

T-13682

T-13682

Regular

LOTS OF PLANTS

Name Stratford Landscape Supply of Winston Salem Inc. (renamed)Address 23166 S. Stratford Rd.
Winston Salem, NC 27103
jlandscaping@live.comChange in POA
Date Filed 4-21-2021
Initial notice date 5-4-2021
DPD issued date 10-11-2021 Revised 2-14-2022
PD issued date 5/2/2022
PD notice date 5/3/2022
Date of FO _____ Vol _____ Page _____C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____Assignments: _____

Irrigation District _____

Agent Will Mcbill - willmcgill.surveying@gmail.comCWRE _____
CC's list Clackamas County

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellsTrib. of Tickle Creek Basin; Deep Creek BasinUse Nursery UsesCounty Clackamas

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G-11318 Per # G-10481 Cert # 63588 PR Date 12/24/1989App# G-14572 Per # G-13402 Cert # 95125 PR Date 7/9/1997App# G-14573 Per # G-13403 Cert # 95126 PR Date 7/9/1997 Date _____

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

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

FEES PAID

Date	Amount	Receipt #
<u>4-21-2021</u>	<u>\$2,610.00</u>	<u>135039</u>
<u>4-21-2021</u>	<u>\$125.00</u>	<u>135034</u>
<u>5-16-2021</u>	<u>\$1,009.74</u>	<u>1351160</u>
<u>9-13-2022</u>	<u>105.32</u>	<u>137909</u>
<u>6-21-2022</u>	<u>\$950.00</u>	<u>138441</u>

FEES REFUNDED

Amount	Receipt #

☐ - Oversized map - Location

June 17, 2022

VIA HAND DELIVERY

Water Rights Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

ORIGINAL

Re: ***Protest of ORSAFA, LLC of T-13682; Request for Contested Case Hearing***
Our File No. 55869-79896

Greetings:

Enclosed are the following:

1. Protest of ORSAFA, LLC of T-13682; Request for Contested Case Hearing; and
2. Filing fee check in the amount of \$950.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC



Steven L. Shropshire
Admitted in Oregon and Washington

Enclosures

cc: Applicant with encs. (via email and U.S. Mail)

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STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 138441

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECEIVED FROM: Jordan Ramis PC
BY: Office Account

APPLICATION
PERMIT
TRANSFER T-13682

CASH: ☐ CHECK: # 118136 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 950.00

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 EXAM FEE \$ 0202 \$
0203 GROUND WATER EXAM FEE \$ 0204 \$
0205 TRANSFER EXAM FEE \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 \$
LANDOWNER'S PERMIT 0220 \$

0223 OTHER (IDENTIFY) Protest-non-applicant \$ 950.00

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 (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 138441

DATED: 6/17/22 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 138441

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SALEM, OR 97301-4172
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Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT
TRANSFER AND CONSERVATION SECTION

Before the Director of the Water Resources Department

In the Matter of	)	PROTEST OF ORSAFA, LLC; REQUEST
	)	FOR CONTESTED CASE HEARING
Transfer Application T-13682	)	
Submitted by Lots of Plants LLC, an Oregon	)	
limited liability company,	)	
Clackamas County	)	Filing Fee \$950 [ORS 536.050(j)(A)]

On May 2, 2022, the Oregon Water Resources Department ("Department") issued a Preliminary Determination for Transfer Application T-13682 ("Transfer Application") initially filed by Applicant Lots of Plants, LLC ("Applicant") on April 21, 2021, and amended on October 18, 2021. The Preliminary Determination proposes to approve a change to add two additional points of appropriation to three different certificates—63588, 95125, and 95126 (collectively, the "Certificates"). The Preliminary Determination is attached as **Exhibit A**. Pursuant to ORS 540.520, OAR 690-002-0030, and OAR 690-380-4030, ORSAFA, LLC ("Protestant") protests the Preliminary Determination and requests a contested case hearing.

1. Protestant's Name, Address, and Telephone Number

The Protestant's contact information is as follows:

ORSAFA, LLC
c/o Marcus Fullard-Leo
P.O. Box 577
Boring, OR 97009

Orders, notices, and other correspondence concerning this matter should be sent to legal counsel representing Protestant in this matter as follows:

Steven L. Shropshire
Jordan Ramis PC
2 Centerpointe Dr., Suite 600
Lake Oswego, OR 97035
steve.shropshire@jordanramis.com
(503) 598-5583

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2. Other Necessary Parties

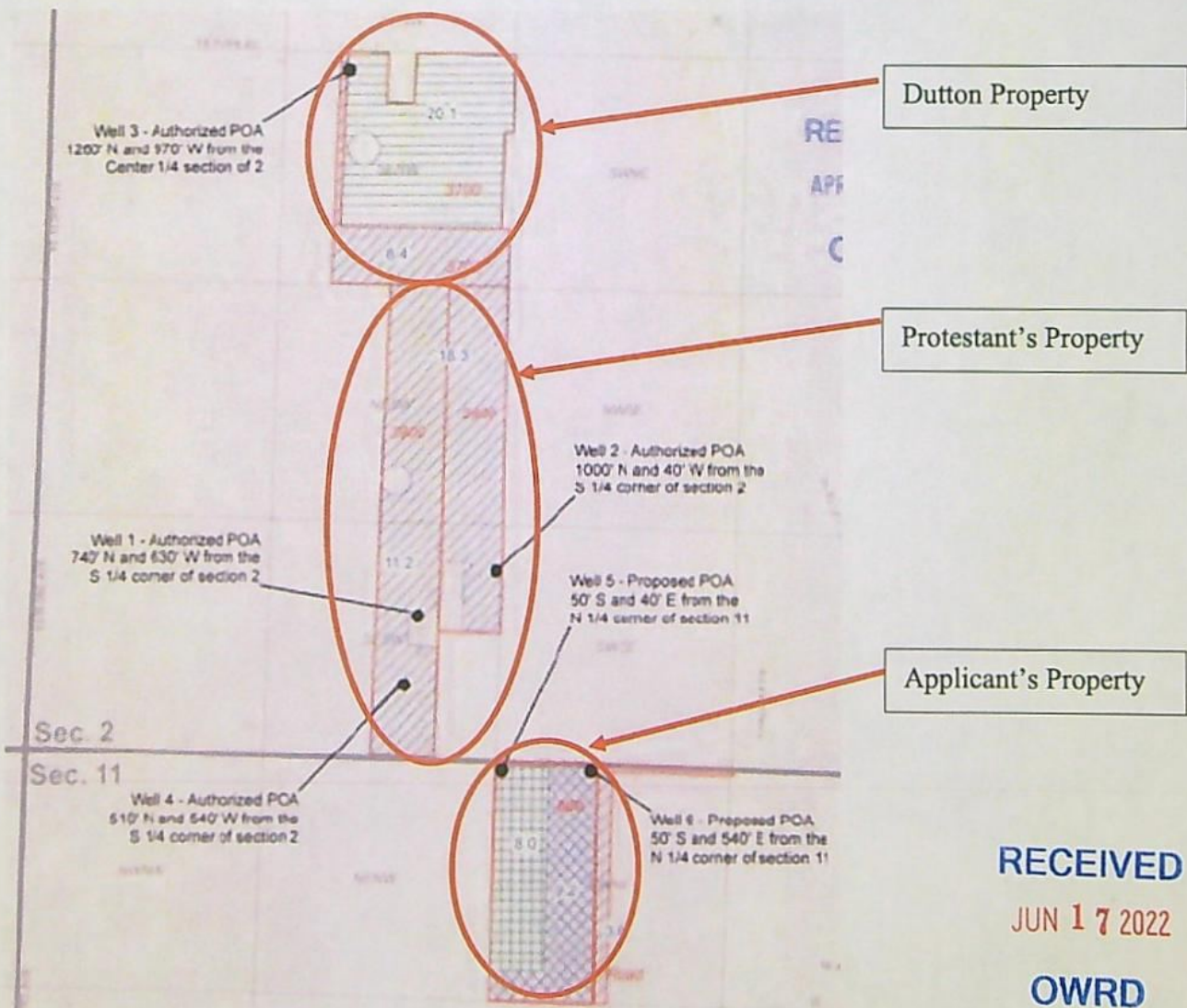
Applicant is a necessary party. The Applicant's contact information appears in the Transfer Application.

3. Protest Deadline

This Protest is filed in a timely fashion. On May 18, 2022, the Department published the second of two newspaper notices of the Preliminary Determination for the Transfer Application. The 30-day protest period expires on June 17, 2022.

4. Protestant's Interest in the Preliminary Determination

The Protestant has a direct and immediate interest in the Preliminary Determination. The Transfer Application requests approval of two additional points of appropriation ("POA") for the Certificates that are appurtenant to property located in Sections 2 and 11, T.2S., R.4E., W.M. Clackamas County, Oregon. The ownership of the place of use ("POU") for the Certificates has recently been conveyed separately to Mike Dutton (Tax Lots 3700 and 3703), Protestant (Tax Lots 3800 and 3900) ("Protestant's Property"), and Applicant (Tax Lot 600) ("Applicant's Property"). The location of the tax lots, together with the existing and proposed wells is depicted on the Transfer Application map excerpt below.



Protestant's Property contains two of the three existing POAs that are the subject of the transfer application (Wells 1 and 2).¹ Well 3 is located farther north on Mr. Dutton's property. Applicant's Property does not have an authorized POA. The Transfer Application proposes to add two new wells on Applicant's Property (Wells 5 and 6). Unfortunately, Applicant has chosen to locate both proposed wells on the northern boundary of Tax Lot 600, one of which (Well 5) is located at the closest possible point to Protestant's Property.

Applicant, Mr. Dutton, and Protestant have an ownership interest in the properties to which the Certificates are appurtenant. Those relative interests are illustrated below.

Certificate 63588

Certificate 63588 authorizes the use of 1.62 cfs from Wells 1, 2, 3 and 4 for nursery operations use on 50.7 acres. The POU is listed in Certificate 63588 as follows:

Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2 S	4 E	WM	2	SE NW	8.4	Dutton
2 S	4 E	WM	2	NE SW	18.3	Protestant
2 S	4 E	WM	2	SE SW	11.2	Protestant
2 S	4 E	WM	11	NW NE	12.8	Applicant

The Transfer Application proposes to move 0.29 cfs from Wells 1, 2, and 3 to Well 5 and 0.073 cfs to Well 6 on the Applicant's Property.

Certificate 95125:

Certificate 95125 authorizes the use of 0.10 cfs from Wells 3 and 4 for irrigation and agriculture use for nursery operations on 28.1 acres. The POU for irrigation is listed as follows:

IRRIGATION						
Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2S	4E	WM	2	SE NW	20.1	Dutton
2S	4E	WM	11	NW NE	8.0	Applicant

The Transfer Application proposes to move 0.014 cfs from Well 3 to proposed Wells 5 and 6 on the Applicant's Property.

¹ Well 4 was removed from the transfer in the amended transfer application.

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Certificate 95126:**OWRD**

Certificate 95126 authorizes the use of 0.10 cfs from Wells 1 and 2, located on Protestant's Property for irrigation and agriculture use for nursery operations on 28.1 acres. The POU for irrigation is listed as follows:

IRRIGATION						
Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2S	4E	WM	2	SE NW	20.1	Dutton
2S	4E	WM	11	NW NE	8.0	Applicant

The Transfer Application proposes to move 0.028 cfs from Wells 1 and 2 to proposed Wells 5 and 6 on the Applicant's Property.

Given the proximity of proposed Wells 5 and 6 to existing Wells 1 and 2, the use of the proposed rates at the new POAs is likely to result in substantial interference with Protestant's wells, resulting in injury to Protestant's water rights.

5. Legal Authority and Basis for Claim

A request for a change to a POA is primarily governed by ORS 540.520 and OAR Chapter 690, Division 380. ORS 540.520 outlines the processes under which a water right holder can submit a request to transfer the point of diversion [or appropriation], place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 outlines the Department's specific procedures and evaluation criteria for transfer applications.

OAR 690-380-4010 governs the issuance of preliminary determinations. OAR 690-380-4010(2) provides as follows:

- (2) The Department's preliminary determination shall include an assessment of whether:
 - (a) The right has been used over the past five years according to the terms and conditions of the right and that the right is not subject to forfeiture under ORS 540.610;
 - (b) The water user is ready, willing, and able to use the full amount of water allowed under the right;
 - (c) The proposed transfer would result in enlargement;
 - (d) The proposed transfer would result in injury; and
 - (e) Any other requirements for water right transfers are met.

OAR 690-380-5000 governs transfer approvals. OAR 690-380-5000(1) provides as follows:

- (1) A transfer application shall be approved if the Department determines that:
 - (a) The water right affected by the proposed transfer is a water use subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14) and, for a right

described under 690-380-0100(14)(d), the proof of completion has been approved under 690-380-6040;

- (b) The portion of the water right to be transferred is not cancelled pursuant to ORS 540.610;
- (c) The proposed transfer would not result in enlargement as defined in OAR 690-380-0100(2);
- (d) Except as provided in OAR 690-380-5030, the proposed transfer would not result in injury as defined in 690-380-0100(3); and
- (e) Any other requirements for water right transfers are met.

OAR 690-380-0100(2) defines enlargement as “an expansion of a water right” and includes, but is not limited to:

- (a) Using a greater rate or duty of water per acre than currently allowed under a right;
- (b) Increasing the acreage irrigated under a right;
- (c) Failing to keep the original place of use from receiving water from the same source; or
- (d) Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.

OAR 690-380-0100(3) defines injury as a situation where “a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.”

Finally, OAR 690-380-3050(1)(a) requires the Department to require the applicant to provide supplemental information if the proposed transfer involves rights for lands under more than one ownership and not all the owners are applicants. OAR 690-380-3050(2) requires supplemental information to be provided by the applicant, which shall include:

- (a) A list of the name and address of each landowner whose lands the Department concludes may be included in the portion of the water right proposed for transfer and written proof of service of a copy of the application on those landowners and a map delineating the location, acreage, priority dates, and ownership of the subject water right; and
- (b) Other information sufficient to establish that no portion of the right to be transferred is held by persons other than those proposing the transfer and, for rights with multiple priority dates, the priority dates for the right to be transferred are consistent with the decree or other document establishing the right.

6. Argument

The Department has a legal obligation to ensure that all transfer application requirements are met. This is particularly important when a transfer application involves the transfer of a jointly held water right and not all of the landowners are applicants. In this case, the Department failed to require the applicant to provide the supplemental information required by OAR 690-380-3050(2).

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With regard to the substance of the transfer analysis, the Department may not approve a transfer application if the transfer would result in enlargement or injury. In this case, the Department failed to conduct an adequate evaluation to determine whether the transfer would result in enlargement of the underlying water rights or whether it would result in injury to Protestant's water rights due to substantial interference with Protestant's wells.

A. The Department's failure to require Applicant to provide all required application information renders the application incomplete and the Preliminary Determination invalid.

The Transfer Application is incomplete because necessary information concerning Protestant's interest in the subject certificates was not provided as required. The Applicant checked the "N/A" box in the application for "Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on)."

While the Applicant owns a portion of the POU for the Certificates, it does not own all the land to which those water rights are appurtenant. The Department must require the Applicant to provide supplemental information if the proposed transfer involves rights for lands under more than one ownership and not all the owners are applicants. OAR 690-380-3050(1)(a). The proposed transfer involves water rights that are appurtenant to properties owned by Protestant and Mr. Dutton, who are not applicants. Therefore supplemental information is required to be provided, including:

- (a) A list of the name and address of each landowner whose lands the Department concludes may be included in the portion of the water right proposed for transfer and written proof of service of a copy of the application on those landowners and a map delineating the location, acreage, priority dates, and ownership of the subject water right; and
- (b) Other information sufficient to establish that no portion of the right to be transferred is held by persons other than those proposing the transfer and, for rights with multiple priority dates, the priority dates for the right to be transferred are consistent with the decree or other document establishing the right.

None of these requirements were met, and therefore the transfer application must be considered incomplete.

The purpose of the notice provision is to ensure that other landowners who share the same certificated water right are given adequate notice and are afforded a full opportunity to participate in the administrative process. In this case, the Transfer Application proposes to move a portion of the authorized rate from the existing POAs to two new POAs, both of which are located on the northern boundary of Tax Lot 600, and one of which is located at the closest possible point to Protestant's Property (see Transfer Application map excerpt above). These changes have the potential to result in injury to Protestant's water rights. They also have the potential to result in enlargement of the existing water rights. For these reasons, the Department

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improperly accepted the incomplete Transfer Application, and the Preliminary Determination is invalid.

B. The Department's injury analysis is inadequate because it did not consider the injury to Protestant's water rights.

In proposing to approve the Transfer Application, the Department did not properly evaluate the potential for the transfer to result in injury to the Protestant's water rights. This is a legal deficiency in the transfer evaluation process, which renders the Preliminary Determination invalid as a matter of law.

First, the Department's injury analysis was only performed on wells located within a distance of 350 feet from the proposed "TO" wells, Wells 5 and 6. This arbitrary restriction on the scope of the analysis had the effect of excluding the existing Wells 1, 2, and 3 from the injury analysis because they are located outside the 350-foot radius (see table below).

	Distance to Well 1	Distance to Well 2	Distance to Well 3
Well 5	1,109 ft.	1,056 ft.	3,960 ft.
Well 6	1,426 ft.	1,214 ft.	4,171 ft.

Based on the Department's Theis (1935) analysis inputs, the Department appears to have calculated the substantial interference threshold at 44 feet of drawdown. However, of the six transmissivity and storativity value combinations the Department simulated in its drawdown analysis, four of these resulted in drawdowns of 44 feet or greater (44-75 feet) at a distance of 350 feet, suggesting the potential substantial interference threshold radius extends significantly beyond 350 feet. Therefore, the failure to extend the analysis beyond this limited radius has resulted in an incomplete injury analysis that failed to consider the potential interference on Protestant's wells. This problem is exacerbated by the second error.

The Department's second error is the result of using too generalized an approach for calculating available drawdown and what qualifies as substantial undue interference. It appears the groundwater review only analyzed interference effects on domestic exempt wells. This approach fails to account for differences in well construction between small domestic wells and the large irrigation wells on Protestant's Property. Each well has a different specific capacity, well bottom elevation, and static water level—and therefore a different substantial interference threshold. The analysis is also flawed because it modeled the pumping rate for the potentially impacted wells at only 17 gallons per minute (gpm). This is substantially (34 times) less than the authorized maximum post-transfer pumping rate for Wells 1 and 2 of 586 gpm (1.307 cfs) (in the event the transfer were to be approved).

These critical assumptions and limitations have resulted in an injury analysis that failed to assess the impacts the transfer would have on Protestant's existing wells. That omission renders the injury analysis incomplete, and the Preliminary Determination on which it is based is, therefore, invalid.

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C. The transfer could result in enlargement of the existing water rights, to Protestant's detriment.

Given the interconnected nature of water use at the authorized POU's for these Certificates, there is a substantial risk that if the transfer were approved with the conditions as proposed, it could result in enlargement of the subject water rights. If such enlargement occurs as a result of Applicant's use of the new proposed wells on its property, it could negatively impact Protestant's ability to continue using its own portion of the subject water rights on Protestant's Property.

By way of example, the transfer proposes to move a portion of the rate from Wells 1 and 2 under Certificate 95126 that was historically used to irrigate acreage now contained exclusively on Mr. Dutton's property. Given the property conveyance that has separated ownership of the POU under Certificate 95126 from the only authorized POAs, water from Wells 1 and 2 is no longer legally available to use on those acres. Therefore, the proposed transfer of 0.028 cfs from those POAs would result in enlargement under OAR 690-380-0100(2)(d).

The Department's file contains very little information on the extent of the enlargement analysis. By way of example, the Watermaster Review Form does not contain any response to Question 11.c, which asks: if the transfer is approved, does it appear that enlargement of the water right being transferred will occur? Based on the lack of documented evaluation of the risk of enlargement from the proposed transfer, it appears the Department failed to perform the necessary evaluation under OAR 690-380-4010(2)(c). As such, the Preliminary Determination is invalid.

7. Protest Filing Requirements

Protestant has complied with the provisions of OAR 690-002-0030 and OAR 690-380-4030. The application at issue is not for a water right application and is not related to a hydroelectric project or to the cancellation of a perfected right. This Protest is in writing and signed by Protestant's attorney. The Protestant has enclosed the \$950 filing fee. This Protest also includes:

- 1) Facts sufficient to show that the Protestant is entitled to the relief or action requested;
- 2) The specific relief or action requested;
- 3) The name and address of the Protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- 4) Citation of legal authority or basis for the claim or relief asserted or requested.

In addition, pursuant to OAR 690-002-0030(2), Protestant has attached proof of service upon the Applicant (via Applicant's agent William McGill) (see **Exhibit B**). Pursuant to 690-380-4030(5), Protestant has raised all current known and reasonably ascertainable issues and submitted all reasonably available arguments supporting its position before the end of the protest period. Protestant reserves the right to raise additional arguments in

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support of its general allegations that the transfer will result in injury or enlargement, or otherwise modify its Protest as additional information becomes available.

8. Request for Withdrawal and Reversal of Preliminary Determination; Contested Case Hearing

For the reasons set forth above, Protestant requests that the Department (1) withdraw the Preliminary Determination and undertake a more complete evaluation of injury and enlargement; (2) issue a revised preliminary determination proposing to deny the Transfer Application; (3) issue a final order denying the Transfer Application; or (4) refer this matter to the Office of Administrative Hearings for a contested case hearing.

Respectfully submitted this 17th day of June 2022.



Steven L. Shropshire, OSB No. 944375
Jordan Ramis PC
Attorney for Protestant

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

OWRD

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13682, Clackamas County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOTS OF PLANTS, LLC
2366 S STRATFORD RD.
WINSTON SALEM, NC 27103

Findings of Fact

1. On April 21, 2021, LOTS OF PLANTS, LLC filed an application to change the points of appropriation under Certificates 63588, 95125, and 95126. The Department assigned the application number T-13682.
2. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 11, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 10, 2021, for the applicants to respond.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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4. On October 18, 2021, the agent for the applicant requested the completion date be extended to October 1, 2026, siting driller schedules and water system improvement times.
5. On October 18, 2021, as the transfer would result in injury as originally proposed, the agent for the applicant amended the application, removing a well (Well 4) and limiting rates for Certificates 63588, 95125, and 95126, thereby resolving injury issues.
6. On November 5, 2021, the Department's groundwater representative agreed that the amendments in the application would resolve the same source issues detailed in the technical review.
7. To avoid injury, the Department and agent agreed on rates for wells as follows (see Finding of Fact No. 5):

Certificate	Acres	To Well	Rate
63588	9.2 ACRES	WELL 5	0.29 CFS
63588	9.2 ACRES	WELL 6	0.073 CFS
95125	8.0 ACRES	WELL 5 OR WELL 6	0.014 CFS
95126	8.0 ACRES	WELL 5 OR 6	0.028 CFS

8. On February 14, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 16, 2022, for the applicant to respond.
9. On March 1, 2022, the agent for the applicant contacted the Department with the information that the applicant had changed the name of their business. The agent provided necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On March 2, 2022, the agent for the applicant amended the application to reflect the applicant business name change from STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC. to LOTS OF PLANTS, LLC.
11. The portion of the first right to be transferred is as follows:

Certificate: 63588 in the name of HARRY G. and FLORENCE CHATELAIN (perfected under Permit G-10481)

Use: NURSERY OPERATIONS on 12.8 ACRES

Priority Date: OCTOBER 31, 1984, FOR USE FROM WELL 3, AND DECEMBER 24, 1984, FOR USE FROM WELLS 1 AND 2

Rate: 0.363 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS (OAR 690-11-110 (14)) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of once

cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source: 3 WELLS IN THE TICKLE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - 1260 FEET NORTH AND 970 FEET WEST FROM THE C1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 1 - 740 FEET NORTH AND 630 FEET WEST FROM THE S1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - 1000 FEET NORTH AND 40 FEET WEST FROM THE S1/4 CORNER OF SECTION 2

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	9.2

12. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)		
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2	WELL 3
						0.21 mi.	0.20 mi.	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.	0.79 mi.

13. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	3.6	1, 2, AND 3
2 S	4 E	WM	11	NW NE	9.2	5 AND 6
TOTAL					12.8	

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14. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

NURSERY OPERATIONS							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	9.2	5 and 6	WELL 5 0.29 CFS
							WELL 6 0.073 CFS

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

Certificate: 95125 in the name of CHATELAINS NURSERY INC; JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13402)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS on 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.014 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELL 3 IN DEEP CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - SOUTH 76 DEGREES EAST, 370 FEET FROM THE NW1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	11	NW NE

16. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 (CLAC 5365) - 1260 FEET NORTH AND 970 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 2

17. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well in Miles (mi.)
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.79 mi.

18. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

19. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6 0.014 CFS

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

Certificate: 95126 in the name of CHATELAINS NURSERY INC., JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13403)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.028 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELLS 1 AND 2 IN DEEP CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 - NORTH 39 DEGREES WEST AND 930 FEET FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - SOUTH 7 DEGREES WEST AND 350 FEET FROM THE C-S 1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0
TOTAL					8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	2	SE NW
2 S	4 E	WM	11	NW NE

21. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 (CLAC 6664) - 740 FEET NORTH AND 630 FEET WEST FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - (CLAC 5383) - 1000 FEET NORTH AND 40 FEET WEST FROM THE S 1/4 CORNER OF SECTION 2

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22. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)	
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2
						0.21 mi.	0.20 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.

23. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

24. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6
							0.028 CFS

Transfer Review Criteria (OAR 690-380-4010)

25. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
26. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13682.
27. The proposed changes, as conditioned, would not result in enlargement of the rights.
28. The proposed changes, as conditioned, would not result in injury to other water rights.
29. All other application requirements are met.

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Determination and Proposed Action

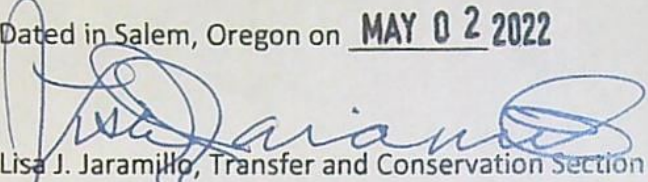
The change in points of appropriation proposed in Transfer Application T-13682 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13682 is approved, the final order will include the following:

1. *The change in points of appropriation proposed in Transfer Application T-13682 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 63588, 95125, 95126, and any related decree.*
3. *Water right Certificates 63588, 95125, and 95126 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *Under the right described by Certificate 63588, the quantity of water diverted shall not exceed 0.29 cfs for proposed Well 5 and 0.073 cfs for proposed Well 6 and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Under the right described by Certificate 95125, the combined quantity of water diverted at proposed wells 5 and 6 shall not exceed 0.014 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
6. *Under the right described by Certificate 95126, the combined quantity of water diverted at proposed wells 5 and 6, shall not exceed 0.028 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
7. *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 new point of appropriation.*
 - 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.*
8. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on MAY 02 2022


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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or tamera.l.smith@water.oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the Federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free number.

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EXHIBIT B

PROOF OF SERVICE

The undersigned hereby certifies that the Protest of T-13682 was served on the following parties via email and U.S. Mail at the addresses listed below:

<u>Applicant Lots of Plants, LLC</u>	<u>Oregon Water Resources Department</u>
William McGill Surveying, LLC 15333 Pletzer Rd., SE Turner, OR 97392 Phone: (503) 931-0210 Email: willmcgill.surveying@gmail.com	Water Rights Services Division Oregon Water Resources Department 725 Summer St NE, Ste A Salem, OR 97301-4096 Phone: (503) 871-1889 Email: lisa.j.jaramillo@state.or.us

DATED: June 17, 2022.

JORDAN RAMIS PC

By: 

Steven L. Shropshire, OSB No. 944375
2 Centerpointe Dr., Suite 600
Lake Oswego, OR 97035
(503) 598-5583
steve.shropshire@jordanramis.com
Of Attorneys for Protestant

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June 17, 2022

VIA HAND DELIVERY

Water Rights Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

COPY

Re: ***Protest of ORSAFA, LLC of T-13682; Request for Contested Case Hearing***
Our File No. 55869-79896

Greetings:

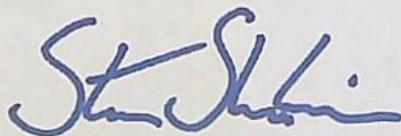
Enclosed are the following:

1. Protest of ORSAFA, LLC of T-13682; Request for Contested Case Hearing; and
2. Filing fee check in the amount of \$950.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC



Steven L. Shropshire
Admitted in Oregon and Washington

Enclosures

cc: Applicant with encs. (via email and U.S. Mail)

STATE OF OREGON
WATER RESOURCES DEPARTMENT
TRANSFER AND CONSERVATION SECTION

Before the Director of the Water Resources Department

In the Matter of	) PROTEST OF ORSAFA, LLC; REQUEST
	) FOR CONTESTED CASE HEARING
Transfer Application T-13682	)
Submitted by Lots of Plants LLC, an Oregon	)
limited liability company,	)
Clackamas County	) Filing Fee \$950 [ORS 536.050(j)(A)]

On May 2, 2022, the Oregon Water Resources Department ("Department") issued a Preliminary Determination for Transfer Application T-13682 ("Transfer Application") initially filed by Applicant Lots of Plants, LLC ("Applicant") on April 21, 2021, and amended on October 18, 2021. The Preliminary Determination proposes to approve a change to add two additional points of appropriation to three different certificates—63588, 95125, and 95126 (collectively, the "Certificates"). The Preliminary Determination is attached as **Exhibit A**. Pursuant to ORS 540.520, OAR 690-002-0030, and OAR 690-380-4030, ORSAFA, LLC ("Protestant") protests the Preliminary Determination and requests a contested case hearing.

1. Protestant's Name, Address, and Telephone Number

The Protestant's contact information is as follows:

ORSAFA, LLC
c/o Marcus Fullard-Leo
P.O. Box 577
Boring, OR 97009

Orders, notices, and other correspondence concerning this matter should be sent to legal counsel representing Protestant in this matter as follows:

Steven L. Shropshire
Jordan Ramis PC
2 Centerpointe Dr., Suite 600
Lake Oswego, OR 97035
steve.shropshire@jordanramis.com
(503) 598-5583

2. Other Necessary Parties

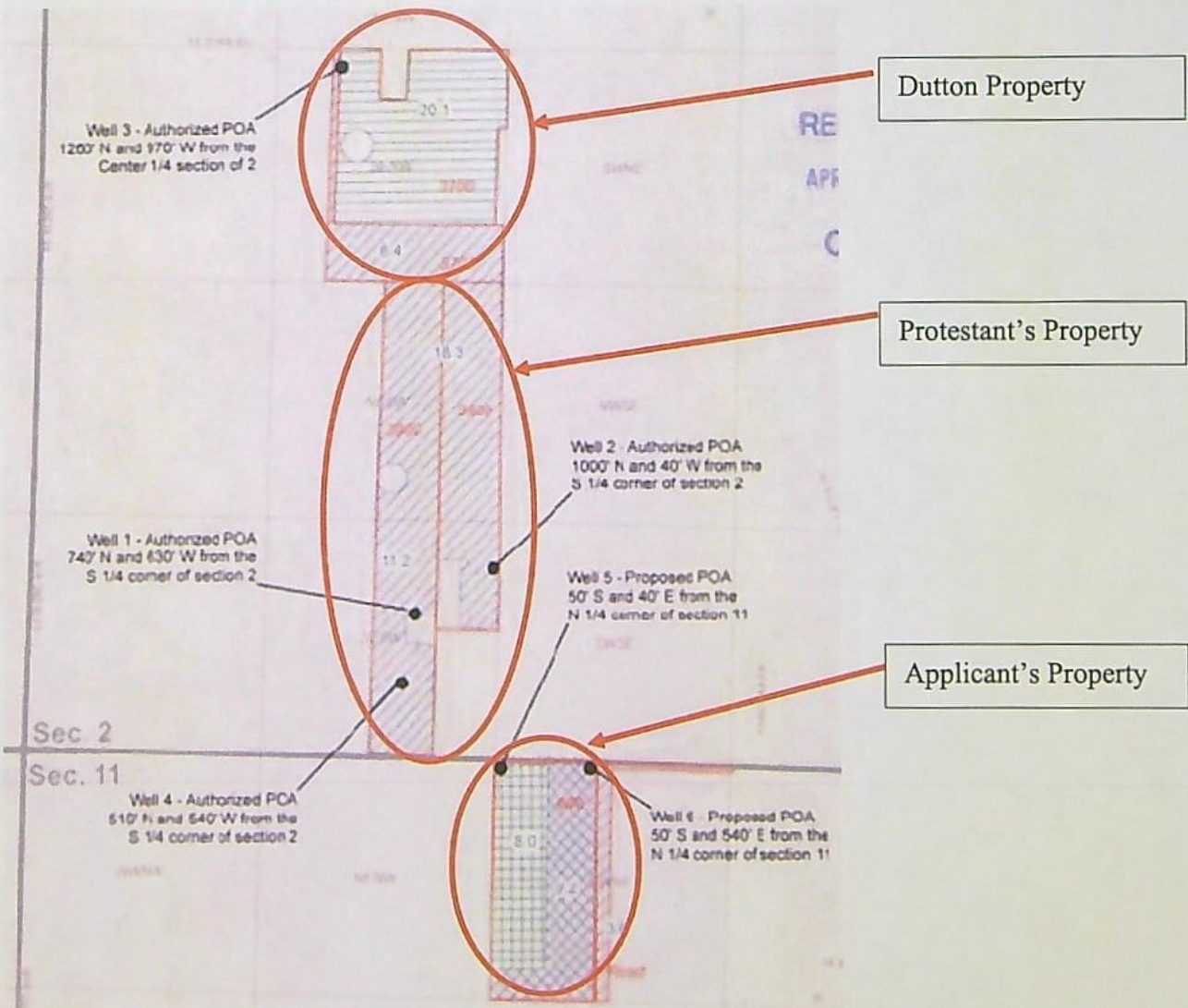
Applicant is a necessary party. The Applicant's contact information appears in the Transfer Application.

3. Protest Deadline

This Protest is filed in a timely fashion. On May 18, 2022, the Department published the second of two newspaper notices of the Preliminary Determination for the Transfer Application. The 30-day protest period expires on June 17, 2022.

4. Protestant's Interest in the Preliminary Determination

The Protestant has a direct and immediate interest in the Preliminary Determination. The Transfer Application requests approval of two additional points of appropriation ("POA") for the Certificates that are appurtenant to property located in Sections 2 and 11, T.2S., R.4E., W.M. Clackamas County, Oregon. The ownership of the place of use ("POU") for the Certificates has recently been conveyed separately to Mike Dutton (Tax Lots 3700 and 3703), Protestant (Tax Lots 3800 and 3900) ("Protestant's Property"), and Applicant (Tax Lot 600) ("Applicant's Property"). The location of the tax lots, together with the existing and proposed wells is depicted on the Transfer Application map excerpt below.



Protestant's Property contains two of the three existing POAs that are the subject of the transfer application (Wells 1 and 2).¹ Well 3 is located farther north on Mr. Dutton's property. Applicant's Property does not have an authorized POA. The Transfer Application proposes to add two new wells on Applicant's Property (Wells 5 and 6). Unfortunately, Applicant has chosen to locate both proposed wells on the northern boundary of Tax Lot 600, one of which (Well 5) is located at the closest possible point to Protestant's Property.

Applicant, Mr. Dutton, and Protestant have an ownership interest in the properties to which the Certificates are appurtenant. Those relative interests are illustrated below.

Certificate 63588

Certificate 63588 authorizes the use of 1.62 cfs from Wells 1, 2, 3 and 4 for nursery operations use on 50.7 acres. The POU is listed in Certificate 63588 as follows:

Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2 S	4 E	WM	2	SE NW	8.4	Dutton
2 S	4 E	WM	2	NE SW	18.3	Protestant
2 S	4 E	WM	2	SE SW	11.2	Protestant
2 S	4 E	WM	11	NW NE	12.8	Applicant

The Transfer Application proposes to move 0.29 cfs from Wells 1, 2, and 3 to Well 5 and 0.073 cfs to Well 6 on the Applicant's Property.

Certificate 95125:

Certificate 95125 authorizes the use of 0.10 cfs from Wells 3 and 4 for irrigation and agriculture use for nursery operations on 28.1 acres. The POU for irrigation is listed as follows:

IRRIGATION						
Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2S	4E	WM	2	SE NW	20.1	Dutton
2S	4E	WM	11	NW NE	8.0	Applicant

The Transfer Application proposes to move 0.014 cfs from Well 3 to proposed Wells 5 and 6 on the Applicant's Property.

¹ Well 4 was removed from the transfer in the amended transfer application.

Certificate 95126:

Certificate 95126 authorizes the use of 0.10 cfs from Wells 1 and 2, located on Protestant's Property for irrigation and agriculture use for nursery operations on 28.1 acres. The POU for irrigation is listed as follows:

IRRIGATION						
Township	Range	Meridian	Section	Quarter-Quarter	Acres	Landowner
2S	4E	WM	2	SE NW	20.1	Dutton
2S	4E	WM	11	NW NE	8.0	Applicant

The Transfer Application proposes to move 0.028 cfs from Wells 1 and 2 to proposed Wells 5 and 6 on the Applicant's Property.

Given the proximity of proposed Wells 5 and 6 to existing Wells 1 and 2, the use of the proposed rates at the new POAs is likely to result in substantial interference with Protestant's wells, resulting in injury to Protestant's water rights.

5. Legal Authority and Basis for Claim

A request for a change to a POA is primarily governed by ORS 540.520 and OAR Chapter 690, Division 380. ORS 540.520 outlines the processes under which a water right holder can submit a request to transfer the point of diversion [or appropriation], place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 outlines the Department's specific procedures and evaluation criteria for transfer applications.

OAR 690-380-4010 governs the issuance of preliminary determinations. OAR 690-380-4010(2) provides as follows:

- (2) The Department's preliminary determination shall include an assessment of whether:
 - (a) The right has been used over the past five years according to the terms and conditions of the right and that the right is not subject to forfeiture under ORS 540.610;
 - (b) The water user is ready, willing, and able to use the full amount of water allowed under the right;
 - (c) The proposed transfer would result in enlargement;
 - (d) The proposed transfer would result in injury; and
 - (e) Any other requirements for water right transfers are met.

OAR 690-380-5000 governs transfer approvals. OAR 690-380-5000(1) provides as follows:

- (1) A transfer application shall be approved if the Department determines that:
 - (a) The water right affected by the proposed transfer is a water use subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14) and, for a right

described under 690-380-0100(14)(d), the proof of completion has been approved under 690-380-6040;

- (b) The portion of the water right to be transferred is not cancelled pursuant to ORS 540.610;
- (c) The proposed transfer would not result in enlargement as defined in OAR 690-380-0100(2);
- (d) Except as provided in OAR 690-380-5030, the proposed transfer would not result in injury as defined in 690-380-0100(3); and
- (e) Any other requirements for water right transfers are met.

OAR 690-380-0100(2) defines enlargement as “an expansion of a water right” and includes, but is not limited to:

- (a) Using a greater rate or duty of water per acre than currently allowed under a right;
- (b) Increasing the acreage irrigated under a right;
- (c) Failing to keep the original place of use from receiving water from the same source; or
- (d) Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.

OAR 690-380-0100(3) defines injury as a situation where “a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.”

Finally, OAR 690-380-3050(1)(a) requires the Department to require the applicant to provide supplemental information if the proposed transfer involves rights for lands under more than one ownership and not all the owners are applicants. OAR 690-380-3050(2) requires supplemental information to be provided by the applicant, which shall include:

- (a) A list of the name and address of each landowner whose lands the Department concludes may be included in the portion of the water right proposed for transfer and written proof of service of a copy of the application on those landowners and a map delineating the location, acreage, priority dates, and ownership of the subject water right; and
- (b) Other information sufficient to establish that no portion of the right to be transferred is held by persons other than those proposing the transfer and, for rights with multiple priority dates, the priority dates for the right to be transferred are consistent with the decree or other document establishing the right.

6. Argument

The Department has a legal obligation to ensure that all transfer application requirements are met. This is particularly important when a transfer application involves the transfer of a jointly held water right and not all of the landowners are applicants. In this case, the Department failed to require the applicant to provide the supplemental information required by OAR 690-380-3050(2).

With regard to the substance of the transfer analysis, the Department may not approve a transfer application if the transfer would result in enlargement or injury. In this case, the Department failed to conduct an adequate evaluation to determine whether the transfer would result in enlargement of the underlying water rights or whether it would result in injury to Protestant's water rights due to substantial interference with Protestant's wells.

A. The Department's failure to require Applicant to provide all required application information renders the application incomplete and the Preliminary Determination invalid.

The Transfer Application is incomplete because necessary information concerning Protestant's interest in the subject certificates was not provided as required. The Applicant checked the "N/A" box in the application for "Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on)."

While the Applicant owns a portion of the POU for the Certificates, it does not own all the land to which those water rights are appurtenant. The Department must require the Applicant to provide supplemental information if the proposed transfer involves rights for lands under more than one ownership and not all the owners are applicants. OAR 690-380-3050(1)(a). The proposed transfer involves water rights that are appurtenant to properties owned by Protestant and Mr. Dutton, who are not applicants. Therefore supplemental information is required to be provided, including:

(a) A list of the name and address of each landowner whose lands the Department concludes may be included in the portion of the water right proposed for transfer and written proof of service of a copy of the application on those landowners and a map delineating the location, acreage, priority dates, and ownership of the subject water right; and

(b) Other information sufficient to establish that no portion of the right to be transferred is held by persons other than those proposing the transfer and, for rights with multiple priority dates, the priority dates for the right to be transferred are consistent with the decree or other document establishing the right.

None of these requirements were met, and therefore the transfer application must be considered incomplete.

The purpose of the notice provision is to ensure that other landowners who share the same certificated water right are given adequate notice and are afforded a full opportunity to participate in the administrative process. In this case, the Transfer Application proposes to move a portion of the authorized rate from the existing POAs to two new POAs, both of which are located on the northern boundary of Tax Lot 600, and one of which is located at the closest possible point to Protestant's Property (see Transfer Application map excerpt above). These changes have the potential to result in injury to Protestant's water rights. They also have the potential to result in enlargement of the existing water rights. For these reasons, the Department

improperly accepted the incomplete Transfer Application, and the Preliminary Determination is invalid.

B. The Department's injury analysis is inadequate because it did not consider the injury to Protestant's water rights.

In proposing to approve the Transfer Application, the Department did not properly evaluate the potential for the transfer to result in injury to the Protestant's water rights. This is a legal deficiency in the transfer evaluation process, which renders the Preliminary Determination invalid as a matter of law.

First, the Department's injury analysis was only performed on wells located within a distance of 350 feet from the proposed "TO" wells, Wells 5 and 6. This arbitrary restriction on the scope of the analysis had the effect of excluding the existing Wells 1, 2, and 3 from the injury analysis because they are located outside the 350-foot radius (see table below).

	Distance to Well 1	Distance to Well 2	Distance to Well 3
Well 5	1,109 ft.	1,056 ft.	3,960 ft.
Well 6	1,426 ft.	1,214 ft.	4,171 ft.

Based on the Department's Theis (1935) analysis inputs, the Department appears to have calculated the substantial interference threshold at 44 feet of drawdown. However, of the six transmissivity and storativity value combinations the Department simulated in its drawdown analysis, four of these resulted in drawdowns of 44 feet or greater (44-75 feet) at a distance of 350 feet, suggesting the potential substantial interference threshold radius extends significantly beyond 350 feet. Therefore, the failure to extend the analysis beyond this limited radius has resulted in an incomplete injury analysis that failed to consider the potential interference on Protestant's wells. This problem is exacerbated by the second error.

The Department's second error is the result of using too generalized an approach for calculating available drawdown and what qualifies as substantial undue interference. It appears the groundwater review only analyzed interference effects on domestic exempt wells. This approach fails to account for differences in well construction between small domestic wells and the large irrigation wells on Protestant's Property. Each well has a different specific capacity, well bottom elevation, and static water level—and therefore a different substantial interference threshold. The analysis is also flawed because it modeled the pumping rate for the potentially impacted wells at only 17 gallons per minute (gpm). This is substantially (34 times) less than the authorized maximum post-transfer pumping rate for Wells 1 and 2 of 586 gpm (1.307 cfs) (in the event the transfer were to be approved).

These critical assumptions and limitations have resulted in an injury analysis that failed to assess the impacts the transfer would have on Protestant's existing wells. That omission renders the injury analysis incomplete, and the Preliminary Determination on which it is based is, therefore, invalid.

C. The transfer could result in enlargement of the existing water rights, to Protestant's detriment.

Given the interconnected nature of water use at the authorized POU's for these Certificates, there is a substantial risk that if the transfer were approved with the conditions as proposed, it could result in enlargement of the subject water rights. If such enlargement occurs as a result of Applicant's use of the new proposed wells on its property, it could negatively impact Protestant's ability to continue using its own portion of the subject water rights on Protestant's Property.

By way of example, the transfer proposes to move a portion of the rate from Wells 1 and 2 under Certificate 95126 that was historically used to irrigate acreage now contained exclusively on Mr. Dutton's property. Given the property conveyance that has separated ownership of the POU under Certificate 95126 from the only authorized POAs, water from Wells 1 and 2 is no longer legally available to use on those acres. Therefore, the proposed transfer of 0.028 cfs from those POAs would result in enlargement under OAR 690-380-0100(2)(d).

The Department's file contains very little information on the extent of the enlargement analysis. By way of example, the Watermaster Review Form does not contain any response to Question 11.c, which asks: if the transfer is approved, does it appear that enlargement of the water right being transferred will occur? Based on the lack of documented evaluation of the risk of enlargement from the proposed transfer, it appears the Department failed to perform the necessary evaluation under OAR 690-380-4010(2)(c). As such, the Preliminary Determination is invalid.

7. Protest Filing Requirements

Protestant has complied with the provisions of OAR 690-002-0030 and OAR 690-380-4030. The application at issue is not for a water right application and is not related to a hydroelectric project or to the cancellation of a perfected right. This Protest is in writing and signed by Protestant's attorney. The Protestant has enclosed the \$950 filing fee. This Protest also includes:

- 1) Facts sufficient to show that the Protestant is entitled to the relief or action requested;
- 2) The specific relief or action requested;
- 3) The name and address of the Protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and
- 4) Citation of legal authority or basis for the claim or relief asserted or requested.

In addition, pursuant to OAR 690-002-0030(2), Protestant has attached proof of service upon the Applicant (via Applicant's agent William McGill) (see **Exhibit B**). Pursuant to 690-380-4030(5), Protestant has raised all current known and reasonably ascertainable issues and submitted all reasonably available arguments supporting its position before the end of the protest period. Protestant reserves the right to raise additional arguments in

support of its general allegations that the transfer will result in injury or enlargement, or otherwise modify its Protest as additional information becomes available.

8. Request for Withdrawal and Reversal of Preliminary Determination; Contested Case Hearing

For the reasons set forth above, Protestant requests that the Department (1) withdraw the Preliminary Determination and undertake a more complete evaluation of injury and enlargement; (2) issue a revised preliminary determination proposing to deny the Transfer Application; (3) issue a final order denying the Transfer Application; or (4) refer this matter to the Office of Administrative Hearings for a contested case hearing.

Respectfully submitted this 17th day of June 2022.

A handwritten signature in blue ink, appearing to read "Steven L. Shropshire".

Steven L. Shropshire, OSB No. 944375
Jordan Ramis PC
Attorney for Protestant

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13682, Clackamas County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOTS OF PLANTS, LLC
2366 S STRATFORD RD.
WINSTON SALEM, NC 27103

Findings of Fact

1. On April 21, 2021, LOTS OF PLANTS, LLC filed an application to change the points of appropriation under Certificates 63588, 95125, and 95126. The Department assigned the application number T-13682.
2. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 11, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 10, 2021, for the applicants to respond.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

4. On October 18, 2021, the agent for the applicant requested the completion date be extended to October 1, 2026, siting driller schedules and water system improvement times.
5. On October 18, 2021, as the transfer would result in injury as originally proposed, the agent for the applicant amended the application, removing a well (Well 4) and limiting rates for Certificates 63588, 95125, and 95126, thereby resolving injury issues.
6. On November 5, 2021, the Department's groundwater representative agreed that the amendments in the application would resolve the same source issues detailed in the technical review.
7. To avoid injury, the Department and agent agreed on rates for wells as follows (see Finding of Fact No. 5):

Certificate	Acres	To Well	Rate
63588	9.2 ACRES	WELL 5	0.29 CFS
63588	9.2 ACRES	WELL 6	0.073 CFS
95125	8.0 ACRES	WELL 5 OR WELL 6	0.014 CFS
95126	8.0 ACRES	WELL 5 OR 6	0.028 CFS

8. On February 14, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 16, 2022, for the applicant to respond.
9. On March 1, 2022, the agent for the applicant contacted the Department with the information that the applicant had changed the name of their business. The agent provided necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On March 2, 2022, the agent for the applicant amended the application to reflect the applicant business name change from STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC. to LOTS OF PLANTS, LLC.
11. The portion of the first right to be transferred is as follows:

Certificate: 63588 in the name of HARRY G. and FLORENCE CHATELAIN (perfected under Permit G-10481)

Use: NURSERY OPERATIONS on 12.8 ACRES

Priority Date: OCTOBER 31, 1984, FOR USE FROM WELL 3, AND DECEMBER 24, 1984, FOR USE FROM WELLS 1 AND 2

Rate: 0.363 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS (OAR 690-11-110 (14)) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of once

cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source: 3 WELLS IN THE TICKLE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - 1260 FEET NORTH AND 970 FEET WEST FROM THE C1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 1 - 740 FEET NORTH AND 630 FEET WEST FROM THE S1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - 1000 FEET NORTH AND 40 FEET WEST FROM THE S1/4 CORNER OF SECTION 2

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	9.2

12. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)		
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2	WELL 3
						0.21 mi.	0.20 mi.	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.	0.79 mi.

13. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	3.6	1, 2, AND 3
2 S	4 E	WM	11	NW NE	9.2	5 AND 6
TOTAL					12.8	

14. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

NURSERY OPERATIONS								
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate	
2 S	4 E	WM	11	NW NE	9.2	5 and 6	WELL 5	WELL 6
							0.29 CFS	0.073 CFS

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

Certificate: 95125 in the name of CHATELAINS NURSERY INC; JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13402)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS on 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.014 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELL 3 IN DEEP CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - SOUTH 76 DEGREES EAST, 370 FEET FROM THE NW1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0

AGRICULTURAL				
Twp	Rng	Mer.	Sec	Q-Q
2 S	4 E	WM	11	NW NE

16. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 (CLAC 5365) - 1260 FEET NORTH AND 970 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 2

17. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well in Miles (mi.)
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.79 mi.

18. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

19. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6 0.014 CFS

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

Certificate: 95126 in the name of CHATELAINS NURSERY INC., JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13403)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.028 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELLS 1 AND 2 IN DEEP CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 - NORTH 39 DEGREES WEST AND 930 FEET FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - SOUTH 7 DEGREES WEST AND 350 FEET FROM THE C-S 1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0
TOTAL					8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	2	SE NW
2 S	4 E	WM	11	NW NE

21. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 (CLAC 6664) - 740 FEET NORTH AND 630 FEET WEST FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - (CLAC 5383) - 1000 FEET NORTH AND 40 FEET WEST FROM THE S 1/4 CORNER OF SECTION 2

22. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)	
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2
						0.21 mi.	0.20 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.

23. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

24. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6
							0.028 CFS

Transfer Review Criteria (OAR 690-380-4010)

25. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
26. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13682.
27. The proposed changes, as conditioned, would not result in enlargement of the rights.
28. The proposed changes, as conditioned, would not result in injury to other water rights.
29. All other application requirements are met.

Determination and Proposed Action

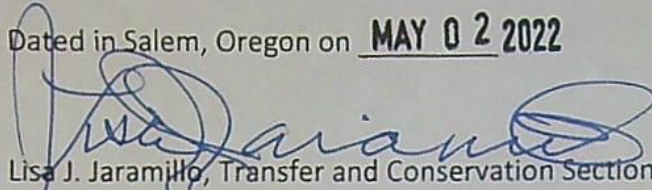
The change in points of appropriation proposed in Transfer Application T-13682 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13682 is approved, the final order will include the following:

1. *The change in points of appropriation proposed in Transfer Application T-13682 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 63588, 95125, 95126, and any related decree.*
3. *Water right Certificates 63588, 95125, and 95126 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *Under the right described by Certificate 63588, the quantity of water diverted shall not exceed 0.29 cfs for proposed Well 5 and 0.073 cfs for proposed Well 6 and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Under the right described by Certificate 95125, the combined quantity of water diverted at proposed wells 5 and 6 shall not exceed 0.014 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
6. *Under the right described by Certificate 95126, the combined quantity of water diverted at proposed wells 5 and 6, shall not exceed 0.028 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
7. *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 new point of appropriation.*
 - 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.*
8. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAY 02 2022**



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or tamera.l.smith@water.oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the Federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free number.

EXHIBIT B

PROOF OF SERVICE

The undersigned hereby certifies that the Protest of T-13682 was served on the following parties via email and U.S. Mail at the addresses listed below:

<u>Applicant Lots of Plants, LLC</u> William McGill Surveying, LLC 15333 Pletzer Rd., SE Turner, OR 97392 Phone: (503) 931-0210 Email: willmcgill.surveying@gmail.com	<u>Oregon Water Resources Department</u> Water Rights Services Division Oregon Water Resources Department 725 Summer St NE, Ste A Salem, OR 97301-4096 Phone: (503) 871-1889 Email: lisa.j.jaramillo@state.or.us
--	--

DATED: June 17, 2022.

JORDAN RAMIS PC

By: 

Steven L. Shropshire, OSB No. 944375
2 Centerpointe Dr., Suite 600
Lake Oswego, OR 97035
(503) 598-5583

steve.shropshire@jordanramis.com

Of Attorneys for Protestant

**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 # **137909**

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK: # 1988 ☒ OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13682</u>

TOTAL REC'D \$ 105.32

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 105.32

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	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		\$

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

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 (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **137909**

DATED: 4-13-2002 BY: Mindy Carlson

Pamplin MediaGroup

6605 SE Lake Road, Portland, OR 97222
PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Clackamas, SS I,
Charlotte Allsop, being the first duly sworn,
depose and say that I am the Accounting
Manager of the Sandy Post, a newspaper
of general circulation, published at , in the
aforesaid county and state, as defined by
ORS 193.010 and 193.020, that

Ad#: 239183

Owner: Oregon Water Resources Department

**Description: Notice of Preliminary Determination for
Water Right Transfer T-13682**

A copy of which is hereto annexed, was
published in the entire issue of said
newspaper for 2 week(s) in the
following issue:

05/11/2022, 05/18/2022

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
05/18/2022

Deseri Kim Cerruti

NOTARY PUBLIC FOR OREGON

Acct #: 134229
Attn: Stacy Phillips
OREGON DEPARTMENT OF WATER RE-
SOURCES
725 SUMMER ST. NE, SUITE A
SALEM, OR 97301

Notice of Preliminary Determination for Water Right Transfer T-13682

T-13682 filed by Lots of Plants LLC, 2366 S. Stratford Rd., Winston Salem, NC 27103, proposes changes in points of appropriation under Certificates 63588, 95125, and 95126. Certificate 63588 allows the use of 0.363 cubic foot per second (cfs) from three wells in Sec. 2, T2S, R4E, WM for nursery operations in Sects. 2 and 11, T2S, R4E, WM. The applicant proposes to move the points of appropriation in Sec. 11, T2S, R4E, WM. Certificate 95125 allows the use of 0.014 cfs from a well in Sec. 2, T2S, R4E, WM for irrigation and agriculture use for nursery operations in Sects. 2 and 11, T2S, R4E, WM. The applicant proposes to move the point of appropriation in Sec. 11, T2S, R4E, WM. Certificate 95126 allows the use of 0.028 cfs from two wells in Sec. 2, T2S, R4E, WM for irrigation and agriculture use for nursery operations in Sects. 2 and 11, T2S, R4E, WM. The applicant proposes to move the points of appropriation in Sec. 11, T2S, R4E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, May 18, 2022. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Published May 11 & 18, 2022.

SP239183

RECEIVED

MAY 27 2022

OWRD



SMITH Tamera L * WRD

From: PHILLIPS Stacy H * WRD
Sent: Wednesday, May 4, 2022 9:06 AM
To: SMITH Tamera L * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13682

Follow Up Flag: Follow up
Flag Status: Flagged

Hey T,

The dates of publication for this notice are 5/11 and 5/18/2022.

Thanks,

Stacy H. Phillips

Restoration Program Technician
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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

From: PHILLIPS Stacy H * WRD
Sent: Monday, April 11, 2022 12:38 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: RE: Newspaper Estimate for Transfer Application T-13682

Hey T,

The quote came in for this notice. Total cost will be \$105.32.

Thanks,

Stacy H. Phillips

Restoration Program Technician
725 Summer Street NE, Suite A, Salem, OR 97301
Office: 503-986-0898 | Work Cell: 503-979-9948



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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Friday, April 08, 2022 4:30 PM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>

Cc: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>

Subject: Newspaper Estimate for Transfer Application T-13682

Hi Stacy –

Tamara will need a quote for the attached TRANSFER Application notice to run in the Sandy Post. Run time is two weeks.

Thank you!

Kelly

Kelly Starnes, Transfer Program Analyst

Oregon Water Resources Department

725 Summer St NE Suite A

Salem OR 97301-1271

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E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.



Oregon
Kate Brown, Governor

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

May 2, 2022

VIA CERTIFIED MAIL AND E-MAIL

LOTS OF PLANTS, LLC
2366 S STRATFORD RD.
WINSTON SALEM, NC 27103

SUBJECT: Water Right Transfer Application T-13682

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13682. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Sandy Post newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

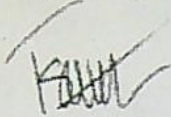
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at tamera.l.smith@water.oregon.gov or 503-979-9607 if I may be of assistance.

Kindest regards,

A handwritten signature in dark ink, appearing to read 'Tamera Smith', with a checkmark-like flourish at the end.

Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13682
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13682, Clackamas County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LOTS OF PLANTS, LLC
2366 S STRATFORD RD.
WINSTON SALEM, NC 27103

Findings of Fact

1. On April 21, 2021, LOTS OF PLANTS, LLC filed an application to change the points of appropriation under Certificates 63588, 95125, and 95126. The Department assigned the application number T-13682.
2. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 11, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 10, 2021, for the applicants to respond.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

4. On October 18, 2021, the agent for the applicant requested the completion date be extended to October 1, 2026, siting driller schedules and water system improvement times.
5. On October 18, 2021, as the transfer would result in injury as originally proposed, the agent for the applicant amended the application, removing a well (Well 4) and limiting rates for Certificates 63588, 95125, and 95126, thereby resolving injury issues.
6. On November 5, 2021, the Department's groundwater representative agreed that the amendments in the application would resolve the same source issues detailed in the technical review.
7. To avoid injury, the Department and agent agreed on rates for wells as follows (see Finding of Fact No. 5):

Certificate	Acres	To Well	Rate
63588	9.2 ACRES	WELL 5	0.29 CFS
63588	9.2 ACRES	WELL 6	0.073 CFS
95125	8.0 ACRES	WELL 5 OR WELL 6	0.014 CFS
95126	8.0 ACRES	WELL 5 OR 6	0.028 CFS

8. On February 14, 2022, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 16, 2022, for the applicant to respond.
9. On March 1, 2022, the agent for the applicant contacted the Department with the information that the applicant had changed the name of their business. The agent provided necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On March 2, 2022, the agent for the applicant amended the application to reflect the applicant business name change from STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC. to LOTS OF PLANTS, LLC.
11. The portion of the first right to be transferred is as follows:

Certificate: 63588 in the name of HARRY G. and FLORENCE CHATELAIN (perfected under Permit G-10481)

Use: NURSERY OPERATIONS on 12.8 ACRES

Priority Date: OCTOBER 31, 1984, FOR USE FROM WELL 3, AND DECEMBER 24, 1984, FOR USE FROM WELLS 1 AND 2

Rate: 0.363 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS (OAR 690-11-110 (14)) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of once

cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source: 3 WELLS IN THE TICKLE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - 1260 FEET NORTH AND 970 FEET WEST FROM THE C1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 1 - 740 FEET NORTH AND 630 FEET WEST FROM THE S1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - 1000 FEET NORTH AND 40 FEET WEST FROM THE S1/4 CORNER OF SECTION 2

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	9.2

12. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)		
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2	WELL 3
						0.21 mi.	0.20 mi.	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.	0.79 mi.

13. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	3.6	1, 2, AND 3
2 S	4 E	WM	11	NW NE	9.2	5 AND 6
TOTAL					12.8	

14. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

NURSERY OPERATIONS								
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate	
2 S	4 E	WM	11	NW NE	9.2	5 and 6	WELL 5	WELL 6
							0.29	0.073
							CFS	CFS

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

Certificate: 95125 in the name of CHATELAINS NURSERY INC; JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13402)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS on 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.014 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELL 3 IN DEEP CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - SOUTH 76 DEGREES EAST, 370 FEET FROM THE NW1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	11	NW NE

16. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 (CLAC 5365) - 1260 FEET NORTH AND 970 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 2

17. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Well in Miles (mi.)
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.79 mi.

18. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

19. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6 0.014 CFS

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

Certificate: 95126 in the name of CHATELAINS NURSERY INC., JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13403)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.028 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELLS 1 AND 2 IN DEEP CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 - NORTH 39 DEGREES WEST AND 930 FEET FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - SOUTH 7 DEGREES WEST AND 350 FEET FROM THE C-S 1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0
TOTAL					8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	2	SE NW
2 S	4 E	WM	11	NW NE

21. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 (CLAC 6664) – 740 FEET NORTH AND 630 FEET WEST FROM THE S¼ CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 – (CLAC 5383) – 1000 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 2

22. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)	
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2
						0.21 mi.	0.20 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.

23. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

24. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6
							0.028 CFS

Transfer Review Criteria (OAR 690-380-4010)

25. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
26. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13682.
27. The proposed changes, as conditioned, would not result in enlargement of the rights.
28. The proposed changes, as conditioned, would not result in injury to other water rights.
29. All other application requirements are met.

Determination and Proposed Action

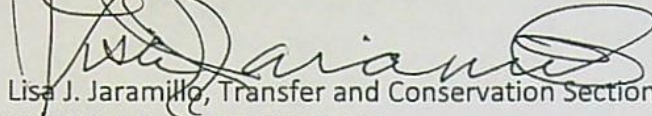
The change in points of appropriation proposed in Transfer Application T-13682 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13682 is approved, the final order will include the following:

- 1. The change in points of appropriation proposed in Transfer Application T-13682 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 63588, 95125, 95126, and any related decree.*
- 3. Water right Certificates 63588, 95125, and 95126 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. Under the right described by Certificate 63588, the quantity of water diverted shall not exceed 0.29 cfs for proposed Well 5 and 0.073 cfs for proposed Well 6 and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. Under the right described by Certificate 95125, the combined quantity of water diverted at proposed wells 5 and 6 shall not exceed 0.014 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 6. Under the right described by Certificate 95126, the combined quantity of water diverted at proposed wells 5 and 6, shall not exceed 0.028 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 7. 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 new point of appropriation.*
 - 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.*
- 8. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on MAY 02 2022



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or tamera.l.smith@water.oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the Federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free number.

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Lots Of Plants LLC			PHONE NO. (743) 333-1738	ADDITIONAL CONTACT NO.
ADDRESS 2366 S Stratford Rd.			FAX NO.	
CITY Winston Salem	STATE NC	ZIP 27103	E-MAIL jlandscaping@live.com	
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 Will McGill Surveying LLC			PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pletzer Rd. SE			FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com	
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:
Application is being made for two wells (second will only be drilled if needed) on tax lot 600 to irrigate the portions of certificates 63588, 95125 and 95126 that are authorized on tax lot 600.

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

MAR 09 2022

OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



[Signature]
Applicant signature

Joseph Plitt
Print Name (and Title if applicable)

1 Mar 22
Date

Applicant signature

Print Name (and Title if applicable)

Date

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Hi Tamera,
 Here is the original signature
 page for T-13628 with
 the revised business name.
 Thanks!
 — Grant and Will



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

FEBRUARY 14, 2022

VIA E-MAIL

STRATFORD LANDSCAPE SUPPLY OF WINSTON
SALEM, INC.
2366 S. STRATFORD RD.
WINSTON SALEM, NC 27103

Reference: Water Right Transfer Application T-13682

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13682. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by March 16, 2022.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by March 16, 2022 with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions to your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice.

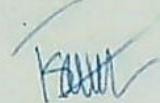
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by March 16, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at tamera.l.smith@water.oregon.gov or 503-979-9604 if I may be of assistance.

Kindest regards,



Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13682
Amy J. Landvoigt, District 20 Watermaster *(via e-mail)*
William E. McGill, Agent for the applicant *(via e-mail)*

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13682, Clackamas County

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R E V I S E D
D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

STRATFORD LANDSCAPE SUPPLY OF
WINSTON SALEM INC.
2366 S STRATFORD RD.
WINSTON SALEM, NC 27103

Findings of Fact

1. On April 21, 2021, STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC. filed an application to change the points of appropriation under Certificates 63588, 95125, and 95126. The Department assigned the application number T-13682.
2. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 11, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13682 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 10, 2021, for the applicants to respond.
4. On October 18, 2021, the agent for the applicant requested the completion date be extended to October 1, 2026, citing driller schedules and water system improvement times.

5. On October 18, 2021, as the transfer would result in injury as originally proposed, the agent for the applicant amended the application, removing a well (Well 4) and limiting rates for Certificates 63588, 95125, and 95126, thereby resolving injury issues.
6. On November 5, 2021, the Department's groundwater representative agreed that the amendments in the application would resolve the same source issues detailed in the technical review.
7. To avoid injury, the Department and agent agreed on rates for wells as follows (see Finding of Fact No. 5):

Certificate	Acres	To Well	Rate
63588	9.2 ACRES	WELL 5	0.29 CFS
63588	9.2 ACRES	WELL 6	0.073 CFS
95125	8.0 ACRES	WELL 5 OR WELL 6	0.014 CFS
95126	8.0 ACRES	WELL 5 OR 6	0.028 CFS

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

Certificate: 63588 in the name of HARRY G. and FLORENCE CHATELAIN (perfected under Permit G-10481)

Use: NURSERY OPERATIONS on 12.8 ACRES

Priority Date: OCTOBER 31, 1984, FOR USE FROM WELL 3, AND DECEMBER 24, 1984, FOR USE FROM WELLS 1 AND 2.

Rate: 0.363 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for NURSERY OPERATIONS (OAR 690-11-110 (14)) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of once cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Source: 3 WELLS IN THE TICKLE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - 1260 FEET NORTH AND 970 FEET WEST FROM THE C1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 1 - 740 FEET NORTH AND 630 FEET WEST FROM THE S1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - 1000 FEET NORTH AND 40 FEET WEST FROM THE S1/4 CORNER OF SECTION 2

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	12.8

9. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)		
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2	WELL 3
						0.21 mi.	0.20 mi.	0.76 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.	0.79 mi.

10. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

NURSERY OPERATIONS						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	3.6	1, 2, and 3
2 S	4 E	WM	11	NW NE	9.2	5 and 6
TOTAL					12.8	

11. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

NURSERY OPERATIONS								
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate	
2 S	4 E	WM	11	NW NE	9.2	5 and 6	WELL 5	WELL 6
							0.29	0.073
							CFS	CFS

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

Certificate: 95125 in the name of CHATELAINS NURSERY INC; JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13402)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS on 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.014 CUBIC FOOT PER SECOND (CFS); BEING 0.015 CFS FROM EACH WELL

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELLS 3 AND 4 IN DEEP CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - SOUTH 76 DEGREES EAST, 370 FEET FROM THE NW1/16 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 4 - NORTH 61 DEGREES EAST, 905 FEET FROM THE W1/16 CORNER BETWEEN SECTION 2 AND SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	11	NW NE

13. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 (CLAC 5365) - 1260 FEET NORTH AND 970 FEET WEST FROM THE CENTER ¼ CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 4 - (CLAC 5364) - 510 FEET NORTH AND 540 FEET WEST FROM THE S¼ CORNER OF SECTION 2

14. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)	
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 3	WELL 4
						0.76 mi.	0.14 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.79 mi.	0.09 mi.

15. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

16. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6
							0.014 CFS

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

Certificate: 95126 in the name of CHATELAIN NURSERY INC., JAMES CHATELAIN, JUDY CHATELAIN (perfected under Permit G-13403)

Use: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 8.0 ACRES

Priority Date: JULY 9, 1997

Rate: 0.028 CUBIC FOOT PER SECOND (CFS); BEING 0.0125 CFS FOR EACH WELL

Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount

of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELLS 1 AND 2 IN DEEP CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 - NORTH 39 DEGREES WEST AND 930 FEET FROM THE S 1/4 CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - SOUTH 7 DEGREES WEST AND 350 FEET FROM THE C-S 1/16 CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	11	NW NE	8.0
TOTAL					8.0

AGRICULTURAL				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	2	SE NW
2 S	4 E	WM	11	NW NE

18. The agent has provided measured distances to better describe the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 (CLAC 6664) – 740 FEET NORTH AND 630 FEET WEST FROM THE S¼ CORNER OF SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 – (CLAC 5383) – 1000 FEET NORTH AND 40 FEET WEST FROM THE S¼ CORNER OF SECTION 2

19. Transfer Application T-13682 proposes to move the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Wells in Miles (mi.)	
2 S	4 E	WM	11	NW NE	WELL 5 - 50 FEET SOUTH AND 40 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	WELL 1	WELL 2
						0.21 mi.	0.20 mi.
2 S	4 E	WM	11	NW NE	WELL 6 - 50 FEET SOUTH AND 540 FEET EAST FROM THE N1/4 CORNER OF SECTION 11	0.27 mi.	0.23 mi.

20. Transfer Application T-13682 proposes to use the new points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
2 S	4 E	WM	11	NW NE	8.0	5 and 6

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	Wells
2 S	4 E	WM	11	NW NE	5 and 6

21. To avoid injury to nearby wells, the rate approved for Wells 5 and 6 are as follows (see Finding of Fact No. 5):

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells	Rate
2 S	4 E	WM	11	NW NE	8.0	5 and 6	WELL 5 OR 6 0.028 CFS

Transfer Review Criteria (OAR 690-380-4010)

22. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
23. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13682.
24. The proposed changes, as conditioned, would not result in enlargement of the rights.
25. The proposed changes, as conditioned, would not result in injury to other water rights.
26. All other application requirements are met.

Determination and Proposed Action

The change in points of appropriation proposed in Transfer Application T-13682 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13682 is approved, the final order will include the following:

1. *The change in points of appropriation proposed in Transfer Application T-13682 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 63588, 95125, 95126, and any related decree.*
3. *Water right Certificates 63588, 95125, and 95126 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *Under the right described by Certificate 63588, the quantity of water diverted shall not exceed 0.29 cfs for proposed Well 5 and 0.073 cfs for proposed Well 6 and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Under the right described by Certificate 95125, the combined quantity of water diverted at proposed wells 5 and 6 shall not exceed 0.014 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
6. *Under the right described by Certificate 95126, the combined quantity of water diverted at proposed wells 5 and 6, shall not exceed 0.028 cfs and shall not exceed the quantity of water lawfully available at the original points of appropriation.*
7. *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 new point of appropriation.*
 - 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.*
8. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

REVISED DRAFT

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

This REVISED draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or tamera.l.smith@oregon.gov

SMITH Tamera L * WRD

From: BROWN Travis C * WRD
Sent: Friday, November 5, 2021 7:36 AM
To: SMITH Tamera L * WRD
Subject: Re: T-13682 Revisions

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

Yes, these changes should resolve the same source issues detailed in the technical review. Let me know if you need anything else.

Thanks,
Travis

Get [Outlook for iOS](#)

From: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Sent: Friday, November 5, 2021 10:26:02 AM
To: BROWN Travis C * WRD <Travis.C.Brown@oregon.gov>
Subject: FW: T-13682 Revisions

Good morning Travis,

I hope this email finds you well.

Grant and Will McGill have sent in the attached revisions in hopes of an approval for a Revised DPD. When you are able to get to these, can you let me know if the changes are acceptable?

Thank you, Tamera

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Monday, October 18, 2021 10:54 AM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; BROWN Travis C * WRD <Travis.C.Brown@oregon.gov>
Subject: T-13682 Revisions

Hi Tamera,

I am attaching revised pages 7 and 10 for transfer T-13682 removing Well 4 and adding remarks. After discussing with Travis, reducing some of these rates should alleviate the concerns in the DPD and allow us to move forward. I also created a table below to clarify what we are requesting now.

Travis, if you could just double check that these rates align with what we discussed, that would be great.

If everyone agrees, let's proceed with processing this transfer. Once I hear back from you, I will get the ownership report ordered and sent to you, Tamera.

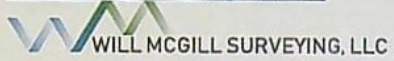
Thanks!

From Certificate	Acreage	To Well	Requested Rate
63588	9.2	5	0.29 cfs
63588	9.2	6	0.073 cfs
95125	8.0	5 or 6	0.014 cfs
95126	8.0	5 or 6	0.028 cfs

--
Grant McGill
503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

www.mcgillwaterrights.com



SMITH Tamera L * WRD

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Monday, October 18, 2021 10:54 AM
To: SMITH Tamera L * WRD; BROWN Travis C * WRD
Subject: T-13682 Revisions
Attachments: pg. 7_revT-13682.pdf; pg. 10_revT-13682.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

I am attaching revised pages 7 and 10 for transfer T-13682 removing Well 4 and adding remarks. After discussing with Travis, reducing some of these rates should alleviate the concerns in the DPD and allow us to move forward. I also created a table below to clarify what we are requesting now.

Travis, if you could just double check that these rates align with what we discussed, that would be great.

If everyone agrees, let's proceed with processing this transfer. Once I hear back from you, I will get the ownership report ordered and sent to you, Tamera.

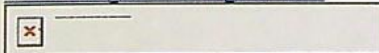
Thanks!

From Certificate	Acreage	To Well	Requested Rate
63588	9.2	5	0.29 cfs
63588	9.2	6	0.073 cfs
95125	8.0	5 or 6	0.014 cfs
95126	8.0	5 or 6	0.028 cfs

--
Grant McGill
503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

www.mcgillwaterrights.com



REVISED 10/14/2021

Table 2. Description of Changes to Water Right Certificate # 63588

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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
2	S	4	E	11	NW	NE	Rd., 600		12.8	NU	Wells 1, 2, 3	1984		2	S	4	E	11	NW	NE	Rd.		3.6	NU	Wells 1, 2, 3	1984
													POA	2	S	4	E	11	NW	NE	600		9.2	NU	Wells 5, 6	1984
TOTAL ACRES:									12.8					TOTAL ACRES:									12.8			

Additional remarks: Well 4 is in a different aquifer and is not a "from" POA in this transfer. To avoid injury to nearby wells, we request that the allowed rate from Well 6 be 0.073 cfs under Cert. 63588 (plus 0.014 cfs from 95125 and 0.028 cfs from 95126, totaling 0.115 cfs maximum). Well 5 should still be allowed the full rate requested by this transfer.

Lawson
RECEIVED

OWRD

OCT 18 2021

~~OCT 18 2021~~

OWRD

RECEIVED

REVISED 10/14/2021

Table 2. Description of Changes to Water Right Certificate # 95125

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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		
2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 3	1997	POA	2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 5, 6	1997		
TOTAL ACRES:									8.0						TOTAL ACRES:									8.0				

Additional remarks: Well 4 is in a different aquifer and is not a "from" POA in this transfer. We only request that 0.014 cfs (portion from Well 3) of the total authorized 0.028 cfs be transferred to Wells 5 & 6 for the 8.0-acre portion. The difference will remain with Well 4 and not be included in this transfer.

Revised
RECEIVED

OCT 18 2021

OWRD

SMITH Tamera L * WRD

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Monday, October 18, 2021 11:06 AM
To: SMITH Tamera L * WRD
Subject: T-13682 DPD edits

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

I hope the other email finds you well regarding the revised rates. If we are proceeding with processing this transfer, we found a few minor edits necessary in the DPD.

- On pg. 5, item 10, in the Authorized POA table, Well 1 measured distance should read from the "S 1/4 corner" instead of "S/14".
- On pg. 5, item 10, in the Authorized POU tables, the 20.1 acre irrigation row and the SENW agricultural row are probably not needed as they were not listed in the 95125 portion.
- Can we get the C date extended to 10/1/2026 instead of 2022? Since these are proposed wells, the applicant would appreciate a 5-year development period to get the driller scheduled and make improvements to the water system.

Thanks!

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135039**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK: # 1822 ☒ OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13682</u>

TOTAL REC'D \$ 2,610.00

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	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>2610.00</u>		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

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 _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **135039**

DATED: 4/21/2021 BY: Mindy Cadman

Application for Permanent Water Right 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 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.

RECEIVED

APR 21 2021

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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 new 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 Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: Cert. 63588, 95125, 95126**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation 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.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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(For Staff Use Only)

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

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ 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 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), 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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FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
3	Number of water rights included in transfer <u>3 (3a)</u> Subtract 1 from the number in 3a above: <u>2 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	1,040
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter \$410 »	4	410
5	Do you propose to change the place of use or character of use? ☒ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	2,610
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$2,610

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

TACS

Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME Stratford Landscape Supply of Winston Salem Inc.		PHONE NO. (743) 333-1738	ADDITIONAL CONTACT NO. APR 21 2021
ADDRESS 2366 S Stratford Rd.		FAX NO. OWRD	
CITY Winston Salem	STATE NC	ZIP 27103	E-MAIL jlandscaping@live.com
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 Will McGill Surveying LLC		PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pletzer Rd. SE		FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com
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:
Application is being made for two wells (second well only be drilled if needed) on tax lot 600 to irrigate the portions of certificates 63588, 95125 and 95126 that are authorized on tax lot 600.

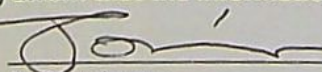
Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


 Applicant signature

Joseph Plitt
 Print Name (and Title if applicable)

10 April 2021
 Date

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

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- ☐ 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. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	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	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Clackamas County	ADDRESS 150 Beaver Creek Rd. Rm #225	
CITY Oregon City	STATE OR	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

CERTIFICATE # 63588

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Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 1	☒ Authorized ☐ Proposed	CLAC 6664	2	S	4	E	2	SE	SW	3900	740' N & 630' W from the S ¼ corner of section 2.
Well 2	☒ Authorized ☐ Proposed	CLAC 5383	2	S	4	E	2	SE	SW	3800	1000' N & 40' W from the S ¼ corner of section 2.
Well 3	☒ Authorized ☐ Proposed	CLAC 5365	2	S	4	E	2	SE	NW	3700	1260' N & 970' W from the center ¼ section of 2.
Well 4	☒ Authorized ☐ Proposed	CLAC 5364	2	S	4	E	2	SE	SW	3900	510' N & 540' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

Table 2. Description of Changes to Water Right Certificate # 63588

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, 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		
2	S	4	E	11	NW	NE	Rd., 600		12.8	NU	Wells 1, 2, 3, 4	1984		2	S	4	E	11	NW	NE	Rd.		3.6	NU	Wells 1, 2, 3, 4	1984
													POA	2	S	4	E	11	NW	NE	600		9.2	NU	Wells 5, 6	1984
TOTAL ACRES:								12.8						TOTAL ACRES:								12.8				

Additional remarks:_____.

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For Place of Use or Character 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 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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
Well 5	No		600' +/-	10"		Min. 18'			sand	
Well 6	No		600' +/-	10"		Min. 18'			sand	

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 3	☒ Authorized ☐ Proposed	CLAC 5365	2 S	4 E	2	SE NW	3700	1260' N & 970' W from the center ¼ section of 2.
Well 4	☒ Authorized ☐ Proposed	CLAC 5364	2 S	4 E	2	SE SW	3900	510' N & 540' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2 S	4 E	11	NW NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2 S	4 E	11	NW NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

Table 2. Description of Changes to Water Right Certificate # 95125

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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				
2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 3, 4	1997	POA	2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 5, 6	1997		
TOTAL ACRES:									8.0						TOTAL ACRES:									8.0				

Additional remarks: _____.

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For Place of Use or Character 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 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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
Well 5	No		600' +/-	10"		Min. 18'			sand	
Well 6	No		600' +/-	10"		Min. 18'			sand	

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 1	☒ Authorized ☐ Proposed	CLAC 6664	2	S	4	E	2	SE	SW	3900	740' N & 630' W from the S ¼ corner of section 2.
Well 2	☒ Authorized ☐ Proposed	CLAC 5383	2	S	4	E	2	SE	SW	3800	1000' N & 40' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

Table 2. Description of Changes to Water Right Certificate # 95126

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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		
2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 1, 2	1997	POA	2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 5, 6	1997		
TOTAL ACRES:									8.0						TOTAL ACRES:									8.0				

Additional remarks:_____.

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For Place of Use or Character 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 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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
Well 5	No		600' +/-	10"		Min. 18'			sand	
Well 6	No		600' +/-	10"		Min. 18'			sand	



Business Corporation

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Legal Name

Stratford Landscape Supply of Winston-salem, Inc.

APR 21 2021

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Information

SosId: 1929303

Status: Current-Active ⓘ

Date Formed: 12/20/2019

Citizenship: Domestic

Fiscal Month: December

Annual Report Due Date: April 15th

Annual Report Status: Current

Registered Agent: [Plitt, Joseph](#)

Addresses

Mailing

2366 Stratford Rd
Winston Salem, NC 27103

Principal Office

2366 Stratford Rd
Winston Salem, NC 27103

Reg Office

2366 Stratford Rd
Winston Salem, NC 27103

Reg Mailing

2366 Stratford Rd
Winston Salem, NC 27103

Officers

President

[Joseph Plitt](#)

312 Beechcliff Ct.
Winston-Salem NC 27104

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)
County of Clackamas) ss

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I, Joseph Plitt, in my capacity as owner,

mailing address 312 Beechcliff Ct., Winston Salem, NC 27104

telephone number (743) 333-1738 being first duly sworn depose and say:

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

☐ Personal observation

☒ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the **entire** place of use for
Certificate # ____; **OR**

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
63588	2	S	4	E	WM	11	NW	NE		9.2
95125	2	S	4	E	WM	11	NW	NE		8.0
95126	2	S	4	E	WM	11	NW	NE		8.0

OR

☐ Confirming Certificate # ____ has been issued within the past five years; **OR**

☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: ____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for
non-use would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

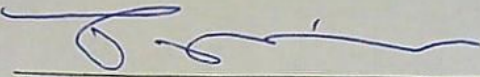
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

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APR 21 2021

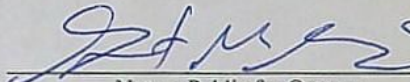
OWRD

5 April '21
Date


Signature of Affiant

Signed and sworn to (or affirmed) before me this 5 day of April, 20 21.




Notary Public for Oregon

My Commission Expires: 11/13/2023

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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. 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
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Land Use Information Form



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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

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Applicant(s): Stratford Landscape Supply of Winston Salem Inc.

Mailing Address: 2366 S Stratford Rd.

City: Winston Salem

State: NC

Zip Code: 27103-6235

Daytime Phone: (743) 333-1738

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>2S</u>	<u>4E</u>	<u>11 AB</u>	<u>NWNE</u>	<u>600</u>	<u>EFU</u>	☒ Diverted	☐ Conveyed	☒ Used	<u>Farming/Nursery</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Clackamas 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) _____

Estimated quantity of water needed: 86.0 ☐ 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 Nursery

Briefly describe:

It is proposed to transfer the portions of Certificates 63588, 95125, and 95126 that are on tax lot 600 from the authorized wells to new proposed wells 5 and 6.

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. →

APR 21 2021

For Local Government Use Only

OWRD

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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Farm uses are primary permitted use in EFV Zoning

Name: Melissa Ahrens Title: Senior Planner
 Signature: *Melissa Ahrens* Phone: 503-742-4519 Date: 4/13/20
 Government Entity: Clackamas County

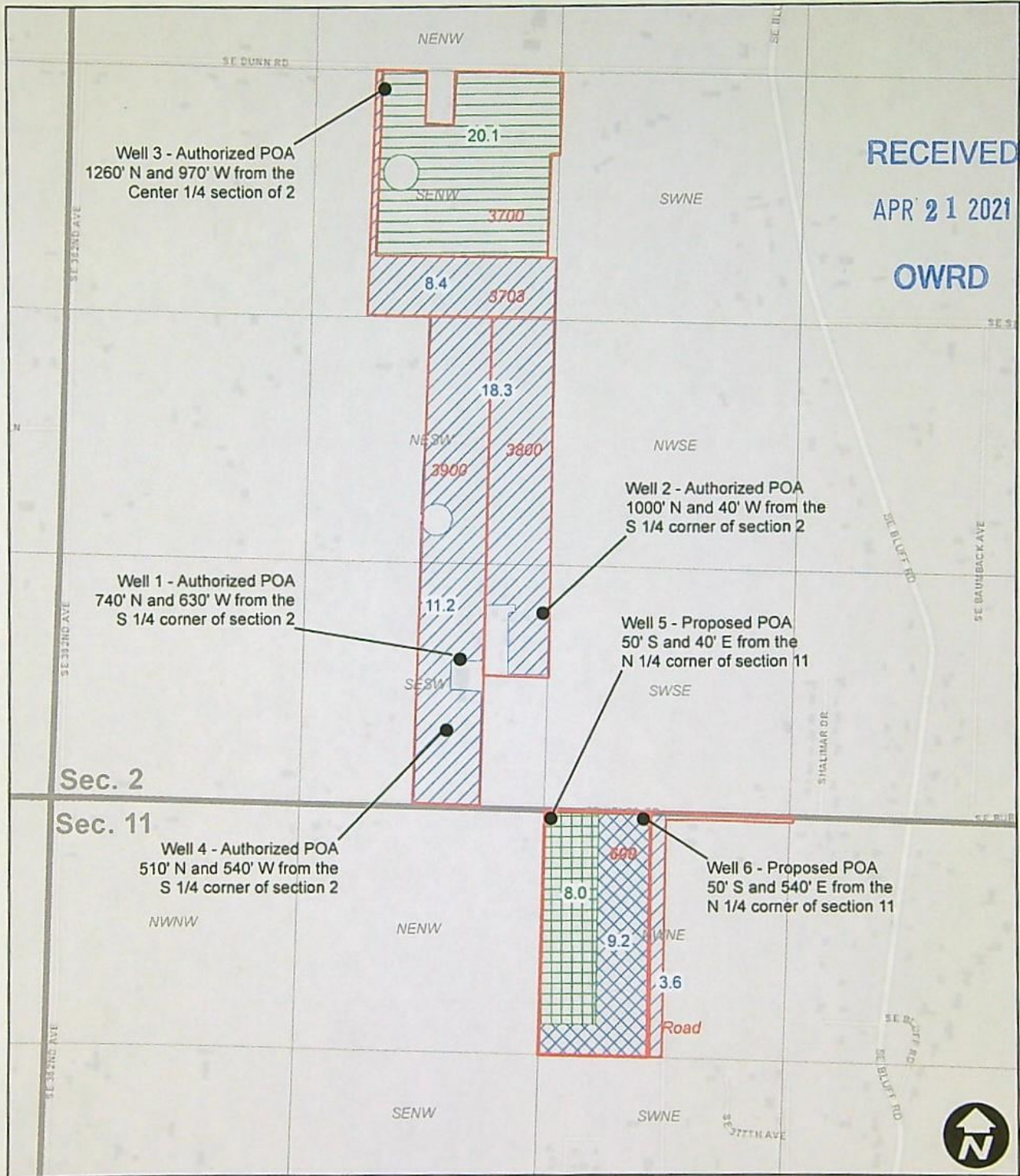
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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

Transfer Application - Stratford Landscape Supply

Township 2S, Range 4E, W.M.



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Legend

- Cert. 63588 Change POA
- Cert. 63588 No Change
- Cert. 95125 & 95126 Change POA
- Cert. 95125 & 95126 No Change
- Tax Lot

0 400 800 1,600 Feet



EXPIRES: 12/31/2022

APR 21 2021

Contractor's License No. 25 Date Dec 1967

Work started	19	Completed	19
Late well drilling machine moved off of well			19

OWRD

The original and first copy of this report are to be filed with the

RECEIVED

WATER WELL REPORT

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310

OCT 11 1978

STATE OF OREGON

within 30 days from the date of well completion.

WATER RESOURCES DEPT.

SALEM, OREGON

(Please type or print)

(Do not write above this line)

CLACK
05383

State Well No.

State Permit No.

Well 2
25/4E-2

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(1) OWNER:

Name Harry Chatelain
Address 37071 S.E. Kelso Rd
Boring, Ore 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

8" Diam. from 0 ft. to 350 ft. Gage 250
2" Diam. from 2 ft. to 350 ft. Gage 250
6" Diam. from 342 ft. to 500 ft. Gage 250

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Torch

Size of perforations 1/8 in. by 4 in.
100 perforations from 345 ft. to 385 ft.
50 perforations from 415 ft. to 425 ft.
25 perforations from 470 ft. to 485 ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: 115 gal./min. with 108 ft. drawdown after 8 hrs.
115 " 138 " 8 "

Ball test 40+ gal./min. with 1 ft. drawdown after 22 hrs.

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used cement & bent.
Well sealed from land surface to 120 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 12-8 in.
Number of sacks of cement used in well seal 56 sacks
How was cement grout placed? pressure grout

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☒ Yes ☐ No

Type of water? not enough depth of strata 100-120

Method of sealing strata off cement & casing

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8

Gravel placed from 342 ft. to 500 ft.

(10) LOCATION OF WELL:

County Clack Driller's well number 25/4E-2
1/4 1/4 Section 2 T. 25 R. 4E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 80 ft.
Static level 312 ft. below land surface. Date June 30
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing none

Depth drilled 500 ft. Depth of completed well 500 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top Soil	0	2	
Red Clay	2	21	
Yellow Clay	21	58	WB
Cement gravel	58	121	60
Sandstone	121	148	
Gravel & clay	148	162	
Yellow clay	162	166	
Yellow clay & gravel	166	184	
Red Clay & gravel	184	187	
Sandy clay & gravel (craving)	187	212	
Sandstone	212	268	
Clay with gravel	268	281	
Sandstone	281	296	
Yellow Clay	296	305	
White Clay	305	319	
Blue Clay	319	365	
Blue Clay & coarse sand	365	385	WB
Blue & gray clay	385	500	372

Work started 4-13 1978 Completed 6-30 1978

Date well drilling machine moved off of well 6-30 1978

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Ted W. Pulliam Date 7-15, 1978
(Drilling Machine Operator)

Drilling Machine Operator's License No. 813

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ted Pulliam Well Drilling
(Person, firm or corporation) (Type or print)

Address 18211 S.E. Powell Gresham

[Signed] Ted W. Pulliam
(Water Well Contractor)

Contractor's License No. 616 Date 7-15, 1978

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

WATER WELL REPORT
STATE OF OREGON

CLAC05365

RECEIVED

MAY 25 1982

WATER RESOURCES DEPT
SALEM, OREGON

well 3
State Well No. 25/4E-262

State Permit No.

(1) OWNER:

Name Chatelain's Nursery
Address 37071 S.E. Kelso Road
City Boring State Oregon

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐ Domestic ☒ Industrial ☐ Municipal ☐
Pneum. Mud ☐ Dug ☐ Irrigation ☒ Test Well ☐ Other ☐
☐ Bored ☐ Thermal: Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
10" Diam. from 0 ft. to 190 ft. Gauge 250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

8" Diam. from 0 ft. to 430 ft. Gauge 188

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used Torch
Size of perforations 1/8 in. by 6 in.
1000 perforations from 295 ft. to 425 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☒ Yes ☐ No

Manufacturer's Name Model No.
Type
Diam. 8" Slot Size 0.875 Set from 295 ft. to 395 ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Is pump test made? ☒ Yes ☐ No If yes, by whom? Ted
Yield: 100 gal./min. with 40 ft. drawdown after 6 hrs.
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Flow rate g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used cement 4% bent
Well sealed from land surface to 80 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 42 sacks
How was cement grout placed? grout pumped

Was pump installed? yes Type sub HP 25 Depth 385 ft.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☒ Yes ☐ No
Type of Water? NOT KNOWN Depth of strata NOTE: 400 ft. 60
Method of sealing strata off
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8
Gravel placed from 0 ft. to 420 ft.

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

(10) LOCATION OF WELL:

County CLACK Driller's well number
SE 1/4 NW 1/4 Section 2 T. 25 R. 4E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location: 37071 S.E. Kelso Rd.
Boring, Oregon

(11) WATER LEVEL: Completed well.

Depth at which water was first found 60 ft.
Static level 285 ft. below land surface. Date 5/24/82
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8" x 10"

Depth drilled 460 ft. Depth of completed well 450 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Clay	0	60	
Clay & Gravel	60	120	40'
Rock with loose gravel streaks	120	140	
Clay & Gravel	140	190	
Sandstone	190	260	
Fine cemented gravel	260	340	
Coarse sand and gravel	340	360	
Clay and Sand	360	420	
Clay	420	450	
Sand	450	455	
Clay	455	460	

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APR 21 2021

OWRD

Work started 2-5 19 82 Completed 5/24 19 82
Date well drilling machine moved off of well 5/24 19 82

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Ted W. Pullman Date 5/24, 19 82
(Drilling Machine Operator)

Drilling Machine Operator's License No. 813

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ted W. Pullman Well Drilling
(Person, firm or corporation) (Type or print)

Address 4245 W. Powell

[Signed] Ted W. Pullman
(Water Well Contractor)

Contractor's License No. 616 Date May 24, 19 82

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*12658-690

WATER WELL CONTRACTOR

original and first copy
of this report are to be
filed with the

ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

CLAC

State Well No. 2/5-2

State Permit No.

(1) OWNER:

Name Harry Charles
Address RT 1 Box 236

APR 21 2021

OWRD

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐
Cable ☒
Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

PIPING INSTALLED:

Threaded ☐ Welded ☒

0" Diam. from 0 ft. to 3.64 ft. Gage 2.77

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No

A perforator used Torch cut liner

Size of perforations 3/8 in. by 10 in.

150 perforations from 360 ft. to 390 ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Water level 302 ft. below land surface Date Nov. 67

Pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom?

120 gal./min. with 50 ft. drawdown after 6 hrs.

" " " "

" " " "

Ball test 40 gal./min. with 5 ft. drawdown after 2 hrs.

Artesian flow g.p.m. Date

Temperature of water 53 Was a chemical analysis made? ☐ Yes ☒ No

(10) CONSTRUCTION: Sand cement

Well seal—Material used Backfill clay slurry

Depth of seal below 150 ft.

Diameter of well bore to bottom of seal 10 in.

Were any loose strata cemented off? ☐ Yes ☒ No Depth

Was a drive shoe used? ☒ Yes ☐ No

Did any strata contain unusable water? ☒ Yes ☐ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(11) LOCATION OF WELL:

County Clackamas Driller's well number

1/4 1/4 Section 2 T. 28 R. 5E W.M.

Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing to bottom

Depth drilled 400 ft. Depth of completed well 400 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	2	
red clay	2	21	
dark clay	21	28	
clay	28	52	
cobbles	52	61	
cement gravel	61	71	
boulders	71	73	
cement cobbles	73	78	
cement gravel	78	92	
clay red	92	95	
cement gravel	95	115	
river silt	115	155	
clay & gravel	155	184	
yellow sandstone	184	191	
lava rock blue clay	191	209	
seams			
blue clay	209	225	
brown clay	225	266	
yellow sandstone	266	281	
clay sandstone	281	297	
clay	297	320	
yellow sand	320	330	

Work started Oct 1967 Completed Nov 1967

Date well drilling machine moved off of well Nov 1967

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] C. D. Olsen Date Dec, 1967
(Drilling Machine Operator)

Drilling Machine Operator's License No. 2.14

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME H. D. Olsen
(Person, firm or corporation) (Type or print)

Address 18211 SE Powell Sheshan

[Signed] C. D. Olsen
(Water Well Contractor)

Contractor's License No. 2822 Date Dec, 1967

WATER WELL REPORT
STATE OF OREGON

CLAC
C5364

RECEIVED

APR 24 1985

State Well No. well 4

State Permit No. 29/4E-2bd

PLEASE TYPE OF PRINT IN INK
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2021

(1) OWNER:

Name Chateau Nursery
Address 37071 S.E. Kelso Rd.
City Corvallis State Ore

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
Rotary Mud ☐ Dug ☐ Irrigation ☒ Test Well ☐ Other ☐
☒ Bored ☐ Thermal ☐ Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel ☒ Plastic ☐
100' Threaded ☐ 250 Welded ☒
" Diam. from 0 ft. to 640 ft. Gauge 250
" Diam. from 640 ft. to 860 ft. Gauge 250-280

LINER INSTALLED:

" Diam. from ft. to ft. Gauge
(6) PERFORATIONS: Perforated? ☒ Yes ☐ No
Type of perforator used SAW
Size of perforations 1/8 in. by 64 in.
2,160 perforations from 840 ft. to 1560 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Ted
id: 180 gal/min. with 20 ft. drawdown after 24 hrs.
Air test gal/min. with drill stem at ft. hrs.
Bailer test gal/min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used cement & 4% bent.
Well sealed from land surface to 60 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 44 sacks
How was cement grout placed? pumped

Was pump installed? yes Type 3.15 HP 50 Depth 800 ft.
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel: ft.
Gravel placed from ft. to ft.

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

(10) LOCATION OF WELL:

County Clack Driller's well number
SE 1/4 NW 1/4 Section 2 T. 2S R. 4E **OWED**
Tax Lot # Lot Blk Subdivision
Address at well location: 37071 S.E. Kelso Rd.
Corvallis Ore.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 105 ft.
Static level 684 ft. below land surface. Date 4-12-84
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 1560 ft. Depth of completed well 1560 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	2	
Red Clay	2	25	
Red clay & gravel	25	40	
Cemented gravel & boulders	40	99	
Red hard rock	99	105	
Cemented gravel (WB 40gpm)	105	175	
Red hard rock	175	215	
Sandstone	215	340	
Blue Clay	340	380	
Coarse sand (washed 80gpm)	380	405	350
Blue Clay	405	640	
Hard sandstone	640	665	
Blue Clay	665	850	
Volcanic Rock	850	1250	
Blue Shale (w. bearing)	1250	1300	784
Volcanic Rock	1300	1370	
Soft volcanic rock (w.b.) all	1370	1440	784
Volcanic rock	1440	1560	
Water bearing 1500-1560			

Work started June 1 1982 Completed 4-15 1984
Date well drilling machine moved off of well 4-25 1984

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Ted Williams Date April 15, 1984

Bonded Water Well Constructor Certification:

Bond 254611 Issued by: Sarco
(number) Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ted Williams Well Drilling (Type or print)
(Person, firm or corporation)

Address 4245 W. 11th St. Corvallis Ore. (Type or print)

[Signed] Ted Williams Water Well Constructor
Date April 15, 1984

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP-4522-000

Checked by AB

Date 4-14-21

(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? Fee paid: 26.10
If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov. Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☐ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, 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.

Certs & acres involved:
63588, 95125, 95126
Changes: POA x 2
cfs involved: 0.56
Source: Deep Lake Basin

63588

POA x 2

RR

12.8 a NW RR

0.56 cfs

95125

POA x 2

RR

8.0 RR + NW

0.56

95126

POA x 2

RR

8.0 RR + NW

0.56

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APR 21 2021

OWRD



Evidence of
buried mainline
crossing under
Kelso Rd. to
N property line
of tax lot 600
from property
under same
ownership as Wells
1, 2, 3, and 4.

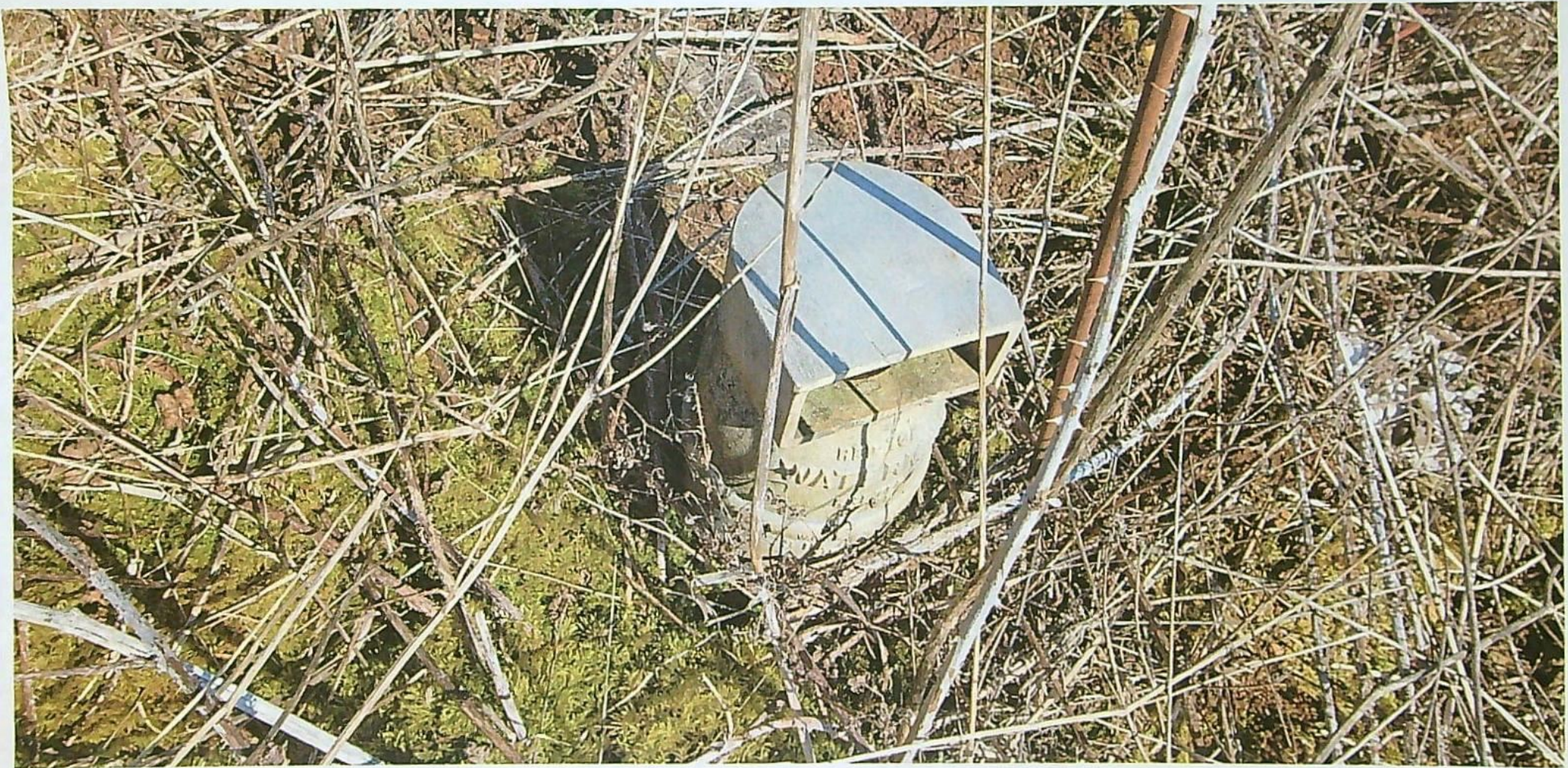


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APR 21 2021

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4" riser from
buried mainline
along N property
line of tax lot
600



4" vent along N property line of tax lot 600

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APR 21 2021

OWRD

APR 21 2021

OWRD



Imagery Date: 8/13/2020 45°25'02.59" N 122°17'19.04" W elev = 796 ft eye alt 3832 ft

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135160**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Stratford Landscape Supply of
BY: Winston Salem, Inc.

APPLICATION	
PERMIT	
TRANSFER	T-13682

CASH: ☐ CHECK: # 1032 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,009.74

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11301-21 \$ _____
0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 1,009.74

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	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

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 _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **135160**

DATED: 5-6-2021 BY: [Signature]

RECEIVED

MAY 06 2021

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-301-21**

OWRD

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Stratford Landscape Supply of Winston Salem, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: **Kelly Starnes**
 Title: Transfer Advisor
 Address: 725 Summer Street, NE, Suite A
 Salem, OR 97301-1266
 Phone: 503 986-0886
 Fax: 503 986-0901
 Email: patrick.k.starnes@oregon.gov

Applicant's Information

Name: Stratford Landscape Supply of
 Winston Salem
 Contact:
 Address: 2366 S. Stratford Rd.
 Winston Salem, NC 27103
 Phone: (743) 333-1738
 Fax:
 Email: jlandscaping@live.com

Applicant's Representative

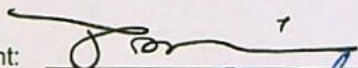
Name: Will McGill Surveying, LLC
 Contact:
 Address: 15333 Pletzer Rd. SE
 Turner, OR 97392
 Phone: (503) 510-3026
 Fax:
 Email: willmcgill.surveying@gmail.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-13682)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,009.74**. Applicant agrees to pay the full amount of **\$1,009.74** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

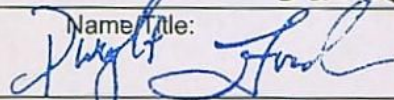
7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information. **IMPORTANT:** Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

 owner

Name/Title:

For OWRD:


Dwight French – Administrator

1 May '21
Date

5-13-21
Date

Mail signed Agreement to:

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135034**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK: # 1820 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>T-13682</u>

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R-11301-21 \$
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 125.00

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	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
	LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

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 (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **135034**

DATED: 4-21-2021 BY: Mindy Carlson



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

<u>TYPE</u>	<u>FILE NUMBER</u>
Transfer Application	Transfer Number T-13682

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	Stratford Landscape Supply of Winston Salem	Will McGill Surveying LLC
Address:	2366 S Stratford Rd.	15333 Pletzer Rd. SE
	Winston Salem, NC 27103	Turner, OR 97392
Phone:	(743) 333-1738	(503) 510-3026
Fax:		
E-Mail Address:	jlandscaping@live.com	willmcgill.surveying@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

RECEIVED

APR 21 2021

OWRD

I certify that I am the (check one):

☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

Name: William E. McGill, CWRE

Signature: William E. McGill

OWRD USE ONLY: Reimbursement Authority Number: R11-301-21



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 29, 2021

STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC
2366 S STRATFORD RD
WINSTON SALEM, NC 27103

Reference: Application T-13682

On April 21, 2021, we received your water right Transfer application. The application was accompanied by \$2610.00. Our receipt number 135039 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. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

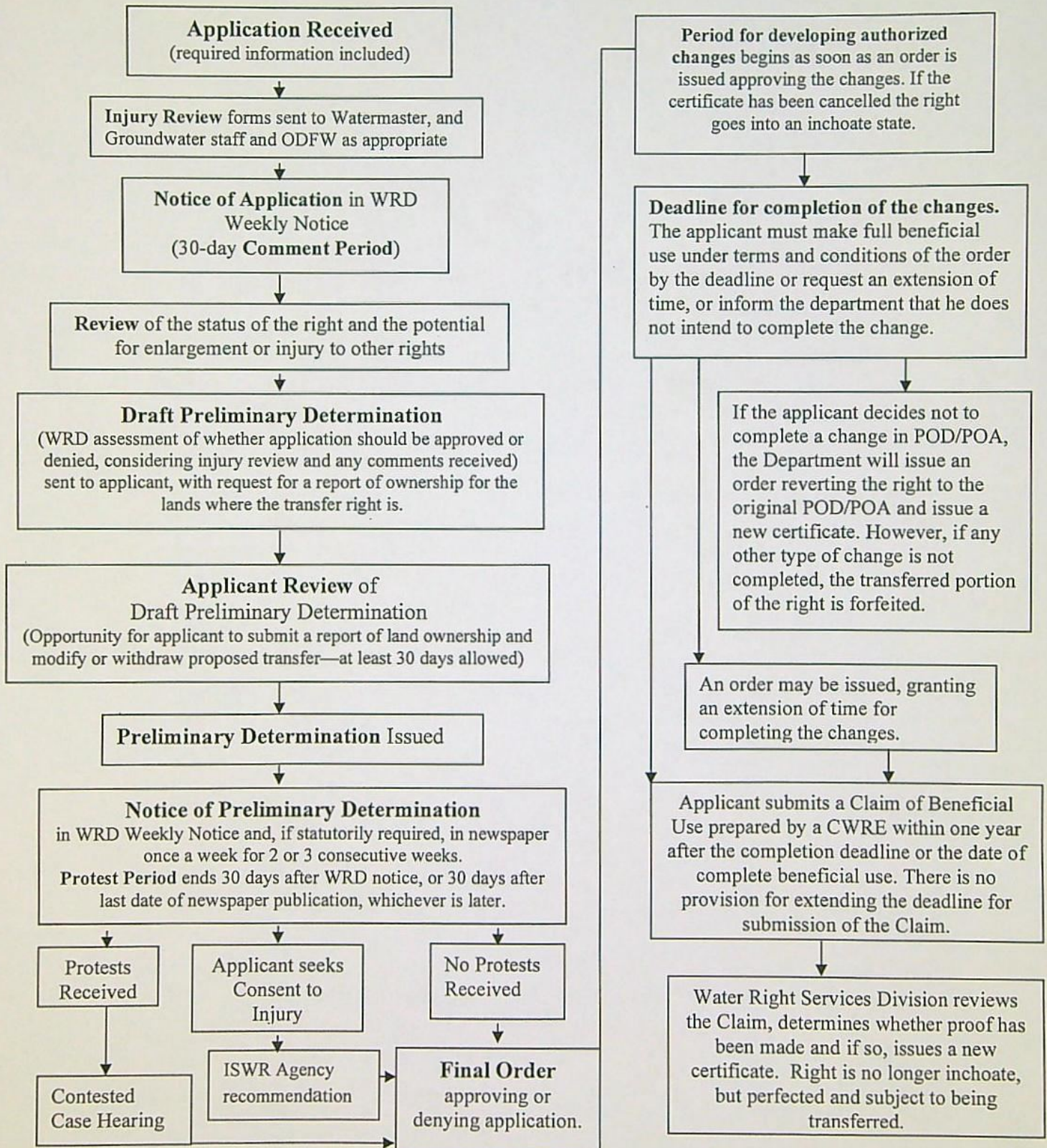
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #20 (via email)
William E. McGill, Agent
Clackamas County

Enclosure

Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135034**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK: ☒ 1820 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>7-13682</u>

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>47154</u>		\$
<u>0412</u> OTHER: (IDENTIFY) <u>Transfer R-11301-21</u>		\$
	<u>Reimbursement Authority</u>	\$ <u>125.00</u>

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	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

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 (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **135034**

DATED: 4-21-2021 BY: Mindy Cardam

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Full Copy - Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135160**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Stretford Landscape Supply of
BY: Winston Salem, Inc

APPLICATION	
PERMIT	
TRANSFER	<u>T-13682</u>

CASH: ☐ CHECK: # 1032 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,007.74

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11301-21 \$
0412 OTHER: (IDENTIFY) Reimbursement Authority \$ 1,007.74

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	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

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 _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **135160**

DATED: 5-6-2021 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **135039**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Will McGill Surveying, LLC

BY: _____

CASH: ☐ CHECK # 1822 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>1-13682</u>

TOTAL REC'D \$ 2,610.00

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	\$	0202	\$
0203 GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 2610.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

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 (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **135039**

DATED: 4-21-2021 BY: Mindy Cardem

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



RECEIVED
JUN 17 2022
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: ORSAFA

Transaction Type: Protest Fees

Fees Received: \$ 950.00

☐ Cash

☒ Check:

Check No. 118738

Name(s) on Check: Jordan Ramis PC office account

Address on Check: 2 Centerpointe Dr. 1st Floor
Lake Oswego, OR 97035

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: Corie Lovrien

(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.

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13682

Transfer Specialist: B

Transfer Type: Regular Transfer

Applicant: STRATFORD LANDSCAPE SUPPLY OF WINSTON SALEM INC 2366 S STRATFORD RD WINSTON SALEM, NC 27103 Email: <u>yes</u> Phone: <u>lots of plants we</u>		Agent: ☐ N/A WILLIAM E. MCGILL 15333 PLETZER RD SE TURNER, OR 97392 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A County Of Clackamas Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-11318	G-10481	63588	☒ Yes ☐ No	95822
☐	G-14572	G-13402	95125	☒ Yes ☐ No	95823
☐	G-14573	G-13403	95126	☒ Yes ☐ No	95824

Key Dates & Initial Actions:

Rec'd: April 21, 2021	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 2610.00	WM District: 20	ODFW-District: _____
Initial Public Notice: May 4, 2021	WM Review sent: <u>626 - New only</u>	ODFW Review sent: _____
Acknowledgement Letter Sent ☒	<u>exc. BOR A 17</u>	GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☒	BOR notified (date): ☒ N/A	<u>DENY. challenge / rev. # Revised application for approval</u>
Newspaper quote requested: ☒	Request for news \$ sent: <u>4-11-22</u>	News \$ received: _____
Request to publish sent: _____	Affidavit of publication received: _____	Last day of publication: _____

The Sandy Post / > .25 mi.

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>8-26-21</u> Initials: <u>B</u>	Date: <u>8/26/21</u> Initials: <u>AD</u>	Date: <u>1-13-22</u> Initials: <u>B</u>	Date: <u>10/1/21</u> Initials: <u>PKS</u>	Date: _____ Initials: _____	CW Sent: _____	N/A
<u>changed notice PD and Notice</u>	Date: <u>3-14-22</u> Initials: <u>B</u>	Date: <u>3/18/22</u> Initials: <u>AD</u>	Date: _____ Initials: _____	Date: <u>3/30/22</u> Initials: <u>PKS</u>	Date: <u>2/2/22</u> Initials: <u>2/2/22</u>	Date: <u>4/26/2022</u>	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: 3-2 new signature page Applicant name change, 5/1/2022

Special Order Volume: Vol. _____ Pages _____

3/30 DC → 5/30 request
NP

Revised PD & ER for C-63588

Draft	PR	Coord	A med	Sig bin
510.22 B	5/12/12 Jorn	5/23/12 PKS	B	

Business Registry Business Name Search

[New Search](#)

Business Entity Data

02-25-2022
07:50

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1757734-99	DLLC	ACT	OREGON	12-21-2020	12-21-2022	
Entity Name	LOTS OF PLANTS, LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	37288 SE KELSON RD					
Addr 2						
CSZ	BORING	OR	97009		Country	UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT		Start Date	12-21-2020	Resign Date	
Name	JOSEPH		PLITT				
Addr 1	37288 SE KELSO ROAD						
Addr 2							
CSZ	BORING	OR	97009	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS			
Addr 1	2366 S STRATFORD RD				
Addr 2					
CSZ	WINSTON SALEM	NC	27103	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	JOSEPH		PLITT			
Addr 1	2366 S STRATFORD RD					
Addr 2						
CSZ	WINSTON SALEM	NC	27103	Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER			Resign Date	
Name	CHIN CHIN		PLITT			
Addr 1	312 BEECHCLIFF CT					
Addr 2						
CSZ	WINSTON SALEM	NC	27104	Country	UNITED STATES OF AMERICA	

name change
13682 - submitted 3-2-2022

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LOTS OF PLANTS, LLC	EN	CUR	12-21-2020	

Please [read](#) before ordering [Copies](#).[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-22-2021		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-14-2021		FI		
	ARTICLES OF ORGANIZATION	12-21-2020		FI	Agent	

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Lots Of Plants LLC		PHONE NO. (743) 333-1738	ADDITIONAL CONTACT NO.
ADDRESS 2366 S Stratford Rd.		FAX NO.	
CITY Winston Salem	STATE NC	ZIP 27103	E-MAIL landscaping@lhp.com
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 Will McGill Surveying LLC		PHONE NO. (503) 510-8026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pictor Rd. SE		FAX NO.	
CITY Turner	STATE OR	ZIP 97132	E-MAIL willmcgill.surveying@gmail.com
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:
 Application is being made for two wells (second well only be drilled if needed) on tax lot 600 to irrigate the portions of certificates 63388, 95125 and 95126 that are authorized on tax lot 600.

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-401(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.560(1)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant Signature

Joseph Plitt
Print Name (and Title if applicable)

1 Mar 22
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, is located? ☒ Yes ☐ No. If NO, include signatures of all needed landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Revised 11/6/2019

Permanent Transfer Application Form – Page 4 of 14

RECEIVED
MAR 03 2022
OWRD

TACS

13682

SMITH Tamera L * WRD

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Wednesday, March 2, 2022 8:50 AM
To: SMITH Tamera L * WRD
Subject: Re: T-13628 report of ownership and applicant signature page
Attachments: pg. 4 revised T-13682.pdf

Hi Tamera,
Attached the revised signature page for T-13682. I apologize for the bad resolution. The applicant is sending the original in the mail also.

--

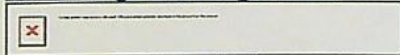
Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Tue, Mar 1, 2022 at 1:16 PM Grant McGill <grantmcgill.wr@gmail.com> wrote:
Yes, we can do that!

--

Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Tue, Mar 1, 2022 at 1:07 PM SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov> wrote:

Hi Grant,

The Department does accept scanned or electronic signatures. Can the original follow in the mail?

Thank you, Tamera

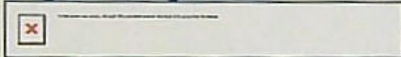
From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Tuesday, March 1, 2022 12:22 PM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: Re: T-13628 report of ownership and applicant signature page

SMITH Tamera L * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Tuesday, March 1, 2022 1:07 PM
To: SMITH Tamera L * WRD
Cc: Grant McGill
Subject: Re: T-13628 report of ownership and applicant signature page
Attachments: COVER SHEET WITH DATE.pdf; Will McGill Trio with Cover Pg 37288 SE Kelso Rd.pdf

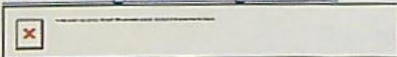
Tamera,
Here is what the title company provided me with the date of preparation. Let me know if this works for you!

--
Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



On Tue, Mar 1, 2022 at 9:56 AM Grant McGill <grantmcgill.wr@gmail.com> wrote:
Thank you for the update.

--
Grant McGill
503-931-0210
15333 Pletzer Rd. SE, Turner, OR 97392
www.mcgillwaterrights.com



On Tue, Mar 1, 2022 at 9:54 AM SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov> wrote:

Hi Grant and Will,

I have received multiple emails from the owner of the remaining rights, Marcus Fullard-Leo, who has many concerns. I have explained what will be happening with this transfer. He did not comment in a timely manner during the comment period.

Kindest regards,

Tamera

From: Grant McGill <grantmcgill.wr@gmail.com>
Sent: Tuesday, March 1, 2022 9:40 AM
To: SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov>
Cc: Will McGill <willmcgill.surveying@gmail.com>
Subject: Re: T-13628 report of ownership and applicant signature page

Ok, thanks. I'll see if Ticor Title can provide that.

It sounded like the client is in Oregon right now (from North Carolina), we will try to catch up with them and get a signature for you.

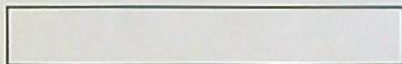
--

Grant McGill

503-931-0210

15333 Pletzer Rd. SE, Turner, OR 97392

www.mcgillwaterrights.com



On Mon, Feb 28, 2022 at 2:02 PM SMITH Tamera L * WRD <Tamera.L.SMITH@water.oregon.gov> wrote:

Hi Will and Grant,

The report of ownership does not appear to have a "prepared on" date anywhere on it. Please ask the title company to provide something with a prepared on date, such as a cover letter.

Because the application was in the name of the previous business name (see attached), we will need a revised applicant signature page with the new business name, please.

Thank you, Tamera



TICOR TITLE™

The RIGHT choice...*your* choice!

CUSTOMER SERVICE REQUEST

PREPARED ESPECIALLY FOR

Phone: 3/1/2022 for Will McGill

Fax:

Email: willmcgill.surveying@gmail.com

Property Address

37288 SE Kelso Rd

Boring OR 97009

CUSTOMER SERVICE DEPARTMENT

ticor.resource@ticortitle.com

Office : 503.219.1000

This report is provided "as is" without warranty of any kind, either express or implied, including without limitations any warranties of merchantability or fitness for a particular purpose. There is no representation of warranty that this information is complete or free from error, and the provider does not assume, and expressly disclaims, any liability to any person or entity for loss or damage caused by errors or omissions in this report. The information contained in the report is delivered to you from Ticor Title Company and is obtained from sources deemed reliable, but is not guaranteed and is subject to verification by consumer.

"As our customer **YOU** are our Company. **YOU** are the core of our job and the reason we open our doors.

Thank you for contacting Ticor Title for assistance with your business."



TICOR TITLE™

The RIGHT choice...*your* choice!

CUSTOMER SERVICE REQUEST

PREPARED ESPECIALLY FOR

Phone: Will McGill

Fax:

Email: willmcgill.surveying@gmail.com

Property Address

37288 SE Kelso Rd

Boring OR 97009

CUSTOMER SERVICE DEPARTMENT

ticor.resource@ticortitle.com

Office : 503.219.1000

This report is provided "as is" without warranty of any kind, either express or implied, including without limitations any warranties of merchantability or fitness for a particular purpose. There is no representation of warranty that this information is complete or free from error, and the provider does not assume, and expressly disclaims, any liability to any person or entity for loss or damage caused by errors or omissions in this report. The information contained in the report is delivered to you from Ticor Title Company and is obtained from sources deemed reliable, but is not guaranteed and is subject to verification by consumer.

"As our customer **YOU** are our Company. **YOU** are the core of our job and the reason we open our doors.

Thank you for contacting Ticor Title for assistance with your business."

Clackamas County Parcel Information



TICOR TITLE COMPANY

Parcel Information

Parcel #: 00654410
 Tax Lot: 24E11AB00600
 Site Address: 37288 SE Kelso Rd
 Boring OR 97009
 Owner: Lots Of Plants LLC
 Owner2:
 Owner Address: 2366 S Stratford Rd
 Winston Salem NC 27103 - 6235
 Twn/Range/Section: 02S / 04E / 11 / NE
 Parcel Size: 17.20 Acres (749,232 SqFt)
 Plat/Subdivision:
 Lot: 0600
 Block:
 Map Page/Grid: 660-H7
 Census Tract/Block: 023404 / 1003
 Waterfront:
 Building Use:

Tax Information

Levy Code Area: 046-004
 Levy Rate: 13.3746
 Tax Year: 2021
 Annual Tax: \$257.62
 Exempt Description:

Legal

Section 11 Township 2S Range 4E Quarter AB TAX LOT
 00600|Y|183,910

Assessment Information

Market Value Land:	\$474,981.00
Market Value Impr:	\$0.00
Market Value Total:	\$474,981.00
Assessed Value:	\$19,262.00

Land

Cnty Land Use: 550 - EFU farmland vacant
 Zoning: Clackamas Co.-EFU - Exclusive Farm Use
 District
 Watershed: Lower Clackamas River
 Primary School: KELSO ELEMENTARY
 High School: SANDY HIGH

Land Use Std: AMSC - Agricultural Misc
 Neighborhood: Sandy
 School District: 46 - Oregon Trail
 Middle School: BORING MIDDLE

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 08/31/2021	Sale Price:	Doc Num: 2021-080837	Doc Type: Quit Claim
Buyer: LOTS OF PLANTS LLC		Seller: STRATFORD LANDSCAPE SUPPLY OF WIN	
Rec. Date: 08/30/2021	Sale Price: \$10.00	Doc Num: 84-17805	Doc Type: Deed
Owner: Lots Of Plants LLC		Grantor:	
Orig. Loan Amt:		Title Co:	
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



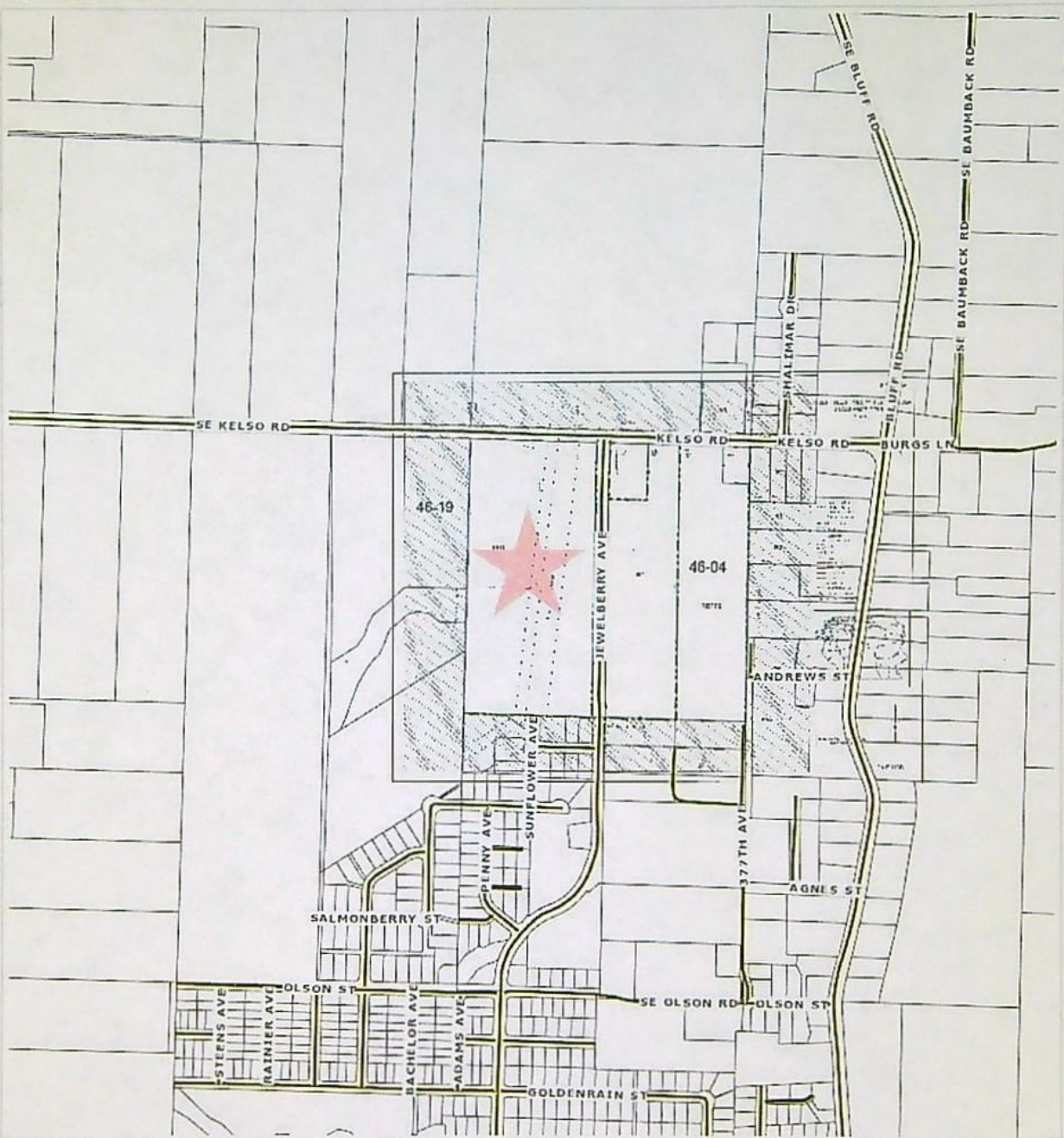
TICOR TITLE COMPANY

Parcel ID: 00654410

Site Address: 37288 SE Kelso Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Street Map



TICOR TITLE COMPANY

Parcel ID: 00654410

Site Address: 37288 SE Kelso Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

DLK

NO PART OF ANY STEVENS-ACRES FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

Stratford Landscape Supply of Winston-Salem, Inc.
2366 S. Stratford Road

Winston-Salem, NC 27103-6236

Lots of Plants, LLC

2366 S. Stratford Road

Winston-Salem, NC 27103-6236

Grantor's Name and Address

After recording, return to (Name and Address):

Kelly N. Jones, Bianca Tackabery

PO Drawer 25006

Winston-Salem, NC 27104

Units requested otherwise, send all tax statements to (Name and Address):

Lots of Plants, LLC

2366 S. Stratford Road

Winston-Salem, NC 27103-6236

Tax Parcel ID#: 00654410

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that STRATFORD LANDSCAPE SUPPLY OF WINSTON-SALEM, INC., a
North Carolina corporationhereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto
LOTS OF PLANTS, LLC, an Oregon limited liability companyhereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain
real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in
Clackamas County, State of Oregon, described as follows (legal description of property):ALL OF THAT TRACT OF LAND CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED IN
RECORDER'S FILE NO. 70-12487, DEED RECORDS CLACKAMAS COUNTY, OREGON AS FOLLOWS:
THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11,
TOWNSHIP 25 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON,
EXCEPTING THEREFROM THE EAST 60 FEET.EXCEPTING THEREFROM THE BONNEVILLE POWER ADMINISTRATION WOOD POLE AND/OR STEEL
STRUCTURES AND APPURTENANT HARDWARE CONNECTED THERETO NOW LOCATED ON AND OVER SAID
PROPERTY.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10.00. However, the
actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate
which) consideration. (The sentence between the symbols ☐ if not applicable, should be deleted. See ORS 93.030.)In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes
shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.IN WITNESS WHEREOF, grantor has executed this instrument on August 30, 2021; any
signature on behalf of a business or other entity is made with the authority of that entity.

Stratford Landscape Supply of Winston-Salem, Inc.

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 195.302 TO 195.336 AND
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 455, OREGON
LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 4, 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 DETER-
MINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 32.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.302 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2
TO 9 AND 17, CHAPTER 455, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 4, OREGON LAWS 2010.State of North Carolina ~~XXXXXX~~ XXXXXX, County of Forsyth ss.This instrument was acknowledged before me on August 30, 2021by Joseph Benjamin Plitt Jr.as Presidentof Stratford Landscape Supply of Winston-Salem, Inc.

LISA GRAY CORNATZER

Notary Public - North Carolina

Davie County

My Commission Expires 10/7/2022

NOTARY PUBLIC STATE OF NORTH CAROLINA My commission expires 10/7/2022

Notary Public for ~~XXXXXX~~ North CarolinaMy commission expires 10/7/2022Clackamas County Official Records
Sherry Hall, County Clerk

2021-080837



02497619202100808370010012

\$93.00

08/31/2021 11:50:17 AM

D-D Cnt=1 Stn=75 TIFFANY

\$5.00 \$18.00 \$62.00 \$10.00

SMITH Tamera L * WRD

From: Will McGill <willmcgill.surveying@gmail.com>
Sent: Tuesday, May 3, 2022 2:20 PM
To: SMITH Tamera L * WRD
Subject: T-13682 PD

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

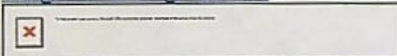
I have checked the PD and all looks good. Just have some housekeeping items as follows:

1. Under Finding of Fact #13, it seems like the first line of the table is not needed. The 3.6 acres are not part of the proposed changes (new POAs).
2. Under Finding of Fact #20, in the "AGRICULTURAL" table, the first line could be removed to be consistent with the other tables shown for the other water rights.

If you agree with this, please proceed with processing. Thanks so much!

--

Will McGill, PLS, CWRE
15333 Pletzer Rd SE
Turner, OR 97392
503-510-3026
mcgillwaterrights.com



T-13682 Revised PD and RR
C-63588

$$1.62 \mid 50.7 \approx$$

$$0.0319526$$

$$50.7$$

$$- 9.2$$

$$R = 41.5$$

$$\star 9.2 = 0.2939639$$

$$T = 0.29$$

$$\star 41.5 = 1.3260329$$

$$R = 1.33$$

Part 5 of 5 – Water Right Information

CERTIFICATE # 63588

RECEIVED

APR 21 2021

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR

OWRD

_____ gallons per minute (gpm)

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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 1	☒ Authorized ☐ Proposed	CLAC 6664	2	S	4	E	2	SE	SW	3900	740' N & 630' W from the S ¼ corner of section 2.
Well 2	☒ Authorized ☐ Proposed	CLAC 5383	2	S	4	E	2	SE	SW	3800	1000' N & 40' W from the S ¼ corner of section 2.
Well 3	☒ Authorized ☐ Proposed	CLAC 5365	2	S	4	E	2	SE	NW	3700	1260' N & 970' W from the center ¼ section of 2.
Well 4	☒ Authorized ☐ Proposed	CLAC 5364	2	S	4	E	2	SE	SW	3900	510' N & 540' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

REVISED 10/14/2021

Table 2. Description of Changes to Water Right Certificate # 63588

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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						
2	S	4	E	11	NW	NE	Rd., 600		12.8	NU	Wells 1, 2, 3	1984		2	S	4	E	11	NW	NE	Rd.		3.6	NU	Wells 1, 2, 3	1984
													POA	2	S	4	E	11	NW	NE	600		9.2	NU	Wells 5, 6	1984
TOTAL ACRES:									12.8				TOTAL ACRES:									12.8				

Additional remarks: Well 4 is in a different aquifer and is not a "from" POA in this transfer. To avoid injury to nearby wells, we request that the allowed rate from Well 6 be 0.073 cfs under Cert. 63588 (plus 0.014 cfs from 95125 and 0.028 cfs from 95126, totaling 0.115 cfs maximum). Well 5 should still be allowed the full rate requested by this transfer.

Revised
RECEIVED

OWRD

OCT 18 2021

~~10-18-2021~~

OWRD

RECEIVED

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HARRY G. AND FLORENCE CHATELAIN
37071 S.E. KELSO ROAD
BORING, OREGON 97009

confirms the right to use the waters of 4 WELLS in the TICKLE CREEK BASIN for the purpose of NURSERY OPERATIONS ON 50.7 ACRES.

The right has been perfected under Permit G-10481. The date of priority is OCTOBER 31, 1984, FOR USE FROM WELLS 3 AND 4, AND DECEMBER 24, 1984, FOR USE FROM WELLS 1 AND 2. The right is limited to not more than 1.62 CUBIC FEET PER SECOND FROM THE FOUR WELLS FOR NURSERY OPERATIONS USE, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

SE 1/4 SW 1/4, SE 1/4 NW 1/4 SECTION 2, T 2 S, R 4 E, W.M.;
WELL 1 - 740 FEET NORTH AND 630 FEET WEST; WELL 2 - 1000 FEET NORTH AND 40 FEET WEST; WELL 4 - 510 FEET NORTH AND 540 FEET WEST, ALL FROM THE SOUTH 1/4 CORNER OF SECTION 2; WELL 3 - 1260 FEET NORTH AND 970 FEET WEST FROM THE CENTER 1/4 SECTION OF 2.

The amount of water used for NURSERY OPERATIONS (OAR 690-11-110 (14)) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

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

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

SE 1/4 NW 1/4	8.4 ACRES
NE 1/4 SW 1/4	18.3 ACRES
SE 1/4 SW 1/4	11.2 ACRES
SECTION 2	
NW 1/4 NE 1/4	12.8 ACRES
SECTION 11	
TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.	

SEE NEXT PAGE

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 27, 1989.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 63588

G-11318

Part 5 of 5 – Water Right Information

CERTIFICATE # 63588

RECEIVED

APR 21 2021

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

Renewed
10-18-21

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

T-13682 missing page

STATE OF OREGON
COUNTY OF CLACKAMAS
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HARRY G. AND FLORENCE CHATELAIN
37071 S.E. KELSO ROAD
BORING, OREGON 97009

confirms the right to use the waters of 4 WELLS in the TICKLE CREEK BASIN for the purpose of NURSERY OPERATIONS ON 50.7 ACRES. ✓

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SECTION 2	

NW 1/4 NE 1/4	12.8 ACRES
SECTION 11	

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

SEE NEXT PAGE

1.62/50.7 =

0.0319526

4.2 =

0.2939639

T = 0.29 well 5 only, well 6 = 0.073/agreement agmt (6w) 41.5

41.5 =

1.3260329

R = 1.33

2

T

8.4

18.3

11.2

+ 3.6

9.2

1984

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed this date DECEMBER 27, 1989.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 63588

G-11318

REVISED 10/14/2021

Table 2. Description of Changes to Water Right Certificate # 63588

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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			
2	S	4	E	11	NW NE	Rd., 600	12.8	NU	Wells 1, 2, 3	1984		2	S	4	E	11	NW NE	Rd.	3.6	NU	Wells 1, 2, 3	1984	
											POA	2	S	4	E	11	NW NE	600	9.2	NU	Wells 5, 6	1984	
TOTAL ACRES:						12.8						TOTAL ACRES:						12.8					

Additional remarks: Well 4 is in a different aquifer and is not a "from" POA in this transfer. To avoid injury to nearby wells, we request that the allowed rate from Well 6 be 0.073 cfs under Cert. 63588 (plus 0.014 cfs from 95125 and 0.028 cfs from 95126, totaling 0.115 cfs maximum). Well 5 should still be allowed the full rate requested by this transfer.

Revised

RECEIVED

OWRD

OCT 18 2021

~~1007-8-6-100~~

OWRD

RECEIVED

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Lots Of Plants LLC			PHONE NO. (743) 333-1738	ADDITIONAL CONTACT NO.
ADDRESS 2366 S Stratford Rd.			FAX NO.	
CITY Winston Salem	STATE NC	ZIP 27103	E-MAIL jlandscaping@live.com	
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 Will McGill Surveying LLC			PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pletzer Rd. SE			FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com	
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:
Application is being made for two wells (second will only be drilled if needed) on tax lot 600 to irrigate the portions of certificates 63588, 95125 and 95126 that are authorized on tax lot 600.

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; OR
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

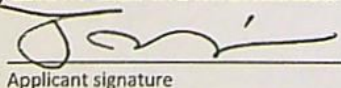
MAR 09 2022

OWRD

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Joseph Plitt
Print Name (and Title if applicable)

1 Mar 22
Date

Applicant signature

Print Name (and Title if applicable)

Date

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Part 4 of 5 – Applicant Information and Signature

RECEIVED

Applicant Information

APPLICANT/BUSINESS NAME <i>lots of plants, LLC</i> Stratford Landscape Supply of Winston Salem Inc.		PHONE NO. (743) 333-1738	ADDITIONAL CONTACT NO. APR 21 2021
ADDRESS 2366 S Stratford Rd.		FAX NO. OWRD	
CITY Winston Salem	STATE NC	ZIP 27103	E-MAIL jlandscaping@live.com
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 Will McGill Surveying LLC		PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pletzer Rd. SE		FAX NO.	
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com
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:
Application is being made for two wells (second will only be drilled if needed) on tax lot 600 to irrigate the portions of certificates 63588, 95125 and 95126 that are authorized on tax lot 600.

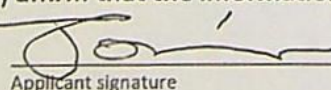
Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Joseph Plitt
Print Name (and Title if applicable)

10 April 2021
Date

Applicant signature

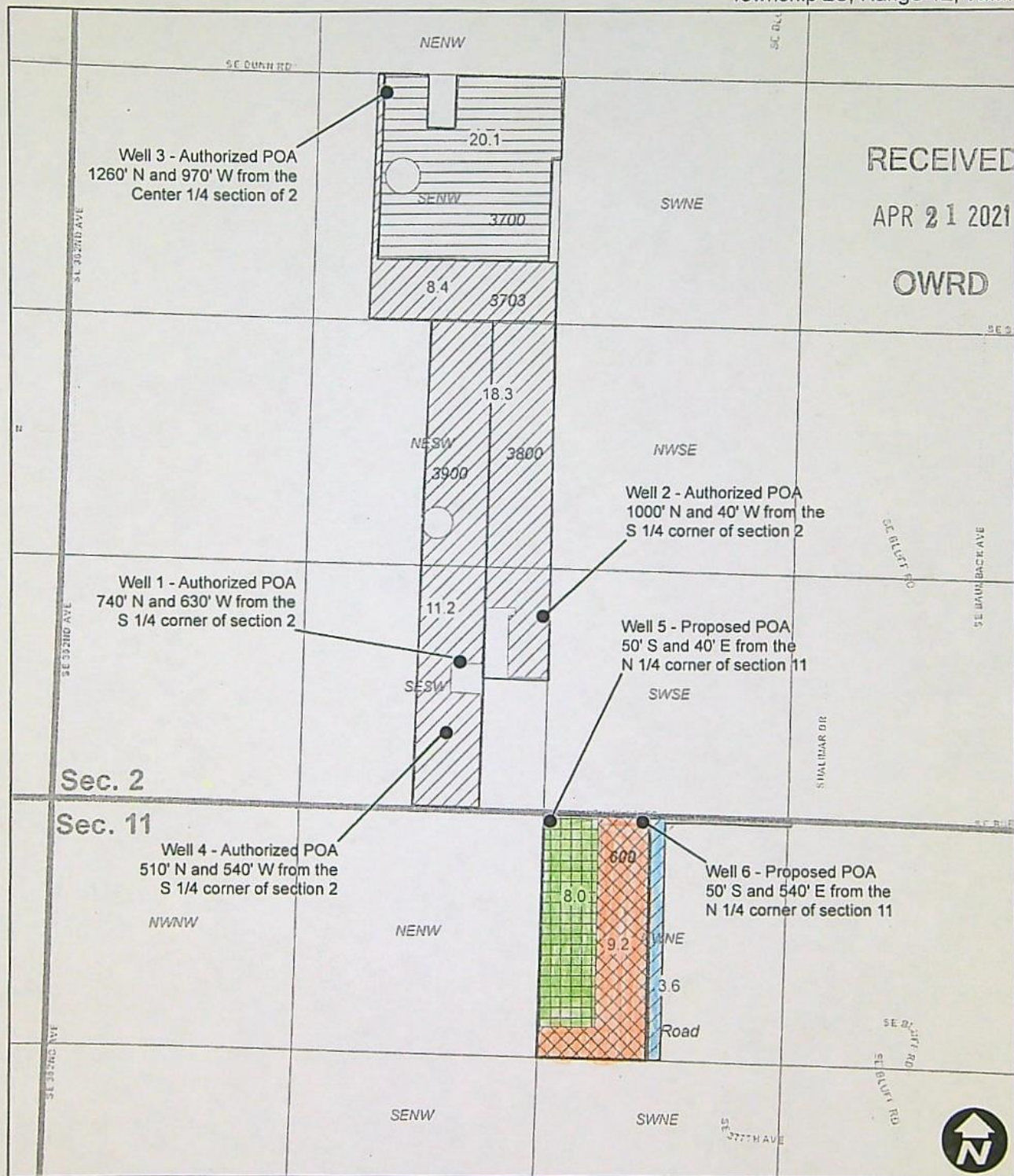
Print Name (and Title if applicable)

Date

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 deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Transfer Application - Stratford Landscape Supply

Township 2S, Range 4E, W.M.



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APR 21 2021

OWRD



EXPIRES: 12/31/2022

APR 21 2021

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

OWRD

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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 3	☒ Authorized ☐ Proposed	CLAC 5365	2	S	4	E	2	SE	NW	3700	1260' N & 970' W from the center ¼ section of 2.
Well 4	☒ Authorized ☐ Proposed	CLAC 5364	2	S	4	E	2	SE	SW	3900	510' N & 540' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

* Re-described wells 3+4

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

13682

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHATELAINS NURSERY INC.
JAMES CHATELAIN
JUDY CHATELAIN
37071 SE KELSO RD
BORING OR 97009

$$0.10 / 28.1 = 0.0035587$$

$$* 8.0 = 0.0284696$$

$$T = 0.03$$

$$* 10.1 = 0.0715218$$

$$PR = 0.07$$

confirms the right to the use of water perfected under the terms of Permit G-13402. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14572

SOURCE OF WATER: WELLS 3 AND 4 IN DEEP CREEK BASIN PURPOSE or USE: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 28.1 ACRES

MAXIMUM RATE: 0.10 CUBIC FOOT PER SECOND (CFS), BEING 0.05 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

$$\frac{0.1}{10.1}$$

$$\frac{T}{8.0}$$

DATE OF PRIORITY: JULY 9, 1997

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE NW	WELL 3 - SOUTH 76 DEGREES EAST, 370 FEET FROM NW1/16 CORNER, SECTION 2
2 S	4 E	WM	2	SE SW	WELL 4 - NORTH 61 DEGREES EAST, 905 FEET FROM W1/16 CORNER, BETWEEN SECTION 2 AND SECTION 11

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

13682

PR No. 95823

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	2	SE NW	20.1
2 S	4 E	WM	11	NW NE	8.0

20.1 8.0

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	
2 S	4 E	WM	2	SE NW	
2 S	4 E	WM	11	NW NE	

SE NW NW NE

Measurement, recording and reporting conditions:

PDA 5+6

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

- (1) Use of water from well #3, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) A water level measurement shall be made each year during the period March 1 through March 31.
 - (b) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the water user.

- (c) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (d) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.
- (1) Use of water from well #4, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The water user shall maintain a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
 - (3) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) A water level measurement shall be made each year during the period March 1 through March 31.
 - (b) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the water user.
 - (c) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (d) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

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

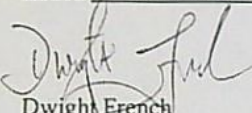
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JUL 31 2020.



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

REVISED 10/14/2021

Table 2. Description of Changes to Water Right Certificate # 95125

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 3	1997	POA	2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 5, 6	1997
TOTAL ACRES:							8.0							TOTAL ACRES:							8.0					

Additional remarks: Well 4 is in a different aquifer and is not a "from" POA in this transfer. We only request that 0.014 cfs (portion from Well 3) of the total authorized 0.028 cfs be transferred to Wells 5 & 6 for the 8.0-acre portion. The difference will remain with Well 4 and not be included in this transfer.

Revised
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OCT 18 2021

OWRD

For Place of Use or Character 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 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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APR 21 2021

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached 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 for any wells that do not have a well log. For *proposed wells 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
Well 5	No		600' +/-	10"		Min. 18'			sand	
Well 6	No		600' +/-	10"		Min. 18'			sand	

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APR 21 2021

CERTIFICATE # 95126

Description of Water Delivery System

System capacity: 0.56 cubic feet per second (cfs) OR gallons per minute (gpm)

OWRD

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. The applicant recently purchased the property and the previous owner was not cooperative in describing the system. To the best of our knowledge from conversations with the seller's agent, a 40 HP submersible pump was used in one of the wells. The system capacity stated above is a calculated theoretical rate based on this information. See attached photos for evidence of buried mainline system to convey water to tax lot 600.

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)
Well 1	☒ Authorized ☐ Proposed	CLAC 6664	2	S	4	E	2	SE	SW	3900	740' N & 630' W from the S ¼ corner of section 2.
Well 2	☒ Authorized ☐ Proposed	CLAC 5383	2	S	4	E	2	SE	SW	3800	1000' N & 40' W from the S ¼ corner of section 2.
Well 5	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 40' E from N ¼ corner of section 11.
Well 6	☐ Authorized ☒ Proposed		2	S	4	E	11	NW	NE	600	50' S & 540' E from N ¼ corner of section 11.

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

* re-described wells 1 & 2

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

- ☐ Yes Complete only the Proposed ("to" or "on" 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.

13682

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CHATELAINS NURSERY INC.
JAMES CHATELAIN
JUDY CHATELAIN
37071 SE KELSO RD
BORING OR 97009

$$\begin{aligned} 0.10 / 28.1 &= \\ 0.0035587 & \\ * 8.0 &= 0.0284696 \\ \boxed{I = 0.03} & \\ * 20.1 &= 0.0715298 \\ \boxed{II = 0.07} & \end{aligned}$$

confirms the right to the use of water perfected under the terms of Permit G-13403. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14573

SOURCE OF WATER: WELLS 1 AND 2 IN DEEP CREEK BASIN

PURPOSE or USE: IRRIGATION AND AGRICULTURE USE FOR NURSERY OPERATIONS ON 28.1 ACRES

MAXIMUM RATE: 0.10 CUBIC FOOT PER SECOND (CFS), BEING 0.05 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 9, 1997

$\frac{0.10}{28.1}$

$\frac{I}{8.0}$

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	2	SE SW	WELL 1 - NORTH 39 DEGREES WEST, 930 FEET FROM S/14 CORNER, SECTION 2
2 S	4 E	WM	2	SE SW	WELL 2 - SOUTH 7 DEGREES WEST, 350 FEET FROM CENTER-SOUTH 1/16 CORNER, SECTION 2

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

$\boxed{POA 5+6}$

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

17682

22 No. 95824

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	2	SE NW	20.1
2 S	4 E	WM	11	NW NE	8.0

20.1

T

8.0

AGRICULTURAL					
Twp	Rng	Mer	Sec	Q-Q	
2 S	4 E	WM	2	SE NW	
2 S	4 E	WM	11	NW NE	

SE NW

NW NE

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this right may be regulated if analysis of data available after the right is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

- (a) A water level measurement shall be made each year during the period March 1 through March 31.
- (b) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the water user.
- (c) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (d) The water user shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

The well(s) shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine the water level elevation in the well at all times.

The Director may require water level or pump test results every ten years.

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

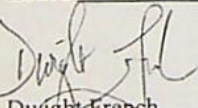
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued JUL 31 2020



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

Table 2. Description of Changes to Water Right Certificate # 95126

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, 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	Acre	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	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 1, 2	1997	POA	2	S	4	E	11	NW	NE	600		8.0	IR & NU	Well 5, 6	1997		
TOTAL ACRES:									8.0						TOTAL ACRES:									8.0				

Additional remarks:_____.

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APR 21 2021

13682

For Place of Use or Character 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 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

APR 21 2021

Identify the primary certificate to be cancelled. Certificate # _____

OWRD

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached 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

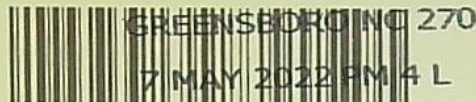
- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed 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
Well 5	No		600' +/-	10"		Min. 18'			sand	
Well 6	No		600' +/-	10"		Min. 18'			sand	

USPS TRACKING#



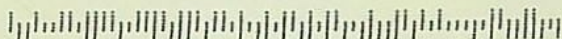
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6816 1074 5424 99

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Oregon Department of Water Resources
Attention: TACS
725 Summer St. N.E. Suite A
Salem, OR. 97301



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2366 S STRATFORD RD
WINSTON SALEM, NC 27103

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LOTS OF PLANTS LLC
2366 S STRATFORD RD
WINSTON SALEM, NC 27103



9590 9402 6816 1074 5424 99

2. Article Number (Transfer from service label)

7021 0950 0000 7384 1652

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X WJ 329 C14

☒ Agent
☐ Addressee

B. Received by (Printed Name)

W JONES

C. Date of Delivery

5/7/22

D. Is delivery address different from item 1?

or delivery address below:

☐ Yes
☒ No

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