

OW-123



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for
Surface Water
Allocation of Conserved Water
Part 1 of 4 – Minimum Requirements Checklist

This application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Allocation of Conserved Water Section.

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Applicant Information and Signature.
- Part 3 – Completed Water Right Information and Conservation Measures. Please include a separate Part 3 for each water right. List all water right certificates involved in this application here: **Cert. 39576.**
- Part 4 – Completed Mitigation, Proposed Use, Project Schedule, Funding, and Fee Calculation.

Attachments:

- Fees – Amount enclosed: \$ **1,160** (From last page of application).
- Application Map. Must have sufficient detail to locate and describe the facilities and areas involved in the conservation measures. Must show the place of use where water is being used if the rate or duty are changing.
- Land Use Information Form with approval and signature. (Not required if 100% of Conserved Water is being transferred instream.) **or**
Land Use Notice - Notice of the intent to create an instream water right must be provided to each affected county, city, municipal corporation, or tribal government along the proposed instream reach.
- Completed Evidence of Use Affidavit and Supporting Documentation.
- N/A Affidavit(s) of Consent.
- N/A Letter of approval from Irrigation or Water Control District. For water rights served by or issued in the name of a District; this must be provided when the applicant is not the District.
- N/A Irrigation or Water Control District's adopted policy on allocation of conserved water.
- N/A If construction of the project has begun or been completed and if more than 25 percent of the project costs have been expended before applying for allocation of conserved water, evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organizations who have asked to be consulted regarding the allocation of conserved water.
- N/A Evidence for Fee Waiver.
- N/A Notice of Completion.
- N/A Request for Finalization. (The entire conservation project listed on the application must be complete. No partial finalization will be recognized.)

Part 2 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME John G. Bernards Trust dated January 9, 2018			PHONE NO. (971) 237-3005	ADDITIONAL CONTACT NO.
ADDRESS 14295 SW MASONVILLE RD.				FAX NO.
CITY MCMINNVILLE	STATE OR	ZIP 97128	E-MAIL JMBFARMSLLC@GMAIL.COM	

The applicant is an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553. The District's OAR 690-018-0025 allocation of conserved water policy was adopted: ____ / ____ / 20 ____.

OR

The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for conservation measures is located? Yes No

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

LANDOWNER NAME			PHONE NO.
ADDRESS			
CITY	STATE	ZIP	E-MAIL

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Representative Information – The person(s) listed below is/are authorized to represent the applicant in all matters relating to this application.

REPRESENTATIVE/BUSINESS NAME WILL MCGILL SURVEYING LLC			PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 PLETZER RD. SE				FAX NO.
CITY TURNER	STATE OR	ZIP 97392	E-MAIL WILLMCGILL.SURVEYING@GMAIL.COM	

I understand that I will be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: News-Register, McMinnville.

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



John G. Bernards
3-18-2021
 Applicant signature Print Name (and Title if applicable) *Trustee* Date

 Applicant signature Print Name (and Title if applicable) Date

In your own words tell us what physical conservations measures you have made or propose to make and the reason for the change(s): Propose to install drip irrigation system in order to establish and improve yields on a hazelnut orchard and maintain optimal pressure for needed irrigation.



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction the conservation project and/or proposed instream reach will be located.

ENTITY NAME YAMHILL COUNTY	ADDRESS 525 NE 4 TH St.	
CITY MCMINNVILLE	STATE OR	ZIP 97128

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 3 of 4 – Water Right Information and Conservation Measures

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Please use a separate Part 3 for **each** water right involved in the proposed allocation of conserved water.

WATER RIGHT INFORMATION:

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Water Right Subject to Transfer (check and complete **ONE** of the following):

<input checked="" type="checkbox"/> Certificated Right	39576 <small>Certificate Number</small>	S-34335 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____ <small>Name of Decree</small>	_____ <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	_____ <small>Permit Number</small>	_____, Page ____ <small>Special Order Volume</small>
<input type="checkbox"/> Transferred Right for which Proper Proof of the change has been filed	_____ <small>Previous Certificate / Transfer Number</small>	_____ <small>Date Claim of Beneficial Use Submitted</small>

County: Yamhill

Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail for the Department to determine the system capacity.*
Shared 75 HP centrifugal pump conveys water to place of use via 6" buried PVC mainline and applied by big gun.

Table 1: Pre-Project Description

List: A) the maximum rate and annual duty (volume) of water that may be diverted **as stated on the water right of record**; and B) the maximum amount of water that can be diverted using the pre-project facilities ("**system capacity**"). If there are multiple priority dates on the water right, list the rate and duty associated with each priority date. *(If the water right is only limited by rate, do not list a duty. Conversely, if the water is only limited by duty, do not list a rate).*

PRE-PROJECT DESCRIPTION										
			Column A				Column B			
			Water Right of Record				System Capacity			
			Rate		Duty		Rate		Duty	
Originating Water Right #	Priority	Acres	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC
39576	4/22/1969	94.7	1.06	0.0112	236.75	2.5	2.98	0.0315	236.75	2.5
Totals		94.7	1.06		236.75	2.5	2.98		236.75	2.5

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm 1 cfs = 1.983471 ac-ft/day

CONSERVATION MEASURES:

Describe the type of conservation measures, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other: _____

Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, you must meet the ODFW fish screen and bypass requirements pursuant to ORS 540.525. *Please include a description and details of how the estimate of water conserved was determined. Please provide sufficient detail for the Department to provide notice of the project. No proposed changes to the POD. The application method will be converted entirely to drip irrigation. The 25 HP booster pump will be replaced with a new efficient pump with VFD in order to maintain constant pressure. The system was designed to achieve the same rate on a per acre basis across all new hazelnut plantings. The proposed system was designed in accordance with the necessary conserved water allocations to make the same per acre rate possible.*

Existing Point(s) of Diversion:

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude
5	S	5	W	12	NW	NE	200	63	2840' S and 1570' E from NE cor., DLC 64

Place of Use Involved in Conservation Measures:

List only the part of the right that will be affected. If the entire right is being affected, just state "entire Certificate."

Twp		Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of Use listed On Certificate	Priority Date
5	S	5	W	2	NE	NE	300	59	4.6	Irrigation	1969
5	S	5	W	2	NW	NE	300/102	59	13.0	Irrigation	1969
5	S	5	W	2	SW	NE	300	59	19.6	Irrigation	1969
5	S	5	W	2	SE	NE	300	59	12.6	Irrigation	1969
5	S	5	W	2	NE	NW	300/102	59	17.7	Irrigation	1969
5	S	5	W	2	NW	NW	102	59	0.4	Irrigation	1969
5	S	5	W	2	SE	NW	300	59	13.9	Irrigation	1969
Total									81.8		

Are there other water right certificates, water use permits, ground water registrations, or uncertificated decreed rights associated with the above lands? Yes No. If YES, list the certificates, water use permits, groundwater registrations, or uncertificated decree numbers: _____

Is the project within the boundaries of an irrigation district or water control district? Yes No If YES, and applicant is not a District, you must provide a letter of approval from the District.

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Table 2: Conserved Water

In Column A, list the smaller of A or B from Table 1 (Pre-Project Description). In Column B, list the amount of water that will be needed for the existing, authorized use(s) after implementing the conservation measures. In Column C, subtract Column B from Column A and enter the results (e.g., A – B = C). (If the water right is only limited by rate, do not list a duty; and conversely, if the water is only limited by duty, do not list a rate.)

Conserved Water Description											
	Column A				Column B				Column C		
	Table 1 – Smaller of A or B				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
Priority	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
1969	0.92	0.0112	204.5	2.5	0.55	0.007	122.7	1.5	0.37	81.8	1
Totals	0.92		204.5		0.55		122.7		0.37	81.8	

Table 3: Allocation of Conserved Water

List the portions of the conserved water that will be allocated to the state and applicant. Note: Column A plus Column B should total Column C (e.g., A + B = C).

Conserved Water Allocation								
Column A			Column B			Column C		
State's Portion			Applicant's Portion			Conserved Water		
Percentage*	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
25%	0.093	20.45	75%	0.277	61.35	100%	0.37	81.8

* must be at least 25%

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The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

**Part 4 of 4 – Mitigation, Proposed Use,
Project Schedule, Funding, and
Fee Calculation**

MITIGATION:

Describe any expected effects from the proposed allocation of conserved water on other water rights. Describe what currently happens to the water that is proposed to be conserved. The water is currently used in the entirety as authorized under Cert. 39576 by irrigating with a big gun. The water will be conserved by the newly installed efficient system.

Describe any mitigation or other measures that are planned to avoid harm to other water rights. No harm will be caused to other water rights.

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PROPOSED USE:

New Out-of Stream Uses:

N/A For new out-of-stream uses, describe the intended use and boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right will be located. This is land other than that to which this water right is appurtenant. Intended Use: Irrigation; Boundaries: Diverted in T5S, R5W, Sec. 12; Conveyed through T5S, R5W, Sec. 1/2/12; Used in T4S, R5W, Sec. 35/36 and T5S, R5W, Sec. 1/2.

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Will the new use require a change or additional point of diversion/appropriation?

Yes No Unknown at this time

New Point of Diversion:

Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Measured Distances or Latitude and Longitude

New Instream Uses to be Created (State's Portion):

Originating Surface Water Right (as identified in Part 3)	Priority Date	Source	Proposed Instream Period	Rate (cfs)*	Volume (ac-ft)**
Cert. 39576	4/22/1969	South Yamhill River	Apr. 1 – Sep. 30	0.093	20.45
TOTAL VOLUME					20.45

* To calculate rate (if other than the rate allowed by the right), divide the volume by the number of days in the period and then divide by 1.983471; or

** To calculate volume, multiply the rate by the number of days in the instream period and then multiply by 1.983471.

Note: The instream rate may not exceed the maximum rate conserved and the total volume may not exceed to maximum duty or volume conserved (Table 3, Column C).

Location of the proposed instream water right.

Water is requested to be protected within a reach. Location of the proposed reach (identify the extent of the reach): (e.g., from the upstream POD located at RM ___ to downstream location at the mouth at RM ___)

OR

Water is requested to be protected at a point at the following location (i.e. legal description of the point of diversion (POD)): in the NW ¼ NE ¼, as projected within Cornwall DLC 63, Section 12, T. 5S., R. 5W., W.M.; 2840' S and 1570' E from NE Corner, Miller DLC 64

Public Use for which conserved water right should be managed under an instream right (check at least one box):

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
- Recreation and scenic attraction.
- Water Quality (e.g. pollution abatement).

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List any existing instream water rights at the same point or within the same requested reach(es):

- None.
- Instream Water Right Certificates: 59461, 59484, 72974, 72975, 72976, 72977, 80357

N/A Is it your intent to have the proposed instream water right transfer be additive to any instream water right established under ORS 537.348 (instream transfer application process) and ORS 537.470 (allocation of conserved water) and replace a portion of any instream water right established under ORS 537.341 (state agency application process) and ORS 537.346 (conversion of minimum perennial streamflows) with an earlier priority date?

Yes No. If no, please explain your intent below:

Is the requested instream flow intended to exceed the estimated average natural flow or natural lake level occurring from the drainage system?

- No; OR
- Yes (Provide supporting documentation that demonstrates why additional flows are significant for the public use requested.); OR
- Yes, and it is presumed that flows that exceed the estimated average natural flow or natural lake levels are significant because:

- The requested flow does not exceed the maximum amount of any instream water right applied for under ORS 537.338 (state agency instream water right application process); the requested public use is for the same public use; and the requested reach covers a portion or same reach as the state agency instream water right; **and**
- The stream is in an ODFW flow restoration priority watershed during the requested instream period; **or**
- The stream is listed as water quality limited by DEQ.

PROJECT SCHEDULE:

N/A For a project that has **not** been completed, please provide the dates on which the applicant intends to do the following:

Begin Construction	Complete Construction and File Notice of Completion	Request that Entire Conserved Water Allocation be Finalized
Date: September 1, 2021	Date: August 31, 2022	*Date: August 31, 2027

** Must be within 5 years from the date of filing the Notice of Completion.*

Note: If construction of the project has begun or has been completed, and if more than 25 percent of the project costs have been expended before submitting this application, you must submit evidence that you have attempted to identify and resolve the concerns of water right holders in the area, governmental entities or other organization who have asked to be consulted regarding the allocation of conserved water.

N/A For a project that has been completed, provide the dates when the conservation measures were implemented and the date by which the applicant intends to request the allocation be finalized. Complete and attach Notice of Completion form.

Conservation Measures Were Implemented	Request that Entire Conserved Water Allocation be Finalized
*Date:	**Date:

** Must be within 5 years prior to the date of filing this application.*

*** Must be within 5 years from the date of filing this Application and Notice of Completion.*

FUNDING

N/A Federal or state public funds that are not subject to repayment are to be used for the project. Refer to OAR 690-018-0040(18)(a)-(d) for further information in completing this section.

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Source of Funding: Federal: _____ State: _____

Total cost for project engineering \$ _____
Total cost for construction \$ _____

The present value of any incremental changes in the cost of operations and maintenance that are directly attributable to the project that would not be incurred or realized in the absence of the project is \$ _____.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental changes in the costs of operations and maintenance to be provided from federal or state public funds that are not subject to repayment is \$ _____.

The amount of funding and the value of any in-kind contributions for project engineering and construction and for any incremental change since costs of operations and maintenance to be provided from other funds is \$ _____.

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N/A Enter the percentage from Table 3, Column B (Applicant's Portion of Conserved Water) 75%. If this is more than 25%, what portion of project funds (expressed as a percentage) come from federal or state public sources? 0%

N/A The Oregon Watershed Enhancement Board (OWEB) has a contractual interest in this project. The OWEB project number is _____.

FEE CALCULATION

Fee Schedule – ORS 536.050 https://www.oregon.gov/OWRD/Forms/Pages/default.aspx	
\$1,160.00 - Base (1 st Water Right)	Add \$410.00 for each additional right
$\$1,160 + (\text{ } \times \$350) = \text{Total Fee } \410	

Fee Waiver Worksheet	
To qualify for a waiver of up to 50%, you must provide evidence to establish your application meets the following criteria:	
<input type="checkbox"/>	(a) Will be converted to an instream right pursuant to ORS 537.348; or
<input type="checkbox"/>	(b) Is necessary to complete a project funded under ORS 541.375 (OWEB); or
<input type="checkbox"/>	(c) Is approved by the Oregon Department of Fish and Wildlife as a project that will result in a net benefit to fish and wildlife habitat. See OAR 690-018-0040(25).
If the project meets one of the above standards, use the following formula to calculate the fees:	
<input type="checkbox"/>	(d) Enter Percentage from Table 3, Column A = _____ %
<input type="checkbox"/>	(e) Deduct 25% from percentage in (d) above = _____ %
<input type="checkbox"/>	(f) Enter the lesser of (e) above or 50% _____
<input type="checkbox"/>	(g) Total Fee x % waived (f) = Fee Waiver \$ _____
<i>Example: (d) = 100% - 25% (e) = 75% (max 50% waived) = Fee x 50% = Fee Waiver</i>	
Total Fee \$ _____ – Fee Waiver (g) \$ _____ = Amount Due \$ _____	

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300 + 1201

AFTER RECORDING RETURN TO:
MOORE & WELLIVER
2002 PACIFIC AVENUE
FOREST GROVE, OR 97116

SEND TAX STATEMENTS TO:
NO CHANGE

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201800532



\$51.00

00528461201800005320030038

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DMR-DDMR Cnt=1 Stn=2 MILLSA
\$15.00 \$5.00 \$11.00 \$20.00

BARGAIN AND SALE DEED

JOHN G. BERNARDS AND MARY BETH BERNARDS, Grantor, hereby convey to JOHN G. BERNARDS and MARY BETH BERNARDS, Co-Trustees, or the successor Trustee under the JOHN G. BERNARDS TRUST dated January 9, 2018, Grantee, all of Grantor's right, title and interest in and to the real property situated in Yamhill County, Oregon, being more particularly described on attached EXHIBIT A.

The true consideration for this conveyance is \$0. The purpose of this Bargain and Sale Deed is to transfer all of Grantors' right, title, and interest in the property described above to a revocable living trust as an estate planning transfer.

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

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SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

John G. Bernards
John G. Bernards, Grantor

Mary Beth Bernards
Mary Beth Bernards, Grantor

STATE OF OREGON)
) ss. January 9, 2018
County of Washington)

Personally appeared the above named John G. Bernards and Mary Beth Bernards and acknowledged the foregoing instrument to be their voluntary act and deed.

Lucas A Welliver
Notary Public for Oregon

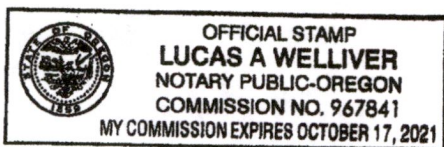


EXHIBIT A

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

PARCEL I:

Beginning at the Northeast corner of the South Half of the Henry Warren Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian, and running thence South 17.10 chains; thence West 47.05 chains; thence North 17.10 chains and thence East 47.05 chains to point of beginning.

EXCEPTING THEREFROM the following described property:

Beginning at the Northeast corner of the South Half of the Henry Warren Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian, and running thence West 485.0 feet to a point, said point being the True Point of Beginning of the parcel described herein; thence South 190 feet to a point; thence West 1500 feet to a point; thence North 190 feet to a point; thence East 1500 feet to the True Point of Beginning.

Tax Parcel Number: R5502-00300

PARCEL II:

Part of the Henry Warren Donation Land Claim No. 48 in Section 35 of Township 4 South, Range 5 West and Section 2 of Township 5 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, said part being further described as follows:

Commencing at the Northeast corner of said Henry Warren Donation Land Claim; thence North 77° 30' West along the North line of said claim, 30.73 feet to the Point of Beginning; thence South 897.65 feet to the South line of said Section 35; thence East 30 feet to the intersection of said section line and the East line of said Warren Donation Land Claim; thence South 247.0 feet to a point in Masonville Road and on the Easterly extension of the road centerline; thence South 88°58'25" West along the center of said road a distance of 1480.40 feet; thence North 1492.66 feet to the North line of said Henry Warren Donation Land Claim; thence South 77°30' East 1485.37 feet to said point of beginning.

Tax Parcel Number: R4535-01201

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AFTER RECORDING RETURN TO:
MOORE & WELLIVER
2002 PACIFIC AVENUE
FOREST GROVE, OR 97116

SEND TAX STATEMENTS TO:
NO CHANGE

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201800531



\$56.00

01/10/2018 03:18:58 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA
\$20.00 \$5.00 \$11.00 \$20.00

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IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

John G. Bernards
John G. Bernards, Grantor

Mary Beth Bernards
Mary Beth Bernards, Grantor

STATE OF OREGON)
) ss. January 9, 2018
County of Washington)

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Notary Public for Oregon

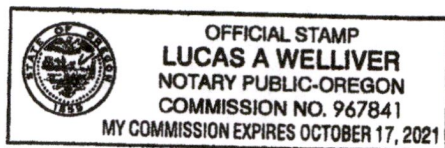


EXHIBIT A

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

PARCEL I:

Beginning at the Southeast corner of the North Half of the Henry Warren Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian; thence West 216 ½ rods to stake; thence North approximately 250 feet to the centerline, of the County Road; thence Easterly 216 ½ rods along the centerline of the County Road; thence South approximately 314 feet to the place of beginning.

SAVING AND EXCEPTING therefrom the following portion of the above described premises:

BEGINNING at the Northeast corner of the South Half of the Henry Warren Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian; thence West 485 feet to a point; said point being the True Point of Beginning of the parcel described herein; said point also being the True Point of Beginning of that certain parcel deeded by Marvin J. Bernards to Patrick J. Bernards and John Gerard Bernards by deed dated April 20, 1989, and recorded in Film Volume 231, Page 0922, of the Deed and Mortgage Records of Yamhill County, Oregon; thence West 1500 feet to a point; thence North 266 feet, more or less, to the centerline of the County Road; thence Easterly along the centerline of the County Road 1500 feet, more or less to a point, said point lying on the centerline of the county road at a point due North of the True Point of Beginning; thence South 310 feet, more or less, to the True Point of Beginning.

Tax Parcel Numbers: R5502-00100 and R5502-00102

PARCEL II:

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

Beginning at an iron pipe and brass cap marking the northwest corner of the Richmond Hall Donation Land Claim, Certificate No. 2960, said Township and Range, said corner also being the Northwest corner of Lot 1 of CS-1333 and the Northwest corner of Lot 1 of CS-3019; thence North 89°36'30" East 510.16 feet to the northeast corner of said Section 2 as marked by an iron pipe and brass cap set by Yamhill County Surveyors Office; thence South 89°26'27" East 811.71 feet to an iron pipe and brass cap marking the southwest corner of the John C. May

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Donation Land Claim No. 52, being a point on the north line of said Hall Claim; thence South $89^{\circ}26'35''$ East 543.79 feet to a point on the north line of said Hall Claim and from which point an iron rod bears SOUTH 26.32 feet; thence SOUTH 1030.67 feet to a point in the center of an existing creek, from which point an iron rod bears NORTH 42.15 feet; thence southeasterly following the center of said creek 682 feet, more or less to a point in the center of said creek (direct tie for mathematical closure South $47^{\circ}33'51''$ East 649.51 feet); thence, leaving said creek, South $89^{\circ}29'36''$ East 35.29 feet to an iron rod set in CSP-4528 at the most westerly corner of that tract of land described in deed to LOREN D. MICKEY and LESLIE E. MICKEY recorded November 27, 2002 in Instrument No. 200223712, Deed Records of Yamhill County, Oregon; thence South $20^{\circ}34'10''$ East 195.12 feet to an iron rod set in CSP-4528 at an angle in the west line of said MICKEY tract; thence South $07^{\circ}31'10''$ East 148.68 feet along said west line to a point on the northwesterly margin of the Salmon River Highway (State Highway 18) from which point an iron rod of CSP-4528 bears South $07^{\circ}31'10''$ East 0.36 feet; thence South $42^{\circ}19'40''$ West 693.41 feet to an iron rod on said northwesterly highway margin; thence North $36^{\circ}17'29''$ West 131.95 feet to the center of an oak tree, now 51 inches in diameter (former deed 36 inch diameter) marking a corner in the line between Lot 1A and Lot 2 of CS-3019; thence North $87^{\circ}30'29''$ West 663.54 feet to an iron rod marking the southwest corner of said Lot 1A; thence North $00^{\circ}10'31''$ East 907.40 feet to an iron rod marking the northeast corner of said Lot 2; thence North $89^{\circ}59'29''$ West 1263.07 feet to an iron rod marking the northwest corner of said Lot 2; thence North 1278.90 feet to the POINT OF BEGINNING, as shown on CS-13295.

Tax Parcel Number: R5501-00701

Application for Water Right Transfer

Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

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State of Oregon)
) ss

County of YAMHILL)

I, JOHN G. BERNARDS, in my capacity as OWNER,

mailing address 14295 SW MASONVILLE RD., MCMINNVILLE, OR 97128

telephone number (971)237-3005, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
39576	5	S	5	W	WM	2	NE	NE	59	4.6
39576	5	S	5	W	WM	2	NW	NE	59	13.0
39576	5	S	5	W	WM	2	SW	NE	59	19.6
39576	5	S	5	W	WM	2	SE	NE	59	12.6
39576	5	S	5	W	WM	2	NE	NW	59	17.7
39576	5	S	5	W	WM	2	NW	NW	59	0.4
39576	5	S	5	W	WM	2	SE	NW	59	13.9

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

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John D. Bunn
Signature of Affiant

3-16-2021
Date

OWRD

Signed and sworn to (or affirmed) before me this 16 day of March, 2021.

Grant McGill
Notary Public for Oregon



My Commission Expires: 11/13/2023

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

Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



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

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Applicant(s): John G. Bernards

Mailing Address: 14295 SW Masonville Rd.

City: McMinnville

State: OR

Zip Code: 97128

Daytime Phone: (971) 237-3005

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>5S</u>	<u>5W</u>	<u>2</u>	<u>NENE</u> <u>NWNE</u> <u>SWNE</u> <u>SENE</u> <u>NENW</u> <u>SENW</u>	<u>300</u>	<u>550 EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>5S</u>	<u>5W</u>	<u>2</u>	<u>NWNE</u> <u>NENW</u> <u>NWNW</u>	<u>102</u>	<u>550 EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>5S</u>	<u>5W</u>	<u>12</u>	<u>NWNE</u>	<u>200</u>	<u>303 Industrial</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming/conservation</u>

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

Yamhill County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) South Yamhill River

Estimated quantity of water needed: 143.15 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

The proposed allocation of conserved water application will leave a remaining right of totaling 122.7 af for irrigation on the original place of use for Certificate 39576. An instream right of 20.45 af for conservation will be created at the authorized POD for Certificate 39576.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

WRD

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SECTION 402.02(A) of the UCO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: LANCE WOODS Title: ASSOCIATE PLANNER
 Signature: [Signature] Phone: (503) 434-7516 Date: 3/19/2021
 Government Entity: YAMHILL COUNTY PLANNING DEPT.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____