHAINS; THENCE SOUTH 40 FEET; THENCE EAST 18.71 CHAINS; AND THENCE NORTH 40 FEET TO THE PLACE OF BEGINNING.

ALSO: BEGINNING AT A POINT 36 CHAINS AND 31 LINKS NORTH OF THE SOUTHWEST CORNER OF HORACE G. BURNETT AND WIFE DONATION LAND CLAIM NO. 45, IN COUNTY OF POLK, STATE OF OREGON, AND AT A METAL PIPE POST AT SAID POINT, RUNNING THENCE WEST 75 FEET; THENCE NORTH 25 FEET, THENCE EAST 75 FEET; THENCE SOUTH 25 FEET TO THE PLACE OF BEGINNING.

EXCEPTING FROM THE ABOVE PARCEL 1 THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO RONALD J. LEWIS AND JAMIE L. LEWIS BY INSTRUMENT RECORDED SEPTEMBER 21, 2006, RECORDER'S NO. 2006-015752, AND RERECORDED ON APRIL 5, 2007 AS RECORDER'S NO. ~~2007-5118~~;

2007-5188

A TRACT OF LAND IN SECTIONS 7, 8 AND 18, TOWNSHIP 6 SOUTH RANGE 4 WEST POLK COUNTY, OREGON, BEING PART OF THAT TRACT OF LAND DESCRIBED IN DEED FROM PATRICIA A. DERA EVE TO THE DERA EVE FAMILY LLC, AND RECORDED IN BOOK 350, PAGE 1315, POLK COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE EAST 765 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID DERA EVE TRACT (PARCEL 3) TO THE WESTERLY MARGIN OF THE WESTERN OREGON RAILROAD CO. AS DESCRIBED IN DEED RECORDED IN VOLUME 12, PAGE 366; THENCE SOUTHERLY 5000 FEET, MORE OR LESS. ALONG THE WESTERLY MARGIN, TO THE SOUTH LINE OF SAID DERA EVE TRACT (PARCEL 1). WHICH IS ON RECORD AS BEING 74.70 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46. THENCE WEST 1650 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID DERA EVE TRACT, TO THE CENTER OF THE CREEK; THENCE NORTHERLY AND NORTHEASTERLY, ALONG THE CENTER OF SAID CREEK, TO THE NORTH LINE OF SAID TRACT (PARCEL 3); THENCE EAST 200 FEET, MORE OR LESS, ALONG SAID NORTH LINE, TO A POINT THAT IS 21.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE NORTH 21.50 CHAINS, ALONG THE WEST LINE OF SAID DERA EVE TRACT, TO THE POINT OF BEGINNING.

PARCEL 2:

AN UNDIVIDED ONE-HALF INTEREST IN AND TO A STRIP OF LAND 25 FEET IN WIDTH DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, 36.31 CHAINS NORTH OF THE SOUTHWEST CORNER OF THE HORACE BURNETT AND WIFE DONATION LAND CLAIM NO. 45 IN THE COUNTY OF POLK AND STATE OF OREGON, AND AT AN INITIAL PIPE POST AT SAID POINT; THENCE RUNNING EAST 38.25 CHAINS TO THE CENTER OF THE COUNTY ROAD; THENCE NORTH 25 FEET; THENCE WEST 38.25 CHAINS; THENCE SOUTH 25 FEET TO THE PLACE OF BEGINNING.

RECEIVED
AUG 21 2023
OWRD

14312 -

SAVE AND EXCEPT THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY WITHIN SAID DESCRIPTION.

ALSO EXCEPTING FROM THE ABOVE PARCEL 2 THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO RONALD J. LEWIS AND JAMIE L. LEWIS BY INSTRUMENT RECORDED SEPTEMBER 21, 2006, RECORDER'S NO. 2006-015752, AND RERECORDED ON APRIL 5, 2007 AS RECORDER'S NO. ~~2007-5118;~~ 2007-5188

A TRACT OF LAND IN SECTIONS 7, 8 AND 18, TOWNSHIP 6 SOUTH, RANGE 4 WEST, POLK COUNTY, OREGON BEING PART OF THAT TRACT OF LAND DESCRIBED IN DEED FROM PATRICIA A. DERA EVE TO THE DERA EVE FAMILY LLC, AND RECORDED IN BOOK 350, PAGE 1315, POLK COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE EAST 765 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID DERA EVE TRACT (PARCEL 3) TO THE WESTERLY MARGIN OF THE WESTERN OREGON RAILROAD CO. AS DESCRIBED IN DEED RECORDED IN VOLUME 12, PAGE 366; THENCE SOUTHERLY 5000 FEET, MORE OR LESS, ALONG THE WESTERLY MARGIN, TO THE SOUTH LINE OF SAID DERA EVE TRACT (PARCEL 1), WHICH IS ON RECORD AS BEING 74.70 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE WEST 1650 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID DERA EVE TRACT, TO THE CENTER OF THE CREEK; THENCE NORTHERLY AND NORTHEASTERLY, ALONG THE CENTER OF SAID CREEK, TO THE NORTH LINE OF SAID TRACT (PARCEL 3); THENCE EAST 200 FEET, MORE OR LESS, ALONG SAID NORTH LINE, TO A POINT THAT IS 21.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46; THENCE NORTH 21.50 CHAINS, ALONG THE WEST LINE OF SAID DERA EVE TRACT, TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING EASTERLY OF THE SOUTHERN PACIFIC COMPANY RAILROAD RIGHT OF WAY:

BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF LOT 2, SECTION 17, IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN POLK COUNTY, STATE OF OREGON; RUNNING THENCE WEST 68.50 CHAINS, MORE OR LESS, TO THE CENTER OF SECTION 18 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 4.00 CHAINS, MORE OR LESS, TO A POINT WHICH IS 16.50 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE ENOCH RICHARDSON DONATION LAND CLAIM NO. 54 IN SAID TOWNSHIP AND RANGE; THENCE WEST 30.24 CHAINS; THENCE NORTH 16.50 CHAINS TO A POINT IN THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO R.R. MASSEY BY DEED RECORDED IN VOLUME 97, PAGE 200, POLK COUNTY RECORDS: THENCE EAST 19.00 CHAINS, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID MASSEY TRACT THENCE NORTH 5.62 CHAINS; THENCE EAST 40.00 CHAINS TO THE EAST LINE OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46 IN SAID TOWNSHIP AND RANGE, THENCE SOUTH 5.62 CHAINS TO THE SOUTHEAST CORNER OF SAID MCCARTY

RECEIVED

AUG 21 2023

14312 -

OWRD

CLAIM: THENCE EAST 38.10 CHAINS TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 20.00 CHAINS TO THE PLACE OF BEGINNING

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS

FURTHER SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING ON THE WEST LINE OF THE STATE HIGHWAY, AT A POINT WHICH IS 5351.00 FEET SOUTH 0°25' WEST AND 2470.40 FEET SOUTH 89°05' EAST AND 327.00 FEET SOUTH 0°17' WEST FROM THE NORTHEAST CORNER OF THE JOHN MCCARTY DONATION LAND CLAIM NO. 46 IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 315.00 FEET; THENCE NORTH 0°17' EAST, PARALLEL WITH THE WEST LINE OF SAID HIGHWAY, 332.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE HORACE BURNETT DONATION LAND CLAIM: THENCE SOUTH 89°05' EAST, ALONG THE SOUTH LINE OF SAID BURNETT CLAIM, 315.00 FEET TO A POINT ON THE WEST LINE OF SAID HIGHWAY, THENCE SOUTH 0°17' WEST 327.00 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

PARCEL 4:

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT OF LAND LYING WESTERLY OF STATE HIGHWAY 99W:

BEGINNING AT THE NORTHWEST CORNER OF THE WILLIAM TURPIN DONATION LAND CLAIM NO. 37 IN TOWNSHIP 6 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF POLK, STATE OF OREGON; THENCE NORTH 18.28 CHAINS TO THE INTERIOR CORNER ON THE WEST LINE OF THE HORACE BURNETT DONATION LAND CLAIM NO. 45; THENCE WEST 38.10 CHAINS TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID BURNETT DONATION LAND CLAIM; THENCE NORTH 36.25 CHAINS, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO S. LESLIE STEWART AND MARJORIE N. STEWART, HUSBAND AND WIFE, BY DEED RECORDED DECEMBER 23, 1954, IN VOLUME 155, PAGE 409, POLK COUNTY RECORDS; THENCE EAST, ALONG THE SOUTH LINE OF SAID STEWART TRACT, A DISTANCE OF 38.10 CHAINS; THENCE NORTH 11° WEST A DISTANCE OF 1.53 CHAINS, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO S. LESLIE STEWART AND MARJORIE N. STEWART, HUSBAND AND WIFE, BY DEED RECORDED MAY 16, 1942, IN VOLUME 110, PAGE 410, POLK COUNTY RECORDS; THENCE EAST A DISTANCE OF 40.17 CHAINS; THENCE NORTH 9.03 CHAINS TO THE ANGLE CORNER OF SAID STEWART TRACT; THENCE EAST A DISTANCE OF 40.56 CHAINS; THENCE SOUTH 24.93 CHAINS; THENCE WEST 40.22 CHAINS; THENCE SOUTH 12.45 CHAINS; THENCE WEST 26.38 CHAINS; THENCE SOUTH 26.51 CHAINS TO THE SOUTH LINE OF SAID BURNETT DONATION LAND CLAIM; THENCE WEST 13.18 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND CONVEYED TO WESTERN OREGON RAILROAD COMPANY BY DEED RECORDED MAY 12, 1879, IN VOLUME 12, PAGE 364, POLK COUNTY RECORDS

PARCEL 5:

EXCEPTING THEREFROM THE ABOVE PARCEL 4 THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO RONALD J. LEWIS AND JAMIE L. LEWIS ON SEPTEMBER 21, 2006, RECORDER'S NO. 2006-015752 AND RERECORDED ON APRIL 5, 2007 AS RECORDER'S NO. 2007-005188, POLK COUNTY, OREGON.

RECEIVED

AUG 21 2023

OWRD

14312 -

BEGINNING AT AN IRON PIPE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 422.00 FEET TO AN IRON ROD; THENCE EAST 564.68 FEET TO AN IRON ROD; THENCE SOUTH 00°00'45" WEST 1676.00 FEET TO AN IRON ROD; THENCE EAST 1146.40 FEET TO AN IRON ROD; THENCE NORTH 00°03' WEST 398.00 FEET TO AN IRON ROD; THENCE EAST 128.80 FEET TO AN IRON ROD SET ON THE WEST LINE OF HIGHWAY 99 WEST THENCE NORTH 00°25'30" WEST, ALONG THE WEST LINE OF SAID HIGHWAY, A DISTANCE OF 1700.05 FEET TO THE NORTH LINE OF THAT LAND DESCRIBED IN PARCEL 2 OF A CONVEYANCE FROM LUELLA M. BROWN AND ROBERT M. BROWN TO JOHN M. FINN AND RYDER W. FINN BY INSTRUMENT OF RECORD IN BOOK 200, PAGE 648, POLK COUNTY RECORDS, THENCE WEST 1826.58 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

14312 -

RECEIVED

AUG 21 2023

OWRD

Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of POLK)

I, MARK GAIBLER, in my capacity as OWNER,
 mailing address PO BOX 808, CARLTON, OR 97111
 telephone number (503)209-4086, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):
 Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # _____; **OR**
 My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
83200/87717	6	S	4	W	WM	17	NE	SW	3	17.3
83200/87717	6	S	4	W	WM	17	NW	SW		28.6
83200/87717	6	S	4	W	WM	17	SW	SW		11.3
83200/87717	6	S	4	W	WM	17	SE	SW	4	8.2

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

14312-

RECEIVED
 AUG 21 2023
 OWRD

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Grant McGill
Signature of Affiant

8/18/23
Date

Signed and sworn to (or affirmed) before me this 18 day of Aug., 2023.



Grant McGill
Notary Public for Oregon
My Commission Expires: 11/13/2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

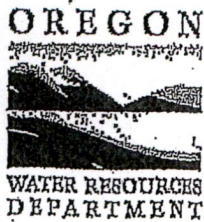
RECEIVED
14312-
AUG 21 2023



RECEIVED

14312 AUG 21 2023

OWRD



RECEIVED
AUG 21 2023
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mark Gaibler

PO Box 808, Carlton OR 97111

Transaction Type: Temp Transfer

Fees Received: \$ 1436.58

Cash

Check

Check No. 2180

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

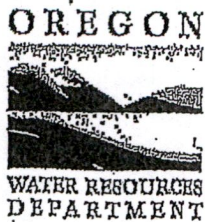
OWRD Customer Service Staff

Submission received by: Corie Larsen
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash, and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt in the Submission slot.

14312 -



RECEIVED
AUG 21 2023
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mark Gaibler

PO Box 808, Carlton OR 97111

Transaction Type: Temp Transfer

Fees Received: \$ 1436.58

Cash Check; Check No. 2180

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Larsen
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt in the [unclear] slot.

14312 -

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RON AND JAMIE LEWIS
20650 S HWY 99 W
AMITY OR 97101

DERAEVE FAMILY LLC
PO BOX 3
MCMINNVILLE OR 97218

confirms the right to use the waters of AN UNNAMED RESERVOIR for SUPPLEMENTAL IRRIGATION of 785.29 ACRES.

This right was perfected under Permit S-54655. The date of priority is SEPTEMBER 15, 2009. The amount of water to which this right is entitled is limited to 63.0 ACRE FEET (AF), being 47.0 AF FROM AN UNNAMED RESERVOIR ORIGINALLY CONSTRUCTED UNDER PERMIT R-10482, AND 16.0 AF FROM AN UNNAMED RESERVOIR, ENLARGED UNDER PERMIT R-11459, or its equivalent in case of rotation, measured at the point of diversion.

The period of use is March 1 through October 31.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	4 W	WM	7	SE SW	46	3695 FEET SOUTH AND 2155 FEET WEST FROM NE CORNER, MCCARTY DLC 46

The points of re-diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	4 W	WM	7	NE SE	46	2685 FEET SOUTH AND 500 FEET WEST FROM NE CORNER, MCCARTY DLC 46
6 S	4 W	WM	7	NW SE	46	2685 FEET SOUTH AND 825 FEET WEST FROM NE CORNER, MCCARTY DLC 46

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Glod	DLC	Acres
6S	4W	WM	7	NE NE	1		2.20
6S	4W	WM	7	SE NE	1		16.50
6S	4W	WM	7	NE SW		46	20.40
6S	4W	WM	7	NW SW		46	1.60
6S	4W	WM	7	SW SW		46	21.60
6S	4W	WM	7	SE SW		46	36.70
6S	4W	WM	7	NE SE		46	13.20
6S	4W	WM	7	NE SE	4		8.00
6S	4W	WM	7	NE SE		45	3.40
6S	4W	WM	7	NW SE		46	37.59
6S	4W	WM	7	SW SE		46	27.80
6S	4W	WM	7	SE SE		46	19.30
6S	4W	WM	7	SE SE		45	15.50
6S	4W	WM	8	NW NW	1		0.10
6S	4W	WM	8	SW NW	1		0.20
6S	4W	WM	8	SW SW		45	34.50
6S	4W	WM	8	SE SW		45	13.30
6S	4W	WM	17	SE NE		37	3.00
6S	4W	WM	17	SE NE		37	1.70
6S	4W	WM	17	NE NW		45	15.10
6S	4W	WM	17	NW NW		45	40.00
6S	4W	WM	17	SW NW	1		39.00
6S	4W	WM	17	SE NW	2		13.20
6S	4W	WM	17	SE NW		37	2.30
6S	4W	WM	17	NE SW		37	18.20
6S	4W	WM	17	NE SW	3		17.30
6S	4W	WM	17	NW SW			35.20
6S	4W	WM	17	SW SW			34.10
6S	4W	WM	17	SE SW	4		10.50
6S	4W	WM	17	SE SW		37	20.10
6S	4W	WM	17	NE SE		37	15.80
6S	4W	WM	17	NW SE		37	38.20
6S	4W	WM	17	SW SE		37	34.50
6S	4W	WM	17	SE SE		37	14.20
6S	4W	WM	18	NE NE		45	15.50
6S	4W	WM	18	NE NE		46	13.40
6S	4W	WM	18	NW NE		46	16.50
6S	4W	WM	18	SE NE		46	18.50
6S	4W	WM	18	NE NW		46	26.00
6S	4W	WM	18	NW NW		46	18.40
6S	4W	WM	20	NE NW	1		15.60
6S	4W	WM	20	NW NW		46	37.10

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter in good working order.

- B. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place of use and nature of use of water under the right.
- C. The water user shall allow the watermaster access to the meter(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall maintain and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards.

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


Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued AUG 06 2012



Dwight W. French
Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department

14312 -

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARVIN JOHN DERA EVE AND PATRICIA ANN DERA EVE
M. EDWARD DERA EVE
DERAEVE FAMILY LLC
P O BOX 3
MC MINNVILLE, OREGON 97128

confirms the right to use the waters of ASH SWALE and DERA EVE RESERVOIR, CONSTRUCTED UNDER PERMIT R-6487 for IRRIGATION of 377.5 ACRES.

This right was perfected under Permit S-46958. The date of priority is JULY 30, 1982. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.72 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
6 S	4 W	WM	7	NE SE	46	1590 FEET SOUTH AND 450 FEET WEST FROM NE CORNER, DLC 46

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second from direct flow, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from DERA EVE RESERVOIR, CONSTRUCTED UNDER PERMIT R-6487. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	4 W	WM	16	SW NW		37	1.8
6 S	4 W	WM	16	NW SW		37	16.6
6 S	4 W	WM	16	SW SW		37	15.6
6 S	4 W	WM	17	SW NE		37	3.0
6 S	4 W	WM	17	SE NE		37	4.1


NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	4 W	WM	17	SE NW		37	2.3
6 S	4 W	WM	17	NE SW		37	18.2
6 S	4 W	WM	17	NE SW	3		17.3
6 S	4 W	WM	17	NW SW			35.2
6 S	4 W	WM	17	SW SW			34.1
6 S	4 W	WM	17	SE SW	4		10.5
6 S	4 W	WM	17	SE SW		37	20.1
6 S	4 W	WM	17	NE SE		37	40.0
6 S	4 W	WM	17	NW SE		37	38.2
6 S	4 W	WM	17	SW SE		37	34.5
6 S	4 W	WM	17	SE SE		37	33.3
6 S	4 W	WM	20	NE NW	1		15.6
6 S	4 W	WM	20	NW NW			37.1

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed MAR 23 2007


 Phillip C. Ward, Director
 Water Resources Department

Oregon Water Resources Department Transfer Fee Calculation for Temporary Transfer

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Today's Date: Tuesday, August 22, 2023	Fee Calculation
Base Fee (includes temporary change to one water right for up to 1 cfs)	\$950.00
Fill in information below-- Check each box that applies.	
Enter total number of water rights included in transfer. <input style="width: 50px;" type="text" value="2"/>	\$310.00
<input type="checkbox"/> Check this box if you propose to change the place of use for a NON-irrigation use.	
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use for an irrigation use.	
Enter the number of acres in the footprint of the place of use to be transferred. <input style="width: 50px;" type="text" value="65.4"/>	\$176.58
(If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)	
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	\$1,436.58
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
<input type="checkbox"/> Check the box if you are submitting the application and map in a Department-approved digital format.	
Transfer Fee:	\$1,436.58

14312 -

Temporary Transfer Application Intake Checklist

Transfer # T-14312

Reviewer Nick	Type of Change(s) Proposed: MUST INCLUDE A CHANGE IN PLACE OF USE		
Date 8/22/2023	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POU/POD	<input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$1436.58		Fee Received \$1436.58	
Certificate(s): 83200, 87717		Check <u>ALL</u> Certs in WRIS to confirm they are not cancelled	
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Notes:			

Application: OAR 690-380-3000; OAR 690-380-3220				
1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have ALL of the applicant's signed and dated the application? If no, whose signature is missing?	
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?	
3.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A	For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?

Map Requirements: OAR 690-380-3100				
4.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Map included and meets mapping requirements?	
5.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department
Notes:				

Attachments: OAR 690-380-3000				
6.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included, signed, & notarized w/supporting documentation?	
	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Current recorded deed for the land from which the authorized place of use is temporarily being moved included?	
	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	Affidavit of Consent from Landowner(s) described on the deed?
7.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	Land Use Form included and signed by the County?
8.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A	District: Place of use is in <u>or</u> near an irrigation district?
	<input type="checkbox"/> YES	<input type="checkbox"/> NO		If Yes, is Form D included? Name of the District
9.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	For changes in POA/APOA – are the well logs included?
10.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	For change in POU within Umatilla County, Supplemental Form U included?

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

14312 -