

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed 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 new 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 Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 35901**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)  
**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- 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 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), 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 3 of 5 – Fee Worksheet**

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
3	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed _____ (4a)  Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter »	4	\$0
5	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,360
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » <b>Transfer Fee:</b>	8	<b>\$1,360</b>

\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
  - a. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter »	2	
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	N/A

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# Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>Maley Road Hazelnuts LLC</b>		PHONE NO. <b>503-975-3956</b>	ADDITIONAL CONTACT NO. -
ADDRESS <b>3911 SE Maley Road</b>			FAX NO. -
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL <b>dgodard@msn.com</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.			

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

AGENT/BUSINESS NAME <b>Ted Ressler, RG, CWRE / Summit Water Resources, LLC</b>		PHONE NO. <b>503-701-4535</b>	ADDITIONAL CONTACT NO. -
ADDRESS <b>4784 SE 17<sup>th</sup> Avenue Suite 111</b>			FAX NO. -
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97202</b>	E-MAIL <b>tressler@summitwr.com</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.			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The applicant (Maley Road Hazelnuts LLC) is submitting an application for a permanent water right transfer to add an additional point of diversion (POD) to the portion of Certificate 35901 owned by the applicant (tax lot 700) to more efficiently use the authorized capacity of Certificate 35901 for irrigation.**  
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

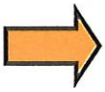
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Corvallis Gazette-Times.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



Don Godard  
Applicant signature

Don Godard, agent - Maley Road Hazelnuts, LLC  
Print Name (and Title if applicable)

12/11/24  
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\* The applicant owns the portion of Certificate 35901 associated with this transfer application (tax lot 700)

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

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

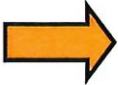
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Benton County</b>	ADDRESS <b>4500 SW Research Way</b>	
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 additional rows to tables within the form.

CERTIFICATE # 35901

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**Description of Water Delivery System**

System capacity: 1 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 applicant uses water from either the slough (POD 7, Unnamed Slough [West Fork Booneville Channel]) or river (POD 2, Middle Channel Willamette River) for irrigation use. The pump system used to divert water includes a 15 horsepower pump to divert and transmit water to the authorized place of use (POU) for irrigation.

**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?	Well Log ID#	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 8	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	12	S	5	W	23	SE	SE	GL5	55 feet north and 1,075 feet west from the SE corner of Section 23
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	12	S	5	W	23	NE	NE	GL 12	1,830 feet north and 2,080 feet east from center quarter corner of Section 26
POD 7	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	12	S	5	W	23	NE	SW	DLC 57	4,430 feet north and 50 feet west from center quarter corner of Section 26

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

- |  |   |
|--|---|
| <input type="checkbox"/> Place of Use (POU)                              | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE)                          | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Point of Diversion (POD)                        | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW)   | <input type="checkbox"/> Government Action POD (GOV)              |

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

- Yes Complete only the Proposed ("to" or "on" 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 Changes to Water Right Certificate # 35901**

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
12	S	5	W	23	SW	NE	700	DLC 57	2.0	Irrigation	POD 7, POD 2	4/20/1961	APOD	12	S	5	W	23	SW	NE	700	DLC 57	2.0	Irrigation	POD6, POD 8, POD 2	4/20/1961
12	S	5	W	23	NE	SW	700	DLC 57	1.2		POD 7, POD 2	12		S	5	W	23	NE	SW	700	DLC 57	1.2	POD 7, POD 8, POD 2			
12	S	5	W	23	SE	SW	700	DLC 57	4.4		POD 7, POD 2	12		S	5	W	23	SE	SW	700	DLC 57	4.4	POD 7, POD 8, POD 2			
12	S	5	W	23	SE	SW	700	DLC 57	4.4		POD 2	12		S	5	W	23	SE	SW	700	DLC 57	4.4	POD 8, POD 2			
12	S	5	W	23	NW	SE	700	DLC 57	35.2		POD 7, POD 2	12		S	5	W	23	NW	SE	700	DLC 57	35.2	POD 7, POD 8, POD 2			
12	S	5	W	23	NW	SE	700	GL 6	1.2		POD 7, POD 2	12		S	5	W	23	NW	SE	700	GL 6	1.2	POD 7, POD 8, POD 2			
12	S	5	W	23	SW	SE	700	DLC 57	13.2		POD 7, POD 2	12		S	5	W	23	SW	SE	700	DLC 57	36.9	POD 7, POD 8, POD 2			
12	S	5	W	23	SW	SE	700	DLC 57	10.2		POD 7, POD 2	12		S	5	W	23	SW	SE	700	DLC 57	10.2	POD 7, POD 8, POD 2			
12	S	5	W	23	SW	SE	700	DLC 57	13.5		POD 2	12		S	5	W	23	SW	SE	700	DLC 57	13.5	POD 8, POD 2			
12	S	5	W	23	SW	SE	700	GL 5	1.7		POD 7, POD 2	12		S	5	W	23	SW	SE	700	GL 5	2.6	POD 7, POD 8, POD 2			
12	S	5	W	23	SW	SE	700	GL 5	0.9		POD 2	12		S	5	W	23	SW	SE	700	GL 5	0.9	POD 8, POD 2			
12	S	5	W	23	SE	SE	700	GL 5	2.1		POD 7, POD 2	12		S	5	W	23	SE	SE	700	GL 5	5.2	POD 7, POD 8, POD 2			
12	S	5	W	23	SE	SE	700	GL 5	3.1		POD 2	12		S	5	W	23	SE	SE	700	GL 5	3.1	POD 8, POD 2			
TOTAL ACRES:						93.1					TOTAL ACRES:						93.1									

Additional remarks: The table above only includes information associated with the portion of the water right involved in the transfer (i.e., the portion of authorized place of use located on tax lot 700).

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The rate of use associated with portion of the water right involved in the transfer is 0.991 cfs for irrigation of 93.1 acres, being 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2) for irrigation of 21.9 acres.

It is the applicant's expectation that the changes proposed by the transfer will allow the following diversions of water: 0.609 cfs from the Slough (POD 7) when available with deficiency from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 57.2 acres, 0.149 cfs from the Slough (POD 7) and Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 14 acres, and 0.233 cfs from the Middle Channel Willamette River (POD 2 and POD 8) for irrigation of 21.9 acres.

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**For Place of Use or Character 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: NA.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;

Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

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

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

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# Attachments

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Attachment 1	Map
Attachment 2	Water Right
Attachment 3	Evidence of Use Affidavit
Attachment 4	Land Use Information Form
Attachment 5	Property Deed
Attachment 5	Fee

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**Attachment 1**  
**Map**

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**Attachment 2**  
**Water Right**

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STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is To Certify, That C. E. JONES

of Route 3, Box 526, Corvallis, 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 Willamette River and unnamed slough a tributary of Columbia River for the purpose of irrigation of 450.1 acres and supplemental irrigation of 34.4 acres under Permit No. 27350 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 April 20, 1961

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 5.16 cubic feet per second; being 2.66 c.f.s. from Willamette River and 2.5 c.f.s. from unnamed slough, water to be diverted from unnamed slough when available and any deficiency in the available supply in unnamed slough is to be made up by diversion from Willamette River, providing that the total quantity diverted from both sources shall not exceed 5.16 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, both as projected within Gage DLC 57, Section 23; Lot 12 (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>), SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, as projected within Norris DLC 58, Lot 7 (SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>), Lot 3 (NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>), Section 26; SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, as projected within Baker DLC 59, Section 36, T. 12 S., R. 5 W., W. M. Diversion points located below:  
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

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:

Primary Irrigation

Slough	Slough & River	River	
2.0 acres			SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
1.2 acres			NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
	2.4 acres		SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
9.4 acres	9.0 acres	4.4 acres	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
1.2 acres			Lot 6 (NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> )
35.2 acres			NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
13.2 acres	10.2 acres	13.5 acres	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
	1.7 acres	0.9 acre	Lot 5 (SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> )
	2.1 acres	3.1 acres	Lot 5 (SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> )
		Section 23	
		16.0 acres	Lot 12 (NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> )
		2.4 acres	Lot 12 (NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> )
	15.6 acres	22.0 acres	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
	3.4 acres	3.0 acres	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
	3.7 acres	24.4 acres	Lot 10 (SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> )
		6.0 acres	Lot 11 (SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> )
	34.7 acres	5.3 acres	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> as projected within Gage DLC 57
		Section 26	

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Primary Irrigation

Slough	Slough & River	River	
	20.5 acres		NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57
	3.0 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57
	7.7 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58
	2.3 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Norris DLC 58
	6.6 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Gage DLC 57
	27.8 acres	2.9 acres	Lot 14 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ )
	22.7 acres	0.7 acre	Lot 6 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ )
2.3 acres	14.0 acres		Lot 7 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )
	8.7 acres	26.6 acres	Lot 5 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )
2.4 acres	4.4 acres	20.4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		18.9 acres	Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )
			Section 26
		4.6 acres	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )
2.8 acres		2.9 acres	Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ )
1.9 acres			Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )
			Section 35
			T. 12 S., R. 5 W., W. M.

Supplemental Irrigation

7.2 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Baker DLC 59
19.8 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	as projected within Baker DLC 59
0.5 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$	as projected within Baker DLC 59
		Section 35
6.4 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	as projected within Baker DLC 59
0.3 acre	Lot 12	(SW $\frac{1}{4}$ NW $\frac{1}{4}$ )
0.1 acre	Lot 11	(NW $\frac{1}{4}$ SW $\frac{1}{4}$ )
0.1 acre	NW $\frac{1}{4}$ SW $\frac{1}{4}$	as projected within Baker DLC 59
		Section 36
		T. 12 S., R. 5 W., W. M.

Diversion points located: Slough - 2550 feet South and 550 feet West; 540 feet North and 1590 feet West; 2670 feet North and 1740 feet West; 4340 feet North and 50 feet West; River - 1170 feet South and 1360 feet East; 1830 feet North and 2080 feet East; all from Center, Section 26; River - 1210 feet South and 4950 feet East from the NW Corner, Baker DLC 59.

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This certificate is issued to correct and supersede the certificate of water right issued to C. E. Jones and recorded at page 35290, Volume 27, State Record of Water Right Certificates, so as to correctly show the location of point of diversion.

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

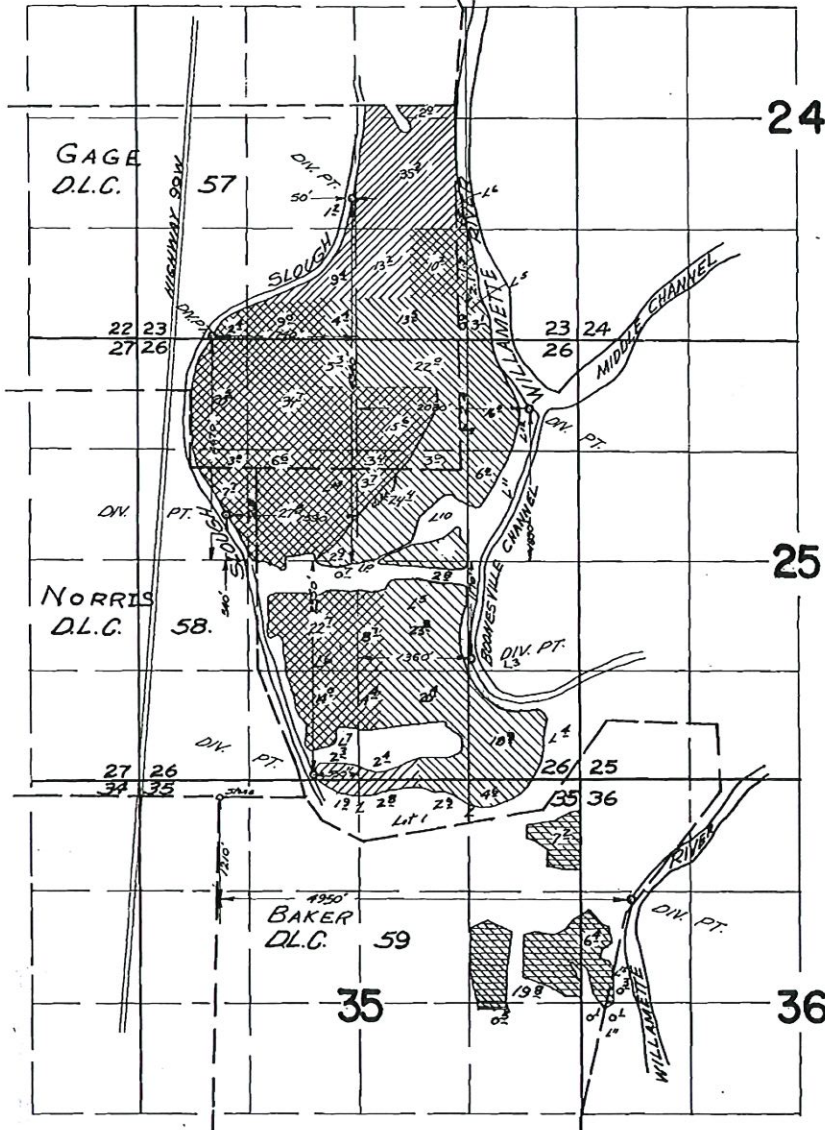
WITNESS the signature of the State Engineer, affixed

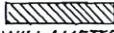
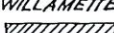
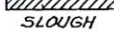

this 18 day of April, 1969.

CHRIS L. WHEELER

State Engineer

T.12 S. R.5 W. W.M.



-  WILLAMETTE
-  SLOUGH
-  Yamelle supplemental to slough
-  Yamelle supplemental to Well

**FINAL PROOF SURVEY**  
UNDER

Application No. 34839 Permit No. 27350

IN NAME OF  
**C. E. JONES**

Surveyed April 27, 1966 by K. Garner

DKI-SP-52  
1966-A

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**Attachment 3**  
**Evidence of Use Affidavit**

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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 )  
 ) ss  
County of BENTON)

I, DANIEL JACKSON GODARD, in my capacity as OWNER (MALEY ROAD HAZELNUTS, LLC) OF TAX LOT 700 (PORTION OF CERTIFICATE 35901),

mailing address 3911 SE MALEY ROAD CORVALLIS, OR 97333

telephone number (503)975-3956, being first duly sworn depose and say:

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

- Personal observation                       Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
95301	12	S	5	W	WM	23	SW	NE	DLC 57	2.0
95301	12	S	5	W	WM	23	NW	SE	DLC 57 / GL 6	36.4
95301	12	S	5	W	WM	23	SW	SE	DLC 57 / GL 5	39.5
95301	12	S	5	W	WM	23	SE	SE	GL 5	5.2
95301	12	S	5	W	WM	23	NE	SW	DLC 57	1.2
95301	12	S	5	W	WM	23	SE	SW	DLC 57	8.8
<b>TOTAL</b>										<b>93.1</b>

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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(continues on reverse side)

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

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.

[Signature]  
Signature of Affiant

11/26/2024  
Date

Signed and sworn to (or affirmed) before me this 26<sup>th</sup> day of November, 2024.



[Signature]

Notary Public for Oregon

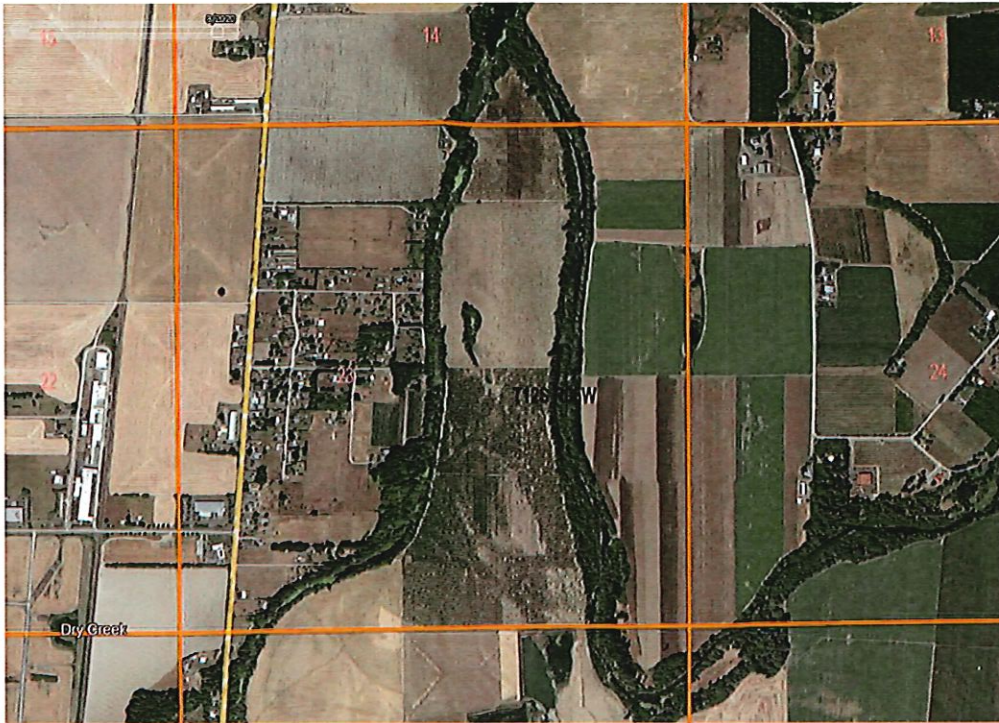
My Commission Expires: 10-12-2026

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 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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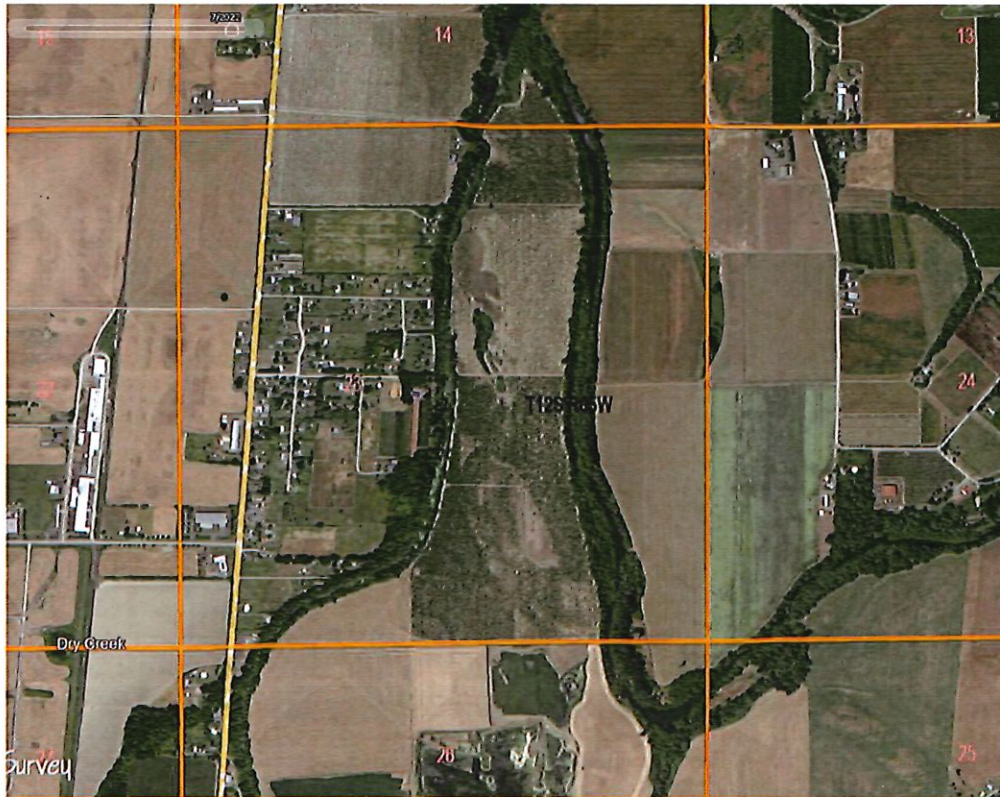
Google Earth Satellite Imagery – August 2020



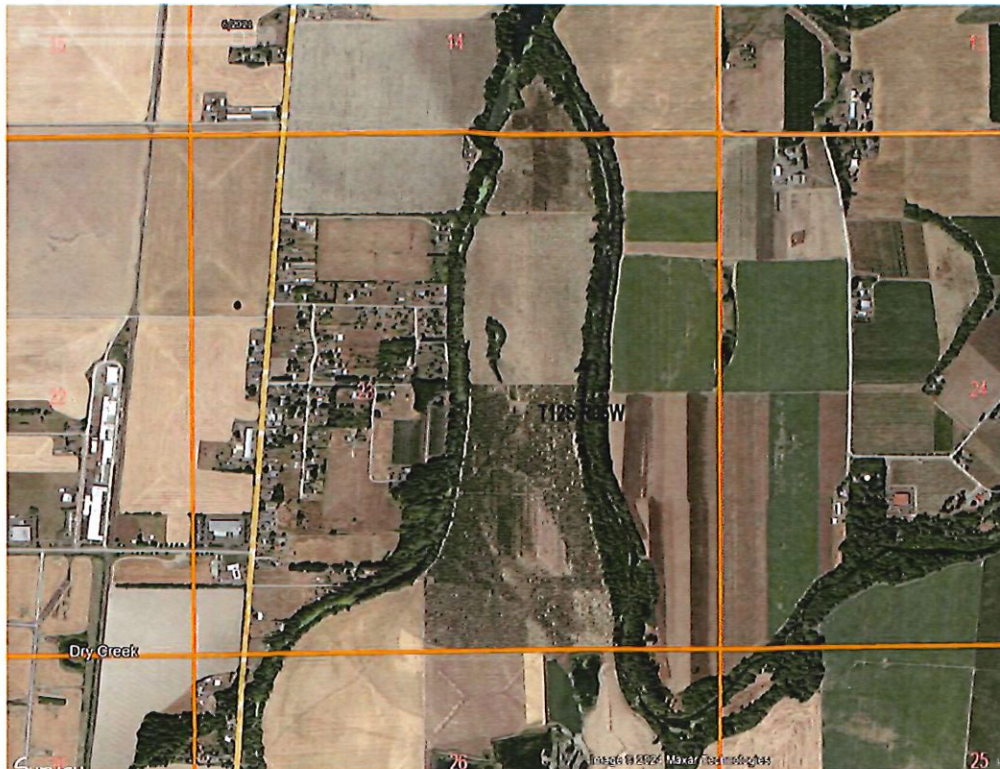
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Google Earth Satellite Imagery - July 2022



Google Earth Satellite Imagery - June 2021



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**Attachment 4**  
**Land Use Information Form**

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# Land Use Information Form

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

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

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# Land Use Information Form

OWRD



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

NAME Don Godard			PHONE 503-975-3956		
MAILING ADDRESS 3911 SE Maley Road					
CITY Corvallis		STATE OR	ZIP 97333	EMAIL <a href="mailto:dgodard@msn.com">dgodard@msn.com</a>	

## 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.

POD	Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
Proposed POD	12S	5W	23	SESE	700	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
							<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:

Benton County

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

Source of water:   
 Reservoir/Pond   
 Ground Water   
 Surface Water (name) Middle Channel Willamette River

Estimated quantity of water needed: 0   
 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:

The applicant is submitting an application for a permanent water right transfer to add an additional point of diversion (POD) to the portion of the existing Certificate 35901 associated with the applicant's property (tax lot 700) to more efficiently use the authorized capacity of Certificate 35901 for irrigation. No additional use of water is associated with this transfer beyond the current authorized capacity of Certificate 35901.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

## 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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Agricultural Use in Exclusive Farm Use Zone (irrigation), Benton County Code Chapter 55
- Land uses to be served by the proposed water use(s), 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"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued

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

Name: Webster Slater Title: Assistant Planner  
 Signature:  Date: 12-02-2024  
 Governmental Entity: Benton County Community Development Phone: 541-766-6819

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

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**Attachment 5**  
**Property Deed**

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RECORDING REQUESTED BY:

GRANTOR:  
MALEY ROAD HAZELNUTS, LLC

GRANTEE:  
Maley Road Hazelnuts LLC  
3391 SE Maley Road  
Corvallis, OR 97333

SEND TAX STATEMENTS TO:  
Maley Road Hazelnuts LLC  
10600 NW Walters Ln  
PORTLAND OR 97229

AFTER RECORDING RETURN TO:  
Maley Road Hazelnuts LLC  
10600 NW Walters Ln  
PORTLAND OR 97229

BENTON COUNTY, OREGON 2015-538974  
DE-85  
CR-1 31-42 COUNTER: 12/04/2015 08:50:10 AM  
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 578.00



JAMES V. MINNES, County Clerk for Benton  
County, Oregon, hereby certifies that this instrument  
has been recorded in the office  
of the County Clerk.  
JAMES V. MINNES - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

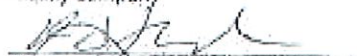
Maley Road Hazelnuts LLC, an Oregon limited liability company, Grantor, conveys to Maley Road Hazelnuts LLC, an Oregon limited liability company, Grantee, the following described real property, situated in the County of Benton, State of Oregon,

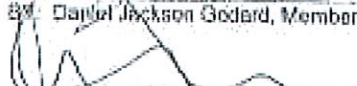
SEE ATTACHED LEGAL DESCRIPTION

The true consideration for this conveyance is \$0.00 lot line adjustment deed. (See ORS 93.030)  
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 82.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.030, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Date: 11/27/15

Maley Road Hazelnuts LLC, an Oregon limited liability company

By:   
Daniel Jackson Godard, Member

By:   
Michelle McGettigan, Member

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DEC 24 2024

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471815038293-TTMIDWIL10  
Deed (Bargain and Sale - Statutory Form)

*[Handwritten Signature]*

BY: Ryan Arthur Mackey-Demaray, aka Ryan A. Mackey-Demaray, Member

*[Handwritten Signature]*  
BY: Lindsay Yales-Demaray, aka Lindsay Y. (Godard) Demaray, Member

*[Handwritten Signature]*  
BY: Wesley Beach Godard, aka Wesley B. Godard, Member

*[Handwritten Signature]*  
BY: Cherce Filton-Godard, Member

State of OREGON  
COUNTY of Benton

270

This instrument was acknowledged before me on November 20, 2015, by Daniel Jackson Godard, Michelle McGelligan, Ryan Arthur Mackey-Demaray, Lindsay Yales-Demaray, aka Lindsay Y. (Godard) Demaray, Wesley Beach Godard, aka Wesley B. Godard, Cherce Filton-Godard, all as Member(s) of Moley Road Hazelnuts LLC, an Oregon limited liability company

*[Handwritten Signature]*  
Notary Public, State of Oregon  
My commission expires *7/22/2019*



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RESULTANT PROPERTY  
(MALEY ROAD HAZELNUTS LLC)

Parcel One Partition Plat 2010-06, Benton County Partition Plat Records, Benton  
County, Oregon

AND ALSO

Beginning at the Northeast Corner of the Samuel Gage Donation Land Claim  
Number 57 in Section 23, Township 12 South, Range 5 West, Willamette Meridian,  
Benton County, Oregon; thence N 89°38'45" W, along the North line of said Donation  
Land Claim Number 57, a distance of 1358.68 feet to ¼ inch iron pipe; thence  
continuing along said North line, N 89°37'27"W, a distance of 365.34 feet to a 1 inch  
shaft on the Easterly right of way line of Southeast Zedwick Street; thence N 4°29'30" E,  
along said Easterly right of way line, 40.10 feet to a 5/8 inch iron rod on the Southerly  
line of the property described in the deed recorded as 2012-486830, Benton County Deed  
Records; thence S 89°37'27" E, along said Southerly line, a distance of 337.61 feet to the  
Southeast corner of said property described in the deed recorded as 2012-486830, Benton  
County Deed Records; thence N 13°44' E 150.48 feet along the Easterly line of said  
property described in the deed recorded as 2012-486830; thence N 1°03'W 242.00 feet to  
the Northeast corner of said property described in the deed recorded as 2012-486830,  
Benton County Deed Records; thence S 89°20' E, along the Southerly line of the  
property described in the deed recorded, Benton County Deed Records as 2011-485316,  
Benton County Deed Records, a distance of 20 feet, more or less, to the left bank of a  
slough; thence Northerly, along said left bank of a slough to a point on the Easterly  
extension of the North line of the tract described in deed recorded in Book 189, Page 346,  
Benton County Deed Records; thence S 88°35'E, along said extension, 40 feet, more or  
less, to the centerline of a slough; thence Northerly, downstream along said centerline of  
a slough to a point on the North line of the property described as Parcel I in the deed  
recorded as M-65142-85, Benton County Microfilm Records; thence S 89°56'30"E,  
along said North line of the property described as Parcel I in the deed recorded as M-  
65142-85, a distance of 1300 feet, more or less, to the left bank of the Willamette River;  
thence Southerly, upstream, along said left bank, to the point of beginning.

The above description shall be considered a single approximately 155.98 acre  
property, no part of which may be conveyed independently except through a land use  
action approved by Benton County.

This property is shown as Property 2 in Benton County Survey # 10,0745

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**Attachment 6**  
**Fee**

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