

**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)

- 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? 1 List them here: 76617**
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: 3/1/2024 End Year: 10/31/2024.**
- 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: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Pollock & Son, Inc c/o Bryce Pollock		PHONE NO. (541) 720-1781	ADDITIONAL CONTACT NO.
ADDRESS 78691 AGNEW ROAD		FAX NO.	
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL 'BRYCE POLLOCK' <BRYCEPOLLOCK16@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 WILLIAM PORFILY		PHONE NO. (541) 561-7259	ADDITIONAL CONTACT NO.
ADDRESS P.O. BOX 643		FAX NO.	
CITY STANFIELD	STATE OR	ZIP 97875	E-MAIL WPORFILY@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:
To grow watermelons under drip irrigation and maintain the land owners' water right in good standing.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Pollock & Son By Bryce Pollock
 Applicant signature

Bryce Pollock
 Print Name (and Title if applicable)

12/15/23
 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.

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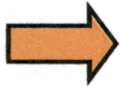
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME WESTLAND IRRIGATION DISTRICT	ADDRESS P.O. Box 944	
CITY HERMISTON	STATE OR	ZIP 97838

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 UMATILLA COUNTY	ADDRESS 216 S.E. 4TH	
CITY Pendleton	STATE OR	ZIP 97801

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing in the document: Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 76617

Description of Water Delivery System

System capacity: .26 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. The well is equipped with a 15 horse power submersible pump. A 8-inch portable pipeline will deliver the water to a drip line irrigation system which will be used to irrigate the watermelons.

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)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 1552	4	N	27	E	25	NE	SE		450 south and 850 feet West from the E 1/4 corner, section 25
	<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): N/A

- 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.

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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 # 76617

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.

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				
4	N	27	E	25	NE	SE	500		4.9	IRR	WELL	6/3/1968	POU	4	N	27	E	25	NW	SE	500		1.3	IRR	WELL	6/3/1968
4	N	27	E	25	NW	SE	500		1.08	IRR	WELL	6/3/1968	POU	4	N	27	E	25	SW	SE	500		8.7	IRR	WELL	6/3/1968
4	N	27	E	25	SW	SE	500		2.23	IRR	WELL	6/3/1968	POU													
4	N	27	E	25	SE	SE	500		1.79	IRR	WELL	6/3/1968	POU													
TOTAL ACRES							10.0	TOTAL ACRES											10.0							

Additional remarks: _____

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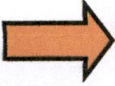
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For Place of Use Changes

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: _____



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: N/A

- 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 N/A

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

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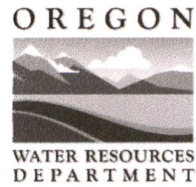
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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME POLLOCK & SONS, INC C/O BRYCE POLLOCK			PHONE (HM)	
PHONE (WK) 541-720-1781		CELL		FAX
ADDRESS 78691 AGNEW ROAD				
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL** 'BRYCE POLLOCK' <BRYCEPOLLOCK16@GMAIL.COM>	

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME WESTLAND IRRIGATION DISTRICT			PHONE (HM)	
PHONE (WK) 541-667-2030		CELL		FAX
ADDRESS P.O. Box 944				
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL** CURTIS@WESTLANDIRRIGATION.COM	

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	G-4427	G-4171	76617	YES <input type="checkbox"/> NO <input type="checkbox"/>
2.	-	-	-	YES <input type="checkbox"/>
3.	-	-	-	YES <input type="checkbox"/>

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.

YES NO All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

YES NO One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.

YES NO All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION **IT'S A PRIVATELY OWNED WELL LOCATED INSIDE A DISTRICT**

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4. APPLICANT'S SIGNATURE

(1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
 email, phone, postal mail, in person, or other (please specify) _____

(2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.

Bryce Pollock
Applicant Signature

Bryce Pollock
Name (print)

12/15/23
Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

(1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and

(2) The district/water supplier consents to the proposed water right transfer application.

YES NO After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES NO The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date

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 UMATILLA)

I, BRYCE POLLOCK, in my capacity as LEASEE,

mailing address 78691 AGNEW ROAD HERMISTON, OR 97838

telephone number (541)720-1781, 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 # 76617; **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)

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)

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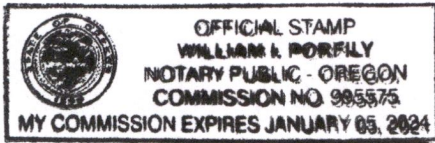
3. The water right was used for: (e.g., crops, pasture, etc.): WATERMELONS

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.

Pollock & Son By Bryan Pollock
Signature of Affiant

12/15/23
Date

Signed and sworn to (or affirmed) before me this 15 day of Dec, 2023.



William L. Porfily
Notary Public for Oregon

My Commission Expires: Jan 5, 2024

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 Google Earth Aerial Photos and maps depicting temporary transfers from the last 5 years Photos from 2018, 2021, and 2023	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. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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7/20/2018

Evidence of Use

T4N R27E SEC 25
7/20/2023-2018

FedEx Freight

Stable Rd

Stable Rd

Stable Rd

Westland Rd

Stable Ln

Triple R

South-Frontage-Westland Rd

84

84

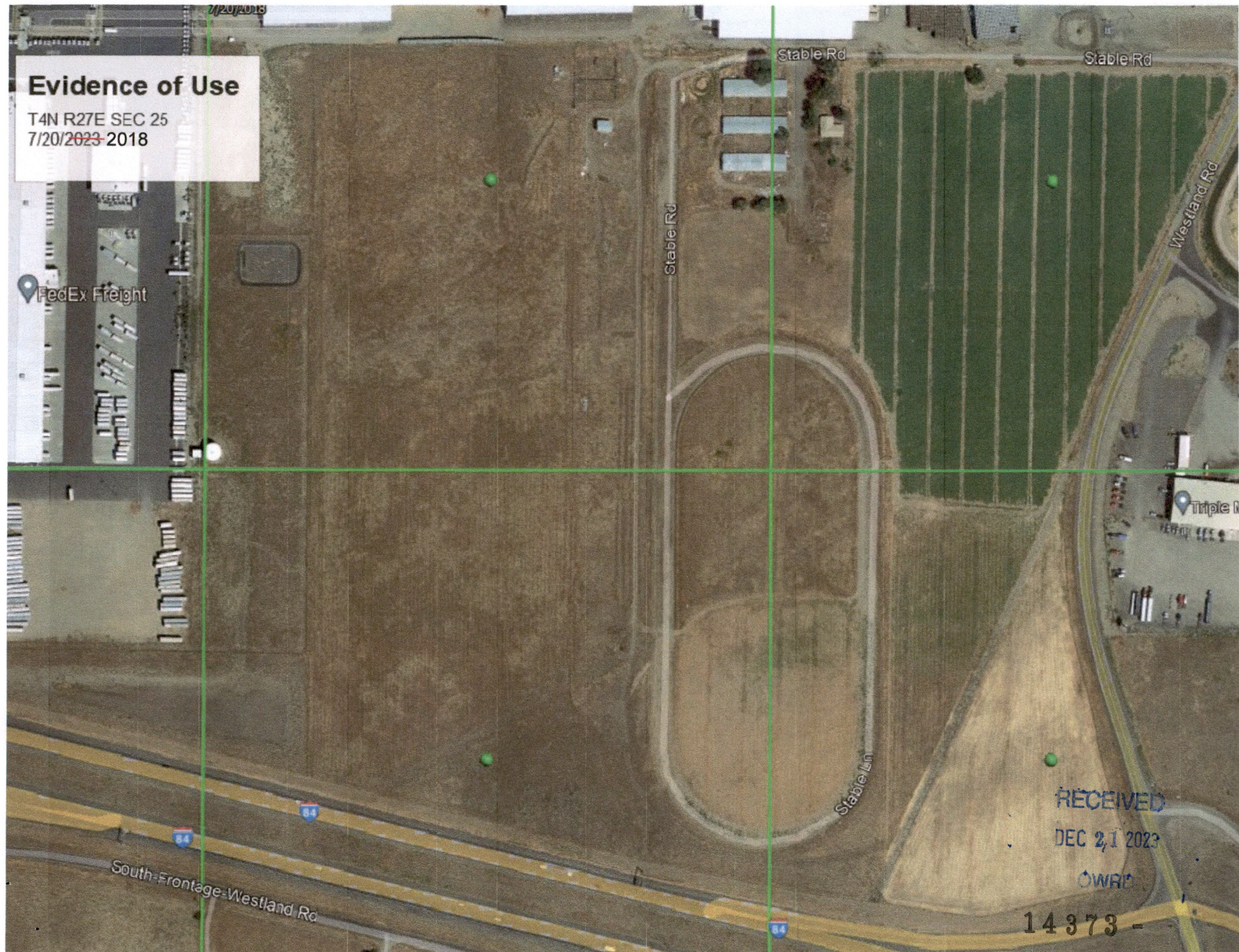
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Evidence of use

T4N R27E SEC 25
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FedEx Freight

Triple M Truck &

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South Frontage Westland Rd

Stable Rd

Stable Rd

Stable Rd

Westland Rd

Stable Ln



Evidence of Use

T4N R27E SEC 25
5/2023



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DWAD

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"PETRO STOPPING CENTERS, L.P.", A DELAWARE LIMITED PARTNERSHIP,

WITH AND INTO "TA OPERATING LLC" UNDER THE NAME OF "TA OPERATING LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2008, AT 8:53 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF SEPTEMBER, A.D. 2008.

2342992 8100M

080912866

You may verify this certificate online
at corp.delaware.gov/authver.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6821230

DATE: 08-29-08

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State of Delaware
Secretary of State
Division of Corporations
Delivered 08:53 AM 08/29/2008
FILED 08:53 AM 08/29/2008
SRV 080912866 - 2342992 FILE

CERTIFICATE OF MERGER

OF

PETRO STOPPING CENTERS, L.P.
(a Delaware limited partnership)

INTO

TA OPERATING LLC
(a Delaware limited liability company)

Pursuant to Section 17-211 of the Revised Uniform Limited Partnership Act of the State of Delaware (the "DRULPA") and Section 18-209 of the Delaware Limited Liability Company Act (the "DLLCA"), TA Operating LLC, a Delaware limited liability company (the "Company"), hereby certifies the following information relating to the merger of Petro Stopping Centers, L.P., a Delaware limited partnership (the "Partnership") with and into the Company (the "Merger"):

FIRST: The name and jurisdiction of formation or organization of the Company and the Partnership are as follows:

<u>Name</u>	<u>State</u>
TA Operating LLC	Delaware
Petro Stopping Centers, L.P.	Delaware

SECOND: The Agreement and Plan of Merger setting forth the terms and conditions of the Merger (the "Merger Agreement"), has been approved, adopted, certified, executed and acknowledged by each of the Company and the Partnership in accordance with the provisions of Section 18-209 of the DLLCA and Sections 17-211 and 17-405 of the DRULPA.

THIRD: The name of the surviving limited liability company in the Merger is "TA Operating LLC" (the "Surviving Company").

FOURTH: The Certificate of Formation of the Company, as in effect immediately prior to the effective time of the Merger, shall be the Certificate of Formation of the Surviving Company.

FIFTH: The executed Merger Agreement is on file at the principal place of business of the Surviving Company, at 24601 Center Ridge Road, Suite 200, Westlake, OH 44145.

SIXTH: A copy of the Merger Agreement will be furnished by the Surviving Company, on request and without cost, to any member of the Company or partner of the Partnership.

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SEVENTH: This Certificate of Merger shall become effective as of the 1st day of September, 2008.

[Signature Page Follows]

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IN WITNESS WHEREOF, this Certificate of Merger has been executed on this 29th day of August 2008.

TA OPERATING LLC

By: *Thomas M. O'Brien*
Thomas M. O'Brien
President and Chief Executive Office

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376 0017

WARRANTY DEED

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SEP 14 2000

5/4

GERTRUDE M. JOHNSON,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
PETRO STOPPING CENTERS, L.P. A DELAWARE LIMITED PARTNERSHIP,
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of UMATILLA and State of Oregon, to wit:

UMATILLA COUNTY
RECORDS

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE &
4N 27 1403 8-3 116884

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below,*if any:
and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

*SEE SCHEDULE I ATTACHED HERETO

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

34231P
Amortize

The true and actual consideration for this conveyance is
PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR

Until a change is requested, all tax statements shall be sent to Grantee at the
following address: 6080 SURETY DRIVE, EL PASO, TX 79905

Dated this 7 day of September, 2000.



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Gertrude M. Johnson
GERTRUDE M. JOHNSON,



State of Oregon
County of UMATILLA

This instrument was acknowledged before me on September 7, 2000 by
GERTRUDE M. JOHNSON.

11

Marcy M. Rosenberg

(Notary Public for Oregon)
My commission expires _____

ESCROW NO. HT-34231PA

Return to:
PETRO STOPPING CENTERS, L.P. A DELAWARE LIMITED PARTNERSHIP
6080 SURETY DRIVE
EL PASO, TX 79905

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

09-14-00 at 11:20

in the record of document
code type DE-WD

Location R376-0017
Document number 2000-3760017
Fee 41.00

Office of County Records

Deann Hemphill

Records Officer

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SCHEDULE I

Permitted Exceptions

1. 2000-2001 State, County and School Taxes and thereafter, which constitute a lien against the property, but are not now due and payable.
2. Reservations of coal and iron, including the terms and provisions thereof, reserved in deed from Northern Pacific Railway Company to J. Frank Watson, recorded July 17, 1905, in Book 48, Page 115, Umatilla County Deed Records.
3. Right of Way for Electric Transmission and Distributing Lines, including the terms and provision thereof, in favor of Umatilla Electric Cooperative Association, recorded September 6, 1949 in Book 190, Page 140, Umatilla County Deed Records.
4. Access Restrictions, including the terms and provisions thereof as conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded April 20, 1966, in Book 284, Page 221, Umatilla County Deed Records.

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Legal Description
File No. 34231



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Tract A:

Commencing at the Southeast corner of Section 25, Township 4 North, Range 27, East of the Willamette Meridian; thence North $72^{\circ}24'37''$ West a distance of 1085.54 feet to the point of beginning of this description, said point being the intersection of the North line of that tract of land described as Parcel No. 1 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Deed Recorded in Book 284, Page 221, Deed Records and the East line of the Meadow Valley County Road as described in Bargain and Sale Deed recorded in Book 228, Page 539, of the Umatilla County Deed Records; thence North $24^{\circ}34'30''$ East along the Easterly line of the said Meadow Valley County Road a distance of 978.94 feet to a point that is on the Westerly line of that tract of land described as Parcel No. 3 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Deed Recorded in Book 284, Page 221, Deed Records, said point being 50.00 feet North $88^{\circ}04'22''$ West from Engineer's center line Station "MV2" 6+08.90 P.O.C. as described in the said parcel No. 3; thence along the Westerly line of the said Parcel No. 3, a distance of 234.62 feet along the arc of a 1004.94 foot radius circular curve to the left (long chord of which bears South $04^{\circ}45'40''$ East a distance of 234.09 feet) to a point said point being South $78^{\circ}33'00''$ West, 50.00 feet from Engineer's Centerline Station "MB2" 8+31.82 P.C.S. as described in the said Parcel No. 3;

thence South $11^{\circ}35'41''$ East continuing along the Westerly line of the said Parcel No. 3, a distance of 247.76 feet to a point, said point being South $71^{\circ}21'00''$ West 70 feet from Engineer's Centerline Station "MV2" 10+71.82 P.T. as described in the said Parcel No. 3; thence South $18^{\circ}39'$ East continuing along the Westerly line of the said Parcel No. 3 a distance of 296.58 feet to a point, said point being South $71^{\circ}21'00''$ West 70.00 feet from Engineer's Centerline Station "MV2" 13+68.40 P.O.T., said point also being the North line of the said Parcel No. 1 and North $12^{\circ}53'06''$ East 501.72

feet from Engineer's Centerline Station "EB" 923+00 as described in the said Parcel No. 1; thence South $12^{\circ}53'06''$ West and along the Northwesterly line of the said Parcel No. 1 a distance of 101.72 feet a point that is North $12^{\circ}53'06''$ East, 400.00 feet of Engineer's Centerline Station "EB" 923.00 as described in said Parcel No. 1; thence South $79^{\circ}27'23''$ West and along the Northerly line of the said Parcel No. 1, a distance of 326.96 feet to a point that is North $12^{\circ}53'06''$ East 270.00 feet of Engineer's Centerline Station "EB" 920+00 as described in the said Parcel No. 1; thence North $83^{\circ}32'02''$ West and continue along the Northerly line of the said Parcel No. 1 a distance of 228.52 feet to the point of beginning of this description;

All being in the Southeast Quarter of Section 25, Township 4 North, Range 27, East of the Willamette Meridian, Umatilla County, Oregon;

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Tract B:

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Commencing at the Southeast corner of Section 25, Township 4 North, Range 27, East of the Willamette Meridian; thence North $75^{\circ}57'28''$ West a distance of 2467.14 feet to the point of beginning of this description, said point also being North $12^{\circ}53'06''$ East a distance of 205.00 feet from Engineer's centerline station "EB" 903+88.04 as described in Parcel No. 1 conveyed from Doris S. Bounds to the Oregon State Highway Commission by Deed recorded in Book 284, Page 221, Deed Records, said point also being on the North line of the said Parcel No. 1; thence North $00^{\circ}33'53''$ West and parallel to the East line of the said Section 25 a distance of 1668.06 feet to a point on the South line extended of that parcel described in Book 101, Page 307, Deed Records; thence North $89^{\circ}26'07''$ East and at right angles to the East line of the said Section 25 and also along the South line and South line extended of that tract of land conveyed to School District No. 8, as recorded in Book 101, Page 307, Umatilla County Deed Records a distance of 2205.72 feet to a point on the Westerly line of the Meadow Valley County Road as described in Bargain and Sale Deed recorded in Book 228, Page 539, Deed Records; thence South $24^{\circ}34'30''$ West along the Westerly line of the said Meadow Valley County Road a distance of 2147.50 feet to a point on the Northerly line of the said Parcel No. 1; thence North $83^{\circ}32'02''$ West along the Northerly line of the said Parcel No. 1 a distance of 110.87 feet to a point that is North $12^{\circ}53'06''$ East 225.00 feet of Engineers centerline Station "EB"916+00 as described in the said Parcel No. 1; thence North $79^{\circ}58'39''$ West and continuing along the Northerly line of the said Parcel No. 1, a distance of 400.50 feet to a point that is North $12^{\circ}53'06''$ East 205.00 feet of Engineer's centerline Station "EB"912+00 as described in the said Parcel No. 1; thence North $77^{\circ}06'54''$ West and continuing along the Northerly line of the said Parcel No. 1, a distance of 811.96 feet to the point of beginning of this description;

All being in the Southeast quarter of Section 25, Township 4 North, Range 27, East of the Willamette Meridian and within Umatilla County, Oregon.

Also all that portion of vacated Meadow Valley County Road, recorded August 9, 1991 in Reel 209, Page 391, Umatilla County Microfilm Records.

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Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Ohio)
)ss
County of Cuyahoga)

I, Dennis King, in my capacity as Senior Vice President, Corporate Development of TA Operating LLC, a Delaware limited liability company, mailing address 24601 Center Ridge Road, Westlake, OH 44145, telephone number (440) 808-9100, duly sworn depose and say that I consent to the proposed change(s) to Water Right Certificate Number 76617 described in a one (1) year 2024 Temporary Transfer Application (OWRD file number not yet assigned), submitted by Pollock & Son, Inc. on the property in tax lot number 500 in the SE ¼ of Section 25, Township 4 North, Range 27 East, W.M., located at the intersection of Westland Road and Stable Lane in Hermiston, Oregon.

TA Operating LLC

By: [Signature]
Signature of Affiant

Name: Dennis King Date 12/14/23
Title: Senior Vice President, Corporate Development

Subscribed and Sworn to before me this 14 day of December, 2023.

[Signature]
Notary Public for [Signature]

My commission expires 07/04/2028

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VIRGINIA L. JOSEPH
NOTARY PUBLIC • STATE OF OHIO
Comm. No. 2023-RE-885671
My Commission Expires July 4, 2028



STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

E. T. JOHNSON
ROUTE 1, BOX 1654
HERMISTON, OREGON 97838

confirms the right to use the waters of A WELL in the UMATILLA RIVER BASIN for IRRIGATION OF 25.0 ACRES.

This right was perfected under Permit G-4171. The date of priority is JUNE 3, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.26 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 25, T 4 N, R 27 E, W.M.; 450 FEET SOUTH AND 850 FEET WEST FROM THE E $\frac{1}{4}$ CORNER, SECTION 25.

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, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$	16.58 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.40 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.23 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.79 ACRES

SECTION 25

TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

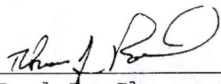
This certificate describes that portion of the water right confirmed by Certificate 44655, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 12 2000, approving Transfer Application 8066.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

WITNESS the signature of the Water Resources Director,

affixed SEP 12 2000.



Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76617.