

Temporary

Name Pollock's son, Inc c/o
Byke Pollock
 Address 7869 Agnew Rd
Hermiston, OR 97838

Change in POU
 Date Filed 5/22/2023
 Initial notice date 5/30/2023
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 11/27/2023 Vol 129 Page 443-444

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent William Profily

CWRE _____
 CC's list Umatilla

☐ - Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream	<u>Awell</u>	Date	<u>5-22-2023</u>	FEES PAID Amount	<u>\$958.69</u>	Receipt #	<u>140777</u>
Trib. of	<u>Umatilla River</u>						
Use	<u>Irrigation</u>	County	<u>Umatilla</u>				
Quantity of water (CFS)		No. of Acres					
Name of ditch							
App#	<u>64427</u>	Per #	<u>64171</u>	Cert #	<u>76617</u>	PR Date	<u>6-3-1968</u>
App#		Per #		Cert #		PR Date	
App#		Per #		Cert #		PR Date	
App#		Per #		Cert #		PR Date	
App#		Per #		Cert #		PR Date	

FEES REFUNDED

Date	Amount	Receipt #
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WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14250

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: POLLOCK AND SON INC. 78691 AGNEW ROAD HERMISTON, OR 97838	Agent: WILLIAM PORFELY PO BOX 643 STANFIELD, OR 97875	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: County Of Umatilla	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate
<input type="checkbox"/>	G4427	G4171	76617
<input type="checkbox"/>			
<input type="checkbox"/>			

Key Dates & Initial Actions (Support Staff)

Rec'd: May 24, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: 958.64	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: 7 Umatilla
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: UMATILLA
WM District: 5 Gregory M. Silbernagel	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: 10/30/23 Initials: <i>Scott</i>	Date: 10/31/23 Initials: <i>ALD</i> <i>WJH/203</i> <i>gpc</i>	Date: 11/13/23 Initials: <i>cc</i>	Date: 11/20/23 Initials: <i>Scott</i>	Date: 11-20-23 No. of docs for sig: 1 WM Sheet <input type="checkbox"/>	Date: _____

Special Issues: _____

Special Order Volume: Vol. 129 Pages 443-4410



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

www.oregon.gov/owrd

November 27, 2023

POLLOCK AND SON INC.

78691 AGNEW ROAD

HERMISTON, OR 97838

REFERENCE: District Temporary Transfer Application T-14250

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

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

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

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)

Umatilla County Planning

William Porfily, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A TEMPORARY
T-14250, Umatilla County)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.705 and 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 appropriation 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

POLLOCK AND SON, INC.
C/O BRYCE POLLOCK
78691 AGNEW ROAD
HERMISTON, OR 97838

Findings of Fact

1. On May 24, 2023, POLLOCK AND SON, INC/O BRYCE POLLOCK filed an application to temporarily change the place of use under Certificate 76617 for a period of 1 year. The Department assigned the application number T-14250.
2. Notice of the application for transfer was published on May 30, 2023, pursuant to OAR 690-380-4000.
3. The portion of the right to be transferred is as follows:

Certificate:	76617 in the name of E. T. JOHNSON (perfected under Permit G-4171)
Use:	IRRIGATION of 3.2 ACRES
Priority Date:	JUNE 3, 1968
Rate:	0.03 CUBIC FOOT PER SECOND
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, or its equivalent for each

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.

acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	25	NE SE	450 FEET SOUTH AND 850 FEET WEST FROM THE E1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	25	NW SE	3.2

4. Temporary Transfer Application T-14250 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	25	SW SE	1.9
4 N	27 E	WM	25	SE SE	1.3
				Total	3.2

5. Temporary Transfer Application T-14250 proposes to temporarily transfer a water right within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed change 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 change in place of use proposed in Temporary Transfer Application T-14250 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

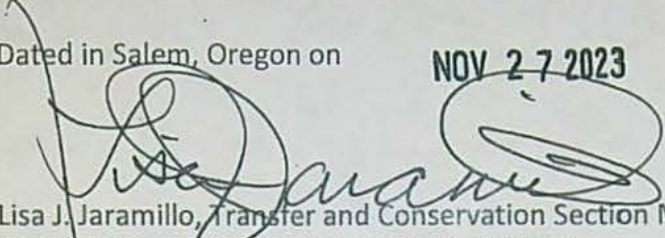
Now, therefore, it is ORDERED:

10. The temporary change in place of use proposed in Temporary Transfer Application T-14250 is approved.
11. The former place of use shall not be irrigated as part of this water right during the 2023 irrigation season.
12. The use shall revert to the authorized place of use at the end of the 2023 irrigation season.
13. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
14. A subsequent application for permanent transfer of Certificate 76617 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
15. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 76617.
16. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
17. Water use measurement conditions:
 - 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 appropriation.
 - 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.

18. The use of the remaining water right described by Certificate 76617 shall continue to be in accordance with the terms and conditions of Certificate 76617.

Dated in Salem, Oregon on

NOV 27 2023



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

NOV 28 2023

Mailing Date:

GREW Scott A * WRD

From: wporfily@gmail.com
Sent: Wednesday, November 22, 2023 11:06 AM
To: GREW Scott A * WRD
Cc: 'Langford, Shonee D.'; 'Bryce Pollock'
Subject: Transfer T-14250

Good morning,

Did you receive my voicemail about issuing an order to approve this transfer? My Client desires to maintain use to avoid the five year non-use issue.

Thank you

William Porfily
PO Box 643
Stanfield, OR 97875
Cel (541) 561-7259
E-Mail: wporfily@gmail.com

BAUSTIAN Julie C * WRD

From: SILBERNAGEL Greg M * WRD
Sent: Friday, July 28, 2023 10:06 AM
To: WRD_DL_transferreviews
Subject: T-14250 Pollock and Sons
Attachments: T-14250_Pollock and Sons.pdf

Please see attached Watermaster Review for T-14250 under Pollock and Sons.

I question if the map meets department mapping standards. It only appears to map the area being transferred and not the portion of the water right not being transferred.

Greg Silbernagel - Watermaster, District 5
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
(541) 969-1677

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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-14250

Review Due Date:

Applicant Name: Pollock and Sons

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

Reviewer(s): Greg Silbernagel

Date of Review: 07/28/2023

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:
This area is within the Ordinance Gravel and Ordinance Basalt Critical Groundwater area.
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:

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:

The applicant didn't map the entire water right. They only mapped the portion of the water right they are transferring. I thought we required the entire water right to be mapped.

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

If the map meets department mapping standards of water rights, I am ok with it.

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-14250



In order to avoid enlargement of the right or injury to other rights, a **totalizing flowmeter** 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: Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: 541-969-1677

Email: Greg.M.Silbernagel@water.oregon.gov

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



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

May 24, 2023

POLLOCK AND SON INC.

78691 AGNEW ROAD

HERMISTON, OR 97838

Reference: Application T-14250

On May 24, 2023, the Department received your water right Temporary Transfer Application. The application was accompanied by \$958.64. Receipt number 140777 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. #5, Gregory M. Silbernagel (via email)
William Porfily, Agent
UMATILLA COUNTY

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **140777**

INVOICE # _____

RECEIVED FROM: Perky Water Rights Consulting
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14250

CASH: ☐ CHECK: # 7148 OTHER: (IDENTIFY) ☐

TOTAL REC'D	\$958.64
-------------	----------

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		
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	\$958.64	
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 _____	\$

RECEIPT: **140777**

DATED: 5/12/2007 BY: [Signature]

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°).

[illegible]

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*): <div style="text-align: center;">_____ (2a)</div> 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	958.64

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).

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Pollock & Son, Inc c/o Bryce Pollock			PHONE NO. (541) 720-1781	ADDITIONAL CONTACT NO.
ADDRESS 78691 AGNEW ROAD			FAX NO.	
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL 'BRYCE POLLOCK' <BRYCEPOLLOCK16@GMAIL.COM>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

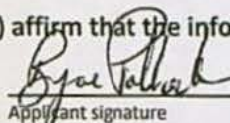
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME WILLIAM PORFELY			PHONE NO. (541) 561-7259	ADDITIONAL CONTACT NO.
ADDRESS P.O. BOX 643			FAX NO.	
CITY STANFIELD	STATE OR	ZIP 97838	E-MAIL WPORFELY@GMAIL.COM	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
To grow water melons under drip irrigation and maintain the land owners' water right in good standing.

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

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


Applicant signature

Bryce Pollock
Print Name (and Title if applicable)

5/4/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

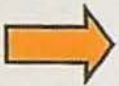
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☒ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME UMATILLA COUNTY	ADDRESS 216 S.E. 4TH	
CITY Pendleton	STATE OR	ZIP 97838

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 # 76617

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Description of Water Delivery System

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System capacity: 0.26 cubic feet per second (cfs) OR

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_____ 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.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appr The well is equipped with a 15 horse power submersible pump. A 1/2 inch pipeline will deliver the water to a drip line irrigation system which will be used to irrigate the watermelons.

Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 1552	4 N	27 E	25	NE SE		450 south and 850 feet west from the E1/4 corner, section 25
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> 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 # 76617

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				
4	N	27	E 25	NE	SE	500		3.2	Irr	Well	6/3/68	POU	4	N	27	E 25	SW	SE	500		1.9	Irr	Well	6/3/68
												POU	4	N	27	E 25	SE	SE	500		1.3	Irr	Well	6/3/68
TOTAL ACRES						3.2						TOTAL ACRES						3.2						

Additional remarks: _____

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For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers: _____

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

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

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

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
N/A										

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Application for Water Right
Transfer
Consent by Deeded Landowner



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

State of Massachusetts)
County of Middlesex)ss
)

I, Mark R. Young, in my capacity as Executive Vice President and General Counsel of TA Operating LLC, a Delaware limited liability company, mailing address 255 Washington Street, Newton, MA 02186, telephone number (617) 796-8157 duly sworn depose and say that TA Operating LLC consents to the proposed change(s) to Water Right Certificate Number 76617 described in a one (1) year 2023 Temporary Transfer Application submitted by Pollock and Son, Inc. on the property in tax lot number 500, SE ¼ of Section 25, Township 4 North, Range 27 East, W.M., located at the intersection of Westland Road and Stable Lane in Hermiston, OR.

Signature of Affiant

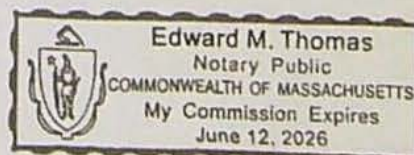
Mark R. Young, Executive Vice President and General Counsel
Print Name Date May 8, 2023

Subscribed and Sworn to before me this 8th day of May, 2023.

[Signature]
Notary Public for Massachusetts

My commission expires 6/12/26.

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Delaware

PAGE 1

The First State

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

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

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

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

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2342992 8100M

080912866

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



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 6821230

DATE: 08-29-08

14250-

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

CERTIFICATE OF MERGER
OF
PETRO STOPPING CENTERS, L.P.
(a Delaware limited partnership)
INTO
TA OPERATING LLC
(a Delaware limited liability company)

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

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

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

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

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

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

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

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

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

[Signature Page Follows]

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

TA OPERATING LLC

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

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376 0017

WARRANTY DEED

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SEP 14 2000

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

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

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

*SEE SCHEDULE I ATTACHED HERETO

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

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

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

Dated this 7 day of September, 2000.



2000-3760017 1 of 4

Gertrude M. Johnson
GERTRUDE M. JOHNSON,



State of Oregon
County of UMATILLA

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

Marcy M. Rosenberg
(Notary Public for Oregon)

My commission expires

ESCROW NO. HT-34231PA

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

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

09-14-00 at 11:20

In the record of document
code type DE-UD

Location R376-0017
Document number 2000-3760017
Fee 41.00

Office of County Records

Deann Thompson
Records Officer

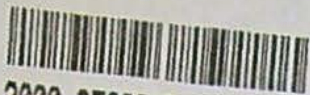
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4/1
34231P
Amertile



2000-3760017 2 of 4

SCHEDULE I

Permitted Exceptions

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

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Legal Description
File No. 34231



2000-3760017 3 of 4

Tract A:

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

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

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

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

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- 14250 -



Tract B:

2000-3760017 4 of 4

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

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

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

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Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
County of Umatilla) ss

I, BRYCE POLLOCK, in my capacity as the LESSEE,

mailing address: 78691 Agnew Road, Hermiston, OR 97838

telephone number (541)720-1781, being first duly sworn depose and say:

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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)
76617	4	N	27	E	WM	25	NE	SE	TL 500	3.2

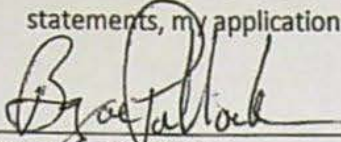
OR

- ☐ 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)

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

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

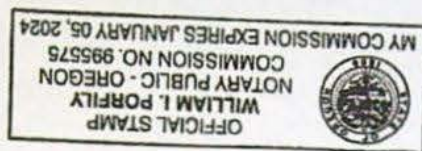


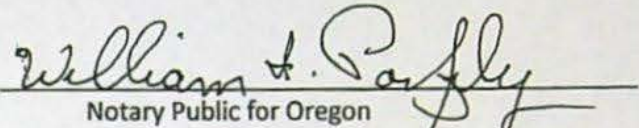
Signature of Affiant

5/8/23

Date

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____.





Notary Public for Oregon

My Commission Expires: Jan 5, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <u>2018 Aerial Photo</u>	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
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]

OREGON

WATER RESOURCES
DEPARTMENT

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

503-986-0900

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

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

1. APPLICANT INFORMATION

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

2. DISTRICT or WATER SUPPLIER INFORMATION

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

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

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

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

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

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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

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

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

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

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION

4. APPLICANT'S SIGNATURE

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

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

[Signature]
Applicant Signature

Bryce Pollock
Name (print)

5/9/23
Date

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

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

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.
- YES ☐ NO ☒ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.
- YES ☐ NO ☒ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Signature of District Manager /Water Supplier

Name (print), Title

Date



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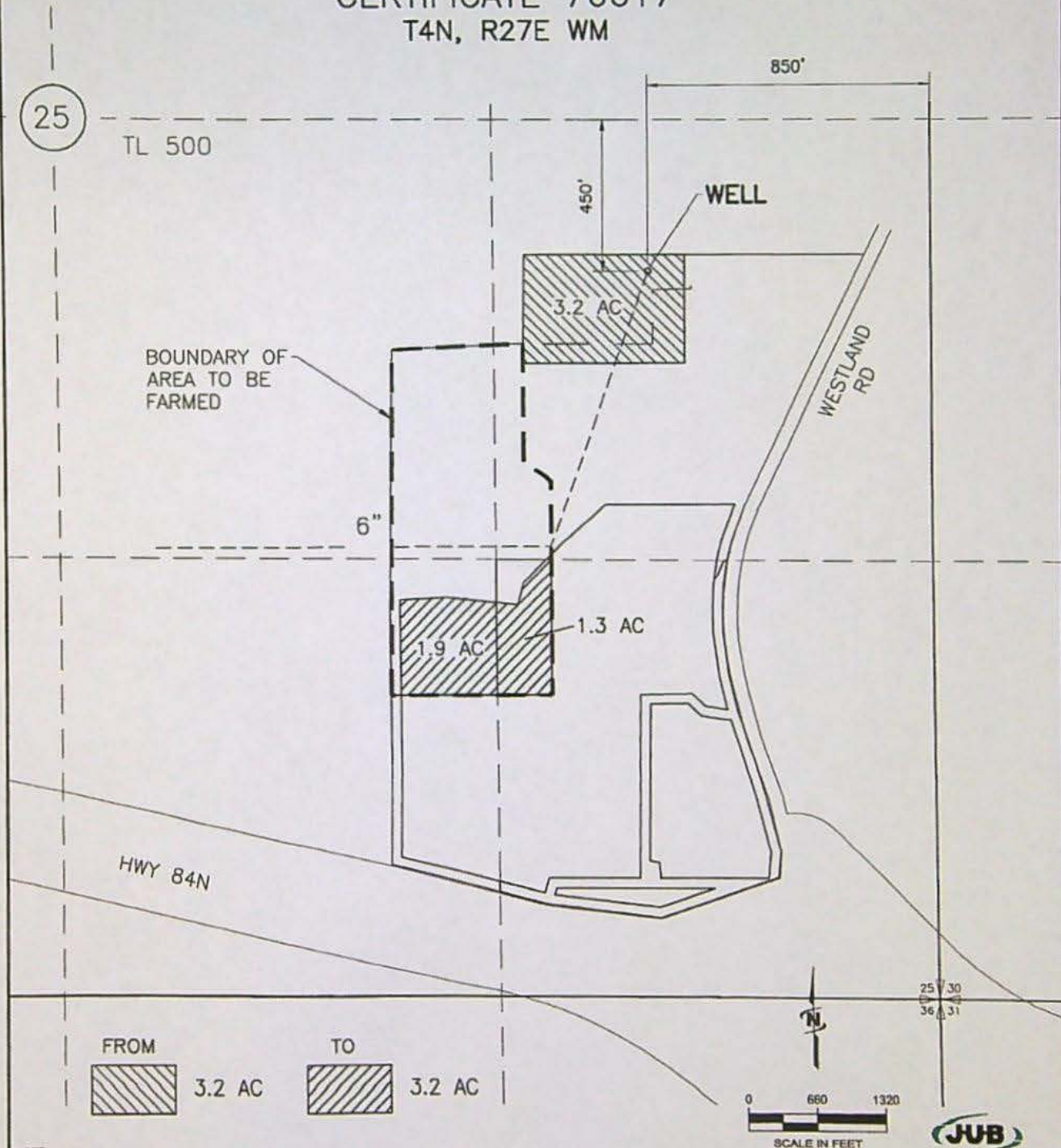
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MAY 22 2023

OWRD

SAM POLLOCK
2023 TEMPORARY TRANSFER
CERTIFICATE 76617
T4N, R27E WM



NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT
INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

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