

**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**

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**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](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:** Cert. # 27061 (partial)  
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** 2024 **End Year** 2028
- 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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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. *Attachment 01 and 02*
- 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. *Attachment 00*
- 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. *Attachment 01 and 02*
- 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°).



**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <i>Mou Abba's Acres LLC</i>		PHONE NO. <i>503-710-7579</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>14407 Whiskey Hill Rd</i>			FAX NO.
CITY <i>Hubbard</i>	STATE <i>OR</i>	ZIP <i>97032</i>	E-MAIL
<p><b>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.</b></p>			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
<p><b>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.</b></p>			

Explain in your own words what you propose to accomplish with this transfer application and why:  
*We want to "renew" a Temporary Transfer of a portion of Cert. # 27601 from Carl Rd NE to Robert Rd NE, Hubbard OR, continuing to use it for agricultural irrigation.*  
 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.**

<u><i>David Strubhar</i></u> Applicant (District) signature	<u><i>Delbert Strubhar (owner)</i></u> Print Name (and Title if applicable)	<u><i>Jan. 8, 2024</i></u> Date
_____	_____	_____
Applicant (District) 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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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 <i>Marion County</i>	ADDRESS <i>5515 Silverton Rd NE</i>	
CITY <i>Salem</i>	STATE <i>OR</i>	ZIP <i>97305</i>

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 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 # 27061

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**Description of Water Delivery System**

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System capacity: \_\_\_\_\_ cubic feet per second (cfs) OR  
700 gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 50hp high head pump 8" buried Mainline with risers for at least part. see Attachment 02.

**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 # 1-...)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
CARL POD	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5 S	1 W	2	SW SW	DLC J. Sanders	Estimated. See Attach. 02 1567' East and 1072' South of the SE Cor. J. Purvine DLC
FRANKIE POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 S	1 W	24	SE SW	DLC Miner #60	2244' East and 175' South of the SW corner of W. Harris DLC
	<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 # 27061**

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						
<b>EXAMPLE</b>																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
5	S	1	W	3	NE	SE	500 1200	Sanders	6.9	Irrigation	CARL	1954	POU	4	S	1	W	25	NW	NW	1300	09 acre	6.8	Irrigation	FRANKIE POD	1954
5	S	1	W	3	SW	SE	1700 1200	Sanders	19.7	Irrigation	CARL	1954	POU	4	S	1	W	26	NE	NE	1300	28.4	Irrigation	FRANKIE POD	1954	
5	S	1	W	10	NW	NE	1700 1200	Hi	8.6	Irrigation	CARL	1954	POD	4	S	1	W	24	SW	SW	1300	310		Irrigation	FRANKIE POD	1954
TOTAL ACRES											35.2	TOTAL ACRES											35.2			

Additional remarks:

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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:**

- 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](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.

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**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

## Klamath Basin/County Drought Transfer Applications

**Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)**

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application?     Yes     No\*

*\*Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION

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# 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 )  
 County of Marion ) ss

I, Delbert Strubhar, in my capacity as Affiant  
 mailing address 14407 Whiskey Hill Rd, Hubbard, OR 97032  
 telephone number (503) 710-7579, 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

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2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # \_\_\_\_\_; OR

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My knowledge is specific to the use of water at the following locations within the last five years:

Temporary Transfer Application  
 T-13160

Certificate #	Township			Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
19061	4	S	1	W	WM	25	NW NW	2	60	2
	4	S	1	W	WM	26	NE NE	1	DLC	35.2
	4	S	1	W	WM	24	SW SW	1	DLC	3

OR

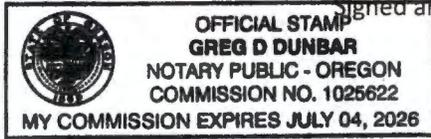
- Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence 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)

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

*Dave Stank*  
Signature of Affiant

Jan 9, 2024  
Date



Signed and sworn to (or affirmed) before me this 9 day of Jan, 2024.

*[Signature]*  
Notary Public for Oregon

My Commission Expires: July 4, 2026

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 <b>confirming</b> water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>● Power usage records for pumps associated with irrigation use</li> <li>● Fertilizer or seed bills related to irrigated crops</li> <li>● Farmers Co-op sales receipt</li> </ul>
<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"> <li>● District assessment records for water delivered</li> <li>● Crop reports submitted under a federal loan agreement</li> <li>● Beneficial use reports from district</li> <li>● IRS Farm Usage Deduction Report</li> <li>● Agricultural Stabilization Plan</li> <li>● CREP Report</li> </ul>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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T 13160 showing irrigation

8/2018



Google Earth

Image © 2023 Maxar, Earthstar

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PNW Veg Co. LLC dba Brooks  
Field Summary

	Start Date	End Date	Acres	Payable Weight	Dockage	%	Dollar Amount	Return/Acre	Ton/Acre	Lbs/Acre	HARVEST			9/30/23 Payment	12/20/2023 Payment	
											Balance Due	Seed Cost	OR Vegetable Commission Total			
TOTAL - ALL VENDORS			38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83	\$75,948.33	(\$12,844.00)	(\$127.42)	\$62,976.91	\$31,488.45	\$31,488.45
Country Sundry Farm, LLC																
200262 Org Green Beans			38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83						
1 ORG JOLIET, GR BEAN (QPB12794)	09/07/23	09/07/23	38.0	231,679	44,541	16.13%	\$75,948.33	\$1,998.64	3.05	6,096.83						
QBK29119	09/07/23			34,819	5,781	14.24%	\$11,807.36									
QBK29121	09/07/23			26,897	4,643	14.72%	\$8,974.63									
QBK29122	09/07/23			33,037	5,703	14.72%	\$11,023.37									
QBK29126	09/07/23			35,479	8,301	18.96%	\$11,516.61									
QBK29128	09/07/23			36,581	8,559	18.96%	\$11,874.37									
QBK29131	09/07/23			29,402	5,238	15.12%	\$9,406.55									
QBK29138	09/07/23			35,463	6,317	15.12%	\$11,345.44									

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**ADMINISTRATIVE OFFICE**  
 7746 St Paul Hwy, NE • St Paul, OR 97137  
 (503) 633-4561 • Fax (503) 678-2482

**RETAIL STORE - Downtown St. Paul**  
 20160 Main Street • St Paul, OR 97137  
 (503) 633-4281 • Fax (503) 633-4280

www.marionag.com

**Country Sundry Farms**  
 Delbert Strubhar  
 14407 Whiskey Hill Rd  
 Hubbard, OR 97032

**Invoice 18929**

Invoice Date 05/31/2023  
 Due Date 06/15/2023  
 Customer ID StruDe  
 Shipping Loc. Main  
 Ticket(s) 65899

**Comments:** Picked up 5/22

Quantity	Description	Unit Price	Total \$
10.000 Tons	Perfect Blend Organic 4-4-4 totes (PP) <i>Green Bean Fertilizer</i>	601.00 /Tons	6,010.00

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Terms: Finance Charge on past due invoices at 1.5% per month(18% annual percentage rate) - In the event of collection action, customer agrees to pay all collection costs and attorney fees, even if no court action is filed.

Sub Total 6,010.00  
**Amount Due 6,010.00**  
**\*\* PAID IN FULL \*\***



*AA card# 7638*

MM jp

**Country Sundry Farms**

**Invoice 14382 - 18929**

LIME - FERTILIZERS - CHEMICALS



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

June 25, 2019

MOU ABBAS ACRES LLC  
14407 WHISKEY HILL RD  
HUBBARD, OR 97032

REFERENCE: Temporary Transfer Application T-13160

Enclosed is a copy of the final order approving your TEMPORARY water right transfer application.

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2023 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at [Corey.A.Courchane@oregon.gov](mailto:Corey.A.Courchane@oregon.gov).

Sincerely,

Ashley N. Mosley  
Water Rights Services Support  
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)  
Marion County Planning Department

Enclosure

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Copy of prior  
authorization for  
temporary use.

14382 -





EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** PUDDING RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	2	SW SW

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	3	NE SE	2	6.9
5 S	1 W	WM	3	SW SE	4	19.7
5 S	1 W	WM	10	NW NE		8.6
Total						35.2

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 27061 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	2	SW SW	1072 FEET SOUTH AND 1567 FEET EAST FROM THE SE CORNER OF J PURVINE DLC 60

5. Temporary Transfer Application T-13160 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	25	NW NW	60	6.8
4 S	1 W	WM	26	NE NE	60	28.4
Total						35.2

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6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13160 proposes to move the authorized point of diversion approximately 8.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	24	SE SW	60	175 FEET SOUTH AND 2244 FEET EAST FROM THE SW CORNER OF W. HARRIS DLC

**Temporary Transfer Review Criteria**

7. Water has been used within the last five years according to the terms and conditions of the right. The water authorized for use under Certificate 27061 has been leased instream under IL-947 for the last 5 years. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13160 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

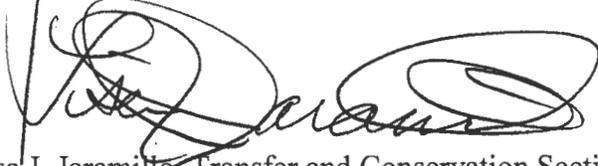
**Now, therefore, it is ORDERED:**

1. The temporary changes in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13160 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2019, 2020, 2021, 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 27061 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 27061.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

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8. The use of the remaining water right described by Certificate 27061 shall continue to be in accordance with the terms and conditions of Certificate 27061.

Dated at Salem, Oregon this JUN 25 2019,



Lisa J. Jaramilla, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: JUN 26 2019

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STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MANTON A. CARL

of Route 1, Hubbard, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pudding Riv. a tributary of Willamette River for the purpose of irrigation of 80.3 acres,

under Permit No. 22913 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 22, 1954,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.00 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 5 South, Range 1 West, W.M.

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

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.8 acre Lot 5 (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )  
14.4 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 2  
6.9 acres Lot 2 (NE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
19.7 acres Lot 4 (SW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
18.7 acres Lot 3 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ )  
Section 3  
10.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
8.6 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 10  
1.0 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11  
Township 5 South, Range 1 West, W.M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. MAY 27 1960

LEWIS A. STANLEY  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 18, page 27061  
27061

14382 -

# 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

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State of Oregon )  
County of Marion )ss

I Theodora Schrier in my/our capacity as Manton A. Carl, LLC, Member  
mailing address PO Box 149 Hubbard, OR 97032

telephone number (503) 407-2727, duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number 27061

described in a Water Right Transfer Application (T-          ),  
(transfer number, if known)

submitted by Mou Abbas Acres LLC

on the property in tax lot number(s) 500, 1200, 1700

Section 3 & 10 Township 5 North/South Range 1 East/West W.M.

located at 13324 Carl Rd NE, Hubbard, OR 97032  
(site address)

Manton A. Carl, LLC  
By: Theodora Schrier, Member  
Signature of Affiant

January 4, 2024  
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 11<sup>th</sup> day of January, 2024.



Teri Lynn Massey  
Notary Public for Oregon

My commission expires 03/15/2025

# Land Use Information Form



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

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## NOTE TO APPLICANTS

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In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form



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

Applicant: Mon Abb's Acres LLC  
First Last

Mailing Address: 14407 Whiskey Hill Rd  
Hubbard OR 97032 Daytime Phone: 503-710-7579  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
45	1W	26 25	NE NE NW NW	1300	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

MARION COUNTY

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## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

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- Permit to Use or Store Water   
  Water Right Transfer   
  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) Pudding River

Estimated quantity of water needed: .44  cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

Irrigation of 35.2 acres to Grow Certified Organic Crops at 19580 Fobert Rd NE Hubbard OR

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: LISA MILLIMAN Title: ASSOCIATE PLANNER  
 Signature: *Lisa Milliman* Phone: 503-588-5338 Date: 3/28/19  
 Government Entity: MARION COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That

Manton A. Carl and Frances Irene Carl, as Trustees of the Manton A. Carl Trust, Manton A. Carl, Trustor, dated February 9th, 1993; and  
Manton A. Carl and Frances Irene Carl, as Trustees of the Frances Irene Carl Trust, Frances Irene Carl, Trustor, dated February 9th, 1993;

Convey to

Manton A. Carl Limited Liability Company (LLC) the real property situated in Marion County, Oregon consisting of 10 tracts as described in attached Exhibit "A".

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(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1,000

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 28 day of December, 1999; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

Manton A. Carl  
Frances Irene Carl

STATE OF OREGON, County of MARION ss.  
This instrument was acknowledged before me on December 28, 1999,  
by Manton A. Carl & Irene Carl  
This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_



Paula L. Frost  
Notary Public for Oregon  
My commission expires 6-20-97

Manton A. Carl and Frances Irene Carl  
Trustees 13324 Carl Rd. N.E.  
Hubbard, Oregon 97032  
Grantor's Name and Address  
Manton A. Carl LLC  
13324 Carl Rd. N.E.  
Hubbard, Oregon 97032  
Grantee's Name and Address  
After recording return to (Name, Address, Zip):  
Manton A. Carl LLC  
13324 Carl Rd. N.E.  
Hubbard, Oregon 97032  
Until requested otherwise send all tax statements to (Name, Address, Zip):  
Manton A. Carl LLC  
13324 Carl Rd. N.E.  
Hubbard, Oregon 97032

STATE OF OREGON, } ss.  
County of \_\_\_\_\_ }  
I certify that the within instru-  
ment was received for record on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded  
in book/rec./volume No. \_\_\_\_\_ on  
page \_\_\_\_\_ or as fee/file/instru-  
ment/microfilm/reception No. \_\_\_\_\_,  
Record of Deeds of said County.  
Witness my hand and seal of  
County affixed.  
NAME TITLE  
By \_\_\_\_\_ Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

EXHIBIT "A"

Tax Lot 500

TRACT NO. 1: Beginning at the Southeast corner of the Donation Land Claim of John Purvine and wife in Township 5 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, and running thence North 20 chains; thence East 10 chains; thence South 14 chains to an iron pipe from which a cedar tree 15 inches in diameter bears South 58 45' East 36 links distant and an ash tree 12 inches in diameter bears South 11 55' East 61 1/4 links distant; thence South 45 East 35.50 chains to an iron pipe on the left bank of Pudding River; thence following up stream along the meanders of said river to the Southeast corner of land owned by Effie W. Moon; thence North 38 15' West 7.50 chains; thence North 45 30' East 8.68 chains; thence East 2.75 chains; thence North 13.75 chains to the south line of the John Purvine Claim; thence East 11.50 chains to the place of beginning.

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Tax Lot 1247

TRACT NO. 2: Beginning at an iron pipe 15.60 chains North 0 45' East and 10.00 chains East of the Southwest corner of the Donation Land Claim of A. R. Dimick and wife in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, State of Oregon; thence South 0 45' West 34.00 chains to an iron pipe; from which a cedar tree 15 inches in diameter bears South 58 45' East 36 links distant and an ash 12 inches in diameter bears South 11 55' East and 61 1/4 links distant; thence South 45 East 35.50 chains to an iron pipe on the left bank of Pudding River; thence following down stream along the meanders of said river to the Southwest corner of L. A. Braden's land, on the left bank of said Pudding River; thence South 37 30' West 85 links, more or less, to an iron pipe, from which an oak tree 9 inches in diameter bears North 37 30' East 28 1/2 links distant and a fir tree 10 inches in diameter bears South 65 East 47 links distant; thence North 45 West 38.0555 chains to an iron pipe; thence North 13.185 chains to an iron pipe; thence West 13.56 chains to the place of beginning; save and except therefrom a strip of land 20 feet in width off of the entire length of the North boundary, reserved for road purposes. Also save and except therefrom a strip of land 20 feet in width beginning at the Northwest corner of the above described Tract No. 2, thence South 0 45' West 34.00 chains, reserved for road purposes.

111

SAVE AND EXCEPT that parcel of property described as:

Beginning at an iron pipe in the center of County Road No. 531 which is North 20.00 chains and East 10.00 chains from the Southeast corner of the John Purvine Donation Land Claim No. 60 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 0 45' West along the center of said county road 440.00 feet to an iron pipe; thence East 440.00 feet; thence North 0 45' East parallel to the center line of said county road 440.00 feet; thence West 440.00 feet to the point of beginning.

SAVE AND EXCEPT a strip of land 20 feet in width off the West boundary line for roadway purposes.

TRACT NO. 3: Beginning at the southeast corner of the Donation Land Claim of John M. Purvine and wife, it being Claim No. 60, lying in Sections 3 and 4, Township 5 South, Range 1 West of the Willamette Meridian; running thence west 15 chains; thence North 20 chains; thence East 15 chains; thence South 20 chains to the place of beginning, and being the Eastern portion of land purchased by Fred Zurlinden from William Fleetwood by deed recorded in Vol. 108, Page 243 Deed Records, situated in the County of Marion, State of Oregon.

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Page 1

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EXHIBIT "A"

TRACT NO. 4: Beginning at a point 20 chains North and 10 chains West of the Southeast corner of the Donation Land Claim of John Purvine and wife in Township 5 south Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being the Southeast corner of W. Wolfer's land, and running thence North 0 45' East 20 chains to the Southeast corner of land owned by Robt. France: thence East 20 chains to an iron pipe; thence South 0 45' West 20 chains; thence West 20 chains to the place of beginning; save and except therefrom 20 feet along the entire East and North sides reserved for road.

HD Bader

TRACT NO. 5: Beginning at a point 11.50 chains west of the South east corner of the Donation Land Claim of John Purvine and wife, which is known in the surveys of the United States as Not. No. 1075, Claim No. 60, Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, from which a dogwood tree 5 inches in diameter bears south 59.1/2 degree east 10 links; thence Magnetic variation 21 east, West 7.625 chains to a stake; thence South 13.75 chains to a stake; thence West 3.62 chains to a stake; thence South 4 West 9.80 chains to a stake from which a cedar 36 inches in diameter bears north 53 East 52 links; thence South 45 East 9.30 chains to the west bank of --- River; thence North 12, 1/2 East down Pudding River 5 chains; thence North 38 1/4 West 7.50 chains; thence North 45 1/2 East 8.68 chains; thence East 2.75 chains; thence North 13.75 chains to the place of beginning, being situated in Sections 3 and 10 in Township 5 south, Range 1 West of the Willamette Meridian.

18 Cooper

tract # 6 Beginning at an iron pipe in the center of County Road No. 531 which is North 20.00 chains and East 10.00 chains from the Southeast corner of the John Purvine Donation Land Claim No. 60 in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 0°45' West along the center of said county road 440.00 feet to an iron pipe; thence East 440.00 feet; thence North 0°45' East parallel to the center line of said county road 440.00 feet; thence West 440.00 feet to the point of beginning. SAVE AND EXCEPT a strip of land 20 feet in width off the West boundary line for roadway purposes.

H.H.P.

Tract No 7 Beginning at a point in the South line of the Donation Land Claim of John M. Purvine and wife, being claim no. 60 in Section 3, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; 15.00 chains West from the Southeast corner of said claim; thence West along the South line of said Claim 7.51 chains; thence North 18' West 19.96 chains to the North line of the tract of land conveyed to Robert Zurlinden by deed dated June 18, 1931 and recorded October 20, 1936 in Volume 226, Page 341, Deed Records; thence North 89°56' East along the North line of said tract 7.51 chains to an iron rod at the Northwest corner of the tract of land conveyed to John Zurlinden by deed dated June 18, 1931 and recorded November 24, 1936 in Volume 227, Page 323, Deed Records; thence South 18' East along the West line of said tract 19.97 chains to the point of beginning.

EXCEPT: Rights of the public in streets, roads and highways; and Easement to Portland General Electric Company, recorded January 19, 1956 in Volume 484, Page 98, Deed Records for Marion County, Oregon.

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## EXHIBIT "A"

*Tract No. 8:*

The East one-half of the Northeast quarter of the Donation Land Claim of John Purvine Claim No. 60 and Notification No. 1075 in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

SAVE AND EXCEPT 20 acres conveyed to L. C. Dayton by deed dated April 8, 1870, and recorded in Book 12 of Deeds, Page 72, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT 10 acres, more or less, conveyed to Minnie Spagle by deed dated February 19, 1902 in Volume 79 Page 38, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT 12 acres, more or less, conveyed to Emma Barrett by deed dated May 19, 1903, in Volume 82 Page 484 Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by Wm. Wolfer et ux to Edna Hershberger by deed recorded September 28, 1916, in Volume 140 Page 604, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by William Wolfer et ux to Fred Wolfer by deed recorded September 28, 1916, in Volume 140 Page 605, Deed Records of Marion County, Oregon.

SAVE AND EXCEPT land conveyed by William Wolfer et ux to Malinda Barrett by deed recorded September 28, 1916, in Volume 140 Page 606, Deed Records of Marion County, Oregon.

Together with a right-of-way in common with the owners of the West one-half of the above-described real property 30 feet in width along the North boundary line connecting the herein conveyed real property with a county road along the West one-half of the above-described real property.

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## EXHIBIT "A"

TRACT 9: Beginning at a point 30 rods East of the Southeast corner of the Ewing Purvine D. L. C. designated on the United States plat as Not. No. 1076, running thence East 86.56 rods to the West line of County Road; thence North 4' West 82.58 rods; thence West along South line of County Road 86.32 rods; thence South 5' West 83.28 rods to the place of beginning situate in the County of Marion and State of Oregon, and being part of the D. L. C. of John J. Conley and wife, designated as Claim No. 54, in Township 4 South, Range 1 West and Claim No. 39 in Township 5 South, Range 1 West, Marion County, Oregon.

SAVE AND EXCEPT that parcel conveyed to Norman Allphin and Marie L. Allphin, husband and wife, by instrument dated June 26, 1959 and recorded March 10, 1969 in Volume 661, Page 161 of Marion County, Oregon deed records. (Fee No. 856588.)

TRACT 10: Beginning at an iron bar in the North line of the John Purvine D. L. C. at a point 10 chains West from the Northeast corner of said claim; and running thence South 36' West 20 chains to an iron pipe; thence South 89°50' West along the South line of the Northeast quarter of said Donation Land Claim 18 chains; thence North 0°36' East 20 chains to the North line of said John Purvine Donation land Claim; thence North 89°45' East along the North line of said John Purvine Donation Land Claim 18 chains to the place of beginning and being a part of the John Purvine D. L. C. No. 60 in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

## SUBJECT TO:

1. As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
2. Rights of the public in streets, roads, and highways.
3. An easement, including the terms and provisions thereof, to Portland General Electric Company, a corporation of Oregon, dated January 6, 1956, recorded January 19, 1956, in Volume 484, Page 98, Deed Records for Marion County, Oregon.

RECEIVED

JAN 12 2024

OWRD

**REEL:1213**

**PAGE: 186**

**December 29, 1994 , 01:35P**

CONTROL #: 1213186

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$55.00

ALAN H DAVIDSON  
COUNTY CLERK

RECEIVED  
JAN 12 2024

OWRD