

T-14448

Temporary

T-14448

Name Riverbend Landfill Co.
Attn: Nicholas Godfrey
Address 3205 SE Minter Bridge Rd.
Hillsboro, OR 97123
ngodfrey@wm.com

Change in POU
Date Filed 4/25/2024
Initial notice date 5/7/2024
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 8/26/2024 Vol 131 Page 1003-1006

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

Assignments: _____

Irrigation District _____

Agent Ted Ressler
tressler@summitwr.com

CWRE _____
CC's list Yamhill County

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Yamhill River, South Yamhill River

Trib. of Willamette River, Yamhill River

Use Irrigation County Yamhill

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# S-13170 Per # S-9411 Cert # 13681 PR Date 12-3-1929

App# S-17643 Per # S-13340 Cert # 19936 PR Date 10-29-1938

App# _____ Per # _____ Cert # _____ PR Date _____ Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>4-25-2024</u>	<u>\$1,495.44</u>	<u>142803</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

August 26, 2024

Nicholas Godfrey
3205 SE Minter Bridge Rd.
Hillsboro, OR 97123

Reference: Application T-14448

On April 25, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1495.44. Receipt number 142803 is enclosed.

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

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

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

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Ted Ressler, Agent
Jordan Bacon, Interested Party
Yamhill 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-14448, Yamhill County)	CHANGE IN PLACES OF USE

Authority

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

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

Applicant

RIVERBEND LANDFILL CO.
ATTN: NICHOLAS GODFREY
3205 SE MINTER BRIDGE RD
HILLSBORO, OR 97123

Findings of Fact

1. On April 25, 2024, Riverbend Landfill Co. Attn: Nicholas Godfrey filed an application to temporarily change the places of use under Certificates 13681 and 19936 for a period of 5 years. The Department assigned the application number T-14448.

2. Notice of the application for transfer was published on May 7, 2024, pursuant to OAR 690-380-4000.

3. The portion of the first right to be temporarily transferred is as follows:

Certificate:	13681 in the name of CHESTER L. MULKEY (perfected under Permit S-9411)
Use:	IRRIGATION of 36.4 ACRES
Priority Date:	DECEMBER 3, 1929
Rate:	0.46 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, shall be limited to ONE-

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.

EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

Source: YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	12	NW NW	64	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	1	SW SW	64	6.2
5 S	5 W	WM	2	SE SE	64	1.1
5 S	5 W	WM	2	SE SE	65	2.8
5 S	5 W	WM	11	NE NE	64	1.0
5 S	5 W	WM	11	NE NE	65	6.9
5 S	5 W	WM	12	NW NW	64	18.4
					Total	36.4

4. Temporary Transfer Application T-14448 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	2	NW SE	3		1.0
5 S	5 W	WM	2	SW SE	8		15.2
5 S	5 W	WM	2	SE SE	9		4.9
5 S	5 W	WM	12	NE NW	5		3.6
5 S	5 W	WM	12	NE NW		74	4.6
5 S	5 W	WM	12	SE NW	4		2.5
5 S	5 W	WM	12	SE NW		74	4.6
						Total	36.4

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

Certificate: 19936 in the name of CHESTER L. MULKEY (perfected under Permit S-13340)

Use: IRRIGATION OF 50.8 ACRES

Priority Date: OCTOBER 29, 1938

Rate: 0.64 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: SOUTH FORK OF YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	12	NW NW	64	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	1	NE SW	64	1.2
5 S	5 W	WM	1	NW SW	64	6.8
5 S	5 W	WM	1	SW SW	64	27.2
5 S	5 W	WM	1	SE SW	64	1.0
5 S	5 W	WM	12	NE NW	64	0.5
5 S	5 W	WM	12	NW NW	64	10.7
5 S	5 W	WM	12	SW NW	64	3.4
					Total	50.8

6. Temporary Transfer Application T-14448 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	11	NE NE	64	0.5
5 S	5 W	WM	11	NE NE	65	13.6
5 S	5 W	WM	11	NW NE	65	1.5
5 S	5 W	WM	11	SW NE	65	7.7
5 S	5 W	WM	11	SE NE	64	0.7
5 S	5 W	WM	11	SE NE	65	14.5
5 S	5 W	WM	12	NW NW	64	2.4
5 S	5 W	WM	12	SW NW	64	5.7
5 S	5 W	WM	12	SE NW	74	4.2
					Total	50.8

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights 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 rights, as required by ORS 540.523(7).

1905 1 S 00A

10. 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.

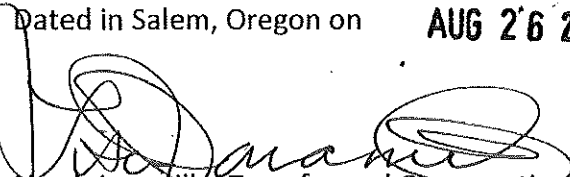
Conclusions of Law

The temporary change in places of use proposed in Temporary Transfer Application T-14448 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use proposed in Temporary Transfer Application T-14448 is approved.
2. The former place of use shall **not** be irrigated as part of these water rights during the 2024, 2025, 2026, 2027, and 2028 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2028 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 13681 and 19936 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 Certificates 13681 and 19936.
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. The use of the remaining water rights described by Certificates 13681 and 19936 shall continue to be in accordance with the terms and conditions of Certificates 13681 and 19936.

Dated in Salem, Oregon on **AUG 26 2024**



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

Mailing Date: **AUG 27 2024**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14448

Transfer Specialist:

Scott

Transfer Type: Temporary Transfer

DROUGHT? ☐

Applicant: Nicholas Godfrey 3205 SE Minter Bridge Rd. Hillsboro, OR 97123	Agent: Ted Ressler 4784 SE 17th Ave, Suite 111 Portland, OR 97202	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts: Yamhill 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: April 25, 2024	Proposed Action(s): PLACE OF USE	
Fees Pd: 1495.44	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 2 Willamette
Initial Public Notice: 5/7/2024	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: YAMHILL
WM District: 22 Joel M. Plahn	WM Review request sent:	WM Review date received:
Groundwater	GW Review sent:	GW Review date received:

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>8/17/24</u> Initials: <u>Scott</u>	Date: <u>8/14/24</u> Initials: <u>Joan</u>	Date: <u>8/22/24</u> Initials: <u>Cony</u>	Date: <u>8/23/24</u> Initials: <u>Scott</u>	Date: <u>8/23/24</u> No. of docs for sig: <u>1</u> WM Sheet <input type="checkbox"/>	Date: <u>8/26/24</u>

Special Issues: _____

Special Order Volume: Vol. 131 Pages 1003-1006

GREW Scott A * WRD

From: COURCHANE Corey A * WRD
Sent: Thursday, August 22, 2024 8:57 AM
To: GREW Scott A * WRD
Subject: Riverbend Landfill, T-14448

Good morning Scott,

I have completed coordinator review of the temp FO for T-14448. Accept the track changes and you are good to go. Fantastic job!

Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>



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

April 30, 2024

Riverbend Landfill Co.
Attn: Nicholas Godfrey
3205 SE Minter Bridge Rd.
Hillsboro, OR 97123

Reference: Application T-14448

On April 25, 2024, the Department received your water right Temporary Transfer Application. The application was accompanied by \$1495.44. Receipt number 142803 is enclosed.

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

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Ted Ressler, Agent
Yamhill County, Local Government

Enclosure

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-14448

Review Due Date:

Applicant Name: Riverbend Landfill

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

Reviewer(s): Joel Plahn

Date of Review: 05/03/2024

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-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

Watermaster signature

District

Date

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

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **142803**

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

INVOICE # _____

RECEIVED FROM: Geo. Logan Associates
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14448

CASH: ☐ CHECK: # 81400 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,495.44

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,495.44</u>		
	EXAM FEE		
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	LICENSE FEE
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: **142803**

DATED: 4-25-24 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.

Received

APR 25 2024

OWRD

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? 2** List them here: **13681 and 19936 (Attachment 1)**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2024 End Year: 2028.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map. ([Attachment 2](#))
- ☒ Completed Evidence of Use Affidavit and supporting documentation. ([Attachment 3](#))
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. ([Attachment 4](#))
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☐ ☒ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

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

☐ Land Use Form not enclosed or incomplete

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

Other/Explanation _____

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

Part 2 of 5 – Temporary Transfer Application Map Checklist

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. [Map Scale Waiver \(Attachment 5\)](#)
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>2 (2a)</u> Subtract 1 from the number in 3a above: <u>1 (2b)</u> If only one water right this will be 0 Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	310
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <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>87.2 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	235.44
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	1,495.44
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7» » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	1,495.44

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Riverbend Landfill Co.; Attn: Nicholas Godfrey		PHONE NO. 503-435-9248	ADDITIONAL CONTACT NO.
ADDRESS 3205 SE Minter Bridge Rd			FAX NO.
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL ngodfrey@wm.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 Ted Ressler, RG, CWRE/ Summit Water Resources LLC		PHONE NO. 503-976-7050 x204	ADDITIONAL CONTACT NO. 503-701-4535
ADDRESS 4784 SE 17th Ave Suite 111			FAX NO.
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.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:

The applicant is proposing to temporarily transfer a portion of Certificates 13681 and 19936 to lands adjacent to for a period of up to 5 years. No change in POD is associated with this application.

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

Jason S Rose VP
Print Name (and Title if applicable)

4/11/24
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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


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

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Yamhill County	ADDRESS 525 NE 4 th st	
CITY McMinville	STATE OR	ZIP 97128

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 # 13681

Description of Water Delivery System

System capacity: 1.7 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at sometime 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. 40 HP centrifugal pump conveys water to fields via buried mainline and is applied by overhead (hard-hose) irrigation sprinklers.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- ___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	12	NW	NW	DLC 64	Not specified by certificate
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	12	NW	NW	DLC 64	Not specified by certificate
	<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.

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 13681

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
5	S	5	W	1	SW	SW	401	64	6.2	Irrigation	POD 1,2	1929	POU	5	S	5	W	2	NW	SE	500	3	1.0	Irrigation	POD 1,2	1929
5	S	5	W	2	SE	SE	400	65	2.8	Irrigation	POD 1,2	1929	POU	5	S	5	W	2	SW	SE	500	8	15.2	Irrigation	POD 1,2	1929
5	S	5	W	2	SE	SE	400	64	1.1	Irrigation	POD 1,2	1929	POU	5	S	5	W	2	SE	SE	500	9	4.9	Irrigation	POD 1,2	1929
5	S	5	W	11	NE	NE	400	65	6.9	Irrigation	POD 1,2	1929	POU	5	S	5	W	12	NE	NW	200 500	5	3.6	Irrigation	POD 1,2	1929
5	S	5	W	11	NE	NE	400	64	1.0	Irrigation	POD 1,2	1929	POU	5	S	5	W	12	NE	NW	400	74	4.6	Irrigation	POD 1,2	1929
5	S	5	W	12	NW	NW	401	64	18.4	Irrigation	POD 1,2	1929	POU	5	S	5	W	12	SE	NW	500	4	2.5	Irrigation	POD 1,2	1929
													POU	5	S	5	W	12	SE	NW	400	74	4.6	Irrigation	POD 1, 2	1929
TOTAL ACRES									36.4																	
														TOTAL ACRES									36.4			

Additional remarks: This transfer involves a 36.4 acre portion of Certificate 13681.

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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

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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 # 19936

Description of Water Delivery System

System capacity: 1.7 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at sometime 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. 40 HP centrifugal pump conveys water to fields via buried mainline and is applied by overhead (hard-hose) irrigation sprinklers.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- ___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	12	NW	NW	DLC 64	Not specified by certificate
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		5	S	5	W	12	NW	NW	DLC 64	Not specified by certificate
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

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

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

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

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 19936

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

AUTHORIZED (the “from” or “off” lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see “CODES” from previous page)	PROPOSED (the “to” or “on” lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
EXAMPLE																													
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901			
“	“	“	“	“	“	“	“	“	“	EXAMPLE	“	“	“	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901			
5	S	5	W	1	NE	SW	400	64	1.2	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	NE	NE	600	65	13.6	Irrigation	POD 1,2	1938			
5	S	5	W	1	NW	SW	400	64	6.8	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	NE	NE	600	64	0.5	Irrigation	POD 1,2	1938			
5	S	5	W	1	SW	SW	400 401	64	27.2	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	NW	NE	600	65	1.5	Irrigation	POD 1,2	1938			
5	S	5	W	1	SE	SW	400	64	1.0	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	SW	NE	600	65	7.7	Irrigation	POD 1,2	1938			
5	S	5	W	12	NE	NW	500	64	0.5	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	SE	NE	600	65	14.5	Irrigation	POD 1,2	1938			
5	S	5	W	12	NW	NW	500	64	10.7	Irrigation	POD 1,2	1938	POU	5	S	5	W	11	SE	NE	600	64	0.7	Irrigation	POD 1,2	1938			
5	S	5	W	12	SW	NW	500 600	64	3.4	Irrigation	POD 1,2	1938	POU	5	S	5	W	12	NW	NW	600	64	2.4	Irrigation	POD 1, 2	1938			
														5	S	5	W	12	SW	NW	600	64	5.7	Irrigation	POD 1, 2	1938			
														5	S	5	W	12	SE	NW	400	74	4.2	Irrigation	POD 1, 2	1938			
TOTAL ACRES									50.8						TOTAL ACRES									50.8					

Additional remarks: This transfer involves a 50.8 acre portion of Certificate 19936.

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

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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

Received

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STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

Received
APR 25 2024
OWRD

This Is to Certify, That . . . CHESTER L. MULKEY . . .

of . . . McMinnville . . . , State of . . . Oregon . . . has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Yamhill River a tributary of . . . for the purpose of Irrigation under Permit No. 9411 . . . of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 3, 1929;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.63 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the . . . NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 5 South, Range 5 West, W. M., within A. N. Miller D. L. C. 64.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

18.4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12
1.0 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11
6.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1
1.1 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2
Township 5 South, Range 5 West, W. M., being within A. N. Miller D. L. C. 64
20.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11
2.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2
Township 5 South, Range 5 West, W. M., being within Richard Miller D. L. C. 65.

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

WITNESS the signature of the State Engineer, affixed

this 1st day of July , 193/41

CHAS. E. STRICKLIN

State Engineer

Received

APR 25 2024

STATE OF OREGON
COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT ^{OWRD}

This Is to Certify, That CHESTER L. MULKEY

of Route 3 - McMinnville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of South Fork of Yamhill River a tributary of Yamhill River for the purpose of irrigation under Permit No. 13340 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 29, 1938

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.75 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW₄, NW₄, as projected in A. N. Miller D.L.C. No. 64, Section 12, T. 5 S., R. 5 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eighth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 1.2 acres in NE₄ SW₄, as projected in A. N. Miller DLC #64
- 6.8 acres in NW₄ SW₄, as projected in A. N. Miller DLC #64
- 27.2 acres in SE₄ SW₄, as projected in A. N. Miller DLC #64
- 1.0 acres in SE₄ SW₄, as projected in A. N. Miller DLC #64
- Section 1, T. 5 S., R. 5 W., W. M.
- 3.8 acres in SE₄ SE₄, as projected in R. Miller DLC #65
- 2.5 acres in SE₄ SE₄, as projected in R. Miller DLC #65
- Section 2, T. 5 S., R. 5 W., W. M.
- 2.0 acres in NE₄ NE₄, as projected in R. Miller DLC #65
- 0.9 acres in NW₄ NE₄, as projected in R. Miller DLC #65
- Section 11, T. 5 S., R. 5 W., W. M.
- 0.5 acres in NE₄ NW₄, as projected in A. N. Miller DLC #64
- 10.7 acres in NW₄ NW₄, as projected in A. N. Miller DLC #64
- 3.4 acres in SW₄ NW₄, as projected in A. N. Miller DLC #64
- Section 12, T. 5 S., R. 5 W., W. M.

Land on which water is to be applied is a part of that more explicitly described as follows:

Begin 10.52 chains N. of the SE corner of Alex Miller Donation Land Claim; thence N. 4.50 chains; Thence N. 10 chains; Thence E. 4.50 chains; Thence S. 10 chains to the beginning and containing 4.50 acres.
Begin 8.72 chains W. and 2.91 chains N. of the NE corner of Section 11, T. 5 S., R. 5 W., Thence N. 21.57 chains; Thence S. 24.00 chains to center of road; thence S. 41°55' East in center Road 32.00 chains to beginning and containing 26.00 acres.
Except for road and State Highway, leaving 24.00 acres
Begin 1.50 chains S. of the NE corner of Alexis Miller Donation Land Claim; Thence running S. 42°W. 61.87 chains E. 25 chains to center of the Yamhill River; Thence S Easterly along the middle of said River 16.10 chains; Thence E. 10.77 chains to the E. boundary line of said Claim; Thence N. 5.25 chains; Thence W. 4.50 chains; Thence N. 10 chains; Thence E. 4.50 chains to the W. boundary said Claim; Thence N. along the

said East boundary 43.72 chains to the beginning and containing 110.50 acres.
Except for County Road and State Highway Leaving 108.50 acres.

That part of Government Lot #4 lying north of the Yamhill River in Section 12,
Township 5 South, Range 5 West.

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

WITNESS the signature of the State Engineer, affixed

this 30th day of September, 1952

CHAS. E. STRICKLIN State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 19936

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 YAMHILL

I, Nordan Bacon, in my capacity as tenant

mailing address 1001 FANNIN ST, HOUSTON, TX, 77002

telephone number (971) 237-4116 being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
13681	5	S	5	W	WM	1	SW	SW	64	6.2
13681	5	S	5	W	WM	2	SE	SE	65	2.8
13681	5	S	5	W	WM	2	SE	SE	64	1.1
13681	5	S	5	W	WM	11	NE	NE	65	6.9
13681	5	S	5	W	WM	11	NE	NE	64	1.0
13681	5	S	5	W	WM	12	NW	NW	64	18.4

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.):

Received

APR 25 2024

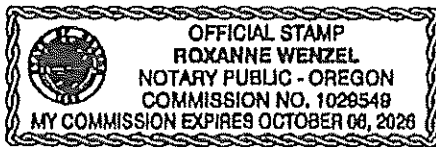
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4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

4/4/24
Date

Signed and sworn to (or affirmed) before me this 4 day of April, 2024



[Signature]
Notary Public for Oregon

My Commission Expires: October 6, 2026

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • 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 type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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 YAMHILL

I, Jordan Bacon, in my capacity as tenant,

mailing address 1001 FANNIN ST, HOUSTON, TX, 77002

telephone number (971) 237-4115 being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

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

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
19936	5	S	5	W	WM	1	NE	SW	64	1.2
19936	5	S	5	W	WM	1	NW	SW	64	6.8
19936	5	S	5	W	WM	1	SW	SW	64	27.2
19936	5	S	5	W	WM	1	SE	SW	64	1.0
19936	5	S	5	W	WM	12	NE	NW	64	0.5
19936	5	S	5	W	WM	12	NW	NW	64	10.7
19936	5	S	5	W	WM	12	SW	NW	64	3.4

OR

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

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

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

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

(continues on reverse side)

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APR 25 2024

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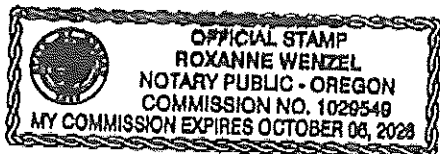
3. The water right was used for: (e.g., crops, pasture, etc.): _____

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

Date

Signed and sworn to (or affirmed) before me this 4 day of April, 2024.



Notary Public for Oregon

My Commission Expires: October 8, 2028

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 checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• 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 type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

MCMINNVILLE WATER & LIGHT

COMMUNITY OWNED - COMMUNITY FOCUSED

PO Box 638
855 NE Marsh Lane
McMinnville, OR 97128
503-472-6158 | mc-power.com

Waste Management
13469 Sw Hwy 18
McMinnville OR 97128

Hello Jordan,

The attached Excel spreadsheet has usage from December 2013 – March 2024 for meter# 708091 which is an irrigation account at:

Waste Management
13469 Sw Hwy 18
McMinnville OR 97128

Thank you,

Anna Wood
Customer Service
McMinnville Water and Light
503-472-6158

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APR 25 2024
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JOHN C. DIETZ, General Manager
TRENA MCMANUS, Clerk



COMMUNITY OWNED
RELIABLE SERVICE

WATER AND LIGHT COMMISSION: REMY DRABKIN, Mayor | KATHY TATE, Chair | TOM TANKERSLEY | ED GORMLEY | JODY CHRISTENSEN

Billing Period	Read Date	Account	Provider	KWH Usage	Days Of Use	Current Read	Use Revenue	Meter #
Mar-24	3/21/2024	██████	1E	0	24	33671	52.50	708091
Feb-24	2/26/2024	██████	1E	0	33	33671	52.50	708091
Jan-24	1/24/2024	██████	1E	0	29	33671	52.50	708091
Dec-23	12/26/2023	██████	1E	0	34	33671	52.50	708091
Nov-23	11/22/2023	██████	1E	0	34	33671	52.50	708091
Oct-23	10/19/2023	██████	1E	0	23	33671	52.50	708091
Sep-23	9/26/2023	██████	1E	0	33	33671	50.00	708091
Aug-23	8/24/2023	██████	1E	0	30	33671	50.00	708091
Jul-23	7/25/2023	██████	1E	0	33	33671	50.00	708091
Jun-23	6/22/2023	██████	1E	0	30	33671	50.00	708091
May-23	5/23/2023	██████	1E	0	29	33671	50.00	708091
Apr-23	4/24/2023	██████	1E	0	32	33671	50.00	708091
Mar-23	3/23/2023	██████	1E	0	30	33671	50.00	708091
Feb-23	2/21/2023	██████	1E	0	28	33671	50.00	708091
Jan-23	1/24/2023	██████	1E	0	34	33671	50.00	708091
Dec-22	12/21/2022	██████	1E	103	28	33671	53.56	708091
Nov-22	11/23/2022	██████	1E	128	29	33568	54.43	708091
Oct-22	10/25/2022	██████	1E	359	28	33440	62.42	708091
Sep-22	9/27/2022	██████	1E	240	29	33081	56.48	708091
Aug-22	8/29/2022	██████	1E	284	34	32841	58.03	708091
Jul-22	7/26/2022	██████	1E	0	28	32557	48.00	708091
Jun-22	6/28/2022	██████	1E	0	34	32557	48.00	708091
May-22	5/25/2022	██████	1E	0	28	32557	48.00	708091
Apr-22	4/27/2022	██████	1E	0	28	32557	48.00	708091
Mar-22	3/30/2022	██████	1E	0	34	32557	48.00	708091
Feb-22	2/24/2022	██████	1E	0	28	32557	48.00	708091
Jan-22	1/27/2022	██████	1E	0	30	32557	48.00	708091
Dec-21	12/28/2021	██████	1E	0	29	32557	48.00	708091
Nov-21	11/29/2021	██████	1E	29	34	32557	49.02	708091
Oct-21	10/26/2021	██████	1E	1	27	32528	48.04	708091
Sep-21	9/29/2021	██████	1E	0	30	32527	46.00	708091
Aug-21	8/30/2021	██████	1E	0	33	32527	46.00	708091
Jul-21	7/28/2021	██████	1E	0	34	32527	46.00	708091
Jun-21	6/24/2021	██████	1E	0	29	32527	46.00	708091
May-21	5/26/2021	██████	1E	0	28	32527	46.00	708091
Apr-21	4/28/2021	██████	1E	0	29	32527	46.00	708091
Mar-21	3/30/2021	██████	1E	0	35	32527	46.00	708091
Feb-21	2/23/2021	██████	1E	0	27	32527	46.00	708091
Jan-21	1/27/2021	██████	1E	0	30	32527	46.00	708091
Dec-20	12/28/2020	██████	1E	0	34	32527	46.00	708091
Nov-20	11/24/2020	██████	1E	249	27	32527	54.97	708091
Oct-20	10/28/2020	██████	1E	466	29	32278	62.79	708091
Sep-20	9/29/2020	██████	1E	824	34	31812	75.68	708091
Aug-20	8/26/2020	██████	1E	180	28	30988	52.48	708091
Jul-20	7/29/2020	██████	1E	0	34	30808	46.00	708091
Jun-20	6/25/2020	██████	1E	0	30	30808	46.00	708091
May-20	5/26/2020	██████	1E	0	29	30808	46.00	708091
Apr-20	4/27/2020	██████	1E	0	32	30808	46.00	708091
Mar-20	3/26/2020	██████	1E	0	31	30808	46.00	708091
Feb-20	2/24/2020	██████	1E	0	27	30808	46.00	708091

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APR 25 2024

Billing Period	Read Date	Account	Provider	KWH Usage	Days Of Use	Current Read	Use Revenue	Meter #
Jan-20	1/28/2020	██████	1E	0	33	30808	46.00	708091
Dec-19	12/26/2019	██████	1E	0	31	30808	46.00	708091
Nov-19	11/25/2019	██████	1E	25	26	30808	46.90	708091
Oct-19	10/30/2019	██████	1E	136	33	30783	50.90	708091
Sep-19	9/27/2019	██████	1E	12,388	31	30647	619.18	708091
Aug-19	8/27/2019	██████	1E	10,223	28	18259	506.60	708091
Jul-19	7/30/2019	██████	1E	12,627	34	8036	631.60	708091
Jun-19	6/26/2019	██████	1E	8,180	27	95409	400.36	708091
May-19	5/30/2019	██████	1E	0	36	87229	45.00	708091
Apr-19	4/24/2019	██████	1E	0	29	87229	45.00	708091
Mar-19	3/26/2019	██████	1E	0	27	87229	45.00	708091
Feb-19	2/27/2019	██████	1E	0	28	87229	45.00	708091
Jan-19	1/30/2019	██████	1E	0	34	87229	45.00	708091
Dec-18	12/27/2018	██████	1E	0	29	87229	45.00	708091
Nov-18	11/28/2018	██████	1E	20	33	87229	45.76	708091
Oct-18	10/26/2018	██████	1E	82	29	87209	48.12	708091
Sep-18	9/27/2018	██████	1E	5,401	37	87127	250.45	708091
Aug-18	8/21/2018	██████	1E	5,787	25	81726	270.14	708091
Jul-18	7/27/2018	██████	1E	339	30	75939	57.54	708091
Jun-18	6/27/2018	██████	1E	207	33	75600	52.66	708091
May-18	5/25/2018	██████	1E	0	30	75393	45.00	708091
Apr-18	4/25/2018	██████	1E	0	29	75393	45.00	708091
Mar-18	3/27/2018	██████	1E	0	29	75393	45.00	708091
Feb-18	2/26/2018	██████	1E	0	27	75393	45.00	708091
Jan-18	1/30/2018	██████	1E	0	34	75393	45.00	708091
Dec-17	12/27/2017	██████	1E	0	29	75393	45.00	708091
Nov-17	11/28/2017	██████	1E	26	33	75393	45.96	708091
Oct-17	10/26/2017	██████	1E	4,969	30	75367	228.85	708091
Sep-17	9/26/2017	██████	1E	24,241	33	70398	1,204.94	708091
Aug-17	8/24/2017	██████	1E	14,056	27	46157	688.87	708091
Jul-17	7/28/2017	██████	1E	13,107	31	32101	640.78	708091
Jun-17	6/27/2017	██████	1E	4,821	34	18994	223.38	708091
May-17	5/24/2017	██████	1E	0	28	14173	45.00	708091
Apr-17	4/26/2017	██████	1E	0	29	14173	45.00	708091
Mar-17	3/28/2017	██████	1E	0	34	14173	45.00	708091
Feb-17	2/22/2017	██████	1E	0	26	14173	45.00	708091
Jan-17	1/27/2017	██████	1E	0	31	14173	45.00	708091
Dec-16	12/27/2016	██████	1E	0	28	14173	45.00	708091
Nov-16	11/29/2016	██████	1E	1	33	14173	45.04	708091
Oct-16	10/27/2016	██████	1E	284	28	14172	55.51	708091
Sep-16	9/29/2016	██████	1E	397	34	13888	59.69	708091
Aug-16	8/26/2016	██████	1E	342	30	13491	57.65	708091
Jul-16	7/27/2016	██████	1E	239	29	13149	53.84	708091
Jun-16	6/28/2016	██████	1E	18	33	12910	45.67	708091
May-16	5/26/2016	██████	1E	0	28	12892	45.00	708091
Apr-16	4/28/2016	██████	1E	0	34	12892	45.00	708091
Mar-16	3/25/2016	██████	1E	0	30	12892	45.00	708091
Feb-16	2/24/2016	██████	1E	0	29	12892	45.00	708091
Jan-16	1/26/2016	██████	1E	0	28	12892	45.00	708091
Dec-15	12/29/2015	██████	1E	0	32	12892	45.00	708091

APR 25 2024

Billing Period	Read Date	Account	Provider	KWH Usage	Days Of Use	Current Read	Use Revenue	Meter #
Nov-15	11/27/2015	██████	1E	0	32	12892	45.00	708091
Oct-15	10/26/2015	██████	1E	90	27	12892	48.33	708091
Sep-15	9/29/2015	██████	1E	316	32	12802	56.69	708091
Aug-15	8/28/2015	██████	1E	684	29	12486	70.31	708091
Jul-15	7/30/2015	██████	1E	810	34	11802	74.97	708091
Jun-15	6/26/2015	██████	1E	445	29	10992	61.47	708091
May-15	5/28/2015	██████	1E	113	31	10547	49.18	708091
Apr-15	4/27/2015	██████	1E	0	31	10434	45.00	708091
Mar-15	3/27/2015	██████	1E	0	29	10434	45.00	708091
Feb-15	2/26/2015	██████	1E	0	28	10434	45.00	708091
Jan-15	1/29/2015	██████	1E	0	31	10434	45.00	708091
Dec-14	12/29/2014	██████	1E	0	33	10434	45.00	708091
Nov-14	11/26/2014	██████	1E	0	27	10434	45.00	708091
Oct-14	10/30/2014	██████	1E	48	31	10434	46.78	708091
Sep-14	9/29/2014	██████	1E	1,445	32	10386	98.47	708091
Aug-14	8/28/2014	██████	1E	998	29	8941	81.93	708091
Jul-14	7/30/2014	██████	1E	1,108	33	7943	86.00	708091
Jun-14	6/27/2014	██████	1E	6,731	29	6835	317.71	708091
May-14	5/29/2014	██████	1E	104	30	104	48.85	708091
Apr-14	4/29/2014	██████	1E	0	32	0	45.00	708091
Mar-14	3/28/2014	██████	1E	0	29	0	45.00	708091
Feb-14	2/27/2014	██████	1E	0	28	0	45.00	708091
Jan-14	1/30/2014	██████	1E	0	31	0	45.00	708091
Dec-13	12/30/2013	██████	1E	0	34	0	45.00	708091

Received
APR 25 2024
OWRD

1991 DEC -6 AM 11:31

F 262P1269

AFTER RECORDING RETURN TO:
Riverbend Landfill Co.
300 Drakes Landing
Suite 155
Greenbrae, California 94904

SEND TAX STATEMENTS TO:
Riverbend Landfill Co.
300 Drakes Landing
Suite 155
Greenbrae, California 94904

CORRECTIVE DEED

RIVERBEND LANDFILL CO., an Oregon corporation, which took title to the within described parcels as follows:

- a. as to Parcels 1 through 5, as **RIVERBEND LANDFILL CO., INC.**, an Oregon corporation, by deed dated December 27, 1990, and recorded December 31, 1990, in Film Volume 250, Page 2132, Records of Yamhill County, Oregon;
- b. as to Parcel 6, as **RIVERBEND LANDFILL, INC.**, an Oregon corporation, by deed dated March 28, 1991, and recorded March 28, 1991, in Film Volume 253, Page 450, Records of Yamhill County, Oregon;
- c. as to Parcels 7 and 8, as **RIVERBEND LANDFILL COMPANY, INC.**, an Oregon corporation, by deed dated October 3, 1989, and recorded November 2, 1989, in Film Volume 237, Page 1656, Records of Yamhill County, Oregon

hereby releases and quitclaims to **RIVERBEND LANDFILL CO.**, an Oregon corporation, all of its right, title, and interest in and to the property described on Exhibit A attached hereto and incorporated herein by this reference.

The purpose of this Deed is to correct the names of the grantees in the above-referenced deeds to reflect the correct legal name of the corporate grantee as Riverbend Landfill Co., an Oregon corporation. The true consideration for this Instrument is \$0.

012231

1 - CORRECTIVE DEED
810110anfillilllrecdced.401

STATE OF OREGON
COUNTY OF YAMHILL



T. Guller
CHARLES STEPHEN
COUNTY CLERK

Received
APR 25 2024

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12-6-91

SS12-100,400,500
SS01-300,400,401
21-06968
1991-12-31
T-51111-31
Dec 4

1991 DEC -6 AM 11:31

F262P1270

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 APPRO-
PRIATE CITY OR COUNTY PLANNING DEPARTMENT
TO VERIFY APPROVED USES.

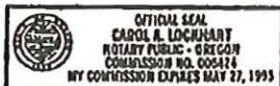
Dated this 5th day of December, 1991.

RIVERBEND LANDFILL CO.,
an Oregon corporation

By: Ezra Koch
Ezra Koch, President

STATE OF OREGON)
) ss.
County of Multnomah)

EZRA KOCH acknowledged this instrument before me on the 5th day of
December, 1991, as President of Riverbend Landfill Co., an Oregon
corporation.



Carol A. Lockhart
Notary Public for Oregon
My commission expires: 5-27-93

2 - CORRECTIVE DEED
01allsealfill{corrded.003

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F262P1271

PARCEL 1:

A part of the Donation Land Claim of Alexis H. Miller, Claim No. 64, Notification No. 2340, and part of the Donation Land Claim of Richard Miller, Claim No. 65, Notification No. 2359 in Sections 1, 2, 11 and 12 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and bounded and described as follows to-wit:

BEGINNING at a point 1.50 chains South of the Northeast corner of said Donation Land Claim of Alexis H. Miller, Claim No. 64; and running thence South 42° West, 61.87 chains to corner of a tract of land conveyed by J.P. Christensen and wife, to L.P. Christensen by Deed duly recorded at page 260 of Volume 47 of the Records of Deed for Yamhill county, Oregon; thence East 25 chains to the center of the Yamhill River; thence Southeast along the middle of said River, 16.10 chains to the North line of the Dean Cook land; thence Easterly 10.77 chains to the East boundary line of said Claim No. 64; thence North 3.25 chains; thence West 4.50 chains; thence North 10.00 chains; thence East 4.50 chains to the East boundary line of said Claim No. 64; thence North along said East boundary line 43.72 chains to the point of beginning.

EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded April 15, 1947 in Book 142, Page 66, Deed Records.

FURTHER EXCEPTING THEREFROM the following described tract:

A tract of land in the Alexis H. Miller Donation Land Claim in Sections 1 and 12, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, being part of that certain tract conveyed to Chester C. Cain and Roberta L. Brosnole by Deed recorded in Film Volume 155, Page 511, Deed and Mortgage Records, and being described as follows:

BEGINNING at the Northeast corner of the Alexis Miller Donation Land Claim; thence South 2000 feet, more or less, along the East line of said Donation Land Claim to an iron rod at the True point of beginning; thence North 57° 27' 10" West, 107.53 feet to an iron rod; thence North 83° 57' West 85° 37' West, 106.26 feet to an iron rod; thence North 75° 53' West, 223.83 feet to an iron rod; thence North 79° 23' 30" West, 309.38 feet to an iron rod; thence North 87° 00' 30" West, 608.48 feet to an iron rod; thence South 01° 28' West, 480.38 feet to an iron rod; thence continuing South 01° 28' West, 811.63 feet to an iron rod on the South line of said Brosnole and Cain tract; thence North 88° 47' 30" East along said South line to the center of the Yamhill River; thence Northeast along said centerline to the East line of said Alexis Miller Donation Land Claim; thence North along said East line to the True Point of Beginning as shown by CSP-8262.

PARCEL 2:

Government Lot 6 in Section 12, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon.

EXHIBIT A
PAGE 1 OF 4

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PARCEL 3:

PART of the John Monroe Donation Land Claim, Notification No. 1322, Claim No. 63 in Township 3 South, Range 4 West of the Willamette Meridian, and Claim No. 74 in Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at the Northwest corner of said John Monroe Donation Land Claim; thence East 12.397 chains to a stake; thence South 22.073 chains to a stake; thence West 12.688 chains to an iron pipe on the West line of said Claim; thence North 22.073 chains to the point of beginning.

TOGETHER WITH a right of way in common with others described as follows:

A strip of land 30 feet wide extending across the South end of Lots 2, 3, 4, and 5 as described in County Survey No. 2476, and a strip of and 40 feet wide across the East end of Lot 1 of said County Survey No. 2476 for road purposes and for the use and benefit of each and all of said lots for road purposes only.

PARCEL 4:

BEGINNING 10.32 chains North of the Southeast corner of the Alexis Miller Donation Land Claim; thence West 4.30 chains; thence North 10.00 chains; thence East 4.30 chains; thence South 10.00 chains to the point of beginning.

PARCEL 5:

ALL of Lot 4 in Section 12, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, lying North of the center of the Yamhill River and more particularly described as beginning at the Northeast corner of said Lot 4, being on the West line of and approximately 330 feet South from the Northwest corner of the John Monroe Donation Land Claim; thence South 300 feet, more or less, to the center of the Yamhill River; thence Westerly along center of said River 328 feet, more or less, to the West line of said Lot 4; thence North 500 feet, more or less, to the Northwest corner of said Lot 4; thence East 328 feet to beginning.

PARCEL 6:

A tract of land in the Alexis N. Miller Donation Land Claim in Sections 1 and 12, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, being part of that center tract of land conveyed to Chester C. Cain and Roberta L. Brosamle, by Deed recorded in Film Volume 153, Page 311, Deed and Mortgage Records, and being described as follows:

BEGINNING at the Northeast corner of the Alexis Miller Donation Land Claim; thence South 2000 feet, more or less, along the East line of said Donation Land Claim, to an iron rod at the TRUE POINT OF BEGINNING; thence North 37° 27' 10" West, 107.53 feet to an iron rod; thence North 85° 37' West, 106.26 feet to an iron rod; thence North 75° 33' West, 223.83 feet to an iron rod; thence North 79° 21' 30" West, 309.38 feet to an iron rod; thence North 87° 00' 30" West, 608.48 feet to an iron rod; thence South 01° 28' West, 480.38 feet to an iron rod; thence continuing South 01° 28' West, 811.63 feet to an iron rod on the South line of said Brosamle and Cain tract; thence North 88° 47' 30" East along said South line to the center of the Yamhill River; thence Northeasterly along said center line to the East line of said Alexis Miller Donation Land Claim; thence North along said East line, to the TRUE POINT OF BEGINNING.

TOGETHER WITH a perpetual non-exclusive easement for ingress and egress, described as follows:

EXHIBIT A
PAGE 2 OF 4

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APR 25 2024

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A 60 foot wide strip of land in Section 11 and 12, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, the South line of which is described as follows:

BEGINNING at the intersection of the South line of that certain tract of land described as Parcel 1 of Film Volume 155, Page 511, Yamhill County Deed and Mortgage Records, and the Easterly margin of State Highway No. 18; thence East, 1,426 feet along said South line to the West line of that 36 acre tract of land shown in Yamhill County Survey CSP-8262.

PARCEL 7:

BEING a part of the John Monroe Donation Land Claim, Notification No. 1322, Claim No. 63 in Section 7, Township 5 South, Range 4 West of the Willamette Meridian and Claim No. 74 in Section 12, Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon and said part being more particularly described as beginning at an iron pipe on the North boundary line of said Claim at a point 29.266 chains West from the Northeast corner of said Claim, from which an oak 8 inches in diameter bears South 45° East one fourth of a link; thence West along the North line of said Claim 16.937 chains to an iron pipe from which an ash 15 inches in diameter bears South 74° West 10 links and an ash 8 inches in diameter bears South 33° East 14.1/4 links; thence South 16.701 chains to an iron pipe; thence East 5.00 chains to an iron pipe; thence South 23.71 chains to an iron pipe set on the division line of said Claim; thence South 89° 45' 33" East along the division line of said Claim 11.937 chains to an iron pipe; thence North 38.462 chains to the place of beginning and being Lot 3 of County Survey No. 2431.

SAVE AND EXCEPT a strip 40 feet in width extending across the South End thereof from the Southwest corner to the County Road for road purposes.

PARCEL 8:

BEING a part of the John Monroe Donation Land Claim, Notification No. 1322, Claim No. 74 in Section 12, Township 5 South, Range 5 West, Willamette Meridian, Yamhill County, Oregon and said part more particularly described as beginning at an iron pipe set for the Northwest corner of Lot 4 of County survey No. 2431, said pipe being West 46.222 chains and South 16.701 chains from the Northeast corner of said Claim; thence East 5 chains to an iron pipe; thence South 16.25 chains; thence North 89° 45' 33" West parallel with the division line of said Claim 5 chains to the West line of Lot 4 of said survey; thence North along the West line of said Lot 4 a distance of 16.23 chains to the place of beginning.

TOGETHER WITH a non-exclusive easement for road purposes only for ingress and egress to the above described Parcel No. 7 and Parcel No. 8. Said easement is more particularly described in Volume 53, Page 829, Deed Records for Yamhill County, Oregon, dated June 29, 1966, and recorded July 7, 1966. Said easement is also more particularly described as the Easterly 15 feet of the following described parcel:

EXHIBIT A
PAGE 3 OF 4

Received
APR 25 2024

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12-6-91

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F 262 P 1274

A portion of the John Monroe Donation Land Claim in Section 12, Township 3 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point on the North line of the said John Monroe Donation Land Claim which is 12.397 chains East of the Northwest corner of said claim, also being the Northwest corner of Lot 3 of County Survey #2476; thence South a distance of 1656.82 feet to the Southwest corner of Lot 3 of County Survey #2476; thence East along the North line of Lot 1 of County Survey #2476, a distance of 1524.93 feet to the Southeast corner of Lot 2 of the said survey; thence North along the East line of the said Lot 2 to a point in the center of the South Yamhill River; thence Westerly up the center of the South Yamhill River to a point on the North line of the John Monroe Donation Land Claim; thence West along the North line of said Claim to the point of beginning.

SAVING AND EXCEPTING THEREFROM the South 30 feet thereof, subject to the right of the public in and to that portion of said premises lying within the boundary of the Yamhill River.

EXHIBIT A
PAGE 4 OF 4

Received
APR 25 2024
OWRD

12-6-91

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

F816P0340



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199415294 09:27am 09/23/94

001 006265 12 07 000202

1 0 000 5 30.00 10.00 20.00 0.00 0.00 0.00

MAILED

After recording, return to:

HERSHNER, HUNTER, MOULTON,
ANDREWS & NEILL
180 East 11th Avenue
Eugene, Oregon 97401
Attn: Cindy S. Helmick

Until a change is requested,
mail all tax statements to:

Riverbend Landfill Co.
13469 SW Highway 18
McMinnville, OR 97128
Tax Account Nos.

WARRANTY DEED

J.
MARVIN/BERNARDS, Grantor, conveys and warrants to RIVERBEND
LANDFILL CO., Grantee, the real property described on the attached
Exhibit A, free of encumbrances except as specifically set forth
herein.

The said property is free from all encumbrances except as set
forth on the attached Exhibit A.

The true consideration for this conveyance is a like-kind
exchange of real property.

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 PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A
FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS
SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST
ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND
WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED
IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR
STRUCTURES.

DATED this 14th day of September, 1994.

Marvin J. Bernards
Marvin/Bernards
J.

146

Received

APR 25 2024

OWRD

STATE OF OREGON)
) ss.
COUNTY OF YAMHILL)

This instrument was acknowledged before me this 14th day of
September, 1994, by Marvin J Bernards.



Deborah L Clark
Notary Public for Oregon
My commission expires: 01-24-95

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Received
APR 25 2024
OWRD

EXHIBIT A

Being Lot No. 4 as set off to Charles McPhillips by decree of the Circuit Court of the State of Oregon, for Yamhill County, duly made and entered in said Court in that certain suit wherein Rose McPhillips, et al., were plaintiffs and Charles McPhillips, et al, were defendants. which said lot is more particularly described as follows:

BEGINNING at the Northeast corner of the Alex Miller Donation Land Claim in Section 1, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; running thence South 0°11' East along the East line of the said Alex Miller Donation Land Claim 3696 feet; thence East 528 feet, more or less, to the West line of John Monroe Donation Land Claim; thence North 330 feet to the Northwest corner of the John Monroe Donation Land Claim; thence East along the North line of said Claim 831.6 feet, more or less, to the West line of Government Lot 6 of Section 12 of said township and range; thence North along the West line of said Lot 6, a distance of 441 feet to the South line of the J. A. Cornwall Donation Land Claim; thence South 57° East along the South line of the Cornwall Donation Land Claim 809.7 feet to angle corner; thence East along the South line of Cornwall Claim 858 feet to angle corner; thence North 49°45' East along South line of Cornwall Claim 1235.3 feet to the division line of claim as described in deed Book 1 at Page 282, Deed Records of Yamhill County, Oregon; thence North 24° West along said division line 1692.9 feet; thence North 80° West 2541 feet; thence North 694.32 feet to an iron pin set in center of the County Road leading from McMinnville to Sheridan; thence South 44° West 441.54 feet to the point of beginning;

EXCEPTING THEREFROM a tract of land in Section 01, Township 5 South, Range 5 West, W.M., Yamhill County, Oregon, described as follows:

Beginning at an iron rod set on the southeast margin of State Highway 18 in CSP-9872 that bears South 82°59'17" East 85.55 feet from the Northeast corner of the Alex Miller DLC as shown in CSP-9872; thence South 30°26'50" East 106.69 feet to an iron rod; thence South 217.06 feet to an iron rod; thence South 80°58'00" East 15.19 feet to an iron rod; thence South 80°58'00" East 159.13 feet more or less to the southwest corner of that tract of land described in deed from MARVIN J. BERNARDS to MICHAEL J. BERNARDS and recorded in Film Volume 231, Page 914, Yamhill County Deed Records; thence North along the west line of said deed 586.67 feet more or less to the southerly margin of State Highway 18; thence South 42°06'42" West 337.35 feet more or less along said margin to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded

EXHIBIT A -- Page 1

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Received
APR 25 2024
OWRD

April 28, 1947 in Book 142, Page 263, Deed Records of Yamhill County, Oregon.

ALSO the following described real estate, situate in Yamhill County, Oregon, to-wit:

All that portion of the following described tracts in the John Monroe Donation Land Claim No. 74 in Township 5 South of Range 5 West of the Willamette Meridian in Yamhill County, Oregon, which is Northerly of the Northerly bank of the Yamhill River as it presently exists; beginning at an iron pipe on the North line of and 35.502 chains East from the Northwest corner of said claim; thence South 22.073 chains; thence West 4.077 chains; thence North 22.073 chains; thence East along claim line 4.077 chains to beginning, and excepting the South 30 feet thereof reserved for roadway.

ALSO: Beginning at a point 31.425 chains East of the Northwest corner of the John Monroe Donation Land Claim; thence South 22.073 chains; thence West 4.983 chains; thence North 22.073 chains; thence East 4.983 chains to the point of beginning; excepting therefrom a strip of land on the South end thereof 30 feet in width for road purposes.

ALSO: That part of said claim described as follows: Beginning on the North line of said claim 12.397 chains East of the Northwest corner of said claim; thence East along the North line of said claim 14.045 chains; thence South 22.073 chains; thence West 14.045 chains; thence North 22.073 chains to the point of beginning.

EXCEPTING any portion of the above described premises which is located South of the South bank of the Yamhill River.

AND RESERVING TO GRANTOR, HIS HEIRS AND ASSIGNS:

A perpetual non-exclusive irrigation easement together with the right to utilize a roadway on the property for access to Grantor's irrigation facilities on the Yamhill River to maintain, operate, replace and enlarge Grantor's existing main water transmission pipelines (and install additional transmission pipelines immediately adjacent thereto) for use in connection with such lands as Grantor may designate now or in the future, whether or not such lands are owned by Grantor, provided that any and all such activities shall be carried out without undue interference with the operation of the sanitary landfill located on the property.

The right to transfer (subject to all necessary governmental authorizations) from the property to such lands as Grantor may designate, whether or not such lands are owned by Grantor, all water rights currently associated with the property.

EXHIBIT A -- Page 2

486

Received

APR 25 2024

OWRD

AND SUBJECT TO:

A right of first refusal as follows: Grantee shall not at any time sell, contract to sell, transfer, exchange, grant an option to sell or otherwise dispose of the property (or any portion thereof or interest therein) to any party other than Grantor, unless Grantee shall first communicate to Grantor, by written notice, a written offer to sell the property (or such portion) to Grantor, which offer shall specify in commercially reasonable detail, the price, terms, and conditions upon which Grantee is willing to sell the property. Grantor shall have a period of sixty (60) days following the receipt of the offer notice within which to accept the offer by giving Grantee written notice of acceptance. If the offer is accepted, the parties shall be obligated to close the sale in accordance with the terms of the offer notice within thirty (30) days following the acceptance by Grantor. If Grantor does not accept the offer within such sixty (60) day period, Grantee may sell the property (or a portion thereof) to any other party, provided such sale is for the same price, terms and conditions as those specified in the offer notice (or for a greater price or upon such terms and conditions more favorable to Grantee). If such a sale to another party is consummated, Grantor's right of first refusal shall be forever extinguished; otherwise such right shall remain in full force and effect. If this right of first refusal remains in effect at Grantor's death, such right will vest in such of Grantor's children as are then living, but such right shall not survive the death of the survivor of Grantor's children.

A right of first refusal as follows: Grantor shall have the first right of refusal to (a) rent for farm use such parts of the property as Grantee may desire to lease for farm purposes and (b) custom farm such parts of the property as Grantee may desire to contract for custom farming; provided that any farming operation carried on by or on the behalf of Grantee which is associated with the operation of the sanitary landfill shall be exempt from this first right of refusal. In the event the parties are unable to agree upon the specific lease or custom farming contract terms, the terms shall be those generally then in effect in Yamhill County for similar arrangement. This right of first refusal shall survive Grantor's death and shall vest in such of Grantor's children as are living at the time of Grantor's death but such right shall not survive the death of the survivor of Grantor's children.

The above-described parcels are conveyed subject to the following exceptions:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roadways and highways.

EXHIBIT A -- Page 3

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Received
APR 25 2024
OWRD

3. Access Restrictions and Reservations as contained in Deed from J. Julius Frohm, et ux. to the State of Oregon, by and through its State Highway Commission recorded April 28, 1947 in Book 141, Page 263, Deed Records of Yamhill County, Oregon.

4. Agreement, including the terms and provisions thereof, between Eugene J. Schmidt, et ux. and Marvin J. Bernards, et ux., dated March 2, 1973, recorded March 2, 1973 at Film Volume 93, Page 634, Deed and Mortgage Records of Yamhill County, Oregon, for Easement, as amended by Agreement recorded 7/6/92 in Film Volume 271, Page 1069.

5. Agreement, including the terms and provisions thereof, between Marvin Bernards and Riverbend Landfill Co., an Oregon corporation, and Ezra and Fred Koch, dated June 17, 1982, recorded June 17, 1982, at Film Volume 170, Page 507, Deed and Mortgage Records of Yamhill County, Oregon, for Lease.

6. Indenture of Access, including the terms and provisions thereof, between State of Oregon, by and through its Department of Transportation Highway Division and Marvin J. Bernards, et ux., recorded June 17, 1982, in Film Volume 170, Page 522, Deed and Mortgage Records.

7. Agreement, including the terms and provisions thereof, between Marvin Bernards and McMinnville Water and Light dated October 25, 1991, Recorded October 25, 1991, at Film Volume 260, Page 2144, Deed and Mortgage Records of Yamhill County, Oregon, for Easement.

8. Any adverse claim based upon the assertion that:

(a) Said land or any portion thereof is now or at any time has been below high water mark of the Yamhill River.

(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.

(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by accretion to any such portion.

(d) Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of Yamhill River.

9. Agreement, including the terms and provisions thereof, between Riverbend Landfill, a subsidiary of Sanifill, Inc., and McMinnville Water and Light, dated August 11, 1993, recorded August 17, 1993, at Film Volume 292, Page 470, Deed and Mortgage Records of Yamhill County, Oregon, for Easement.

*Easement, including the terms and provisions thereof, dated August 9, 1993, recorded August 9, 1993 in Film Volume 291, Page 1818, Deed and Mortgage Records.

EXHIBIT A -- Page 4

6-686

Received
APR 25 2024

OWRD

TICOR TITLE INSURANCE

TAX# R5501-00101

WARRANTY DEED

GRANTOR: MICHAEL J. BERNARDS

GRANTEE: RIVERBEND LANDFILL COMPANY, INC.

Until a change is requested, all tax statements shall be sent to the following address:
RIVERBEND LANDFILL COMPANY, INC.
13469 SW HIGHWAY 18
MCMINNVILLE, OR 97128

Escrow No. 81284 Title No. 81284

After recording return to:
RIVERBEND LANDFILL COMPANY, INC.
13469 SW HIGHWAY 18
MCMINNVILLE, OR 97128

This space reserved for Recorder's Use
Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



45.00

199907961

3:00:11 PM 04/16/1999

OFF DDMR 1 15.00 10.00 20.00 2 ANITA

STATUTORY WARRANTY DEED

MICHAEL J. BERNARDS, an undivided 1/3rd interest as to that portion of the premises described in Deed recorded April 20, 1989 in Film Volume 231, Page 914, Deed and Mortgage Records; MICHAEL J. BERNARDS and CHRIS BERNARDS an undivided 2/3rds interest as tenants by the entirety, as to that portion of the premises described in Deed recorded April 20, 1989 in Film Volume 231, Page 916, Deed and Mortgage Records and MICHAEL J. BERNARDS and CHRIS BERNARDS, as tenants by the entirety as to that portion of the premises described in Deed recorded September 23, 1994 in Film Volume 316, Page 351, Deed and Mortgage Records. Grantor, conveys and warrants to RIVERBEND LANDFILL COMPANY, INC., an Oregon corporation, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in YAMHILL County, Oregon, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

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 said property is free from encumbrances except: SEE 'DEED EXCEPTIONS' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

The true consideration for this conveyance is \$430,000.00 * (Here comply with the requirements of ORS 93.030)

*As paid by an accommodation purpauant to an IRC §1031 exchange.

Dated this 15 day of April, 1999

Michael J. Bernards
MICHAEL J. BERNARDS
Chris Bernards
CHRIS BERNARDS

State of Oregon, County of Yamhill

The foregoing instrument was acknowledged before me this 15th day of May, 1998 by

MICHAEL J. BERNARDS
CHRIS BERNARDS

Sandra E. Davis
Notary Public for Oregon
My commission expires: 6-22-01



Received

APR 25 2024

OWRD

4-16-99

75 49218

102

EXHIBIT 'A'

LEGAL DESCRIPTION

-----Part of the J.A. Cornwall Donation Land Claim in Section 1, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron pipe set South 23°45' East, 635.4 feet from a large stone, said stone being 2496.1 feet South and 2097.3 feet East from the Northwest corner of said Claim and said iron pipe being the Southeast corner of Parcel #2 conveyed by John G. Wisecarver et ux to Oregon Mutual Insurance Company by deed recorded April 18, 1962 in Film Volume 22, Page 111, Deed and Mortgage Records; thence South 23°45' East to an anchor post at the Northeast corner of a tract of land conveyed to M.E. Toliver and Mabel Toliver by deed recorded October 7, 1943 in Book 122, Page 557, Deed Records; thence North 80°58' West to an anchor post on the West line of the T.A. Cornwall Donation Land Claim; thence North to an iron pipe set on the Southeast margin of State Highway 18; thence North 42°30' East along the Southeast margin of the State Highway, 312.8 feet to an iron pipe, said iron pipe being the Westerly most Southwest corner of the said Parcel #2 above; thence South 50°13' East, 1098.3 feet to an iron pipe; said iron pipe being the Southerly most Southwest corner of the said Parcel #2; thence South 80°58' East 1340 feet to the point of beginning.

ALSO the following tract of land in Section 1, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as beginning at an iron rod set on the Southeast margin of State Highway 18 in CSP-9872 that bears South 82°59'17" East 85.55 feet from the Northeast corner of the Alex Miller Donation Land Claim as shown in CSP-9872; thence South 10°26'50" East 106.69 feet to an iron rod; thence South 217.06 feet to an iron rod; thence South 80°58'00" East 15.19 feet to an iron rod; thence South 80°58'00" East 159.13 feet more or less to the Southwest corner of that tract of land described in Deed from Marvin J. Bernards to Michael J. Bernards and recorded in Film Volume 231, Page 914, Yamhill County Deed Records; thence North along the West line of said Deed 586.67 feet more or less to the Southerly margin of State Highway 18; thence South 42°06'42" West 337.35 feet more or less along said margin to the point of beginning.

Subject to and Together with a non-exclusive perpetual easement for roadway access, ingress and egress over the following described property to wit: Beginning at a point on the Southeasterly right of way line of State Highway 18 that bears North 00°00'00" East 586.67 feet more or less and South 42°06'42" West along said Southeasterly right of way line, 335.41 feet from the Southwest corner of that certain tract of land conveyed to Michael J. Bernards by Deed recorded April 20, 1989 in Film Volume 231, Page 914, Deed and Mortgage Records; thence South 30°26'50" East 136.29 feet; thence South 42°06'42" West 60 feet; thence North 30°26'50" West 136.29 feet more or less to the Southeasterly right of way line of the said State Highway; thence North 42°06'42" East along said highway right of way line 60 feet more or less to the point of beginning.

DEED EXCEPTIONS

As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

Rights of the public in streets, roads and highways.

Covenants, conditions, reserved easements and access restrictions, including the terms and provisions thereof, as set forth in Deed from J. Julius Frahm, et ux, to the State of Oregon by and through its State Highway Commission recorded April 28, 1947 in Book 141, Page 263, Deed Records of Yamhill County, Oregon.

Covenants, conditions, reserved easements and access restrictions, including the terms and provisions thereof, as set forth in Deed from Ralph H. Wisecarver, et al, to the State of Oregon by and through its State Highway Commission, recorded June 26, 1947 in Book 143, Page 521, Deed Records of Yamhill County, Oregon.

Indenture of Access, including the terms and provisions thereof, by and between Marvin Bernards, et al and the State of Oregon by and through its Department of Transportation recorded June 17, 1982 in Film Volume 170, Page 522, Deed and Mortgage Records.

Subject to numerous easements, including the terms and provisions thereof, for electrical lines and facilities granted by Marvin Bernards to McMinnville Water and Light recorded January 2, 1985 in Film Volume 191, Page 735, Deed and Mortgage Records and recorded October 25, 1991 in Film Volume 260, Page 2144, Deed and Mortgage Records.

Subject to an easement for irrigation pipeline, including the terms and provisions thereof, as set forth in instruments recorded May 24, 1972 in Film Volume 93, Page 634, Deed and Mortgage Records and amendment thereto recorded July 6, 1992 in Film Volume 271, Page 1070, Deed and Mortgage Records.

Irrigation Easement Agreement, including the terms and provisions thereof, by and between Marvin Bernards, Theresa Miller et al, recorded March 17, 1999, Instrument No. 199903436, Deed and

2 of 3

Received

APR 25 2024

OWRD

4-16-99

TICOR TITLE INSURANCE

Mortgage Records. (Said easement expands and references the easement excepted under item above)

66-7111

3 of 3

Received

APR 25 2024

OWRD

25501-60500



After recording return to:
Riverbend Landfill Co.
13469 SW Highway 18
McMinnville, OR 97128

Until a change is requested all tax statements
shall be sent to the following address:
Riverbend Landfill Co.
13469 SW Highway 18
McMinnville, OR 97128

File No.: 1031-746330 (LVF)
Date: June 29, 2006

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



00239620200600150240030035

200615024

4:21:57 PM 7/05/2006

DMR-DDMR Cnt=1 Stn=3 SUSIE
\$15.00 \$10.00 \$11.00

\$36.00

STATUTORY WARRANTY DEED

Thomas J. Schmidt and Janet M. Schmidt, as tenants by the entirety, Grantor, conveys and warrants to **Riverbend Landfill Co., an Oregon Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

This property is free from liens and encumbrances, EXCEPT:

1. The **2006-2007** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,300,000.00** "A portion of the true consideration for this conveyance is pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor." (Here comply with requirements of ORS 93.030)

Received

APR 25 2024

OWRD

746330 FIRST AMERICAN TITLE

APN: 206075

Statutory Warranty Deed
- continued

File No.: 1031-746330 (LVF)
Date: 06/29/2006

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

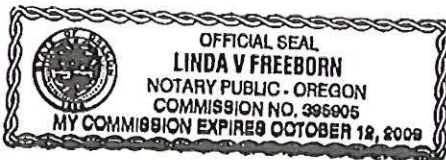
Dated this 5 day of July, 2006.

Thomas J. Schmidt
Thomas J. Schmidt

Janet M. Schmidt
Janet M. Schmidt

STATE OF Oregon)
County of Yamhill) ss.

This instrument was acknowledged before me on this 5 day of July, 2006
by **Thomas J. Schmidt and Janet M. Schmidt**.



Linda V. Freeborn
Linda V. Freeborn
Notary Public for Oregon
My commission expires: 10/12/09

Received
APR 25 2024
OWRD

EXHIBIT A**LEGAL DESCRIPTION:**

A tract of land in Sections 1 and 2, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows:

BEGINNING at a point on the North boundary line of the Donation Land Claim of Richard Miller, Claim No. 65 in said Township and Range, 68.52 chains East of the Northwest corner of said Donation Land Claim; thence South 23.60 Chains to the center of the McMinnville and Sheridan Road; thence North 42°27' East along said Road, 77.10 chains; thence North 48 links; thence South 89°54' West 28.14 chains; thence South 3.90 chains; thence West 23.56 chains; thence South 29.35 chains to the POINT OF BEGINNING.

ALSO the following premises, more particularly described as follows:
Part of the Donation Land Claim of Henry Warren and wife, Claim No. 59, in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon and said part being bounded as follows:

BEGINNING at the southeast corner of said Donation Land Claim; thence running West 23.66 chains; thence North 16.91 chains; thence East 23.66 chain; thence South 16.91 chains to the POINT OF BEGINNING.

SAVE AND EXCEPT from tract first above described the following portion thereof, more particularly described as follows:

BEGINNING at a rock in Road 8.72 chains West and 2.91 chains north of the northeast corner of Section 11, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon (Var. 20°); thence West 21.57 chains; thence South 24.00 chains to center of Road; thence North 41°15' East along center of Road 32.00 chains to the point of beginning and containing 26 acres, more or less, and being part of said Claim No. 65 above named, and situated in Yamhill County, Oregon.

ALSO, SAVE AND EXCEPT 2.411 acres conveyed by Peter John Krieger and Pauline Krieger to the State of Oregon by and through its State Highway Commission by Deed recorded May 12, 1947 in Book 142, Page 570, Deed Records, Yamhill County, Oregon.

FURTHER EXCEPTING THEREFROM that tract of land more particularly described as follows:

A tract of land in Section 2, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows:

Beginning at an iron rod at the southwest corner of a tract of land described in deed to the SCHMIDT FAMILY TRUST and recorded as Parcel 1 of Instrument No. 200511471, Yamhill County Deed Records; thence North 25°53'41" East 214.94 feet (Basis of Bearings CS-12150) to an iron rod; thence North 89°53'40" East 282.45 feet to an iron rod on the westerly margin of Oregon State Highway 18 (60.00 feet from centerline); thence South 42°19'36" West 261.74 feet along said westerly margin to the southeast corner of said SCHMIDT FAMILY TRUST tract; thence South 89°53'40" West 200.07 feet to the POINT OF BEGINNING.

Received

APR 25 2024

OWRD

Received

APR 25 2004

OWRD

AFTER RECORDING RETURN TO:

Real Estate Department
Waste Management, Inc.
720 E. Butterfield Rd.
Lombard, IL 60148

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

Waste Management
P.O. Box 1450
Chicago, Illinois 60690-1450

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200629179



\$41.00

00256230200600291790040044

12/20/2006 03:14:28 PM

DMR-DDMR Cnt=1 Stn=2 ANITA

\$20.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

(ORS 93.850)

John G. Bernards and Mary Beth Bernards, collectively Grantor, conveys and warrants to Riverbend Landfill Co., an Oregon corporation, Grantee, the real property described on the attached Exhibit A, which description by this reference is hereby incorporated herein as if set forth in full, free of encumbrance, except as specifically set forth on the attached Exhibit B, which exceptions by this reference are hereby incorporated herein as if set forth in full.

The true and actual consideration for this conveyance consists of or includes other property or value given or promised which is part of the whole consideration, and a portion of the consideration has been paid to an accommodator pursuant to an IRC §1031 exchange.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED this 19 day of December, 2006.

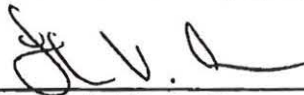
John G. Bernards

Mary Beth Bernards

FIRST AMERICAN TITLE 940143

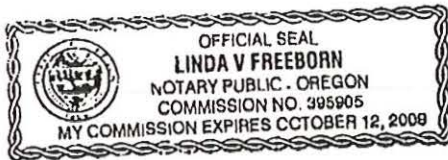
STATE OF OREGON)
) ss
COUNTY OF YAMHILL)

This instrument was acknowledged before me on this 19 day of December, 2006 by John G. Bernards and Mary Beth Bernards.



Notary Public for Oregon

My Commission Expires: 10/12/09



Received
APR 25 2024
OWRD

**EXHIBIT A
LEGAL DESCRIPTION**

Real property in the County of Yamhill, State of Oregon, described as follows:

Part of the Donation Land Claim of Alexius N. Miller, Claim No. 64, Notification No. 2360, and part of the Richard Miller Claim No. 65, Notification No. 2352 in Sections 11 and 12, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and bounded and described as follows:

Beginning at a point in the center of the County Road leading from McMinnville to Sheridan, 11.95 chains South and 22.85 chains West of the corner of Sections 1, 2, 11 and 12 in said Township and Range; thence running East 25 chains to the center of the Yamhill River; thence Southeasterly along the middle of said River, 16.10 chains to the North line of the Dean Cook Land; thence West 23.28 chains to the Northwest corner of said Cook Land; thence South 5.25 chains; thence West 16.42 chains; thence North 10.45 chains to the center of the County Road; thence North 42° East along the center of the County Road, 10.00 chains to the place of beginning.

ALSO the following described premises:

Beginning at a point 12.85 chains West of the Southeast corner of the Donation Land Claim of Richard Miller and wife, above named, situated in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence North 5.27 chains; thence East 34.05 chains; thence South 5.27 chains; thence West 34.05 chains to the place of beginning.

EXCEPT that certain tract conveyed to the State of Oregon by Deed recorded June 6, 1947 in Book 143, Page 172, Deed Records.

Tax Parcel Number: R5511-00600

Received
APR 25 2024
OWRD

**EXHIBIT B
EXCEPTIONS**

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of South Yamhill River.
5. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the South Yamhill River.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the South Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
7. Access Restrictions as contained in deed, including the terms and provisions thereof:
From: W.N. Ross and Laura Ross, husband and wife
To: State of Oregon, by and through its State Highway Commission
Recording Information: June 6, 1947 in book 143, Page 172, Deed Records

Received

APR 25 2024

OWRD

4/4

25511-00100

AFTER RECORDING RETURN TO:

Real Estate Department
Waste Management, Inc.
720 E. Butterfield Rd.
Lombard, IL 60148

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

Waste Management
P.O. Box 1450
Chicago, Illinois 60690-1450

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK



\$51.00

00257077200600299060060067

200629906

3:15:50 PM 12/29/2006

DMR-DDMR Cnt=1 Str=3 SUSIE
\$30.00 \$10.00 \$11.00

STATUTORY SPECIAL WARRANTY DEED

(ORS 93.850)

Suzanne Marie Edmiston, Elizabeth Jean Gerber, Thomas Allen Gerber, Christopher Lauren Gerber and Mary Frances Gerber, collectively Grantor, conveys and specially warrants to Riverbend Landfill Co., an Oregon corporation, Grantee, the real property described on the attached Exhibit A, which description by this reference is hereby incorporated herein as if set forth in full, free of encumbrance, except as specifically set forth on the attached Exhibit B, which exceptions by this reference are hereby incorporated herein as if set forth in full.

The true and actual consideration for this conveyance is \$275,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED this 27 day of December, 2006.

(SEE ATTACHED PAGE FOR SIGNATURES)

Received
APR 25 2024
OWRD

② 887819 70
Title Insurance Co.

Received
APR 25 2024

OWRD

Suzanne Marie Edmiston

Christopher Lauren Gerber

Elizabeth Jean Gerber now known as Elizabeth Jean Funglet
Elizabeth Jean Gerber

Mary Frances Gerber
Mary Frances Gerber by *Attorney-in-fact*

Thomas Allen Gerber

STATE OF OREGON)
COUNTY OF _____) ss

This instrument was acknowledged before me on this ____ day of December, 2006 by Suzanne Marie Edmiston.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
COUNTY OF Union) ss

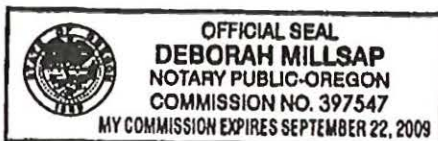
This instrument was acknowledged before me on this ____ day of December, 2006 by Elizabeth Jean Gerber, now known as Elizabeth Jean Funglet



Kara E Bachand
Notary Public for Oregon
My Commission Expires: 5.14.2010

STATE OF OREGON)
COUNTY OF Multnomah) ss

This instrument was acknowledged before me on this 27th day of December, 2006 by Thomas Allen Gerber.



Deborah Millsap
Notary Public for Oregon
My Commission Expires: 9/22/09

Received
APR 25 2024

OWRD

Suzanne Marie Edmiston
Suzanne Marie Edmiston

Christopher Lauren Gerber
Christopher Lauren Gerber

Elizabeth Jean Gerber

Mary Frances Gerber

Thomas Allen Gerber

STATE OF OREGON
COUNTY OF Yamhill } ss



This instrument was acknowledged before me on this 21 day of December, 2006 by Suzanne Marie Edmiston.

T. Best
Notary Public for Oregon
My Commission Expires: 6/26/2007

STATE OF OREGON
COUNTY OF _____ } ss

This instrument was acknowledged before me on this ____ day of December, 2006 by Elizabeth Jean Gerber.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON
COUNTY OF _____ } ss

This instrument was acknowledged before me on this ____ day of December, 2006 by Thomas Allen Gerber.

Notary Public for Oregon
My Commission Expires: _____

Received
APR 25 2024

OWRD

STATE OF OREGON
COUNTY OF Yamhill } ss



This instrument was acknowledged before me on this 21 day of December, 2006 by Christopher Lauren Gerber.

T Best

Notary Public for Oregon

My Commission Expires: 6/26/2007

STATE OF OREGON
COUNTY OF Multnomah } ss

This instrument was acknowledged before me on this 27 day of December, 2006 by Mary Frances Gerber, ~~by Thomas~~, by Thomas A Gerber, Attorney-in-fact.

Deborah Millsap

Notary Public for Oregon

My Commission Expires: 9/22/09

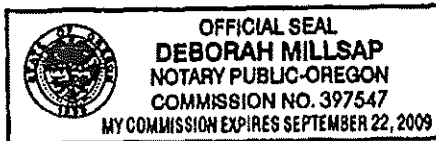


EXHIBIT A
LEGAL DESCRIPTION

A tract of land in Section 11, Township 6 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning at a rock in a road 8.72 chains West and 2.91 chains North of the Northeast corner of Section 11 in Township 6 South of Range 5 West of the Willamette Meridian (Var. 20°), in Yamhill County, Oregon; thence West 21.57 chains; thence South 24 chains to center of road; thence North 41°15' East in center of road 32 chains to the place of beginning, the same being a portion of Claim No. 66, Notification No. 2359, in Yamhill County, State of Oregon.

SAVE AND EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission by Deed recorded April 17, 1947, in Book 142, Page 66, Deed Records,

Received
APR 25 2024
OWRD

Received
APR 25 2024
OWRD

EXHIBIT B
EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or other facts which a correct survey would disclose.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
7. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm Use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
8. Any financing statements covering crops filed in the office of the Secretary of State.
9. Access Restrictions as contained in deed, including the terms and provisions thereof:
From: Chester L. Mulkey and Bessie Mulkey, husband and wife
To: State of Oregon, by and through its State Highway Commission
Recorded April 14, 1947 in Book 142, Page 66, Deed Records of Yamhill County, Oregon, and subsequently modified by:
 - a) Indenture of Access, recorded May 5, 1988 in Film Volume 222, Page 506;
 - b) Grant of Access, recorded July 7, 1988 in Film Volume 223, Page 2246; and
 - c) Indenture of Access, recorded May 4, 1990 in Film Volume 243, Page 393; Deed Records of Yamhill County, Oregon.
10. Agreements or leases for farming operations, if any.

10320671.1

Ressler, Ted

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Tuesday, February 20, 2024 12:00 PM
To: Ressler, Ted
Subject: RE: Map scale waiver for transfer application

Received

APR 25 2024

OWRD

Good Morning Ted,

The Department grants a map scale waiver for the proposed temporary transfer application map .

Please include a printed copy of this e-mail when you submit the application.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
(He/Him/His)
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Ressler, Ted <tressler@summitwr.com>
Sent: Tuesday, February 20, 2024 8:14 AM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: Map scale waiver for transfer application

Kelly

Good morning. I'm writing to request a map scale waiver for a temporary transfer application that is being prepared. The temporary transfer will involve 3 water rights, which are located in close proximity to each other, so will help with interpretation of the map to see how the place of use for all 3 water rights are oriented with respected to each other. Because of the complexity of the land surveys in the area of the transfer, my preference is to use a large scale map; however, the land covered by the place of use for the rights is just slightly too large to allow the use of the standard 1"=400' scale. I am proposing to use the slightly smaller scale of 1"=500'. A draft map is attached for review. (Note: the draft map includes color, but it is anticipated that the final map provided to the Department will likely be adjusted to ensure that the map is reproducible in B&W).

Please let me know if the proposed 1"=500' scale is acceptable for this transfer.

Thanks
Ted

Theodore R. Ressler, RG, CWRE, PG
Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC

a Geo-Logic Company

4784 SE 17th Avenue, Suite 111, Portland, OR 97202

Office: 503-967-7050 | Mobile: 503.701.4535

tressler@summitwr.com

www.summitwr.com | www.geo-logic.com

Received
APR 25 2024
OWRD

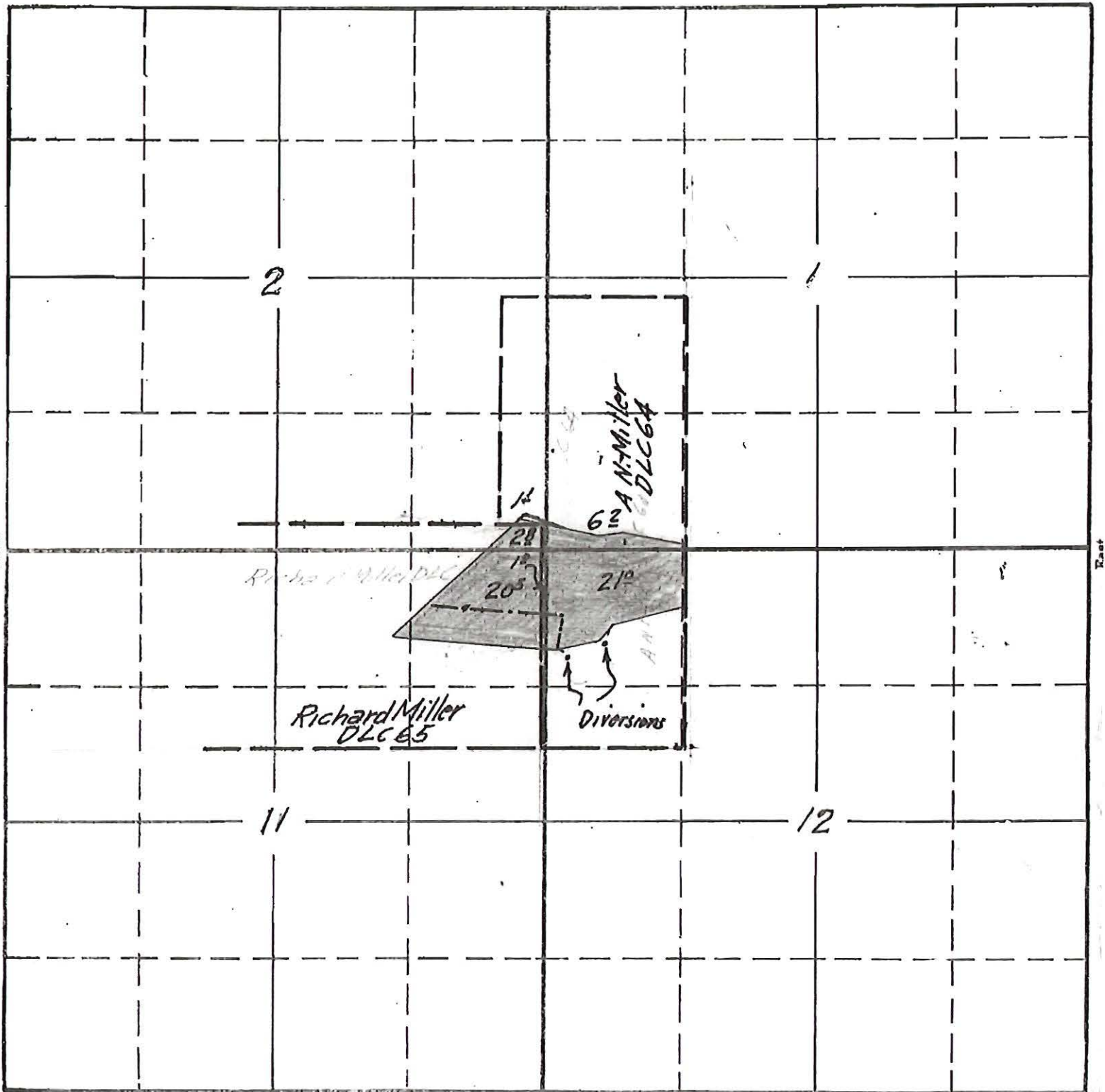
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OWRD

The contents of this e-mail message, including any attachments, are for the sole use of the intended recipient named above. This email may contain confidential and/or legally privileged information. If you are not the intended recipient of this message, be advised that any dissemination, distribution, or use of the contents of this message is strictly prohibited. If you receive this message in error, please notify the sender by return e-mail and permanently delete all copies of the original e-mail and any attached documentation. Thank you.

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TOWNSHIP 55, RANGE 5W, W. M.

North



Surveyed June 4 1940 C.A.B.

South

Received
APR 25 2024

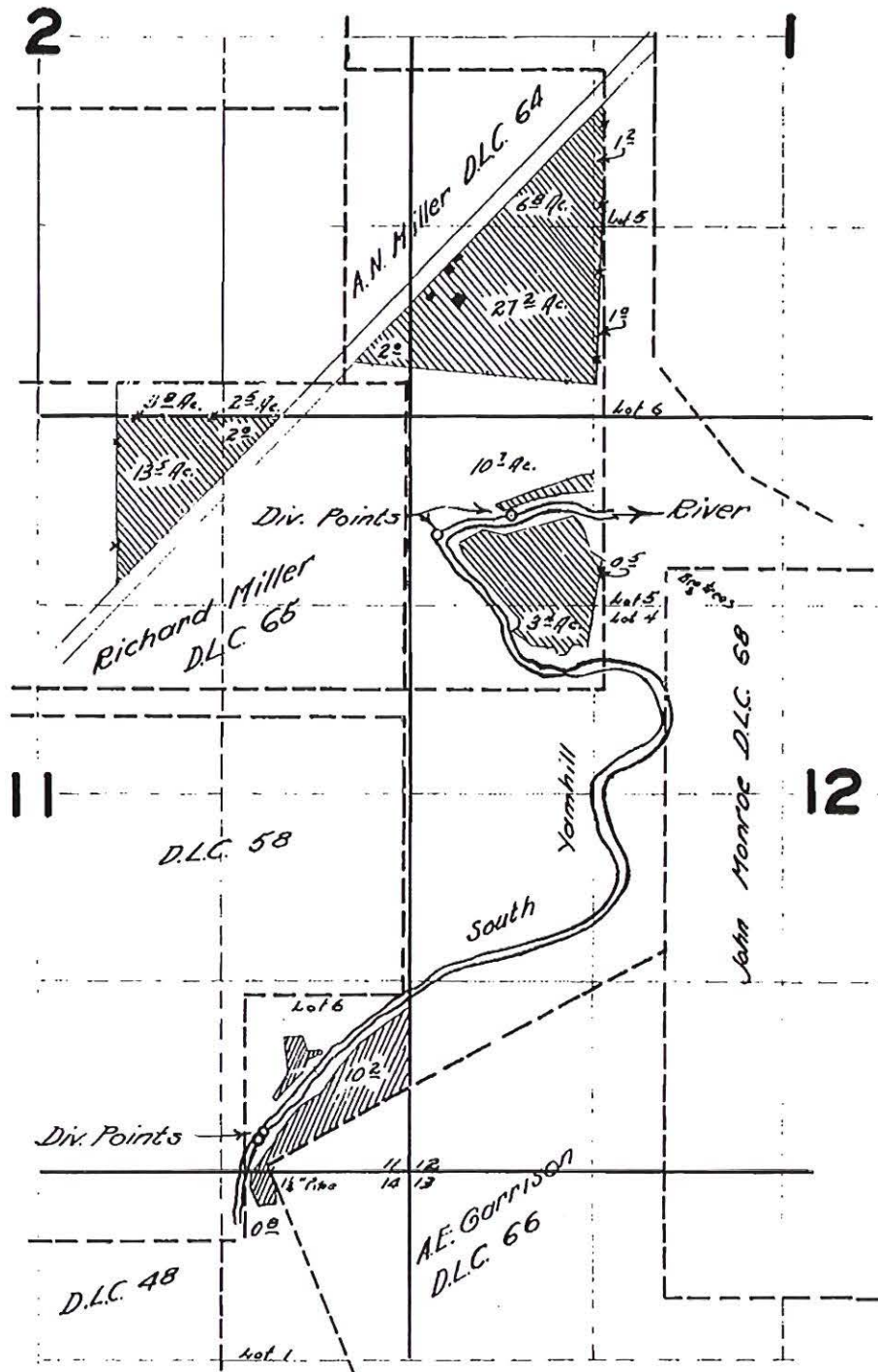
OWRD

APPLICATION No. 13170
PERMIT No. 9400

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

Received
APR 25 2024

OWRD



17643
23025

13340
18196

CHESTER L. MULKEY

9/17 151 H.L. COFFMAN



Received
APR 25 2024
OWRD

April 23, 2024

Ms. Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Application for a Temporary Water Right Transfer
Certificate 13681 and 19936, water rights held by Riverbend Landfill Co.

Lisa:

On behalf of the applicant, Riverbend Landfill Co., please find enclosed an Application for a temporary water right transfer involving a portion of Certificates 13681 and 19936 accompanied by a check in the amount of \$1,495.44 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 503-967-7050 x204. Please copy me on any correspondence regarding this application.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Cc: Nick Godfrey – WM

Enclosures:

Application for a Water Right Temporary Transfer involving Certificates 13681 and 19936
Check #81400 in the amount of \$1,495.44



Oregon Water Resources Department

Transfer Fee Calculation for Temporary Transfer

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Today's Date: Friday, April 5, 2024	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. <input type="text" value="2"/>	\$310.00
<input type="checkbox"/> Check this box if you propose to change the place of use for a NON-irrigation use.	
<input checked="" type="checkbox"/> 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. <input type="text" value="87.2"/> (If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)	\$235.44
Total Transfer CFS(rounded up to the next whole cfs):	<input type="text"/>
Subtotal:	\$1,495.44
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	<input type="text"/>
<input type="checkbox"/> Check the box if you are submitting the application and map in a Department-approved digital format.	
Transfer Fee:	\$1,495.44
<input type="button" value="Return to Edit"/> <input type="button" value="Clear"/>	

Received
APR 25 2024
OWRD

Oregon Water Resources Department
Transfer Fee Calculation for Temporary Transfer

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Today's Date: Monday, April 29, 2024

**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.

\$310.00

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

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

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

\$235.44

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

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

Subtotal:

\$1,495.44

☐ The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.

☐ The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

Discount:

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

Transfer Fee:

\$1,495.44

Temporary Transfer Application Intake Checklist

Transfer # T-

Reviewer Corie Date 4/29/2024	Type of Change(s) Proposed: <u>MUST INCLUDE A CHANGE IN PLACE OF USE</u> <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 \$	Fee Received \$1495.44
Certificate(s): 13681, 19936	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 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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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 checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input 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 type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" 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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
District: Place of use is in <u>or</u> near an irrigation district?			
If Yes, is Form D included? Name of the District			
9.	<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 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.

Regular Temporary Water Right Transfer Application Checklist

Checked by Joan Date 4/29/2024

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

T-14448

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from _____ (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

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LEGEND

- PLSS Sections
- PLSS QQ
- Donation Land Claim (DLC)
- Government Lot (GL)
- Riverbend Tax Lots
- Tax Lots

Point of Diversion (POD)

- Authorized POD

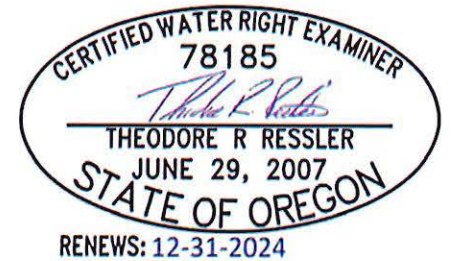
Place of Use (POU)

- C.13681 From
- C.13681 To
- C.13681 Remaining
- C.19936 From
- C.19936 To
- C.19936 Remaining

POD Location Description

POD 1: Located in NWNW of Section 17, Township 5 South, Range 5 West (W.M.) as projected within DLC 64.

POD 2: Located in NWNW of Section 17, Township 5 South, Range 5 West (W.M.) as projected within DLC 64.



Scale
0 250 500 ft
1-inch = 500 feet

Date: 2/21/2024
Data Sources: BLM, ESRI, OWRD, USGS, Douglas Co.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.

Application for Water Right
Temporary Transfer
Certificates 13681 and 19936

Water Rights held by Riverbend Landfill Co., Inc.
Township 5 South, Range 5 West
Washington County

