



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. *If for multiple rights, a separate form for each right will be required.*

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): William and Betty Dillard
First Last
 Mailing Address: 23055 SE Tillstrom Road
Damascus Oregon 97089
City State Zip
 Phone: _____
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Theresa Dillard Lund, Debra Dillard Ward, and Michael W. Dillard dba TMD PHASE III, LLC
First Last
 Mailing Address: 23055 SE Tillstrom Road
Damascus OR 97089
City State Zip
 Phone: _____
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Clackamas Township: 1S Range: 3E Section: 34
 Tax Lot Number(s): 100, 3800

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Street address of water right property: _____ SALEM, OR

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

Application #: R-81963 Permit #: R-12425 Certificate or Page #: 90625

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

Name of individual completing this form: Theresa Dillard Lund Phone: (503)665-0515

Signature: Theresa Dillard Lund Date: 11-10-15

Please be sure to attach a copy of your property deed or legal description of the property.

STATE OF OREGON
 COUNTY OF CLACKAMAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM DILLARD
 BETTY DILLARD
 DBA WM DILLARD WHOLESALE NURSERY
 23055 SE TILLSTROM RD
 DAMASCUS, OR 97089

confirms the right to store water perfected under the terms of Permit R-12425. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-81963

SOURCE: AN UNNAMED STREAM TRIBUTARY OF JOHNSON CREEK within the Willamette Basin

STORAGE FACILITY: RESERVOIR 3

PURPOSE or USE: RECREATION, FISH PROPAGATION AND AESTHETICS

MAXIMUM STORAGE VOLUME: 0.189 AF PER YEAR EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH JUNE 1

DATE OF PRIORITY: JANUARY 28, 1997

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 E	WM	34	NW SE	2335 FEET NORTH AND 105 FEET EAST FROM S 1/4 CORNER, SECTION 34

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
1 S	3 E	WM	34	NW SE

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SALEM, OR

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The right may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening to prevent fish from entering the diversion. The water user shall also maintain a fishway at the obstruction that will provide adequate upstream and downstream passage for fish.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

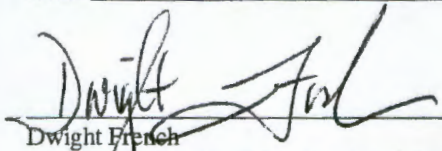
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use may be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

SEP 04 2015

Issued _____



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

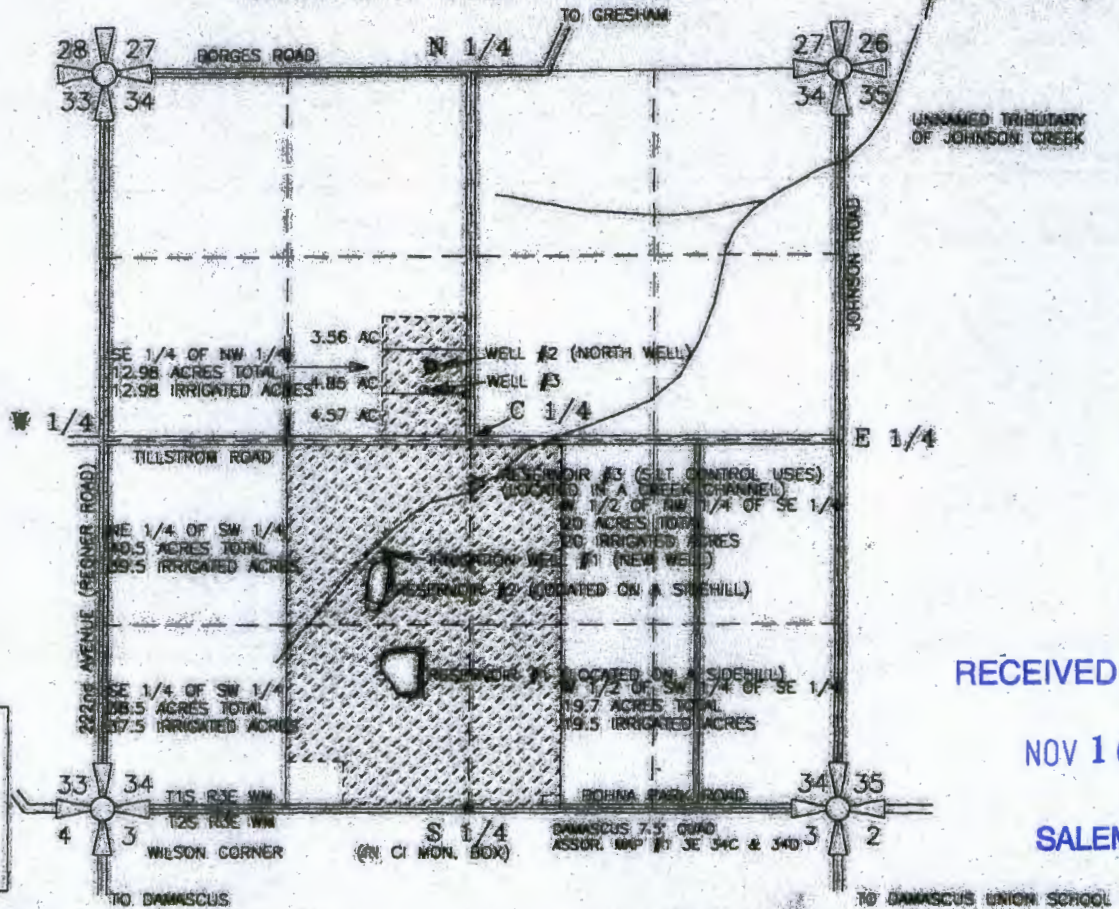
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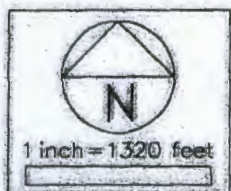
SALEM, OR

RECEIVED
 SEP 24 1999
 WATER RESOURCES DISTRICT
 CLACKAMAS COUNTY, OREGON

W 1/2 OF THE W 1/2 OF THE SE 1/4
 E 1/2 OF THE SW 1/4 OF SECTION 34
 SE 1/4 OF THE NW 1/4 OF SECTION 34
 T1S & R3E OF THE WM
 CLACKAMAS COUNTY, OREGON



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RESERVOIR SURFACE AREA & VOLUME

RESERVOIR #1:
SURFACE AREA = 64,507 SQ FT (1.477 AC)
MAXIMUM VOLUME = 288,710 CF (6.65 AC FT)
RESERVOIR #2:
SURFACE AREA = 33,455 SQ FT (0.768 AC)
MAXIMUM VOLUME = 141,375 CF (3.25 AC FT)
RESERVOIR #3:
SURFACE AREA = 4,969 SQ FT (0.114 AC)
MAXIMUM VOLUME = 8,259 CF (0.189 AC FT)

RESERVOIR #1 IS LOCATED 1130' NORTH & 490' WEST &
 RESERVOIR #2 IS LOCATED 1770' NORTH & 615' WEST &
 RESERVOIR #3 IS LOCATED 2335' NORTH & 105' EAST OF
 THE SOUTH 1/4 CORNER OF SECTION 34, ALL THREE
 RESERVOIRS BEING LOCATED IN THE SOUTH 1/2 OF
 SECTION 34, T1S, R3E WM, CLACKAMAS CO. OREGON



FINAL PROOF SURVEY
 RESERVOIR STORAGE PERMIT R-12425

PREPARED BY EDWARD A. CRANE, CWRE

RENEWAL: 12/31/99, SIGNED: *E.A. Crane*
 SURVEYED JULY 28, 1999
 BY EDWARD A. CRANE, CWRE

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
 OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
 ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
 OR LOCATION OF PROPERTY OWNERSHIP LINES.

DATE JULY 1999		CRANE & MERSETH Engineering/Surveying	APPLICATION FOR PERMIT NUMBER R-81963 PERMIT NUMBER R-12425 IN THE NAME OF:	SHEET 1/2
PROJECT NO. 245-002A		STATE OF OREGON DIVISION OF LAND AND WATER BUREAU OF SURVEYING BIS: (503) 654-2885 FAX: (503) 654-2575	WILLIAM AND BETTY DILLARD, dba With: DILLARD WHOLESALE NURSERY 23055 SE TILLSTROM RD, GRESHAM OR	

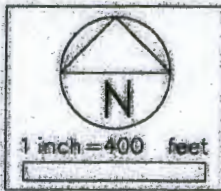
W 1/2 OF THE W 1/2 OF THE SE 1/4
 E 1/2 OF THE SW 1/4 OF SECTION 34
 AND THE SE 1/4 OF THE NW 1/4 OF
 T1S & R3E WM, CLACKAMAS CO. OREGON

RES. #1 IS 1130' NORTH & 490' WEST AND
 RES. #2 IS 1770' NORTH & 615' WEST AND
 RES. #3 IS 2335' NORTH & 105' EAST OF THE S 1/4
 COR. OF SEC. 34, T1S, R3E OF WM, CLACKAMAS CO. OR.

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 OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
 ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
 OR LOCATION OF PROPERTY OWNERSHIP LINES.

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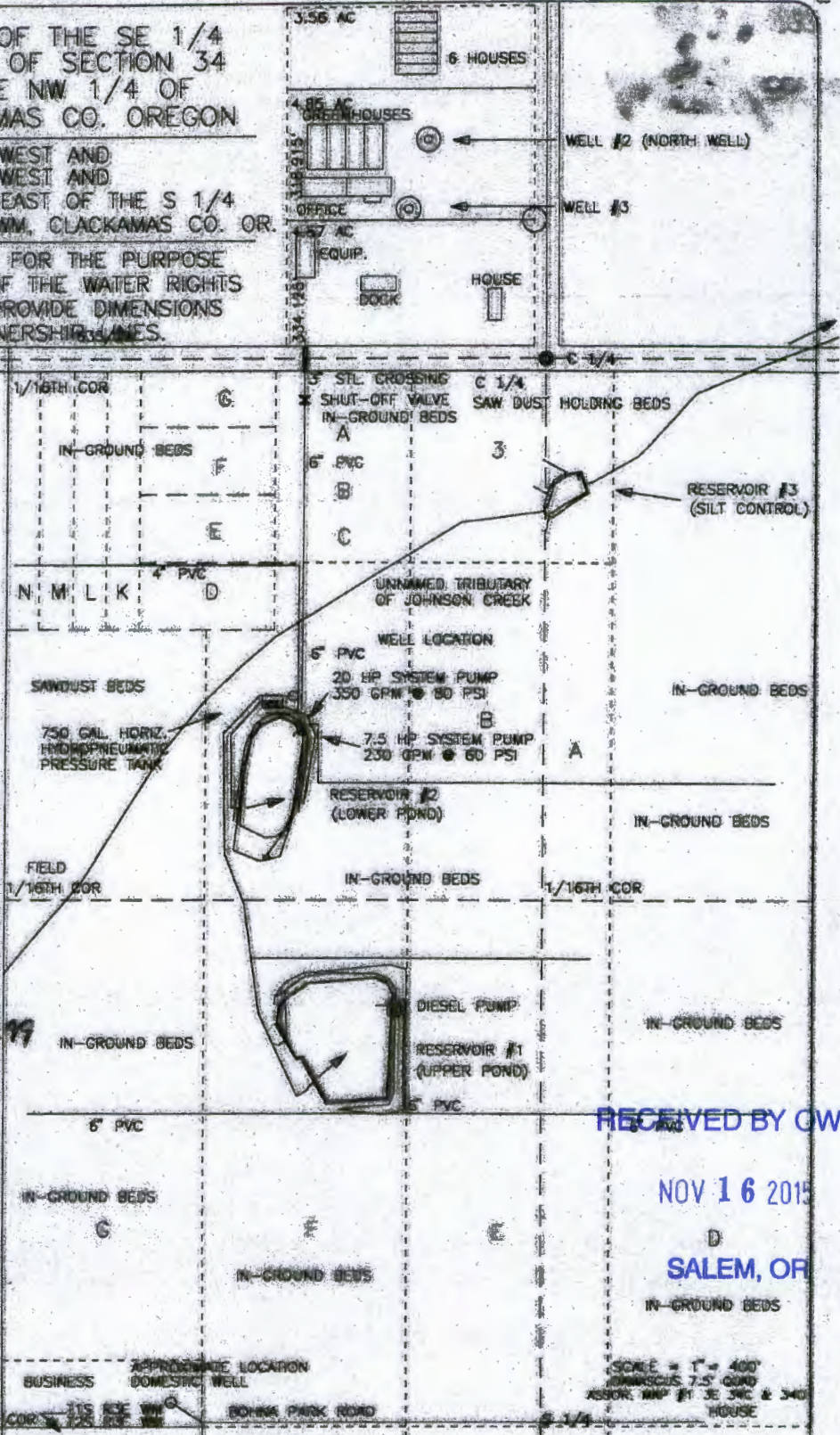
SURVEYED JULY 28, 1998
 BY EDWARD A. CRANE, CWRE

RENEWAL: 12/31/99, SIGNED: *Edward A. Crane*



FINAL PROOF SURVEY
 RESERVOIR STORAGE
 PERMIT R-12425

PREPARED BY EDWARD A. CRANE, CWRE



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SCALE = 1" = 400'
 ANTI-SLOPE 7.5' GRAD
 ASSUM. MAP #1 3E 34C & 34D
 HOUSE

DATE JULY 1999		CRANE & HERSHETH Engineering/Surveying	APPLICATION FOR PERMIT NUMBER R-81963	SHEET
PROJECT NO. 245-002A		SITE # 6080 SE LAKE ROAD MILWAUKEE, OREGON 97222 BUS: (503) 634-7065 FAX: (503) 634-2575	PERMIT NUMBER R-12425 IN THE NAME OF: WILLIAM AND BETTY DILLARD, dba Wm. DILLARD WHOLESALE NURSERY 23055 SE TILLSTROM RD, GRESHAM OR	2/2

Clackamas County Official Records
Sherry Hall, County Clerk

2009-000509



\$36.00

01271304200900005090020027

01/06/2009 09:08:31 AM

D-D Cnt=1 Stn=6 KARLYNWUN
\$10.00 \$10.00 \$16.00

Until a change is requested, all tax statements shall be sent to the following address; after recording return to:

TMD Phase III, LLC
23055 SE Tillstrom Road
Damascus, Oregon 97089

R

WARRANTY DEED

MICHAEL W. DILLARD, THERESA J. LUND and DEBRA L. WARD, Grantors, convey and warrant to TMD PHASE III, LLC, an Oregon limited liability company, Grantee, the following described real property in the County of Clackamas, State of Oregon, free of encumbrances except as specifically set forth herein:

36

PARCEL I

The west half of the west half of the southeast quarter of Section 34, T 1 S, R 3 E, WM, in Clackamas County, Oregon.

PARCEL II

The east half of the southwest quarter of Section 34, T 1 S, R 3 E, WM, in Clackamas County, Oregon.

Subject to all encumbrances of record.

The true consideration for this conveyance is other consideration. This conveyance is a contribution of capital to said TMD Phase III, LLC.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 31 day of December 2008.

Michael W. Dillard

Theresa J. Lund

Debra L. Ward

FATCO. NO. NCS - 373912

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STATE OF OREGON)
County of Multnomah ss
~~Clackamas~~)

The foregoing instrument was acknowledged before me this 31 day of December 2008 by
Michael W. Dillard, Theresa J. Lund and Debra L. Ward.



M L Card
Notary Public for Oregon
My commission expires: 01-04-10

F:\d\DILNUTMDL\Warranty Deed.doc

2
(2)

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SALEM, OR



Phone: (503) 986-2200
Fax: (503) 378-4381

Secretary of State
Corporation Division
255 Capital St. NE, Suite 151
Salem, OR 97310-1327

Articles of Organization—Limited Liability Company

For office use only

FILED

DEC 08 1999

OREGON
SECRETARY OF STATE

Registry Number: 721621-84

Attach Additional Sheet if Necessary
Please Type or Print Legibly in Black Ink

1) NAME (Must contain the words "Limited Liability Company" or the abbreviations "LLC" or "L.L.C.")

TMD PHASE III, LLC

2) DURATION (Please check one.)

Latest date upon which the Limited Liability Company is to dissolve is _____

Duration shall be perpetual.

CHECK HERE TO INDICATE ON YOUR REGISTRATION THAT YOU DO NOT WANT MAIL SOLICITATION.

3) NAME OF THE INITIAL REGISTERED AGENT

Cameron McFadden, Attorney at Law

4) ADDRESS OF THE INITIAL REGISTERED AGENT (Must be an Oregon Street Address which is identical to the registered agent's business office.)

1300 NE Linden Avenue

Gresham, OR 97030

5) ADDRESS WHERE THE DIVISION MAY MAIL NOTICES

PO Box 594

Gresham, OR 97050

6) NAME AND ADDRESS OF EACH ORGANIZER

Theresa Dillard Lund

23055 SE Tillstrom Road

Gresham, OR 97080

Debbie Dillard Ward

23055 SE Tillstrom Road

Gresham, OR 97080

Michael Dillard

23055 SE Tillstrom Road

Gresham, OR 97080

7) CHECK THE FOLLOWING STATEMENT IF APPLICABLE

This limited liability company will be managed by a manager(s).

8) OPTIONAL PROVISIONS (Attach a separate sheet if necessary.)

9) EXECUTION (The title for each signer must be "Organizer.")

Printed Name

Theresa Dillard Lund

Debbie Dillard Ward

Michael Dillard

Signature

Theresa Dillard Lund
Debbie Dillard Ward
Michael Dillard

Title

Organizer

Organizer

Organizer

10) CONTACT

Camer

TMD PHASE III, LLC

ER

73



72162184-1253734

NEW

FEEES

Make check for \$40 payable to "Corporation Division."

NOTE: Filing fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

NNA
11-19

CR151 (Rev. 6/97)

1116990810

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