

Temporary

Name Pollock & Son, Inc.
Bryce Pollock
Address 78691 Agnew Rd.
Hermiston, OR 97838
bryce.pollock16@gmail.com
Change in POU
Date Filed 12/21/2023
Initial notice date 1/2/2024
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 1/8/2025 Vol 133 Page 660-663
C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)
Name of Stream A well
Trib. of Umatilla River
Use Irrigation County Umatilla
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App# G 4427 Per # G 4171 Cert # 76617 PR Date 6-3-1968
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>12-21-2023</u>	<u>\$977.00</u>	<u>142141</u>
FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District Westland Irrigation District
Agent William Porfily
wporfily@gmail.com
CWRE _____
CC's list Umatilla County



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

January 8, 2025

Bryce Pollock
78691 Agnew Rd
Hermiston, OR 97838

REFERENCE: District Temporary Transfer Application T-14373

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 2024 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

If you have any questions related to the approval of this temporary 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 Rights Services Support
Transfers and Conservation Section

cc: Gregory M. Silbernagel, Watermaster Dist. # 5 (via email)
William Porfily, Agent
Irrigation District: Westland Irrigation District
Umatilla County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A TEMPORARY
T-14373, 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 RD
HERMISTON, OR 97838

Findings of Fact

1. On December 21, 2023, Pollock and Son Inc., C/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-14373.
2. Notice of the application for transfer was published on January 2, 2024, 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 10.0 ACRES
Priority Date:	JUNE 3, 1968
Rate:	0.10 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	NE SE	4.90
4 N	27 E	WM	25	NW SE	1.08
4 N	27 E	WM	25	SW SE	2.23
4 N	27 E	WM	25	SE SE	1.79
				Total	10.00

4. Temporary Transfer Application T-14373 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	NW SE	1.3
4 N	27 E	WM	25	SW SE	8.7
				Total	10.0

5. Temporary Transfer Application T-14373 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 are 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).

9. 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-14373 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

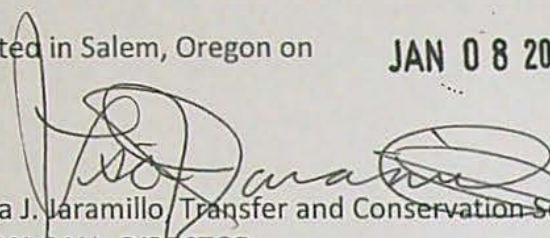
Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14373 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2024 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. 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.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 76617.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. 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 (new and existing).
 - 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.

9. 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

JAN 08 2025



Lisa J. Laramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JAN 09 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14373

Transfer Specialist: *Scott*

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: Bryce Pollock 78691 Agnew Rd Hermiston, OR 97838	Agent: William Porfily PO Box 643 Stanfield, OR 97875	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District: Westland Irrigation District
Affected Local Gov'ts: Umatilla County	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

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

Key Dates & Initial Actions (Support Staff)

Rec'd: December 27, 2023	Proposed Action(s): PLACE OF USE	
Fees Pd: UNAVAILABLE	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 7 Umatilla
Initial Public Notice: 1/2/2024	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 Bjn	Signature Date
FO	Date: <u>6/28/24</u> Initials: <u>Scott</u>	Date: <u>7/1/24</u> Initials: <u>Joan</u>	Date: <u>12/23/24</u> Initials: <u>Corey</u>	Date: <u>12/30/24</u> Initials: <u>Scott</u>	Date: <u>12/30/24</u> No. of docs for sig: <u>1</u> WM Sheet <input checked="" type="checkbox"/>	Date: <u>1/8/25</u>

Special Issues: _____

Special Order Volume: Vol. 133 Pages 660-663

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-14373

Review Due Date:

Applicant Name: Pollock & Son, Inc

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

Reviewer(s): Greg Silbernagel

Date of Review: 05/31/2024

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:

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- 14373



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 Ave

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:

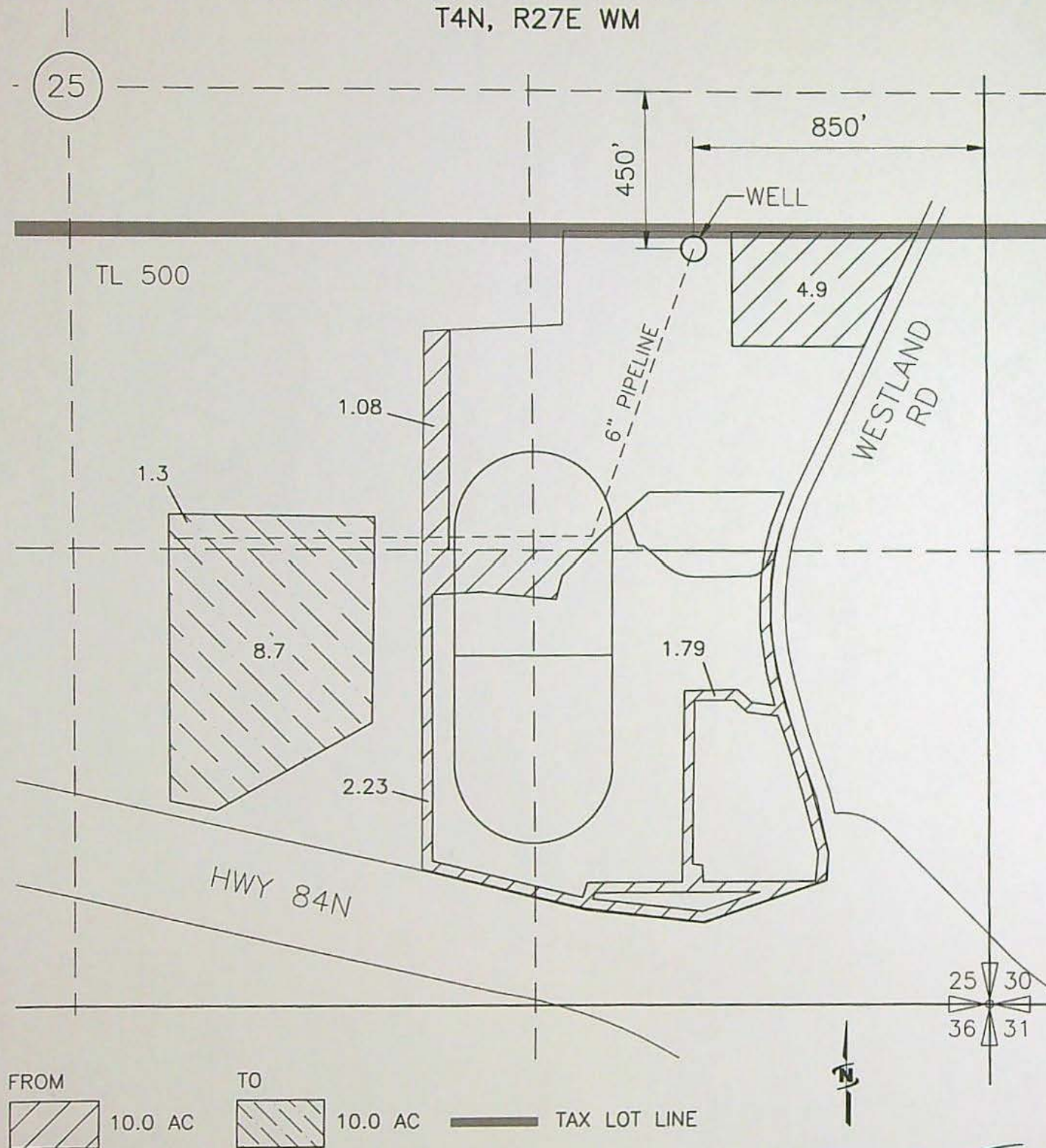
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED

DEC 21 2023

OWRD

BRYCE POLLOCK
2024 TEMPORARY TRANSFER
A PORTION OF CERTIFICATE 76617
T4N, R27E WM

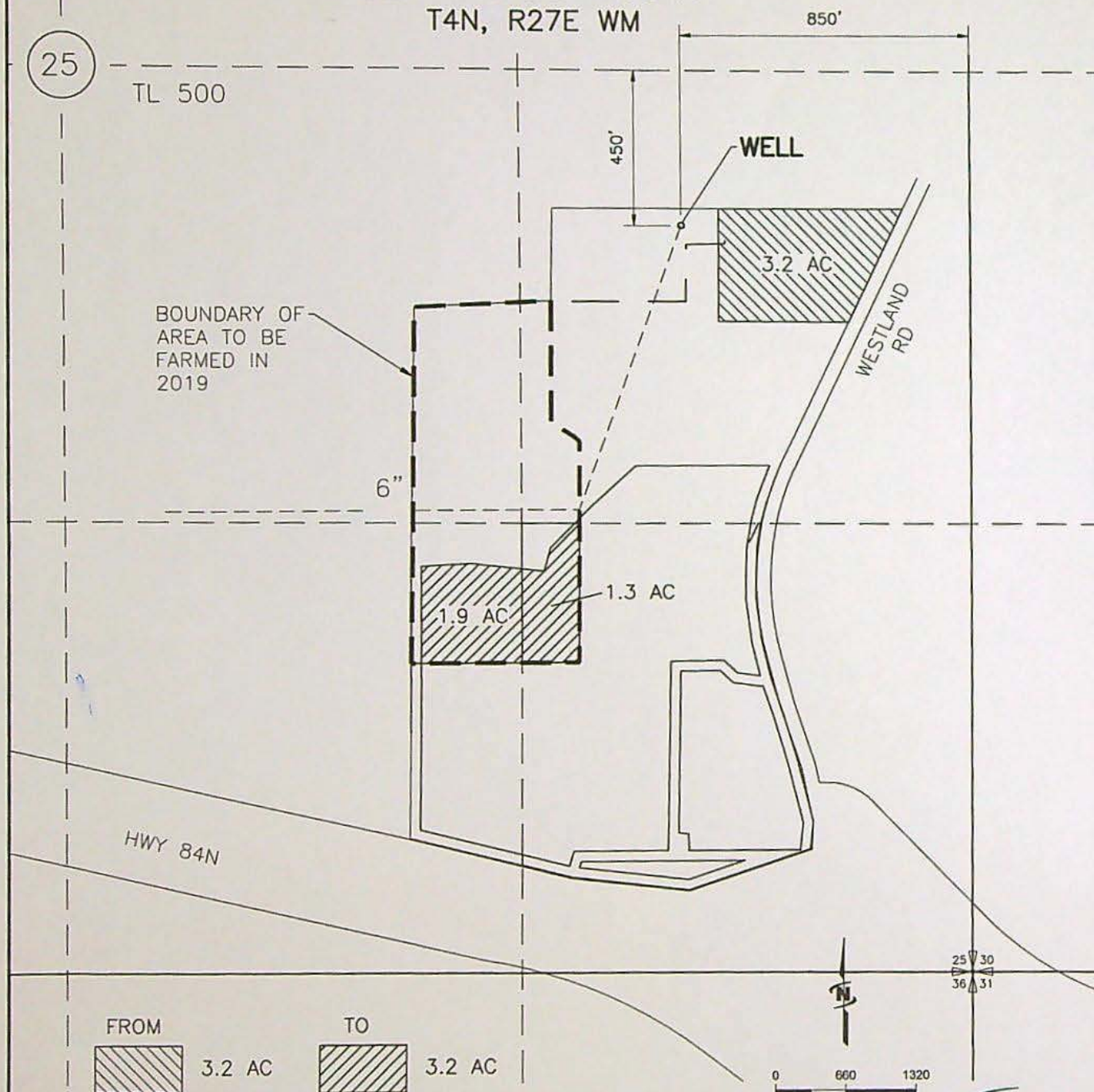


NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT
INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

DRAWING: \\Kwkfiles\Public\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\POLLOCK\30-08-016 POLLOCK 2024.dwg
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14373 -

WESTLAND IRRIGATION DISTRICT
 SAM POLLOCK
 2019 TEMPORARY TRANSFER UNDER SB267
 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.

DRAWING: \\KWKFILES\Public\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\POLLOCK\30-08-016 POLLOCK FROM 2019 lt.dwg
 PRINTED BY: rwillard on 04/09/19 09:57 AM



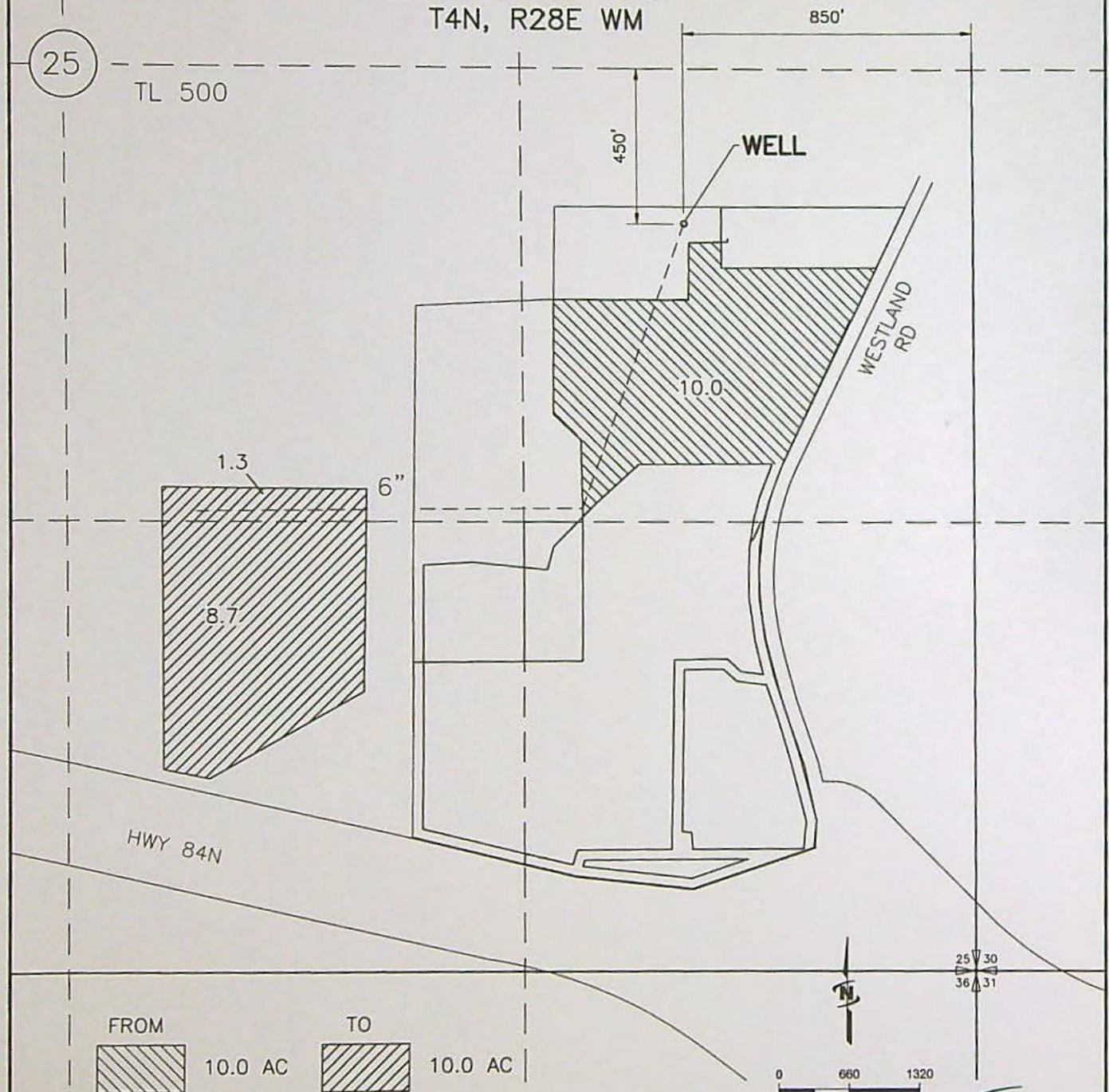
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14373 -

OWRD

WESTLAND IRRIGATION DISTRICT
 SAM POLLOCK
 2020 TEMPORARY TRANSFER UNDER SB267
 CERTIFICATE 76617
 T4N, R28E 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.

DRAWING: \\KWKFILES\Public\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\POLLOCK\30-08-016 POLLOCK FROM 2020 tl.dwg
 PRINTED BY: rwillard on 04/21/20 02:33 PM

RECEIVED

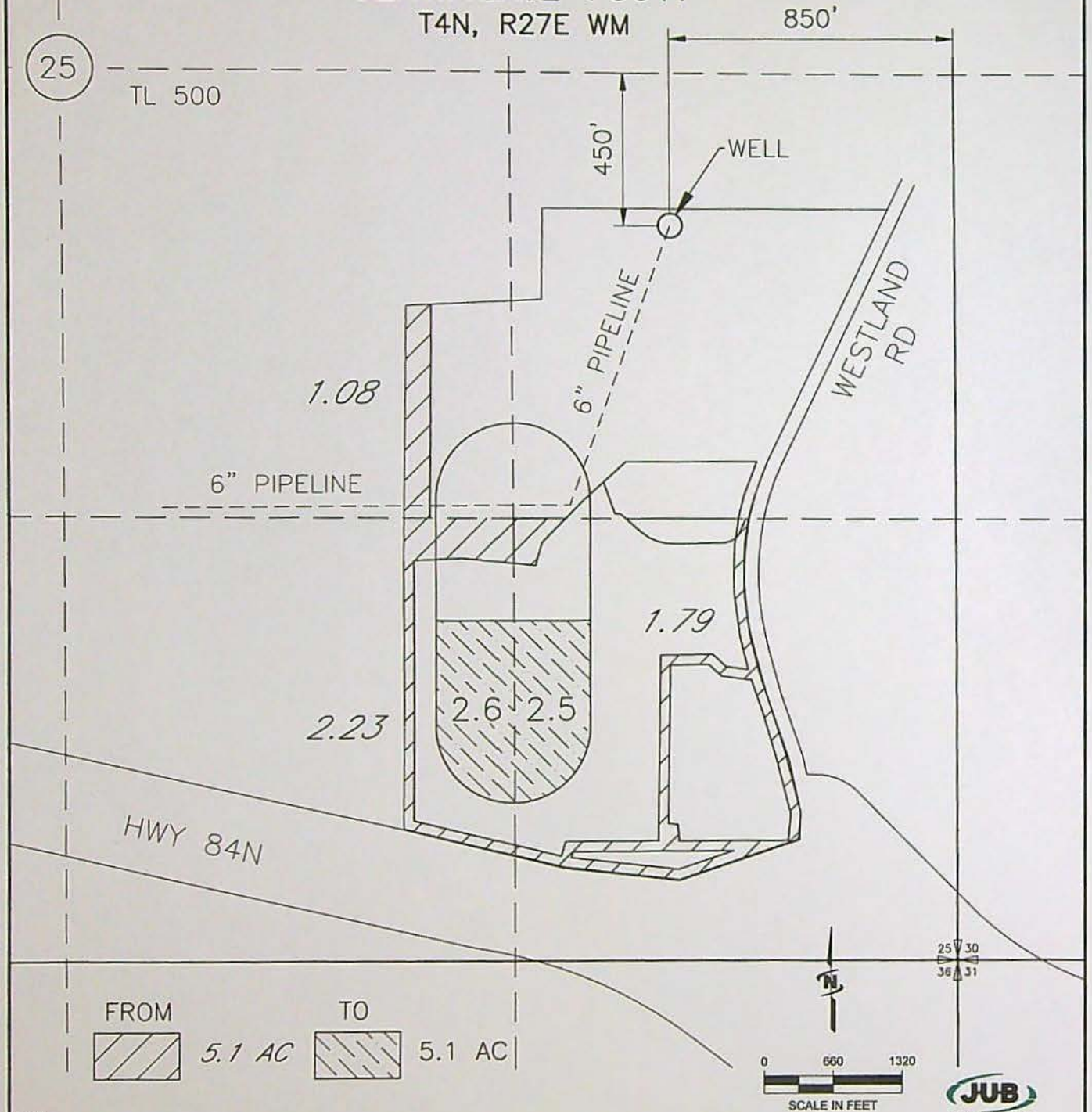
DEC 21 2023

QWRD

14373 -

WESTLAND IRRIGATION DISTRICT
SAM POLLOCK
2021 TEMPORARY TRANSFER UNDER SB267
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.

DRAWING: \\KWKFILES\Public\Project\30-08-016 - Porfily Water Rights Consulting\00 Misc Engineering\Cad\POLLOCK\30-08-016 POLLOCK 2021.dwg
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14373 -

**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 # **142141**

INVOICE # _____

RECEIVED FROM: Pollock and Son, Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14373</u>

CASH: ☐ CHECK: # X 029645 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 977.00

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 \$ 977.00

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 (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **142141**

DATED: 12-21-23 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)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: How many water rights are to be transferred? 1 List them here: 76617
- Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) Begin Year: 3/1/2024 End Year: 10/31/2024.
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ Phone: _____ Date: ____/____/____

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DEC 21 2024
OWRD

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Part 3 of 5 – Fee Worksheet

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>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? <input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: <u>.12 (3a)</u> Subtract 1.0 from the number in 3a above: <u>0 (3b)</u> 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? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>10 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	27.00
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	977.00
6	Is this transfer: <u>N/A</u> <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » » » Transfer Fee:	7	\$977.00

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	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	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	

*Example for Line 2a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. 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 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 97875	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 watermelons under drip irrigation and maintain the land owners' water right in good standing.

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

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

Pollock & Son By Bryce Pollock
Applicant signature

Bryce Pollock
Print Name (and Title if applicable)

12/15/23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

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

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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

Water Right Certificate # 76617

Description of Water Delivery System

System capacity: .26 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The well is equipped with a 15 horse power submersible pump. A 8-inch portable pipeline will deliver the water to a drip line irrigation system which will be used to irrigate the watermelons.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	UMAT 1552	4 N	27 E	25	NE SE		450 south and 850 feet West from the E 1/4 corner, section 25
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---|---|
| <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): N/A

- | | |
|---|---|
| <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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
4	N	27	E	25	NE	SE	500		4.9	IRR	WELL	6/3/1968	POU	4	N	27	E	25	NW	SE	500		1.3	IRR	WELL	6/3/1968			
4	N	27	E	25	NW	SE	500		1.08	IRR	WELL	6/3/1968	POU	4	N	27	E	25	SW	SE	500		8.7	IRR	WELL	6/3/1968			
4	N	27	E	25	SW	SE	500		2.23	IRR	WELL	6/3/1968	POU																
4	N	27	E	25	SE	SE	500		1.79	IRR	WELL	6/3/1968	POU																
TOTAL ACRES									10.0						TOTAL ACRES									10.0					

Additional remarks: _____

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For Place of Use Changes

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

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation N/A

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

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

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Supplemental Form D

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

[For transfers submitted under OAR Chapter 690 Division 380]



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

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

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

1. APPLICANT INFORMATION

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

2. DISTRICT or WATER SUPPLIER INFORMATION

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

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

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

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

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

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

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

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

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

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

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

COMMENTS OR ADDITIONAL INFORMATION It's A PRIVATELY OWNED WELL LOCATED INSIDE A DISTRICT

4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:

☒ email, ☐ phone, ☐ postal mail, ☐ in person, or ☐ other (please specify) _____

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

Bryce Pollock
Applicant Signature

Bryce Pollock
Name (print)

12/15/23
Date

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

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

The district/water supplier certifies the following:

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

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

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

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

Signature of District Manager /Water Supplier

Name (print), Title

Date

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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 UMATILLA

I, BRYCE POLLOCK, in my capacity as LEASEE,

mailing address 78691 AGNEW ROAD HERMISTON, OR 97838

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

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for Certificate # 76617; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

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

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

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

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

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(continues on reverse side)

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

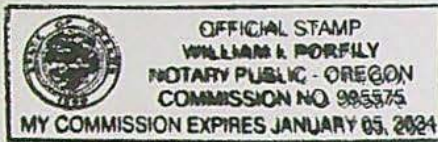
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Pollock & Son By Bryan Pollock
Signature of Affiant

12/15/23

Date

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



William L. Porfily
Notary Public for Oregon

My Commission Expires: Jan 5, 2024

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph Google Earth Aerial Photos and maps depicting temporary transfers from the last 5 years Photos from 2018, 2021, and 2023	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.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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Evidence of Use

T4N R27E SEC 25
7/20/2023-2018

edEx Freight

Stable Rd

Stable Rd

Stable Rd

Westland Rd

Stable Ln

South Frontage Westland Rd

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Evidence of use

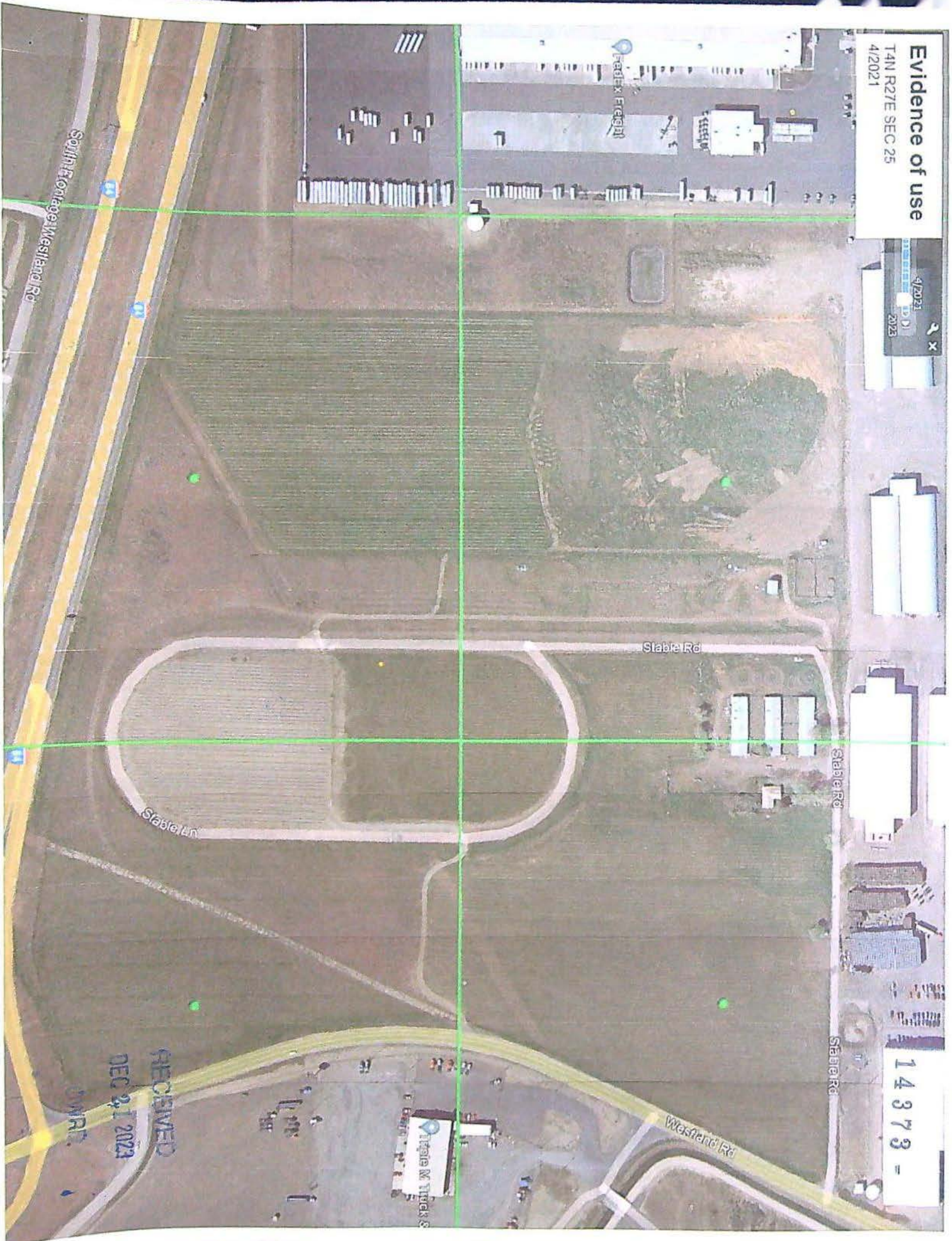
T4N R27E SEC 25

4/2021

4/2021

2023

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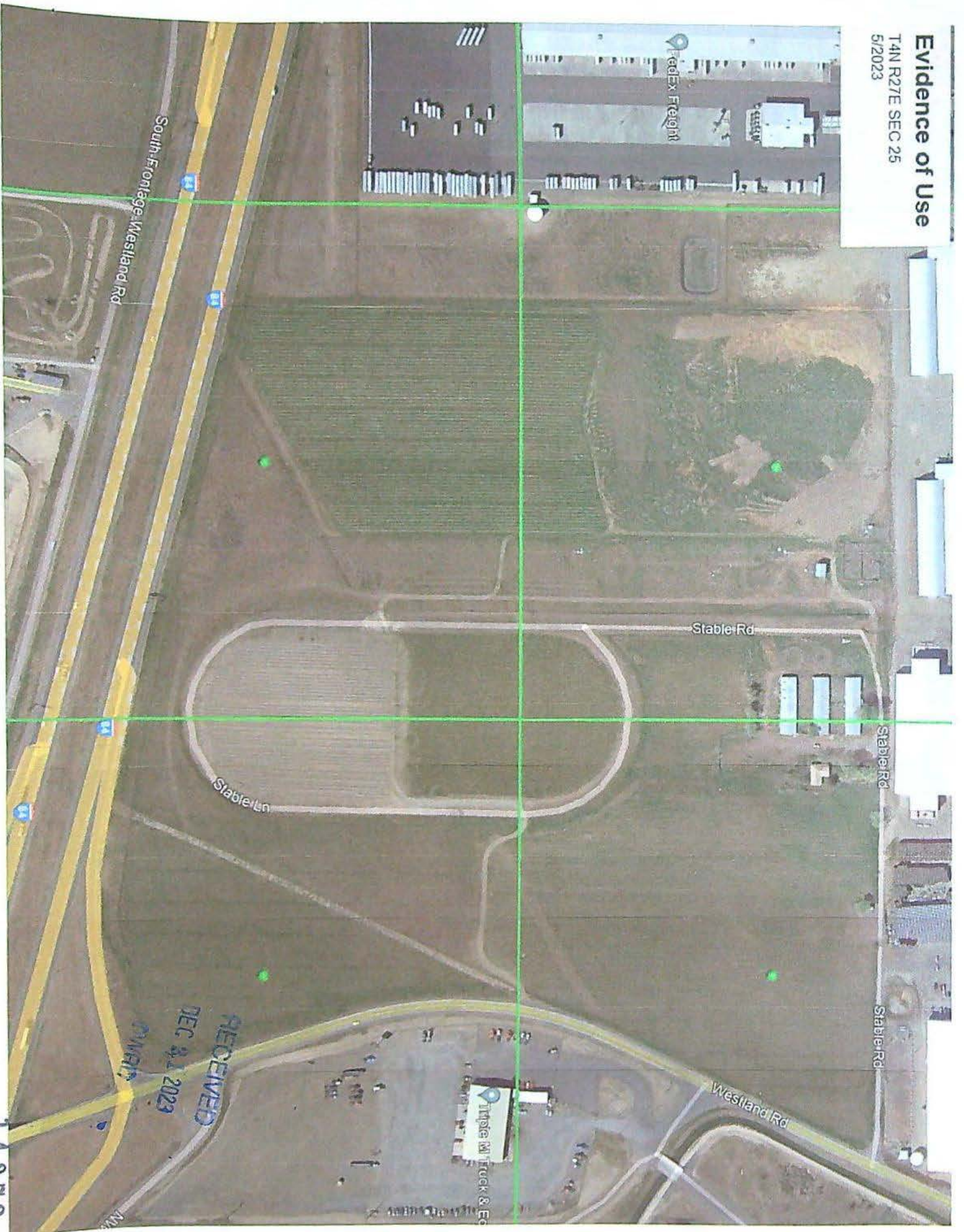


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Evidence of Use

T4N R27E SEC 25
5/2023



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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.



2342992 8100M

080912866

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

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

DATE: 08-29-08

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

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

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

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

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

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

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

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

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

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

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

[Signature Page Follows]

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

TA OPERATING LLC

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

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376 0017

WARRANTY DEED

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SEP 14 2000

GERTRUDE M. JOHNSON,

Grantor(s) hereby grant, bargain, sell, warrant and convey 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-WD

Location R375-0017
Document number 2000-3760017
Fee 41.00

Office of County Records

Deann Thompson
Records Officer

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SCHEDULE I

Permitted Exceptions

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

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Legal Description
File No. 34231



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°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°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°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°45'40" East a distance of 234.09 feet) to a point said point being South 78°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°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°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°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°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°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°53'06" West and along the Northwesterly line of the said Parcel No. 1 a distance of 101.72 feet a point that is North 12°53'06" East, 400.00 feet of Engineer's Centerline Station "EB" 923.00 as described in said Parcel No. 1; thence South 79°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°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°32'02" West and continue along the Northerly line of the said Parcel No. 1 a distance of 228.52 feet to the point of beginning of this description;

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

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Tract B:

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



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

Consent by Deeded Landowner

State of Ohio)
)ss
County of Cuyahoga)

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

TA Operating LLC

By: [Signature]
Signature of Affiant

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

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

Virginia L Joseph
Notary Public for OH

My commission expires 07/04/2028

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

Revised 7/1/2021

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STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

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

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

The well is located as follows:

NE¼ SE¼, SECTION 25, T 4 N, R 27 E, W.M.; 450 FEET SOUTH AND 850 FEET WEST FROM THE E¼ CORNER, SECTION 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

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

NE¼ SE¼	16.58 ACRES
NW¼ SE¼	4.40 ACRES
SW¼ SE¼	2.23 ACRES
SE¼ SE¼	1.79 ACRES

SECTION 25

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

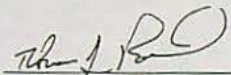
The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,
affixed SEP 12 2000.



Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 76617.

Oregon Water Resources Department
Transfer Fee Calculation for Temporary Transfer

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Today's Date: Wednesday, December 27, 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.

1

\$0.00

☐ 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.

10

\$27.00

(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:

\$977.00

☐ 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:

\$977.00

[Return to Edit](#)

[Clear](#)

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Temporary Transfer Application Intake Checklist

Transfer # T-14373

Reviewer Corie	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u>		
Date 12/27/2023	<input checked="" type="checkbox"/> POU	<input type="checkbox"/> POU/POD	<input type="checkbox"/> POU/APOD <input type="checkbox"/> POU/POA <input type="checkbox"/> POU/APOA
Calculated Fee \$977		Fee Received \$977	
Certificate(s): 76617		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			<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
Notes:			

Application: OAR 690-380-3000; OAR 690-380-3220

1.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> 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.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Map included and meets mapping requirements?
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Map Waiver? The map waiver must be issued by the Department
Notes:		

Attachments: OAR 690-380-3000

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

<input checked="" type="checkbox"/>	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
<input type="checkbox"/>	Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.