

Temporary

Name Ernst Nursery and Farms
PO Box 460 Attn: Bruce Ernst
Address 6130 Gearin Rd. NE
St. Paul, OR 97137

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Willamette River
Trib. of Columbia River
Use Irrigation County Yamhill, Marion WM 16
Quantity of water (CFS) 400 gpm No. of Acres 20.0
Name of ditch _____
App # S-23770 Per # S-18757 Cert # 21197 PR Date 5/4/1949
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____
App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID
Date 8/21/15 Amount 724.00 Receipt # 117083

Change in POU, POD
Date Filed 8-24-15
Initial notice date 9-1-15
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 10-13-15 Vol 98 Page 71-73

FEES REFUNDED
Date _____ Amount _____ Receipt# _____

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

Assignments: _____

Irrigation District _____
Agent _____
CWRE _____
CC's list _____

- Oversized map - Location _____



Oregon

Kate Brown, 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.wrd.state.or.us

June 14, 2016

BRUCE ERNST
6130 GEARIN RD NE
SAINT PAUL, OR 97137

Reference: Transfer Application T-12141

The above referenced transfer application was terminated from the record of the Water Resources Department on June 10, 2016, by Special Order Volume 101, Page 109-110 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this order, you may contact the below referenced contact.

Marissa Andrews, by telephone at 503-986-0807 or by e-mail at Marissa.L.Andrews@wrd.state.or.us.

Sincerely,

Marissa Andrews
Water Right Services Support

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)

Enclosure

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

In the Matter of Temporary Transfer) ORDER TERMINATING TEMPORARY
Application T-12141, Marion County,) TRANSFER ORDER T-12141
Oregon)

Authority

OAR 690-380-8002(3) and 690-380-8004(7) provide that the uses authorized under a temporary transfer revert to the terms and conditions of the originating water right on the written request of the applicant.

Applicant

ERNST NURSERY AND FARMS
6130 GEARIN RD NE
SAINT PAUL, OR 97137

Findings of Fact

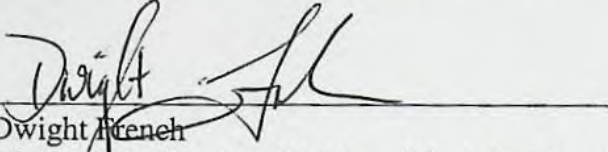
1. On August 24, 2015, ERNST NURSERY AND FARMS filed an application to temporarily transfer the place of use and point of diversion to serve the proposed place of use under Certificate 21197 for a period of two years. The Department assigned the application number T-12141.
2. On October 13, 2015, the Water Resources Department issued an order approving T-12141. This order was recorded in the Special Order Volume 98, Page 71.
3. On May 26, 2016, Philip McCarthy, of Ernst Nursery and Farms, submitted a request to terminate the temporary transfer prior to the expiration date in the order and revert this right back to the place of use and point of diversion evidenced by the respective certificate.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

Now, therefore, it is ORDERED:

Temporary Transfer Application T-12141, in the name of ERNST NURSERY AND FARMS, is terminated and of no further force or effect. The water rights should immediately revert back to the original place of use and point of diversion.

Dated at Salem, Oregon this 10 day of June, 2016.


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

Mailing date: JUN 16 2016

Water Right Transfer Cover Sheet

Transfer T-12141

Transfer Specialist: *Jan*

Transfer Type: Temporary Transfer

Applicant Name/Address: ERNST NURSERY FARMS BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137	Agent Name/Address: UNAVAILABLE	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Marion County Planning Department
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	<input type="checkbox"/>	S-23770	S-18757	21197	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: August 24, 2015	Proposed Action(s): point of diversion; place of use	
Fees Pd: 724.00	WM District: 16	ODFW District:
Initial Notice: September 1, 2015	WM Review sent: 9/2/2015	ODFW Review sent: 9/2/2015
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent:

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

DRD Mailed: _____

not required

ODFW contact sheet sent with DPD, or N/A

Request for news \$ sent: _____

WM measurement contact sheet sent, or N/A

News \$ received: _____

PD Signed: _____

Request to publish sent to newspaper: _____

PD Weekly Notice: _____

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: <i>Sarah</i>
Date: _____	Date: _____	Date: <i>10-12-15</i>
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues: <i>2yr Temp Termination order</i>		

Special Order Volume: Vol *98* Pages *71-73* Final Order Signature Date: *10-13-15*

Notice of FO email'd to processors _____

Special order Volume; Vol 101 Pages 109-110 Sig: Date 6-10-16

HENDERSON Sarah A

From: PLAHN Joel M <joel.m.plahn@state.or.us>
Sent: Thursday, May 26, 2016 12:51 PM
To: STARNES Kelly; HENDERSON Sarah A (sarah.a.henderson@state.or.us)
Subject: FW: T-12141

Not sure who to send this request to

Thanks, Joel Plahn

District 16 Watermaster
503-986-0889 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

From: Philip McCarthy [<mailto:philip@ernstnursery.com>]
Sent: Thursday, May 26, 2016 12:49 PM
To: PLAHN Joel M
Subject: T-12141

Good afternoon,

Ernst Nursery & Farms would like to immediately terminate temporary transfer T-12141.

Please confirm when the temporary transfer is terminated and the water rights are reverted back to the original lands.

Thank you!

Philip McCarthy
Ernst Nursery & Farms



Oregon

Kate Brown, 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.wrd.state.or.us

October 13, 2015

ERNST NURSERY AND FARMS
BRUCE ERNST
PO BOX 460
SAINT PAUL, OR 97137

REFERENCE: Temporary Transfer Application T-12141

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2016 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@wrd.state.or.us.

Sincerely,

Bethanie Williamson
Water Rights Services Support

cc: Joel M. Plahn, Watermaster Dist. # 16 (via email)

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12141, Marion County)	TEMPORARY CHANGES IN PLACE
)	OF USE AND POINT OF DIVERSION

Authority

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

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

Applicant

ERNST NURSERY AND FARMS
6130 GEARIN RD NE
SAINT PAUL, OR 97137

Findings of Fact

1. On August 24, 2015, ERNST NURSERY AND FARMS filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 21197 for a period of 2 years. The Department assigned the application number T-12141.
2. Notice of the application for transfer was published on September 1, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:
 - Certificate:** 21197 in the name of ELMER ERNST (perfected under Permit S-18757)
 - Use:** IRRIGATION of 12 ACRES
 - Priority Date:** MAY 4, 1949
 - Rate:** 0.15 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.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: WILLAMETTE RIVER tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	3 W	WM	13	NE SW	69
4 S	3 W	WM	13	NW SE	69

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	13	NE SW	69	12.0

4. Temporary Transfer Application T-12141 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 W	WM	35	SE SW	8.0
4 S	2 W	WM	2	NE NW	4.0
Total					12.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12141 proposes to move the authorized point of diversion approximately 9.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	2	NWNE	936 FEET SOUTH AND 252 FEET EAST FROM THE N ¼ CORNER OF SECTION 2

Temporary Transfer Review Criteria

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

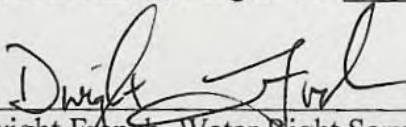
Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12141 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12141 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2015 and 2016 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2016 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 21197 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 21197.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 21197 shall continue to be in accordance with the terms and conditions of Certificate 21197.

Dated at Salem, Oregon this 13 day of October 2015.



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

Mailing Date: OCT 14 2015

RECEIVED

STATE OF OREGON
COUNTY OF MARION

AUG 21 2015

CERTIFICATE OF WATER RIGHT

WATER RESOURCES DEPT
SALEM, OREGON

This Is to Certify, That **ELMER ERNST**

of **St. Paul**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Willamette River** a tributary of **Columbia River** for the purpose of **irrigation** under Permit No. **18757** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **May 4, 1949**,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.25 cubic foot per second**,

20.0

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE 1/4 SW 1/4** and the **NW 1/4 SE 1/4**, as projected within **W. Classen D.L.C. No. 69, Section 13, Township 4 South, Range 3 West, W. M.**

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

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

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

- 13.4 acres in the **S 3/4 NE 1/4 SW 1/4**, as projected within **W. Classen D.L.C. No. 69**
 - 0.8 acres in the **NE 1/4 SE 1/4 SW 1/4**, as projected within **W. Classen D.L.C. No. 69**
 - 0.4 acres in the **NE 1/4 SE 1/4 SW 1/4**, as projected within **M. Accotti D.L.C. No. 68**
 - 4.3 acres in the **W 1/4 NW 1/4 SE 1/4**, as projected within **W. Classen D.L.C. No. 69**
 - 0.4 acres in the **NW 1/4 SW 1/4 SE 1/4**, as projected within **W. Classen D.L.C. No. 69**
 - 0.7 acres in the **NW 1/4 SW 1/4 SE 1/4**, as projected within **M. Accotti D.L.C. No. 68**
- Section 13
Township 4 South, Range 3 West, W. M.

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

WITNESS the signature of the State Engineer, affixed

this **9th** day of April, **1956**

.....**LEWIS A. STANLEY**.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume **15**, page **21197**.

T 12141

T. 4 S., R. 3 W., W.M.



FINAL PROOF SURVEY

UNDER

Application No. 23770 Permit No. 18757

IN NAME OF

G. P. & John S. Connor
A. B. Connor
Elmer Ernst

Surveyed April 11, 1954, by H. L. Coffman.

DEN 30 26

Water Rights Platcard Report

Meridian: Township: South Range: Section: Records per Page: Search

Platcards Maps! Learn about * View Map

Water Right	Change in Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(10)	Q(100)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown	QQ
Select Cert:11932 OR *		8/11/1936	IRRIGATION			6									0.5											
Additional Info: L LORENZEN App: S16505 Permit: S12302 Cert: 11932																										
Select Cert:12181 OR *		4/5/1937	IRRIGATION			4																				6.6
Additional Info: U S ALDERMAN App: S16834 Permit: S12592 Cert: 12181																										
Select Cert:12181 OR *		4/5/1937	IRRIGATION			71						6.4	0.1													
Additional Info: U S ALDERMAN App: S16834 Permit: S12592 Cert: 12181																										
Select Cert:15077 OR *		5/10/1939	IRRIGATION			2								30.2												
Additional Info: L LORENZEN App: S18015 Permit: S13687 Cert: 15077																										
Select Cert:15077 OR *		5/10/1939	IRRIGATION			3								27.3												
Additional Info: L LORENZEN App: S18015 Permit: S13687 Cert: 15077																										
Select Cert:15077 OR *		5/10/1939	IRRIGATION			4				18.4																
Additional Info: L LORENZEN App: S18015 Permit: S13687 Cert: 15077																										
Select Cert:15077 OR *		5/10/1939	IRRIGATION			5									18.2											
Additional Info: L LORENZEN App: S18015 Permit: S13687 Cert: 15077																										
Select Cert:15077 OR *		5/10/1939	IRRIGATION			6									5.4											
Additional Info: L LORENZEN App: S18015 Permit: S13687 Cert: 15077																										
Select Cert:21159 OR *		3/25/1946	IRRIGATION			68														12						
Additional Info: ETHEL G CONNOR App: S21504 Permit: S16866 Cert: 21159																										
Select Cert:21197 OR *	T12141	5/4/1949	IRRIGATION			68														0.4				0.7		
Additional Info: ELMER ERNST App: S23770 Permit: S18757 Cert: 21197																										
Select Cert:21197 OR *	T12141	5/4/1949	IRRIGATION			69									13.4					0.8			4.3	0.4		
Additional Info: ELMER ERNST App: S23770 Permit: S18757 Cert: 21197																										
Select Cert:21328 OR CN		3/26/1952	IRRIGATION CN			68														9				15.8	1.2	
Additional Info: G P/JOHN S CONNOR App: S27020 Permit: S21265 Cert: 21328																										
Select Cert:33469 OR *		12/13/1961	IRRIGATION			68														1.5	6.6			0.9		
Additional Info: MCKILLIP BROTHERS App: S37249 Permit: S27753 Cert: 33469																										
Select		12/13/1961	IRRIGATION			69														12.8						

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page: Search

Platcards Maps
Learn about * View Map

Water Right	Changing Xfors	Priority	Use	Use Status	DLC	Gov't Lot	qq(40):	qq(100):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknow	QD	
Select Cert:47848 OR *		6/20/1975	CAMPSITE		43																						
Additional Info: OREGON DEPARTMENT OF TRANSPORTATION App: G6999 Permit: G6689 Cert: 47848																											
Select Cert:30509 OR *		7/28/1958	COMMERCIAL USES		93				*	*	*	*															
Additional Info: OREGON DEPARTMENT OF TRANSPORTATION App: G1101 Permit: G950 Cert: 30509																											
Select Permit: G 12837 *		8/18/1995	IRRIGATION													2.6								0.3			
Additional Info: ZORN FARMS INC. App: G14158 Permit: G12837																											
Select Cert:14389 OR *		9/23/1936	IRRIGATION		43				2.5	4.8	14													23.6	6.3		
Additional Info: HENRY ZORN App: S16600 Permit: S12384 Cert: 14389																											
Select Cert:14450 OR *		11/15/1938	IRRIGATION		43					0.5	15	25															
Additional Info: HENRY ZORN App: S17661 Permit: S13355 Cert: 14450																											
Select Cert:17144 OR *		4/29/1946	IRRIGATION		93											1.1	0.3	14.9	1.5								
Additional Info: THOMAS JETTE App: S21594 Permit: S17077 Cert: 17144																											
Select Cert:19468 OR CN		10/16/1945	IRRIGATION	CN	93								2.8	0.3	0.1	2.8											
Additional Info: OREGON DEPARTMENT OF TRANSPORTATION App: S21236 Permit: S17072 Cert: 19468																											
Select Cert:20166 OR CN		5/8/1939	IRRIGATION	CN	93											11.3											
Additional Info: C SMITH App: S18000 Permit: S13672 Cert: 20166																											
Select Cert:23583 OR *		2/4/1952	IRRIGATION		93										17.6	18							3.3				
Additional Info: GEORGE A DURIG App: S26835 Permit: S21075 Cert: 23583																											
Select Cert:26406 OR *		4/12/1950	IRRIGATION		43							0.2													29.6	30.4	
Additional Info: HENRY ZORN App: S24599 Permit: S19380 Cert: 26406																											
Select Cert:26406 OR *		4/12/1950	IRRIGATION		93																			0.3		5.2	
Additional Info: HENRY ZORN App: S24599 Permit: S19380 Cert: 26406																											
Select Cert:33981 OR *		4/27/1961	IRRIGATION		92																		11				
Additional Info: TAROLTA SMITH App: S34860 Permit: S27361 Cert: 33981																											
Select Cert:61903 OR *		7/21/1977	IRRIGATION		79				1.8																		
Additional Info: GEORGE D. KENYON App: S56253 Permit: S41788 Cert: 61903																											
Select Cert:62343 OR *		10/3/1983	IRRIGATION		93																			3.2			
Additional Info: GARY L GETSINGER App: G11117 Permit: G10254 Cert: 62343																											
Select Permit: G 12837 *		8/18/1995																						0.3		34.8	30.4

Additional Info: ZORN FARMS INC. App: G14158 Permit: G12837	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																					
Select Permit: S 53012 * Additional Info: ZORN FARMS INC. App: S75953 Permit: S53012	12/28/1994 SUPPLEMENTAL IRRIGATION (Suppl'mtl)																			0.3	34.8	30.4
Select Cert: 26406 OR * Additional Info: HENRY ZORN App: S24599 Permit: S19380 Cert: 26406	4/12/1950 SUPPLEMENTAL IRRIGATION (Suppl'mtl)																					

Acreage Legend: 12.25 Regular acreage
 ~~12.25~~ Acreage is on a canceled right
 (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)
 [12.25] Acreage has been suspended
 * Acreage is not specified

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page: Search Platcards Maps! [Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	qq(40): q(100):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:15160 OR *		8/23/1943	DOMESTIC EXPANDED																					*
Additional Info: SYBIL BROWN App: S20018 Permit: S15589 Cert: 15160																								
Select Cert:21762 OR *		5/29/1950	IRRIGATION		60																	7	9.6	
Additional Info: T.H. MILLER App: S24553 Permit: S19463 Cert: 21762																								
Select Cert:21781 OR *		5/29/1951	IRRIGATION		60											20.7	3.7							
Additional Info: FRED W WICKMAN App: S25989 Permit: S20364 Cert: 21781																								
Select Cert:23583 OR *		2/4/1952	IRRIGATION		69													5						
Additional Info: GEORGE A DURIG App: S26835 Permit: S21075 Cert: 23583																								
Select Cert:27913 OR *		4/4/1955	IRRIGATION		60							10.5	20											
Additional Info: MIKE ETZEL App: S29883 Permit: S23474 Cert: 27913																								
Select App: LL 1570 *		3/30/2015	IRRIGATION									*												
Additional Info: MIKE ETZEL App: LL1570																								
Select Cert:15160 OR *		8/23/1943	LIVESTOCK																					*
Additional Info: SYBIL BROWN App: S20018 Permit: S15589 Cert: 15160																								
Select Cert:15160 OR *		8/23/1943	POWER DEVELOPMENT																					*
Additional Info: SYBIL BROWN App: S20018 Permit: S15589 Cert: 15160																								

Acreege Legend: 12.25 Regular acreage ~~12.25~~ Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreege has been suspended * Acreege is not specified



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12141

Review Due Date: _____

Applicant Name: Ernst Nursery and Farms

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Joel Plahn

Date of Review: Sep. 10, 2015

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. 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: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. 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 below:
- 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 3)
- 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.*
- 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 3)
- 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 Submerged Orifice
- Parshall Flume Flow Restrictor
- Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant
(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12141

- 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: Joel Plahn

District: 16

Address: 725 Summer St NE Suite A

City/State/Zip: Salem OR 97301

Phone: 503-986-0889

Email: plahnjm@wrд.state.or.us

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



Oregon

Kate Brown, 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.wrd.state.or.us

September 2, 2015

ERNST NURSERY AND FARMS
BRUCE ERNST
PO BOX 460
SAINT PAUL, OR 97137

Reference: Application T- 12141

On August 24, 2015, we received your water right Transfer application. The application was accompanied by \$724.00. Our receipt number 117083 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.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #16 (via email)

Enclosure



Transfer Applications: Temporary Transfer

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation. The Department shall approve the request provided it does not cause injury to existing water rights or enlarge the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

Notice is given that the following applications for Temporary Transfers have been received by the Department:

Transfer	<u>T-12139</u>
Water Right	Cert: 65746, 65744
County/Basin	Polk / Willamette (2)
Applicant Name	FROST, ALAN L. 14060 ELKINS ROAD MONMOUTH, OR 97361
Proposed Change	PLACE OF USE
Sources/TRSQ40Q160	LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 17 SESE
Use/Quantity	IRRIGATION / 0.850 CFS
Priority Date	05/12/1969, 10/26/1950
Transfer	<u>T-12141</u>
Water Right	Cert: 21197
County/Basin	Marion, Yamhill / Willamette (2)
Applicant Name	ERNST, BRUCE ERNST NURSERY AND FARMS PO BOX 460 6130 GEARIN RD NE SAINT PAUL, OR 97137
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 13 NESW WILLAMETTE RIVER > COLUMBIA RIVER / 4.00S 3.00W 13 NWSE
Use/Quantity	IRRIGATION / 0.250 CFS
Priority Date	05/04/1949
Transfer	<u>T-12144</u>
Water Right	Cert: 23674
County/Basin	Yamhill / Willamette (2)
Applicant Name	SUGG, STEVEN SHERIDAN SCHOOL DISTRICT 48J 435 S BRIDGE ST SHERIDAN, OR 97378
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	SOUTH YAMHILL RIVER > YAMHILL RIVER / 5.00S 6.00W 34 SWNE
Use/Quantity	IRRIGATION / 0.260 CFS
Priority Date	06/15/1953
Transfer	<u>T-12145</u>
Water Right	Cert:90684
County/Basin	Marion / Willamette (2)
Applicant Name	KRAEMER, PAUL PO BOX 930 MOUNT ANGEL, OR 97362
Proposed Change	POINT OF APPROPRIATION, PLACE OF USE
Sources/TRSQ40Q160	A WELL > ABIQUA CREEK BASIN / 6.00S 1.00W 23 NENE
Use/Quantity	NURSERY USES / 2.000 CFS
Priority Date	02/19/1999

Transfer	T-12146
Water Right	Cert: 29769, 31376
County/Basin	Polk / Willamette (2)
Applicant Name	DINSDALE, PETER PO BOX 357 INDEPENDENCE, OR 97351
Proposed Change	POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 13 SWSW LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 1 SWSE LUCKIAMUTE RIVER > WILLAMETTE RIVER / 9.00S 5.00W 14 SENW
Use/Quantity	IRRIGATION / 1.330 CFS IRRIGATION / 1.780 CFS
Priority Date	06/09/1954, 05/26/1961



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

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

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

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred?** 1 **List them here:** #18757 21197
permit cert
 Please include a separate Part 5 for each water right. (See instructions on page 5)
- N/A For standard Temporary Transfer (one to five years) **Begin Year** 15 **End Year** 16.
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

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

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(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"/> Additional signature(s) required
<input type="checkbox"/> Other/Explanation _____	<input type="checkbox"/> Part _____ is incomplete

Staff: _____ 503-986-0 _____ Date: ____/____/____

T 12141

Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME ERNST Nursery : Farms		PHONE NO. 503-633-8366	ADDITIONAL CONTACT NO. Bruce Ernst
ADDRESS 6130 Bearin Rd N.E.		FAX NO. 503-633-8367	
CITY ST Paul	STATE OR	ZIP 97137	E-MAIL ernstnursery@earthlink.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Bruce W Ernst		PHONE NO. 503-510-4444	ADDITIONAL CONTACT NO.
ADDRESS PO Box 460		FAX NO.	
CITY ST. Paul	STATE OR	ZIP 97137	E-MAIL ernstnursery@earthlink.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application; and why:
to transfer a portion of my legal water rights to a property that I lease on Willsonville Rd that doesn't have water right which I have sellable nursery stock on
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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

Bruce W Ernst owner Ernst Nursery 8/19/15
 Applicant signature Print Name (and Title if applicable) Date

 Applicant signature Print Name (and Title if applicable) Date

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

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

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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 5, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Description of Water Delivery System

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

400 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey, and apply the water at the authorized place of use. 50 hp Pump PVC Mainline to

3" Aluminum handlines with sprinklers

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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4 S	3 W	13	NW SE		750' as projected w/ DLC 69
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		4 S	2 W	2	NW NE		936' S + 252' E From the N¼ corner Section 2
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|---------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | |

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

- | | |
|---------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD) |

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

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

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For Place of Use Changes

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

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



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540-610.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation if necessary to convey the water to the new temporary place of use:

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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

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

Table 2. Description of Temporary Changes to Water Right Certificate # 12757

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9		15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
4	S	3	W	13	NE	SW			12.0	Irrigation	POD 1		POD/POA	4	S	2	W	2	NE	NW			8.0 4.0			
													POD/POA	3	S	2	W	3	SE	SW			8.0			
TOTAL ACRES												TOTAL ACRES														

Additional remarks: _____

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FROM

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SALEM, OREGON

T. 4 S., R. 3 W., W.M.



FINAL PROOF SURVEY

UNDER

27020	21265
21504	18757
Application No. 23770	Permit No. 18757

IN NAME OF

G. P. & John S. Connor
A. B. Connor
Elmer Ernst

Surveyed April 14 1954, by H. I. Coffman

DN 31 26

12141
12141
12141



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Google

Imagery ©2015 Google, Map data ©2015 Google 500 ft

To

Oregon Water Resources Department
Water Rights Mapping Tool

User Guide 725 Summer St NE, Sal

Search

Select Search Method:
 Water Right TRS@Lat/Long Misc.

Decimal Degrees:
 Latitude:
 Longitude:

Decimal Minutes Seconds
 Lat. deg: min: sec:
 Long. deg: min: sec:
 (Draw box on map.)

Identify Non-Water Right Features

Tools

Layers

Print

POD POU

Proposed pad



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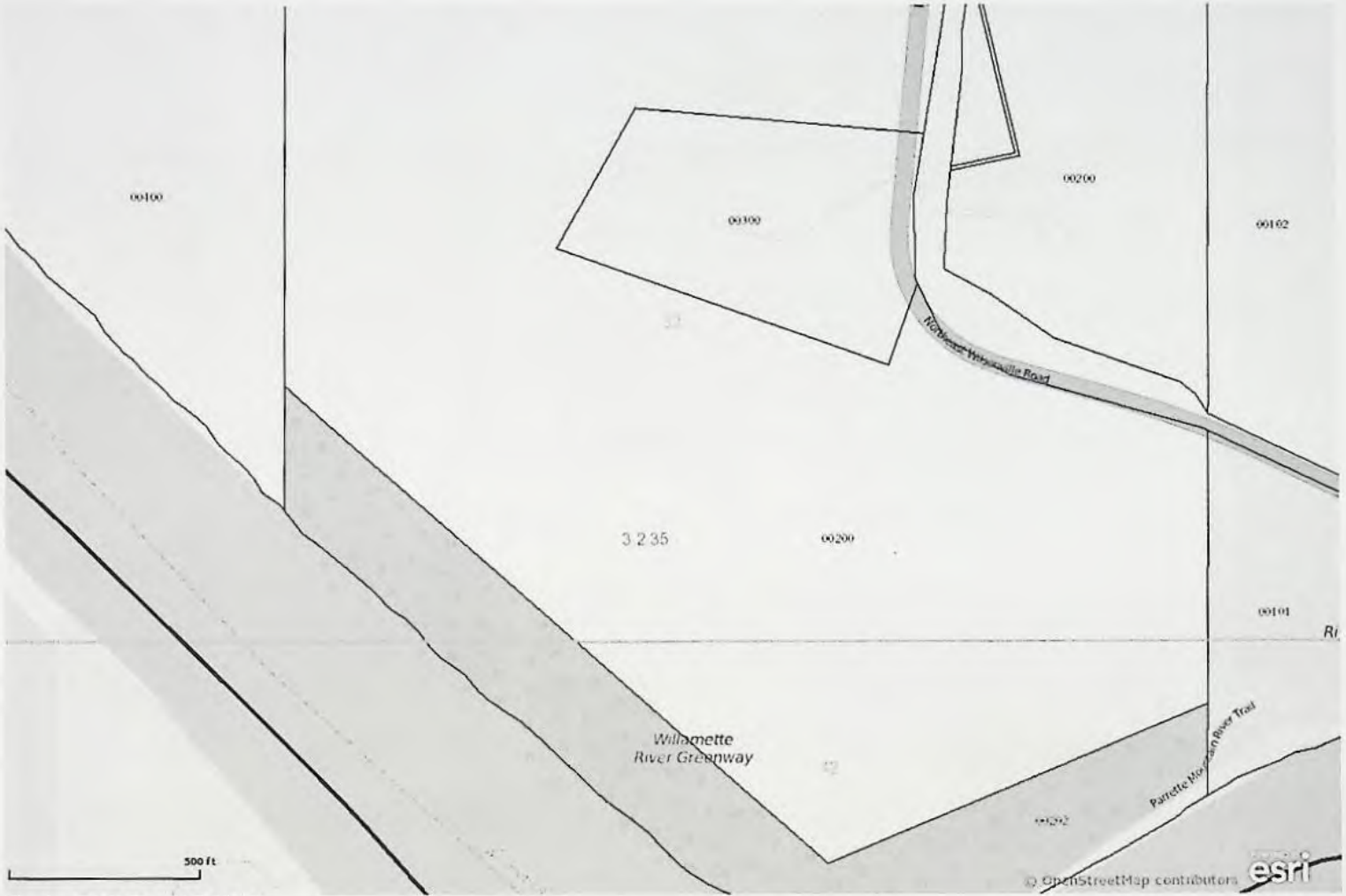
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Google

Imagery ©2015 Google, Map data ©2015 Google 500 ft

T 12141

Wilsonville Road



Thu Aug 20 2015 10:33:19 AM.

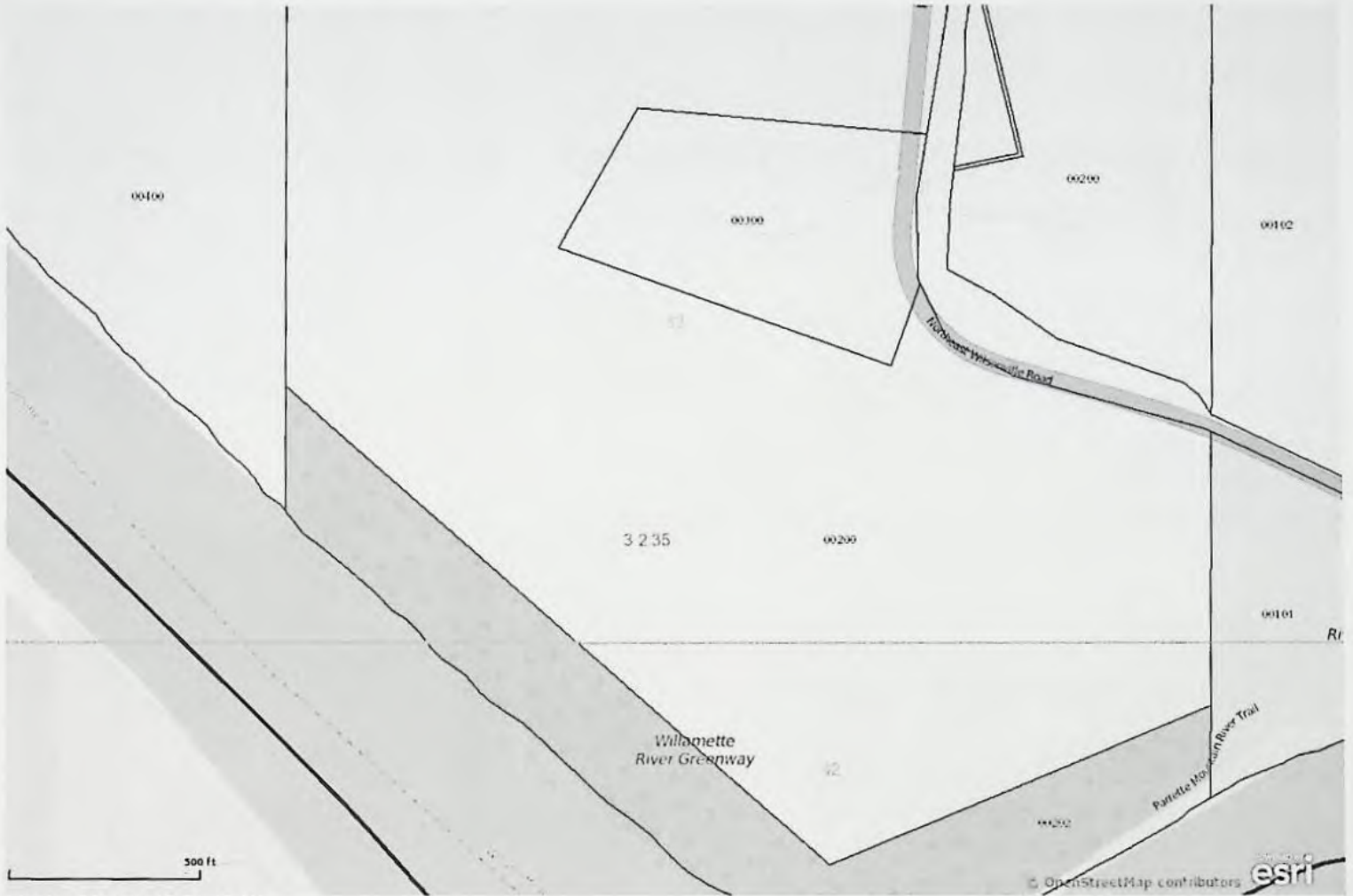
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SALEM, OREGON

T 12141

Wilsonville Road



Thu Aug 20 2015 10:33:19 AM.

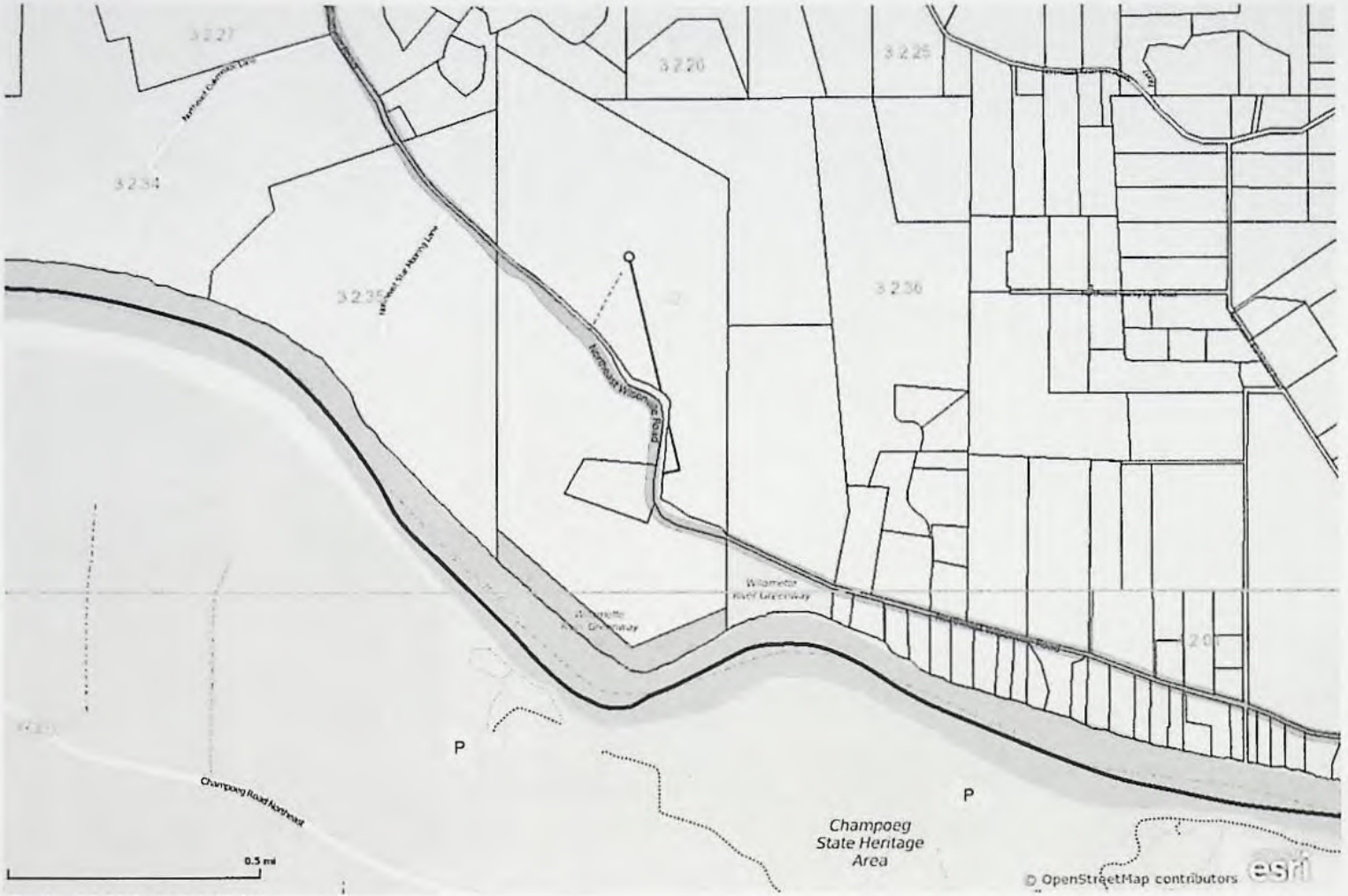
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T 12141

Wilsonville Road



Thu Aug 20 2015 10:35:46 AM.

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04 3W 13

CTR SEC

04 3W 13

YAMHILL COUNTY

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WATER RESOURCES DEPT
SALEM, OREGON



MARION COUNTY, OREGON
SEC 13 T4S R3W W.M.
SCALE 1" = 400'

LEGEND

LINE TYPES

- Taxlot Boundary
- Road Right-of-Way
- Railroad Right-of-Way
- Private Road ROW
- Subdivision/Plat Bndry
- Waterline - Taxlot Bndry
- Historical Boundary
- Easement
- Railroad Centerline
- DLC Line
- Map Boundary
- Waterline - Non Bndry

SYMBOL TYPES

- Survey Monument
- Road Station
- DLC Corner
- 1/16TH Section Cor.
- 1/4 Section Cor.
- Section Corner

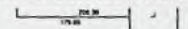
NUMBERS

Tax Code Number
000 00 00 0

Acres: 8.28 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.



CANCELLED NUMBERS	
101	

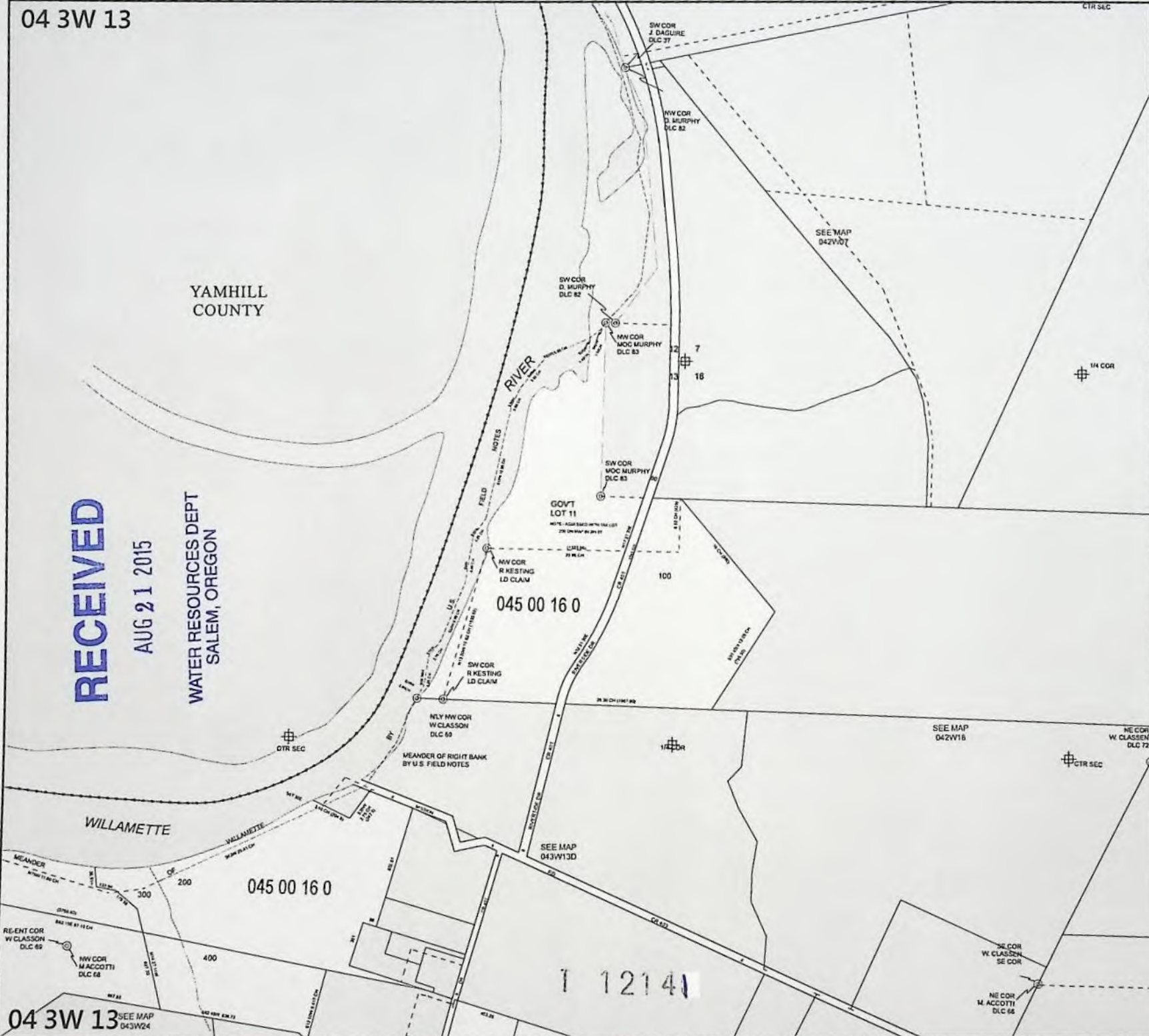
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.ocsu

PLOT DATE: 4/15/2015

04 3W 13



04 3W 13 SEE MAP 043W24

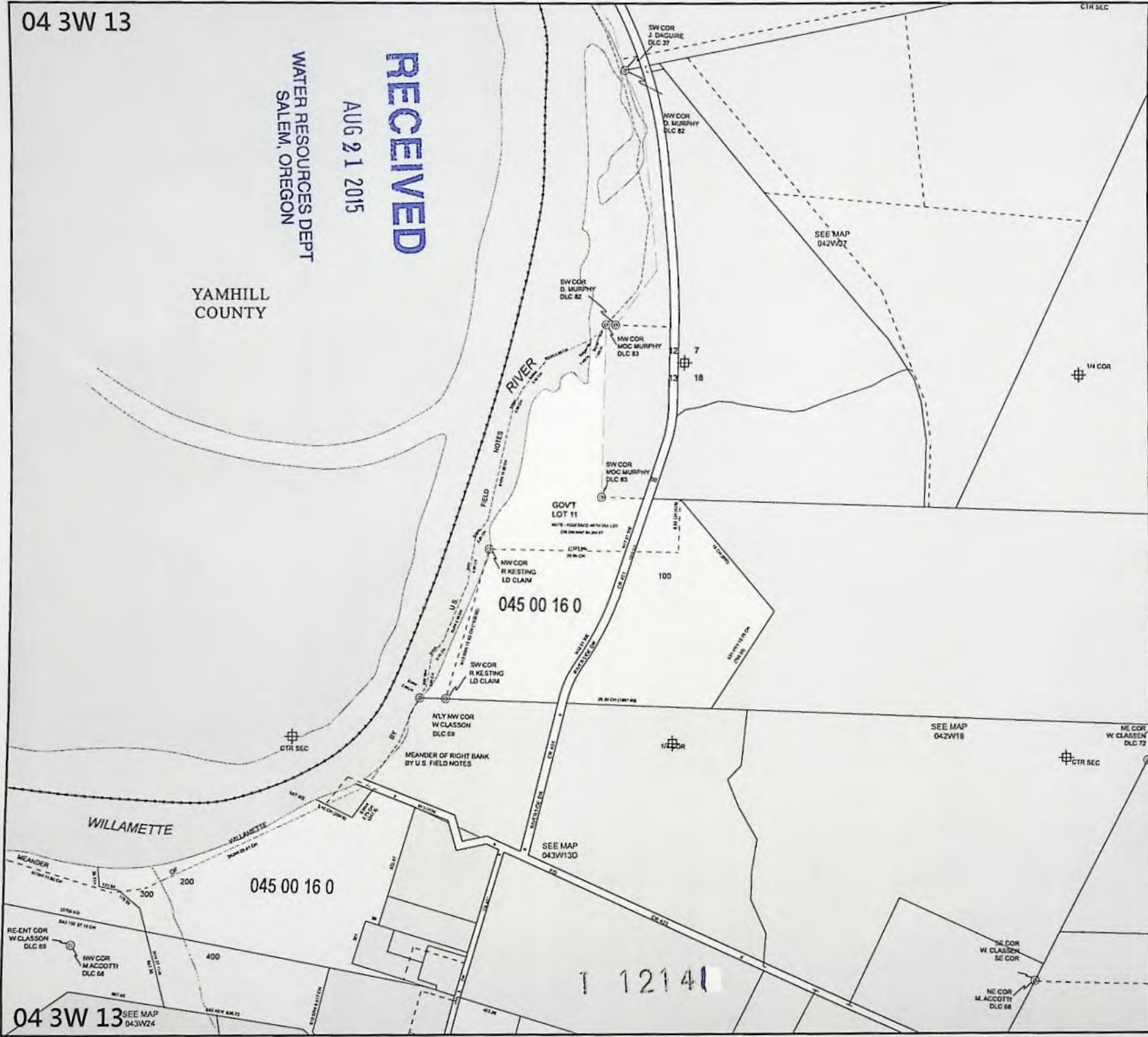
04 3W 13

WATER RESOURCES DEPT
SALEM, OREGON

AUG 21 2015

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YAMHILL
COUNTY



04 3W 13



MARION COUNTY, OREGON
SEC 13 T4S R3W W.M.
SCALE 1" = 400'

LEGEND

- LINE TYPES
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bndry
 - Waterline - Taxlot Endry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - DLC Line
 - Map Boundary
 - Waterline - Non Bndry

- SYMBOL TYPES
- Survey Monument
 - Road Station
 - ⊙ DLC Corner
 - + 1/16TH Section Cor
 - ⊕ 1/4 Section Cor
 - ⊕ 16 15 Section Corner
 - ⊕ 21 22 Section Corner

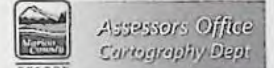
NUMBERS
Tax Code Number
000 00 00 0
Acreage 8.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES
Tick Marks. If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

101			
-----	--	--	--

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 4/15/2015

04 3W 13

04 3W 13 SEE MAP 043W24

1 12141

Wilsonville Road



Thu Aug 20 2015 10:35:46 AM.

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WATER RESOURCES DEPT
SALEM, OREGON

T 12141

Ernst Nursery & Farms, LLC

**6180 Gearin Road NE, PO Box 460
St. Paul, Oregon 97137
ernstnursery@earthlink.net**

Bruce Ernst

**Ph (503) 633-8366
Fax (503) 633-8367
Cell (503) 510-4444**

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **117083**

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

INVOICE # _____

RECEIVED FROM: Ernst Nursery
BY: 2 Farms, LLC

APPLICATION	7-17141
PERMIT	
TRANSFER	

CASH: CHECK: # 57997 OTHER: (IDENTIFY)

TOTAL REC'D \$ 724.00

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 **46110**

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>724.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **117083**

DATED: 8-21-15 BY: _____

Regular Temporary* Water Right Transfer Application Checklist

Checked by Sarah Date 8.21.15

* Temporary transfer will have one or more of the last checkboxes checked on Page 1 of the application.

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

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

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____

▶ If a DROUGHT SUBSTITUTION is checked on Page 5, then... Fee = \$100.00

▶ If a regular Temporary transfer (see last few check boxes on Page 1):

Base fee for one water right (includes the first water right) =		\$700.00
# of additional water rights beyond the first =	_____	x \$225.00 = _____
Additional fee for groundwater staff review if any number of changes to well location(s) or additional well(s) requested =		\$350.00
If Irrigation, # acres of primary involved in transfer = <i>(See: # Acres identified in Part 4 of 4 - Table 2)</i>	<u>12</u>	x \$2.00 = <u>24</u>
If non-irrigation, # cfs or fraction above the first cfs =	_____	x \$175.00 = _____
Total =		<u>724</u>

▶ If a Temporary DROUGHT transfer (see last few check boxes on page 1):

Base fee =		\$100.00
Recording fee for first cfs =		\$100.00
# cfs or fraction above the first cfs =	_____	x \$50.00 = _____
Total =		_____

3. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____

4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

N/A 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.

KNOW ALL MEN BY THESE PRESENTS, That Steve J. Morten and Angela Merten, husband and wife, grantors in consideration of Ten and no/100 dollars, to them paid by Elmer Leo Ernst and Mary Ann Kathleen Ernst, grantees, do hereby grant, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Marion and State of Oregon, bounded and described as follows, to-wit:

RECEIVED
AUG 24 2015
OWRD

Beginning at a point on the East boundary of the Michael Accotti Donation Land Claim No. 73, in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, 1.52 chains South of the White Donation Land Claim range; thence North 83° 15' West 1.52 chains to the Willamette meandering acre parcel of the Michael Accotti Donation Land Claim; thence North 67° 30' East 12 chains to the Southeast corner of the aforesaid premises; thence South 12 chains; thence West along the middle of said County Road 15.95 chains to the North boundary line of premises conveyed to Thomas J. Connor by deed recorded in Volume 33, page 164, Record of Deeds for said county and state; thence South 74° 37' East along said North boundary line 54.03 chains to the place of beginning, and containing 68.68 acres of land, more or less.

Bruce Ernst
Ernst Nursery & Farms LLC
Sarah H.

ALSO EXCEPTING the following described premises: Commencing on the north line of the farm of Thom J. Connor's in the center of the County road connecting the St. Paul-Dayton road and the St. Paul-Mission road; thence N. 74 1/2° W. 384 feet; thence North 14° 48' E. 226 feet; thence South 74 1/2° East 384 feet; thence South 14° 48' W. 226 feet to the place of beginning all of which is in Marion County, Oregon.

KNOW ALL MEN BY THESE PRESENTS, That Steve J. Merten and Angela Merten, husband and wife, grantors in consideration of Ten and no/100 dollars, to them paid by Elmer Leo Ernst and Mary Ann Kathleen Ernst, grantees, do hereby grant, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Marion and State of Oregon, bounded and described as follows, to-wit:

RECEIVED

AUG 24 2015

OWRD

Beginning at a point on the East boundary of the Michael Accotti Donation Land Claim No. 73, in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, that is 1.52 chains South of the Southwest corner of the William L. White Donation Land Claim No. 61, in said township and range; thence North $74^{\circ} 30'$ West 57.05 chains; thence North $83^{\circ} 15'$ West 57.10 chains; thence North 6.21 chains to the Willamette River; thence easterly with the meandering thereof to the Southwest corner of a 1 acre parcel of land; thence South $67^{\circ} 30'$ East 3.10 chains; thence North 65° East 3.75 chains; thence South $67^{\circ} 30'$ East 71 chains; thence South $26^{\circ} 30'$ West 9.12 chains to the beginning point, and containing 127 acres, more or less.

EXCEPTING, however, the following described premises:

Beginning on the East boundary line of the aforesaid Michael Accotti Donation Land Claim, at a point that is 19.42 chains North $25^{\circ} 30'$ East of the Southeast corner of said claim; said point of beginning being also 1.52 chains South $25^{\circ} 30'$ West from the Southwest corner of aforesaid William L. White Donation Land Claim; thence North $25^{\circ} 30'$ East along the East boundary line of said Michael Accotti Donation Land Claim 9.12 chains; thence North $56^{\circ} 30'$ West 56.23 chains to the middle of the County Road; thence South $14^{\circ} 48'$ West along the middle of said County Road 15.95 chains to the North boundary line of premises conveyed to Thomas J. Connor by deed recorded in Volume 33, page 164, Record of Deeds for said county and state; thence South $74^{\circ} 37'$ East along said North boundary line 54.03 chains to the place of beginning, and containing 68.68 acres of land, more or less.

ALSO EXCEPTING the following described premises:

Commencing on the north line of the farm of Thom J. Connor's in the center of the County road connecting the St. Paul-Dayton road and the St. Paul-Mission road; thence N. $74\frac{1}{2}^{\circ}$ W. 384 feet; thence North $14^{\circ} 48'$ E. 226 feet; thence South $74\frac{1}{2}^{\circ}$ East 384 feet; thence South $14^{\circ} 48'$ W. 226 feet to the place of beginning all of which is in Marion County, Oregon.

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AUG 24 2015

OWRD

VOL 382 PAGE 324

ALSO EXCEPTING the following described premises:
Commencing at the Southwest corner of the tract of land conveyed to Gerald Connor by S. J. Connor and Agnes Connor, his wife, on January 23rd, 1922 and recorded on November 10, 1922 in Volume 171, page 27 Book of Deeds, Marion County, Oregon; thence N. $74\frac{1}{2}^{\circ}$ W. 375 feet to an iron pipe; thence N. $14^{\circ} 48'$ E. 301 feet to an iron pipe; thence S. $74\frac{1}{2}^{\circ}$ E. 759 feet to the center of the County Road; thence S. $14^{\circ} 48'$ W. 75 feet along the center of said County Road to an iron pipe; being the Northeast corner of the above mentioned tract of land conveyed to Gerald Connor by S. J. Connor and Agnes Connor, his wife; thence N. $74\frac{1}{2}^{\circ}$ W. 384 feet to an iron pipe, being the Northwest corner of the above mentioned tract of land; thence S. $14^{\circ} 48'$ W. 226 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 10th day of January, 1948.

Steve J. Merten (SEAL)
Angela Merten (SEAL)

T 12141

STATE OF OREGON, }
County of Multnomah } ss.

Vol 392 p 225

On this 16th day of
January, 1948, before me, the undersigned, a Notary Public in
and for said County and State, personally appeared the within
named Steve J. Merten and Angela Merten, husband and wife, who
are known to me to be the identical individuals described in said
who executed the within instrument, and acknowledged that they
executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal
the day and year last above written.

[Signature]
Notary Public, for Oregon
My commission expires Feb 2 - 1950

RECEIVED
AUG 24 2015
OWRD

T 12141

342617

STATE OF OREGON, }
County of Multnomah } ss.
The within was re-
corded by me in
MULTNOMAH COUNTY RECORDS
Book 35
Page 19
on the
16th day of
January 1948
at Multnomah
County
Oregon

Commissioner R. S. [Signature]
Multnomah
Oregon

OREGON

Go

Water Resources Department

Transfer Fee Calculation for Temporary Transfer

	Fee Calculation
Effective Date: 7/1/2013	
Base Fee (Includes temporary change to one water right for up to 1 cfs) Fill in information below-- Check each box that applies.	\$700.00
Enter total number of water rights included in transfer. <input type="text" value="1"/>	\$0.00
<input type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.	
<input type="checkbox"/> Check this box if you propose to change the place of use for a NON-irrigation use.	
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use for an Irrigation use.	
Enter the number of acres in the footprint of the place of use to be transferred. <input type="text" value="12"/> (If a supplemental certificate also covers the same land as an Included primary right, count the acreage only once.)	\$24.00
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	\$724.00
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
Transfer Fee:	\$724.00

[Return to Edit](#) [Clear](#)

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AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON

T 12141

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

Applicant: ERNST Nursery Farms _____
First Last

Mailing Address: 6180 Gearin Rd NE _____

St. Paul OR 97157 Daytime Phone: 503-633-8366
City State Zip

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:
4 S	2 W	2	NENW	200	Menion County	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
3 S	2 W	35	SESW	200	EF-80(ARH)	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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) willamette R

Estimated quantity of water needed: 0.15 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

To Transport my legal water rights to a property I lease on Willsonville RD

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

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See bottom of Page 3. →

AUG 21 2015

T 12141

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Yamhill Co. Zoning Ord.
- 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.

Name: Stephanie Armstrong Title: Associate Planner
 Signature: [Signature] Phone: 503-434-7516 Date: 8/21/15
 Government Entity: Yamhill County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: AUG 21 2015 Phone: _____ Date: _____

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.)

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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <i>Marion County Planning</i>	ADDRESS <i>5155 Silverton Rd.</i>	
CITY <i>Salem</i>	STATE <i>OR</i>	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

INSTRUCTIONS for editing the Application Form

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

RECEIVED

AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON

**Marion County Assessor's Property Records
Property Summary**

Property Identification

Property ID:	R12434	Manufactured Home ID:	
Situs Address:	20853 RIVERSIDE DR NE ST PAUL, OR 97137	Legal Description:	ACRES 30.45
Map Tax Lot:	043W13 00200		

Owner Information

Owner:	ERNST, MARYANNE 20853 RIVERSIDE DR NE ST PAUL, OR 97137
--------	---------------------------------------------------------------

Property Details

Year Built:		Property Code:	A90
Living Area:		Property Class:	551
Bedrooms:		Levy Code Area:	04500160
Bathrooms:		Zoning:	Contact Local Jurisdiction
Legal Acreage:	30.45	Apex Sketches:	None Available

Value Information

RMV Land:	\$319,930	Exemption Description:	None
RMV Improvements:	\$0		
RMV Total:	\$319,930		
Assessed Value:	\$32,690		

Tax Information

Taxes Levied 2014-15:	\$401.87	Tax Payoff Amount:	\$0.00
Tax Rate:	12.2937	Tax Statement:	2014-15 Tax Statement

Sales Information

Sales information not found.

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AUG 21 2015

T 12141

WATER RESOURCES DEPT
SALEM, OREGON

<http://apps.co.marion.or.us/PropertyRecords/PropertySummary.aspx?pid=R12434>

8/21/2015

Application for Water Right
Transfer
Consent by Deeded Landowner



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

State of Oregon)
County of Marion)ss

I/We Maryanne K Ernst in my capacity
as owner

mailing address 20853 Riverside Dr. N.E ST Paul

telephone number 503-633-8151, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Certificate Number 18757

described in a Transfer Application (T-) submitted by Bruce W Ernst,
(transfer number, if known)

on the property in tax lot number 04W13 01260, Section 13, Township 4

(north or south), Range 3 (east or west), W.M., located at 20853 Riverside Dr NE
(site address) ST, PAUL OR.

Maryanne K Ernst
Signature of Affiant

8/20/15
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 20 day of August, 2015.

RECEIVED

AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON



Melody R. Knock
Notary Public for Oregon

My commission expires 2-5-19.

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

RECEIVED

AUG 21 2015

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

WATER RESOURCES DEPT
 SALEM, OREGON

State of Oregon)
) ss
 County of Marion)

I, Bruce W Ernst, in my capacity as Manager,
 mailing address PO Box 460

telephone number (503) 510-4444, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 18757; **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)
18757	S	4	W	3		13			

OR

- Confirming Certificate # 18757 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)

T 12141

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

Brian Ernst
Signature of Affiant

8/20/15
Date

Signed and sworn to (or affirmed) before me this 20th day of August, 2015.



My Commission Expires: 2-5-19

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

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AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON



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AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON

Portland General Electric

Name **ERNST NURSERY & FARMS**
 Account Number **0001 48930-362946 3**
 Service Address **20853 RIVERSIDE DR NE
SAINT PAUL, OR 97137**
 Mailing Address **ERNST NURSERY & FARMS
PO BOX 460
SAINT PAUL OR 97137-0460**

Cycle: 0910 **Amount Due** **\$ 1,335.10**
 Feeder Line Code: SL2 Due date for current bill **08/31/15**

This month's charges

Meter #AB31010332, Schedule 49

Energy Charges (11015 kWh)	1,320.67	Previous Amount Due	622.96
Adjustments	28.86CR	Payments/Adjustments	622.96CR
	1,291.81	Balance Forward	0.00
		Current Charges	1,335.10

Taxes and Fees **43.29**

Current Charges **1,335.10**

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 AB31010332 is 217646864.

Your energy use

Meter # AB31010332

Schedule 49	
Service Period	Meter Reading
08/12/15	62789
07/14/15	51774
29 days of service	11015 kWh

Details of this month's charges

Meter #AB31010332, Schedule 49

Energy Charges

Basic Charge	40.00
Energy Use Charge	
11015.000 kWh x 7.28600¢	802.55
Demand Charge 33.000 KW x \$0.0000000	0.00
Transmission Charge	
11015.000 kWh x 0.30300¢	33.38
Distribution Charge	
1650.000 kWh x 5.73800¢	94.68

Period	Avg Daily	Avg kWh	Avg Cost
Ending	Temperature*	Per Day	Per Day

1 12140

9365.000 kWh x 3.73800¢ 350.06

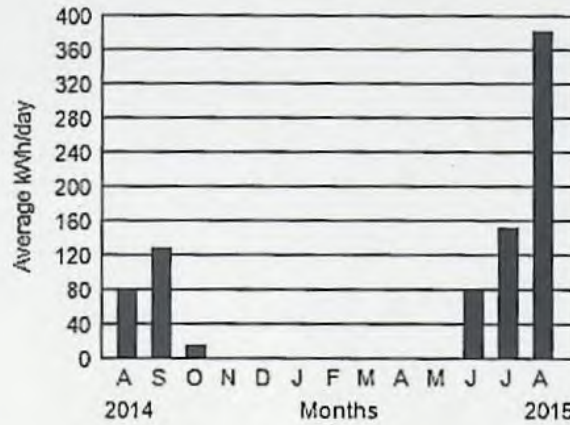
1,320.67

Aug 2015	71	379.8	44.54
Aug 2014	71	78.3	10.08

*Temperature source: McMinnville Municipal Airport

Adjustments

102 RPA Exchange Credit (11015.000 kWh x -0.69800¢)*	76.88CR
105 Regulatory Adjustments (11015.000 kWh x -0.06900¢)	7.60CR
109 Energy Efficiency Funding Adj (11015.000 kWh x 0.29400¢)	32.38
110 Energy Efficiency Customer Svc (11015.000 kWh x 0.00500¢)	0.55
122 Renewable Resource Adjustment (11015.000 kWh x 0.02000¢)	2.20
123 Decoupling Adjustment (11015.000 kWh x 0.07100¢)	7.82
137 Solar Payment Option Cost Recov (11015.000 kWh x 0.05100¢)	5.62
143 Spent Fuel Adjustment (11015.000 kWh x -0.13900¢)	15.31CR
144 Capital Projects Adjustment (11015.000 kWh x 0.16400¢)	18.06
145 Boardman Decommissioning Adj (11015.000 kWh x 0.03900¢)	4.30
	<hr style="width: 20%; margin-left: 0;"/>
	28.86CR



Taxes and Fees

Low Income Assistance	5.51
Public Purpose Charge (3%)	37.78
	<hr style="width: 20%; margin-left: 0;"/>
	43.29

Current Charges **1,335.10**

*Federal Columbia Benefits supplied by BPA

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AUG 21 2015

WATER RESOURCES DEPT
SALEM, OREGON

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