

Temporary

T-14312

Name Mark GaublerAddress PO Box 808Carlton Oregon 97111
markgaubler@gmail.comChange in 927Date Filed 8/21/2023Initial notice date 8/29/2023

DPD issued date

PD issued date

PD notice date

Date of FO 3/27/2024 Vol 129 Page 1006-1009

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream reservoir, wellTrib. of ash Swale, John Creek basinUse SI County Polk

Quantity of water (CFS) No. of Acres

Name of ditch

App# G12513 Per # G11893 Cert # 93200 PR DateApp# S81530 Per # S541055 Cert # 87117 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
8-21-23	\$1,436.58	141437

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Will McGill willmcgill.surveying@gmail.com

CWRE

CC's list Polk County☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

March 27, 2024

Mark Gaibler
PO Box 808
Carlton, OR 97111

Reference: Transfer Application T-14312

The above referenced transfer application was denied in the records of the Water Resources Department on March 27, 2024, by Special Order Volume 129, Page 1006 (copy enclosed).

The transfer application is of no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Right Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
William E. McGill, Agent
Polk County Planning Department, Local Government
Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER DENYING TEMPORARY
T-14312, Polk County	)	CHANGES IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

MARK GAIBLER
PO BOX 808
CARLTON, OR 97111

Findings of Fact

1. On August 21, 2023, MARK GAIBLER filed an application to temporarily change the places of use and under Certificates 83200 and 87717 for a period of 1 year. The Department assigned the application number T-14312.
2. Notice of the application for transfer was published on August 29, 2023, pursuant to OAR 690-380-4000.
3. The portion of the first right to be temporarily transferred is as follows:

Certificate:	83200 in the name of MARVIN JOHN DERAEEVE AND PATRICIA ANN DERAEEVE, M. EDWARD DERAEEVE, DERAEEVE FAMILY LLC (perfected under Permit S-46958)
Use:	IRRIGATION of 65.4 ACRES
Priority Date:	JULY 30, 1982
Rate:	0.82 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Source: ASH SWALE and DERAEEVE RESERVOIR, CONSTRUCTED UNDER PERMIT R-6487

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	4 W	WM	7	NE SE	46	1590 FEET SOUTH AND 450 FEET WEST FROM THE NE CORNER OF DLC 46

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	4 W	WM	17	NE SW	3	17.3
6 S	4 W	WM	17	NW SW		28.6
6 S	4 W	WM	17	SW SW		11.3
6 S	4 W	WM	17	SE SW	4	8.2
					Total	65.4

4. Temporary Transfer Application T-14312 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	4 W	WM	6	SW SW	38	9.2
6 S	4 W	WM	6	SE SW	38	13.9
6 S	4 W	WM	6	SE SW	39	16.0
6 S	4 W	WM	6	SW SE	39	16.3
6 S	4 W	WM	7	NW NE	39	2.5
6 S	4 W	WM	7	NE NW	39	2.4
6 S	4 W	WM	7	NE NW	38	2.1
6 S	4 W	WM	7	NW NW	38	3.0
					Total	65.4

5. The portion of the second right to be temporarily transferred is as follows:

Certificate: 87717 in the name of RON AND JAMIE LEWIS (perfected under Permit S-54655)

Use: SUPPLEMENTAL IRRIGATION of 65.4 ACRES

Priority Date: SEPTEMBER 15, 2009

Rate: 5.2 ACRE FEET (AF), BEING 3.9 AF FROM AN UNNAMED RESERVOIR
 ORIGINALLY CONSTRUCTED UNDER PERMIT R-10482, AND 1.3 AF FROM AN
 UNNAMED RESERVOIR, ENLARGED UNDER PERMIT R-11459

Limit/Duty: The amount of water used for irrigation, together with the amount secured
 under any other right existing for the same lands, is limited to a diversion
 of not to exceed 2.5 acre-feet per acre for each acre irrigated during the
 irrigation season of each year.

Source: AN UNNAMED RESERVOIR

Authorized Point of Diversion:

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

Authorized Points of Re-Diversion:

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

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	4 W	WM	17	NE SW	3	17.3
6 S	4 W	WM	17	NW SW		28.6
6 S	4 W	WM	17	SW SW		11.3
6 S	4 W	WM	17	SE SW	4	8.2
					Total	65.4

6. Temporary Transfer Application T-14312 proposes to temporarily change the place of use
 of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	4 W	WM	6	SW SW	38	9.2
6 S	4 W	WM	6	SE SW	38	13.9
6 S	4 W	WM	6	SE SW	39	16.0
6 S	4 W	WM	6	SW SE	39	16.3
6 S	4 W	WM	7	NW NE	39	2.5
6 S	4 W	WM	7	NE NW	39	2.4
6 S	4 W	WM	7	NE NW	38	2.1
6 S	4 W	WM	7	NW NW	38	3.0
					Total	65.4

7. The Department has determined that the lands proposed to change place of use have been
 irrigated in the 2023 season and therefore cannot be transferred.

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed changes would result in enlargement of the rights. The proposed changes did not prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
11. 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.

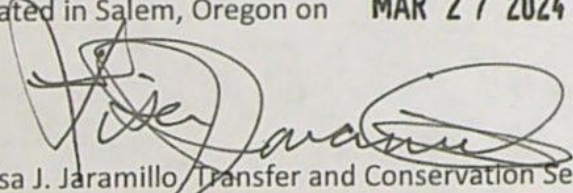
Conclusions of Law

The temporary changes in place of use proposed in Temporary Transfer Application T-14312 are not consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use proposed in Temporary Transfer Application T-14312 are DENIED.

Dated in Salem, Oregon on **MAR 27 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAR 28 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14312

Transfer Specialist: Scott

Transfer Type: **Temporary Transfer**

DROUGHT? ☐

Applicant: MARK GAIBLER PO BOX 808 CARLTON, OR 97111	Agent: WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Polk County Planning Department	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
☐	S87530	S54655	87717
☐	G12513	G11893	93200
☐			

83200

Key Dates & Initial Actions (Support Staff)

Rec'd: August 21, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 1436.58	Acknowledgement Letter Sent ☒	Basin: 2 Willamette
Initial Public Notice: 8/29/2023	County sent cc: of Ack Letter ☒	County: POLK
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>1/30/24</u> Initials: <u>Scott</u>	Date: <u>1/31/24</u> Initials: <u>Joan</u>	Date: <u>3/15/24</u> Initials: <u>PKS</u>	Date: <u>3/15/24</u> Initials: <u>Scott</u>	Date: <u>3/15/24</u> No. of docs for sig: <u>1</u> WM Sheet ☐	Date: <u>3/27/24</u>

Special Issues: _____

Special Order Volume: Vol. 129 Pages 1006-1009

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14312

Review Due Date:

Applicant Name: Mark Gaibler

Proposed Changes: ☒ POU ☐ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Joel Plahn

Date of Review: 09/27/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain:

The from lands were irrigated during the 2023 irrigation season. This transfer should be denied. 8/29/2023 & 8/31/2023 Watermaster took photos of from lands being irrigated.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed prior to diversion of water, as a condition of this transfer:
☐ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

8/29/23, 12:56 PM

+45.047703, -123.207101 $\pm 6.64\text{m}$

7711-7917 N Pacific Hwy

Polk County

Joel Plahn



8/31/23, 9:12 AM
+45,050453,-123,206864 ±4.90m
8020-8028 N Pacific Hwy
Polk County
Joel Plahn





Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 29, 2023

MARK GAIBLER
PO BOX 808
CARLTON, OR 97111

Reference: Application T-14312

On August 21, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1436.58. Receipt number 141437 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Polk County Planning
William E. McGill, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **141437**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Will McBill Surveying
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-14312</u>

CASH: ☐ CHECK: # 2180 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,436.58

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1436.58</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____

**RECEIVED
OVER THE COUNTER**

RECEIPT: **141437**

DATED: 8/24/2023 BY: [Signature]

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

RECEIVED

AUG 21 2023

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 2 List them here: Cert. 83200, 87717**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2023 End Year: 2023.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

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

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____

Phone: _____

Date: _____

14312-

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » »	2	310.00
3	Do you propose to change the place of use for a non-irrigation use? ☒ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » » ☐ Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☐ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » » ☒ Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>65.4 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	176.58
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	1,436.58
6	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ 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 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » Transfer Fee:	7	1,436.58

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » Transfer Fee:	3	

1. 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 ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. 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 2a would be only 0.56 cfs , since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

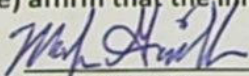
APPLICANT/BUSINESS NAME Mark Gaibler			PHONE NO. (503) 209-4086	ADDITIONAL CONTACT NO.
ADDRESS PO Box 808			FAX NO.	
CITY Carlton	STATE OR	ZIP 97111	E-MAIL markgaibler@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES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

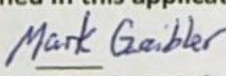
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

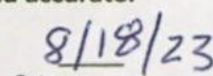
AGENT/BUSINESS NAME Will McGill Surveying, LLC			PHONE NO. (503) 931-0210	ADDITIONAL CONTACT NO. (503) 510-3026
ADDRESS 15333 Pletzer Rd. SE			FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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


Applicant signature


Print Name (and Title if applicable)


Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

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

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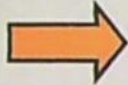
14312-OWRD

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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME Polk County	ADDRESS 820 SW Church St.	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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 # **83200**

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Description of Water Delivery System

System capacity: **3.27** cubic feet per second (cfs) OR

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

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	☒ Authorized ☐ Proposed		6	S	4	W	7	NE	SE	46	1590' S and 450' W from NE corner, DLC 46
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

- ☒ Place of Use (POU)
 ☐ Appropriation/Well (POA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
- ☐ Additional Point of Diversion (APOD)

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

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

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

- ☐ Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 83200

List only the part of the right that will be changed. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, 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				
6	S	4	W	17	NE	SW	501	3	17.3	Irrigation	POD 1	1982	POU	6	S	4	W	6	SW	SW	300	38	9.2	Irrigation	POD 1	1982		
6	S	4	W	17	NW	SW	501		28.6	Irrigation	POD 1	1982	POU	6	S	4	W	6	SE	SW	300	38	13.9	Irrigation	POD 1	1982		
6	S	4	W	17	SW	SW	501		11.3	Irrigation	POD 1	1982	POU	6	S	4	W	6	SE	SW	300	39	16.0	Irrigation	POD 1	1982		
6	S	4	W	17	SE	SW	501	4	8.2	Irrigation	POD 1	1982	POU	6	S	4	W	6	SW	SE	300	39	16.3	Irrigation	POD 1	1982		
													POU	6	S	4	W	7	NW	NE	300	39	2.5	Irrigation	POD 1	1982		
													POU	6	S	4	W	7	NE	NW	300	39	2.4	Irrigation	POD 1	1982		
													POU	6	S	4	W	7	NE	NW	300	38	2.1	Irrigation	POD 1	1982		
													POU	6	S	4	W	7	NW	NW	300	38	3.0	Irrigation	POD 1	1982		
TOTAL ACRES									65.4																			
										TOTAL ACRES													65.4					

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: Cert. 87717

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

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

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

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Water Right Certificate # 87717

Description of Water Delivery System

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

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. 75 HP Centrifugal pump delivers water through 8" buried PVC mainline to big gun.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 2	☒ Authorized ☐ Proposed		6	S	4	W	7	SE	SW	46	3695' S and 2155' W from NE corner, DLC 46
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ 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.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # 87717

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
6	S	4	W 17	NE SW	501	3	17.3	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SW SW	300	38	9.2	Supplemental Irrigation	POD 2	2009	
6	S	4	W 17	NW SW	501		28.6	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SE SW	300	38	13.9	Supplemental Irrigation	POD 2	2009	
6	S	4	W 17	SW SW	501		11.3	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SE SW	300	39	16.0	Supplemental Irrigation	POD 2	2009	
6	S	4	W 17	SE SW	501	4	8.2	Supplemental Irrigation	POD 2	2009	POU	6	S	4	W 6	SW SE	300	39	16.3	Supplemental Irrigation	POD 2	2009	
											POU	6	S	4	W 7	NW NE	300	39	2.5	Supplemental Irrigation	POD 2	2009	
											POU	6	S	4	W 7	NE NW	300	39	2.4	Supplemental Irrigation	POD 2	2009	
											POU	6	S	4	W 7	NE NW	300	38	2.1	Supplemental Irrigation	POD 2	2009	
											POU	6	S	4	W 7	NW NW	300	38	3.0	Supplemental Irrigation	POD 2	2009	
TOTAL ACRES						65.4						TOTAL ACRES						65.4					

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: Cert. 83200

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☐ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

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

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

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This document is being re recorded
to correct the legal description



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

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

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

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2022-004660

04/15/2022 10:25:01 AM

REC-COR Cnt=1 Stn=5 K. WILLIAMS
\$40.00 \$11.00 \$10.00 \$60.00 \$5.00

\$126.00

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2022-004364

04/08/2022 02:05:59 PM

REC-WD Cnt=1 Stn=7 V. UNGER
\$35.00 \$11.00 \$10.00 \$60.00 \$5.00

\$121.00

STATUTORY SPECIAL WARRANTY DEED

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

This property is free from liens and encumbrances, EXCEPT:

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

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

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

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14312-

FIRST AMERICAN TITLE 3898712

This document is being re recorded
to correct the legal description



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

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

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

THIS SPACE RESERVED FOR RECORDER'S USE

**E-RECORDING
ORIGINAL**

FIRST AMERICAN TITLE 3898712-

STATUTORY SPECIAL WARRANTY DEED

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

This property is free from liens and encumbrances, EXCEPT:

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

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

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

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APN: 231727

Statutory Special Warranty Deed
- continued

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

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

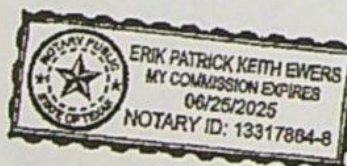
Dated this 6th day of April, 2022.

DeRaeve Family L.L.C.

Ed DeRaeve, Manager
Ed DeRaeve, Manager

STATE OF Texas)
County of Collin) ss.

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



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

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EXHIBIT A

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

PARCEL 1:

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

ALSO:

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

ALSO:

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

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

ALSO:

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

ALSO:

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

ALSO:

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

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

PLACE OF BEGINNING.

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

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

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

PARCEL 2:

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

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

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

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

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

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FOLLOWS:

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

PARCEL 3:

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

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

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

FURTHER SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

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

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

PARCEL 4:

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

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

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

PARCEL 5:

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

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APN: 231727

Statutory Special Warranty Deed
- continued

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

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

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



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CORRECTED EXHIBIT A

PARCEL 1:

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

CORNER

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

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

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

21.53

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

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

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

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

2007-5188

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

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

PARCEL 2:

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

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

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

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

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

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

PARCEL 3:

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

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

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

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

FURTHER SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

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

PARCEL 4:

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

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

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

PARCEL 5:

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

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

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

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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 POLK)

I, MARK GAIBLER, in my capacity as OWNER,

mailing address PO BOX 808, CARLTON, OR 97111

telephone number (503)209-4086, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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

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

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

OR

☐ Confirming Certificate # _____ has been issued within the past five years; OR

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: _____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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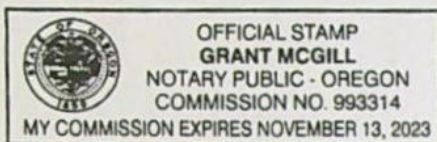
3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

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

Grant McGill
Signature of Affiant

8/18/23
Date

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



Grant McGill
Notary Public for Oregon

My Commission Expires: 11/13/2023

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



Google Earth

Imagery Date: 7/13/2022 lat 45.046678° lon -123.223161° elev 168 ft eye alt 8178 ft

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14312 AUG 21 2023

OWRD

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

DERAEVE FAMILY LLC
PO BOX 3
MCMINNVILLE OR 97218

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

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

The period of use is March 1 through October 31.

The point of diversion is located as follows:

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

The points of re-diversion are located as follows:

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

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

A description of the place of use is as follows:

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

Measurement, recording and reporting conditions:

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

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

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

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

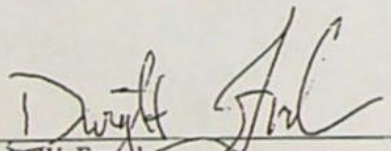
Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation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

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

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

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

Issued AUG 06 2012


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

14312 -

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

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

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

The point of diversion is located as follows:

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

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

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

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

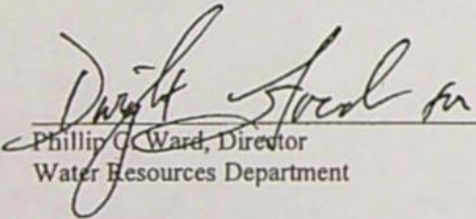
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

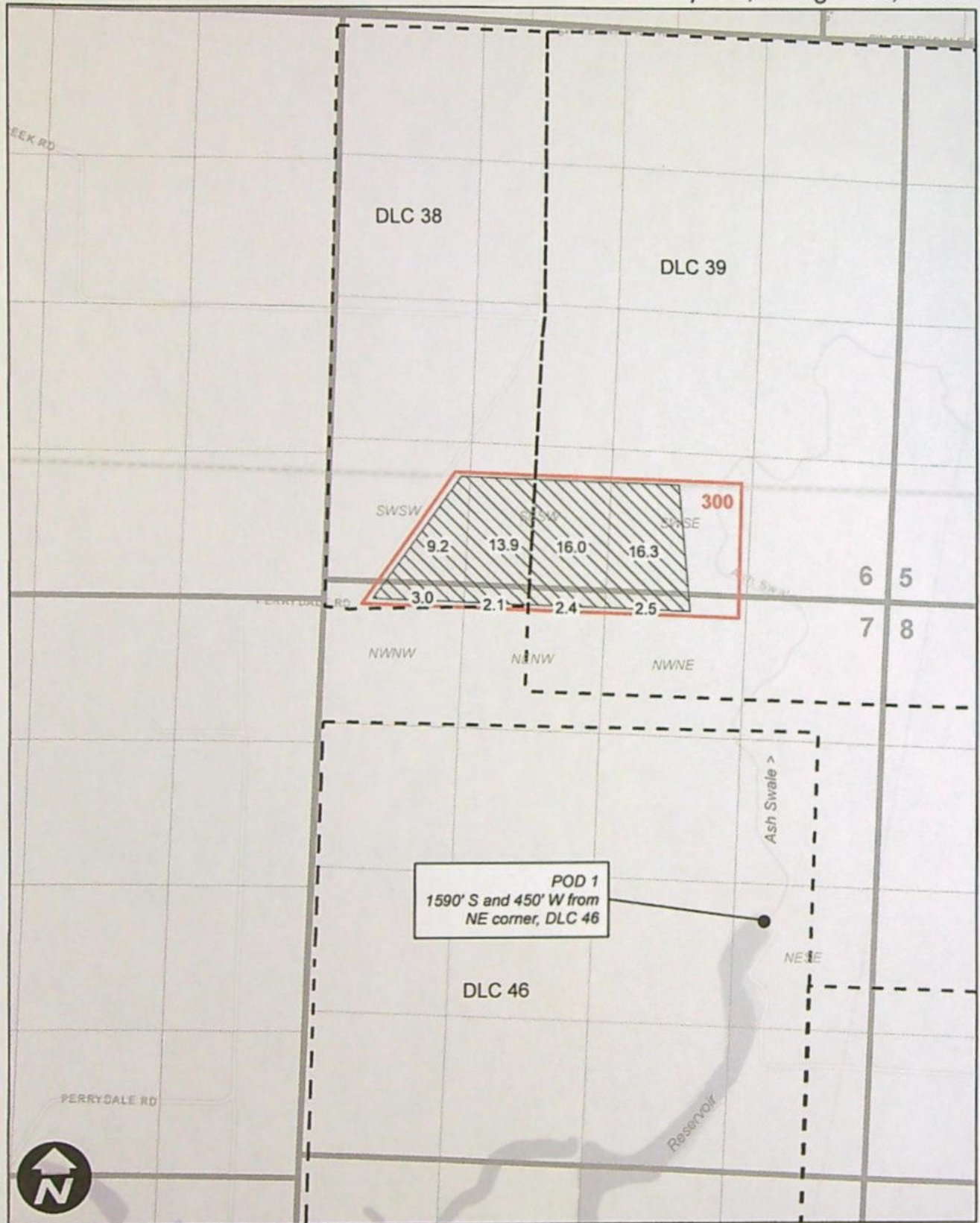
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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


 Phillip G. Ward, Director
 Water Resources Department

Temporary Transfer - Cert. 83200 IR - Gaibler TO

Township 6S, Range 4W, W.M.



Legend

Cert. 83200 To Taxlot DLC

0 660 1,320 2,640 Feet

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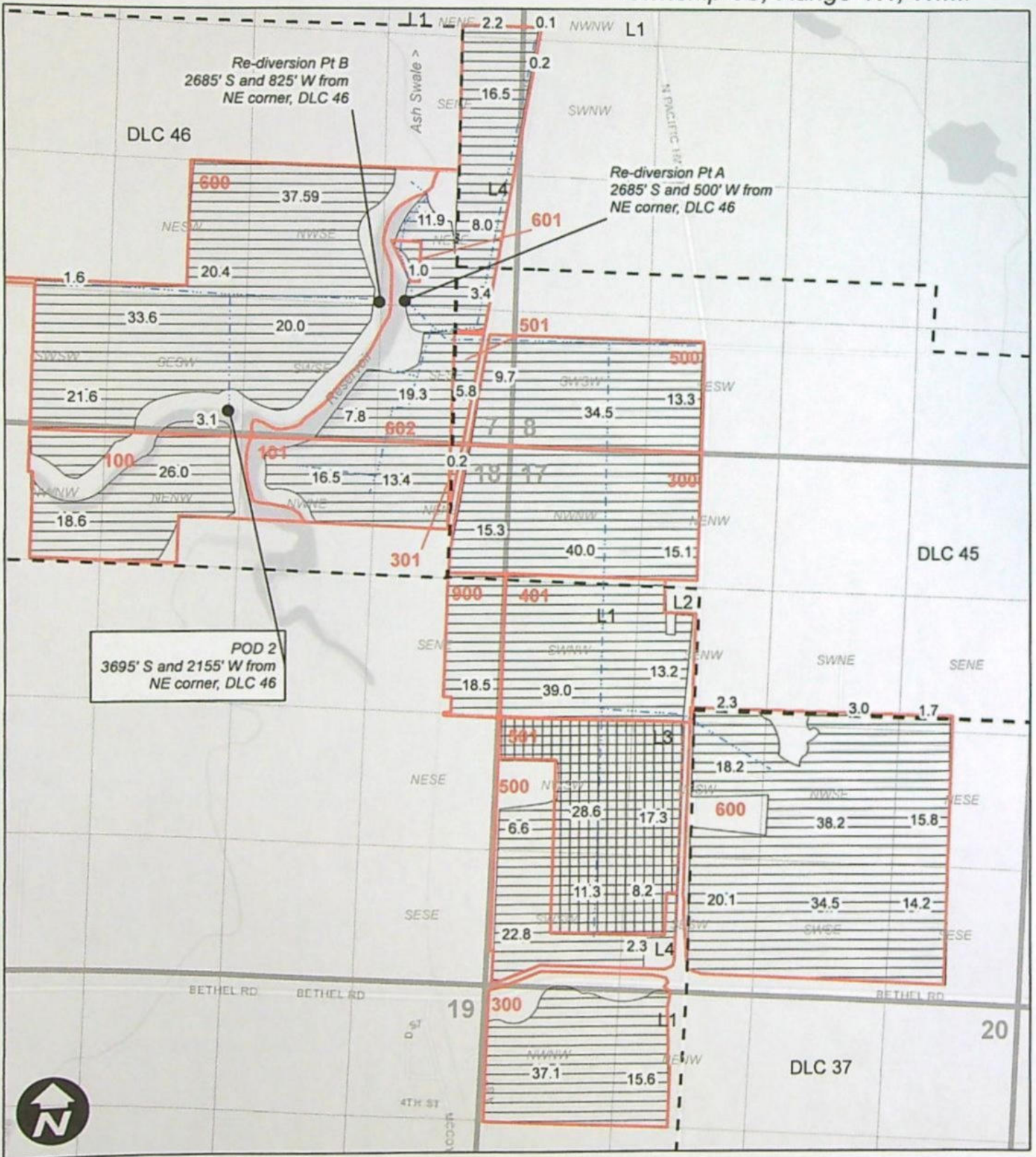
AUG 21 2023

OWRD

WILL MCGILL SURVEYING LLC

Temporary Transfer - Cert. 87717 IS - Gaibler
FROM *Township 6S. Ra*

Township 6S, Range 4W, W.M.



Legend

-  Cert. 87717 From  Mainline  DLC
 Cert. 87717 No Change  Taxlot

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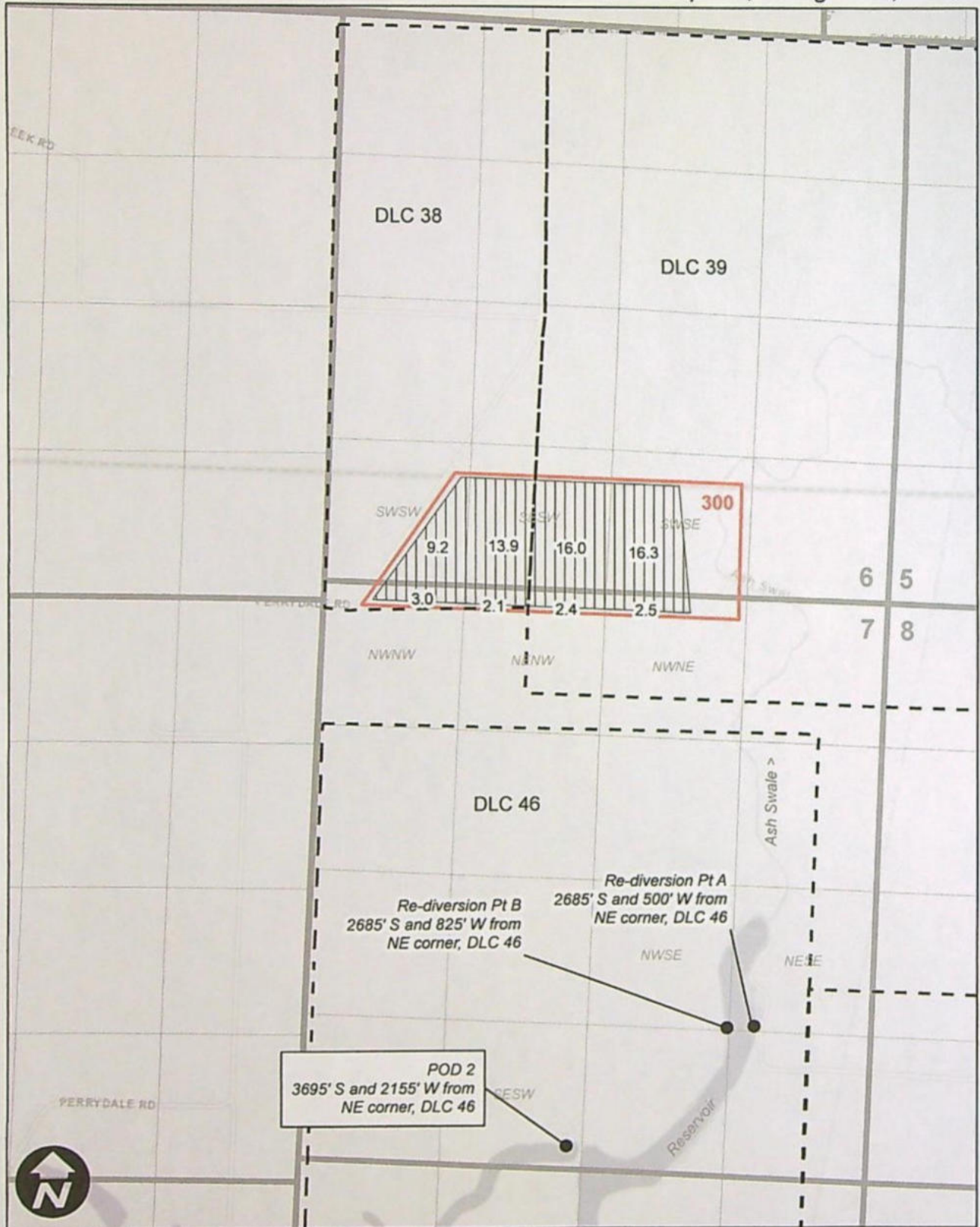
AUG 21 2023

WILL MC GILL SURVEYING LLC

QWRD

Temporary Transfer - Cert. 87717 IS - Gaibler TO

Township 6S, Range 4W, W.M.



Legend

Cert. 87717 To Taxlot DLC

AUG 21 2023

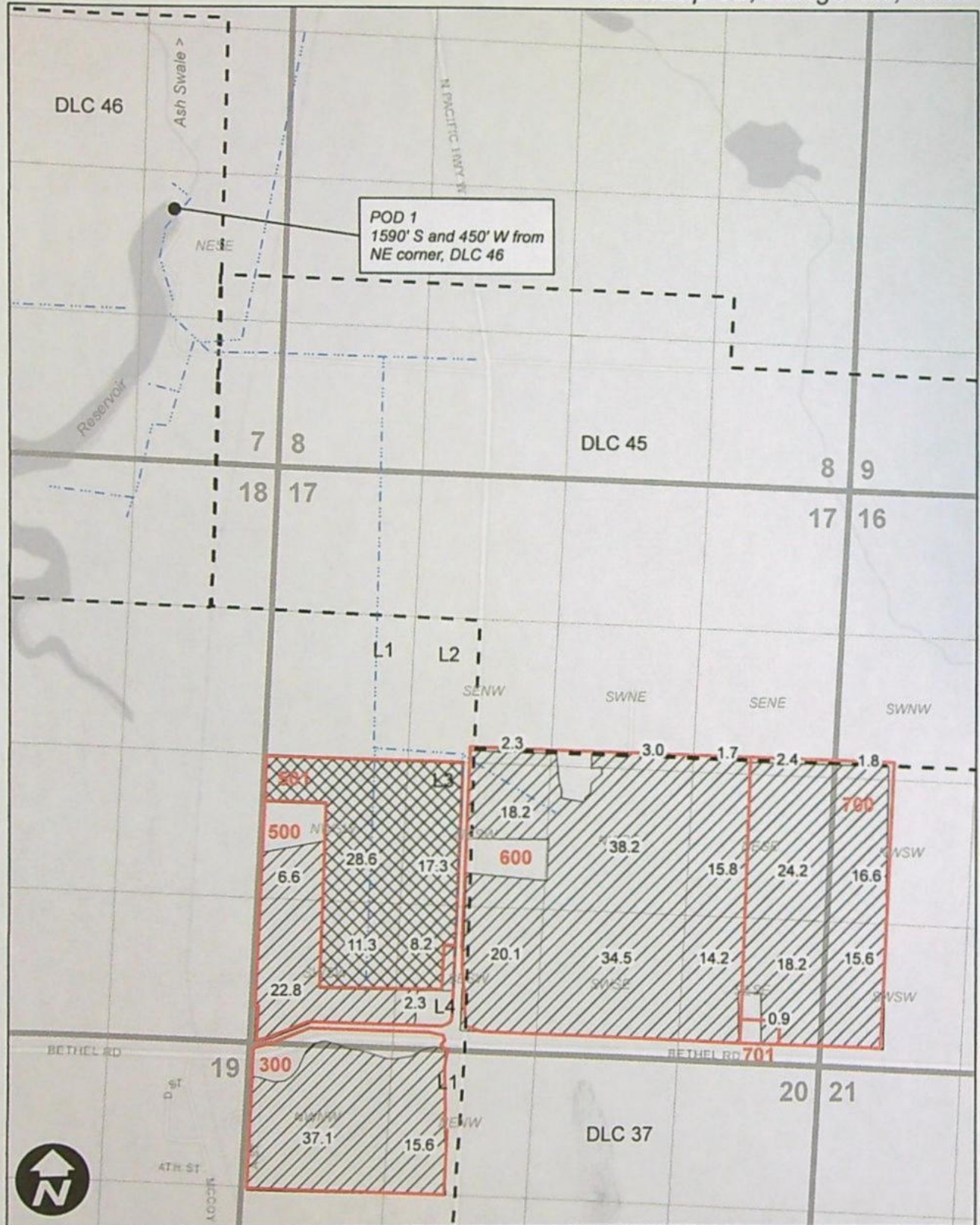
OWRD

WILLMOGIL SURVEYING LLC
14312

Temporary Transfer - Cert. 83200 IR - Gaibler

FROM

Township 6S, Range 4W, W.M.



Legend

- Cert. 83200 From
- Mainline
- DLC
- Cert. 83200 No Change
- Taxlot

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AUG 21 2023

OWRD

WILL MC GILL SURVEYING LLC

Oregon Water Resources Department

Transfer Fee Calculation for Temporary Transfer

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

Today's Date: Tuesday, August 22, 2023

**Fee
Calculation**

Base Fee (includes temporary change to one water right for up to 1 cfs)

\$950.00

Fill in information below-- Check each box that applies.

Enter total number of water rights included in transfer.

2

\$310.00

☐ Check this box if you propose to change the place of use for a NON-irrigation use.☒ Check this box if you propose to change the place of use for an irrigation use.

Enter the number of acres in the footprint of the place of use to be transferred.

65.4

\$176.58

(If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)

Total Transfer CFS(rounded up to the next whole cfs):

Subtotal:

\$1,436.58

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

☐ Check the box if you are submitting the application and map in a Department-approved digital format.

Transfer Fee:

\$1,436.58

[Return to Edit](#)[Clear](#)

14312 -

Temporary Transfer Application Intake Checklist

Transfer # T-14312

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

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

Map Requirements: OAR 690-380-3100			
4.	☒ YES	☐ NO	Map included and meets mapping requirements?
5.	☐ YES	☐ NO	☒ N/A
Map Waiver? The map waiver must be issued by the Department			
Notes:			

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

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
☐	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.

14312 -



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AUG 21 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mark Gaibler

PO Box 808, Carlton OR 97111

Transaction Type: Temp Transfer

Fees Received: \$ 1436.58

☐ Cash

☒ Check;

Check No. 2180

Name(s) on Check: Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

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

Instructions for OWRD staff:

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

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