

Temporary

Name next generation nurseries
attn Karen Osovsky & Zach Knick
Address 38145 alexander rd
Philomath or 97370

DESCRIPTION OF WATER RIGHT(S)

Name of Stream lockhamite river

Trib. of willamette river

Use Irrigation County Benton

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

Name of ditch _____

App# 54148 Per # 520007 Cert # 32411 PR Date 7/21/2020

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

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

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

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

FEES PAID		
Date	Amount	Receipt #
<u>7-15-2021</u>	<u>\$816.14</u>	<u>135842</u>

FEES REFUNDED		
Date	Amount	Receipt #

Change in POW POO
Date Filed 7/15/2021
Initial notice date 8/11/2021
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 10/13/2021 Vol 121 Page 811

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

Assignments: _____

Irrigation District _____

Agent _____

CWRE _____

CC's list Benton county

- Oversized map - Location _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 13, 2021

NEXT GENERATION NURSERIES
ATTN: KAREN OSOVSKY & ZACH KRICK
38145 ALEXANDER ROAD
PHILOMATH, OR 97370

REFERENCE: District Temporary Transfer Application T-13767

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

The temporary change shall be effective at the **beginning of the 2021 irrigation season**. The use shall revert to the original authorized place of use at the end of the **2025 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane by telephone at (503) 979-3917 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Benton County

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A TEMPORARY
T-13767, Benton County)	CHANGE IN PLACE OF USE AND POINT OF
)	DIVERSION

Authority

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

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

Applicant

NEXT GENERATION NURSERIES
ATTN: KAREN OSOVSKY & ZACH KRICK
38145 ALEXANDER ROAD
PHILOMATH, OR 97370

Findings of Fact

1. On July 15, 2021, NEXT GENERATION NURSERIES, ATTN: KAREN OSOVSKY & ZACH KRICK filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 32411 for a period of 5 years. The Department assigned the application number T-13767.
2. Notice of the application for transfer was published on August 10, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 12, 2021, the Department contacted the applicant by written correspondence to notify the applicant of a deficiency in the application. The application did not include a current recorded deed for the land from which the authorized place of use is temporarily being moved, as is required by OAR 690-380-3000(14). The Department requested that the deficiency be resolved by September 13, 2021.

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.

4. On August 17, 2021, the Department received a copy of the deed identifying the lands appurtenant to Certificate 32411, resolving the deficiency.

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

Certificate: 32411 in the name of GRACEN L. BUSH (perfected under Permit S-26907)
Use: IRRIGATION of 2.67 ACRES
Priority Date: JULY 21, 1960
Rate: 0.03 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	6 W	WM	29	SE NW	40

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	6 W	WM	29	SW NW	42	0.40
10 S	6 W	WM	29	SE NW	42	2.27
					Total	2.67

6. Temporary Transfer Application T-13767 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
10 S	6 W	WM	30	SW NE	0.79	
10 S	6 W	WM	30	NW SE	1.88	
					Total	2.67

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13767 proposes to move the authorized point of diversion approximately 1.3 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	6 W	WM	30	NW SE	POD 2 - 230 FEET SOUTH AND 750 FEET EAST FROM THE CENTER OF SECTION 30

Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

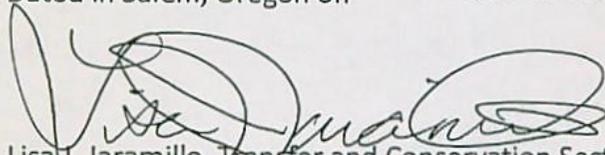
The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13767 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13767 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 32411 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 32411.

7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 32411 shall continue to be in accordance with the terms and conditions of Certificate 32411.

Dated in Salem, Oregon on **OCT 13 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **OCT 14 2021**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13767

Transfer Specialist:

Corey

Transfer Type: Temporary Transfer

Applicant: NEXT GENERATION NURSERIES ATTN: KAREN OSOVSKY & ZACH KRICK 38145 ALEXANDER ROAD PHILOMATH, OR 97370 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A UNAVAILABLE Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Benton Countycommunity Development Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S34148	S26907	32411	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: July 15, 2021	Proposed Action(s): POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 816.14	WM District: 22	ODFW District:
Initial Public Notice: August 10, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <u>9/2/21</u> Initials: <u>ke</u>	Date: <u>9/17/21</u> Initials: <u>SD</u>	Date: _____ Initials: _____	Date: <u>12/3/21</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	Date: <u>10/1/21</u>	Date: <u>12/3/2021</u>

Special Issues: _____

Special Order Volume: Vol. 121 Pages 811

4. On August 17, 2021, the Department received a copy of the deed identifying the lands appurtenant to Certificate 32411, resolving the deficiency.

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

Certificate: 32411 in the name of GRACEN L. BUSH (perfected under Permit S-26907)

Use: IRRIGATION of 2.67 ACRES

Priority Date: JULY 21, 1960

Rate: 0.03 CUBIC FOOT PER SECOND

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

Source: LUCKIAMUTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

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Authorized Place of Use:

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Temporary Transfer Review Criteria

8. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13767 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13767 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 32411 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 32411.

7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 32411 shall continue to be in accordance with the terms and conditions of Certificate 32411.

Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

RECEIVED
JUL 15 2021

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 32411**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2021 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/or is insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0 _____	Date: _____/_____/_____

13767

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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JUL 15 2021

WARD

13767

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Next Generation Nurseries Attn: Karen Osovsky & Zach Krick			PHONE NO. 541-929-7469	ADDITIONAL CONTACT NO.
ADDRESS 38145 Alexander RD				FAX NO.
CITY Philomath	STATE OR	ZIP 97370	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

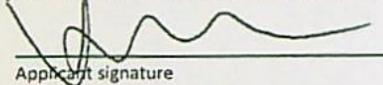
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:

Temporary move water right to another property for irrigation

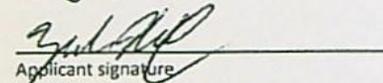
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


Applicant signature

Karen Osovsky
Print Name (and Title if applicable)

6-10-21
Date


Applicant signature

Zach Krick
Print Name (and Title if applicable)

6-10-21
Date

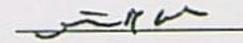
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OWRD

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

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

Steve Bush 23251 Hoskins RD Philomath OR 97370

Phone **541 424 4316**

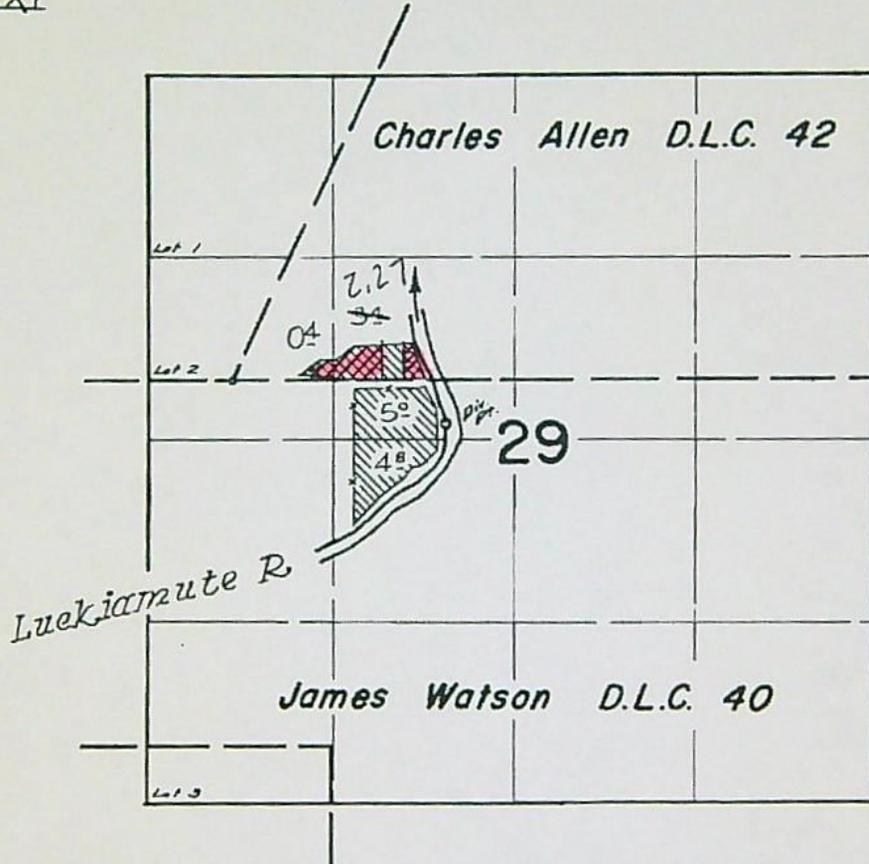
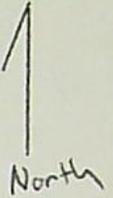

BPD

Date **6-23-21**

13767

T.10S.R.6 W.W.M.

1" = 1320'



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FINAL PROOF SURVEY
UNDER

13767

Application No. 34148 Permit No. 26907
IN NAME OF

GRACEN L. BUSH

Surveyed April 26 1963, by C. Baker

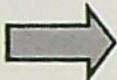
6/10/21

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

DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Benton County	ADDRESS 4077 SW Research Way	
CITY Corvallis	STATE OR	ZIP 97333

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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JUL 15 2021
OWRD

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Part 5 of 5 – Water Right Information

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JUL 15 2021

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

OWRD

Water Right Certificate # 32411

Description of Water Delivery System

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

*pump, sprinkler
5 HP*

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		10 S	6 W	29	SE	N W	40	
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	<i>1.3 mi upstream</i>	10 S	6 W	30	N W	SE		230' S & 750' E from Center Section 30
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

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

13767

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 32411

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
10	S	6	W 29 SE NW	300	42	2.27	IR	POD #1	1960	POU/ POA	10	S	6	W 30 NW SE	1200		1.88	IR	POD #2	1960		
10	S	6	W 29 SW NW	300		0.4	IR	POD #1	1960		10	S	6	W 30 SW NE	1200		0.79	IR	POD #2	1960		
						TOTAL ACRES	2.67							TOTAL ACRES	2.67							

13767

Additional remarks: _____

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JUL 15 2021
OWRD

To Lands total 2.67 acres

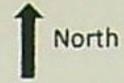
1" = 1320'

Tax Lot:

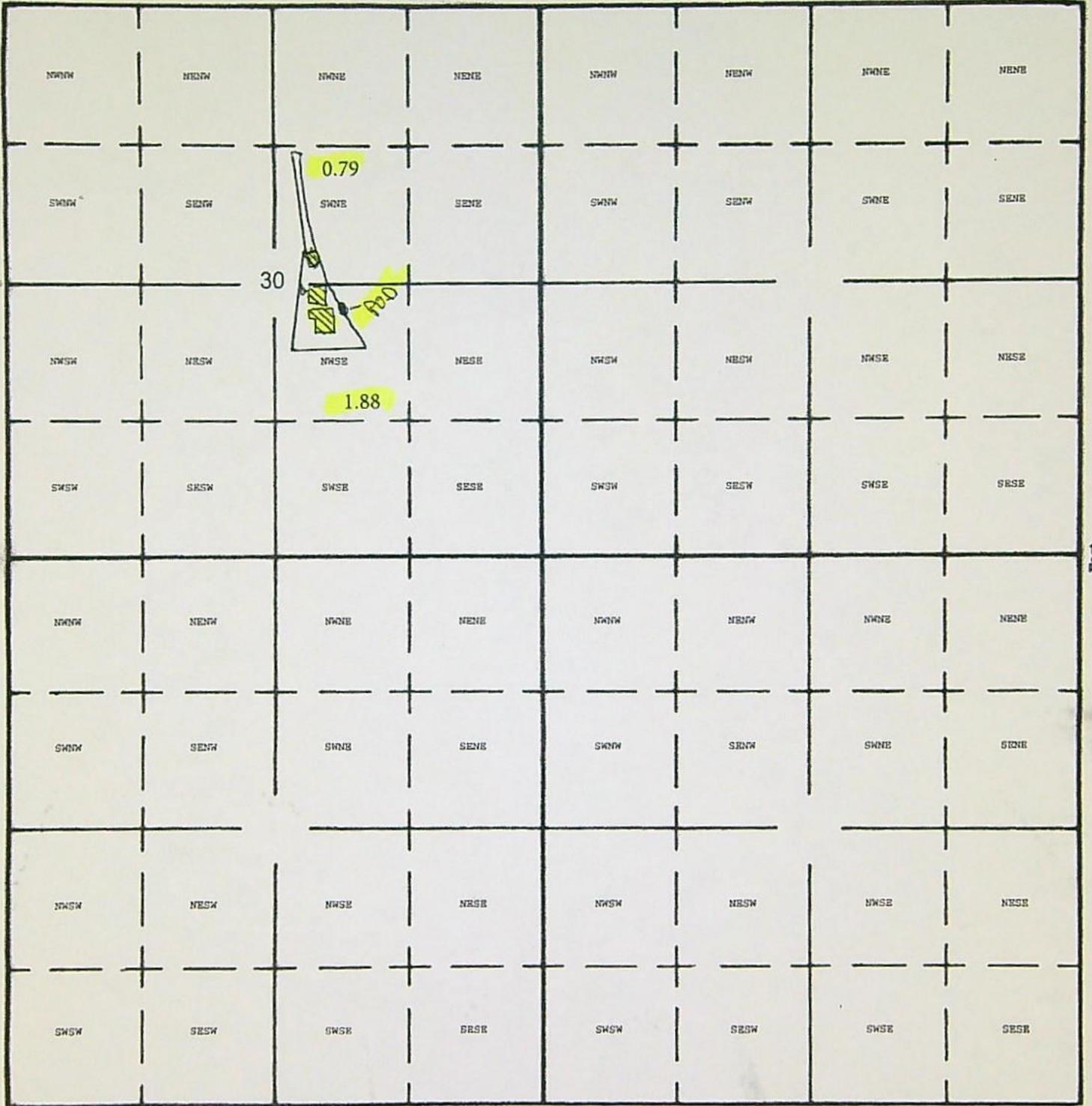
Township 10 South, Range 6 West, Section 30, Tax Lot 1200

RECEIVED

JUL 15 2021



OWRD



South

POD: 230' South and 750' East from Center of Section 30

Yates 13767

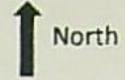
1" = 1320'

Tax Lot:

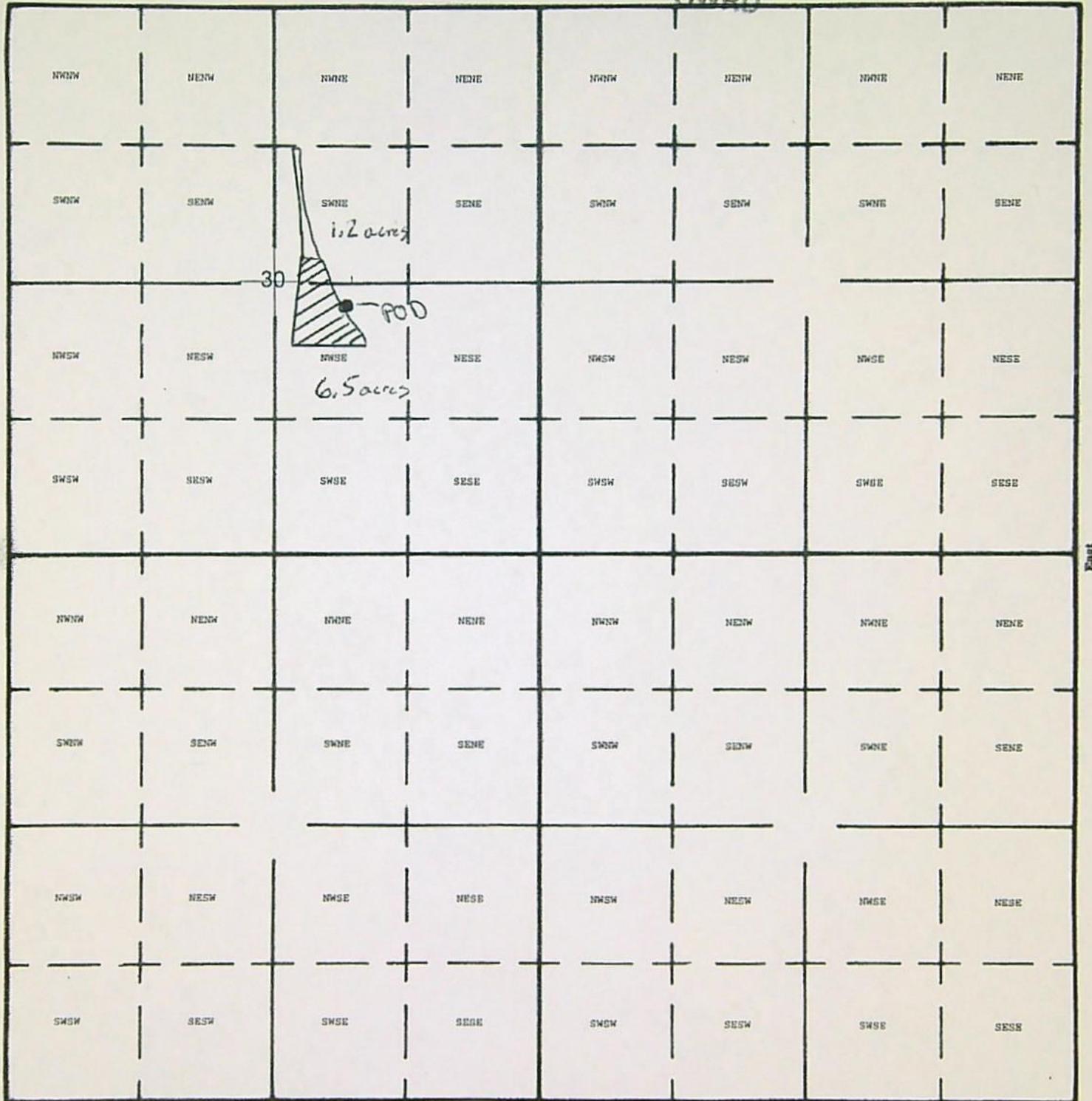
Township 10 South, Range 6 West, Section 30, Tax Lot 1200

RECEIVED

JUL 15 2021



OWBD



POD: 230' South and 750' East from Center of Section 30

13767
 6-10-21
[Signature]

STATE OF OREGON

COUNTY OF BENTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GRACEN L. BUSH

of Route 1, Box 76, Philomath, 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 Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 13.6 acres

under Permit No. 26907 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 July 21, 1960

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 0.17 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NW 1/4 as projected within Watson DLC 40, Section 29, T. 10 S., R. 6 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 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:

0.4 acre SW 1/4 NW 1/4 2.94
3.4 acres SE 1/4 NW 1/4 2.27
both as projected within Allen DLC 42
~~5.0 acres SE 1/4 NW 1/4~~
4.8 acres NE 1/4 SW 1/4 2.67
both as projected within Watson DLC 40
Section 29
T. 10 S., R. 6 W., W. M.

2.67 @ 1/80 = 0.033375
T = 0.03 cfs

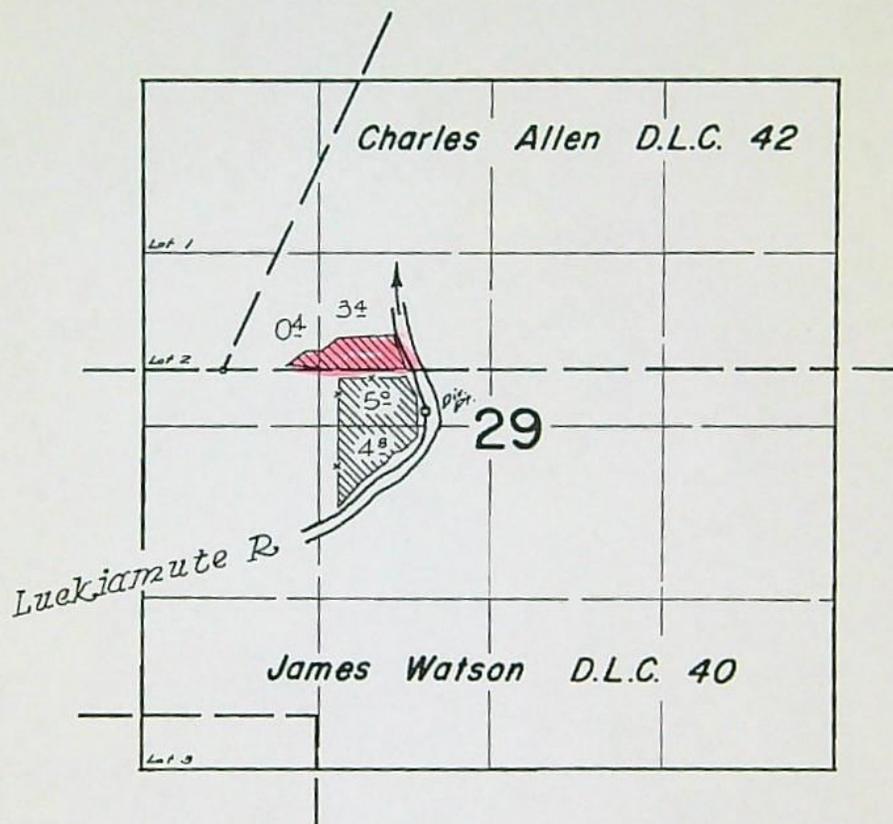
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. September 27, 1965

CHRIS L. WHEELER
State Engineer

T.10S.R.6 W.W.M.



FINAL PROOF SURVEY
UNDER

Application No. **34148** Permit No. **26907**
IN NAME OF

GRACEN L. BUSH

Surveyed *April 26 1963*, by *C. Baker*

✱

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13767

Review Due Date:

Applicant Name: Next Generation Nurseries

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Joel Plahn

Date of Review: 09/13/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

cc

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- Weir
- Parshall Flume
- Other: _____

- Submerged Orifice
- Flow Restrictor

COURCHANE Corey A * WRD

From: Next Generation Nurseries <nextgenerationnurseries@gmail.com>
Sent: Tuesday, August 17, 2021 6:53 AM
To: PLAHN Joel M * WRD
Cc: MIDDLETON Cory M * WRD; COURCHANE Corey A * WRD
Subject: Re: Water Rights Next Generation Nurseries

Hey Joel,

Let me know if this is the correct Map for point of diversion and place of use as well as the correct copy of the deed.

Thank you for following up on this.

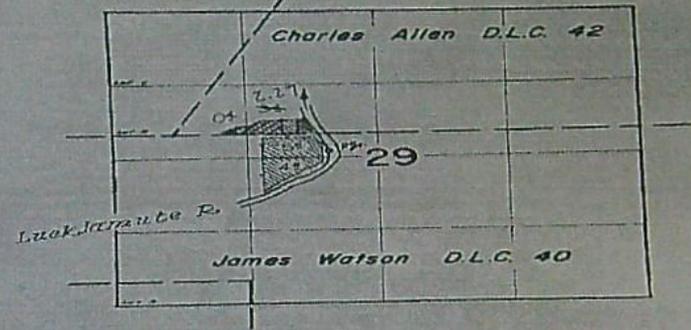
Karen

T.10S.R.6W.W.M.

1" = 1320'



From



FINAL PROOF SURVEY
UNDER

Application No. 34146 Permit No. 26907
IN NAME OF

GRACEN L. BUSH

Surveyed April 20 1903, by G. Baker

Gracen L. Bush
6/10/21

On Mon, Aug 16, 2021 at 12:53 PM PLAHN Joel M * WRD <Joel.M.Plahn@oregon.gov> wrote:

Hi Karen,

They need a copy of the deed for Steve Bush property or they will return the temporary transfer application.

The water right application was returned because the map I made for you was not included. A map showing the point of diversion and place of use is required.

Thanks, Joel Plahn

District 22 Watermaster

Cell 503-508-2394



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

--
Next Generation Nurseries
NextGenerationNurseries.com
Office: 541-929-7469

Handwritten signature

Grantor's Name and Address:
Gracen L. Bush, Trustee of the Gracen L. Bush
Revocable Living Trust dated April 23, 1990 and
Gracen L. Bush, Trustee of the Jessie O. Bush Credit
Shelter Trust dated October 14, 1998

Grantee's Name and Address:
Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

After recording, return to:
Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

**Send Tax Statements regarding Tax Lots 300 on Map 10629
and Tax Lot 501 on Map 10620 and Accounts 291631 and 025183 to:**
Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

**Send Tax Statements regarding Tax Lots 303 on Map 10629
and Tax Lot 500 on Map 10620 and Accounts 291462 and 024475 to:**
Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

Consideration - \$ 0.00

BARGAIN and SALE DEED

GRANTOR, Gracen L. Bush, Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Gracen L. Bush, Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998 does hereby convey unto

GRANTEE: Jerald L. Bush the following described property located in Benton County,
State of Oregon:
Parcels 2 and 3 on the attached Exhibit A

GRANTOR further conveys unto

GRANTEE: Steven R. Bush the following described property located in Benton County,
State of Oregon:
- Consent 7/15/21
Parcels 1 and 4 on the attached Exhibit A

Bargain and Sale Deed / Bush
Page 1

BENTON COUNTY, OREGON **2014-519192**
 DE-BS
 Cr1=2 Str=9 PF **05/16/2014 01:12:39 PM**
 \$35.00 \$5.00 \$11.00 \$22.00 \$10.00 **\$103.00**



00280874201406181820070075

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



Received by OWRD

AUG 17 2021

Salem, OR

Received by OWRD

AUG 17 2021

Salem, OR

Parcel 1.

BEGINNING at the Southwest corner of the Charles Allen Donation Land Claim No. 42 in Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence West 4 chains; thence North 38.64 chains; thence East to the Charles Allen Donation Land Claim No. 42; thence in a Southwesterly direction along West line of said claim to the PLACE OF BEGINNING.

TOGETHER WITH the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by Parcel 2 described below; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future water line (and centerline of said easement) will start at the spring and head in an Easterly direction across the above Parcel 1 to Parcel 2 described below. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for Parcels 2 and 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2.

*TL 300
10 S 6W
Sec 29*

ALSO SUBJECT TO-an easement for transporting livestock between Parcels 2 and the tract of land directly South of Parcel 1 (across Hoskins County Road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to and directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

AND TOGETHER WITH a 15 foot wide (7-1/2 feet on each side of the water-line) easement for maintenance of a water line for the portions of the existing waterline that exists on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeasterly for 1200 feet more or less to the residence on parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto the above Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 2:

BEGINNING at the Southwest corner of the Donation Land Claim of Charles Allen and wife, claim No. 42, Notification 5143 in sections 20, 21, 28 and 29, Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence East 55.98 chains; thence North 19.50 chains; thence West 46.38 chains; thence South 25 deg. 45' West 21.66 chains to the PLACE OF BEGINNING.

EXCEPTING the following described tract:

BEGINNING at the Southwest corner of Parcel 4 of that deed dated April 23, 1990, recorded as M-122238-90, lying on the South line of the Charles Allen DLC No. 42, S 89 deg. 43'35" E 3694.68 feet from a steel hand lever at the Southwest corner thereof; thence along said DLC line N. 89 deg. 43'35" W. 21.41 feet to a point which lies S. 11 deg. 04'01" E. 38.54 feet from a 5/8" iron rod; thence N. 11 deg. 04' 01" W. 1150.16 feet to a 5/8" iron rod; thence continuing N. 11 deg. 04' 01" W. 126.62 feet to the centerline of the Luckiamute River; thence along said centerline, downstream in a Northeasterly direction, 274 feet, more or less to the West line of the tract conveyed to Steven and Glanda Bush per M-96289-87, said Deed Records; thence along said West line South 241 feet, more or less to the Southwest corner thereof, being also the Northwest corner of the above-mentioned Parcel 4; thence South 1108.80 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

Bargain and Sale Deed
Page 4

Received by OWRD

AUG 17 2021

Salem, OR

Received by OWRD

AUG 17 2021

Salem, OR

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 687.81 feet to 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23' 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.83 feet along the South line of said Bush tract to the POINT OF BEGINNING.

TOGETHER WITH a 15' foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by this Parcel; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42,

which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future waterline (and centerline of said easement) will start at the spring and head in an Easterly direction across Parcel 1 above to this Parcel. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

TOGETHER WITH a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for this Parcel 2 and Parcel 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of said existing gravel road to the South boundary of this Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress on the existing gravel road for the benefit of Parcel 3; said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2 and the TRUE POINT OF BEGINNING of this easement; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

TOGETHER WITH an easement for transporting livestock between the above Parcel 2 and the tract of land directly South of Parcel 1 above (across Hoskins County road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to an directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance of a water line for the portions of the existing waterline that exist on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeastly for 1200 feet more or less to the residence on Parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 3:

BEGINNING at a 3/4 inch pipe on the West line and 13.422 chains South 25 deg. 43' West of the Northwest corner of said Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of Willamette Meridian in

Benton County, Oregon; and running thence South 25 deg. 43' West 28.956 chains along the West line of said claim to a point 21.66 chains North 25 deg. 43' East of the Southwest corner of said claim; thence North 89 deg. 57' East 46.38 chains to a 3/4 inch galvanized pipe; thence North 1.50 chains; thence East 2.00 chains to the center of the Luckiamute River; thence with the meanderings down the center of said stream to a point on the North line of said claim which is 1.00 chain South 86 deg. 48' East of a 3/4 inch pipe; thence North 86 deg. 48' West 2.263 chains to a 3/4 inch pipe; thence South 78 deg. 02' West 47.313 chains to the **PLACE OF BEGINNING**, all situated in Benton County, Oregon.

EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23' 14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 123.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the **POINT OF BEGINNING**.

Bargain and Sale Deed
Page 6

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Salem, OR

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Salem, OR

ALSO TOGETHER WITH a 15 feet wide (7-1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond; said pond is located approximately N. 24 deg. 17' E. and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S. 45 deg. E. for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.

ALSO TOGETHER WITH 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for on the existing road which exists on Parcel 1 and Parcel 2; said existing gravel road starts at a location within Hoskins County Road (Number 06546) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

Parcel 4:

BEGINNING at a 3/4 inch iron pipe on the West line 13.422 chains South 25 deg. 43' West of the Northwest corner of Charles Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of the Willamette Meridian, in Benton County, Oregon; and running thence South 77 deg. 50' West which is the Westerly extension in a straight line of the North line of Carl L. Bush's land as described in Book 99, page 237, Deed Records, Benton County, Oregon, 26.573 chains to a 1 inch pipe which is 8.547 chains North 38 deg. 53' East of the Southwest corner of Section 20; thence South 1.381 chains to a 3/4 inch pipe which is 38.64 chains North of the North line of James Watson Donation Land Claim No. 40 at a point 4 chains North 89 deg. 44' West of the Southwest corner of said Charles Allen claim; thence East 22.615 chains to a 1 inch pipe at the West line of said Allen claim; thence North 25 deg. 43' East 7.747 chains to the PLACE OF BEGINNING.

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SUBJECT TO a 15 feet wide (7 1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond for use by Parcel 3; said pond is located approximately N 24 deg. 17' E and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S 45 deg. E for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.



Oregon

Kate Brown, Governor

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Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 12, 2021

Next Generation Nurseries

Attn: Karen Osovsky & Zach Krick

38145 Alexander Rd

Philomath, OR 97370

REFERENCE: Temporary Transfer Application T-13767

The Department has completed an initial review of your temporary transfer application. There is a deficiency that needs to be resolved before we can continue processing your application:

- The application did not include a copy of the current recorded deed for the land from which the authorized place of use is temporarily being moved. Pursuant to Oregon Administrative Rule 690-380-3000(14), for temporary transfers under OAR 690-380-8000, name of the deeded landowner of the land to which the water right is appurtenant and a copy of the recorded deed to the subject lands. Please submit a copy of the current recorded deed.

If the Department does not receive the above requested materials by September 13, 2021, a Final Order may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

Corey Courchane

Transfer Specialist

Transfer and Conservation Section

cc: Joel Plahn, Watermaster, District 22

Handwritten signature in blue ink at the top right of the page.

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Grantor's Name and Address:

Gracen L. Bush, Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Gracen L. Bush, Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998

Grantee's Name and Address:

Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

After recording, return to:

Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

Send Tax Statements regarding Tax Lots 300 on Map 10629 and Tax Lot 501 on Map 10620 and Accounts 291631 and 025183 to:

Steven R. Bush
23251 Hoskins Rd.
Philomath, OR 97370

Send Tax Statements regarding Tax Lots 303 on Map 10629 and Tax Lot 500 on Map 10620 and Accounts 291462 and 024475 to:

Jerald L. Bush
24402 Maxfield Creek Rd.
Philomath, OR 97370

Consideration - \$ 0.00

BARGAIN and SALE DEED

GRANTOR, Gracen L. Bush, Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Gracen L. Bush, Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998 does hereby convey unto

GRANTEE: Jerald L. Bush the following described property located in Benton County, State of Oregon:

Parcels 2 and 3 on the attached Exhibit A

GRANTOR further conveys unto

GRANTEE: Steven R. Bush the following described property located in Benton County, State of Oregon:

Parcels 1 and 4 on the attached Exhibit A

BENTON COUNTY, OREGON 2014-519192
 DE-BS
 Cnt=2 Stn=9 PF 05/15/2014 01:12:39 PM
 \$35.00 \$5.00 \$11.00 \$22.00 \$10.00 \$103.00
 00280874201405181920070075

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



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Each subject to the easements as specified on Exhibit A and other encumbrances of record.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns.

The true and actual consideration paid for this transfer is \$0 and other value which is part of the consideration.

IN WITNESS WHEREOF, the grantor has executed this instrument on the 12th day of May, 2014.

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

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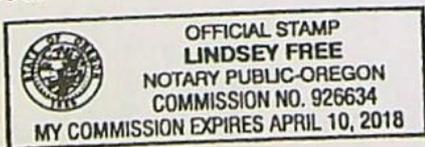
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Gracen L. Bush Trustee
Gracen L. Bush, Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998

STATE OF OREGON)
) ss.
County of Benton)

This instrument was acknowledged before me on this 12 day of May, 2014, by Gracen L. Bush, in his capacity as Trustee of the Gracen L. Bush Revocable Living Trust dated April 23, 1990 and Trustee of the Jessie O. Bush Credit Shelter Trust dated October 14, 1998.



Lindsey Free
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-10-18

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Parcel 1:

BEGINNING at the Southwest corner of the Charles Allen Donation Land Claim No. 42 in Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence West 4 chains; thence North 38.64 chains; thence East to the Charles Allen Donation Land Claim No. 42; thence in a Southwesterly direction along West line of said claim to the PLACE OF BEGINNING.

TOGETHER WITH the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic

cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by Parcel 2 described below; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future water line (and centerline of said easement) will start at the spring and head in an Easterly direction across the above Parcel 1 to Parcel 2 described below. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for Parcels 2 and 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2.

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ALSO SUBJECT TO an easement for transporting livestock between Parcels 2 and the tract of land directly South of Parcel 1 (across Hoskins County Road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to and directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

AND TOGETHER WITH a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance of a water line for the portions of the existing waterline that exists on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeasterly for 1200 feet more or less to the residence on parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto the above Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 2:

BEGINNING at the Southwest corner of the Donation Land Claim of Charles Allen and wife, claim No. 42, Notification 5143 in sections 20, 21, 28 and 29, Township 10 South, Range 6 West of the Willamette Meridian in Benton County, Oregon; thence East 55.98 chains; thence North 19.50 chains; thence West 46.38 chains; thence South 25 deg. 45' West 21.66 chains to the PLACE OF BEGINNING.

EXCEPTING the following described tract:

BEGINNING at the Southwest corner of Parcel 4 of that deed dated April 23, 1990, recorded as M-122238-90, lying on the South line of the Charles Allen DLC No. 42, S 89 deg. 43'35" E 3694.68 feet from a steel hand lever at the Southwest corner thereof; thence along said DLC line N. 89 deg. 43'35" W. 21.41 feet to a point which lies S. 11 deg. 04'01" E. 38.54 feet from a 5/8" iron rod; thence N. 11 deg. 04' 01" W. 1150.16 feet to a 5/8" iron rod; thence continuing N. 11 deg. 04' 01" W. 126.62 feet to the centerline of the Luckiamute River; thence along said centerline, downstream in a Northeasterly direction, 274 feet, more or less to the West line of the tract conveyed to Steven and Glenda Bush per M-96289-87, said Deed Records; thence along said West line South 241 feet, more or less to the Southwest corner thereof, being also the Northwest corner of the above-mentioned Parcel 4; thence South 1108.80 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

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BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 587.81 feet to 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23'14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23' 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

TOGETHER WITH a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance and construction of a waterline and spring for use by this Parcel; said spring is located approximately N. 20 deg. W. and 570 feet distant from said Southwest Corner of the Allen DLC No. 42,

which was found and described in a survey recorded as number 9141 by the Benton County Surveyor. The spring is developed, but the waterline is not constructed at this time. It is expected that the future waterline (and centerline of said easement) will start at the spring and head in an Easterly direction across Parcel 1 above to this Parcel. The future waterline will not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 1. The owner of Parcel 2 shall propose a location to the owner of Parcel 1, the owner of Parcel 1 may reject that location, but shall propose an alternate location, and the owner of Parcel 1 shall not unreasonably reject a location proposed by the owner of Parcel 2.

TOGETHER WITH a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for this Parcel 2 and Parcel 3 described below on the existing gravel road, the centerline of said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing along the existing centerline N. 12 deg. W. 220 feet more or less along the centerline of said existing gravel road to the South boundary of this Parcel 2.

ALSO SUBJECT TO a 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress on the existing gravel road for the benefit of Parcel 3; said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2 and the TRUE POINT OF BEGINNING of this easement; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

TOGETHER WITH an easement for transporting livestock between the above Parcel 2 and the tract of land directly South of Parcel 1 above (across Hoskins County road), said easement is subject to the rights of the public, said easement shall follow the existing dirt path that is directly west of the Luckiamute River, East of the existing home, garden and septic system, and goes under the bridge that allows said Hoskins County road to cross the Luckiamute River and is more particularly described as follows:

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BEGINNING at a point that is approximately N. 89 deg. 43' E. 1450 feet distant from the said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence following the existing path that is adjacent to an directly west of the Luckiamute River in a Northerly direction approximately 250 feet to the South boundary of Parcel 2. It is intended that this easement will become void if the easement is no longer needed.

SUBJECT TO a 15 foot wide (7-1/2 feet on each side of the waterline) easement for maintenance of a water line for the portions of the existing waterline that exist on Parcel 2, the centerline of said waterline starts at a spring that is located (on Parcel 1) approximately N. 31 deg. E. and 1300 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor, said water line flows from said spring approximately Southeasterly for 1200 feet more or less to the residence on Parcel 1, said waterline starts on Parcel 1 and crosses to Parcel 2 and then crosses back onto Parcel 1. The easement will follow the present waterline and shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 2.

Parcel 3:

BEGINNING at a 3/4 inch pipe on the West line and 13.422 chains South 25 deg. 43' West of the Northwest corner of said Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of Willamette Meridian in

Benton County, Oregon; and running thence South 25 deg. 43' West 28.956 chains along the West line of said claim to a point 21.66 chains North 25 deg. 43' East of the Southwest corner of said claim; thence North 89 deg. 57' East 46.38 chains to a 3/4 inch galvanized pipe; thence North 1.50 chains; thence East 2.00 chains to the center of the Luckiamute River; thence with the meanderings down the center of said stream to a point on the North line of said claim which is 1.00 chain South 86 deg. 48' East of a 3/4 inch pipe; thence North 86 deg. 48' West 2.263 chains to a 3/4 inch pipe; thence South 78 deg. 02' West 47.313 chains to the PLACE OF BEGINNING, all situated in Benton County, Oregon.

EXCEPTING THEREFROM the following described tract of land:

A tract of land in Sections 20 and 29 of Township 10 South, Range 6 West, Willamette Meridian, Benton County, Oregon, said tract of land being a part of Parcels 2 and 3 of a tract described in Document M270352-99 which transferred ownership from the Jessie O. Bush Revocable Living Trust to the Jessie O. Bush Credit Shelter Trust and hereafter referred to as the "Bush tract", and more particularly described as follows:

BEGINNING at the Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence N. 25 deg. 41'41" E. 2831.30 feet along the West line of the Allen DLC No. 42 to a 1-1/4" outside diameter iron pipe with 5/8" iron rod and yellow plastic cap alongside; thence leaving said DLC line S. 2 deg. 21'33" E. 687.81 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 16 deg. 23' 14" W. 245.61 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 23 deg. 11'10" W. 104.30 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 71 deg. 59'44" W. 79.46 feet to a 5/8" iron rod and yellow plastic cap set in an angle point in a fence line; thence S. 45 deg. 33'02" W. 392.10 feet to a 5/8" iron rod and red plastic cap under a gate in a fence; thence S. 27 deg. 03'03" E. 402.10 feet to a 5/8" iron rod and yellow plastic cap; thence S. 1 deg. 43'16" E. 643.32 feet to a 5/8" iron rod and yellow plastic cap; thence S. 85 deg. 32'26" E. 192.41 feet to a 5/8" iron rod and yellow plastic cap; thence N. 88 deg. 35'00" E. 127.81 feet to a 5/8" iron rod and yellow plastic cap; thence continuing N. 88 deg. 35'00" E. 122.19 more or less in distance to the centerline of the Luckiamute River; thence S. 23 deg. E. along the centerline of the Luckiamute River 234.92 feet more or less to its intersection with the South line of said Bush tract; thence S. 89 deg. 43'35" W. 1525.82 feet along the South line of said Bush tract to the POINT OF BEGINNING.

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ALSO TOGETHER WITH a 15 feet wide (7-1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond; said pond is located approximately N. 24 deg. 17' E. and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S. 45 deg. E. for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.

ALSO TOGETHER WITH 30 foot wide (15 feet on each side of the centerline) easement for ingress and egress for on the existing road which exists on Parcel 1 and Parcel 2; said existing gravel road starts at a location within Hoskins County Road (Number 06540) at a point that is approximately N. 89 deg. 43' E. 1185 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; thence continuing N. 12 deg. W. 220 feet more or less along the centerline of the said existing gravel road to the South boundary of Parcel 2; thence continuing along the centerline of the existing gravel road that is near the old railroad grade in a northerly direction approximately 1200 feet more or less to the South boundary of Parcel 3.

Parcel 4:

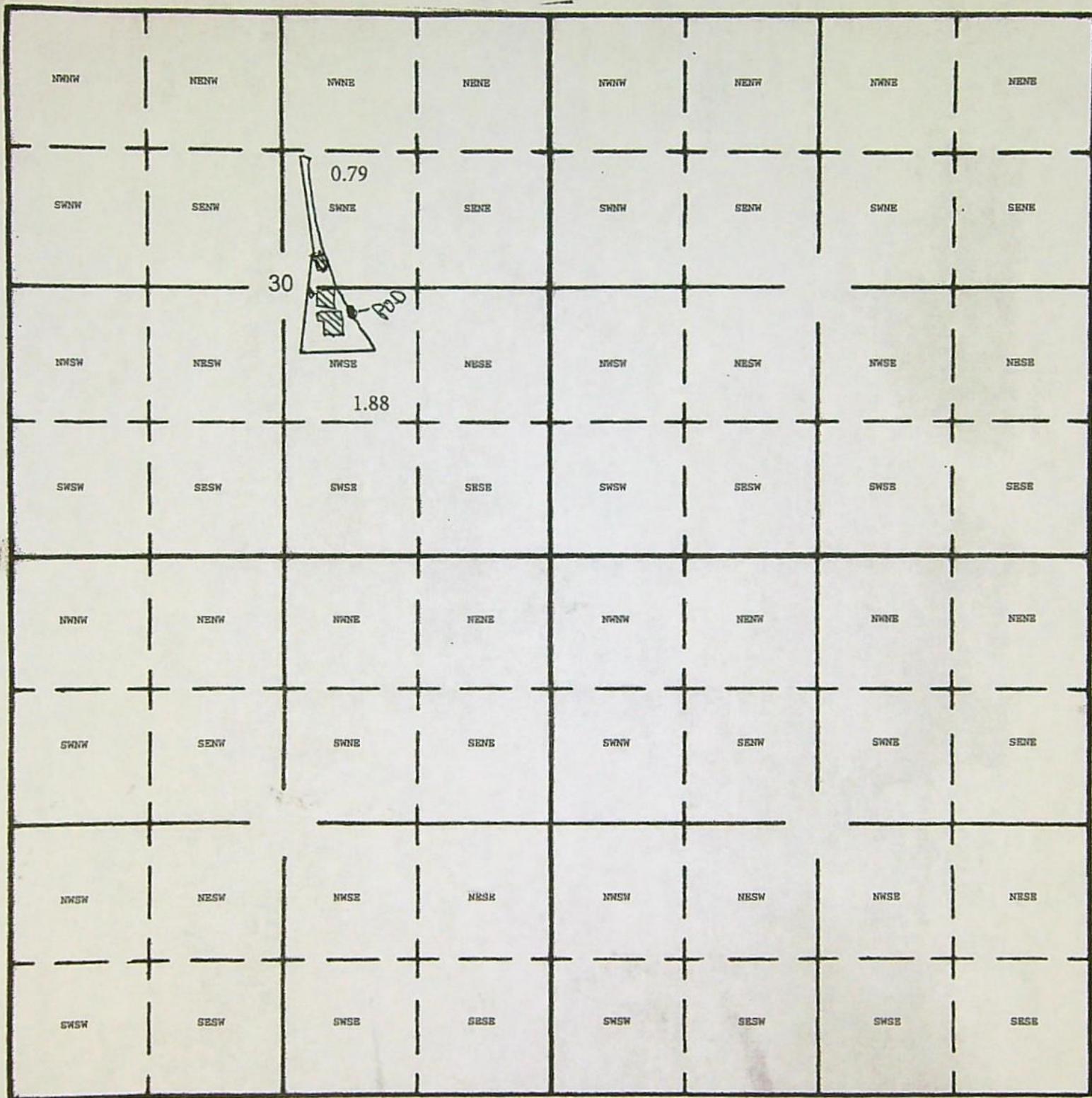
BEGINNING at a 3/4 inch iron pipe on the West line 13.422 chains South 25 deg. 43' West of the Northwest corner of Charles Allen Donation Land Claim No. 42, Township 10 South, Range 6 West of the Willamette Meridian, in Benton County, Oregon; and running thence South 77 deg. 50' West which is the Westerly extension in a straight line of the North line of Carl L. Bush's land as described in Book 99, page 237, Deed Records, Benton County, Oregon, 26.573 chains to a 1 inch pipe which is 8.547 chains North 38 deg. 53' East of the Southwest corner of Section 20; thence South 1.381 chains to a 3/4 inch pipe which is 38.64 chains North of the North line of James Watson Donation Land Claim No. 40 at a point 4 chains North 89 deg. 44' West of the Southwest corner of said Charles Allen claim; thence East 22.615 chains to a 1 inch pipe at the West line of said Allen claim; thence North 25 deg. 43' East 7.747 chains to the PLACE OF BEGINNING.

SUBJECT TO a 15 feet wide (7 1/2 feet on each side of the waterline) easement for maintenance of a waterline and pond for use by Parcel 3; said pond is located approximately N 24 deg. 17' E and 2900 feet distant from said Southwest Corner of the Allen DLC No. 42, which was found and described in a survey recorded as number 9141 by the Benton County Surveyor; said water line flows from said pond approximately S 45 deg. E for 75 feet more or less to the west boundary of said Parcel 3. The easement is intended to follow the present waterline and maintenance shall not unreasonably hinder the use and enjoyment of the land by the owner of Parcel 4.

Tax Lot:

Township 10 South, Range 6 West, Section 30, Tax Lot 1200

Temporary Transfer
Place of Use



POD: 230' South and 750' East from Center of Section 30

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New Water Right
Place of Use

AUG 26 2021

1" = 1320'

Tax Lot:

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Township 10 South, Range 6 West, Section 30, Tax Lot 1200



POD: 230' South and 750' East from Center of Section 30

[Handwritten Signature] 6-10-21



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 5, 2021

NEXT GENERATION NURSERIES
ATTN: KAREN OSOVSKY & ZACH KRICK
38145 ALEXANDER ROAD
PHILOMATH, OR 97370

Reference: Application T-13767

On July 15, 2021, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$816.14. Our receipt number 135842 is enclosed.

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

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Benton County Planning

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135842**

INVOICE # _____

RECEIVED FROM: Next Generation Nursery

BY: _____

CASH: CHECK: # _____

Money Order
 OTHER: (IDENTIFY) _____

19-278230169

APPLICATION	
PERMIT	
TRANSFER	<u>1-13767</u>
TOTAL REC'D	\$ <u>816.14</u>

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$
0243	I/S Lease _____	
0244	Muni Water Mgmt. Plan _____	
0245	Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>816.14</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
_____	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY) _____	\$

46110

EXAM FEE	
\$	0202
\$	0204
\$ <u>816.14</u>	
EXAM FEE	
\$	0219
\$	0220

RECORD FEE	
\$	
\$	
LICENSE FEE	
\$	
\$	

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	
_____	OTHER (IDENTIFY) _____			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____	TITLE _____	RECEIVED OVER THE COUNTER	
OBJ. CODE _____	VENDOR # _____		
DESCRIPTION _____			

RECEIPT: **135842**

DATED: 7-15-2021 BY: Mindy Carlson

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 32411**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2021 End Year: 2025.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/or is insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	
Other/Explanation _____	
Staff: _____ 503-986-0_____	Date: ____/____/____

13767

Part 2 of 5 – Temporary Transfer Application Map Checklist

Your temporary transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Next Generation Nurseries Attn: Karen Osovsky & Zach Krick		PHONE NO. 541-929-7469	ADDITIONAL CONTACT NO.
ADDRESS 38145 Alexander RD			FAX NO.
CITY Philomath	STATE OR	ZIP 97370	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

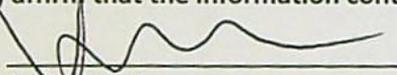
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
 Temporary move water right to another property for irrigation

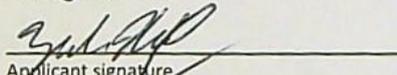
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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


 Applicant signature

Karen Osovsky
 Print Name (and Title if applicable)

6-10-21
 Date


 Applicant signature

Zach Krick
 Print Name (and Title if applicable)

6-10-21
 Date

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 OWRD

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

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

Steve Bush 23251 Hoskins RD Philomath OR 97370

Phone 541 424 4316


 BPO

Date 6-22-21

13767

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

DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Benton County	ADDRESS 4077 SW Research Way	
CITY Corvallis	STATE OR	ZIP 97333

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # 32411

Description of Water Delivery System

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

*Pump, Sprinkler
5 HP*

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		10 S	6 W	29	SE	N W	40	
POD 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		10 S	6 W	30	N W	SE		230' S & 750' E from Center Section 30
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								

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

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

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

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

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

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

13767

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 32411

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.									
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																							
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901			
"	"	"	" " " "	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2 SW NW	500		5.0		POD #6	1901			
10	S	6	W 29 SE NW	300	42	2.27	IR	POD #1	1960	POU	10	S	6	W 30 NW SE	1200		1.88	IR	POD #2	1960			
10	S	6	W 29 SW NW	300		0.4	IR	POD #1	1960		10	S	6	W 30 SW NE	1200		0.79	IR	POD #2	1960			
						TOTAL ACRES	2.67							TOTAL ACRES	2.67								

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Additional remarks: _____

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For Place of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
NA										

13767

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of BENTON)

I, STEVE BUSH, in my capacity as LANDOWNER,
 mailing address 23251 HOSKINS RD PHILOMATH OR 97370
 telephone number (541)929-4316, 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 # 32411; **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)
32411	10	S	6	W	WM	29	SE	NW	42	

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)

SRB

13767

3. The water right was used for: (e.g., crops, pasture, etc.): PASTURE GARDEN
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant *[Handwritten Signature]*

6-22-21
Date

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JUL 15 2021
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Signed and sworn to (or affirmed) before me this 22nd day of June, 2021.



[Handwritten Signature]
Notary Public for Oregon

My Commission Expires: 10/07/2024

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 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

13767

Application for Water Right Transfer Consent by Deeded Landowner



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

State of Oregon)
County of Benton)ss
)

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I Steve Bush in my/our capacity as land owner,
mailing address 23251 Hoskins RD Philomath OR 97370,
telephone number 541-929-4316, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 32411
described in a Transfer Application (T-) submitted by Zachary Krick,
(transfer number, if known)
on the property in tax lot number(s) 300, Section 29, Township 10
South, Range 6 West, W.M., located at 29.
(site address)

[Signature]
Signature of Affiant

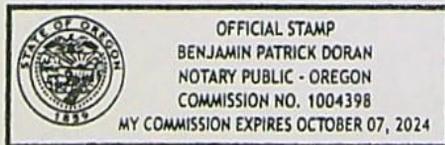
6-22-21
Date

[Signature]
Signature of Affiant

6-22-21
Date

Zach Krick

Subscribed and Sworn to before me this 22nd day of June, 2021.



[Signature]
Notary Public for Oregon

My commission expires 10/07/2024

STATE OF OREGON
COUNTY OF BENTON
CERTIFICATE OF WATER RIGHT

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This Is to Certify, That GRACEN L. BUSH

of Route 1, Box 76, Philomath, 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 Luckiamute River

a tributary of Willamette River for the purpose of irrigation of 13.6 acres

under Permit No. 26907 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 July 21, 1960

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 0.17 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Watson DLC 40, Section 29, T. 10 S., R. 6 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

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

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

0.4 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
both as projected within Allen DLC 42
5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
4.8 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
both as projected within Watson DLC 40
Section 29
T. 10 S., R. 6 W., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. September 27, 1965

SRD

CHRIS L. WHEELER

State Engineer

Steve Bush Water Right
Benton County Taxlot: 106290000300

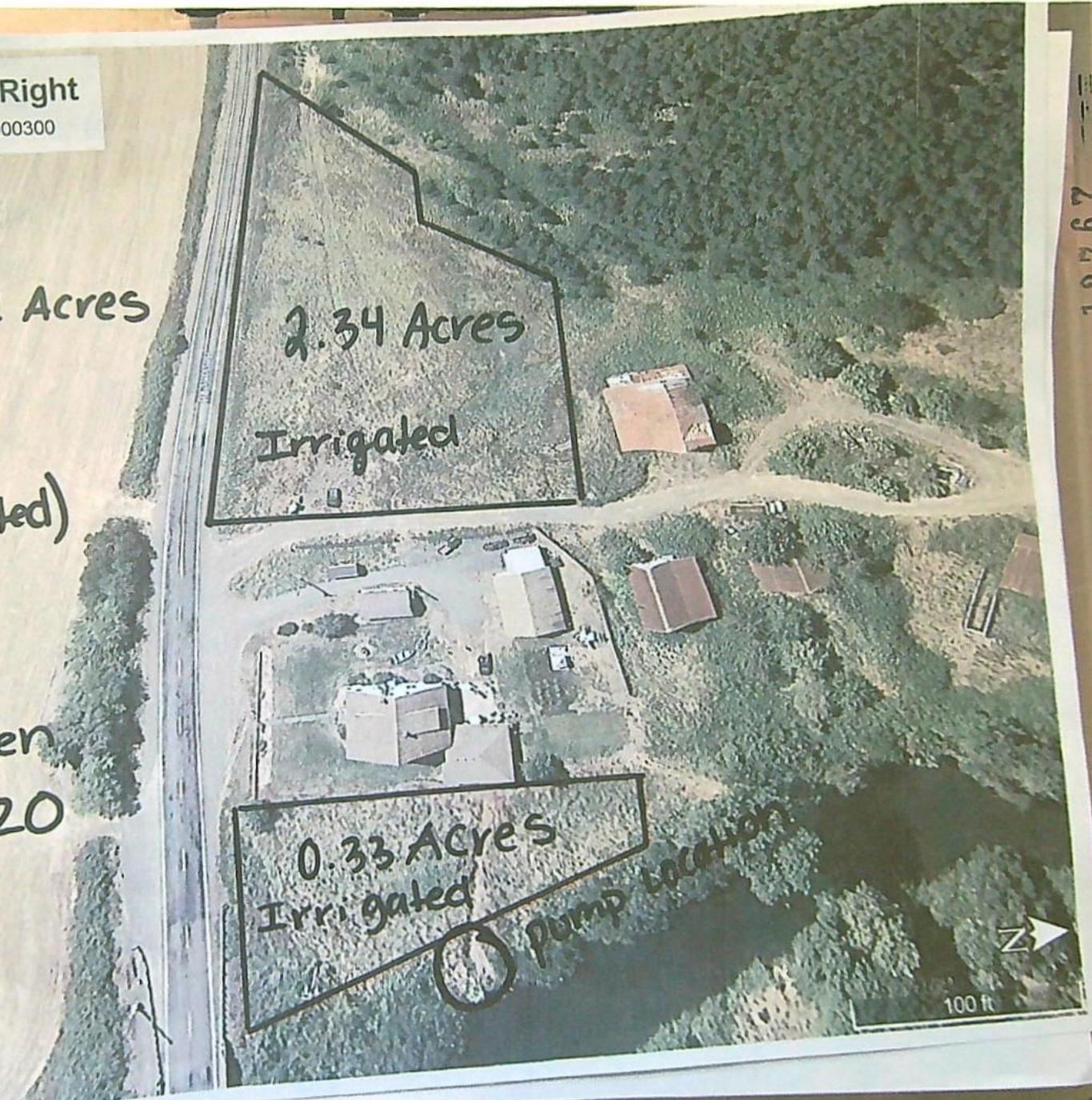
2.34 Acres
0.33 Acres
Total: 2.67 Acres

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(Not irrigated)

Photo Taken
08/12/2020

Google Earth
© 2021 Google

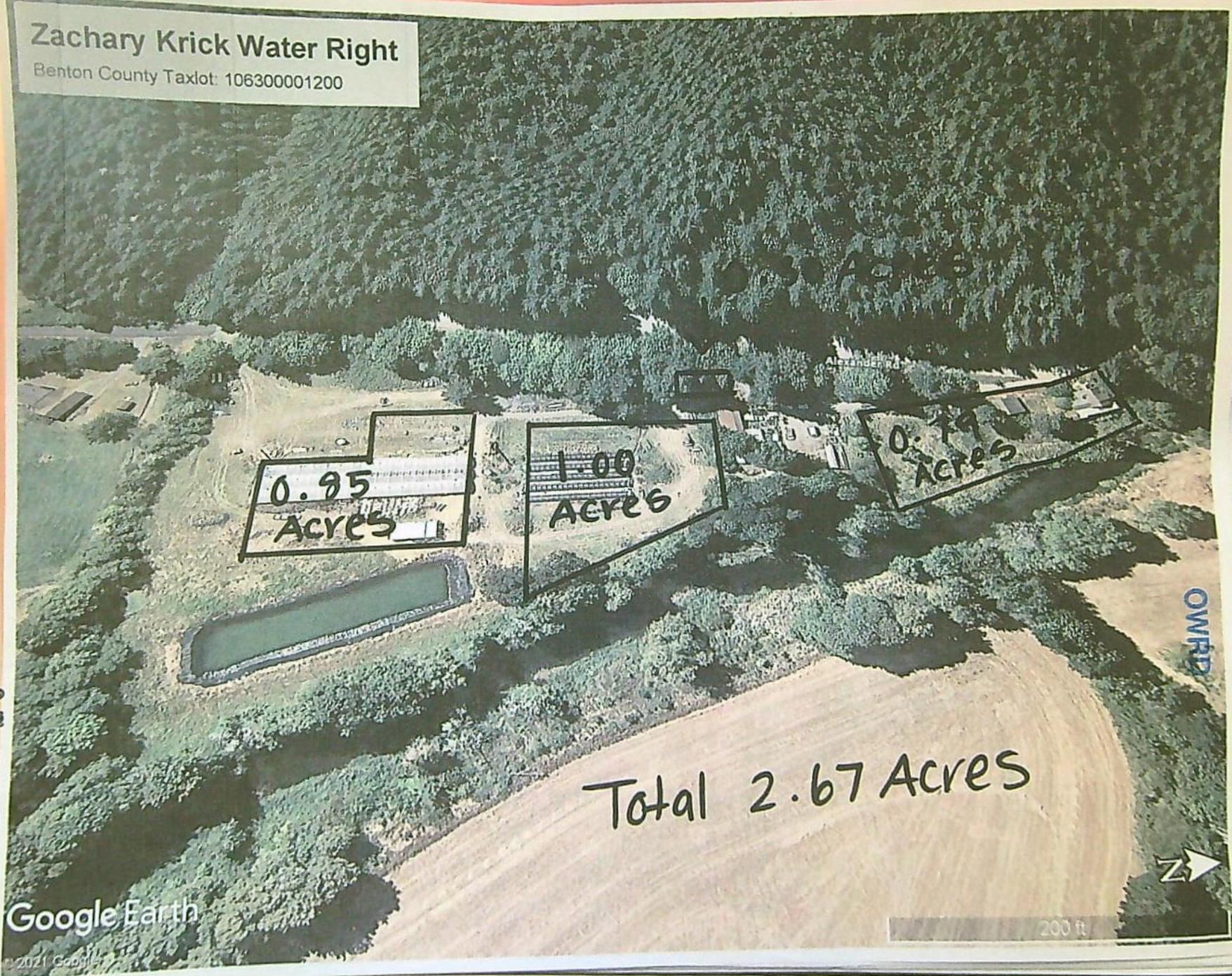


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Handwritten signature

6-22

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690-502-0100

Coast Range Subbasin

(2) Luckiamute River Drainage:

(a) The Luckiamute River main stem is classified for domestic, livestock, irrigation, municipal, agricultural, commercial, industrial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from **October 1 through July 31**, and for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only from August 1 through September 30;

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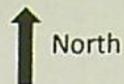
1" = 1320'

Tax Lot:

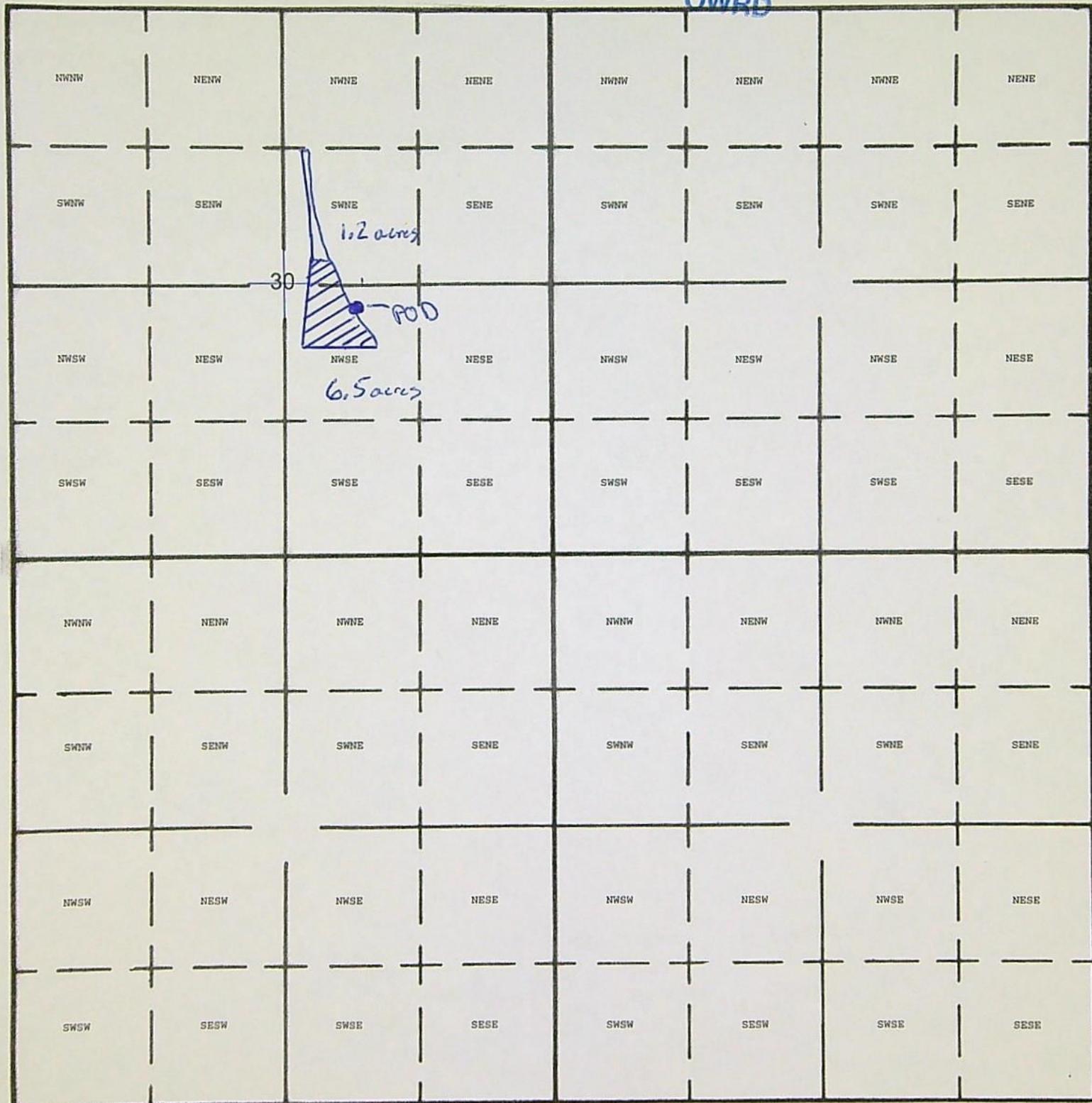
Township 10 South, Range 6 West, Section 30, Tax Lot 1200

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East

South

POD: 230' South and 750' East from Center of Section 30

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6-10-21

To Lands total 2.67 acres

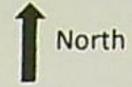
1" = 1320'

Tax Lot:

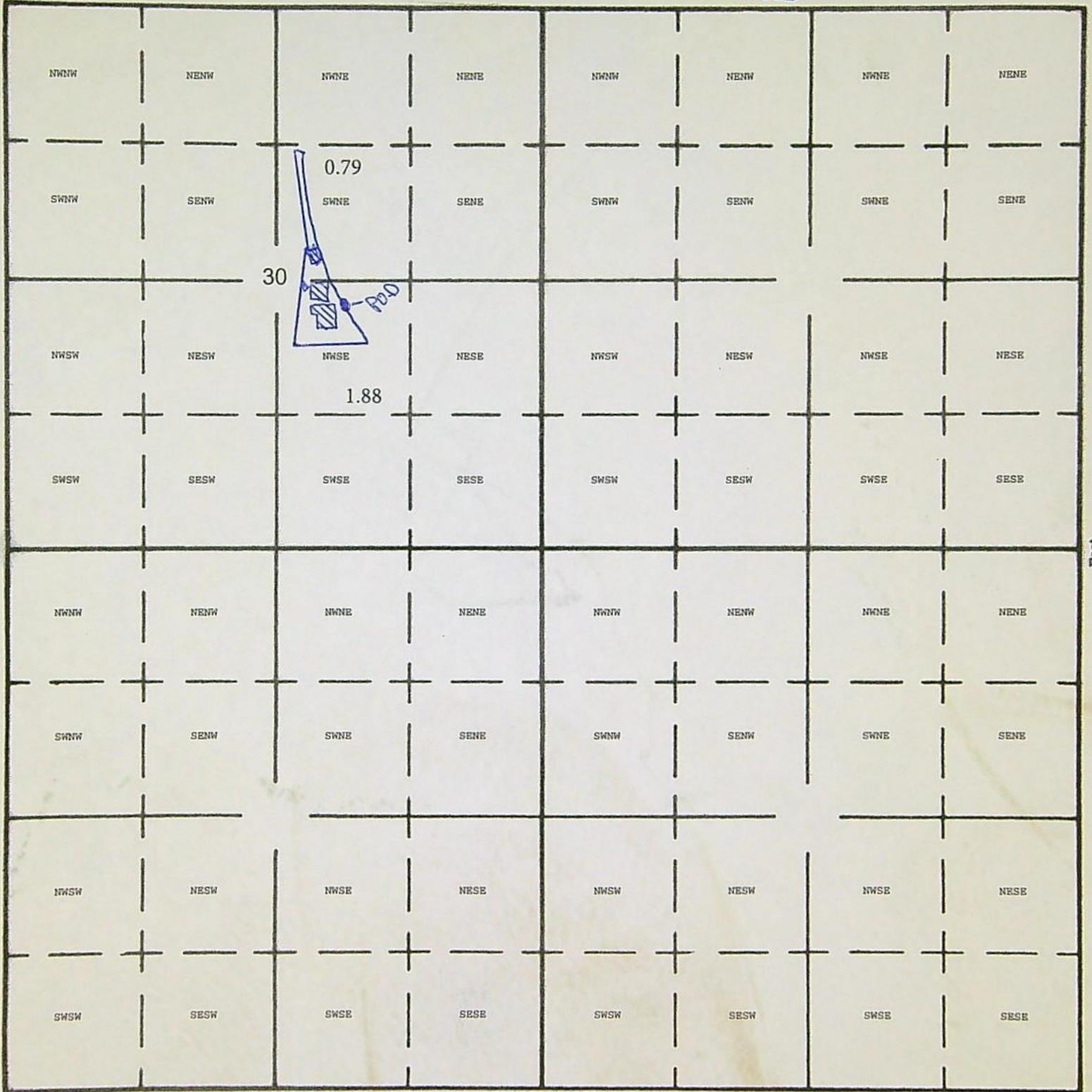
Township 10 South, Range 6 West, Section 30, Tax Lot 1200

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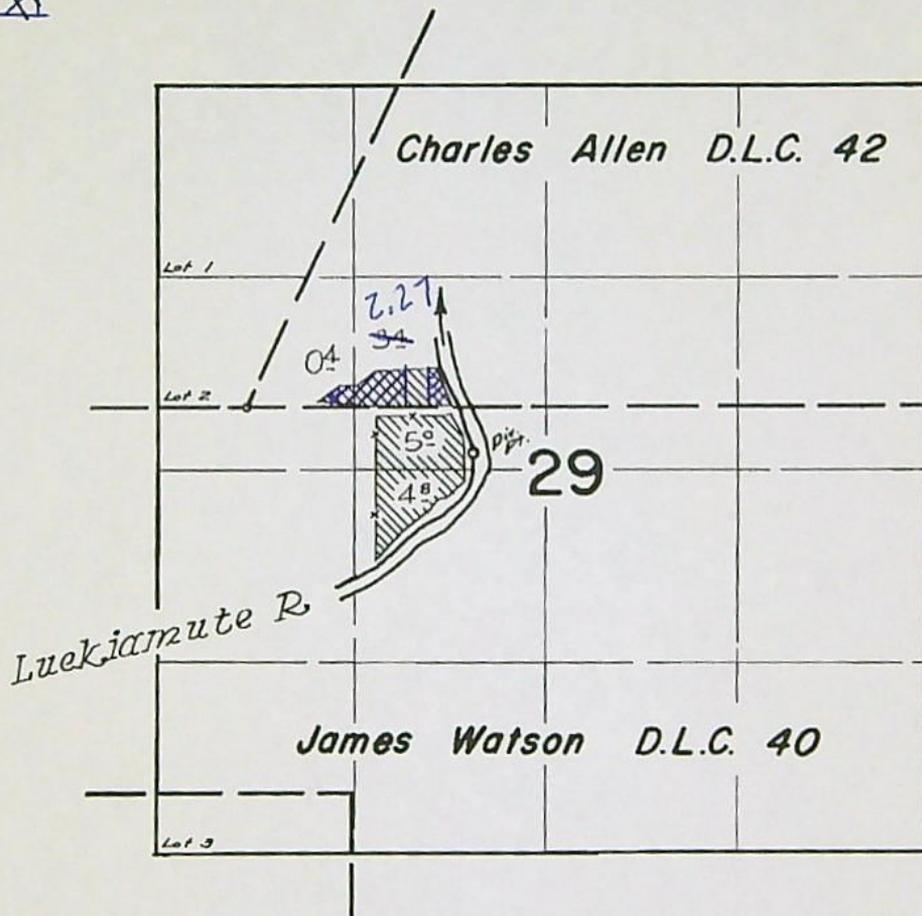
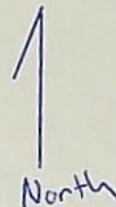
South

POD: 230' South and 750' East from Center of Section 30

John [Signature] 13767

T.10S.R.6 W.W.M.

1" = 1320'



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FINAL PROOF SURVEY
UNDER

13767

Application No. 34148 Permit No. 26907
IN NAME OF

GRACEN L. BUSH

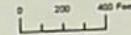
Surveyed April 26 1963, by C. Baker

6/10/21

SECTION 30 T.10S. R.6W. W.M.

BENTON COUNTY

1" = 400'



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SEE MAP 10620

SEE MAP 10629

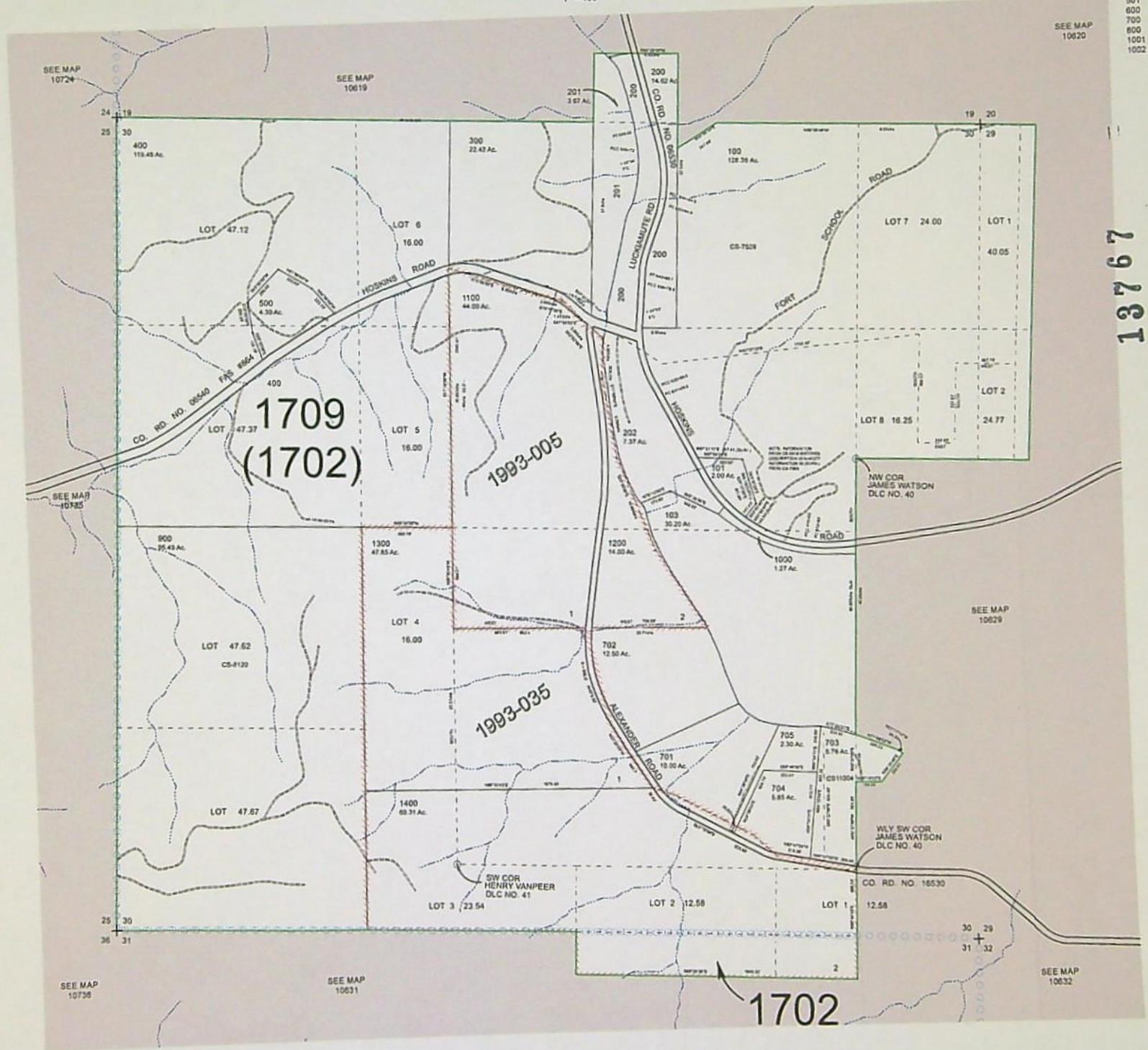
SEE MAP 10632

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SEE MAP 10724

SEE MAP 10619

SEE MAP 10735

SEE MAP 10738

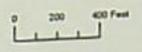
SEE MAP 10631

1702

SECTION 29 T.10S. R.6W. W.M.

BENTON COUNTY

1" = 400'

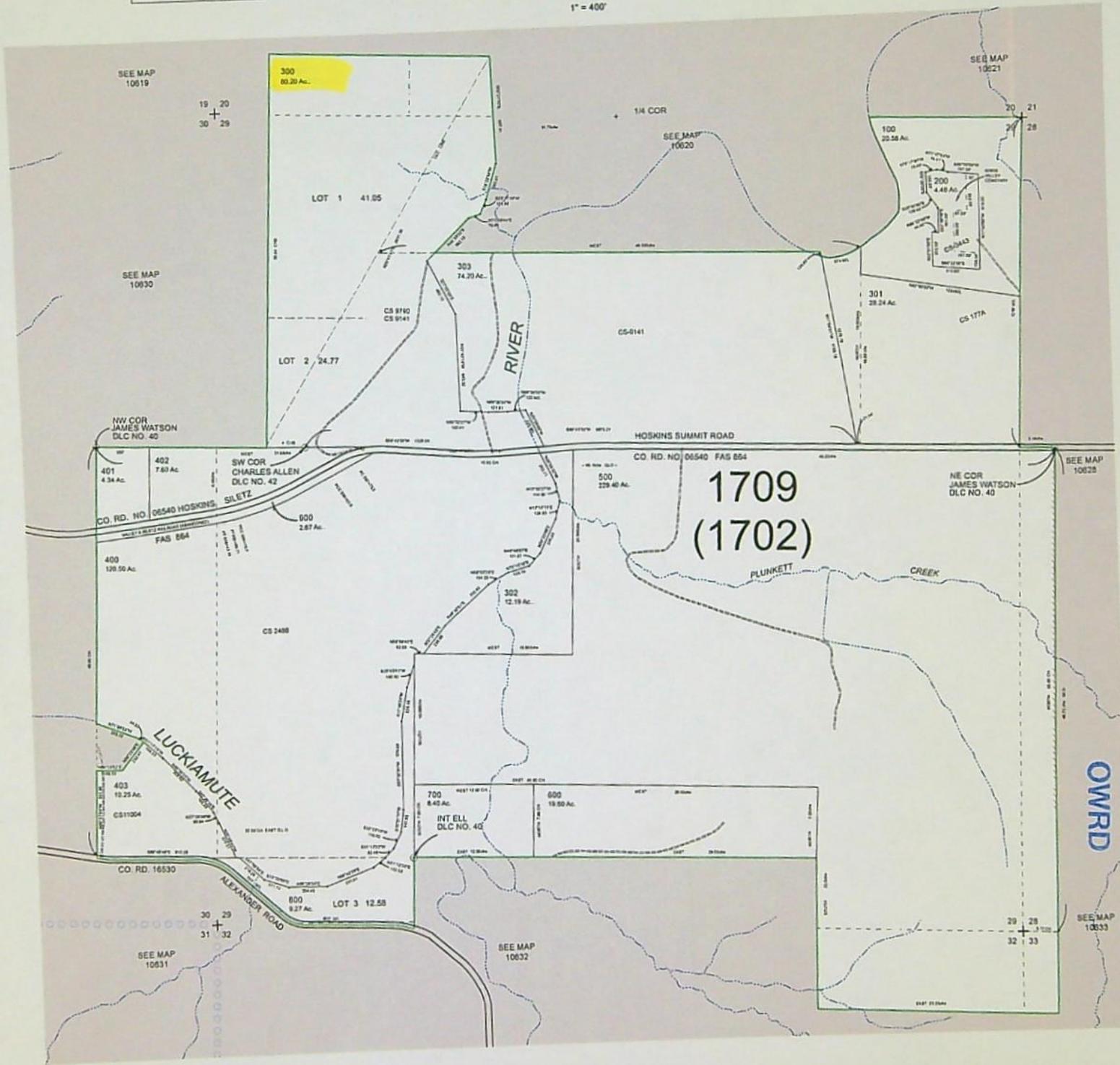


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

10 6 29

7/29/2020

Cancelled Nos
901
304
495



1709
(1702)

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10 6 29

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Land Use Information Form



Oregon Water
Resources
Department

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,

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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.

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Land Use Information Form



Oregon Water Resources

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Applicant(s): Next Generation Nurseries

Mailing Address: 38145 Alexander RD

City: Philomath

State: OR

Zip Code: 97370

Daytime Phone: 541-929-7469

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>10 S</u>	<u>6 W</u>	<u>30</u>	<u>nwse</u>	<u>1200</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Benton County

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) Luckiamute River

Estimated quantity of water needed: 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:

Transfer water rights to propety for irrigation use

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. →

13767

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

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: Inga Williams Title: Associate Planner
 Signature: [Signature] Phone: 541-766-6027 Date: 7/14/21
 Government Entity: Benton County Comm. Dev. 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: _____

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Next Generation Nursery

38145 Alexander Rd. Philomath, OR 97370

Transaction Type: Transfer

Fees Received: \$ 816.14

Cash Check: Check No. 19-278230169

Name(s) on Check: M. O.

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: P. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt-Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



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JUL 15 2021.

OWRD

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- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

Regular Temporary Water Right Transfer Application Checklist

Checked by Aela

Date 7/15/21

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

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

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

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

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