

T-14137

Regular

RA

T-14137

Name Bountiful Farms Nursery

Todd Nelson Family, LLC; Blake Nelson Family, LLC; Brent Nelson Family, LLC DESCRIPTION OF WATER RIGHT(S)

Address 17280 Boones Ferry Rd. NE
Woodburn, OR 97071Name of Stream A WellTrib. of Pudding River BasinUse IrrigationCounty Marion

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G-5986Per # G-5669Cert # 47838PR Date 1/9/1973

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

Change in APOADate Filed 12-21-2022Initial notice date 1-10-2023

DPD issued date

PD issued date 6/10/24PD notice date 6/11/24Date of FO 7/29/2024 Vol 131 Page 749-752

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Steve Shropshire - steve.shropshire@jordanramis.comBob Long - bob.long@cwmh20.com

CWRE

CC's list Marion County☐ - Oversized map - Location

FEES PAID

Date	Amount	Receipt #
12-21-2022	\$1,840.00	139797
12-21-2022	\$125.00	139789
2-6-2023	\$1,914.40	140077

FEES REFUNDED

Date	Amount	Receipt #
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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 29, 2024

Bountiful Farms Nursery
Todd Nelson Family, LLC
Blake Nelson Family, LLC
Brent Nelson Family, LLC
17280 Boones Ferry Rd. NE
Woodburn, OR 97071

REFERENCE: Transfer Application T-14137

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

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-14137, Marion County)	ADDITIONAL POINT 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.

Applicants

BOUNTIFUL FARMS NURSERY
TODD NELSON FAMILY LLC
BLAKE NELSON FAMILY LLC
BRENT NELSON FAMILY LLC
17280 BOONES FERRY RD NE
WOODBURN, OR 97071

Findings of Fact

1. On December 21, 2022, Bountiful Farms Nursery, Todd Nelson Family LLC, Blake Nelson Family LLC, and Brent Nelson Family LLC, filed an application for an additional point of appropriation under Certificate 47838. The Department assigned the application number T-14137.
2. Notice of the application for transfer was published on January 10, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 29, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14137 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 30, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a

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

Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

4. On June 10, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14137 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 10, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 47838 in the name of PAUL E. WANNER (perfected under Permit G-5669)
Use: IRRIGATION OF 62.3 ACRES
Priority Date: JANUARY 19, 1973
Rate: 0.78 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of PUDDING RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	6	NW NE	55	1170 FEET WEST AND 520 FEET SOUTH FROM THE NE CORNER OF WHITNEY DLC 55

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	31	SW SE	77	0.8
5 S	1 W	WM	6	NE NE	55	21.5
5 S	1 W	WM	6	NW NE	55	21.6
5 S	1 W	WM	6	SW NE	55	5.6
5 S	1 W	WM	6	SE NE	55	12.8
Total						62.3

6. The Department received information from the applicant that describes the location of the authorized point of appropriation for Certificate 47838 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	6	NW NE	WELL 1 - 775 FEET SOUTH AND 1770 FEET WEST FROM THE NE CORNER OF SECTION 6

7. Transfer Application T-14137 proposes an additional point of appropriation approximately 540 feet northeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	6	NW NE	WELL 2 - 1040 FEET SOUTH AND 2230 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14137.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met. *508 83 304*

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-14137 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-14137 is 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 Certificate 47838 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 47838 is cancelled.

5. The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
6. Water shall be acquired from the same aquifer (water source) as 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 point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUL 29 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: **JUL 30 2024**

WATER RIGHT TRANSFER COVER SHEET

RA

Scott

Transfer: T- 14137

Transfer Specialist:

Transfer Type: Regular Transfer

Applicant: BOUNTIFUL FARMS NURSERY; TODD NELSON FAMILY LLC; BLAKE NELSON FAMILY LLC; BRENT NELSON FAMILY LLC 17280 BOONES FERRY RD NE WOODBURN, OR 97071 Email: Phone:		Agent: <input type="checkbox"/> N/A STEVE SHROPSHIRE / BOB LONG 360 SW BOND ST 510 / 1319 SE MLK JR BLVD BEND, OR 97702 / PORTLAND, OR 97214 Email: Phone:	
Irrigation District: <input type="checkbox"/> N/A Email:		CWRE: <input type="checkbox"/> N/A Email:	
Affected Local Gov'ts: <input type="checkbox"/> N/A Marion County Email:		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email:	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email:		Receiving Landowner: <input type="checkbox"/> N/A Email:	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-5986	G-5669	47838	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: December 21, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1840.00	WM District: 16	ODFW District:
Initial Public Notice: January 10, 2023	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Woodburn Independent not needed

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 9/21/23 Initials: Scott	Date: 9/28/23 Initials: Jon	Date: _____ Initials: _____	Date: 2/24/24 Initials: PKS	Date: 2/28/24 Initials: Scott	CW Sent: 2/29/24	N/A
PD	Date: 6/4/24 Initials: Scott	Date: 6/5/24 Initials: Jon	Date: _____ Initials: _____	Date: 6/6/24 Initials: Corey	Date: 6/6/24 Initials: Scott	Date: 6/6/24	Date: 6/10/24
FO	Date: 7/23/24 Initials: Scott	Date: 7/23/24 Initials: Jon	Date: _____ Initials: _____	Date: 7/24/24 Initials: Corey	Date: 7/24/24 Initials: Scott	Date: 7/24/24	Date: _____

Special Issues: APOA-only-

DATA

sent 6/6/24 complete 6/7/24

Special Order Volume: Vol. 131 Pages 749-752



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

June 10, 2024

VIA CERTIFIED MAIL AND E-MAIL

BOUNTIFUL FARMS NURSERY
TODD NELSON FAMILY LLC
BLAKE NELSON FAMILY LLC
BRENT NELSON FAMILY LLC
17280 BOONES FERRY RD NE
WOODBURN, OR 97071

SUBJECT: Water Right Transfer Application T-14137

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14137. 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, 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 Department's notice.

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.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14137
Gregory J. Wacker, District 16 Watermaster (via e-mail)
Steve Shropshire and Bob Long, Agents 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-14137, Marion County)	PROPOSING APPROVAL OF AN
)	ADDITIONAL POINT 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.

Applicants

BOUNTIFUL FARMS NURSERY
TODD NELSON FAMILY LLC
BLAKE NELSON FAMILY LLC
BRENT NELSON FAMILY LLC
17280 BOONES FERRY RD NE
WOODBURN, OR 97071

Findings of Fact

1. On December 21, 2022, Bountiful Farms Nursery, Todd Nelson Family LLC, Blake Nelson Family LLC, and Brent Nelson Family LLC, filed an application for an additional point of appropriation under Certificate 47838. The Department assigned the application number T-14137.
2. Notice of the application for transfer was published on January 10, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 29, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14137 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 30, 2024, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

4. The right to be transferred is as follows:

Certificate: 47838 in the name of PAUL E. WANNER (perfected under Permit G-5669)
Use: IRRIGATION OF 62.3 ACRES
Priority Date: JANUARY 19, 1973
Rate: 0.78 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of PUDDING RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	6	NW NE	55	1170 FEET WEST AND 520 FEET SOUTH FROM THE NE CORNER OF WHITNEY DLC 55

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	31	SW SE	77	0.8
5 S	1 W	WM	6	NE NE	55	21.5
5 S	1 W	WM	6	NW NE	55	21.6
5 S	1 W	WM	6	SW NE	55	5.6
5 S	1 W	WM	6	SE NE	55	12.8
					Total	62.3

5. The Department received information from the applicant that describes the location of the authorized point of appropriation for Certificate 47838 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	6	NW NE	WELL 1 - 775 FEET SOUTH AND 1770 FEET WEST FROM THE NE CORNER OF SECTION 6

6. Transfer Application T-14137 proposes an additional point of appropriation approximately 540 feet northeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	6	NW NE	WELL 2 - 1040 FEET SOUTH AND 2230 FEET WEST FROM THE NE CORNER OF SECTION 6

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14137.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Determination and Proposed Action

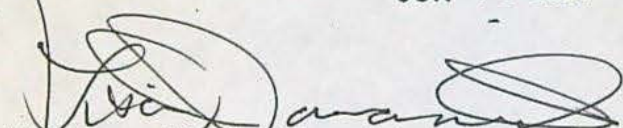
The additional point of appropriation proposed in Transfer Application T-14137 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14137 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-14137 is 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 Certificate 47838 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 47838 is cancelled.*
5. *The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
6. *Water shall be acquired from the same aquifer (water source) as 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 point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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 change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **JUN 10 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and

- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-14137**

T-14137 filed by Bountiful Farms Nursery, Todd Nelson Family LLC, Blake Nelson Family LLC, and Brent Nelson Family LLC, 17280 Boones Ferry Rd NE, Woodburn, OR 97071, proposes an additional point of appropriation under Certificate 47838. The right allows the use of 0.78 cubic foot per second from a well in Sec. 6, T5S, R1W, WM for irrigation in Sec. 31, T4S, R1W, WM and Sec. 6, T5S, R1W, WM. The applicant proposes an additional point of appropriation in Sec. 6, T5S, R1W, 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 protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

GREW Scott A * WRD

From: GRAHAM Elisabeth A * WRD
Sent: Friday, June 7, 2024 12:27 PM
To: GREW Scott A * WRD; WRD_DL_is_data_techs
Subject: RE: PD review request for Reimbursement Authority Transfer Application T-14137

Hi Scott,

This has been completed.

Cheers,
Lisa

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Thursday, June 6, 2024 12:55 PM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: PD review request for Reimbursement Authority Transfer Application T-14137

Hello Datafriends,

Please review the PD for *Reimbursement Authority* Transfer Application T-14137. There are no remaining rights.

Thank you so much!

Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890



First American Title™

First American Title Insurance Company

777 Commercial Street SE, Suite 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

MARION COUNTY TITLE UNIT

FAX (866)849-3065

Title Officer: Stefanie Garton

(800)742-2414

sgarton@firstam.com

LOT BOOK SERVICE

Eric W. Jamieson, Jamieson Law Firm
3550 Liberty Road S. Suite 290
Salem, OR 97302

Order No.: 7089-4165817
May 21, 2024

Attn:

Phone No.: (503)967-6759 - Fax No.:

Email: Eric@ewjlawfirm.com

Re: na

Fee: \$350.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of May 08, 2024 at 8:00 a.m.

We find that the last deed of record runs to

Brent Nelson Family, LLC, an Oregon Limited Liability Company

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of unnamed creek.
(Affects APN 512754)
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Received by OWRD

JUN 04 2024

Salem, OR

4. Easement, including terms and provisions contained therein:
Recording Information: March 19, 1973 as Volume 747, Page 422, Deed
Records
In Favor of: State of Oregon, by and through its State of Highway
Commission
For: A permanent easement and right to deposit water in
and maintain the existing or replacement drainage
facility
5. The legal description contained in this preliminary title report covers more property than is intended for the transaction. We will require a surveyor's legal description covering the specific property. A sale or conveyance of said parcel may be in violation of the partition statutes as set out under O.R.S. 92.010.92.190.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We find the following unpaid taxes and city liens: NONE

NOTE: Taxes for the year 2023-2024 PAID IN FULL

Tax Amount:	\$4,036.65
Map No.:	051W06A000400
Property ID:	512754
Tax Code No.:	03600

NOTE: Taxes for the year 2023-2024 PAID IN FULL

Tax Amount:	\$376.68
Map No.:	051W06A000300
Property ID:	512755
Tax Code No.:	03600

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

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Exhibit "A"

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

A tract of land situated in the Southeast and Southwest quarters of Section 31, Township 4 South, Range 1 West of the Willamette Meridian, and the Northwest and Northeast quarters of Section 6, Township 5 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, said tract being a portion of that tract of land described in Reel 3642, Page 109, Marion County Deed Records and that tract of land described in Reel 3682, Page 22, Marion County Deed Records and being more particularly described as follows:

Beginning at the most Northerly Northwest corner of the P.M. Gleason Donation Land Claim Number 49 in said Township and Range, said point also being the Northeast corner of that tract of land described in Reel 3682, Page 22, Marion County Deed Records; thence South 00°36'00" West; 1056.28 feet to the most Northerly corner of that tract of land described in Reel 1721, Page 168, Marion County Deed Records; thence South 33°10'39" East along the East line of said tract, 461.98 feet, more or less, to the North right-of-way of Boones Ferry Road (Market Road 64); thence South 61°12'21" West along said North right-of-way, 487.98 feet to a point of curve; thence along the arc of a 848.51 foot radius curve to the left, the long chord of which bears South 51°59'53" West 272.09 feet, a distance of 273.27 feet more or less to the South line of that tract of land described as Parcel 1 in Reel 938, Page 277, Marion County Deed Records; thence North 89°30'00" West along the South line of said Parcel 1, 235.00 feet more or less to the Southwest corner of said Parcel 1, said corner being on the East line of that tract of land described as Parcel 2 In Reel 938, Page 277, Marion County Deed Records; thence South 00°05'00" East along said East line, 13.70 feet to the Southeast corner of said tract; thence North 89°30'46" West along the South line of said tract 501.92 feet to the Northerly right-of-way of Crosby Road (County Road 505); thence North 73°48'07" West along said Northerly right-of-way, 68.07 feet to the Southwest corner of said Parcel 2; thence North 00°13'09" West along West line of said Parcel 2, 345.53 feet to the Northeast corner of that tract of land described in Reel 1275, Page 86, Marion County Deed Records; thence North 89°43'22" West along the North line of said tract, 324.49 feet to the Northwest corner thereof; thence South 01°50'16" West along the East line of said tract, 333.07 feet to the Northerly right-of-way of said Crosby Road (County Road 505); thence North 89°33'22" West along said Northerly right-of-way, 255.65 feet to the West line of that tract of land described in Reel 1275, Page 86, Marion County Deed Records; thence North 00°11'00" West along said West line, 1324.19 feet to the South line of Whitney's Petmina Acres as recorded in Volume 8, Page 112, Book of Town Plats, Marion County, Oregon; thence North 89°42'00" West along said South line, 219.90 feet to the Southeast corner of that tract of land described in Reel 3603, Page 27, Marion County Deed Records; thence North 35°38'23" East 150.34 feet to the Northeast corner of said tract; thence North 70°22'05" West 869.01 feet to the Easterly right-of-way of Interstate 5; thence North 39°51'14" East 755.45 feet to the Southwest corner of that tract of land described in Reel 3642, Page 109, Marion County Deed Records; thence South 70°22'00" East 392.04 to the Southeast corner thereof; thence North 35°36'20" East 300.23 feet to the Northeast corner thereof; thence South 70°22'00" East 1827.80 feet to the Point of Beginning.

Received by OWRD

JUN 04 2024

Salem, OR



First American Title™

First American Title Insurance Company
777 Commercial Street SE, Suite 100
Salem, OR 97301

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Received by OWRD

JUN 04 2024

Salem, OR

REEL 3801 PAGE 421
MARION COUNTY
BILL BURGESS, COUNTY CLERK
03-25-2016 02:10 pm.
Control Number 406577 \$ 56.00
Instrument 2016 00014839

After Recording, return to:
JoAnn K. Beck, Atty.
330 N 3rd St
Woodburn, OR 97071

BARGAIN & SALE DEED

Grantor, BRENT NELSON FAMILY, LLC, an Oregon Limited Liability Company, conveys to Grantee, BRENT NELSON FAMILY, LLC, an Oregon Limited Liability Company, the hereinafter described real property in Marion County, State of Oregon.

Consideration: The true and actual consideration for this transfer is \$NONE. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Tax Statements: Until a change is requested, all tax statements shall be sent to the following address: Brent Nelson Family, LLC, 17207 Boones Ferry Rd. NE, Woodburn, OR 97071.

[LEGAL DESCRIPTION]

See Exhibit "A" attached, which by this reference is made a part hereof.

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

DATED this 22nd day of March, 2016.

BRENT NELSON, LLC

By: Brent Nelson
Brent Nelson, Member/Manager

Received by OWRD

Page 1 - BARGAIN AND SALE DEED

JUN 04 2024

Salem, OR

JOANN K. BECK
ATTORNEY AT LAW
330 NORTH THIRD STREET
WOODBURN, OREGON 97071 • TELEPHONE (503) 981-3282

FIRST AMERICAN - 2620545-SS

STATE OF OREGON)
County of Marion) ss.

The foregoing instrument was acknowledged before me this 20th day of March, 2016, by BRENT NELSON, as Member/Manager of Brent Nelson Family, LLC, an Oregon Limited Liability Company..



Marta Hanson
Notary Public for Oregon
My Commission Expires: 12-11-18

Received by OWRD
JUN 04 2024
Salem, OR

Page 2 - BARGAIN AND SALE DEED

JOANN K. BECK
ATTORNEY AT LAW
330 NORTH THIRD STREET
WOODBURN, OREGON 97071 • TELEPHONE (503) 981-3282

A tract of land situated in the Southeast and Southwest quarters of Section 31, Township 4 South, Range 1 West of the Willamette Meridian, and the Northwest and Northeast quarters of Section 6, Township 5 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, said tract being a portion of that tract of land described in Reel 3642, Page 109, Marion County Deed Records and that tract of land described in Reel 3682, Page 22, Marion County Deed Records and being more particularly described as follows:

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Received by OWRD

JUN 04 2024

Salem, OR

EXHIBIT "A"
PAGE 1 OF 1

REEL: 3801

PAGE: 421

March 25, 2016, 02:10 pm.

CONTROL #: 406577

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 56.00

BILL BURGESS
COUNTY CLERK

Received by OWRD

JUN 04 2024

Salem, OR

THIS IS NOT AN INVOICE.

June 4, 2024

Property Identification

Account ID:

[REDACTED]

Tax Account ID:

[REDACTED]

Tax Roll Type:

Real Property

Situs Address:

Map Tax Lot:

051W06A000100

Owner:

BRENT NELSON FAMILY LLC

17280 BOONES FERRY RD NE

WOODBURN, OR 97071

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

WHITNEY'S PETMINA ACRES

Related Accounts:

Owner History

Grantee	Grantor	Sales Info	Deed Info
BRENT NELSON FAMILY LLC 17280 BOONES FERRY RD NE WOODBURN OR 97071		400	3/25/2016 38010421 B&S 512754, 512755, 512756, 512759, 512762, 564033
BRENT NELSON FAMILY LLC 17280 BOONES FERRY RD NE WOODBURN OR 97071			3/25/2016 38010420 B&S 564033
BRENT NELSON FAMILY LLC 17280 BOONES FERRY RD NE WOODBURN OR 97071			6/24/2015 38310151 B&S 564033
BRENT NELSON FAMILY LLC 17280 BOONES FERRY RD NE WOODBURN OR 97071			3/24/2015 36830022 WD 512754, 512755, 512756, 512757, 512759, 512761, 512762, 512763, 564033
NELSON, BRENT J & NELSON, CHERYL A 17280 BOONES FERRY RD NE WOODBURN OR 97071	WANNER, PAUL E & WANNER, CHARLENE E & 17280 BOONES FERRY RD NE WOODBURN OR 97071	3/24/2015 12 2	3/24/2015 36830021 QC 512755, 564033

Grantee	Grantor	Sales Info	Deed Info
WANNER, PAUL E & WANNER, CHARLENE E & 17280 BOONES FERRY RD NE WOODBURN OR 97071			4/23/2003 21120023 B&S 512754, 512755, 512756, 564033
MISSING OWNERSHIP INFORMATION			7/1/1998 07470422 DE 564033
MISSING OWNERSHIP INFORMATION			7/1/1998 07360633 DE 564033
17091 BOONES FERRY RD NE WOODBURN OR 97071	WANNER, PAUL E & CHARLENE E	4/1/1992 \$363,990.00 27 3	4/1/1992 09380277 CON 512754, 512755, 564033

Property Details							
Property Class: 550 RMV Property Class: 550 Zoning: REST (Contact Local Jurisdiction)		AV Exemption(s): RMV Exemption(s): Deferral(s): Notes:					
Land/On-Site Developments for Tax Account ID 564033							
ID	Type	Acres	Sq Ft	Levy Code Area			
1	005 Farm Use - EFU 2BI TWO BENCH IRR	24.5	1067220	03600			
2	005 Farm Use - EFU 4BI FOUR BENCH IRR	4.65	202554	03600			
3	005 Farm Use - EFU 2BD TWO BENCH DRY	13.11	571072	03600			
4	005 Farm Use - EFU 4BD FOUR BENCH DRY	3.34	145490	03600			
Improvements/Structures for Tax Account ID 564033							
ID	Type	Stat CClass	Make/Model	Class	Area/Count	Year Built	Levy Code Area
No Improvement Details							

Value Information (per most recent certified tax roll)	
RMV Land Market:	\$0

Property Identification

Account ID:

[REDACTED]

Tax Account ID:

[REDACTED]

Tax Roll Type:

Real Property

Primary Situs Address:

17091 BOONES FERRY RD NE WOODBURN OR 97071

Map Tax Lot:

051W06A000400

Owner:

BRENT NELSON FAMILY LLC

17280 BOONES FERRY RD NE

WOODBURN, OR 97071

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

Related Accounts:

[GIS Interactive Viewer](#)

[Assessor Map PDF](#)

Owner History

+

Property Details

+

Value Information (per most recent certified tax roll)

+

Assessment History

+

Taxes: Levy, Tax Statement, Owed, Tax Payoff

+

Tax Payment History

+

Property Identification

Account ID:

[REDACTED]

Tax Account ID:

[REDACTED]

Tax Roll Type:

Real Property

Primary Situs Address:

Map Tax Lot:

051W06A000100

Owner:

BRENT NELSON FAMILY LLC

17280 BOONES FERRY RD NE

WOODBURN, OR 97071

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

WHITNEY'S PETMINA ACRES

Related Accounts:

[GIS Interactive Viewer](#)

[Assessor Map PDF](#)

Owner History

+

Property Details

-

Building Diagram Links:

None Available

Property Class:

550 ⓘ

RMV Property Class:

550 ⓘ

Zoning:

REST (Contact Local Jurisdiction)

AV Exemption(s):

RMV Exemption(s):

Deferral(s):

Notes:

Land/On-Site Developments for Tax Account ID 564033

ID	Type	Acres	Sq Ft	Levy Code Area
----	------	-------	-------	----------------

ID	Type	Acres	Sq Ft	Levy Code Area
1	005 Farm Use - EFU 2BI TWO BENCH IRR	24.5	1067220	03600
2	005 Farm Use - EFU 4BI FOUR BENCH IRR	4.65	202554	03600
3	005 Farm Use - EFU 2BD TWO BENCH DRY	13.11	571072	03600
4	005 Farm Use - EFU 4BD FOUR BENCH DRY	3.34	145490	03600

Improvements/Structures for Tax Account ID 564033

ID	Type	Stat Class	Make/Model	Class	Area/Count	Year Built	Levy Code Area
No Improvement Details							

Value Information (per most recent certified tax roll)

+

Assessment History

Year ⓘ	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Total Assessed Value
2023	\$0	\$0	\$485,540/\$69,037	None	\$69,037
2022	\$0	\$0	\$572,970/\$67,026	None	\$67,026
2021	\$0	\$0	\$681,410/\$65,060	None	\$65,060
2020	\$0	\$0	\$681,410/\$63,150	None	\$63,150
2019	\$0	\$0	\$681,410/\$61,320	None	\$61,320
2018	\$0	\$0	\$567,810/\$57,800	None	\$57,800
2017	\$0	\$0	\$516,170/\$57,800	None	\$57,800
2016	\$0	\$0	\$516,170/\$56,120	None	\$56,120
2015	\$0	\$0	\$324,850/\$37,430	None	\$37,430
2014	\$0	\$0	\$316,010/\$36,330	None	\$36,330

Taxes: Levy, Tax Statement, Owed, Tax Payoff

Current Tax Payoff Amount:

\$0.00 ⓘ

Tax Rate:

Property Identification

Account ID:

[REDACTED]

Tax Account ID:

[REDACTED]

Tax Roll Type:

Real Property

Primary Situs Address:

Map Tax Lot:

051W06A000300

Owner:

BRENT NELSON FAMILY LLC

17280 BOONES FERRY RD NE

WOODBURN, OR 97071

Manufactured Home Details:

Other Tax Liability:

SPEC - POTENTIAL ADDITIONAL TAX LIABILITY

Subdivision:

Related Accounts:

[GIS Interactive Viewer](#)

[Assessor Map PDF](#)

Owner History

+

Property Details

+

Value Information (per most recent certified tax roll)

+

Assessment History

+

Taxes: Levy, Tax Statement, Owed, Tax Payoff

+

Tax Payment History

+

05 1W 06A

03 60

05 1W 06A



MARION COUNTY, OREGON
NE1/4 SEC6 T5S R1W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES

Taxlot Boundary

Road Right-of-Way

Railroad Right-of-Way

Private Road ROW

C. Aulderson (Ed.) at Borden

11111111

Historical Boundary

Eastward

Railroad Centerline

Barcode Line

 Mass Boundary

Abstract – *See page 100*

© 2005 Blackwell Publishing Ltd, *Journal of Internal Medicine* 258: 115–122

CORNER TYPES

+ V6TH Section Cor

DLC Corner

 V4 Section Cut16-15
 1971-1972

21 22

NUMBERS

Tax Code Number

00 00 0

Acres/acre

Acresage All acres listed are Net Acres, excluding any
 8.25 AC portions of the parcel within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS



DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Geography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 10/16/2020

05 1W 06A

05 1W 06A

GREW Scott A * WRD

From: Ian Godwin <lgodwin@cwmh2o.com>
Sent: Tuesday, May 14, 2024 2:46 PM
To: GREW Scott A * WRD
Subject: RE: T-14137 - Issuance of Draft Preliminary Determination - Action Required!

Scott – I apologize for the delay. I was informed this morning by the Applicant that their title company is still working on fixing the taxlot issue. I am hoping they will get that to us by the end of the week. Thank you for your patience.

Best,

Ian Godwin, RG | CwM-H2O | Staff Hydrogeologist
www.CwMH2O.com | Office (503) 954-1326 | Cell (571) 245-7897

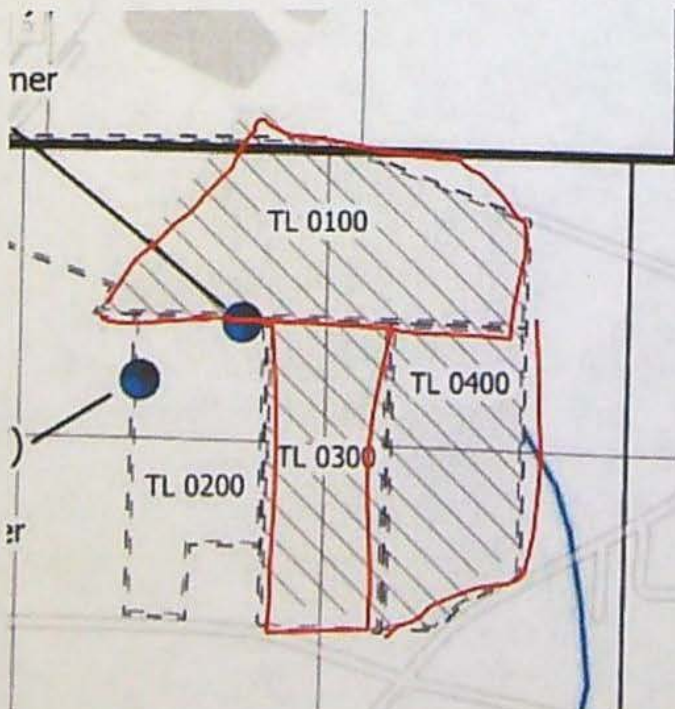
From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, May 8, 2024 12:25 PM
To: Ian Godwin <lgodwin@cwmh2o.com>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: T-14137 - Issuance of Draft Preliminary Determination - Action Required!

Ian,

This report is for taxlot 200 which is the taxlot that the new POA is on. It is not required.

We need the reports for the original place of use only.

"...must submit a Report of Ownership for the lands where the water right(s) are currently located (i.e., the FROM lands)."



Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Ian Godwin <Igodwin@cwmh2o.com>
Sent: Wednesday, May 8, 2024 11:31 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: steve.shropshire@jordanramis.com; Bob Long <Bob.Long@cwmh2o.com>
Subject: RE: T-14137 - Issuance of Draft Preliminary Determination - Action Required!

Best,
Ian Godwin, RG | CwM-H2O | Staff Hydrogeologist
www.CwMH2O.com | Office (503) 954-1326 | Cell (571) 245-7897

[illegible]

- 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.

GREW Scott A * WRD

From: Bob Long <Bob.Long@cwmh2o.com>
Sent: Monday, April 22, 2024 1:43 PM
To: GREW Scott A * WRD
Cc: steve.shropshire@jordanramis.com; Ian Godwin
Subject: RE: T-14137 - Issuance of Draft Preliminary Determination - Action Required!

Good afternoon Scott –

I confirmed with the Applicant on the phone today that they are still waiting for the landowner report to come back from the title company. We will forward that on to OWRD as soon as we get it.

The Applicant also confirmed that they acknowledgement and agree to the proposed action and conditions of the preliminary determination for T-14137. This email is intended to act as the written notification as acknowledgement.

Best,
Bob Long

Bob Long, RG, LHG, CWRE | Principal Consultant
www.CwMH2O.com | Cell (503) 799-0304

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, April 16, 2024 3:34 PM
To: Bob Long <Bob.Long@cwmh2o.com>
Cc: steve.shropshire@jordanramis.com; Ian Godwin <lgodwin@cwmh2o.com>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
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Oregon Water Resources Department
503-986-0890

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www.CwMH2O.com | Cell (503) 799-0304

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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

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What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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.

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Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14137
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)
Steve Shropshire and Bob Long, Agents for the applicant (*via e-mail*)

encs

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14137

Review Due Date: 02/03/2023

Applicant Name: Bountiful Farms Nursery

Proposed Changes: ☐ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): G. Wacker

Date of Review: 01/06/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", answer the following:

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14137



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Greg Wacker

District: 16

Address: 725 Summer St NE Ste A

City/State/Zip: Salem, OR 97301

Phone: 971-719-6262

Email: gregory.j.wacker@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14137 (RA)

GW Reviewer Travis Brown Date Review Completed: 6/22/2023

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14137

Applicant Name: Bountiful Farms Nursery

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☒ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Travis Brown

Date of Review: 6/22/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/23

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: Applicant proposed to add one APOA (Well 2 / MARI 70617) to Certificate 47838, which currently authorizes 62.3 acres of Irrigation at 0.78 cfs from one authorized POA (Well 1 / MARI 1599).
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Both the authorized POA (Well 1 / MARI 1599) and proposed APOA (Well 2 / MARI 70617) produce groundwater from the alluvial aquifer system.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: The proposed APOA (Well 2 / 70617) is closer to neighboring domestic well MARI 56254. The closer proximity will likely increase interference with MARI 56254.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: Anticipated drawdown from the proposed use of the APOA (Well 2 / MARI 70617) was analyzed using the Theis (1935) solution for drawdown in a confined aquifer (see attached Theis (1935) drawdown analysis). Hydraulic parameters used for the analysis were derived from regional data and studies (Pumping Test Reports; Conlon et al., 2005; Gannett and Caldwell, 1998; Herrera et al., 2014). Results of the analysis indicate that the proposed use is unlikely to deprive MARI 56254 or a similar well of water to which it is legally entitled.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The proposed APOA will not be appreciably closer to another surface water source. Therefore, no increase in interference is anticipated.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: _____

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

References

Pumping Test Reports: MARI 55994, 1403, 55251, 59508, 2433, 2211, 1717, 19191, 2968, 58399, 2437, 1519, 17466, 884, 52215, 614, 1488, 54047, 2011, 56347, 60041, 17630, 1634, 58546, 1850, 54550, 56348

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

Herrera, N. B., Burns, E. R., Conlon, T. D., 2014, Simulation of groundwater flow and the interaction of groundwater and surface water in the Willamette Basin and Central Willamette Subbasin, Oregon, Scientific Investigations Report 2014-5136: U. S. Geological Survey, Reston, VA.

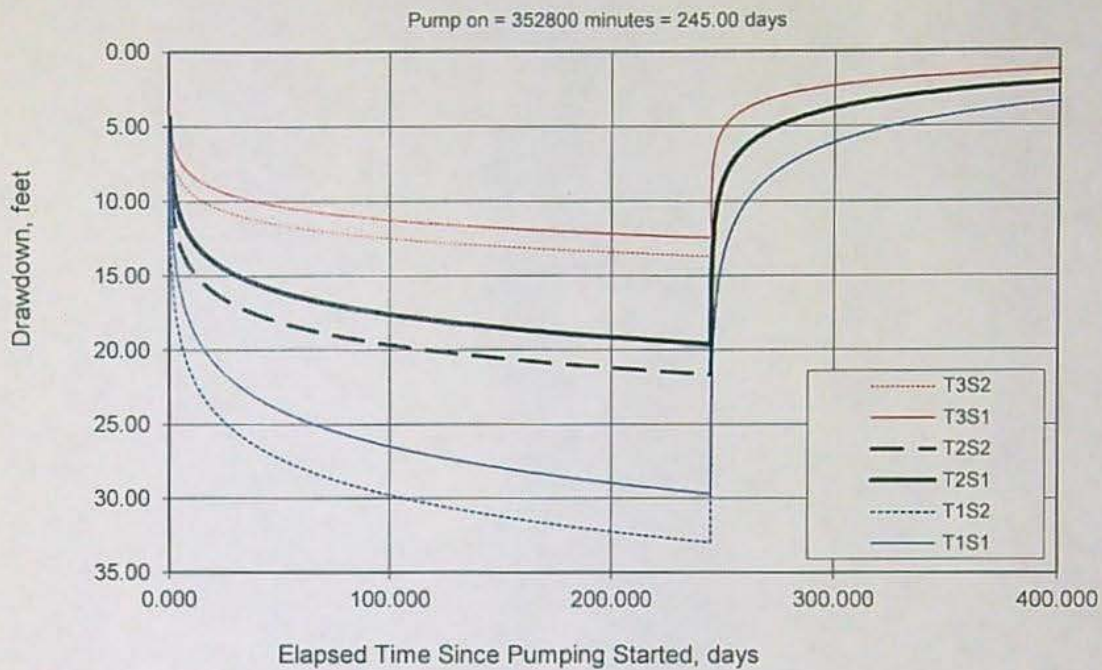
Well Location Map

T-14137 Bountiful Farms Nursery



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
 Sources: Esri, HERE, Garmin, Intermap, INCREMENT P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Theis (1935) Drawdown Analysis – MARI 70617 to MARI 56254

Theis Drawdown and Recovery at $r = 640$ ft From Pumping Well r , radial distance = 640 ft (distance from MARI 70617 to MARI 56254) t , pumping time = 245 days (season of use for **Certificate 47838**) Q , pumping rate = 0.78 cfs (authorized rate on **Certificate 47838**) T , transmissivity: $T1=1,500$; $T2=2,400$; $T3=4,000$ ft²/day (pumping test reports) S , storativity: $S1=0.0005$; $S2=0.0002$ (Conlon et al., 2005)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 140077

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

INVOICE # _____

RECEIVED FROM:

Bountiful Farms Nursery Inc

BY:

APPLICATION

PERMIT

TRANSFER

T-14137

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

79533

☐

TOTAL REC'D

\$1,914.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

47124

R11412-23

\$

0412

OTHER:

(IDENTIFY)

Transfer By Bountiful Farms Nursery Inc

\$1,914.40

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:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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)

\$

0234 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT:

140077

DATED:

2-6-2023

BY:

[Signature]

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

CASH IN BANK - NW

1,914.40

RECEIVED
FEB 06 2023
OWRD
SALEM, OREGON

Bountiful Farms Nursery Inc
Oregon Water Resources Department

1/31/2023

1,914.40

79533

FEB 06 2023

Salem, OR

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-412-23**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Bountiful Farms Nursery; Todd Nelson Family, LLC; Blake Nelson Family, LLC; Brent Nelson Family, LLC, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: Bountiful Farms Nursery; Todd Nelson	Name: CwM-H2O, LLC
Title: Transfer Advisor	Family, LLC; Blake Nelson Family, LLC; Brent	Contact: Bob Long, CWRE
Address: 725 Summer Street, NE, Suite A	Nelson Family, LLC	Address: 1319 SE MLK Jr. Blvd., Suite 204
Salem, OR 97301-1266	Address: 17280 Boones Ferry Rd. NE	Portland, OR 97214
	Woodburn, OR 97071	
Phone: 503 979-3511	Phone: (503) 989-9290	Phone: (503) 954-1326
Fax: 503 986-0901	Fax:	Fax:
Email: patrick.k.starnes@water.oregon.gov	Email:	Email: bob.long@cwmmh2o.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14137)

- 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.
- 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.
- 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.
- Consideration.**
 - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,914.40. Applicant agrees to pay the full amount of \$1,914.40 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.
 - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 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.
- 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.
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: Binker Nelson CFO
Name/Title:
For OWRD: Dwight French
Dwight French - Administrator

2/1/23
Date
2/16/2023
Date

Mail signed Agreement to:

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

Received by OWRD

FEB 06 2023

Salem, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 4, 2023

BOUNTIFUL FARMS NURSERY; TODD NELSON FAMILY LLC;
BLAKE NELSON FAMILY LLC; BRENT NELSON FAMILY LLC
17280 BOONES FERRY RD NE
WOODBURN, OR 97071

Reference: Application T-14137

On December 21, 2022, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Receipt number 139797 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.

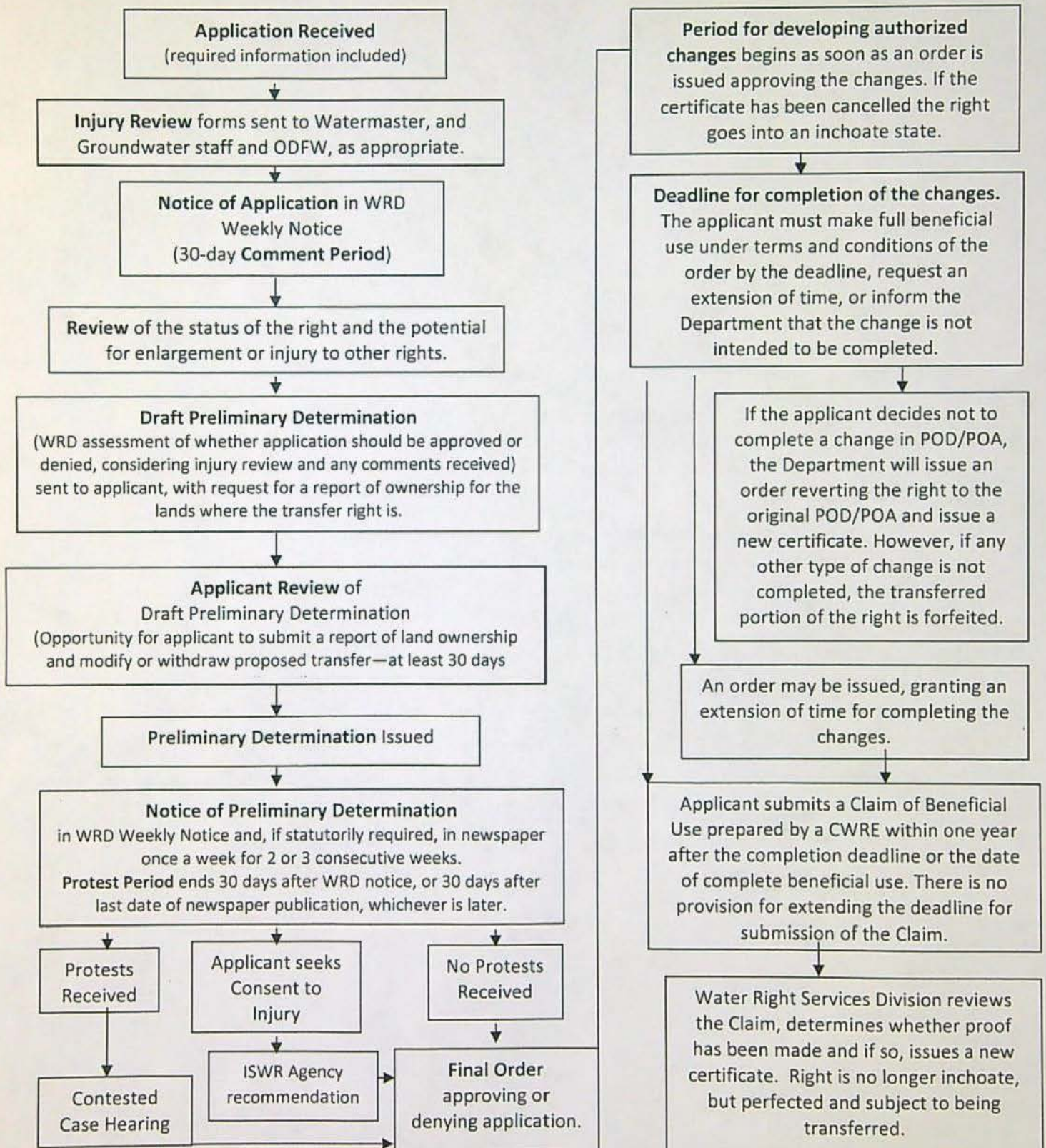
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)
Steve Shropshire, Agent
Bob Long, Agent
Marion County

Enclosure

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

OAR 690 Division 380



STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 139797

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

INVOICE # _____

RECEIVED FROM: *Bountiful Farms Nursery Inc.*
BY: _____

APPLICATION _____
PERMIT _____
TRANSFER *T-14137*

CASH: ☐ CHECK: # *79070* OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ *1840.00*

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 \$ _____ RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE 0204 \$ _____
0205 TRANSFER \$ *1,840.00*
WELL CONSTRUCTION EXAM FEE LICENSE FEE
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:

139797

DATED: *12-21-2022*

BY: *B*

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

CASH IN BANK - NW

RECEIVED
DEC 21 2022
OWRD

Bountiful Farms Nursery Inc
Oregon Water Resources Department

Perm Water Right Transfer

12/19/2022

1,840.00

79070

1,840.00



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.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number <u>T-14137</u> Not Yet <u>Assigned</u>

	Applicant Information	Applicant's Representative/Contact
Name:	<u>Bountiful Farms Nursery,</u> <u>Todd Nelson Family, LLC,; Blake Nelson Family,</u> <u>LL; Brent Nelson Family, LLC</u>	<u>Bob Long, CWRE,</u> <u>CwM-H2O, LLC</u>
Address:	<u>17280 Boones Ferry Road NE</u> <u>Woodburn, OR 97071</u>	<u>1319 SE MLK Jr. Blvd, Suite 204</u> <u>Portland, OR 97214</u>
Phone:	<u>(503) 989-9290</u>	<u>(503) 954-1326</u>
Fax:		
E-Mail Address:		<u>Bob.long@cwmh2o.com</u>

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) 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

Application for
transfer (APOA) for
Cert. 47838

I certify that I am the (check one):

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

Received by OWRD

Name:

Blake Nelson

DEC 21 2022

Signature:

Blake Nelson

Salem, OR

OWRD USE ONLY: Reimbursement Authority Number: R11-412-23

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **139789**

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

INVOICE # _____

RECEIVED FROM: Beautiful Farms Nursery Inc.

BY: _____

CASH: ☐ CHECK: # 78920 OTHER: (IDENTIFY) ☐

APPLICATION _____
PERMIT _____
TRANSFER 7-14/37

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11412-23 \$ _____

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 EXAM FEE 0204 RECORD FEE \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$ _____

LANDOWNER'S PERMIT

0220 LICENSE FEE \$ _____

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: **139789**

DATED: 12-21-2022

BY: Bu

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

CASH IN BANK - NW

RECEIVED
DEC 21 2022
OWRD

125.00

125.00

12/14/2022

78920

Oregon Water Resources Department

Bountiful Farms Nursery Inc

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

DEC 21 2022

OWRD

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

- ☒ 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: **\$1,840**
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 47838**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map. (Attachment 1)
- ☒ Completed Evidence of Use Affidavit and supporting documentation. (Attachment 2)
- ☐ ☒ 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 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. (Attachment 3)
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. (Attachment 4)
- ☐ ☒ 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.

(For Staff Use Only)

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

- | | |
|--------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ 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°).

Part 3 of 5 – Fee Worksheet

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4 QWRD \$480

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

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*).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution <u> </u> (2a) Subtract 1 from the number in 2a above: <u> </u> (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

NAME BOUNTIFUL FARMS NURSERY TODD NELSON FAMILY, LLC BLAKE NELSON FAMILY, LLC BRENT NELSON FAMILY, LLC			PHONE (HM)	
PHONE (WK) (503) 989-9290			CELL	FAX
ADDRESS 17280 BOONES FERRY ROAD NE				
CITY WOODBURN	STATE OR	ZIP 97071	E-MAIL*	

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

AGENT / BUSINESS NAME BOB LONG, CWRE (CWM-H2O, LLC)			PHONE (503) 954 – 1326	FAX
ADDRESS 1319 SE MLK JR BLVD, SUITE 204			CELL	
CITY PORTLAND	STATE OR	ZIP 97214	E-MAIL* BOB.LONG@CWMH2O.COM	
AGENT / BUSINESS NAME STEVE SHROPSHIRE, ATTORNEY, JORDAN-RAMIS			PHONE (541) 647 – 2979	FAX
ADDRESS 360 SW BOND STREET, SUITE 510			CELL	
CITY BEND	STATE OR	ZIP 97702	E-MAIL* STEVE.SHROPSHIRE@JORDANRAMIS.COM	

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

This transfer application seeks to add one additional point of appropriation to Certificate 47838, which currently has one approved POA (MARI-1599). Doing so will allow the Applicant to split groundwater production over the certificated place of use between the two wells for greater operational efficiency and flexibility.

The proposed new POA (MARI-70617) is a newly constructed well located on the Applicant's property a short distance away from MARI-1599. The two wells pump from water-bearing zones of the same aquifer system.

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.

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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: Woodburn Independent.
- 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).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Blake Nelson
Applicant signature

Blake Nelson CFO
Print Name (and Title if applicable)

12/14/22
Date

Todd C Nelson
Applicant signature

Todd C Nelson CEO
Print Name (and Title if applicable)

12/14/22
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*

**This application is being submitted along with an Ownership Update Form to revise the water right holder information to match the current land ownership information.*

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 _____	
Describe any special ownership circumstances: _____				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

☐ 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 Marion County	ADDRESS 555 Court Street NE, Suite 5232	
CITY Salem	STATE OR	ZIP 97301

**The proposed place of use is outside of any current City Urban Growth Boundary*

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 47838

Description of Water Delivery System

System capacity: 1.11 cubic feet per second (cfs) **OR**

500 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.

Water is currently pumped directly from MARI-1599 into the irrigation distribution system after passing through a sand-removal system. Irrigation is applied over the place of use primarily using high-efficiency drip irrigation lines to containerized (including pot-in-pot) and in-ground nursery stock. Some sprinklers are used.

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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI-1599	5 S	1 W	6	NW NE	200	Approx. 775 ft S and 1,770 ft W of NE corner of Section 6
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI-70617	5 S	1 W	6	NW NE	200	Approx. 1,040 ft S and 2,230 ft W of NE corner of Section 6

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

- | | |
|------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> 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.~~

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

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

Table 2. Description of Changes to Water Right Certificate # 47838

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
											4	S	1	W	31	SW	SE	100	77	0.8
																NE	NE	100		
																		300		21.5
																		400		
																NW	NE	100		21.6
											5	S	1	W	6			300		
																SW	NE	300		5.6
																SE	NE	300		12.8
																		400		
TOTAL ACRES:											TOTAL ACRES:						62.3			

Additional remarks: The place of use will not change. This application only proposes to add a new point of appropriation (Well 2, MARI-70617).

For Place of Use or Character of Use Changes NA

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 NA

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 NA

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?	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 1 MAR-1599	YES	Unk.	160 ft	12"	0-160 ft	0-100 ft	133-142 ft	22 ft (12/1/1972)	Willamette Lowland Basin-Fill Aquifer	0.78 cfs
Well 2 MARI-70617		L-144157	327.5 ft	12-16"	0-327.5 ft	0-37 ft	269.91-301.0 ft	98 ft (9/30/2022)		

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.

Attachment 2

State of Oregon)
County of MARION) ss

I, BLAKE NELSON, in my capacity as CFO OF BOUNTIFUL FARMS NURSERY,

mailing address 17280 BOONES FERRY ROAD NE, WOODBURN, OR 97071

telephone number (503) 989-9290, being first duly sworn depose and say:

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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 # 47838; 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)

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.): CONTAINERIZED AND IN-GROUND NURSERY STOCK

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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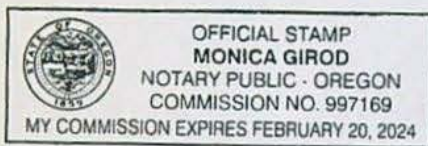
Blake Nelson

Signature of Affiant

12/14/22

Date

Signed and sworn to (or affirmed) before me this 14 day of Dec., 2022.



Monica Girod

Notary Public for Oregon

My Commission Expires: 2-20-24

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph Attachment includes satellite imagery of the place of use from 2017 (OSIP), 2018 (OSIP) and 2020 (NAIP).	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
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

(503)228-6322 or 1-800-542-6313
PortlandGeneral.com

Account #

Portland General Electric

Service Address:
BOUNTIFUL FARMS NURSERY, INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071

Previous Amount Due	1.32
Payments/Adjustments	1.32 CR
Balance Forward	0.00
Current Charges	0.88

Cycle: 0903
Feeder Line Code: NM4

AMOUNT DUE \$ 0.88
Due date for current bill 12/29/16

This month's charges (turn over for details)

Meter # AB31001354, Schedule 49

Energy Charges (6 kWh)	0.90
Adjustments	0.04 CR
	<u>0.86</u>
Taxes and Fees	0.02
Current Charges	0.88

Your energy use

Meter # AB31001354

Schedule 49

Service Period	Meter Reading
12/09/16	26283
11/08/16	26277
31 days of service	6 kWh

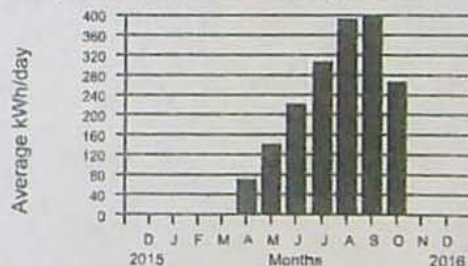
Thank you for your payment. It's a privilege to provide your electric service.

Thank you for your excellent bill payment record. We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number AB31001354 is

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Dec 2016	47	0.1	.02
Dec 2015	44	0.5	0.07

*Temperature source: Aurora Municipal Airport



The attached PGE service charges are for the power meter connected only to the existing Well-1. The well pump is the only equipment powered by the meter, so all recorded usage represents operations of the well. The attached records are from 2016, 2018, 2020, and 2022.

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PGE

(503)228-4333 or 1-800-612-6813
PortlandGeneral.com

Account #

Service Address:

BOUNTIFUL FARMS NURSERY, INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071

Cycle: 0903
Feeder Line Code: NM4

Previous Amount Due	1.18
Payments/Adjustments	1.18 CR
Balance Forward	0.00
Current Charges	1.03

AMOUNT DUE \$ 1.03
Due date for current bill 01/30/18

This month's charges (turn over for details)

Meter # AB31001354, Schedule 49

Energy Charges (7 kWh)	1.05
Adjustments	0.05 CR
	1.00
Taxes and Fees	0.03

Current Charges 1.03

Your energy use

Meter # AB31001354

Schedule 49

Service Period	Meter Reading
01/10/18	82042
12/08/17	82035
33 days of service	7 kWh

Thank you for your payment. It's a privilege to provide your electric service.

A price change took effect during this billing period. Part of your bill was calculated at the old rate and the remainder was calculated at the new rate.

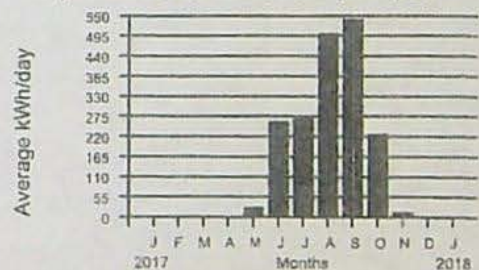
PGE met its Oregon Renewable Portfolio Standard target for 2016 by providing at least 15% of the electricity sold to customers during the year from qualifying renewable resources. View the full compliance report at:

PortlandGeneral.com/RPS. Including PGE-owned and contracted hydroelectric resources, about 40 percent of the power PGE delivered in 2016 was carbon free. The OPUC recently approved the addition of more renewables to further reduce our carbon footprint.

Point of Delivery Identification (PODID) number for meter number AB31001354 is [REDACTED].

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jan 2018	40	0.2	.03
Jan 2017	35	2.2	0.32

*Temperature source: Aurora Municipal Airport



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(503)228-6322 or 1-800-642-1812
PortlandGeneral.com

Service Address:
BOUNTIFUL FARMS NURSERY INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071

Previous Amount Due 281.28
Payments 281.28 CR
Balance Forward 0.00
Current Charges 56.37

Cycle: 09

AMOUNT DUE \$56.37
Due date for current bill 12/31/18

This month's charges (Turn over for details)

Meter # 31001354AB, Schedule 49

Energy Charges (359 kWh)	55.33
Adjustments	0.79 CR
	54.54
Total Taxes and Fees	1.83
Current Energy Charges	56.37

Thank you for your payment.

Your energy use

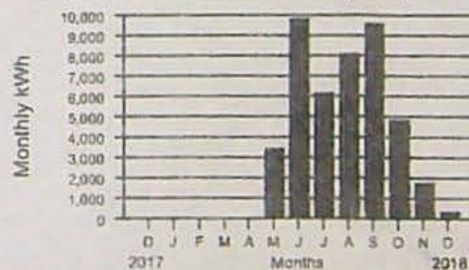
Meter # 31001354AB

Schedule 49

Service Period	Meter Reading
12/12/18	25433
11/09/18	26074
33 days of service	359 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Dec 2018	N/A	359	56.37
Dec 2017	40	8	1.18

*Temperature source: Aurora Municipal Airport



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(503)228-6322 or 1-800-542-3312
portlandgeneral.com

Account #

Previous Amount Due	441.56
Payments	441.56 cr
Balance Forward	0.00
Current Charges	116.60

Service Address:
BOUNTIFUL FARMS NURSERY INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071-9648

Cycle: 09

AMOUNT DUE \$116.60
Due date for current bill **01/02/20**

This month's charges (Turn over for details)

Meter # 31001354AB, Schedule 49	
Energy Charges (754 kWh)	115.96
Adjustments	3.16 cr
	112.80
Total Taxes and Fees	3.80
Current Energy Charges	116.60

Thank you for your payment.

PGE met the Oregon renewable portfolio standard target for 2018 by providing at least 15% of the electricity sold to customers during the year from qualifying renewable resources. View the full compliance report at portlandgeneral.com/rps.

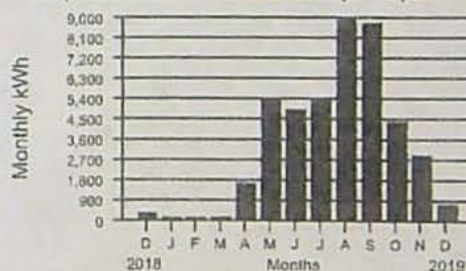
At PGE, we are working to create a smarter electric grid and deliver a future powered by clean energy. For more information about our strategy to reduce greenhouse gas emissions by more than 80 percent and go full clean ahead, visit fullcleanfuture.com.

Your energy use

Meter # 31001354AB
Schedule 49
Service Period Meter Reading
12/13/19 70000
11/12/19 69246
31 days of service 754 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Dec 2019	44	754	116.60
Dec 2018	44	359	56.37

*Temperature source: Aurora Municipal Airport



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(503)224-6322 or 1-800-342-3918
portlandgeneral.com

Account # [REDACTED]

Service Address:
BOUNTIFUL FARMS NURSERY INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071-9648

Previous Amount Due	454.21
Payments	454.21
Balance Forward	0.00
Current Charges	27.07

Cycle: 09

AMOUNT DUE \$27.07
Due date for current bill 12/31/20

This month's charges (Turn over for details)

Meter # 31070148AB, Schedule 49

Energy Charges (171 kWh)	26.28
Adjustments	0.21 CR
	26.07
Other Charges/Credits	0.12
Total Taxes and Fees	0.88
Current Energy Charges	27.07

Thank you for your payment.

PGE met the Oregon renewable portfolio standard target for 2019 by providing at least 15% of the electricity sold to customers during the year from qualifying renewable resources. View the full compliance report at portlandgeneral.com/rps.

At PGE, we are working to create a smarter electric grid and deliver a future powered by clean, reliable, affordable energy with net-zero greenhouse gas emissions. For more information about our strategy, visit portlandgeneral.com/climate.

Your energy use

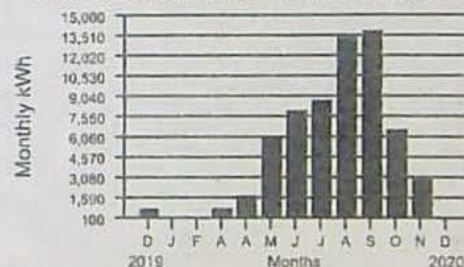
Meter # 31070148AB

Schedule 49

Service Period	Meter Reading
12/14/20	61519
11/11/20	61348
33 days of service	171 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Dec 2020	43	171	27.07
Dec 2019	44	754	116.60

*Temperature source: Aurora Municipal Airport



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(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # [REDACTED]

Service Address:
BOUNTIFUL FARMS NURSERY INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071-9648

Previous Amount Due	27.18
Payments	27.18 CR
Balance Forward	0.00
Current Charges	16.57

Cycle: 16

AMOUNT DUE \$16.57
Due date for current bill 01/18/22

This month's charges (Turn over for details)

Meter # 31070148AB, Schedule 49

Energy Charges (100 kWh)	15.37
Adjustments	0.59
	<hr/> 15.96
Other Charges/Credits	0.07
Total Taxes and Fees	0.54
Current Energy Charges	<hr/> 16.57

This is a prorated bill. For more information, please call our Customer Service Center at 1-800-542-8818.

Thank you for your payment.

Your energy use

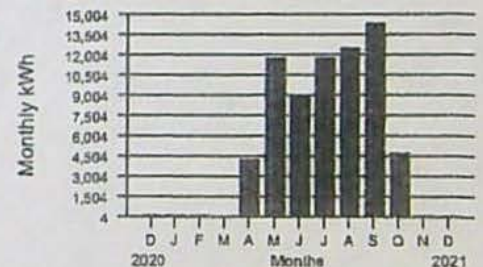
Meter # 31070148AB

Schedule 49

Service Period	Meter Reading
12/22/21	30713
11/10/21	30613
42 days of service	100 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Dec 2021	46	100	16.57
Dec 2020	N/A	171	N/A

*Temperature source: Aurora Municipal Airport



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(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # [REDACTED]

Service Address:
BOUNTIFUL FARMS NURSERY INC.
10667 HOVENDEN LN NE
WOODBURN, OR 97071-9648

Previous Amount Due	2,307.89
Payments	2,307.89 CR
Balance Forward	0.00
Current Charges	281.66

Cycle: 16

AMOUNT DUE \$281.66
Due date for current bill 12/15/22

This month's charges (Turn over for details)

Meter # 31070148AB, Schedule 49	
Energy Charges (1569 kWh)	266.74
Adjustments	9.30
	<hr/>
	276.04
Total Taxes and Fees	5.62
	<hr/>
Current Energy Charges	281.66

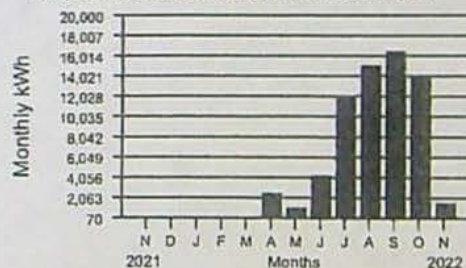
Thank you for your payment.

Your energy use

Meter # 31070148AB
Schedule 49
Service Period Meter Reading
11/18/22 97929
10/20/22 96360
29 days of service 1569 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Nov 2022	47	1569	281.66
Nov 2021	N/A	164	N/A

*Temperature source: Aurora Municipal Airport



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Land Use Information Form Attachment 3



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

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.

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Land Use Information Form

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DEC 21 2022



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

Applicant(s):

OWRD

NAME BOUNTIFUL FARMS NURSERY; TODD NELSON FAMILY, LLC; BLAKE NELSON FAMILY, LLC; Brent Nelson Family, LLC		PHONE (HM)	
PHONE (WK) (503) 989-9290	CELL	FAX	
ADDRESS 17280 BOONES FERRY ROAD NE			
CITY WOODBURN	STATE OR	ZIP 97071	E-MAIL* BOB.LONG@CWMH2O.COM (AGENT)

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:
4S	1W	31	SWSE	100	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	EFU
5S	1W	6	NENE	100, 300, 400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
			NWNE	100, 200, 300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
			SWNE	300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
			SENE	300, 400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

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

-Marion County (Outside of City UGB)

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: 0.78 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

This form is for a water right transfer that proposes to add a second point of appropriation (well) to the existing groundwater Certificate 47838 for 0.78 cfs of irrigation. There will be no change to the type or amount of water use.

For Local Government Use Only

RECEIVED

DEC 21 2022

The following section must be completed by a planning official from each county and city listed unless the project is 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): Marion County Code 17.136.020 (A)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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.

Taxlots 05-1W-06A-00100, 05-1W-06A-00200, 05-1W-06A-00300, and 05-1W-06A-00400 were the taxlots reviewed for this LUI. We have all of these parcels in the ownership of the Brent Nelson Family LLC as of 3/25/2016 by Reel 3801 Page 421. Our ownership records are obtained from the county Tax Assessor's Office and may not reflect a recent change.

Name: Nicole Inman Title: Associate Planner

Signature: Nicole Inman Phone: 503-588-5038 Date: 12/15/2022

Government Entity: Marion County Planning

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: _____

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

STATE 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)

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DEC 7 1972

State Well No.

State Permit No.

ATTACHMENT 4

55/1W-6 ab

G5986

(1) OWNER:

Well #1

Name Paul Wanner

Address Rte Box 244 Woodburn, 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 ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

12" Diam. from 0 ft. to 160 ft. Gage .250

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Millknife

Size of perforations 1/2 in. by 3 in.

160 perforations from 135 to 142 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? driller

Yield: 500 gal./min. with 53 ft. drawdown after 8 hrs.

750 " 103 " 8 "

Ball test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite

Well sealed from land surface to 100 ft.

Diameter of well bore to bottom of seal 25 in.

Diameter of well bore below seal 15 1/2 in.

Number of sacks of cement used in well seal sacks

Number of sacks of bentonite used in well seal 39 sacks

Brand name of bentonite Yellowstone

Number of pounds of bentonite per 10 gallons of water 60 lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plug 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.

(10) LOCATION OF WELL:

County Marian Driller's well number

1/4 Section 6 T. 5S R. 1W W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 112 ft.

Static level 22 ft. below land surface. Date 12/1/72

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

Depth drilled 160 ft. Depth of completed well 160 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
Surface	0	3	
Brown sandy clay	3	35	
Blue sandy clay	35	80	
Blue clay	80	100	
Sand	100	112	
Sand and gravel	112	143	
Sandy clay (blue)	143	155	
Blue clay	155	160	

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Work started November 17 1972 Completed December 1 1972

Date well drilling machine moved off of well December 3 1972

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] John T. Miller Date Dec. 4, 1972

(Drilling Machine Operator)

Drilling Machine Operator's License No. 26

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 John Truman Miller

(Person, firm or corporation) (Type or print)

Address P. O. Box 341 Hubbard, Oregon 97032

[Signed] John T. Miller

(Water Well Contractor)

Contractor's License No. 277 Date December 4, 1972

(USE ADDITIONAL SHEETS IF NECESSARY)

STATE OF OREGON
WATER SUPPLY WELL REPORT

Well #2

MARI 70617

WELL I.D. LABEL# L 144157

START CARD # 1055134

ORIGINAL LOG #

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

10/17/2022

(1) LAND OWNER

Owner Well I.D. _____
First Name BRENT Last Name NELSON
Company BRENT NELSON FAMILY LLC
Address 17280 BOONES FERRY RD,
City WOODBURN State OR Zip 97071

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrd
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 327.50 ft. Special Standard ☐ (Attach copy)

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
20	0	37	Bentonite Chips	0	37	53	S
16	37	341				Calculated	46
						Calculated	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☒ Other OAR 690-210-0340
Backfill placed from 327.5 ft. to 341 ft. Material CEMENT

Filter pack from 247.5 ft. to 327.5 ft. Material GRAVEL Size 1/4-10

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	<input checked="" type="checkbox"/>	2	267.33	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	12	<input type="checkbox"/>	247.5	327.5	.250	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 267.33
Temp casing ☐ Yes Dia _____ From + _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method									
Screens Type		V WIRE		Material Stainless					
Perf/	Casing/ Screen	Screen Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Screen	Casing	12	269.91	277.5		.1			
Screen	Casing	12	277.5	301		.25			

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
1000 149 228 DEC 21 2022

Temperature 54 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 109 ppm
From To Description Amount Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 5.00 S N/S Range 1.00 W E/W WM
Sec 6 NW 1/4 of the NE 1/4 Tax Lot 200

Tax Map Number _____ Lot _____

Lat _____ " or 45.16990898 DMS or DD

Long _____ " or -122.85502827 DMS or DD

☒ Street address of well ☐ Nearest address

17091 BOONES FERRY RD, WOODBURN, OREGON

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	9/30/2022			98
Flowing Artesian?	<input type="checkbox"/>			
Dry Hole?	<input type="checkbox"/>			

WATER BEARING ZONES

Depth water was first found 133.50

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
3/2/2022	133.5	136				46
3/10/2022	176	208				47
3/14/2022	212	214				47
4/19/2022	263	300.5				51

(11) WELL LOG

Ground Elevation _____

Material	From	To
Topsoil	0	1
Clay, brown, medium	1	12
Clay, Greenish gray, hard	12	18
Clay dark greenish gray, medium, sticky	18	53
Silt, dark greenish gray, Sandy	53	55
Silt, dark greenish gray, medium	55	58
Clay, Greenish gray, medium, sticky	58	92
Clay, gray, hard, sticky	92	94
Silt, gray, Sandy, hard	94	103
Clay, olive gray, Sandy, hard	103	109
Clay bound sand and gravel, gray	109	133.5
Sand and gravel, loose, black	133.5	136
Clay, greenish gray, hard, sticky	136	145
Clay, Dark gray, medium, sticky	145	152
Clay, brown, medium	152	160
Clay, gray, hard, sticky	160	164
Clay, greenish gray, hard, sticky	164	176
Silt, dark greenish gray, Sandy	176	183
Sand, black, fine, greenish gray silt	183	190

Date Started 2/16/2022

Completed 9/30/2022

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1704

Date 10/16/2022

Signed LARRY AMOS (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783

Date 10/17/2022

Signed IVAN GROSSEN (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

Bottom plate 327.5 FT
Lift bar 1.5' above bottom



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

Ownership Update for Certificated Rights Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. To track water right ownership, the Department requests that this form be submitted to the Department. **To update multiple rights, a separate form is required for each right.** If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

Note: Use the assignment form to change ownership on pending applications, permits, transfers, groundwater registrations, or limited licenses.

Current Landowner Information

Name:	Bountiful Farms Nursery; Blake Nelson Family, LLC; Todd Nelson Family, LLC; Brent Nelson Family, LLC				
Mailing Address:	17280 Boones Ferry Road NE				
City:	Woodburn	State:	OR	Zip:	97071
Phone:	(503) 989-9290	Email:	bob.long@cwmmh2o.com (Agent)		

Property Information

County:	Marion	Township:	4,5 S	Range:	1 W	Section:	31, 6
Tax Lot #:	0100, 0200, 0300, 0400						
Street Address of Water Right:	17280 Boones Ferry Road NE, Woodburn, OR 97071						

Water Right Information

Application: G-5986
Permit: G-5669
Certificate: 47838

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Are all the lands associated with this water right owned by the requestor? ☒ Yes ☐ No

(If no, include a map showing the portion of the water right involved)

Signature and Date

Name of individual completing form:	Blake Nelson		
Phone or email:	503 989-9290	Date:	12/14/22
Signature of requestor:	Blake Nelson		

The Department does not change names on water right certificates. This form will be placed in the file for future reference only. If mailed, the Department will not provide acknowledgment of receipt.

This form can be mailed to the address above or sent by email to wrd_dl_customerservice@water.oregon.gov

Broadacres

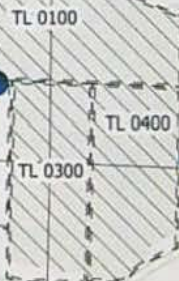
ATTACHMENT 1
Permanent Water Right Transfer Application Map
T4S, R1W, Sections 31
T5S, R1W, Section 06

Broadacres Rd NE

RECEIVED
 DEC 21 2022
 OWRD

Well #1 (MARI-1599)
 Approx. 775 ft S and
 1,770 ft W of the NE Corner
 of Section 6, T5S, R1W

Well #2 (MARI-70617)
 Approx. 1,040 ft S and
 2,230 ft W of the NE Corner
 of Section 6, T5S, R1W



T4S, R1W

T5S, R1W

Mill Creek

Boones Ferry Rd NE

Robert E. Long Jr.
 Robert E. Long Jr.
 May 15, 2002
 STATE OF OREGON
 EXPIRATION DATE: 12-31-2022

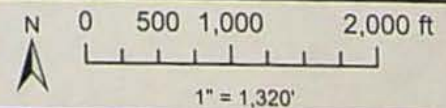
- Proposed POAs
- ▨ Cert. 47838 POU
- - - POU Taxlots
- ▭ Township
- ▭ Section
- ▭ QQs

NOR
 ES GOLF

CwM-H2O
 Complete Water Management

1319 SE MLK, Jr. Blvd, Suite 204
 Portland, Oregon 97214
 (503) 954-1326

*This map is not intended to provide legal
 dimensions or locations of property
 ownership lines*



1	DATE	AUTH	DRAFT
No.	Date	By	Revisions

Proj#: 2120001
 BFN Transfer Application
 Bountiful Farms Nursery
 17280 Boones Ferry Road NE
 Woodburn, OR 97071



2018 OSIP Imagery

RECEIVED

DEC 21 2022

OWRD

CwM-H2O
Complete Water Management



1319 SE MLK, Jr. Blvd, Suite 204
Portland, Oregon 97214(503)
954-1326

**AERIAL IMAGERY OF THE PLACE OF USE
FOR CERTIFICATE 47838
-Evidence of Use Affidavit-**

Please refer to the transfer application map displaying the place of use (POU). The approximate POU is shown by the white dotted line.



2020 OSIP Imagery

RECEIVED

DEC 21 2022

OWRD

CwM-H2O 
Complete Water Management

1319 SE MLK, Jr. Blvd, Suite 204
Portland, Oregon 97214(503)
954-1326

**AERIAL IMAGERY OF THE PLACE OF USE
FOR CERTIFICATE 47838**

-Evidence of Use Affidavit-

Please refer to the transfer application map displaying the place of use (POU). The approximate POU is shown by the white dotted line.

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

MARI 70617

10/17/2022

Map of Hole

STATE OF OREGON WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301

(503)986-0900



LOCATION OF WELL

Latitude: 45.16990898 Datum: WGS84

Longitude: -122.85502827

Township/Range/Section/Quarter-Quarter Section: DEC 21 2022

WM5.00S1.00W6NWNE

Address of Well:

17091 BOONES FERRY RD, WOODBURN, OREGON

Well Label: 144157

Printed: October 17, 2022

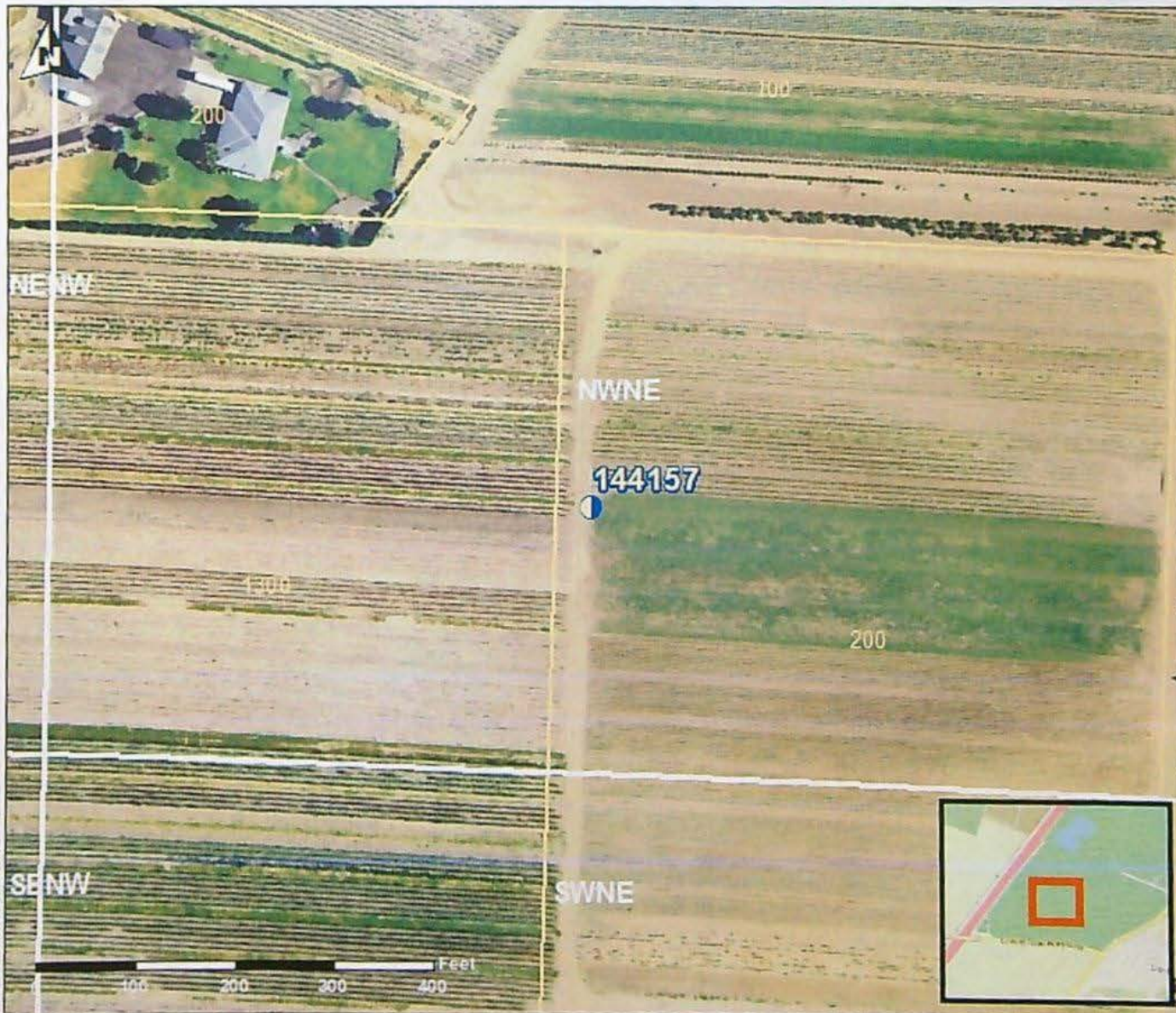
RECEIVED

DEC 21 2022

OWRD

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor





RECEIVED

DEC 21 2022

OWRD

December 20, 2022

Oregon Water Resources Department
Attn: Water Rights Services Division
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: SUBMITTAL OF AN APPLICATION FOR PERMANENT WATER RIGHT TRANSFER - APOA

Dear OWRD Staff,

Please find accompanying this letter an application for a permanent water right transfer from Bountiful Farms Nursery, Blake Nelson Family, LLC, Brent Nelson Family, LLC, and Todd Nelson Family, LLC (c/o: Blake and Todd Nelson), Applicants, and a check for the application fee (check #79070). The application proposes the addition of a second point of appropriation (APOA transfer) onto the groundwater Certificate 47838. The proposed new point of appropriation is a recently constructed well a short distance away from the existing POA. Both wells are constructed within the Willamette Lowland Basin-fill Aquifer system. No other changes are proposed for Certificate 47838.

The transfer application is accompanied by an Ownership Update Form to record the holder of Certificate 47838 as the current land owners, the Applicants. The Applicants have also included an application and check (#78920) for the Reimbursement Authority for expedited review.

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.

Robert Long, CWRE

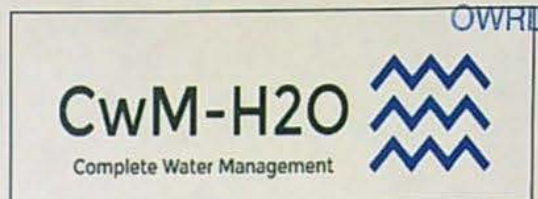
Enclosed:

- Ownership Update Form (signed)
- Reimbursement Authority Application (signed) & Check (#78920)
- Application Document (signed) & Check (#79070)
- Att 1 – Application Map (stamped)
- Att 2 – Evidence of Use Affidavit (signed)
- Att 3 – LUCS Form (approved)
- Att 4 – Well Logs for POAs

DEC 21 2022

Document Transmittal Sheet

Date:	December 20, 2022
Project Name:	2120001 – Bountiful Farms GW



Client Name:	Blake Nelson, Bountiful Farms Nursery Blake Nelson, Brent Nelson, and Todd Nelson Family, LLCs
Address:	17280 Boones Ferry Road NE, Woodburn, OR 97071
Staff managing document:	IAG

Document Type:	Letter	Report	Other: Transfer Application
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Purpose of this document:

For Review/Approval	For OWRD Submittal	Approved as noted
For your Use	Approved as submitted	Resubmit copies for approval
Returned for Corrections		

Comments:

This transfer application package was sent to the Client for signature and was returned in the mail on December 19, 2022. The final signed and stamped documents were assembled and mailed to OWRD for submittal on December 20, 2022.

Included in package:

- ☒ Cover letter to OWRD
- ☒ Ownership Update Form (signed)
- ☒ Reimbursement Authority Application (signed) & Check (#78920)
- ☒ Application document (signed) & Check (#79070)
- ☒ Att 1 – Application Map (stamped)
- ☒ Att 2 – Evidence of Use Affidavit (signed)
- ☒ Att 3 – LUCS Form (approved)
- ☒ Att 4 – Well Logs for POAs