

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME MALEY ROAD HAZELNUTS, LLC		PHONE (HM)	
PHONE (WK) 503-975-3956	CELL		FAX
MAILING ADDRESS 3911 SE MALEY ROAD			
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * DGODARD@MSN.COM

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME THEODORE RESSLER, RG, CWRE / SUMMIT WATER RESOURCES, LLC		PHONE 503-701-4535	FAX
MAILING ADDRESS 4784 SE 17 TH AVENUE			CELL
CITY PORTLAND	STATE OR	ZIP 97202	E-MAIL * TRESSLER@SUMMITWR.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

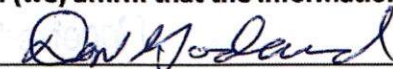
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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



Applicant Signature

Don Godard, agent – Maley Road Hazelnuts, LLC

Print Name and Title if applicable

3/20/25

Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

Surface Water — Page 1

Rev. 07/21

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- ☒ YES, there are no encumbrances.
- ☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

N/A

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. *(See Attachment 3)*

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Stored water (Willamette River Basin Project)	Tributary to: Middle Channel Willamette River
TRSQQ of POD:	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

The applicant is requesting to divert stored water from the Willamette River Basin Project Reservoirs (Certificate 72756) under contract from Bureau of Reclamation (see Attachment 4).

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- ☐ Yes. ☒ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)
(See Attachment 4)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

- ☐ Yes ☒ No

If **yes**, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

☐ Yes ☒ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

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Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Stored water (Willamette River Basin Project)	Irrigation	3/1 to 10/31	118.75 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 47.5 Acres

Supplemental: _____ Acres

Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 118.75

- If the use is **municipal or quasi-municipal**, attach **Form M** N/A
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction: N/A

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- ☒ Pump (give horsepower and type): 20 HP centrifugal pump
☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Stored water will be diverted at the proposed point of diversion by a skid-mounted centrifugal pump. The suction hose in the river will be equipped with a Pump-Rite L500 fish screen. The diversion pump will deliver water to PVC mainline that will deliver water via a closed pipe system to the irrigation zones where water will be applied using drip emitters.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Drip irrigation

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is needed for irrigation of hazelnut trees to be planted on the proposed place of use. The use of drip irrigation will prevent waste, and prevent runoff and damage to aquatic life and riparian habitat. The applicant will install a totalizing flow meter at the point of diversion to measure the quantity of water diverted.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- ☒ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: The point of diversion will be equipped with an ODFW approved fish screen.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: The diversion pump will be skid-mounted system located on top of the ground surface with a suction hose extending into the water (equipped with fish screening). No excavation or clearing of banks will be required for this installation.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: Installation of the pump intake at the point of diversion for this project will NOT require any operations within the water body.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Drip irrigation will be used to prevent erosion and run-off of waste or chemical products.
- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Within 5 years of permit issuance
b) Date construction will be completed: Within 5 years of permit issuance
c) Date beneficial water use will begin: Within 5 years of permit issuance

SECTION 9: WITHIN A DISTRICT

- ☐ Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

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SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

A portion of the place of use of two existing water rights, Certificate 28421 and Certificate 62059, are located on the land proposed for irrigation in this application. The Applicant would like to diminish the layered portion of the referenced certificates to supplemental irrigation, with primary irrigation provided under the permit resulting from this application. An Affidavit for the Voluntary Partial Diminution for Certificate 28421 and Certificate 62059 are included with this application (Attachment 5). Please refer to the redescription of the place of use for Certificate 28421 and Certificate 62059 included with the Affidavit for the Voluntary Partial Diminution (Attachment 5). The Applicant requests that the Department process the requested diminutions simultaneously with the issuance of a permit resulting from this application.

Attachment List:

Attachment 1	Map
Attachment 2	Land Use Information Form
Attachment 3	Legal Description of Property
Attachment 4	Request for Water Service Contract
Attachment 5	Affidavit for Voluntary Partial Diminution
Attachment 6	OWRD Fee

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Resource Protection
- ☒ SECTION 8: Project Schedule
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☒ Fees - Amount enclosed: \$2,170.20.
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☒ Map that includes the following items:
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference corner on map
 - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Attachment 1
Map

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Attachment 2
Land Use Information Form

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Land Use Information Form



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NOTE TO APPLICANTS

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

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses: **and**

NOTE TO LOCAL GOVERNMENTS

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

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

Land Use Information Form



Attachment 2: Land Use Information Form

Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

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NAME Maley Road Hazelnuts, LLC			PHONE 503-975-3956		
MAILING ADDRESS 3911 SE Maley Road					
CITY Corvallis		STATE OR	ZIP 97333	EMAIL dgodard@msn.com	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

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

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Benton County

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

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Willamette River Basin Project Reservoirs

Estimated quantity of water needed: 118.75 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
 ☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The Applicant is seeking a surface water permit for the use of up to 112.5 acre-feet of stored water from the Willamette River Basin Project (under contract with the U.S. Bureau of Reclamation) to irrigate 45 acres of hazelnut orchard.

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

See Page 4 →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Ord. 2015-0268
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Morgan Driggs Title: Assistant Planner
 Signature: Morgan Driggs Date: 03/26/2025
 Governmental Entity: Benton County Phone: 541-766-6819

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

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

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

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APR 08 2025
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Attachment 3
Legal Description of Property

RECORDING REQUESTED BY:

GRANTOR:
MALEY ROAD HAZELNUTS, LLC

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

SEND TAX STATEMENTS TO:
Maley Road Hazelnuts LLC
10600 NW WALTERS LN
PORTLAND OR 97229

AFTER RECORDING RETURN TO:
Maley Road Hazelnuts LLC
10600 NW WALTERS LN
PORTLAND OR 97229

BENTON COUNTY OREGON 2015-538974
DE-85
Clerk's Counter: 12/04/2015 08:50:18 AM
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 \$78.00



00311745201505389740020035

James V. Morales, County Clerk for Benton
County, Oregon, certifies that the instrument
described herein was recorded in the Clerk's
records.

James V. Morales - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

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

SEE ATTACHED LEGAL DESCRIPTION

The true consideration for this conveyance is \$0.00 lot line adjustment deed (See ORS 93.030).
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 11/27/15

Maley Road Hazelnuts LLC, an Oregon limited liability company


BY: Daniel Jackson Godard, Member

BY: Michelle McGettigan, Member

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APR 08 2025
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471815038293-TTMIDWIL10
Deed (Bargain and Sale - Statutory Form)


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

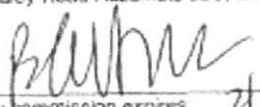

BY: Lindsay Yates-Demaray, aka Lindsay Y.
(Godard) Demaray, Member

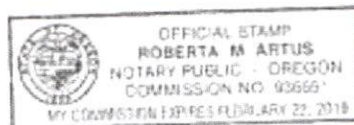

BY: Wesley Beach Godard, aka Wesley B.
Godard, Member


BY: Cherice Flitton-Godard, Member

State of OREGON
COUNTY of Benton

270
This instrument was acknowledged before me on November 20, 2015, by Daniel Jackson Godard,
Michelle McGettigan, Ryan Arthur Mackey-Demaray, Lindsay Yates-Demaray, aka Lindsay Y. (Godard)
Demaray, Wesley Beach Godard, aka Wesley B. Godard, Cherice Flitton-Godard, all as Member(s) of
Maley Road Hazelnuts LLC, an Oregon limited liability company


My commission expires 4/22/2019 Notary Public, State of Oregon



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APR 08 2025

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RESULTANT PROPERTY
(MALEY ROAD HAZELNUTS LLC)

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

AND ALSO

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

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

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

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Attachment 4
Request for Water Service Contract



CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Maley Road Hazelnuts LLC
- 2) Address: 3911 SE Maley Road, Corvallis, OR 97333
- 3) Mailing Address (if different): 10600 NW Walters Lane, Portland, OR 97229
- 4) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: N/A
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): Middle Channel Willamette River

3. Proposed point of diversion: 55 feet North and 1,075 feet West of SE corner of Section 23 Township 12 S, Range 5W, Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: In progress; will provide Application number when available

5. Include a map of lands and diversion points. **[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].**

6. Do you currently hold a right to natural flows for irrigating the property described herein?
If yes, what is/are the priority date(s)? Yes, but from a different source: C28421, 5/16/1955; C62059, 6/18/1980

7. Total quantity of water from storage requested: 118.75 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

Township	Range	Section	40-Acre Tract (1/4) (1/4)	No. of Acres	Type of Irrigated Crop <small>Please note that Cannabis is not an authorized crop Under Reclamation's Contracting Program. See PEC P16</small>
12 S	5 W	23	NENE	0.1	Hazelnuts
12 S	5 W	23	NWNE	13.6	
12 S	5 W	23	SWNE	33.8	

Total number of Acres: 47.5



9. What is the present use of the land identified above? [farming; idle (fallow cultivated land); native (appears never to have been tilled, walked on, driven on); planted pasture or other (please specify)].

Farming

10. Is the land identified above currently being irrigated?
If yes, what is the source? (natural flows, wells, etc.)

Natural flow from the Bonneville Sough (under water rights listed in Item # 6). NOTE - these existing water rights are to become supplemental to primary irrigation provided by this requested contract.

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish standards:

Pump-Rite L500. The proposed screen will be submitted to ODFW for approval prior to installation and use.

12. Telephone number where you can be reached during the day: 503-975-7613 (Daniel, Owner)
503-975-3956 (Don, Agent)

Sign and Date: *Don J. Schell* 3/16/25

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E-mail completed form and associated information to: jkelly@usbr.gov Any questions, please contact Joy Kelley at (986) 999-8984

Please send contract administration fee directly to: CPN Regional Office, Attn: CPN-6323, 1150 N. Curtis Road, Boise, ID 83706

Before returning the completed Contract Data Sheet to the address provided above, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE 1., MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

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Attachment 5
Affidavit for Voluntary Partial Diminution



Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statue (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Diminish a PORTION of Certificate 28421 from primary irrigation to supplemental irrigation. The Affiant requests that the Department process this diminution simultaneously with the issuance of a permit resulting from the permit application to which this diminution is attached.

Certificate of Water Right Information:

Certificate Number: 28421

Issued for use within the State of Oregon, County of Benton.

Issued in the name of: C.E. Jones.

Date of priority: 5/16/1955

Rate or Volume on entire certificate: 0.47 (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Booneville Slough.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 67.8, supplemental IR _____.

Statements of Oath:

I/We (or authorized agent), Maley Road Hazelnuts, LLC,

residing at 3911 SE Maley Road, Corvallis, OR 97333,

with a mailing address of (if different) _____,

and a telephone number of 503-975-3956, being **first duly sworn depose and say:**

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1. I/We are the legal owners of property appurtenant to all ☐ **or** ☒ a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [*must include at a*

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: _____.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # _____.

☐ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # _____.

☐ voluntary diminution of the ENTIRE water right Certificate # _____.

☒ voluntary diminution of a PORTION of water right Certificate # **28421**.

3. The appurtenant water right ☐ is **or** ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: _____.

a. The water right, or portion thereof, being ☐ cancelled **or** ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager

Printed Name

Date _____

N/A 4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☐ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) _____
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled _____
- In the amount of _____ cubic foot per second
- From the water source (s) _____
- At the following location(s) (attach a larger table if needed):

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ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____¹/₄, Section _____, Township _____ (N ☐ or S ☐), Range _____ (E ☐ or W ☐, W.M.
 - Location Description (if given on the certificate) _____

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5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☒ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from Booneville Slough (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Booneville Slough (source of water) for primary use on these lands.

6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of 0.177 (cfs) from Booneville Slough (sources) for irrigation (if applicable) of 25.6 acres at the following location(s) as listed on the certificate (*attach a larger table if needed*):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>12</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>23</u>	<u>56</u>	--	<u>SWNE</u>	<u>25.6*</u>	<u>700</u>

*Refer to Attachment 2 for a map and narrative presenting a redescription of the place of use for Certificate 28421.

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

[Signature]

Signature of legal owner as listed on deed, or authorized agent

Printed Name Daniel Godard, Registered Agent and Member - Maley Road Hazelnuts, LLC

Date 4/3/2025

Signature of legal co-owner as listed on deed (if applicable)

Printed Name _____

Date _____

Subscribed and Sworn to Before Me this 3 day of April, 2025.

[Signature]

Signature of Notary Public for Oregon

My Commission Expires February 27, 2029



*State - Oregon
County Washington*

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution. Exhibit 1
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows: Exhibit 2
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit. Exhibit 3
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed. Exhibit 4

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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Exhibit 1
Property Deed

RECORDING REQUESTED BY:

GRANTOR:
MALEY ROAD HAZELNUTS, LLC

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

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

AFTER RECORDING RETURN TO:
Maley Road Hazelnuts LLC
10600 NW WALTERS LN
PORTLAND OR 97229

BENTON COUNTY, OREGON 2015-538974
DE-85
Clt=1 Steward COUNTER 12/04/2015 08:50:18 AM
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 \$78.00



00311745201505389740010035

James V. Morales, County Clerk for Benton
County, Oregon, certify that the instrument
certified herein was recorded in the Clerk's
records.

James V. Morales - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

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

SEE ATTACHED LEGAL DESCRIPTION

The true consideration for this conveyance is \$0.00 lot line adjustment deed. (See ORS 93.030).
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 11/27/15

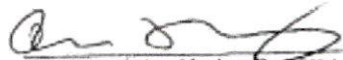
Maley Road Hazelnuts LLC, an Oregon limited liability company


BY: Daniel Jackson Godard, Member

BY: Michelle McGettigan, Member

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


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

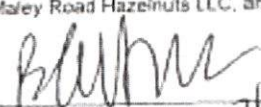

BY: Lindsay Yates-Demaray, aka Lindsay Y.
(Godard) Demaray, Member

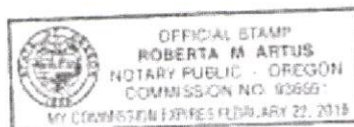

BY: Wesley Beach Godard, aka Wesley B.
Godard, Member


BY: Cherice Filiton-Godard, Member

State of OREGON
COUNTY of Benton

270
This instrument was acknowledged before me on November 26, 2015, by Daniel Jackson Godard,
Michelle McGettigan, Ryan Arthur Mackey-Demaray, Lindsay Yates-Demaray, aka Lindsay Y. (Godard)
Demaray, Wesley Beach Godard, aka Wesley B. Godard, Cherice Filiton-Godard, all as Member(s) of
Maley Road Hazelnuts LLC, an Oregon limited liability company


My commission expires 2/24/2019 Notary Public, State of Oregon



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RESULTANT PROPERTY
(MALEY ROAD HAZELNUTS LLC)

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

AND ALSO

Beginning at the Northeast Corner of the Samuel Gage Donation Land Claim Number 57 in Section 23, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon; thence N 89°38'45" W, along the North line of said Donation Land Claim Number 57, a distance of 1358.68 feet to ¾ inch iron pipe; thence continuing along said North line, N 89°37'27"W, a distance of 365.34 feet to a 1 inch shaft on the Easterly right of way line of Southeast Zedwick Street; thence N 4°29'30" E, along said Easterly right of way line, 40.10 feet to a 5/8 inch iron rod on the Southerly line of the property described in the deed recorded as 2012-486830, Benton County Deed Records; thence S 89°37'27" E, along said Southerly line, a distance of 337.61 feet to the Southeast corner of said property described in the deed recorded as 2012-486830, Benton County Deed Records; thence N 13°44' E 150.48 feet along the Easterly line of said property described in the deed recorded as 2012-486830; thence N 1°03'W 242.00 feet to the Northeast corner of said property described in the deed recorded as 2012-486830, Benton County Deed Records; thence S 89°20' E, along the Southerly line of the property described in the deed recorded, Benton County Deed Records as 2011-485316, Benton County Deed Records, a distance of 20 feet, more or less, to the left bank of a slough; thence Northerly, along said left bank of a slough to a point on the Easterly extension of the North line of the tract described in deed recorded in Book 189, Page 346, Benton County Deed Records; thence S 88°35'E, along said extension, 40 feet, more or less, to the centerline of a slough; thence Northerly, downstream along said centerline of a slough to a point on the North line of the property described as Parcel I in the deed recorded as M-65142-85, Benton County Microfilm Records; thence S 89°56'30"E, along said North line of the property described as Parcel I in the deed recorded as M-65142-85, a distance of 1300 feet, more or less, to the left bank of the Willamette River; thence Southerly, upstream, along said left bank, to the point of beginning.

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

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

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Exhibit 2
Water Right Certificate, Map, and Place of Use Redescription

STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. E. JONES

of Rt. 3, Box 526, Corvallis, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Boonsville Slough a tributary of Willamette River for the purpose of irrigation of 67.8 acres

under Permit No. 23618 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 May 16, 1955

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 0.47 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Young DLC 56, Section 23, T. 12 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-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 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

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

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

24.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
25.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
as projected within Young DLC 56
Section 23
T. 12 S., R. 5 W., W.M.

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APR 08 2025
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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

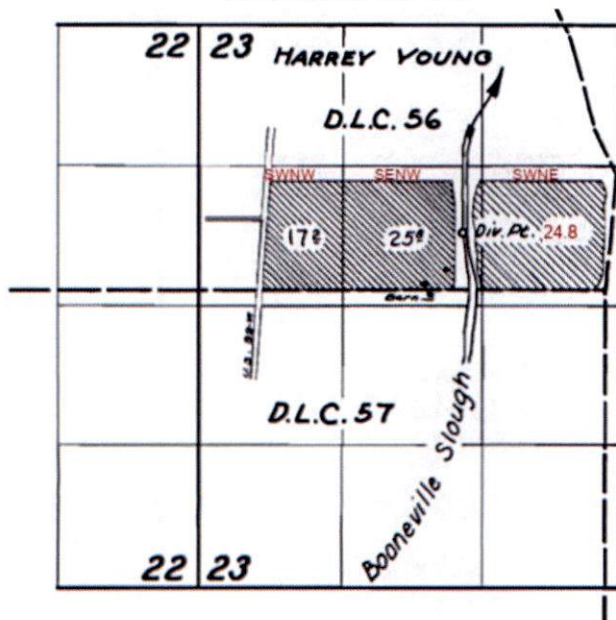
WITNESS the signature of the State Engineer, affixed

this date. 1 APRIL 5 1961

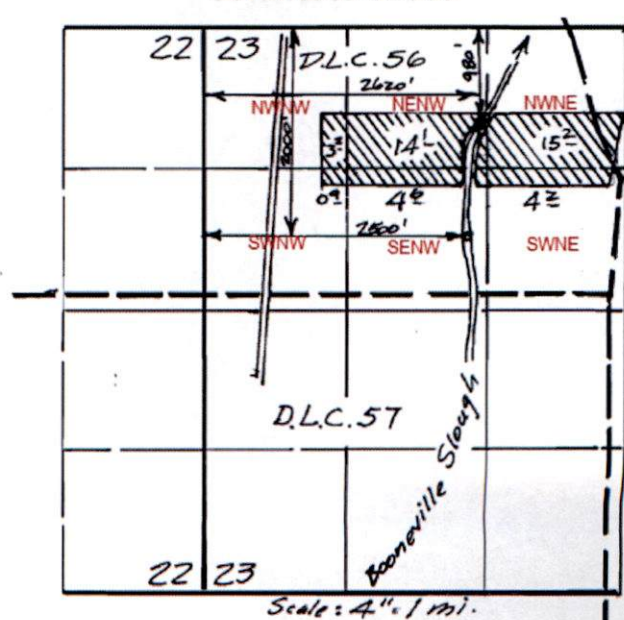
LEWIS A. STANLEY
State Engineer

During review of the existing water rights associated with Tax Lot 700 (T12S, R5W, Section 23), being Certificate 28421 and Certificate 62059, the CWRE determined that the acreages by Public Land Survey System (PLSS) Quarter-Quarter (QQ) shown on the Final Proof Survey (FPS) map and listed on the water right certificate appear to have been derived based on an incorrect placement of the PLSS grid. As shown on FPS map for both water rights, a portion of the water right acreage east of the Booneville Slough is shown to be located in NENW and SENW of Section 23.

Certificate 28421



Certificate 62059



However, based on current spatial data and tax lot assessor maps from Benton County, the QQ line between the NW quarter and NE quarter of Section 23 more closely aligns with the location of the Booneville Slough; and as such, all irrigated lands east of the Booneville Slough are located only in the NE quarter of Section 23. Moreover, it appears that the entire PLSS grid shown on the FPS map is located slightly too far east, resulting in acreage quantities by QQ that do not match the calculated acreages using current data available for the PLSS grid from Oregon Geospatial Enterprise Office and Benton County. A revised map has been developed to provide accurate acreages by QQ to re-describe the place of use associated with Certificate 28421 and Certificate 62059 (refer to Map 1 attached). Historical aerial imagery of the land appurtenant to these certificates is provided to document that irrigation under Certificate 28421 and Certificate 62059 has been located within the re-described place of use (refer to Map 2 and Map 3 attached).

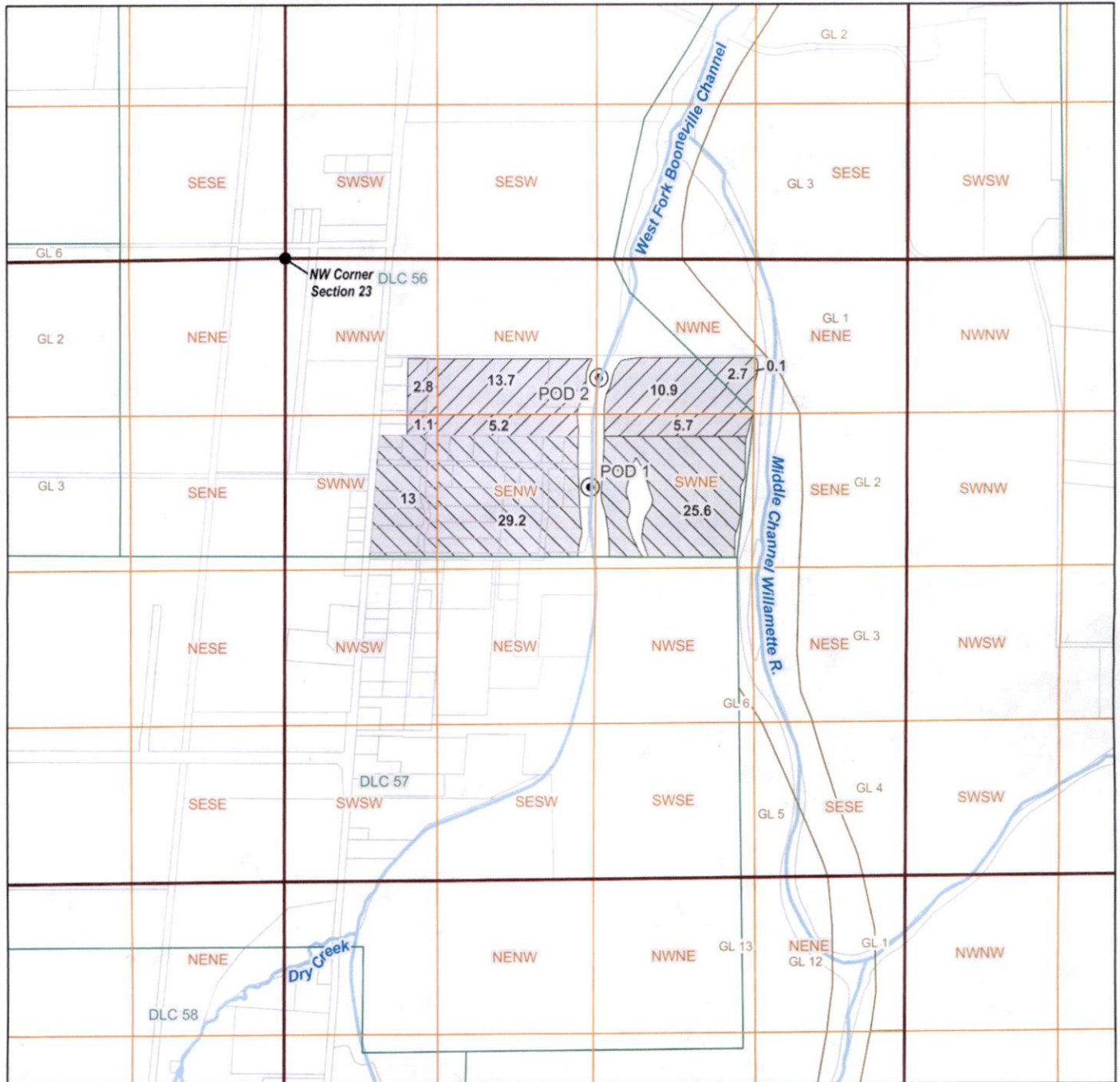
Accurate mapping of the place of use for Certificate 28421 and Certificate 62059 is needed because the owner of Tax Lot 700 (T12S, R5W, Section 23) is requesting that the portion of the place of use for these certificates located in the NE Quarter of Section 23 (and appurtenant to Tax Lot 700) be diminished from primary to supplemental irrigation. Note that the requested diminution is contingent on Department issuance of a new permit for use of stored water from Willamette Basin Project Reservoirs to provide primary irrigation for the diminished supplemental lands.

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Map 1 - Redescription of the Place of Use for Certificate 28421 and Certificate 62059

Township 12 South, Range 5 West (WM)
Benton County



LEGEND

- Authorized Point of Diversion (POD)

Redescribed Place of Use (POU)

- Certificate 28421
- Certificate 62059

Survey Lines

- Sections
- Quarter Quarters
- Government Lots (GLs)
- Donation Land Claims (DLCs)

Other Features

- Tax Lots
- Watercourse

POD Location Redescription

POD 1, Certificate 28421

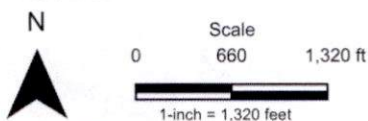
Located in the SENW, as projected within Young DLC 56, Section 23, Township 12 South, Range 5 West, W.M.

POD 1, Certificate 62059

Located 1960 feet South and 2660 feet East from the NW corner of Section 23 (SENW), Township 12 South, Range 5 West, W.M.

POD 2, Certificate 62059

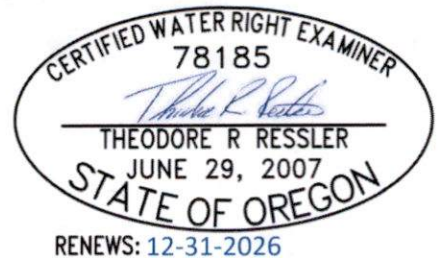
Located 1020 feet South and 2720 feet East from the NW corner of Section 23 (NWNE), Township 12 South, Range 5 West, W.M.



Date: 3/12/2025

Data Sources: BLM, OWRD, USGS, Multnomah County

Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



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- Redesigned
- Survey
- Other Features

Aerial Source

POD 1
POD 1, C
Located in
Section 23
POD 2
POD 2, C
Located in
corner of
5 West, V

Map 2 of U

NW Corner
Section 23

Section 23

LEGE



Redes



Survey



Other F



Aerial |
Source

POD L

POD 1, C

Located in

Section 2

POD 1, C

Located 1

corner of

5 West, V

POD 2, C

Located 1

corner of

5 West, V

N



Date: 3/12/

Data Source:

Disclaimer:

or property

Map 3
of U

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Exhibit 3
List of Other Property Owners

List of other property owners with land appurtenant to the portion of the water right not being diminished (remaining lands)

Tax Lot	Site Address	Owner Name	Mailing Address
12523BC00100	295 SE CORLISS AVE CORVALLIS OR 97333	CLIFFORD A & SUE ANNE MITCHELL	295 SE CORLISS AVE CORVALLIS OR 97333
12523BC00200	275 SE CORLISS AVE CORVALLIS OR 97333	CAROL CINA, TR; CINA KING LIVING TRUST	275 SE CORLISS AVE CORVALLIS OR 97333
12523BC00300	-- CORVALLIS OR	SANDRA & JAMES LITTLEFIELD , TR	175 SE CORLISS AVE CORVALLIS OR 97333
12523BC00400	175 SE CORLISS AVE CORVALLIS OR 97333	SANDRA & JAMES LITTLEFIELD, TR	175 SE CORLISS AVE CORVALLIS OR 97333
12523BC00500	4575 SE 3RD ST CORVALLIS OR 97333	WILLIAM & KARALYN HOLLADAY	4575 SE 3RD ST CORVALLIS OR 97333
12523BC00600	135 SE CORLISS AVE CORVALLIS OR 97333	GERI TREMPER	135 SE CORLISS AVE CORVALLIS OR 97333
12523BC00800	4615 SE BOONEVILLE DR CORVALLIS OR 97333	BONITA MAE BROWN; C/O LORI S WALLEY	5015 N NORTHWOOD DR SPOKANE VALLEY WA 99212
12523BC00900	300 SE CORLISS AVE CORVALLIS OR 97333	RODGER A MAU & KATRINA M KAM	300 SE CORLISS AVE CORVALLIS OR 97333
12523BD00100	625 SE CORLISS AVE CORVALLIS OR 97333	AUDREY DRAKE & LOVEALL BRANDON D	625 SE CORLISS AVE CORVALLIS OR 97333
12523BD00200	565 SE CORLISS AVE CORVALLIS OR 97333	JENNIFER HERNANDEZ & VICTORIA JOHNSON	565 SE CORLISS AVE CORVALLIS OR 97333
12523BD00300	535 SE CORLISS AVE CORVALLIS OR 97333	RONALD D BELL & DEBORAH L SCHALLER, TR; BELL SCHALLER REVOCABLE LIVING TRUST	535 SE CORLISS AVE CORVALLIS OR 97333
12523BD00500	500 SE CORLISS AVE CORVALLIS OR 97333	GREG M & JODY BEVANDICH, TR; GREG M & JODY BEVANDICH TRUST	500 SE CORLISS AVE CORVALLIS OR 97333
12523BD00600	580 SE CORLISS AVE CORVALLIS OR 97333	TRAVIS & KATIE FORSMAN	580 SE CORLISS AVE CORVALLIS OR 97333
12523BD00700	4730 SE ZEDWICK ST CORVALLIS OR 97333	ROBERT S & CHERYL R ZEDWICK	4730 SE ZEDWICK ST CORVALLIS OR 97333
12523BD00900	485 SE 3 MILE LN CORVALLIS OR 97333	JOEL KEITH MCCRADY	485 SE THREE MILE LN CORVALLIS OR 97333
12523BD00501	540 SE CORLISS AVE CORVALLIS OR 97333	PARIS TIRONE	540 SE CORLISS AVE CORVALLIS OR 97333
12523BD00601	560 SE CORLISS AVE CORVALLIS OR 97333	THOMAS FULLER, TR; THOMAS FULLER LIVING TRUST	560 SE CORLISS AVE CORVALLIS OR 97333
12523BC02300	160 SE CORLISS AVE CORVALLIS OR 97333	STANLEY E & ANNE GLASSEY, TR	160 SE CORLISS AVE CORVALLIS OR 97333
12523BC01600	4630 SE BOONEVILLE DR CORVALLIS OR 97333	MICHAEL & LAUREN FISHER	4630 SE BOONEVILLE DR CORVALLIS OR 97333
12523BC01700	4690 SE BOONEVILLE DR CORVALLIS OR 97333	ELAINE K KAHN, TR; ELAINE K KAHN TRUST	4690 SE BOONEVILLE DR CORVALLIS OR 97333
12523BC01800	4750 SE BOONEVILLE DR CORVALLIS OR 97333	CHERYL WEBB	4750 SE BOONEVILLE DR CORVALLIS OR 97333

Tax Lot	Site Address	Owner Name	Mailing Address
12523BC01900	4625 SE BOONEVILLE DR CORVALLIS OR 97333	BRIAN J & DENNA Y MELTON, TR; BRIAN & DENNA MELTON LIVING TRUST	4625 SE BOONEVILLE DR CORVALLIS OR 97333
12523BC02000	4665 SE BOONEVILLE DR CORVALLIS OR 97333	LINDA & MARK BALZER	4665 SE BOONEVILLE DR CORVALLIS OR 97333
12523BC02100	4725 SE BOONEVILLE DR CORVALLIS OR 97333	LAILA LIENESCH	4725 SE BOONEVILLE DR CORVALLIS OR 97333
12523BC02200	4785 SE BOONEVILLE DR CORVALLIS OR 97333	LAWRENCE A JR & SUSAN M METZKER, TR	4785 SE BOONEVILLE DR CORVALLIS OR 97333

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Exhibit 4
Documentation of Signatory

Business Name Search

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Business Entity Data

03-03-2025

16:13

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
566896-99	DLLC	ACT	OREGON	12-19-2008	12-19-2025	
Entity Name	MALEY ROAD HAZELNUTS LLC					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			OWRD
Addr 1	3911 SE MALEY RD				
Addr 2					
CSZ	CORVALLIS	OR	97333	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-15-2021	Resign Date	
Name	DANIEL	JACKSON	GODARD			
Addr 1	10600 NW WALTERS LN					
Addr 2						
CSZ	PORTLAND	OR	97229	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	10600 NW WALTERS LN				
Addr 2					
CSZ	PORTLAND	OR	97229	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	CHERICE	FLITTON	GODARD			
Addr 1	12721 SW 108TH TERRACE					
Addr 2						
CSZ	TIGARD	OR	97223	Country	UNITED STATES OF AMERICA	

Type	MEM	MEMBER			Resign Date	
Name	RYAN	ARTHUR	MACKEY-DEMARAY			
Addr 1	28329 SW BELFAST LANE					

Addr 2						
CSZ	WILSONVILLE	OR	97070		Country	UNITED STATES OF AMERICA

Type	MEM MEMBER							Resign Date	
Name	DANIEL		JACKSON	GODARD					
Addr 1	10600 NW WALTERS LN								
Addr 2									
CSZ	PORTLAND	OR	97229		Country	UNITED STATES OF AMERICA			

Type	MEM MEMBER							Resign Date	
Name	MICHELLE			MCGETTIGAN					
Addr 1	10600 NW WALTERS LN								
Addr 2									
CSZ	PORTLAND	OR	97229		Country	UNITED STATES OF AMERICA			

Type	MEM MEMBER							Resign Date	
Name	LINDSAY		YATES	DEMARAY					
Addr 1	28329 SW BELFAST LANE								
Addr 2									
CSZ	WILSONVILLE	OR	97070		Country	UNITED STATES OF AMERICA			

Type	MEM MEMBER							Resign Date	
Name	WESLEY		BEACH	GODARD					
Addr 1	12721 SW 108TH TERRACE								
Addr 2									
CSZ	TIGARD		OR	97223			Country	UNITED STATES OF AMERICA	

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Business Entity Name	Name Type	Name Status	Start Date	End Date
MALEY ROAD HAZELNUTS LLC	EN	CUR	12-19-2008	

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-07-2024		FI		
	AMENDED ANNUAL REPORT	11-05-2023		FI		
	AMENDED ANNUAL REPORT	11-06-2022		FI		
	AMENDED ANNUAL REPORT	11-15-2021		FI	Agent	

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	ANNUAL REPORT PAYMENT	11-10-2020		SYS		
	AMENDED ANNUAL REPORT	11-12-2019		FI	Agent	
	AMENDED ANNUAL REPORT	11-13-2018		FI		
	AMENDED ANNUAL REPORT	11-10-2017		FI		
	AMENDED ANNUAL REPORT	11-14-2016		FI		
	ANNUAL REPORT PAYMENT	12-07-2015		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	01-02-2015		FI	Agent	
	AMENDED ANNUAL REPORT	11-03-2014		FI		
	AMENDED ANNUAL REPORT	11-26-2013		FI		
	AMENDED ANNUAL REPORT	12-04-2012		FI	Agent	
	AMENDED ANNUAL REPORT	01-10-2012		FI		
	ANNUAL REPORT PAYMENT	12-15-2010		SYS		
	AMENDED ANNUAL REPORT	01-04-2010		FI		
	ARTICLES OF ORGANIZATION	12-19-2008		FI	Agent	

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Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statute (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit: Diminish a PORTION of Certificate 62059 from primary irrigation to supplemental irrigation. The Affiant requests that the Department process this diminution simultaneously with the issuance of a permit resulting from the permit application to which this diminution is attached.

Certificate of Water Right Information:

Certificate Number: 62059

Issued for use within the State of Oregon, County of Benton.

Issued in the name of: C.E. Jones.

Date of priority: 6/18/1980

Rate or Volume on entire certificate: 0.53 (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Booneville Slough.

Use(s) of water listed on certificate: Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 42.2, supplemental IR _____.

Statements of Oath:

I/We (or authorized agent), Maley Road Hazelnuts, LLC,

residing at 3911 SE Maley Road, Corvallis, OR 97333,

with a mailing address of (if different) _____,

and a telephone number of 503-975-3956, being **first duly sworn depose and say:**

1. I/We are the legal owners of property appurtenant to all ☐ **or** ☒ a portion (**check one box**) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: _____.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # _____.

☐ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # _____.

☐ voluntary diminution of the ENTIRE water right Certificate # _____.

☒ voluntary diminution of a PORTION of water right Certificate # **62059**.

3. The appurtenant water right ☐ is **or** ☒ is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: _____.

a. The water right, or portion thereof, being ☐ cancelled **or** ☐ diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager

Printed Name

Date

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N/A 4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

☐ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) _____
- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled _____
- In the amount of _____ cubic foot per second
- From the water source (s) _____
- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____ $\frac{1}{4}$, Section _____, Township _____ (N ☐ or S ☐), Range _____ (E ☐ or W ☐, W.M.
 - Location Description (if given on the certificate) _____

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5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- a. I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, or ☒ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- b. I/We agree that if this change is approved, it is permanent and the right to the use of water from Booneville Slough (source) cannot be changed back to the primary use unless otherwise provided by law.
- c. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Booneville Slough (source of water) for primary use on these lands.

6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of 0.244 (cfs) from Booneville Slough (sources) for irrigation (if applicable) of 19.4 acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
<u>12</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>23</u>	--	--	<u>NENE</u>	<u>0.1*</u>	<u>700</u>
<u>12</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>23</u>	--	--	<u>NWNE</u>	<u>2.7*</u>	<u>700</u>
<u>12</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>23</u>	<u>56</u>	--	<u>NWNE</u>	<u>10.9*</u>	<u>700</u>
<u>12</u>	<u>S</u>	<u>5</u>	<u>W</u>	WM	<u>23</u>	<u>56</u>	--	<u>SWNE</u>	<u>5.7*</u>	<u>700</u>

*Refer to Attachment 2 for a map and narrative presenting a redescription of the place of use for Certificate 62059.

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

[Signature]

Signature of legal owner as listed on deed, or authorized agent

Printed Name Daniel Godard, Registered Agent and Member - Maley Road Hazelnuts, LLC

Date 4/3/2025

Signature of legal co-owner as listed on deed (if applicable)

Printed Name _____

Date _____

Subscribed and Sworn to Before Me this 3rd day of April, 20 25.

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[Signature]

Signature of Notary Public for Oregon

My Commission Expires February 27, 2029



REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution. Exhibit 1
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows: Exhibit 2
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit. Exhibit 3
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed. Exhibit 4

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

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Exhibit 1
Property Deed

RECORDING REQUESTED BY:

GRANTOR:
MALEY ROAD HAZELNUTS, LLC

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

SEND TAX STATEMENTS TO:
Maley Road Hazelnuts LLC
10600 NW Walter Ln
Portland, OR 97229

AFTER RECORDING RETURN TO:
Maley Road Hazelnuts LLC
10600 NW Walter Ln
Portland, OR 97229

BENTON COUNTY, OREGON 2015-538974
DE-85
Clerk's Stamp COUNTER 12/04/2015 08:50:18 AM
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 \$78.00



00311745201508389740020035

James V. Morales, County Clerk for Benton
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk's
records.

James V. Morales - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

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

SEE ATTACHED LEGAL DESCRIPTION

The true consideration for this conveyance is \$0.00 lot line adjustment deed (See ORS 93.030).
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 11/27/15

Maley Road Hazelnuts LLC, an Oregon limited liability company

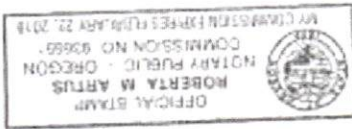
BY: Daniel Jackson Godard, Member

BY: Michelle McGettigan, Member

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

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My commission expires February 22, 2018
Notary Public, State of Oregon

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

State of OREGON
COUNTY of Benton

BY: Ryan Arthur Mackey-Demaray, aka Ryan A. Mackey-Demaray, Member
BY: Lindsay Yates-Demaray, aka Lindsay Y. (Godard) Demaray, Member
BY: Wesley Beach Godard, aka Wesley B. Godard, Member
BY: Chance Filton-Godard, Member

RESULTANT PROPERTY
(MALEY ROAD HAZELNUTS LLC)

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

AND ALSO

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

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

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

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Exhibit 2

Water Right Certificate, Map, and Place of Use Redescription

STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

C. E. JONES
ROUTE 3, BOX 526
CORVALLIS, OREGON 97330

confirms the right to use the waters of BOONEVILLE SLOUGH, a tributary of WILLAMETTE RIVER, for the purpose of IRRIGATING 42.2 ACRES.

The right has been perfected under Permit 45095. The date of priority is JUNE 18, 1980. The right is limited to not more than 0.53 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

NE 1/4 NW 1/4, SE 1/4 NW 1/4, BOTH AS PROJECTED WITHIN DLC 56, SECTION 23, T 12 S, R 5 W, W.M.; 900 FEET SOUTH AND 2620 FEET EAST, 2000 FEET SOUTH AND 2500 FEET EAST, BOTH FROM NW CORNER SECTION 23.

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.

The right 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, and to which such right is appurtenant, is as follows:

NW 1/4 NE 1/4 1.7 ACRES
SECTION 23

NW 1/4 NE 1/4 13.5 ACRES

SW 1/4 NE 1/4 4.2 ACRES

NE 1/4 NW 1/4 14.1 ACRES

NW 1/4 NW 1/4 3.2 ACRES

SW 1/4 NW 1/4 0.9 ACRE

SE 1/4 NW 1/4 4.6 ACRES

ALL AS PROJECTED WITHIN DLC 56
SECTION 23

TOWNSHIP 12 SOUTH, RANGE 5 WEST, W.M.

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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date AUGUST 7, 1989.

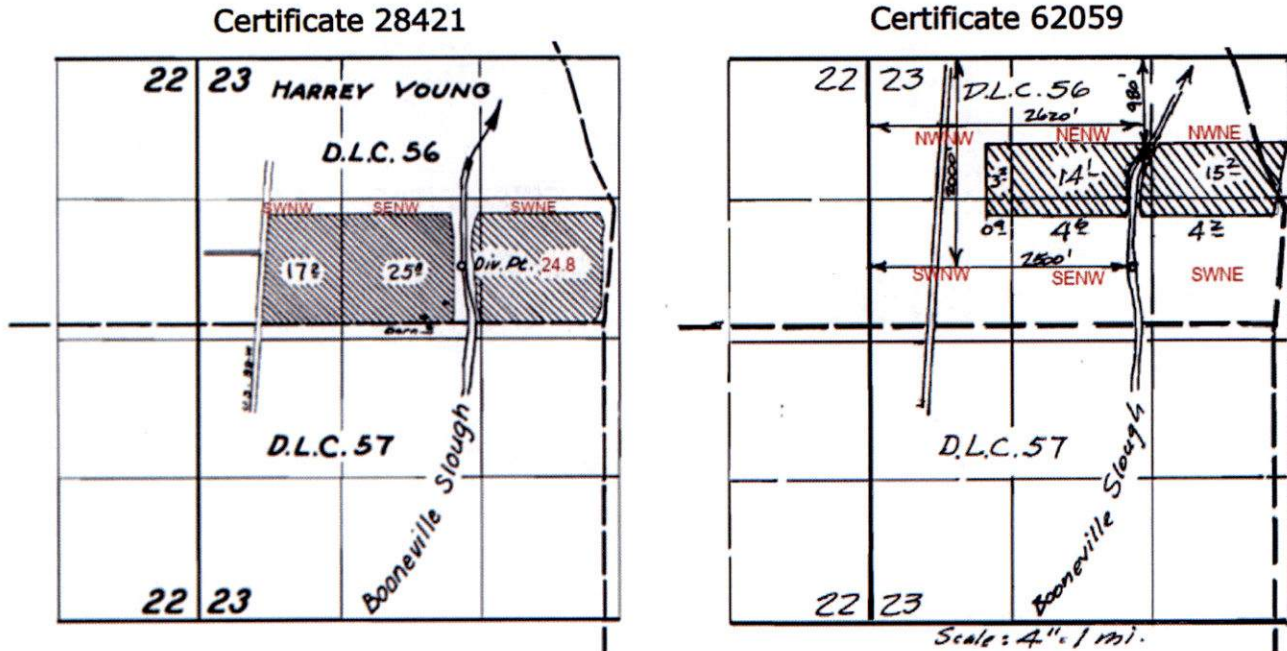
/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 62059

60275.SB

During review of the existing water rights associated with Tax Lot 700 (T12S, R5W, Section 23), being Certificate 28421 and Certificate 62059, the CWRE determined that the acreages by Public Land Survey System (PLSS) Quarter-Quarter (QQ) shown on the Final Proof Survey (FPS) map and listed on the water right certificate appear to have been derived based on an incorrect placement of the PLSS grid. As shown on FPS map for both water rights, a portion of the water right acreage east of the Booneville Slough is shown to be located in NENW and SENW of Section 23.



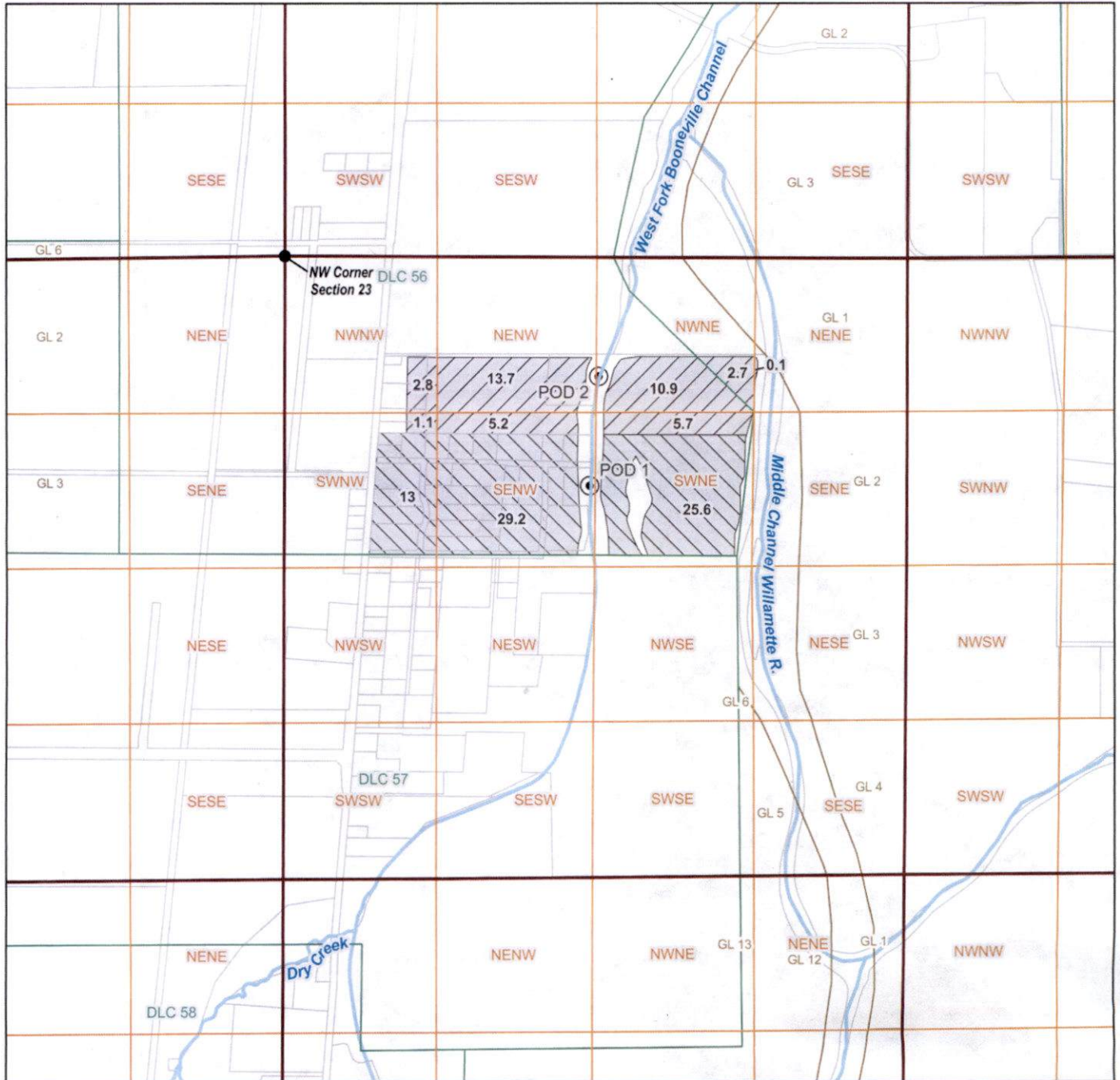
However, based on current spatial data and tax lot assessor maps from Benton County, the QQ line between the NW quarter and NE quarter of Section 23 more closely aligns with the location of the Booneville Slough; and as such, all irrigated lands east of the Booneville Slough are located only in the NE quarter of Section 23. Moreover, it appears that the entire PLSS grid shown on the FPS map is located slightly too far east, resulting in acreage quantities by QQ that do not match the calculated acreages using current data available for the PLSS grid from Oregon Geospatial Enterprise Office and Benton County. A revised map has been developed to provide accurate acreages by QQ to re-describe the place of use associated with Certificate 28421 and Certificate 62059 (refer to Map 1 attached). Historical aerial imagery of the land appurtenant to these certificates is provided to document that irrigation under Certificate 28421 and Certificate 62059 has been located within the re-described place of use (refer to Map 2 and Map 3 attached).

Accurate mapping of the place of use for Certificate 28421 and Certificate 62059 is needed because the owner of Tax Lot 700 (T12S, R5W, Section 23) is requesting that the portion of the place of use for these certificates located in the NE Quarter of Section 23 (and appurtenant to Tax Lot 700) be diminished from primary to supplemental irrigation. Note that the requested diminution is contingent on Department issuance of a new permit for use of stored water from Willamette Basin Project Reservoirs to provide primary irrigation for the diminished supplemental lands.

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Map 1 - Redescription of the Place of Use for Certificate 28421 and Certificate 62059

Township 12 South, Range 5 West (WM)
Benton County



LEGEND

● Authorized Point of Diversion (POD)

Redescribed Place of Use (POU)

▨ Certificate 28421

▨ Certificate 62059

Survey Lines

▭ Sections

▭ Quarter Quarters

▭ Government Lots (GLs)

▭ Donation Land Claims (DLCs)

Other Features

▭ Tax Lots

— Watercourse

POD Location Redescription

POD 1, Certificate 28421

Located in the SENW, as projected within Young DLC 56, Section 23, Township 12 South, Range 5 West, W.M.

POD 1, Certificate 62059

Located 1960 feet South and 2660 feet East from the NW corner of Section 23 (SENE), Township 12 South, Range 5 West, W.M.

POD 2, Certificate 62059

Located 1020 feet South and 2720 feet East from the NW corner of Section 23 (NENE), Township 12 South, Range 5 West, W.M.

N

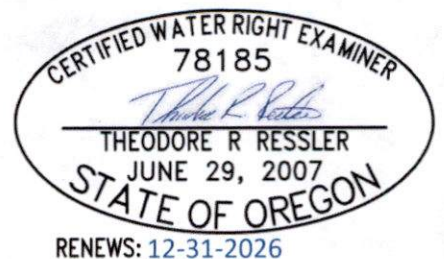
Scale
0 660 1,320 ft

1-inch = 1,320 feet

Date: 3/12/2025

Data Sources: BLM, OWRD, USGS, Multnomah County

Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.

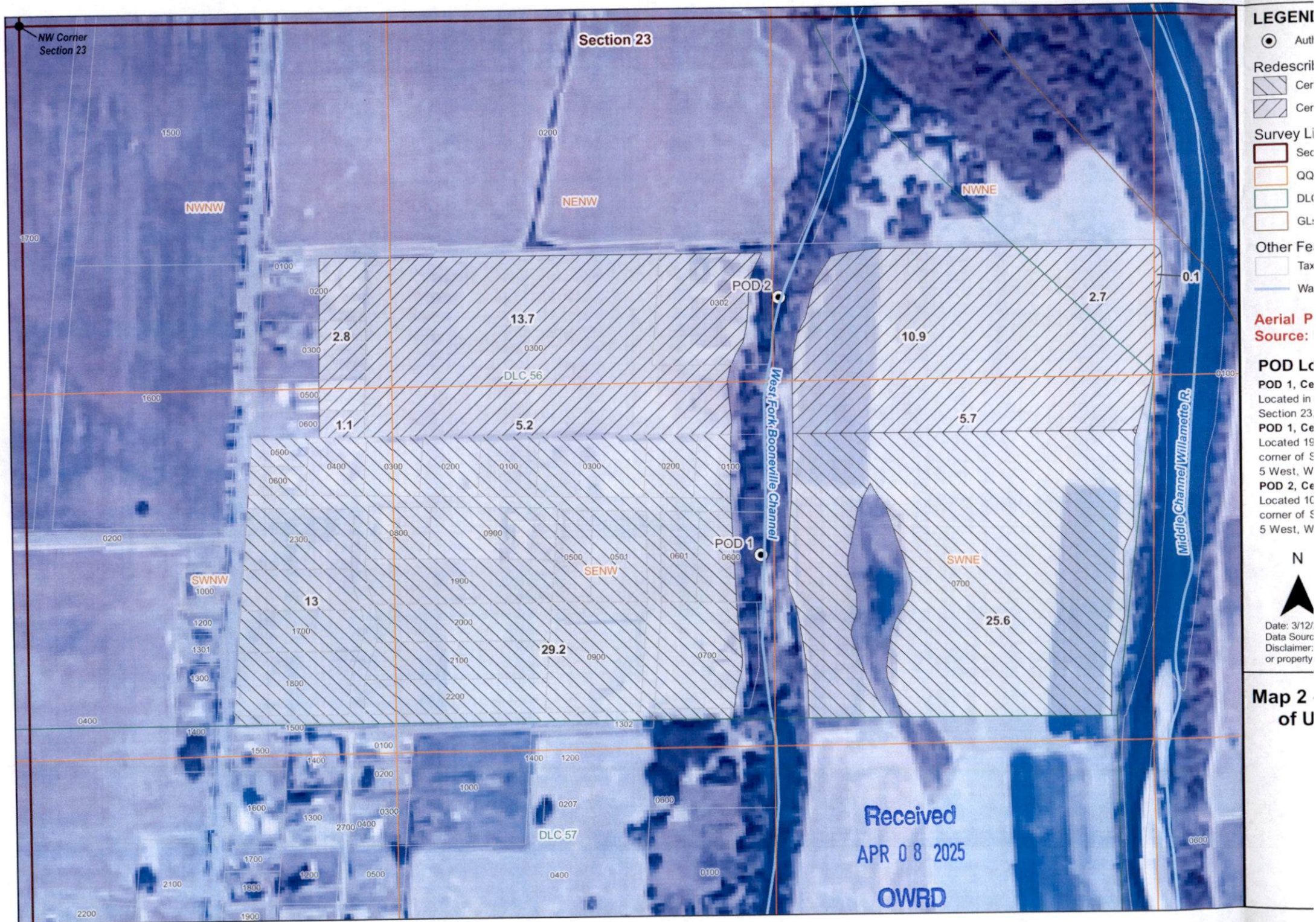


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- Sec
- QQ
- DLC
- GLs
- Other Fe
- Tax
- Wal

Aerial PI
Source: (

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Section 23.
POD 1, Cer
Located 19t
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5 West, W.
POD 2, Cer
Located 10;
corner of S
5 West, W.

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Date: 3/12/2
Data Source
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Map 3 -
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Exhibit 3
List of Other Property Owners

List of other property owners with land appurtenant to the portion of the water right not being diminished (remaining lands)

Tax Lot	Site Address	Owner Name	Mailing Address
125230000300	-- CORVALLIS OR	RONALD R & JOYCE L JONES	16632 S CARUS RD BEAVERCREEK OR 97004
125230000302	4473 SE 3RD ST CORVALLIS OR 97333	SARAH E & WALDBUSSER GEORGE G KOLESAR	4473 SE 3RD ST CORVALLIS OR 97333
12523BB00200	4515 SE 3RD ST CORVALLIS OR 97333	JASON & JOYELLE PETERSEN	4515 SE 3RD ST CORVALLIS OR 97333
12523BB00300	4525 SE 3RD ST CORVALLIS OR 97333	DAVID J MASTENBROOK	4525 SE 3RD ST CORVALLIS OR 97333
12523BB00500	4535 SE 3RD ST CORVALLIS OR 97333	SPORTSMENS STORAGE LLC	5887 W SONORAN LINKS LN MARANA AZ 85658
12523BB00600	4555 SE 3RD ST CORVALLIS OR 97333	ROBERT S MACK	4555 S 3RD ST CORVALLIS OR 97333

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Exhibit 4
Documentation of Signatory

Business Name Search

[New Search](#)

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Business Entity Data

03-03-2025

16:13

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
566896-99	DLLC	ACT	OREGON	12-19-2008	12-19-2025	
Entity Name	MALEY ROAD HAZELNUTS LLC					
Foreign Name						

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Associated Names

OWRD

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	3911 SE MALEY RD			
Addr 2				
CSZ	CORVALLIS	OR	97333	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-15-2021	Resign Date	
Name	DANIEL	JACKSON	GODARD			
Addr 1	10600 NW WALTERS LN					
Addr 2						
CSZ	PORTLAND	OR	97229	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	10600 NW WALTERS LN			
Addr 2				
CSZ	PORTLAND	OR	97229	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	CHERICE	FLITTON	GODARD		
Addr 1	12721 SW 108TH TERRACE				
Addr 2					
CSZ	TIGARD	OR	97223	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	RYAN	ARTHUR	MACKEY-DEMARAY		
Addr 1	28329 SW BELFAST LANE				

Addr 2						
CSZ	WILSONVILLE	OR	97070		Country	UNITED STATES OF AMERICA

Type	MEMMEMBER						Resign Date	
Name	DANIEL		JACKSON	GODARD				
Addr 1	10600 NW WALTERS LN							
Addr 2								
CSZ	PORTLAND	OR	97229		Country	UNITED STATES OF AMERICA		

Type	MEM MEMBER							Resign Date	
Name	MICHELLE			MCGETTIGAN					
Addr 1	10600 NW WALTERS LN								
Addr 2									
CSZ	PORTLAND	OR	97229		Country	UNITED STATES OF AMERICA			

Type	MEM MEMBER						Resign Date	
Name	LINDSAY		YATES	DEMARAY				
Addr 1	28329 SW BELFAST LANE							
Addr 2								
CSZ	WILSONVILLE	OR	97070		Country	UNITED STATES OF AMERICA		

Type	MEM MEMBER						Resign Date	
Name	WESLEY		BEACH	GODARD				
Addr 1	12721 SW 108TH TERRACE							
Addr 2								
CSZ	TIGARD		OR	97223			Country	UNITED STATES OF AMERICA

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Business Entity Name	Name Type	Name Status	Start Date	End Date
MALEY ROAD HAZELNUTS LLC	EN	CUR	12-19-2008	












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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-07-2024		FI		
	AMENDED ANNUAL REPORT	11-05-2023		FI		
	AMENDED ANNUAL REPORT	11-06-2022		FI		
	AMENDED ANNUAL REPORT	11-15-2021		FI	Agent	

	ANNUAL REPORT PAYMENT	11-10-2020		SYS		
	AMENDED ANNUAL REPORT	11-12-2019		FI	Agent	
	AMENDED ANNUAL REPORT	11-13-2018		FI		
	AMENDED ANNUAL REPORT	11-10-2017		FI		
	AMENDED ANNUAL REPORT	11-14-2016		FI		
	ANNUAL REPORT PAYMENT	12-07-2015		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	01-02-2015		FI	Agent	
	AMENDED ANNUAL REPORT	11-03-2014		FI		
	AMENDED ANNUAL REPORT	11-26-2013		FI		
	AMENDED ANNUAL REPORT	12-04-2012		FI	Agent	
	AMENDED ANNUAL REPORT	01-10-2012		FI		
	ANNUAL REPORT PAYMENT	12-15-2010		SYS		
	AMENDED ANNUAL REPORT	01-04-2010		FI		
	ARTICLES OF ORGANIZATION	12-19-2008		FI	Agent	

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Attachment 6
OWRD Fee



March 31, 2025

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

Subject: Application for a Permanent to Use Surface Water (Stored Water Only)
Maley Road Hazelnuts LLC

Ms. Ratcliffe:

On behalf of the applicant, Maley Road Hazelnuts LLC, please find enclosed an Application for a Permit to Use Surface Water accompanied by a check in the amount of \$2,178.60 for payment of the application filing fee.

Included with this permit application (Attachment 5) are Affidavits for the Voluntary Partial Diminution for Certificate 28241 and Certificate 62059. The Applicant requests that the Department process these requested diminutions simultaneously with the issuance of a permit resulting from this application.

If you have any questions regarding the enclosed application, you can reach me at 503-701-4535. Please copy me on any correspondence regarding this application.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: Don Godard – Maley Road Hazelnuts, LLC

Enclosures:

Application for a Permit to Use Surface Water (Stored Water Only)
Check # 124 in the amount of \$2,178.60

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