

Name J. W. Nelson
 By _____
 Address Rt. 1, Forest Grove, Oregon

Application No. 21453

Permit No. 16830

Certificate No. 20013

Stream Index, Page No. 2 - 5A B

Date filed March 5, 1946
 Priority March 5, 1946
 Action suspended until JUN 1, 1946

Returned to applicant _____
 Date of approval JUNE 1, 1946

CONSTRUCTION

Date for beginning JUNE 1, 1947
 Date for completion OCTOBER 1, 1948
 Extended to 10-1-50

Date for application of water OCTOBER 1, 1949
 Extended to 10-1-50

PROSECUTION OF WORK

Form "A" filed Commenced
 Form "B" filed Commenced
 Form "C" filed OCTOBER 29, 1950

FINAL PROOF

Blank mailed January 2, 1951
 Proof received _____
 Date certificate issued MAR 31 1953

FEES PAID

Date	Amount	Receipt No.
3/7/46	15.00	1085
3/12/46	5.00	1118
3/7/46	0.104 B. P. Fee	1085
2/9/53	\$1 Cert. Fee	1806

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

1.25 cfs from Tualatin River for irrigation of 100 acres.
 OCT 4 1949 CARD FOR C
 JAN 13 1950 FORM 100 REQ.
 OCT 12 1950 CARD FOR B-D

Form C

Application No. 21453

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, G. H. Nelson, the holder of Permit No. 16830
to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in
accordance with the terms of said permit, on the Oct 16 day of Oct., 1950

Remarks:

If all of the water granted in the permit has not been fully applied to beneficial use, you should so state.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19____

Howard S. Miller
(Signature of Witness)

G. H. Nelson
(Signature of Applicant)

611 NE 31st Ave Pullman, Ore
(Address)

Rt. 1 Forest Grove, Ore.
(Address)

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the State Engineer until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach, and mail to the State Engineer, Salem, Oregon, when all of the water has been applied.



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

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): Ava Zurcher et al and City of Forest Grove
First Last
Mailing address: N/A
Zurcher property purchased 1993 Forest Grove Property acquired 2006
City State Zip
Phone:
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Clean Water Services c/o Steve Kebbe, Principal Engineer
First Last
Mailing address: 2550 S.W. Hillsboro Highway
Hillsboro OR 97123
City State Zip
Phone: Main: 503-681-3600 Direct: 503-547-8198
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Washington Township: 1S Range: 3W Section: 7, 8
Tax lot number(s): Sec 7 - 103, Sec 8 - 400

Attach a copy of your property deed or legal description of the property.

Street address of water right property: N/A

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**WATER RESOURCES DEPT
SALEM, OREGON**

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: 21453 Permit #: S16830 Certificate or page #: 20013

Will all the lands associated with this water right be owned by the buyer? ☐ Yes ☒ No

Name of individual completing this form: Jeff Jones, P.E., WRE Phone: 503-225-9010
Print

Signature: Jeff Jones

Date: 8-2-2007

(9)

STATE OF OREGON
COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. W. NELSON

of Route 1, Forest Grove, 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 Tualatin River a tributary of Willamette River for the purpose of irrigation under Permit No. 16830 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 March 5, 1916

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 0.92 cubic foot per second,

73.6 acres.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141 and Govt. Lots 3, 4, & 5, Section 8, Township 1 South, Range 3 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other rights 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 foot 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:

0.8 acres in Lot 6 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
21.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
11.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
7.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
1.2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
2.4 acres in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
21.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
4.4 acres in Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
4.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 141
6.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
1.8 acres in Lot 7 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 8
Township 1 South, Range 3 West, W. M.

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

Beginning at a point on the W. boundary of the Wm. Yates and wife D.L.C. No. 141, T. 1 S., R. 3 W., W. M., 38.35 chs. S. of the NW cor. of same, this being the NW cor. of the S $\frac{1}{2}$ of said claim, running thence E. on the diversion line of the claim 25.18 chains to the recognized SE corner of said S $\frac{1}{2}$, thence S. on the E. boundary of said claim 36.25 chs. to the angular corner on the W. boundary of the Wm. Geiger Jr., D.L.C. No. 47, thence S. 61°53' E. 13.70 chains to the reentrant corner of said claim, thence S. 18.28 chains, more or less, to an iron pipe from which the SW cor. of said claim bears S. 1.22 chains distant, thence W. 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by

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93.6

deed recorded in book 117, of Deeds Page 205, Records of Washington County, Oregon, thence S. 37° W. 5.50 chains, to angular corner of said tract; thence S. 22.00 chains to a point 1.00 chains to a point 1.00 chains W. of the $\frac{1}{4}$ section cor. on S. boundary of said Sec. 8, thence W. on said Sec. line 29.00 chs., more or less, to the E. boundary of the land conveyed to C. W. and M. E. Dixon by deed recorded in Book 80 of Deeds, page 69, Records of Washington County, Oregon; thence Northward on said E. boundary 27.99 chs. to the NE corner thereof, thence N. 66° W. 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin F. Smith III; thence N. 39° 45' E. 28.88 chains to angular corner of said claim thence N. 18° W. 32.30 chains to intersection with the true N boundary of said Yates III, and thence N. 1° 15' E. 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in book 131 of Deeds Page 578 records of Washington County, Oregon

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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

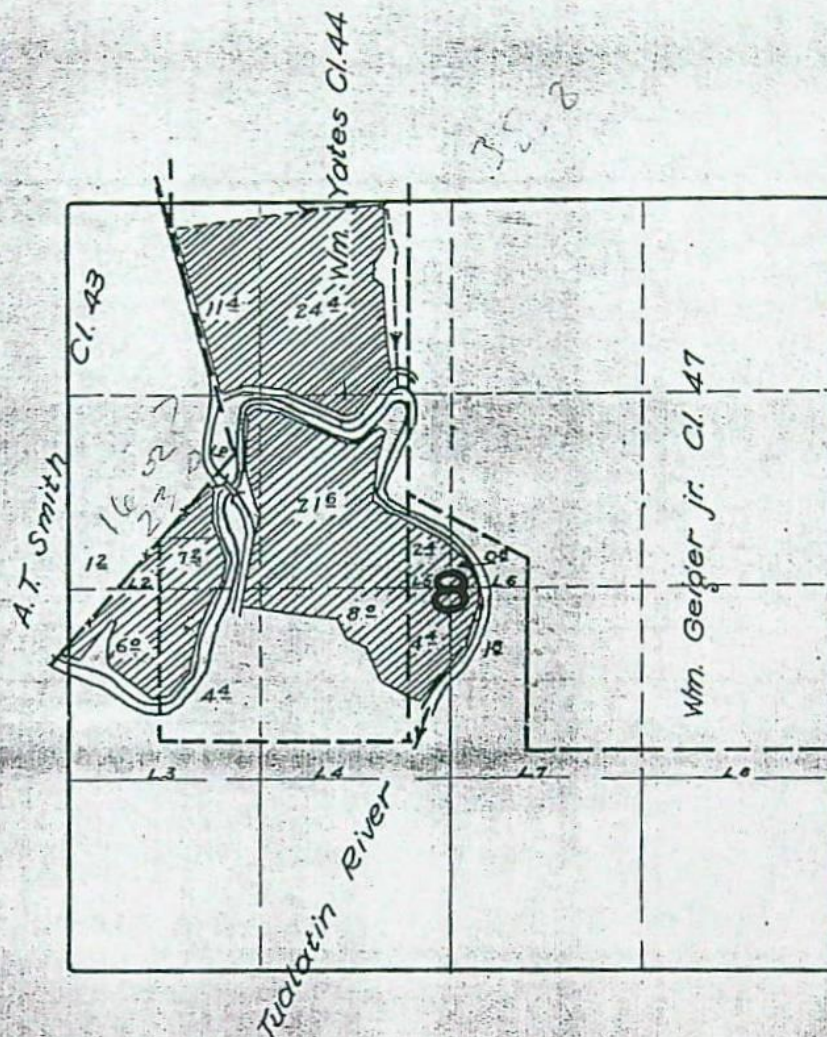
this 11th day of March, 1955

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 20013

T.I.S.R.3W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. 21453 Permit No. 16830
IN NAME OF

J. W. NELSON

Surveyed May 23, 1952, by H. L. COFFMAN

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SALEM, OREGON

1" = 1320'

1952 D



CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

=METROSCAN PROPERTY PROFILE=
Washington (OR)

OWNERSHIP INFORMATION

Reference Parcel # : 1S30800 00400
Parcel Number : R0429682 RTSQ: 03W -01S -08
Owner : Clean Water Services
CoOwner :
Site Address : *no Site Address*
Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123
Telephone : Owner: 503-681-3600 Tenant:

SALES AND LOAN INFORMATION

Transferred	: 09/18/2006	Loan Amount	:
Document #	: 111330	Lender	:
Sale Price	: \$3,100,000	Loan Type	:
Deed Type	:	Interest Rate	:
% Owned	:	Vesting Type	:

ASSESSMENT AND TAX INFORMATION

Market Land	: \$247,140	Exempt Amount	:
Market Structure	:	Exempt Type	:
Market Other	:	% Improved	:
Market Total	: \$247,140	Levy Code	: 01522
06-07 Taxes	:	Millage Rate	: 17.2999
Assessed Total	:	School Dist	: Forest Grove

PROPERTY DESCRIPTION

Map Grid	:	Class Code	:
Census	: Tract: Block:	MillRate	:
NbrhdCd	: 1S36		
Sub/Plat	:		
Land Use	: 9156 Gov,City		
Legal	: ACRES 54.92, CODE SPLIT, : NON-ASSESSABLE		

PROPERTY CHARACTERISTICS

Bedrooms	:	Lot Acres	: 54.92	Year Built	:
Bathrooms	:	Lot SqFt	: 2,392,315	EffYearBlt	:
Heat Method	:	BsmFin SF	:	Floor Cover	:
Pool	:	BsmUnfinSF	:	Foundation	:
Appliances	:	BsmLowSF	:	Roof Shape	:
Dishwasher	:	Bldg SqFt	:	Roof Matl	:
Hood Fan	:	1stFlrSqFt	:	InteriorMat	:
Deck	:	UpperFlrSF	:	Paving Matl	:
Garage Type	:	Porch SqFt	:	Const Type	:
Garage SF	:	Attic SqFt	:	Ext Finish	:
		Deck SqFt	:		

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SALEM, OREGON



CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

=METROSCAN PROPERTY PROFILE= Washington (OR)

OWNERSHIP INFORMATION

Reference Parcel # : 1S30800 00400
 Parcel Number : R0429673 RTSQ: 03W -01S -08
 Owner : Clean Water Services
 CoOwner :
 Site Address : *no Site Address*
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123
 Telephone : Owner: 503-681-3600 Tenant:

SALES AND LOAN INFORMATION

Transferred : 09/18/2006 Loan Amount :
 Document # : 111330 Lender :
 Sale Price : \$3,100,000 Loan Type :
 Deed Type : Interest Rate :
 % Owned : Vesting Type :

ASSESSMENT AND TAX INFORMATION

Market Land : \$25,340 Exempt Amount :
 Market Structure : Exempt Type :
 Market Other : % Improved :
 Market Total : \$25,340 Levy Code : 01527
 06-07 Taxes : Millage Rate : 13.0069
 Assessed Total : School Dist : Forest Grove

PROPERTY DESCRIPTION

Map Grid : Class Code :
 Census : Tract: Block:
 NbrhdCd : 1S36 MillRate :
 Sub/Plat :
 Land Use : 9156 Gov, City
 Legal : ACRES 5.63, CODE SPLIT,
 : NON-ASSESSABLE

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PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 5.63	Year Built :
Bathrooms :	Lot SqFt : 245,242	EffYearBlt :
Heat Method :	BsmFin SF :	Floor Cover :
Pool :	BsmUnfinSF :	Foundation :
Appliances :	BsmLowSF :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1stFlrSqFt :	InteriorMatl :
Deck :	UpperFlrSF :	Paving Matl :
Garage Type :	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	

20
16
37



After recording return to:
Clean Water Services
2550 SW Hillsboro Highway
Hillsboro, OR 97123

Until a change is requested all tax statements
shall be sent to the following address:
Clean Water Services
2550 SW Hillsboro Highway
Hillsboro, OR 97123

File No.: 7033-896948 (JKL)
Date: September 13, 2006

THIS SPACE RESERVE

Washington County, Oregon

09/13/2006 03:14:46 PM

2006-111330

D-000

CITY OF K. BARNETT

\$38.00 \$5.00 \$11.00 - Total = \$54.00



01011000000001113300000000

I, Richard Hebert, Director of Assessment and
Taxation and El-Ole County Clerk for Washington
County, Oregon, do hereby certify that the within
instrument of selling was received and recorded in the
book of records of said county.

Richard W. Hebert
Richard W. Hebert, Director of Assessment and
Taxation, El-Ole County Clerk



STATUTORY WARRANTY DEED

The City of Forest Grove, a municipal corporation, Grantor, conveys and warrants to Clean Water Services, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Subject to:

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

The true consideration for this conveyance is \$3,100,000.00. (Here comply with requirements of ORS 93.030)

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SALEM, OREGON

Recorded By
First American Title Insurance Company of Oregon

No. 051040-76

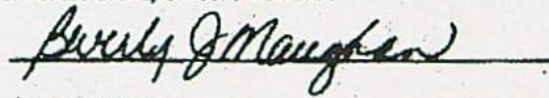
APN: R418491

Statutory Warranty Deed
- continuedFile No.: 7033-8900-00 (JCL)
Date: 09/13/2006

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

Dated this 15th day of September, 2006.

City of Forest Grove


By: Michael J. Sykes, City ManagerSTATE OF Oregon)
County of Washington)This instrument was acknowledged before me on this 15th day of September, 2006
by Michael J. Sykes as City Manager of City of Forest Grove, on behalf of the .
Notary Public for Oregon
My commission expires: March 25, 2010

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SALEM, OREGON

APH: R416491

Statutory Warranty Deed
- continuedFile No.: 7033-896948 (JKL)
Date: 09/13/2006**EXHIBIT A****LEGAL DESCRIPTION:****PARCEL I**

PART OF THE WM. YATES DONATION LAND CLAIM NO. 44, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, BEGINNING AT A POINT ON THE NORTH LINE OF THE WM. YATES DONATION LAND CLAIM SAID POINT BEING SOUTH 89° 16' 40" EAST 1997.75 FEET FROM THE NORTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 89° 16' 40" EAST 637.68 FEET ALONG THE NORTH LINE OF THE YATES DONATION LAND CLAIM TO A 2" IRON PIPE WHICH REPLACES AN IRON RAIL SET IN COUNTY SURVEY NO. 438; THENCE SOUTH 0° 44' 43" WEST 2538.63 FEET ALONG THE COMMON LINE WITH J. C. BUCHANAN TRACT TO A STONE SET IN COUNTY SURVEY NO. 438; THENCE NORTH 89° 39' 21" WEST 1337.72 FEET ALONG THE COMMON LINE WITH F. J. MILLER TRACT TO A 3/4" IRON PIPE; THENCE NORTH 0° 44' 43" EAST 1920.10 FEET ALONG THE COMMON LINE WITH THE UNITED STATES FARM SECURITY ADMINISTRATION, FARM UNIT NO. 79; THENCE SOUTH 89° 16' 40" EAST 700.00 FEET; THENCE NORTH 0° 44' 43" EAST 627.30 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF VACATED ROADWAY WHICH INURED THERETO BY RESOLUTION AND ORDER NO. 88-9, RECORDED JANUARY 12, 1988 AS FEE NO. 88001624.

ALSO TOGETHER WITH: BEGINNING AT A POINT WHERE THE WEST LINE OF THE YATES DONATION LAND CLAIM INTERSECTS THE SOUTH RIGHT-OF-WAY LINE OF THE S.P.R.R., SAID POINT BEING SOUTH 60° 00' 23" WEST 34.76 FEET FROM A 2" IRON PIPE SET ALONG SAID RAILROAD RIGHT-OF-WAY; THENCE SOUTH 0° 20' 39" WEST 1787.96 FEET ALONG THE WEST LINE OF THE YATES DONATION LAND CLAIM TO A POINT NORTH 89° 39' 21" WEST 11.1 FEET FROM A 2" IRON PIPE; THENCE SOUTH 89° 39' 21" EAST 1279.90 FEET ALONG THE COMMON LINE WITH THE F.J. MILLER TRACT TO A 3/4" IRON PIPE; THENCE NORTH 0° 44' 43" EAST 2517.46 FEET ALONG THE COMMON LINE WITH THE UNITED STATES FARM SECURITY ADMINISTRATION, FARM UNIT NO. 80 TO A 3/4" IRON PIPE; THENCE NORTH 80° 29' 52" WEST 40.48 FEET ALONG THE COMMON LINE WITH FARM UNIT NO. 80 TO A 3/4" IRON PIPE ON THE SOUTH LINE OF THE S.P.R.R. RIGHT-OF-WAY; THENCE SOUTH 60° 00' 28" WEST 1457.08 FEET ALONG THE SOUTH LINE OF THE S.P.R.R. RIGHT-OF-WAY TO POINT OF BEGINNING.

EXCEPTING THEREFROM: THAT PORTION CONVEYED TO TEKTRONIX, INC., AN OREGON CORPORATION, BY DEED RECORDED OCTOBER 30, 1980 AS FEE NO. 80039417, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN SECTION 5, TOWNSHIP 1 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF FOREST GROVE, COUNTY OF WASHINGTON AND STATE OF OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOLOMON EMERICK DONATION LAND CLAIM NO. 46; THENCE ALONG THE WEST LINE OF SAID CLAIM SOUTH 02° 07' 05" WEST 627.29 FEET; THENCE NORTH 89° 25' 56" WEST 621.46 FEET; THENCE NORTH 0° 36' 30" EAST 627.25 FEET TO THE SOUTH LINE OF LOT 10 OF "FRUITVALE ADDITION"; THENCE SOUTH 89° 24' 53" EAST 637.98 FEET TO THE POINT OF BEGINNING.

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APH: R416491

Statutory Warranty Deed
- continuedFile No.: 7033-888948 (JKL)
Date: 09/13/2006

BEING A PART OF SECTIONS 6 AND 8 TOWNSHIP 1 SOUTH OF RANGE 3 WEST OF THE WILLAMETTE MERIDIAN;
BEGINNING AT AN IRON ROD IN THE CENTERLINE OF COUNTY ROAD NO. 1205, WHICH IRON ROD IS N. 01° 23' EAST A DISTANCE OF 194.84 FEET FROM THE PC OF A CURVE AT SURVEY STATION 50X10.4 (AS SHOWN ON THE PLAT OF SAID COUNTY ROAD NO. 1205 ON FILE IN THE COUNTY SURVEYOR'S OFFICE); THENCE FROM SUCH POINT OF BEGINNING RUNNING SOUTH 01° 23' WEST ON CENTERLINE OF SAID COUNTY ROAD A DISTANCE OF 364.09 FEET TO AN ANGLE POINT IN SAID ROAD CENTERLINE; THENCE S. 18° 44' EAST ON SAID CENTERLINE AND AN EXTENSION THEREOF A DISTANCE OF 1846.96 FEET TO AN IRON PIPE ON THE WEST BANK OF THE TUALATIN RIVER; THENCE CONTINUING S. 18° 44' EAST A DISTANCE OF 109.80 FEET TO A POINT IN THE TUALATIN RIVER WHICH LATTER POINT IS THE MOST EASTERLY CORNER OF THE A. T. SMITH D. L. C. NO. 43 AS ESTABLISHED BY COUNTY SURVEY NO. 1728; THENCE DOWN THE CENTERLINE OF THE TUALATIN RIVER N. 03° 14' W. 336.51 FEET; THENCE N. 81° 40' E. 230.00 FEET; THENCE S. 68° 07' E. 618.02 FEET; THENCE N. 50° 55' E. 300.4 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE WM. GEIGER, JR. DONATION LAND CLAIM NO. 47; THENCE ON SAID WEST LINE OF THE WM. GEIGER JR. D. L. C. N. 00° 28' E. 113.5 FEET TO AN IRON PIPE; THENCE CONTINUING N. 00° 28' E. 1330.56 FEET TO A 1½ INCH IRON PIPE PLACED AROUND AN IRON BAR AT THE SOUTHWEST CORNER OF C. E. GEIGER'S 5 ACRE TRACT, SUBDIVISION NO. 1; THENCE N. 00° 15' W. 429.0 FEET TO A 1½ INCH IRON PIPE AT THE NORTHWEST CORNER OF SAID C. E. GEIGER'S 5 ACRE TRACTS; THENCE N. 89° 28' W. 1644.81 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO WASHINGTON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF OREGON, FOR ROADWAY PURPOSES, BY DEED RECORDED OCTOBER 28, 1964 IN BOOK 528, PAGE 199

PARCEL III:

A TRACT OF LAND SITUATE IN SECTION 8, TOWNSHIP 1 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND IN THE WEST ONE-HALF OF THE WILLIAM GEIGER, JR. DONATION LAND CLAIM NO. 47, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 150 FEET OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1, CONVEYED FROM MURAL AND MINNIE LAFOLLETT TO RUSSELL A. AND JESSIE C. COWAN, BY DEED RECORDED IN BOOK 322, PAGE 367, WASHINGTON COUNTY DEED RECORDS.

TOGETHER WITH: THE WEST 150 FEET OF THAT TRACT OF LAND DESCRIBED AS PARCEL 2, CONVEYED FROM MURAL AND MINNIE LAFOLLETT TO RUSSELL A. AND JESSIE C. COWAN, BY DEED RECORDED IN BOOK 322, PAGE 367, WASHINGTON COUNTY DEED RECORDS.

AND TOGETHER WITH: THE WEST 150 FEET OF THAT TRACT OF LAND DESCRIBED AS PARCEL 3, CONVEYED FROM MURAL AND MINNIE LAFOLLETT TO RUSSELL A. AND JESSIE C. COWAN, BY DEED RECORDED IN BOOK 322, PAGE 367, WASHINGTON COUNTY DEED RECORDS., EXCEPTING THAT PORTION LYING SOUTH OF COUNTY ROAD NO. 398.

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WATER RESOURCES DEPT
SALEM, OREGON



CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

=METROSCAN PROPERTY PROFILE=

Washington (OR)

OWNERSHIP INFORMATION

Reference Parcel # : 1S30700 00103
 Parcel Number : R2035754 RTSQ: 03W -01S -07
 Owner : Clean Water Services
 CoOwner :
 Site Address : *no Site Address*
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123
 Telephone : Owner: 503-681-3600 Tenant:

SALES AND LOAN INFORMATION

Transferred : 11/01/1993 Loan Amount :
 Document # : 90646 Multi-parcel Lender :
 Sale Price : \$825,000 Loan Type :
 Deed Type : Special Warranty Interest Rate :
 % Owned : 100 Vesting Type :

ASSESSMENT AND TAX INFORMATION

Market Land : \$10,400 Exempt Amount :
 Market Structure : Exempt Type :
 Market Other : % Improved :
 Market Total : \$10,400 Levy Code : 01503
 06-07 Taxes : Millage Rate : 12.9096
 Assessed Total : School Dist : Forest Grove

PROPERTY DESCRIPTION

Map Grid : Class Code :
 Census : Tract: Block: MillRate :
 NbrhdCd : 1S36
 Sub/Plat :
 Land Use : 9496 Misc, Unified Sewerage Agency
 Legal : ACRES 2.31, CODE SPLIT,
 : NON-ASSESSABLE

PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 2.31	Year Built :
Bathrooms :	Lot SqFt : 100,623	EffYearBlt :
Heat Method :	BsmFin SF :	Floor Cover :
Pool :	BsmUnfinSF :	Foundation :
Appliances :	BsmLowSF :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1stFlrSqFt :	InteriorMat :
Deck :	UpperFlrSF :	Paving Matl :
Garage Type :	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	

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WATER RESOURCES DEPT
SALEM, OREGON



CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

= METROSCAN PROPERTY PROFILE = Washington (OR)

OWNERSHIP INFORMATION

Reference Parcel # : 1S30700 00103
 Parcel Number : R2035753 RTSQ: 03W -01S -07
 Owner : Clean Water Services
 CoOwner :
 Site Address : 2525 SW Fern HI
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123
 Telephone : Owner: 503-681-3600 Tenant:

SALES AND LOAN INFORMATION

Transferred : 11/01/1993 Loan Amount :
 Document # : 90646 Multi-parcel Lender :
 Sale Price : \$825,000 Loan Type :
 Deed Type : Special Warranty Interest Rate :
 % Owned : 100 Vesting Type :

ASSESSMENT AND TAX INFORMATION

Market Land : Exempt Amount :
 Market Structure : Exempt Type :
 Market Other : \$150,220 % Improved :
 Market Total : \$150,220 Levy Code : 01527
 06-07 Taxes : \$1,953.89 Millage Rate : 13.0069
 Assessed Total : \$150,220 School Dist : Forest Grove

PROPERTY DESCRIPTION

Map Grid : Class Code :
 Census : Tract: Block:
 NbrhdCd : 1S36 MillRate :
 Sub/Plat :
 Land Use : 5506 Vacant, Agr, Farm Zone
 Legal : ACRES 275.00, CODE SPLIT, ZONED
 : FARMLAND- POTENTIAL ADDITIONAL TAX
 : LIABILITY, ASSESSABLE PORTION

PROPERTY CHARACTERISTICS

Bedrooms :	Lot Acres : 275.00	Year Built :
Bathrooms :	Lot SqFt : 11,979,000	EffYearBlt :
Heat Method:	BsmFin SF :	Floor Cover :
Pool :	BsmUnfinSF :	Foundation :
Appliances :	BsmLowSF :	Roof Shape :
Dishwasher :	Bldg SqFt :	Roof Matl :
Hood Fan :	1stFlrSqFt :	InteriorMat :
Deck :	UpperFlrSF :	Paving Matl :
Garage Type:	Porch SqFt :	Const Type :
Garage SF :	Attic SqFt :	Ext Finish :
	Deck SqFt :	

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WATER RESOURCES DEPT
SALEM, OREGON



CHICAGO TITLE INSURANCE COMPANY

10135 SE Sunnyside Road Suite 200

Clackamas, OR 97015

Phone (503) 786-3940 Fax (503) 653-7833

=METROSCAN PROPERTY PROFILE=

Washington (OR)

OWNERSHIP INFORMATION

Reference Parcel # : 1S30700 00103
 Parcel Number : R2144586 RTSQ: 03W -01S -07
 Owner : Clean Water Services
 CoOwner :
 Site Address : *no Site Address*
 Mail Address : 2550 SW Hillsboro Hwy Hillsboro Or 97123
 Telephone : Owner: 503-681-3600 Tenant:

SALES AND LOAN INFORMATION

Transferred	:	Loan Amount	:
Document #	:	Lender	:
Sale Price	:	Loan Type	:
Deed Type	:	Interest Rate	:
% Owned	:	Vesting Type	:

ASSESSMENT AND TAX INFORMATION

Market Land	:	\$190,350	Exempt Amount	:
Market Structure	:		Exempt Type	:
Market Other	:		% Improved	:
Market Total	:	\$190,350	Levy Code	: 01527
06-07 Taxes	:		Millage Rate	: 13.0069
Assessed Total	:		School Dist	: Forest Grove

PROPERTY DESCRIPTION

Map Grid	:	Class Code	:
Census	:	Tract:	Block:
NbrhdCd	:	1S36	
Sub/Plat	:	MillRate	:
Land Use	:		
Legal	:	9496 Misc, Unified Sewerage Agency	
	:	ACRES 85.19, CODE SPLIT,	
	:	NON-ASSESSABLE PORTION	

PROPERTY CHARACTERISTICS

Bedrooms	:	Lot Acres	: 85.19	Year Built	:
Bathrooms	:	Lot SqFt	: 3,710,876	EffYearBlt	:
Heat Method	:	BsmFin SF	:	Floor Cover	:
Pool	:	BsmUnfinSF	:	Foundation	:
Appliances	:	BsmLowSF	:	Roof Shape	:
Dishwasher	:	Bldg SqFt	:	Roof Matl	:
Hood Fan	:	1stFlrSqFt	:	InteriorMat	:
Deck	:	UpperFlrSF	:	Paving Matl	:
Garage Type	:	Porch SqFt	:	Const Type	:
Garage SF	:	Attic SqFt	:	Ext Finish	:
	:	Deck SqFt	:		:

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SALEM, OREGON

SPECIAL WARRANTY DEED - STATUTORY FORM

93090646

Washington County

AVA M. SURCHER, PETER J. SURCHER, and ROGER L. SURCHER, Trustees of the Credit Shelter Trust under the Last Will and Testament of TED P. SURCHER, as to an undivided one-fourth interest; AVA M. SURCHER, Trustee of the AVA M. SURCHER Living Trust Dated December 30, 1991, as to an undivided one-fourth interest; HOLADOWN SCHOOL OF THE BIBLE, an Oregon non-profit corporation as to an undivided one-tenth interest; SALVATION ARMY, a California non-profit corporation as to an undivided one-tenth interest; NORTHWEST GOOD SHEPHERD HOMES (GOOD SHEPHERD LUTHERAN HOMES OF THE NORTHWEST), as to an undivided one-tenth interest; GEORGE FOX COLLEGE, an Oregon non-profit corporation as to an undivided one-tenth interest; and PACIFIC UNIVERSITY, as to an undivided one-tenth interest; all as tenants in common, collectively Grantor, hereby conveys and specially warrants to UNITED SEWERAGE AGENCY OF WASHINGTON COUNTY, Grantee, the real property situated in Washington County, Oregon, described on the attached Exhibit A, free of encumbrances created or suffered by the Grantor except as disclosed on the attached Exhibit B.

The true consideration for this conveyance is \$825,000.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING PER TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT.

GRANTOR:
Holladay School of the Bible,
Salvation Army,
Northwest Good Shepherd Homes
Good Shepherd Lutheran Homes of
the Northwest,
George Fox College, and
Pacific University
AVA Surcher, Trustee
Peter J. Surcher, Trustee
Roger L. Surcher, Trustee

GRANTEE:
United Sewerage Agency
of Washington County

AFTER RECORDING RETURN TO:
United Sewerage Agency
of Washington County

SEND TAX DOCUMENTS TO:
United Sewerage Agency
of Washington County
195 N. 1st, Suite 270
Hillsboro, Or 97124

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WATER RESOURCES DEPT
SALEM OREGON

CHICAGO 8/4/07

SALVATION ARMY

By: William P. Willey
 William P. Willey, Attorney
 in fact for Salvation Army

NORTHWEST GOOD SHEPHERD HOMES
(GOOD SHEPHERD LUTHERAN HOME
OF THE NORTHWEST)

By: William P. Willey
 William P. Willey, Attorney
 in fact for Northwest Good
 Shepherd Homes (Good Shepherd
 Lutheran Home of the
 Northwest)

MULTNOMAH SCHOOL OF THE BIBLE

By: William P. Willey
 William P. Willey, Attorney
 in fact for Multnomah School
 of the Bible

PACIFIC UNIVERSITY

By: William P. Willey
 William P. Willey, Vice
 President for Financial Affairs

GEORGE FOX COLLEGE

By: William P. Willey
 William P. Willey, Attorney
 in fact for George Fox College

By: Ava M. Surber Trustee
 Ava M. Surber, Trustee under
 Ava M. Surber Living Trust
 dated December 20, 1991

By: Peter J. Surber Trustee
 Peter J. Surber Trustee of the
 Credit Shelter Trust under
 the Last Will and Testament
 of Ted P. Surber

By: Peter J. Surber Trustee
 Peter J. Surber Trustee of the
 Credit Shelter Trust under
 the Last Will and Testament
 of Ted P. Surber

By: Roger L. Surber Trustee
 Roger L. Surber Trustee of the
 Credit Shelter Trust under
 the Last Will and Testament
 of Ted P. Surber

STATE OF OREGON

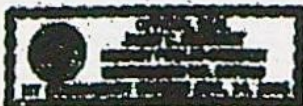
County of Washington

ss October 29, 1993

Personally appeared the above named William P. Willey, who,
 being first duly sworn, did say that he is the Vice
 President for Financial Affairs of Pacific University and
 also the Attorney in fact for Salvation Army, Northwest Good
 Shepherd Homes (Good Shepherd Lutheran Home of the
 Northwest), Multnomah School of the Bible and George Fox
 College.

Before me:

Janet C. [Signature]
 Notary Public for Oregon
 My commission expires: _____



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SALEM, OREGON

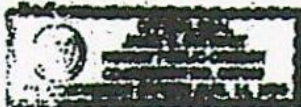
STATE OF OREGON

County of Washington

ss

October 27, 1993

Personally appeared the above named Ava M. Surcher, who, being first duly sworn, did say that she is the Trustee of the Ava M. Surcher Living Trust dated December 20, 1991, and of the Credit Shelter Trust under the Last Will and Testament of Ted P. Surcher.



[Signature]
Notary Public for Oregon
My commission expires: _____

STATE OF OREGON

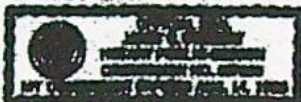
County of Washington

ss

October 27, 1993

Personally appeared the above named Peter J. Surcher, who, being first duly sworn, did say that he is the Trustee of the Credit Shelter Trust under the Last Will and Testament of Ted P. Surcher.

Before me:



[Signature]
Notary Public for Oregon
My commission expires: _____

STATE OF OREGON

County of Washington

ss

October 27, 1993

Personally appeared the above named Roger L. Surcher, who, being first duly sworn, did say that he is the Trustee of the Credit Shelter Trust under the Last Will and Testament of Ted P. Surcher.

Before me:



[Signature]
Notary Public for Oregon
My commission expires: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Order No: W84139

LEGAL DESCRIPTION

A parcel of land situated in Sections 5, 7, 8, and 19, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon being more particularly described as follows:

Beginning at 3 1/4" aluminum disc at the most southerly southwest corner of the Alvin T. Smith Donation Land Claim No. 43 as per U.S.S.T. Book 4, Pages 128-130, Washington County Survey Records; thence along the West line of that tract of land surveyed to Ted and Ava Sorensen by Deed Recorded in Book 281, Pages 648 and 649, Washington County Deed Records South 68°45'14" East, 211.35 feet to a 3/4 iron pipe on the West line of said Sorensen Tract; thence continuing along the West line of said Sorensen tract South 68°45'14" East, 28.29 feet, more or less, to a point on the ordinary high water line on the left bank of the Tualatin River while facing downstream; thence along said ordinary high water line on the left bank of the Tualatin River the following seventeen (17) courses: North 68°18'09" East 22.59 feet; thence North 38°20'35" East, 121.94 feet; thence North 39°10'20" East, 139.22 feet; thence North 50°00'46" East, 167.89 feet; thence North 70°40'26" East, 86.38 feet; thence North 79°46'57" East, 145.73 feet; thence North 74°10'38" East, 87.88 feet; thence North 65°48'38" East, 71.32 feet; thence North 77°23'54" East, 346.35 feet; thence North 74°15'50" East, 177.43 feet; thence North 11°44'39" East, 42.06 feet; thence North 20°10'41" East, 188.13 feet; thence North 73°42'57" East, 193.19 feet; thence North 28°55'09" East, 112.78 feet; thence North 44°24'44" East 34.19 feet; thence North 73°33'30" East, 77.84 feet; thence North 79°59'58" East, 281.68 feet to a point on the Northwest corner line of that parcel of land surveyed to the United States of America by Warranty Deed Recorded under Fee No. 84-836846, Washington County Deed Records; thence along the Northwest corner line of said United States of America parcel North 19°17'38" East, 4.41 feet to a brass disc stamped "U.S. Department of Interior, Bureau of Reclamation", thence continuing along the Northwest corner line of said United States of America parcel North 19°17'38" East, 788.64 feet to a brass disc stamped "U.S. Department of Interior, Bureau of Reclamation"; thence continuing along the Northwest corner line of said United States of America parcel North 19°17'38" East, 4.84 feet to a point on the ordinary high water line on the left bank of the Tualatin River while facing downstream; thence along the ordinary high water line on the left bank of the Tualatin River while facing downstream the following twenty-three (23) courses: North 68°34'06" East, 78.88 feet; thence North 49°24'28" East, 305.25 feet; thence North 40°30'08" East, 92.88 feet; thence North 31°41'53" East, 177.64 feet; thence North 74°23'42" East, 199.83 feet; thence North 79°58'28" East, 136.84 feet; thence South 89°03'29" East, 192.36; thence South 69°58'23" East, 73.34 feet to a point on the Southeast corner line of A.T. Smith Donation Land Claim No. 43; thence continuing along said ordinary high water line on the left bank of the Tualatin River while facing downstream South 76°16'26" East, 110.31 feet; thence South 72°37'29" East, 215.92 feet; thence South 68°54'18" East, 372.09 feet; thence South 86°00'38" East 181.50 feet; thence North 75°33'23" East, 26.46 feet; thence North 38°43'07" East, 114.76 feet; thence North 28°01'42" East, 124.38 feet; thence North 11°53'18" East, 205.81 feet; thence North 22°14'16" East, 182.38 feet; thence North 16°12'17" East, 160.76 feet; thence North 20°02'11" East, 98.58 feet; thence North 11°24'33" East, 124.27 feet; thence North 29°37'57" East, 162.81 feet; thence North 16°54'09" East, 235.99 feet; thence North 37°49'28" East, 48.05 feet to a point on the West line of County

Road 2623, thence along the West line of County Road 2623 North 32°47'07" West, 109.16 feet to a 3/4" iron pipe with yellow plastic plug stamped "Wash. C.S."; thence continuing along the West line of said County Road 2623, 221.81 feet along the arc of a 532.46 foot radius curve concave to the East through a central angle of 34°37'44" (long chord bears North 19°28'18" West, 316.94 feet) to a 3/4 iron pipe with yellow plastic plug stamped "Wash.

(Continued)

Page 1. EXHIBIT A

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WATER RESOURCES DEPT
SALEM, OREGON

Order No: W04139

LEGAL DESCRIPTION

C.S.; thence continuing along the West line of County Road 2823, North 19°51'19" East, 121.34 feet to a 3/4" iron pipe with yellow plastic plug stamped "Wash. C.S."; thence continuing along the West line of County Road 2823, North 16°05'13" East, 8.34 feet to a 3/4" iron pipe; thence continuing along the West line of County Road 2823, 416.41 feet along the arc of a 494.84 foot radius curve concave to the Northwest through a central angle of 24°50'58" (the long chord bears North 01°19'27" West, 419.03 feet) to a 3/4" iron pipe with yellow plastic plug stamped "Wash. C.S."; thence along the West right-of-way of Fern Hill Road (County Road 1289) North 18°44'27" West 1137.80 feet to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp." at P.T. Sta. 52+48.4; thence continuing along the West right-of-way of Fern Hill Road 362.34 feet along the arc of a 981.59 foot radius curve concave to the East through a central angle of 15°25'25" (the long chord bears North 11°04'14" West, 362.34 feet) to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp."; thence leaving the West right-of-way of Fern Hill Road South 88°46'16" West, 2515.81 feet to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp." thence North 31°07'17" West, 819.33 feet to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp."; thence South 54°46'22" West 1235.09 feet to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp."; thence continuing South 54°46'22" West, 75 feet, more or less, to a point on the ordinary high water line on the left bank of Gales Creek while facing downstream; thence along said ordinary high water line on the left bank of Gales Creek while facing downstream the following thirty-one (31) courses: South 19°58'16" West, 98.04 feet; thence South 11°19'44" East, 235.73 feet; thence South 00°30'24" West, 238.79 feet; thence 05°42'34" East, 259.47 feet; thence South 59°09'35" East, 109.80 feet; South 21°26' 59" East, 182.05 feet; thence North 85°59'59" East, 115.23 feet; thence South 86°39'32" East, 47.54 feet; thence South 50°34'14" East, 85.34 feet; thence South 07°54'44" West, 125.31 feet; thence South 69°44'36" West, 56.44 feet; thence North 77°48'19" West, 49.98 feet; thence North 41°37'05" West, 35.21 feet; thence South 76°10'02" East, 99.94 feet; thence South 18°22'57" West, 51.25 feet; thence South 77°48'52" West 41.23 feet; thence North 70°55'00" West 63.61 feet; thence North 66°30'06" West, 110.98 feet; thence North 81°45'25" West 29.15 feet; thence South 65°49'40" West, 31.95 feet; thence South 27°07'47" West, 358.86 feet; thence South 04°11'04" West, 164.92 feet; thence South 58°40'68" East, 48.76 feet; thence South 82°37'22" East, 204.42 feet; thence South 69°19'26" East, 88.41 feet; thence South 45°19'04" East, 121.16 feet; thence South 27°04'00" East, 46.26 feet; thence South 08°30'52" West, 136.00 feet; thence North 88°04'43" East, 131.83 feet; thence North 64°52'45" East, 221.29 feet; thence North 80°53'13" East, 182.94 feet; thence South 52°59'11" East, 12.80 feet to a point on the West line of the A.T. Smith Donation Land Claim No. 43; thence along said West line of the A.T. Smith Donation Land Claim No. 43, South 38°42'38" East, 88.17 feet to a 5/8" iron rod with yellow plastic cap stamped "Compass Corp."; thence leaving the West line of said A.T. Smith Donation Land Claim No. 43 and following the West line of the aforementioned Surcher Tract South 28°48'06" West, 159.68 feet to a 5/8" iron rod with yellow plastic cap

stamped "Compass Corp."; thence continuing along the West line of Surcher Tract South 29°30'54" East, 73.99 feet to a 1 inch iron pipe; thence along the North line of the Jack M. Allen tract as described on Page 583, of Book 161, Washington County Deed Records North 70°55'06" East, 188.28 feet to a 1 inch iron pipe; thence continuing North 70°55' 06" East, 8.98 feet to the West line of the A.T. Smith Donation Land Claim No. 43; thence along said West line of the A.T. Smith Donation Land Claim No. 43 South 38°42'38" East, 1798.66 feet to the point of beginning.

EXCEPTING THEREFROM ownership of the State of Oregon in and to that portion of the premises herein lying below the line of ordinary high water of Gales Creek.

(Continued)

Page 2. EXHIBIT A

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WATER RESOURCES DEPT.

Salem, Oregon

Acker No: H94133

LEGAL DESCRIPTION

ALSO: A parcel of land situated in the Southeast one-quarter Section 7 and the Southwest one-quarter Section 8, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the most Southerly Southeast corner of the Alvin T. Smith Donation Land Claim No. 43; thence along the Southeastly line of the Alvin T. Smith Donation Land Claim North $18^{\circ}54'19''$ East, 2156.41 feet to a point on the ordinary high water line on the right bank of the Tualatin River while facing downstream and the true point of beginning of the parcel to be described; thence along the ordinary high water line on the right bank of the Tualatin River while facing downstream the following six (6) courses: thence North $52^{\circ}08'01''$ West, 377.18 feet; thence North $01^{\circ}15'05''$ West, 76.46 feet; thence North $58^{\circ}52'50''$ East, 191.27 feet; thence North $01^{\circ}46'56''$ East, 125.24 feet; thence North $08^{\circ}15'18''$ East 172.33 feet; thence South $71^{\circ}38'13''$ East, 44.11 feet to a point on the Southeastly line of the Alvin T. Smith Donation Land Claim No. 43; thence along the Southeastly line of the Alvin T. Smith Donation Land Claim No. 43, South $18^{\circ}54'59''$ West, 446.60 feet to the true point of beginning.

ALSO: A parcel of land situated in the Northwest one-quarter Section 8, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon being more particularly described as follows:

Commencing at the most Easterly angle point on the East line of the Alvin T. Smith Donation Land Claim No. 43; thence South $18^{\circ}54'59''$ West, 12.63 feet to a point on the ordinary high water line on the left bank of the Tualatin River while facing downstream and the true point of beginning of the parcel to be described; thence along the ordinary high water line on the left bank of the Tualatin River while facing downstream North $05^{\circ}09'08''$ West, 87.63 feet to a point on the East line of that tract of land conveyed to Ted and Ava Surcher by Deed Recorded in Book 281, Pages 448 and 449, Washington County Deed Records; thence along the East line of said Surcher Tract North $18^{\circ}45'17''$ West, 368.01 feet to a point on the East right-of-way of County Road No. 2823; thence along the East right-of-way of said County Road No. 2823, 248.94 feet along the arc of a 744.94 foot radius curve concave to the West through a central angle of $18^{\circ}31'54''$ (the long chord bears South $08^{\circ}49'36''$ West, 219.09 feet) to a $3/4"$ iron pipe; thence continuing along the East right-of-way of County Road No. 2823, South $16^{\circ}05'33''$ West, 48.03 feet to a $3/4"$ iron pipe; thence continuing along the East right-of-way of County Road 2823, 124.48 feet along the arc of a

128.18 foot radius curve concave to the East through a central angle of $04^{\circ}19'27''$ (long chord bears South $12^{\circ}14'04''$ East, 111.35 feet) to a $3/4"$ iron pipe with yellow plastic plug stamped "Wash. C.S."; thence continuing along the East line of County Road No. 2823, South $31^{\circ}47'07''$ East, 74.66 feet to a point on the ordinary high water line on the left bank of the Tualatin River while facing downstream; thence along said ordinary high water line the following three (3) courses: North $37^{\circ}49'28''$ East, 76.75 feet; thence North $17^{\circ}24'25''$ East, 99.94 feet; thence North $06^{\circ}09'08''$ West, 45.14 feet to the true point of beginning.

RESERVING unto the GRANTEES, their successors and assigns, an easement for irrigation

Page 3. EXHIBIT A

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WATER RESOURCES DEPT
SALEM OREGON

pump and irrigation pipeline over that portion of the East 10 feet of the property described above and being more particularly described as follows:

Beginning at a point 750 feet North and 975 feet East of the Southeast corner of the Northeast quarter of Section 7, Township 1 South, Range 3 West of the Willamette Meridian, Washington County, Oregon, said point being on the left bank of the Tualatin River when facing downstream; thence Northerly following the left bank of said river to the West right of way line of Farn Hill Road (County Road No. 1205) as shown on Private Survey No. 24,872 on file with the Washington County Surveyor; thence continuing Northerly, following the West line of said Farn Hill Road, to the Northeast corner of said property.

Page 4. Exhibit A

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WATER RESOURCES DEPT
SALEM, OREGON



Murray Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 900 ■ Portland, Oregon 97204-2919 ■ PHONE 503.225.9010 ■ FAX 503.225.9022

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WATER RESOURCES DEPT
SALEM, OREGON

LETTER OF TRANSMITTAL

To: Oregon Water Resources Department Date: August 6, 2007
725 Summer St. N.E., Suite A Job No. 06-0794.411
Salem, OR 97301 Re: Clean Water Services
Certificate of Water Right
Ownership Update

Attn.: Water Rights Division

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples
☐ Specifications ☐ Copy of letter ☐ Change Order ☐

Copies	Date	Description	Appl.
1	08/02/07	Certificate 59991 Ownership Update form with attachments	19257
1	08/02/07	Certificate 20013 Ownership Update form with attachments	21453
1	08/02/07	Certificate 22048 Ownership Update form with attachments	26463
1	08/02/07	Certificate 35409 Ownership Update form with attachments	42578
1	08/02/07	Certificate 38313 Ownership Update form with attachments	25611
1	08/02/07	Certificate 12233 Ownership Update form with attachments	74433
1	08/02/07	Certificate 23105 Ownership Update form with attachments	28486
1	08/02/07	Certificate 39221 Ownership Update form with attachments	23261
1	08/02/07	Certificate 39222 Ownership Update form with attachments	23430
1	08/02/07	Certificate 48414 Ownership Update form with attachments	30117
1	08/02/07	Certificate 48491 Ownership Update form with attachments	53537

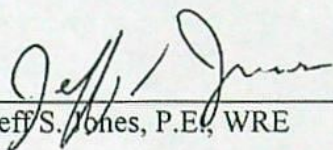
THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit_copies for approval
☒ For your use ☐ Approved as noted ☐ Submit_copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return_corrected prints
☐ For review/comment ☐

REMARKS: On behalf of Clean Water Services, we are submitting the enclosed Ownership Update forms with attachments for the eleven water right certificates listed above. Please do not hesitate to contact me at 503-225-9010 with any questions or comments you may have regarding the enclosed. Thank you.

COPY TO: Steve Kebbe, P.E., WRE
Clean Water Services

SIGNED:


Jeff S. Jones, P.E., WRE

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

S- 21453

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
FAX: 503-986-0904
www.oregon.gov/owrd

August 22, 2012

CLEAN WATER SERVICES
STEPHEN E. KEBBE
2550 SW HILLSBORO HIGHWAY
HILLSBORO, OR 97123

REFERENCE: Transfer Application T-10785

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Laura Wilke, by telephone at (503) 986-0884 or by e-mail at Laura.K.Wilke@wrds.state.or.us.

Sincerely,

Codi Holmes
Water Right Services Support
Transfers and Conservation Section

cc: Darrell C. Hedin, Watermaster Dist. #18
Martha O. Pagel, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Instream Transfer)	FINAL ORDER APPROVING A
Application T-10785, Washington County)	CHANGE IN PLACE OF USE AND
)	CHARACTER OF USE AND
)	PARTIAL CANCELLATION OF A
)	WATER RIGHT

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating transfers to instream water rights.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant
CLEAN WATER SERVICES
ATTN: STEPHEN KEBBE
2550 SW HILLSBORO HWY
HILLSBORO, OR 97123

Agent
SCHWABE, WILLIAMSON & WYATT, P.C.
ATTN: MARTHA O. PAGEL
530 CENTER STREET NE, SUITE 400
SALEM, OR 97301

Findings of Fact

Background

1. On February 20, 2009, Clean Water Services filed an application to change the place of use and character of use under a portion of Certificate 20013 to instream use. The Department assigned the application number T-10785.
2. On October 6, 2009, the applicant submitted a revised application map and modified the instream transfer application to resolve a discrepancy in the number of acres to be transferred instream.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 19.0 ACRES

Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	44	3, 4 and 5	NONE SPECIFIED
1 S	3 W	WM	8	SW NW	44		
1 S	3 W	WM	8	SE NW	44		
1 S	3 W	WM	8	NE SW	44		
1 S	3 W	WM	8	NW SW	44		

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
1 S	3 W	WM	8	NE NW	44	17.1
1 S	3 W	WM	8	NW NW	44	1.9
TOTAL:						19.0

4. The irrigation season is not specified in Certificate 20013. However, the irrigation season under the Tualatin River Decree for the area is May 1 through September 30.
5. Certificate 20013 is a deficient rate water right. If water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed (described in Finding of Fact #3), the total rate for the water right would be exceeded. In the event water were diverted simultaneously to all authorized lands and uses described in the right at the maximum rate allowed at the Points of Diversion (described in Finding of Fact #3), the portion of the right involved in this transfer would be limited to 0.19 Cubic Foot Per Second (CFS).

Voluntary Partial Cancellations of a Water Right

6. The applicant has submitted an affidavit authorizing cancellation of a portion of the following right:

Certificate: 20013 in the name of J. W. NELSON (perfected under Permit S-16830)

Use: IRRIGATION of 10.0 ACRES

Priority Date: MARCH 5, 1946

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its

equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 ACRE-FEET per acre for each acre irrigated during the irrigation season of each year.

Source: TUALATIN RIVER, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOTS	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	44	3, 4 and 5	NONE SPECIFIED
1 S	3 W	WM	8	SW NW	44		
1 S	3 W	WM	8	SE NW	44		
1 S	3 W	WM	8	NE SW	44		
1 S	3 W	WM	8	NW SW	44		

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	DLC	ACRES
1 S	3 W	WM	8	NE NW	44	7.3
1 S	3 W	WM	8	NW NW	44	2.7
TOTAL:						10.0

7. The partial cancellation of the water rights described in Finding of Fact #6 affects acres, but not rate. The water right is a deficient rate water right, thus no rate is cancelled. Based on the information displayed in the following table, the prorated rate subject to transfer is 0.21 cubic foot per second (CFS) as calculated by applying the authorized rate to remaining non-canceled acres and acres proposed for transfer.

Water Right Certificate	Authorized Rate (cfs)	Original Authorized Acres	Affidavit Canceled Acres	Non-Canceled Remaining Acres	Proposed Transfer Acres
20013	0.92	93.6	10.0	83.6	19.0

8. A total of 41.65 acre-feet of water may be beneficially used annually under the transferred portion of the existing right.
9. Transfer Application T-10785 proposes to change the character of use to instream use for pollution abatement and conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.
10. Transfer application T-10785 proposes to change the place of use of the right to create an instream reach from the point of diversion to the mouth of the Tualatin River. Certificate 20013 has multiple points of diversion. Information submitted with the application identifies that the requested point of diversion at which to begin the instream use is more accurately located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

11. The applicant proposes the quantities of water to be transferred instream be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 through September 30	0.21	41.65

12. The applicant proposes that any instream water right established as a result of this instream transfer be additive to existing instream water rights for the same reach established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process). The applicant also proposes that any instream water right established as a result of this instream transfer replace a portion of any existing instream rights established pursuant to ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency instream application process), with an earlier priority date.
13. The application includes a Land Use Information form completed and signed by a representative of the City of Forest Grove planning department. Additionally, the Department provided notice of the proposed application to Washington County, Clackamas County, and the cities of Tigard, Tualatin, West Linn, Durham, Rivergrove, King City, Forest Grove, Cornelius and Hillsboro.
14. Notice of the application for transfer was published on March 3, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On December 23, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-10785 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 21, 2011, for the applicant to respond. The agent, on behalf of the applicant, requested that the deadline be extended. The latest extension of this deadline ended October 31, 2011. Before the end of the extension period the applicant requested additional time in which to provide the requested information, but the Department denied the request. The applicant failed to provide all of the additional information requested by the Department by the October 31, 2011, deadline.
16. On November 7, 2011, the Department issued a Preliminary Determination proposing to deny Transfer Application T-10785 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November, 8, 2011, and in the Daily Journal of Commerce on November 17 and 24 and December 1, 2011, pursuant to ORS 540.520 and OAR 690-380-4020.
17. On December 29, 2011, Clean Water Services through its agent Martha O. Pagel timely submitted a Protest of the Preliminary Determination.
18. On February 9, 2012, the Department received a Registration of Reclaimed Municipal Water Use under NPDES permit 101142, signed by both the applicant and the Oregon Department of Environmental Quality, for irrigation of 19.0 acres of wetland plants using reclaimed water in-lieu of the use of water authorized under Water Right Certificate 20013.

19. On May 16, 2012, Clean Water Services staff and agent met with Department staff on-site to review how reclaimed municipal water was delivered to the place of use and applied beneficially to irrigate wetland plants in-lieu of the use of water under Certificate 20013.
20. The on-site review showed: a) the applicant had a water delivery system in-place sufficient to deliver municipal reclaimed water from Hillsboro and Forest Grove to the place of use (Pond #2); and b) wetland plants were being propagated in Pond #2.
21. On June 15, 2012, the applicant submitted additional information about the delivery system and data and pumping records showing reclaimed municipal water was used to irrigate and maintain the wetland plants during the irrigation season of May 1 through September 30 in the five year period prior to submittal of the transfer application on February 20, 2009.
22. On July 23, 2012, and as amended on August 16, 2012, the applicant submitted an affidavit requesting partial cancellation of Certificate 20013 and amended the application to request transfer of the rate and volume as described in Findings of Fact #7, #8 and #11.

Instream Transfer Review Criteria (OAR 690-77-0075 and 690-380-4010)

23. Under OAR 690-380-3000 (12) each transfer application is required to include evidence that the water right has been used in the past five years or, if the water right has not been used in the last five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610 (2).
24. In the Preliminary Determination issued November 7, 2011, the Department determined water was not used within the five years prior to submittal of the transfer application on February 20, 2009, according to the terms and conditions of the right. The applicant had submitted documentation with the application and additional documentation on September 21, 2010, under ORS 540.610 (2) to rebut the presumption that the water right was subject to forfeiture. The applicant asserted that reclaimed water had been used on the place of use in-lieu of diverting water under Certificate 20013 and therefore was not subject to forfeiture.
25. ORS 540.610 (2) (h) identifies that a water right is not subject to forfeiture if the non use occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing right.
26. A registration for use of reclaimed water may be recognized by the Department under ORS 537.132.
27. The registration for use of municipal reclaimed water submitted on February 9, 2012, for transfer application T-10785 identifies the water was used for irrigation of wetlands plants in-lieu of Certificate 20013 is applied under NPDES permit 101142.
28. Subsequent to issuance of the Preliminary Determination the applicant submitted additional information establishing that a pump, pipeline and water delivery system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of transfer application T-10785 (See Findings of Fact #18 through #21).

29. The applicant has requested to transfer 19.0 acres of irrigation use to instream use at a rate of 0.21 CFS. The rate proposed for transfer exceeds the rate of 0.19 CFS allowed to be diverted at the point of diversion for 19.0 acres of irrigation as described in Finding of Fact #5, but is consistent with the calculated rate described in Finding of Fact #7 based on the cancellation of an additional 10.0 acres of water right. Thus, the applicant proposes the quantities of water to be transferred instream to be protected as follows:

Instream Period	Rate (cfs)	Volume (acre-feet)
June 23 through September 30	0.21	41.65

30. The proposed change, as amended, would not result in enlargement of the right.
31. The proposed change, as amended, would not result in injury to other water rights.
32. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
33. The protection of flows within the proposed reach is appropriate, considering:
- The instream water right begins at the recorded point of diversion;
 - The location of confluences with other streams downstream of the point of diversion;
 - There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the reach of the instream water right.
34. Within the proposed reach are several existing instream flow protections and instream water rights, which include the use of water for pollution abatement, supporting aquatic life, and fish and wildlife habitat. Two of the instream flow protections (MF-174 and MF-175) are minimum stream flows that have not yet been converted to instream water rights. Other instream rights include Certificate 59692, which was converted from a minimum stream flow (MF-173) under ORS 537.346, and Certificates 72960, 72961 and 80000, which were established as a result of the state agency instream application process (ORS 537.341). There are also two instream rights created as a result of the instream transfer process (ORS 537.348), Special Order Volume 76, Page 912, and Special Order Volume 80, Page 1127, which protect water instream on a time-limited basis.
35. The proposed instream use is senior in priority date to each of the existing instream water rights.
36. Any new instream water right established by this transfer:
- By replacing a portion of MF-174, MF-175, and the instream water rights established under ORS 537.346 (minimum streamflow conversion) and ORS 537.341 (state agency application process), will provide for protection of streamflows previously identified as

necessary for supporting aquatic life and pollution abatement under an earlier priority date.

- b) By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) for the same location, will provide protection for additional streamflows necessary for fish and wildlife habitat.
- c) Any instream water right established by this transfer may replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by an order approving a new instream water right under these statutes.
- d) The total monthly quantities of water to be protected under the proposed instream right, in addition to the existing instream water rights, within the proposed reach will provide for a beneficial purpose and do not exceed the estimated average natural flow.

Conclusions of Law

The changes in character of use and place of use to instream use proposed in application T-10785 appear to be consistent with the requirements of ORS 540.505 to 540.580, ORS 537.348, OAR 690-380-5000, and OAR 690-077-0075 and the abandoned portion of the right should be cancelled.

Now, therefore, it is ORDERED:

- 1. The changes in character of use and place of use to instream use proposed in application T-10785 are approved. The portion of the right that has been abandoned is cancelled.
- 2. Water Right Certificate 20013 is cancelled. Water Right Certificate 87718, a new certificate, confirms the instream water right established by this transfer. Water Right Certificate 87719, a new certificate, describes the remaining portion of the right not affected by this transfer and cancellation.
- 3. The instream water right shall provide for the protection of streamflows from the point of diversion to the mouth of the Tualatin River. The point of diversion is located as follows:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

- 4. The quantities of water to be protected under the instream water right are:

<i>Period</i>	<i>Rate (cfs)</i>
June 23 through September 30	0.21

- 5. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

6. Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion.
7. The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes.
8. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 20013 and any related decree.
9. The former place of use of the transferred water shall no longer receive water as part of this right.
10. The approval of Transfer Application T-10785 provides mitigation of 0.21 CFS to be applied towards Transfer Application T-7012.

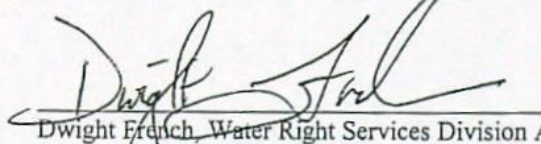
Dated at Salem, Oregon this 16 day of August, 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This certificate describes that portion of the water right confirmed by Certificate 20013, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered August 16 2012, and recorded at Special Order Volume 88, pages 370 to 377, approving Transfer Application T-10785 and canceling a portion of the water right. This certificate, together with Certificate 87718, supersedes Certificate 20013.

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

WITNESS the signature of the Water Resources Director, affixed August 16 2012.

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Water Right Services Division Administrator for
PHILLIP C. WARD, DIRECTOR

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

J. W. NELSON
ROUTE 1
FOREST GROVE, OR 97116

confirms the right to use the waters of TUALATIN RIVER, a tributary of WILLAMETTE RIVER, for IRRIGATION of 64.6 ACRES.

This right was perfected under Permit S-16830. The date of priority is MARCH 5, 1946. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.71 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOT
1 S	3 W	WM	8	NE NW	44	3, 4 & 5
1 S	3 W	WM	8	SW NW	44	3, 4 & 5
1 S	3 W	WM	8	SE NW	44	3, 4 & 5
1 S	3 W	WM	8	NE SW	44	3, 4 & 5
1 S	3 W	WM	8	NW SW	44	3, 4 & 5

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

TWP	RNG	MER	SEC	Q-Q	DLC	GOV'T LOT	ACRES
1 S	3 W	WM	8	SW NE		6	0.8
1 S	3 W	WM	8	NW NW	44		6.8
1 S	3 W	WM	8	SW NW		2	1.2
1 S	3 W	WM	8	SW NW	44		7.2
1 S	3 W	WM	8	SE NW		5	2.4
1 S	3 W	WM	8	SE NW	44		21.6
1 S	3 W	WM	8	NE SW		4	4.4
1 S	3 W	WM	8	NE SW	44		8.0
1 S	3 W	WM	8	NW SW		3	6.0
1 S	3 W	WM	8	NW SW	44		4.4
1 S	3 W	WM	8	NW SE		7	1.8
TOTAL:							64.6

This certificate is issued to confirm a change in use and place of use approved by an order of the Water Resources Director issued August 16 2012, and recorded in Special Order Volume 88, Pages 370 to 377, approving Transfer T-10785. This certificate together with Certificate 87719 supersedes Certificate 20013, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed August 16 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP O. WARD, DIRECTOR

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON
WATER RESOURCES DEPARTMENT

confirms the right to use the waters of TUALATIN RIVER, tributary to WILLAMETTE RIVER, for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

This right was perfected under Permit S-16830. The date of priority is MARCH 5, 1946. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 0.21 CUBIC FOOT PER SECOND (CFS), or its equivalent in case of rotation measured at the point of diversion, from JUNE 23 through SEPTEMBER 30 of each year.

The description of the stream reach in which flows are to be maintained is as follows:

From the location of the diversion authorized previously under Certificate 20013, located approximately at:

TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
1 S	3 W	WM	8	NE NW	LOCATED APPROXIMATELY AT RIVER MILE 55

To the Mouth of the Tualatin River.

Within the specified stream reach, the amount of water to which this right is entitled shall not exceed the quantity of water legally available at the original point of diversion. Water rights upstream of the original point of diversion shall not be subject to regulation for flows in excess of the quantities to which this instream water right is entitled at the original point of diversion.

The instream right established by this transfer shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and shall be in addition to instream water rights established pursuant to ORS 537.348 or 537.470, unless otherwise specified by a subsequent order establishing a new instream water right.

The right is subject to all other terms and conditions of Certificate 20013, and any related decree.

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

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. W. NELSON

of Route 1, Forest Grove, 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 Tualatin River, a tributary of Willamette River for the purpose of irrigation under Permit No. 16830 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 March 5, 1946

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 0.92 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44 and Govt. Lots 3, 4, & 5, Section 8, Township 1 South, Range 3 West, 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:

0.8 acre in Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 24.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 11.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 7.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 1.2 acres in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
 2.4 acres in Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
 21.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 4.4 acres in Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
 4.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Wm. Yates D.L.C. No. 44
 6.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
 1.8 acres in Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

Section 8

Township 1 South, Range 3 West, W. M.

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

Beginning at a point on the W. boundary of the Wm. Yates and wife DIC No. 44, T. 1 S., R. 3 W., W. M., 38.35 chs. S. of the NW cor. of same, this being the NW Cor. of the S $\frac{1}{2}$ of said claim, running thence E. on the diversion line of the claim 25.18 chains to the recognized NE corner of said S $\frac{1}{2}$, thence S. on the E. boundary of said Claim 36.25 chs. to the angular corner on the W. boundary of the Wm. Geiger Jr., DIC No. 47, thence S. 61°53' E. 13.70 chains to the reentrant corner of said claim, thence S. 18.28 chains, more or less, to an iron pipe from which the SW cor. of said Claim bears S. 1.22 chains distant, thence W. 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by

deed recorded in Book 147, of Deeds Page 205, Records of Washington County, Oregon, thence S. 37° W. 5.50 chains, to angular corner of said tract; thence S. 22.00 chains to a point 1.00 chains to a point 1.00 chains W. of the $\frac{1}{4}$ section cor. on S. boundary of said Sec. 8, thence W. on said Sec. line 29.00 chs., more or less, to the E. boundary of the land conveyed to C. W. and M. M. Dixon by deed recorded in Book 80 of Deeds, page 69, Records of Washington County, Oregon; thence Northward on said E. boundary 27.99 chs. to the NE corner thereof, thence N. 66° W. 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith DIC, thence N. 39° 45' E. 28.88 chains to angular corner of said claim thence N. 18° W. 32.30 chains to intersection with the true W boundary of said Yates DIC, and thence N. 1° 15' E. 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in Book 131 of Deeds Page 578 records of Washington County, Oregon

To beginning and end

notes: This is an old right of way
does not show up on plat

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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

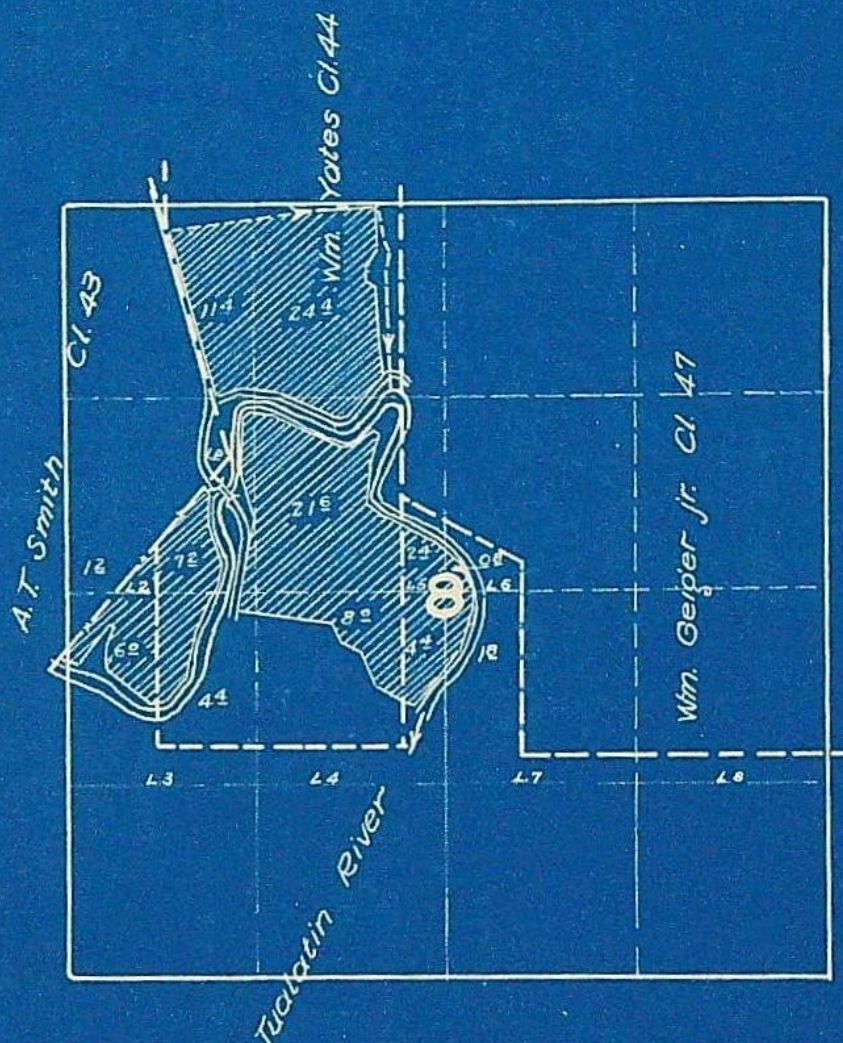
this 31st day of March, 19 53.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 20013

T.I.S.R.3W.W.M.



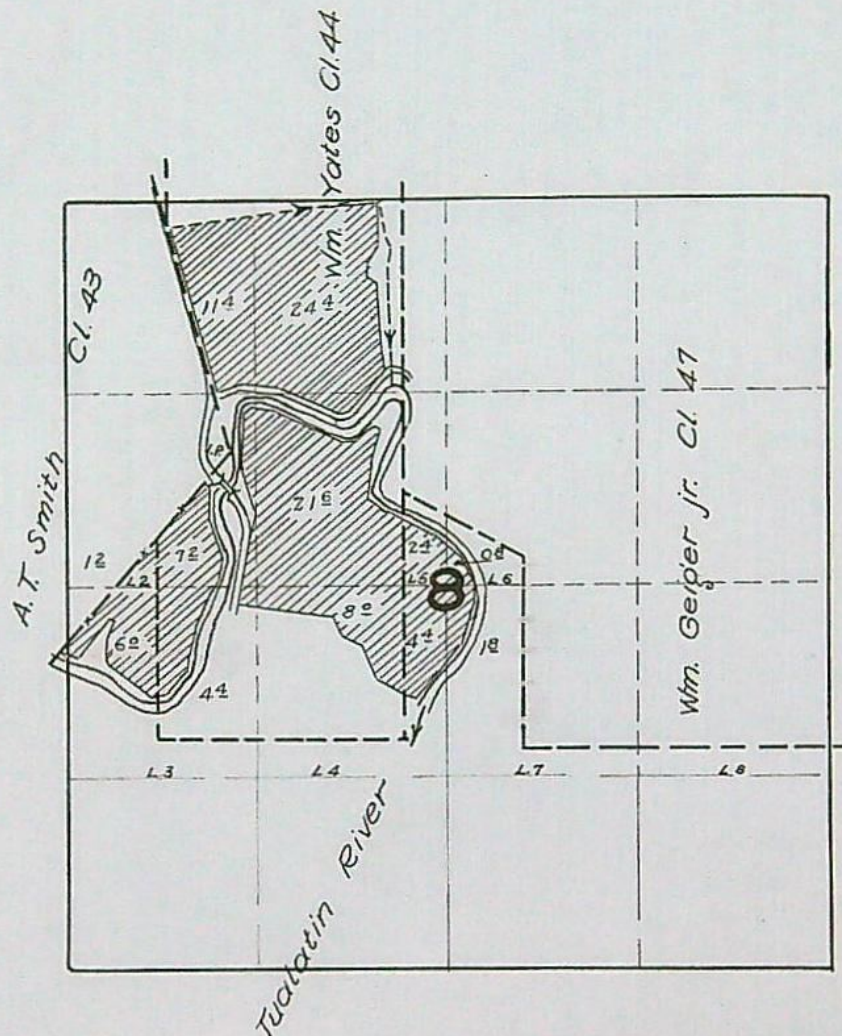
FINAL PROOF SURVEY
UNDER

Application No. 21153 Permit No. 16830
IN NAME OF

J. W. NELSON

Surveyed May 23, 1952, by H. L. COFFMAN

T.1S.R.3W.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 21453 Permit No. 16830

IN NAME OF

J. W. NELSON

Surveyed May 23, 1952, by H. L. COFFMAN

1952

Permit No. 16830

Application No. 21453

County WASHINGTON

Proof of Appropriation of Water

1. Name J. W. Nelson 2. Address Route 1, Forest Grove, Oregon
3. Source of supply Tualatin River
- Tributary of Willamette River
4. Amount of water 0.92 c.f.s. 5. Priority date March 5, 1946
6. Use irrigation

7. Location of point of diversion, NENW, SWNW, SENW, NESE as projected in WM Yates DLC #44 and government lots 3, 4 and 5, Twp. 1 S, Range 3 W, W. M. 8
- (Legal Subdivision) NW 1/4 SW 1/4
8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15	3W	8	(SWNE) Lot 6		0.8
			NE NW as projected in WM Yates DLC #44		24.4
			NWNW		11.4
			SWNW		7.2
			(SWNW) Lot 2		1.2
			(SE NW) Lot 5		2.4
			SE NW as projected in WM Yates DLC #44		21.6
			NE SW		8.0
			(NE SW) Lot 4		4.4
			NWSW as projected in WM Yates DLC #44		4.4
			(NWSW) Lot 3		6.0
			(NWSE) Lot 7		1.8
					93.6

of Washington County, Oregon, thence south 37° west 5.50 chains, to angular corner of said tract; thence south 22.00 chains to a point 1.00 chains west of the quarter section corner on south boundary of said section 8, thence west on said section line 29.00 chains, more or less, to the east boundary of the land conveyed to C. W. and M. M. Dixon by deed recorded in in Book 80 of Deeds, page 69, Records of Washington County, Oregon, thence northward on said east boundary 27.99 chains to the northeast corner thereof, thence north 66° west 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith Donation Land Claim, thence North 39° 45' East 28.88 chains to angular corner of said claim, thence north 18° West 32.30 chains to intersection with the true West

(CONTINUED ON ATTACHED SHEET)

1952

Permit No. 16830

Application No. 21453

County WASHINGTON

Proof of Appropriation of Water

1. Name J. W. Nelson 2. Address Route 1, Forest Grove, Oregon
3. Source of supply Tualatin River
- Tributary of Willamette River
4. Amount of water 0.92 c.f.s. 5. Priority date March 5, 1946
6. Use irrigation

NENW, SWNW, SENW, NESW and NWSE as projected in Wm. Yates DCL #44 and

1 S	3 W	8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5
1 S	3 W	8	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20
1 S	3 W	8	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7
				100

Property on which water is to be used is a part of that more explicitly described by applicant as follows: Beginning at a point on the west boundary of the Wm. Yates and wife Donation Land Claim No. 144, Township 1 South, Range 3 West of the Willamette Meridian, 38.35 chains south of the northwest corner of same, this being the northwest corner of the south half of said claim, running thence East on the diversion line of the claim 25.18 chains to the recognized northeast corner of said south half, thence south on the east boundary of said claim 36.25 chains to the angular corner on the west boundary of the Wm. Geiger Jr., Donation Land Claim No. 47, thence south 61°53' East 13.70 chains to the reentrant corner of said claim, thence south 18.28 chains, more or less, to an iron pipe from which the southwest corner of said Claim bears South 1.22 chains distant, thence west 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by deed recorded in Book 147, of Deeds Page 205, Records of Washington County, Oregon, thence south 37° West 5.50 chains, to angular corner of said tract; thence south 22.00 chains to a point 1.00 chains west of the quarter section corner on south boundary of said section 8, thence west on said section line 29.00 chains, more or less, to the east boundary of the land conveyed to C. W. and M. M. Dixon by deed recorded in in Book 80 of Deeds, page 69, Records of Washington County, Oregon, thence northward on said east boundary 27.99 chains to the northeast corner thereof, thence north 66° west 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith Donation Land Claim, thence North 39° 45' East 28.88 chains to angular corner of said claim, thence north 18° West 32.30 chains to intersection with the true West

(CONTINUED ON ATTACHED SHEET)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.; length on bottom, ft.; material used and character of construction,
.....
(b) Give description of headgate: Width, ft.; depth, ft.; material used and character of construction,
.....
(c) Size of canal: Width on top (at waterline), ft.; width on bottom, ft.; depth of water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft.
Give general description:
.....
(d) Pipe line: Description of intake, *-Note Irrig. Equipment said to be at Permittie's father's ranch*
Length of pipe, *1960* ft.; size at intake, *6"* in.; size at *1200* ft. from intake, *4"* in.; size at place of use, *6-4-2* in. Difference in elevation between intake and place of use, ft.
Is grade uniform? Actual capacity of pipe line, sec.-ft.
Give general description: *Aluminum - 1960' ± 1200' 6" barrowed.*
(Material: Steel, wrought, cast iron, wood stave, etc.)
20 - 1/4 x 7/32 heads, said cap. 20 gpm. = 400 gpm = 0.92 cfs
(e) Pumping plant: Give size and type of pump, *4x3 belt*
Suction lift, ft.; discharge lift, ft. Type of motor used *4 cyl gas*
Horsepower rating, *30* H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used? *Irrig. Season*
11. State character of soil
Kind of crops raised *Wheat - Grain, berries, hay.*
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use?
13. If not, wherein is such map in error?
.....
14. Domestic use: Give number of families actually using water at this time
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use

TS	Range	Sec	to a Tr.	No. Ac. Claimed	Ac. Surveyed	Ac. Allowed
15	3W	8	NE NW Wm. J. L. O. C.	50	24 1/2	24 1/2
		"	NW NW #44	8	11 1/2	11 1/2
		"	SW NW Govt lot 2		1 1/2	1 1/2
		"	SW NW D. L. C. #44	5	7 1/2	7 1/2
		"	SE NW D. L. C. #44	50	21 1/2	21 1/2
		"	SE NW Govt lot #5		2 1/2	2 1/2
		"	SW NE Govt lot #6		0 1/2	0 1/2
		"	NW SE Govt lot #7		1 1/2	1 1/2
		"	NE SW Govt lot #4		4 1/2	4 1/2
		"	NE SW D. L. C. #44	20	8 1/2	8 1/2
		"	NW SW D. L. C. #44		1 1/2	1 1/2
15	3W	8	NW SW Govt lot #3	7	6 1/2	6 1/2
				100	93 1/2	93 1/2

unable to determine from appearance of land surveyed how much has been irrigated.

I understand that about 1200' of 6" pipe is borrowed when needed from a brother who who I believe lives in the vicinity of Independence.

The survey covers land said by permittee to be irrigated and put to beneficial use.

Probably witnesses should verify the Appropriator's statement.

Subscribed and sworn to before me this day of, 19.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

} ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 19.....

Subscribed and sworn to before me this day of, 19.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

} ss.

We,, and of, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No.; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this day of, 19.....

Notary Public for Oregon

[Notarial Seal]

My commission expires

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, _____, do hereby certify that I have made an inspection of the works described herein and in Permit No. _____, on the _____ day of _____, 19_____, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____
(Quantity of water in second-feet or acre-feet)
and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

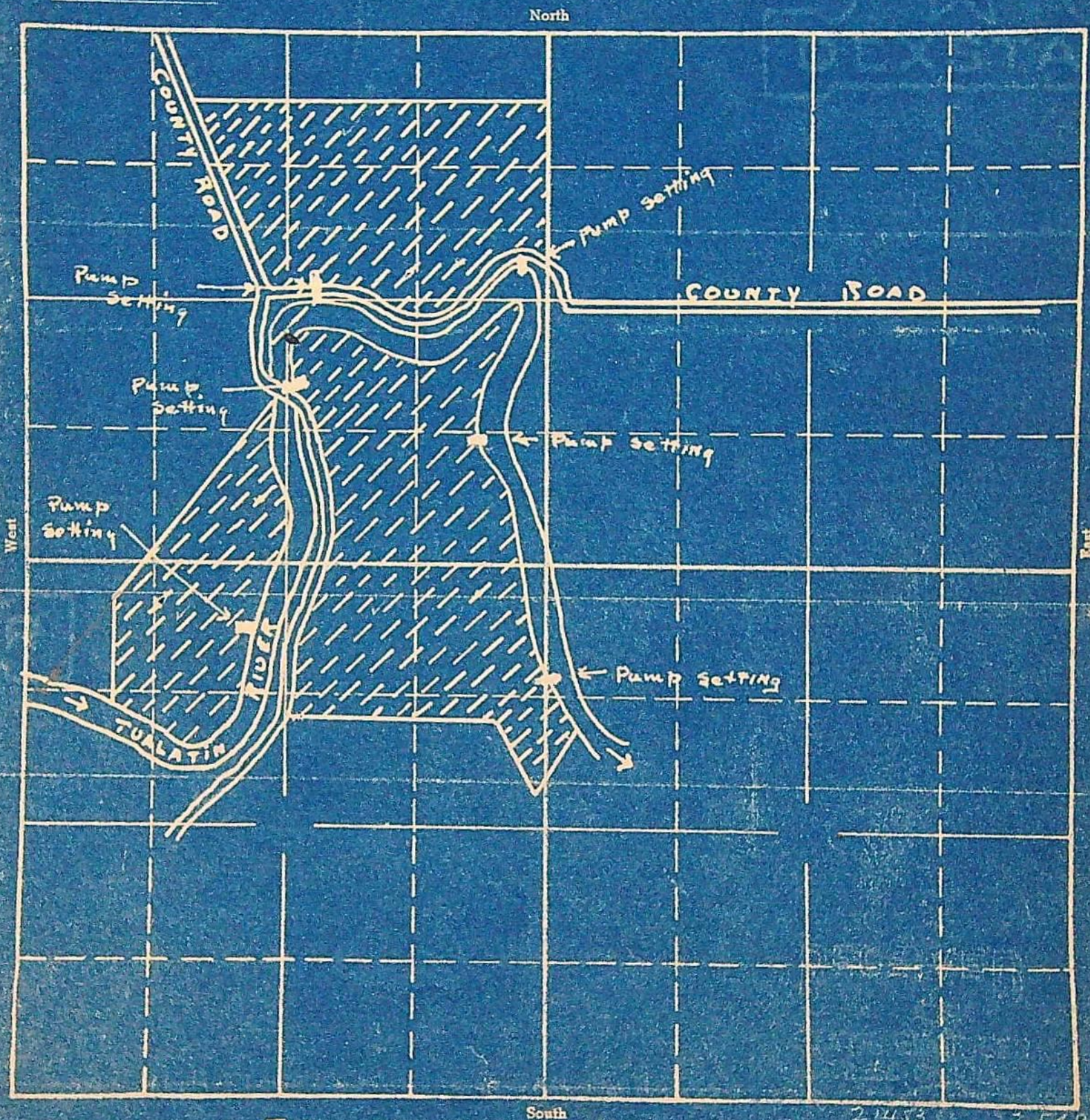
(Name)

(Title)

boundary of said Yates D.L.C., and thence north $1^{\circ} 15'$ East 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in book 131 of Deeds Page 578 records of Washington County, Oregon.

✓ This appropriation shall be limited to $1/80$ th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

TOWNSHIP 1 S, RANGE 3 W, W. M.



J. W. NELSON

SCALE 1" = 660'

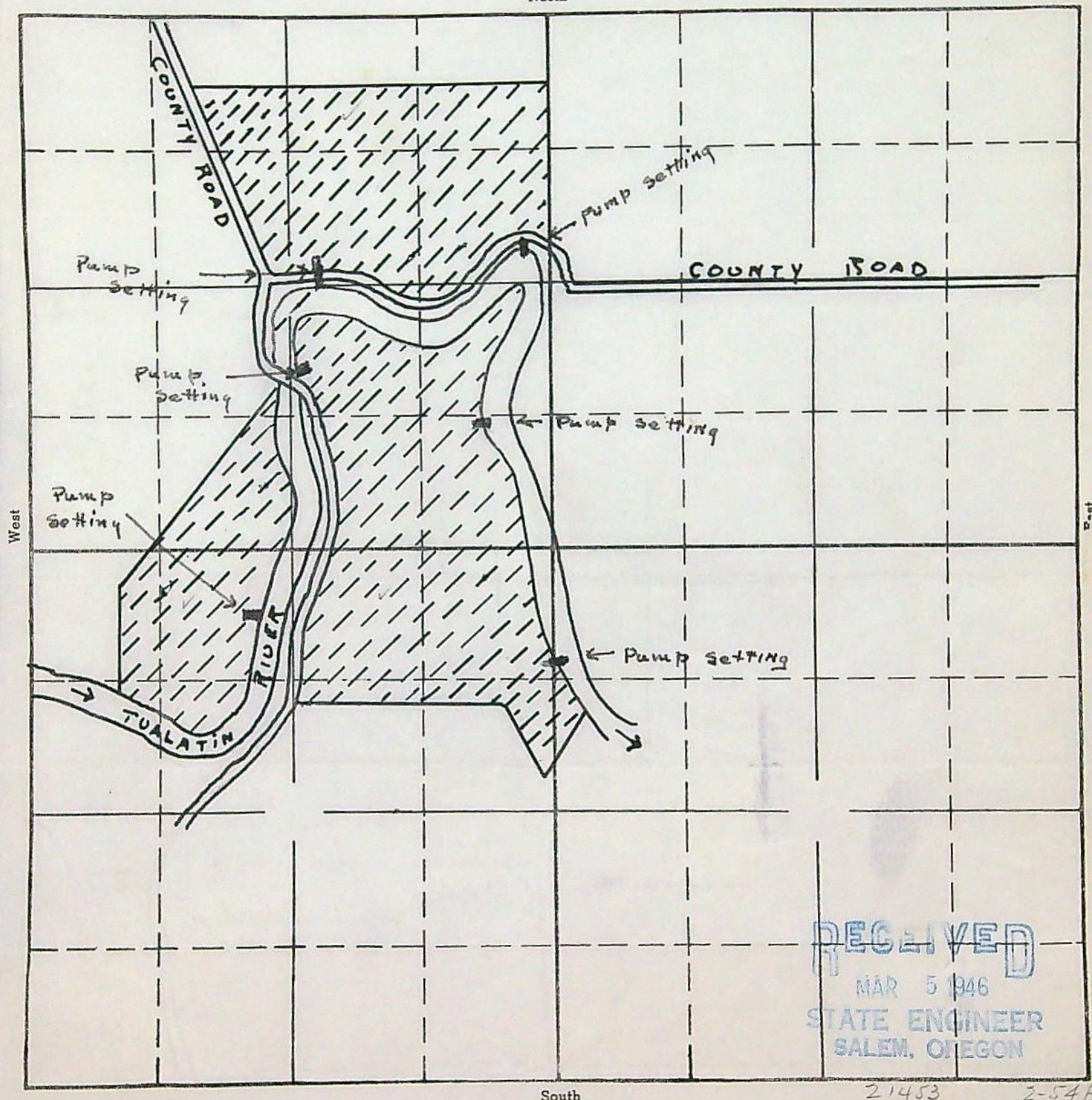
APPLICATION No. 21453
PERMIT No. 16830

SECTION

8

TOWNSHIP 1 S, RANGE 3 W, W. M.

North



J. W. NELSON

SCALE 1" = 660'

APPLICATION No. 21453
PERMIT No. 16830

20013

Permit No. 16830

Application No. 21453

 County WASHINGTON
 RECEIVED
 FEB 9 1953
 STATE ENGINEER
 SALEM, OREGON

Proof of Appropriation of Water

1. Name J. W. Nelson 2. Address Rt. 1, Forest Grove, Oregon
3. Source of supply Tualatin R.
Tributary of Willamette R.
4. Amount of water 0.92 c.f.s. 5. Priority date March 5, 1946
6. Use Irrigation

7. Location of point of diversion, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$, AS projected in Wm. Yates DLC #14 & Govt. Lots 3, 8, Twp. 1 S, Range 3 W, W. M. 4 & 5,
(Legal Subdivision)

8. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	3 W	8	Lot 6 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)		0.8
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ -as projected in Wm Yates DLC #14		24.4
			NW $\frac{1}{4}$ NW $\frac{1}{4}$ "	" " "	11.4
			SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	" " "	7.2
			Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)		1.2
			Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)		2.4
			SE $\frac{1}{4}$ NW $\frac{1}{4}$ -as projected in Wm Yates DLC #14		21.6
			NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	" " "	8.0
			Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)		4.4
			NW $\frac{1}{4}$ SW $\frac{1}{4}$ - as projected in Wm Yates DLC #14		4.4
			Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)		6.0
			Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)		1.8
			(See attached sheet for land description)		93.6

This appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height, ft.; length on top, ft.;
length on bottom, ft.; material used and character of construction,
.....
- (b) Give description of headgate: Width, ft.; depth, ft.; material used and character
of construction,
.....
- (c) Size of canal: Width on top (at waterline), ft.; width on bottom, ft.; depth of
water, ft.; grade, ft. fall per 1,000 ft. Actual capacity, sec.-ft.
Give general description:
.....
- (d) Pipe line: Description of intake,
.....
Length of pipe, ft.; size at intake, in.; size at ft. from intake, in.; size
at place of use, in. Difference in elevation between intake and place of use, ft.
Is grade uniform? Actual capacity of pipe line, sec.-ft.
Give general description:
(Material: Steel, wrought, cast iron, wood stave, etc.)
.....
- (e) Pumping plant: Give size and type of pump,
Suction lift, ft.; discharge lift, ft. Type of motor used
Horsepower rating, H. P. Actual capacity of pump, sec.-ft.
10. During what months is water beneficially used?
11. State character of soil
Kind of crops raised
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use?
13. If not, wherein is such map in error?
.....
14. Domestic use: Give number of families actually using water at this itme
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use
.....

Beginning at a point on the W. boundary of the Wm. Yates and wife DLC No. 44, T. 1 S., R. 3 W., W. M., 38.35 chs. S. of the NW cor. of same, this being the NW Cor. of the $S\frac{1}{2}$ of said claim, running thence E. on the diversion line of the claim 25.18 chains to the recognized NE corner of said $S\frac{1}{2}$, thence S. on the E. boundary of said Claim 36.25 chs. to the angular corner on the W. boundary of the Wm. Geiger Jr., DLC No. 47, thence S. $61^{\circ}53'$ E. 13.70 chains to the reentrant corner of said claim, thence S. 18.28 chains, more or less, to an iron pipe from which the SW cor. of said Claim bears S. 1.22 chains distant, thence W. 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by deed recorded in Book 147, of Deeds Page 205, Records of Washington County, Oregon, thence S. 37° W. 5.50 chains, to angular corner of said tract; thence S. 22.00 chains to a point 1.00 chains to a point 1.00 chains W. of the $\frac{1}{4}$ section cor. on S. boundary of said Sec. 8, thence W. on said Sec. line 29.00 chs., more or less, to the E. boundary of the land conveyed to C.W. and M. M. Dixon by deed recorded in Book 80 of Deeds, page 69, Records of Washington County, Oregon; thence Northward on said E. boundary 27.99 chs. to the NE corner thereof, thence N. 66° W. 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith DLC, thence N. $39^{\circ}45'$ E. 28.88 chains to angular corner of said claim thence N. 18° W. 32.30 chains to intersection with the true W boundary of said Yates D.L.C., and thence N. $1^{\circ}15'$ E. 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in book 131 of Deeds Page 578 records of Washington County, Oregon.

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON, }
County of } ss.

I,, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of, 19.....

Subscribed and sworn to before me this 5 day of Feb., 1953
x J. H. Nelson

Notary Public for Oregon

[Notarial Seal]

My commission expires

AFFIDAVIT OF WITNESSES

STATE OF OREGON, }
County of } ss.

We,, and of, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No.; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this 5th day of Feb., 1953
x J. H. Nelson

Notary Public for Oregon

[Notarial Seal]

My commission expires

REPORT OF PERSON MAKING INSPECTION

(For use by Representative of State Engineer)

I, H. L. COFFMAN, do hereby certify that I have made an inspection of the works described herein and in Permit No. 16830, on the 23rd day of May, 1952, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of _____
(Quantity of water in second-feet or acre-feet)
and I recommend the issuance of water right certificate for this amount.

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

H. L. Coffman

(Name)

Field Engineer

(Title)

January 21, 1953

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

If you will sign and date the enclosed final proof on its second sheet and return the proof to this office, together with the statutory certificate recording fee of \$1.00, a certificate confirming the right under your Permit No. ~~21153~~ ¹⁶⁸³⁰ may be issued for the appropriation of 0.92 cubic foot of water per second from the Tualatin River for the irrigation of 93.6 acres.

These figures indicate the extent and limit of your water right as provided by law, and mark the completed right.

In the interest of economy and due to the fact that your completed project was examined by a representative of this office, it is not considered necessary that your signature be made before a notary public, nor that the signatures of witnesses be affixed to the proof.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Enclosure
Form 114

November 9, 1950

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your Form C, being notice of the complete application of water under your Permit No. 16830.

Pursuant to your report and in line with the general practice of this office, a survey will be made at a later date for the purpose of checking the area actually irrigated. After this survey, proof may be made by you and certificate issued covering the lands which the survey shows to have been irrigated, and any lands described in your permit that have not been irrigated will be automatically eliminated from your water right.

In the meantime, the permit which you hold will be valid evidence of your water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

Ed K. Humphrey, Assistant

EKH:mrh

February 16, 1950

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

This acknowledges receipt of your application for an extension of time for the completion of construction and complete application of water under Permit No. 16830 in the name of J. W. Nelson.

The application indicates that reasonable diligence has been shown in the prosecution of work under this project, and the time limits are being extended to October 1, 19 50

Very truly yours,

Chas E. Stricklin
CHAS. E. STRICKLIN
State Engineer

Form122

Enclosed is our receipt no. 8943, in the amount of \$2.00, covering filing fees which you submitted.

RECEIVED

Application No. 21453

FEB 14 1950

Permit No. 16830

STATE ENGINEER
SALEM, OREGON
Application for Extension of Time

To the State Engineer of Oregon:

I, J. H. Nelson, of Forest Grove,
state of Oregon, am the owner and holder of Permit No. 16830 to
appropriate the public waters of the state of Oregon.

Under the terms and conditions of said permit, construction work is required to be completed on or
before October 1, 1949 and complete application of water is required to be
made on or before October 1, 1949.

I have heretofore done the following work described under said permit: I have
irrigated all of the land required
except my Hop yards.
I will complete all of the requirement
by October 1950. Will you please
grant me this extension of time.
costing \$....., and I estimate the cost of completion to be \$.....

I have heretofore used water under said permit to the following extent:

I am unable to { ~~complete construction work~~
make complete application of water } within the required time, for the following
(Strike out phrase not applicable)

reasons, to wit: I did not think the Hops
needed irrigation the last few years
but am going to irrigate them
this year.

(If additional space is required, attach separate sheet)

(The fee provided by law in the amount of \$2.00 for filing an application for an extension of time should accom-
pany the application for extension.)

(OVER)

Extend to '50 (cons app)

WHEREFORE, I ask that the State Engineer extend the time for the

{ ~~completion of construction work~~ } under said permit to October 1, 1950
{ complete application of water }
(Strike out phrase not applicable)

AFFIDAVIT OF APPLICANT

STATE OF Oregon }
County of Washington } ss.

I, J. H. Nelson, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 11 day of Feb, 1950

Subscribed and sworn to before me this 11 day of Feb, 1950

[Notarial Seal]

J. H. Nelson

Wayne L. Pomeroy

Notary Public for Oregon

My commission expires August 2, 1952

January 25, 1950

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

Pursuant to your request of January 21, I am enclosing herewith a form for your convenience in submitting an application for an extension of time under your Permit No. 16830.

The application for an extension should be executed before a notary public and mailed to this office at your early convenience, with the \$2.00 statutory filing fee.

In answer to your question, in general the application of water to lands covered by water right, in conformity with the good farming practice, will keep the water right in good standing. By statute, 5 successive years of non-use, is presumed to be abandonment of a completed water right.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

EKH:eg
Encl.

Rt. 1. Forest Grove Ore.
Jan 21, 1949

Chas. E. Stricklin
State Engineer
Salem, Oregon.

File No. 21453
RECEIVED

JAN 24 1950

STATE ENGINEER
SALEM, OREGON

Dear Mr. Stricklin.

I have not irrigated all of the land shown in my application no. 21453 Permit No. 16830.

I have yet to irrigate my Hop yard, which I intend to do this coming season. I have applied water to all the other land.

Would you please grant me this extension of time to complete my permit.

Do I have to irrigate all of the land shown on my permit each year in order to hold my permit; or is part each year all that is required.

Very Truly yours,
J. H. Nelson

JAN 13 1950

21453

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

According to the terms of your Application No. 21453, Permit No. 16830, which is for the appropriation of 1.25 second-feet of water from Tualatin River complete application of water was to have been made on or before October 1, 1949. It appears from our records that you have failed to submit the notice of complete application, although a post-card, calling this matter to your attention, was mailed to you on October 4, 1949.

Section 116-435, O. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, O. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, ***."

If you have complied with the terms of this permit, your application of water after the expiration of the period of final proof. If development, we would require you to submit an application for the permit, so that the permit following the legal completion of your appropriation, submit an application for the permit to be granted if it appears

under an irrigation permit described in the permit,

of Section 116-435, which is quoted above, you must submit an application within 60 days from the date of cancellation without further

notice.

Very truly yours,

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer

Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 J. W. Nelson
(Signature or name of addressee)

2 Chas. E. Stricklin
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 1/18/50, 194

U. S. GOVERNMENT PRINTING OFFICE 16-12421

Form #100
REGISTERED

JAN 13 1950

21453

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

According to the terms of your Application No. 21453, Permit No. 16830, which is for the appropriation of 1.25 second-feet of water from Tualatin River complete application of water was to have been made on or before October 1, 1949. It appears from our records that you have failed to submit the notice of complete application, although a postcard, calling this matter to your attention, was mailed to you on October 4, 1949.

Section 116-435, O. C. L. A., provides: "whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 116-426, O. C. L. A., the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, etc."

If you have complied with the terms of this permit, you should promptly submit the notice of complete application of water after which we will take up with you the matter of final proof. If, however, you have abandoned your plan of development, we would appreciate your authority to cancel the permit, so that the permit may be cancelled without the necessity for following the legal procedure. In case you have not completed your appropriation, although you still wish to do so, you may submit an application for an extension of time. Such an extension may be granted if it appears that proper diligence has been shown.

Complete application of water under an irrigation permit means the irrigation of ALL of the land described in the permit, which it is intended to irrigate.

In accordance with the provisions of Section 116-435, Oregon Compiled Laws Annotated, a part of which is quoted above, you are hereby notified that unless we hear from you within 60 days from the date of this letter, your permit will be cancelled without further notice.

Very truly yours,

Chas. E. Stricklin

CHAS. E. STRICKLIN
State Engineer

Form #100
REGISTERED

OREGON

SALEM,

RED PARCEL

9874

RED ARTICLE

Box

(NAME OF SENDER)

State Engineer



Official Business
Penalty for Private Use \$300

21453

June 14, 1946

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

Herewith you will find Application No. 21453, Permit No. 16830, together with blueprint.

21453

March 13, 1946

Mr. J. W. Nelson
Route 1,
Forest Grove, Oregon

Dear Mr. Nelson:

This is to notify you that your application No. 21453 for a permit to appropriate 01.250 second-foot of water from Tualatin River for irrigation now appears to be in satisfactory form and is being placed in line for approval and issuance of a permit. Our Receipt No. 11118 in the amount of \$5.00 is enclosed to cover the balance due in fees.

Very truly yours,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey
Assistant

EKH:kp
Enclosure

21453

March 9, 1946

Mr. J. W. Nelson
Route 1
Forest Grove, Oregon

Dear Mr. Nelson:

This will acknowledge receipt of your application for a permit to appropriate 1.25 cubic foot per second from the Tualatin River for the irrigation of 100 acres, together with fees in the amount of \$15.10 for which our Receipt No. 1085 is enclosed.

The application has been filed and given No. 21453. It has been checked over and found to be complete except the legal description of the property involved.

If you will copy the legal description from your deed or abstract and mail us this description together with the balance due in fees in the amount of \$5.00, your application will be placed in line for approval and issuance of a permit.

Yours very truly,

CHAS. E. STRICKLIN
State Engineer

By
Ed K. Humphrey, Assistant

BKH:CI

Enc.

21453

Discription of the Tract of Land, the title of which is
in the name of J. W. Nelson, situated in the County of Washington,
State of Oregon.

Beginning at a point on the west boundary of the Wm. Yates and wife Donation Land Claim No. 44, Township 1 South, Range 3 West of the Willamette Meridian, 38.35 chains south of the northwest corner of same, this being the northwest corner of the south half of said claim, running thence East on the division line of the claim 25.18 chains to the recognized northeast corner of said south half, thence south on the ~~west~~ boundary of said claim 36.25 chains to the angular corner on the west boundary of the Wm. Geiger Jr., Donation Land Claim No. 47, thence south $61^{\circ} 53'$ East 13.70 chains to the reentrant corner of said claim, thence south 18.28 chains, more or less, to an iron pipe from which the southwest corner of said Claim bears South 1.22 chains distant, thence west 5.24 chains to the most northern corner of the tract formerly owned by Mrs. T. J. Thorp, conveyed to David Harper by deed recorded in Book 147, of Deeds Page 205, Records of Washington County, Oregon, thence south 37° West 5.50 chains to angular corner of said tract; thence south 22.00 chains to a point 1.00 chains west of the quarter section corner on south boundary of said section 8, thence west on said section line 29.00 chains, more or less, to the east boundary of the land conveyed to C. W. and M. M. Dixon by deed recorded in Book 80 of Deeds, page 69, Records of Washington County, Oregon; thence northward on said east boundary 27.99 chains to the northeast corner thereof, thence north 66° west 4.00 chains to the center of Tualatin River; thence up stream, in the center thereof, to its intersection by the eastern boundary of the Alvin T. Smith Donation Land Claim, thence North $39^{\circ} 45'$ East 28.88 chains to angular corner of said claim, thence north 18° West 32.30 chains to intersection with the true West boundary of said Yates D.L.C., and thence north $1^{\circ} 15'$ East 3.80 chains to the place of beginning, excepting a tract heretofore conveyed to Washington County by deed recorded in book 131 of Deeds Page 578 records of Wasington County, Oregon.

RECEIVED
MAR 13 1946
STATE ENGINEER
SALEM, OREGON