

T-13527

Regular

T-13527

Name Bailey Nurseries Inc.
attn: Jon Estey
 Address PO Box 398
Dayton Oregon 97114

DESCRIPTION OF WATER RIGHT(S)

Name of Stream wellTrib. of Willamette riverUse irrigation County Yamhill

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

Name of ditch _____

App# 61525 Per # 61387 Cert # 31650 PR Date 7/14/1959

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

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

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

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

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

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

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

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

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

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

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

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

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

FEES PAID

Date 9/21/2020 Amount \$1,570.00 Receipt # 133515

FEES REFUNDED

Date _____ Amount _____ Receipt # _____

Change in POA, APOA
 Date Filed 9/21/2020
 Initial notice date 9/29/2020
 DPD issued date _____
 PD issued date 3/14/2022
 PD notice date 3/15/2022
 Date of FO 5/9/2022 Vol 122 Page _____

C-Date 10/1/2023
 COBU due date 10/1/2024
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent GSI water solutions theodore Resler Tressler@gslws.com

CWRE _____

CC's list Yamhill county

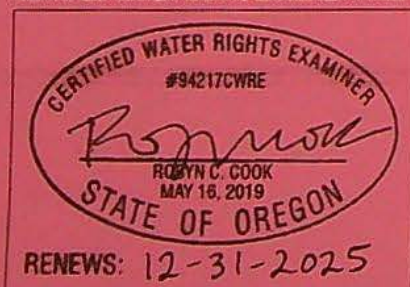
☐ - Oversized map - Location _____



LEGEND

- Point of Appropriation (POA)
- Conveyance Line
- Place of Use (POU)
- All Other Features
- Tax Lot
- Donation Land Survey (DLC)
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

CERTIFIED WATER RIGHTS EXAMINER STAMP



LOCATION DESCRIPTION

Holbrook Well 2 (YAMH 6439)
 Located 2,120 feet North and 675 feet East from the NW corner of DLC 56, Township 5 South, Range 3 West (W.M.)

Well 3 (YAMH 59179)
 Located 520 feet North and 1,275 feet East from the NW corner of DLC 56, Township 5 South, Range 3 West (W.M.)

Claim of Beneficial Use Map Application G-1525; Transfer T-13527

Yamhill County

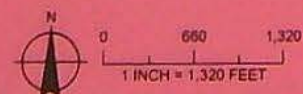
Township 5 South, Range 3 West (W.M.)

Resolved
 APR 21 2023
 OWRD

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 24, 2024
 Data Sources: BLM, ESRI, OWRD, USGS



**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POA Only**



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

The water right has a priority date of July 14, 1959. The fee is not required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.\

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both. **YES NO**
If additional changes were authorized, you will need to select a different form.

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1. File Information

APPLICATION # T-13527

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Bailey Nurseries, Inc.		PHONE NO. 503-457-6897	ADDITIONAL CONTACT NO.
ADDRESS PO Box 398			
CITY Dayton	STATE OR	ZIP 97114	E-MAIL jon.estes@baileynursery.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Bailey Nurseries, Inc.		
ADDRESS PO Box 398		
CITY Dayton	STATE OR	ZIP 97114

4. Date of Site Inspection:

September 26, 2024

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jon Estes	9/26/2024	Water Resources Manager, Bailey Nurseries

6. County:

Yamhill

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Robyn Cook		PHONE NO. 971-200-8505	ADDITIONAL CONTACT NO.
ADDRESS GSI Water Solutions, Inc., 650 NE Holladay Street, Suite 900			
CITY Portland	STATE OR	ZIP 97232	E-MAIL rcook@gsiws.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Jon Estes	Water Resources Manager, Bailey Nurseries	4/16/25

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SECTION 3 CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well 3	YAMH 59179	147396	-
Holbrook Well 2	YAMH 6439	131191	-

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

If well logs are available, items A and B below can be deleted. Items A and B were deleted. Well logs are provided in Attachment B.

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? **YES** **NO**

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

N/A

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well 3	1.06 cfs	0.8 cfs	0.6 cfs
Holbrook Well 2		1.2 cfs	0.8 cfs

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

YES NO

If "YES" you will need to copy and complete a separate Section 4.

POA Name or Number this section describes (only needed if there is more than one):

Well 3
Holbrook Well 2

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

POA NAME	MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Well 3	Goulds Pump	6CHC-20HP-4	MG4392	Submersible	4"	4"
Holbrook Well 2	Franklen	8FP3500	Unknown	Submersible	4"	4"

2. Motor Information

WELL NAME	MANUFACTURER	HORSEPOWER
Well 3	Hitachi	20 HP
Holbrook Well 2	Franklen	30 HP

3. Theoretical Pump Capacity

WELL NAME	HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
Well 3	20 HP	70	Component of operating pressure	0 ft	0.8 cfs
Holbrook Well 2	30 HP	69	Component of operating pressure	0 ft	1.2 cfs

4. Provide pump calculations:

Pump calculations are provided in Attachment C.

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5. Measured Pump Capacity (using meter if meter was present and system was operating)

WELL NAME	INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Well 3	-	-	-	0.6 cfs
Holbrook Well 2	-	-	-	0.8 cfs

Measured pump capacities were obtained using instantaneous flow meter readings taken at each well.

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B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

YES NO

*If "NO", items 4 through 6 relating to this section may be deleted. **Items 4 through 6 were deleted.***

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

C. Additional notes or comments related to the system:

N/A

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SECTION 5
CONDITIONS

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	May 9, 2022	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	February 6, 2023

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

YES NO

If "NO", you may delete the following table. *The table was deleted.*

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES NO

If "NO", items b through f relating to this section may be deleted. *Items b through f were deleted.*

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES NO

If "NO", item b relating to this section may be deleted. *Item b was deleted.*

5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards?

YES NO

b. Was submittal of a ground water monitoring plan required?

YES NO

c. Other conditions?

YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

5c. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at the additional point of appropriation (Holbrook Week 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1). In compliance, the new POAs do not divert more water than was originally available.

5c. Water shall be acquired from the same aquifer (water source) as the original point of appropriation. In compliance. Both POAs appropriate water from an alluvial aquifer.

SECTION 6
ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	Transfer Final Order
Attachment B	Well Logs
Attachment C	Pump Calculations
Attachment D	Claim of Beneficial Use Map

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12-2025

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The new and additional points of appropriation were visited during the site inspection and their location was confirmed with a handheld GPS. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from the Bureau of Land Management, Environmental Systems Research Institute, Oregon Water Resources Department, and United States Geological Survey. Additional information specific to the use of water under the water right described in this Claim of Beneficial Use report was obtained from the water right holder.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- N/A Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- N/A Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- N/A Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature



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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13527, Yamhill County	)	CHANGE IN POINT OF
	)	APPROPRIATION AND 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.

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

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Findings of Fact

1. On September 29, 2020, BAILEY NURSERIES, INC., ATTN: JON ESTES filed an application to change a point of appropriation and an additional point of appropriation under Certificate 31650. The Department assigned the application number T-13527.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 18, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13527 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 17, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

4. On March 14, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13527 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 15, 2022, and in the NEWS-REGISTER newspaper on March 18 and 25, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the right to be transferred is as follows:

Certificate: 31650 in the name of NORMAN & JOYCE QUIGLEY (perfected under Permit G-1387)
Use: IRRIGATION of 117.9 ACRES
Priority Date: JULY 14, 1959
Rate: 1.06 CUBIC FEET 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 WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	9	SE SW	53	POA 1 - 5 CHAINS SOUTH AND 12 CHAINS EAST FROM THE SE CORNER OF THESSING DLC 51

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	8	SW SE		50	21.4
5 S	3 W	WM	8	SE SE		50	27.6
5 S	3 W	WM	9	SW SW	2		19.5
5 S	3 W	WM	9	SE SW	1		0.8
5 S	3 W	WM	9	SE SW		53	16.5
5 S	3 W	WM	9	SW SE		53	9.9
5 S	3 W	WM	16	NW NE		53	2.8
5 S	3 W	WM	16	NE NW	2		0.1
5 S	3 W	WM	16	NE NW		53	4.6
5 S	3 W	WM	16	NW NW	3		4.8
5 S	3 W	WM	17	NE NE		50	5.6
5 S	3 W	WM	17	NW NE		50	4.3
						Total	117.9

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6. Transfer Application T-13527 proposes to move the authorized point of appropriation approximately 700 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	SE SW	WELL 3 – 520 FEET NORTH AND 1275 FEET EAST FROM THE NW CORNER OF DLC 56

7. Transfer Application T-13527 proposes an additional point of appropriation approximately 1800 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	NW SW	HOLBROOK WELL 2 – 2120 FEET NORTH AND 675 FEET EAST FROM THE NW CORNER OF DLC 56

Transfer Review Criteria (OAR 690-380-4010)

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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13527.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

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Conclusions of Law

The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 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 change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31650 and any related decree.
3. Water right Certificate 31650 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

4. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at the additional point of appropriation (Holbrook Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 09 2022**


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

Mailing date: ~~_____ MAY 10 2022 _____~~

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STATE OF OREGON
WATER SUPPLY WELL REPORT

YAMH 59179

WELL I.D. LABEL# 147396

START CARD # 1058241

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

2/15/2023

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. UNIONVALE #3

First Name _____ Last Name _____

Company BAILEY NURSERY

Address 14301 SE WALLACE ROAD

City DAYTON State OR Zip 97114

(2) TYPE OF WORK

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

(2a) PRE-ALTERATION

Dia + From To Gauge Stl Plstc Wld Thrd

Casing: _____ 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

Special Standard ☐ (Attach copy)

Depth of Completed Well 135.80 ft.

BORE HOLE

SEAL

sacks/

Dia	From	To	Material	From	To	Amt	lbs
12	0	239	Bentonite Chips	0	41	56	S
						Calculated	23.25
			Cement with 2% Bento	41	71	35	S
						Calculated	8.62

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☒ Other BENT POURED-PROBED-HYL

Backfill placed from 195 ft. to 239 ft. Material CLAY SLOUGH

Filter pack from 71 ft. to 135.8 ft. Material SILICA SAND Size 8/12

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
☒	☐	8	☒	2	112.8	.250	☒	☐	☒	☐
☐	☐	8	☐	127.8	135.8	.250	☐	☐	☒	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐
☐	☐		☐				☐	☐	☐	☐

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____Temp casing ☒ Yes Dia 12 From + 0 To 239

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type v-wire wrap

Material stainless

Perf/	Casing/	Screen	Dia	From	To	Sern/slot	Slot	# of	Tele/
Screen	Casing					width	length	slots	pipe size
			8	112.8	127.8	.04			8

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
160	36	110	4

Temperature 53 °F Lab analysis ☐ Yes By _____Water quality concerns? ☒ Yes (describe below) TDS amount 249 ppm

From	To	Description	Amount	Units
203	219	salt water	1700	ppm

(9) LOCATION OF WELL (legal description)

County YAMHILL Twp 5.00 S N/S Range 3.00 W E/W WM

Sec 9 SE 1/4 of the SW 1/4 Tax Lot 1500

Tax Map Number _____ Lot _____

Lat _____ " or 45.14458500 DMS or DD

Long _____ " or -123.06705800 DMS or DD

☒ Street address of well ☐ Nearest address

16040 SE UNIONVALE ROAD DAYTON, OR 97114

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well / Pre-Alteration				
Completed Well	2/6/2023			38.4
Flowing Artesian?	☐			
Dry Hole?	☐			

WATER BEARING ZONES

Depth water was first found 71.00

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
9/12/2022	71	113	10			58
9/12/2022	113	127	200			58
9/12/2022	203	219	100			58

(11) WELL LOG

Ground Elevation _____

Material	From	To
top soil	0	1
clay brwn silty	1	27
clay gray silty	27	35
clay gray some sandy	35	71
clay gray stiff occ sandy	71	113
sand blk fine to med w/few gravels	113	127
and some silt	113	127
clay gray sandy	127	129
clay gray/green stiff occ sandy	129	203
clay gray sandy soft	203	205
sand fine silty	205	219
clay gray soft sandy	219	223
clay gray/green stiff	223	226
siltstone green soft	226	239

Received

APR 27 2025

OWRD

Date Started 8/30/2022

Completed 2/6/2023

(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 _____ Date _____

Signed _____

(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 1483 Date 2/15/2023

Signed JOHN STADELI (E-filed)

Contact Info (optional) Arrow Drilling 503-538-4422

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:
New exempt use wells must be submitted with a map and recording fee.

WATER SUPPLY WELL REPORT -
continuation page

YAMH 59179

WELL I.D. LABEL# L147396

START CARD # 1058241

ORIGINAL LOG #

2/15/2023

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
								
								
								

Material	From	To	Amt	sacks/lbs
----------	------	----	-----	-----------

(5) BORE HOLE CONSTRUCTION

BORE HOLE

CORE HOLE			Material	SEAL		sacks/	
Dia	From	To		From	To	Amt	lbs

					Calculated		
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK

From	To	Material	Size
------	----	----------	------

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------	-------	-----	---	------	----	-------	-----	-------	-----	------

A blank 10x10 grid with a vertical line down the middle, and two columns of circles on the far left and far right.

(7) PERFORATIONS/SCREENS

Perf/	Casing/	Screen			Scm/slot	Slot	# of	Tele/
Screen	Liner	Dia	From	To	width	length	slots	pipe size

[illegible]

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
---------------	----------	-----------------------	---------------

Water Quality Concerns

[illegible]

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
----------	------	----	----------	----------	-----------

[illegible]

(11) WELL LOG

Material	From	To
----------	------	----

[illegible]

Comments/Remarks

backfill placed from 135.8 to 195 cement 38 sacks
backfill from 195 to 239 is clay slough and silica sand

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

YAMH 59179

2/15/2023

Received

APR 11 2025

OWRD

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: 45.14458500 Datum: WGS84

Longitude: -123.06705800

Township/Range/Section/Quarter-Quarter Section:

WM5.00S3.00W9SESW

Address of Well:

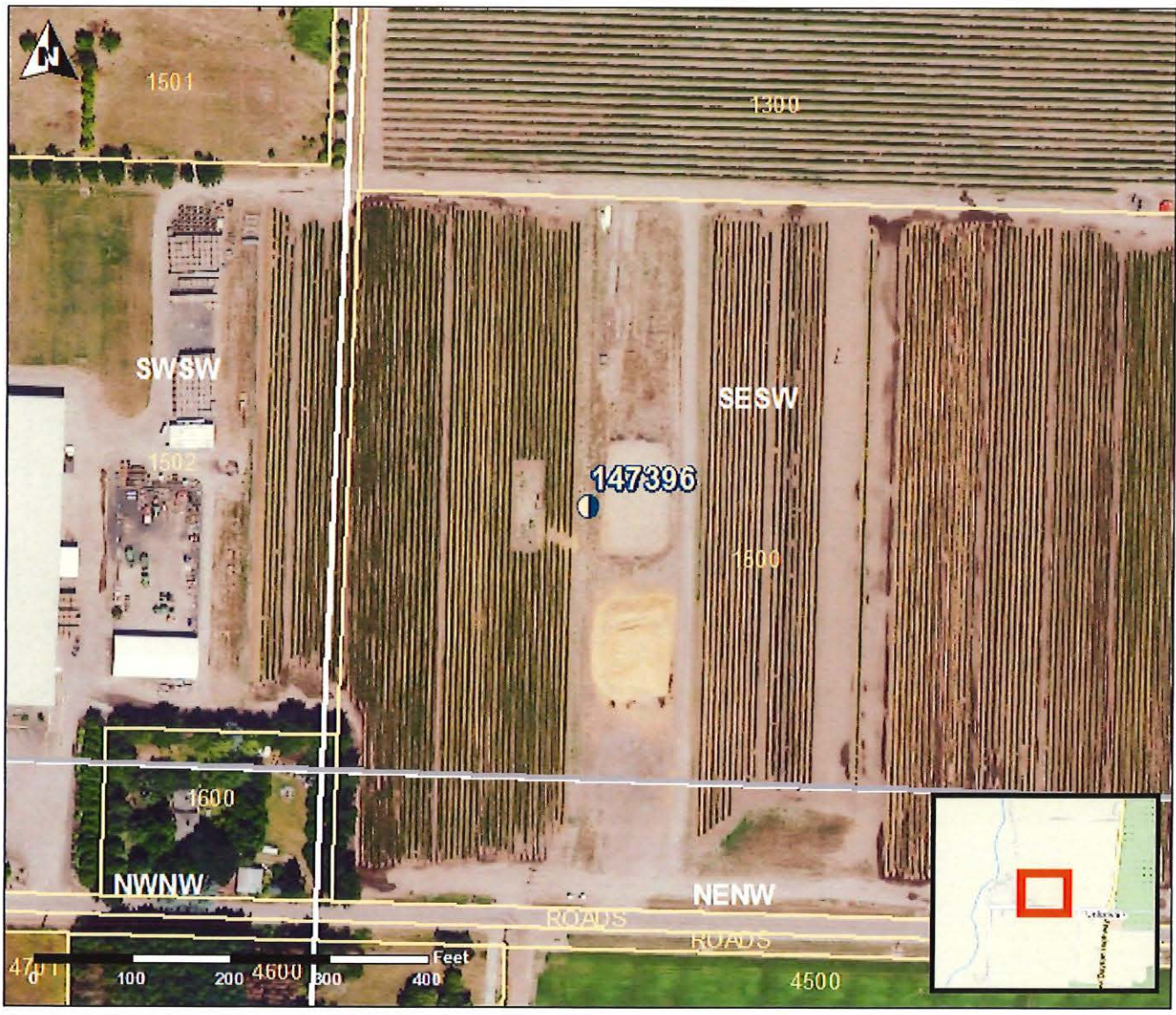
16040 SE UNIONVALE ROAD DAYTON, OR 97114

Well Label: 147396

Printed: February 15, 2023

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



Well 3

Pump Capacity Calculation Sheet

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 7.04
Lift = 0
PSI = 70

Results Calculated

(hp)(efficiency) = 140.8
Head based on psi = 177.8
Total dynamic head = 177.8
(head + lift)

Pump Capacity = 0.8 cubic feet per second

Received
APR 21 2025
OWRD

Holbrook Well 2

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 30
Efficiency = 7.04
Lift = 0
PSI = 69

Results Calculated

(hp)(efficiency) = 211.2
Head based on psi = 175.3
Total dynamic head = 175.3
(head + lift)

Pump Capacity = 1.2 cubic feet per second

Received
APR 21 2025
OWRD



April 17, 2025

Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Claim of Beneficial Use for Transfer T-13527

Gerry:

On behalf of Bailey Nurseries, Inc., please find enclosed a Claim of Beneficial Use report for Transfer T-13527.

Please do not hesitate to contact me at 541-753-0933 with questions about the enclosed COBU.

Sincerely,

A handwritten signature in blue ink that reads "Zach Pike-Urlacher".

Zach Pike-Urlacher
Water Resources Consultant

A handwritten signature in blue ink that reads "Robyn Cook".

Robyn Cook, RG, PG, CWRE
Principal Hydrologist

Enclosures:
Claim of Beneficial Use for Transfer T-13527 and \$230 fee

Received
APR 22 2025
OWRD

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Sarah Benham
Transfer #: T-13527	
Date Received: 4/21/2025	
CWRE Name: Robyn Cook	
Priority Date (s): 7/14/1959	

Fees Required:

- ☐ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
 Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

MONEY SLIP

DATE:	RECEIPT #:
RECEIVED FROM	APPLICATION PERMIT TRANSFER
CASH ☐ CHECK ☐ OTHER (IDENTIFY)	TOTAL RECEIVED \$
6102 TREASURY 4119 BASIC GRANT ACCT.	
6102 COPIES (IDENTIFY)	\$
6102 OTHER (IDENTIFY)	\$
6102 Inmate's Lease	6244 Multi-Tenant Mgmt. Plan
6102 Other	6244 Other
6102 TREASURY 4119 BASIC GRANT ACCT.	
6102 MISCELLANEOUS	4611
6102 COPY & DAP FEES	\$
6102 RESEARCH FEES	\$
6102 BASIC REVENUE (IDENTIFY)	\$
6102 DEPOSIT LNS (IDENTIFY)	\$
6102 EXTENSION OF TRAP	\$
6201 WATER RIGHTS	6202
6201 SURFACE WATER	6204
6201 GROUND WATER	\$
6201 TRANSFER	\$
6218 WELL CONSTRUCTION	6219
6218 WELL DRILL CONSTRUCTION	6220
6218 LANDOWNER'S PERMIT	\$
6218 OTHER (IDENTIFY)	\$
6218 TREASURY 6102 HYDROELECTRIC	\$
6223 POWER LICENSE FEE (HYDRO)	\$
6223 HYDRO LICENSE FEE (HYDRO)	\$
HYDRO APPLICATION	\$

SPECIAL INSTRUCTIONS:

☐ RETURN TO APPLICANT - LETTER ATTACHED

Fill in App
or Transfer
Number



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

April 22, 2025

Bailey Nurseries Inc.
PO Box 398
Dayton, OR 97114

On April 21, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Transfer T-13527

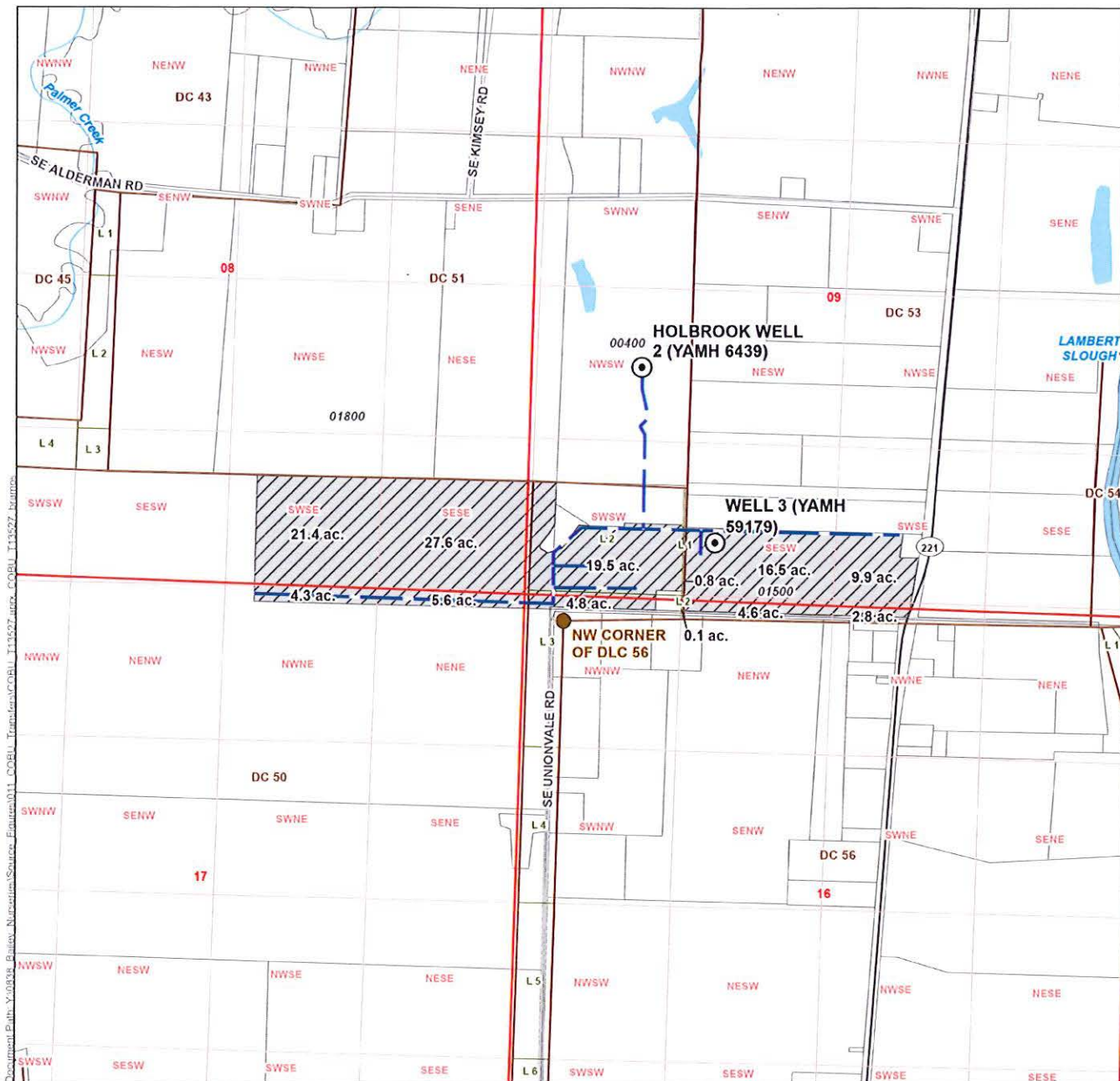
The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

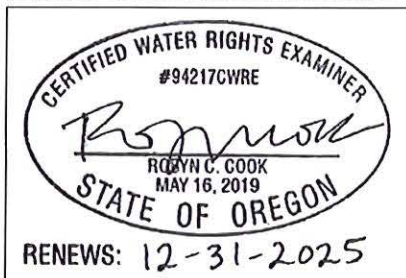
Cc: file



LEGEND

- Point of Appropriation (POA)
- Conveyance Line
- Place of Use (POU)
- Tax Lot
- Donation Land Survey (DLC)
- Government Lot (GL)
- Major Road
- Watercourse
- Waterbody

CERTIFIED WATER RIGHTS EXAMINER STAMP



LOCATION DESCRIPTION

Holbrook Well 2 (YAMH 6439)
 Located 2,120 feet North and 675 feet East from the NW corner of DLC 56, Township 5 South, Range 3 West (W.M.)

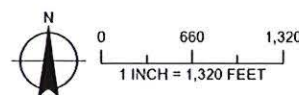
Well 3 (YAMH 59179)
 Located 520 feet North and 1,275 feet East from the NW corner of DLC 56, Township 5 South, Range 3 West (W.M.)

Claim of Beneficial Use Map Application G-1525; Transfer T-13527 Yamhill County Township 5 South, Range 3 West (W.M.)

Received
 APR 24 2025
 OWRD

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: September 24, 2024
 Data Sources: BLM, ESRI, OWRD, USGS





Oregon
Kate Brown, Governor

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

May 9, 2022

BAILEY NURSERIES, INC.
JON ESTES
PO BOX 398
DAYTON, OR 97114

REFERENCE: Transfer Application T-13527

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@oregon.gov.

Sincerely,

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

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Yamhill County Planning
Theodore Ressler, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13527, Yamhill County	)	CHANGE IN POINT OF
	)	APPROPRIATION AND 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.

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

Findings of Fact

1. On September 29, 2020, BAILEY NURSERIES, INC., ATTN: JON ESTES filed an application to change a point of appropriation and an additional point of appropriation under Certificate 31650. The Department assigned the application number T-13527.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 18, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13527 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 17, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

4. On March 14, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13527 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 15, 2022, and in the NEWS-REGISTER newspaper on March 18 and 25, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the right to be transferred is as follows:

Certificate: 31650 in the name of NORMAN & JOYCE QUIGLEY (perfected under Permit G-1387)

Use: IRRIGATION of 117.9 ACRES

Priority Date: JULY 14, 1959

Rate: 1.06 CUBIC FEET 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 WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	9	SE SW	53	POA 1 - 5 CHAINS SOUTH AND 12 CHAINS EAST FROM THE SE CORNER OF THESSING DLC 51

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	8	SW SE		50	21.4
5 S	3 W	WM	8	SE SE		50	27.6
5 S	3 W	WM	9	SW SW	2		19.5
5 S	3 W	WM	9	SE SW	1		0.8
5 S	3 W	WM	9	SE SW		53	16.5
5 S	3 W	WM	9	SW SE		53	9.9
5 S	3 W	WM	16	NW NE		53	2.8
5 S	3 W	WM	16	NE NW	2		0.1
5 S	3 W	WM	16	NE NW		53	4.6
5 S	3 W	WM	16	NW NW	3		4.8
5 S	3 W	WM	17	NE NE		50	5.6
5 S	3 W	WM	17	NW NE		50	4.3
						Total	117.9

6. Transfer Application T-13527 proposes to move the authorized point of appropriation approximately 700 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	SE SW	WELL 3 – 520 FEET NORTH AND 1275 FEET EAST FROM THE NW CORNER OF DLC 56

7. Transfer Application T-13527 proposes an additional point of appropriation approximately 1800 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	NW SW	HOLBROOK WELL 2 – 2120 FEET NORTH AND 675 FEET EAST FROM THE NW CORNER OF DLC 56

Transfer Review Criteria (OAR 690-380-4010)

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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13527.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 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 change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31650 and any related decree.
3. Water right Certificate 31650 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

4. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at the additional point of appropriation (Holbrook Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 09 2022**



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

Mailing date: **MAY 10 2022**

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NORMAN & JOYCE QUIGLEY
1207 EAST
ALAMOSA, CO 81101

confirms the right to use the waters of A WELL, a tributary of WILLAMETTE RIVER for IRRIGATION of 4.7 ACRES.

This right was perfected under Permit G-1387. The date of priority is JULY 14, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.04 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	9	SE SW	53	5 CHAINS SOUTH AND 12 CHAINS EAST FROM THE SE CORNER OF THESSING DLC 51

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

A description of the place of use to which this right is appurtenant is as follows:

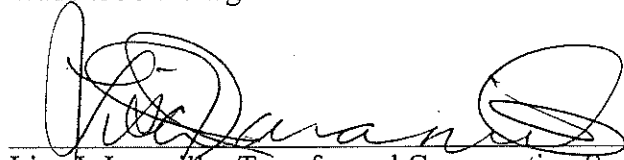
IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	9	SW SW	2		3.9
5 S	3 W	WM	9	SW SE		53	0.8
						Total	4.7

This certificate describes that portion of water right Certificate 31650, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 09 2022, approving Transfer Application T-13527.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MAY 09 2022.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13527
Transfer Type: Regular

Transfer Specialist: Scott

Applicant: BAILEY NURSERIES JON ESTES PO BOX 398 DAYTON, OR 97114 Email: _____ Phone: _____		Agent: ☐ N/A THEODORE RESSLER 55 SW YAMHILL ST. SUITE 300 PORTLAND, OR 97204 Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A Yamhill County Planning Department Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	G-1525	G-1387	31650	☒ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: September 29, 2020	Proposed Action(s): POINT OF APPROPRIATION; ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 22	ODFW District:
Initial Public Notice: September 29, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☐		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested: 11-23-21	Request for news \$ sent: 12-1-21	News \$ received: 12/8/21
Request to publish sent:	Affidavit of publication received: 4-1-22	Last day of publication: 3/25/22

4-24-22 end date

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 4/5/21 Initials: Scott	Date: 10-6-21 Initials: CC	Date: _____ Initials: _____	Date: 10/7/21 Initials: PKS	Date: 10/18/21 Initials: Scott	CW Sent: 10/18/21	N/A
PD	Date: 12-2-21 Initials: Scott	Date: 12/13/21 Initials: Joan	Date: _____ Initials: _____	Date: 1/13/22 Initials: PKS	Date: 1/21/22 Initials: Scott	Date: 2/14/22	3/14/2022
FO	Date: 3/23/22 Initials: Scott	Date: 3/24/22 Initials: Joan	Date: _____ Initials: _____	Date: 4/15/22 Initials: PKS	Date: 4/19/22 Initials: Scott	Date: 4/26/22	

Special Issues: NEWS-REGISTER NEED NEWSPAPER AFFIDAVIT RCWD

Special Order Volume: Vol. _____ Pages _____ RCWD

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **137033**

INVOICE # _____

RECEIVED FROM: Bailey Nurseries
BY: _____

APPLICATION	_____
PERMIT	_____
TRANSFER	<u>T-13527</u>

CASH: ☐ CHECK: # 116529 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 397.70

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	<u>46118</u>	\$
<u>0207</u> OTHER:	(IDENTIFY) <u>Newspaper Notice</u>	\$ <u>397.70</u>

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#	_____
0210 MONITORING WELLS	\$	CARD#	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **137033**

DATED: 12-8-2021 BY: Mindy Carlson

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

RECEIVED

APR 01 2022

OWRD

3qw 0.
0.

00 "EXHIBIT A"

PUBLIC NOTICE

Notice of Preliminary Determination for

Water Right Transfer T-13527
T-13527 filed by Bailey Nurseries, Inc., Attn: Jon Estes, PO Box 398, Dayton, OR 97114, proposes a change in point of appropriation and an additional point of appropriation under Certificate 31650. The right allows the use of 1.06 cubic feet per second from a well in Sec. 9, T5S, R3W, WM for irrigation in Sects. 8, 9, 16 and 17, T5S, R3W, WM. The applicant proposes to move the point of appropriation to Sec. 9, T5S, R3W, WM and an additional point of appropriation in Sec. 9, T5S, R3W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, March 25, 2022 Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination. IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

NR Published March 18, 25, 2022

News-Register

KEEPING YOU CONNECTED

611 NE Third Street • (503) 472-5114 • www.NewsRegister.com
PO Box 727

AFFIDAVIT OF PUBLICATION

STATE OF OREGON } ss.
County of Yamhill

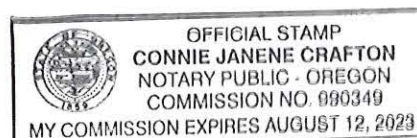
I, Terri Hartt

being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **Water Rights Services Support - Public Notice Water Right Transfer T-13527 - March 18, 25, 2022** Subscribed and sworn before me this 3/29/2022.





Notary Public for Oregon
My Commission Expires 08/12/2023





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 14, 2022

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

SUBJECT: Water Right Transfer Application T-13527

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13527. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13527
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Theodore Ressler, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13527, Yamhill County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND 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.

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

Findings of Fact

1. On September 29, 2020, BAILEY NURSERIES, INC., ATTN: JON ESTES filed an application to change a point of appropriation and an additional point of appropriation under Certificate 31650. The Department assigned the application number T-13527.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 18, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13527 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 17, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is 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 notice of this preliminary determination.
--

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

Certificate: 31650 in the name of NORMAN & JOYCE QUIGLEY (perfected under Permit G-1387)
Use: IRRIGATION of 117.9 ACRES
Priority Date: JULY 14, 1959
Rate: 1.06 CUBIC FEET 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 WILLAMETTE RIVER

Authorized Point of Appropriation:

Twtp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	9	SE SW	53	POA 1 - 5 CHAINS SOUTH AND 12 CHAINS EAST FROM THE SE CORNER OF THESSING DLC 51

Authorized Place of Use:

IRRIGATION							
Twtp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	8	SW SE		50	21.4
5 S	3 W	WM	8	SE SE		50	27.6
5 S	3 W	WM	9	SW SW	2		19.5
5 S	3 W	WM	9	SE SW	1		0.8
5 S	3 W	WM	9	SE SW		53	16.5
5 S	3 W	WM	9	SW SE		53	9.9
5 S	3 W	WM	16	NW NE		53	2.8
5 S	3 W	WM	16	NE NW	2		0.1
5 S	3 W	WM	16	NE NW		53	4.6
5 S	3 W	WM	16	NW NW	3		4.8
5 S	3 W	WM	17	NE NE		50	5.6
5 S	3 W	WM	17	NW NE		50	4.3
						Total	117.9

5. Transfer Application T-13527 proposes to move the authorized point of appropriation approximately 700 feet from the existing point of appropriation to:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	SE SW	WELL 3 - 520 FEET NORTH AND 1275 FEET EAST FROM THE NW CORNER OF DLC 56

6. Transfer Application T-13527 proposes an additional point of appropriation approximately 1800 feet from the existing point of appropriation to:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	NW SW	HOLBROOK WELL 2 - 2120 FEET NORTH AND 675 FEET EAST FROM THE NW CORNER OF DLC 56

Transfer Review Criteria (OAR 690-380-4010)

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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13527.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 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.

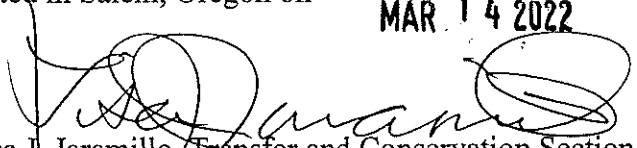
If Transfer Application T-13527 is approved, the final order will include the following:

1. *The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31650 and any related decree.*
3. *Water right Certificate 31650 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at the additional point of appropriation (Holbrook Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.*

7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

MAR 14 2022


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, 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@oregon.gov or 503-986-0890.

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

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

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

GREW Scott A * WRD

From: Ted Ressler <tressler@gsiws.com>
Sent: Monday, November 15, 2021 1:21 PM
To: GREW Scott A * WRD
Cc: Jon Estes
Subject: RE: T-13527 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott

Both the applicant and I have reviewed the Draft Preliminary Determination (DPD) and find the Departments findings are consistent with the changes proposed by the transfer application. However, we do have a comment regarding Determination and Proposed Action #6. Because Transfer T-13527 does not involve a Place of Use change (the transfer proposed a change in POA and an additional POA only), this proposed condition does not appear to be applicable to this transfer. We assume that this proposed condition will be removed prior to issuance of the Preliminary Determination.

Regarding the Report of Ownership for the lands associated with Transfer T-13527, it is taking longer than expected for the title company to prepare the required report. The applicant anticipates that additional time will be needed beyond the 11/17/2021 deadline to provide the Report of Ownership. Can the Department please extend the deadline by 2 weeks (to 12/1/2021) to provide additional time to provide the Report of Ownership?

Please advised on the request for additional time, and let me know if there are questions or if further discussion is needed.

Thank you
Ted

Theodore R. Ressler
RG, CWRE, PG
Hydrogeologist and Water Resources Consultant
direct: 971.200.8509 | mobile: 503.701.4535
55 SW Yamhill St., Suite 300, Portland, OR 97204
GSI Water Solutions, Inc. | www.gsiws.com

Please note: GSI is open for business, although most of us are working remotely. I am available by phone or e-mail; if you do call, please use my mobile number.

From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Monday, October 18, 2021 2:54 PM
To: Ted Ressler <tressler@gsiws.com>; Jon Estes <jon.estes@baileynursery.com>
Cc: GREW Scott A * WRD <Scott.A.Grew@oregon.gov>
Subject: T-13527 - Issuance of Draft Preliminary Determination - Action Required!

October 18, 2021

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

Reference: Water Right Transfer Application T-13527

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13527. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 17, 2021.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by November 17, 2021, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

Please note the proposed date by which all conditions must be met: October 1, 2023. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 1, 2021

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

SUBJECT: Water Right Transfer Application T-13527

Your water right transfer is ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check for \$397.70 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-13527 NOTICE"** on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than December 31, 2021.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the **News-Register** newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

If we do not receive payment for newspaper notice by December 31, 2021, a Preliminary Determination may be issued denying the application as incomplete.

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13527
Joel M. Plahn, District 22 Watermaster (via e-mail)
Theodore Ressler, Agent for the applicant (via e-mail)

X-----

Attached is a check for \$397.70 (PCA #46118) for Newspaper Notice for Transfer T-13527 made out to Oregon Water Resources Department (or WRD)

- **"for T-13527 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Scott Grew

GREW Scott A * WRD

From: PHILLIPS Stacy H * WRD
Sent: Monday, November 29, 2021 7:35 AM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: RE: Newspaper Estimate for Transfer Application T-13527

Good Morning Scott,

The quote came in for this notice. Total cost will be \$397.70.

Thanks,

Stacy H. Phillips

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948



OREGON
WATER
RESOURCES
DEPARTMENT

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

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Wednesday, November 24, 2021 11:02 AM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-13527

Hi Stacy –

Scott will need a quote for the attached TRANSFER Application notice to run in the (McMinnville) News-Register. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@oregon.gov

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

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Tuesday, November 23, 2021 10:42 AM
To: STARNES Patrick K * WRD
Cc: GREW Scott A * WRD
Subject: Newspaper Estimate for Transfer T-13527
Attachments: T-13527-pd-notice-FINAL.docm

Hello Kelly,

This is a request of a Newspaper quote for T-13527 for 2 weeks in the **News-Register**.

Thank you!

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

T-13527



First American

First American Title Insurance Company of Oregon
825 NE Evans St.
McMinnville, OR 97128
503.472.4627 Escrow Office
503.376.7363 Title Office

REPORT OF OWNERSHIP

Jon Estes
Bailey Nurseries, Inc.
PO Box 398
Dayton, OR 97114

Re: R5308 01801
R5309 01500
R5309 01502

Mr. Estes:

At your request, I have researched the ownership and legal descriptions of the parcels shown as Tax Lot 1801 on Yamhill County Assessor's map 5 3 08 and Tax Lots 1500 and 1502 on map 5 3 09.

I find that the last deed of record on R5308 01801 and R5309 01500 was to Bailey Nurseries, Inc. in Warranty Deed recorded December 23, 2020 as Instrument No. 202023372, Deed and Mortgage Records, a copy of which is attached.

I find that the last deeds of record on R5309 01502 is to Bailey Nursery Company, LLC, an Oregon limited liability company in Statutory Warranty Deed recorded March 13, 2019, as Instrument No. 201903031, Deed and Mortgage Records, copy of which is attached. Also attached is a copy of the lot line adjustment survey CS-13497.

A map showing tax map details and legal descriptions of the three parcels in Word format are also attached.

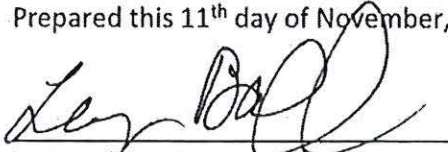
Please let me know if additional information is needed on this property.

Prepared this 11th day of November, 2021, by

Received by OWRD

OCT 24 2021

Salem, OR


Larry Ball
Sr. Title Officer
lball@firstam.com

Legal Description R5308 01801

A tract of land being a part of Lot No. 2, Section 9; a part of Lot No. 3, Section 16 and a part of the Albert Gaines Donation Land Claim No. 50, Notification No. 1845 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an Iron pipe set on the true South line of and 17.00 chains West from the Southeast corner of the John H. Thessing Donation Land Claim No. 51, Notification No. 1643 in said Township and Range; thence West along the South line of said Messing Donation Land Claim, 39.303 chains to a stone for the Northwest corner; thence South 16.576 chains set stake and stone; thence East parallel to the North line 39.123 chains to a stone at the true Northwest corner of the Henry Hewitt Donation Land Claim, from which one of the original bearing trees, an oak 24 inches in diameter bears North 70° West, 60 links, also an oak 12 inches in diameter bears North 70° East, 10 feet, a stone set by Branson in Former survey is 9 links North and 5-1/4 links East; thence North 00°37' East, 16.576 chains to the place of beginning.

TOGETHER WITH that tract of land described in Parcel 25 of Instrument #199811201, Yamhill County Deed Records, being a triangular shaped parcel of land situated in Section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon (being a part of those certain premises described in Deed to Leavitt recorded March 2, 1994 in Film Volume 304, Page 1121, Deed and Mortgage Records, Yamhill County, Oregon, said parcel being more particularly described as follows:

BEGINNING at an iron pipe at the Northeast corner of County Survey No. 2332, being on the South line of the John Thessing Donation Land Claim No. 51, at a point that is South 89° 45' West, 17.00 chains from the Southeast corner of the Thessing Claim, and being also North 89° 45' East 219.04 feet from the Northeast corner of the Albert Gaines Donation Land Claim No. 50; thence South 00° 36' West and along the West line of the aforesaid Leavitt tract (Film Volume 304, Page 1121) 186.69 feet to an iron rod and the True point of beginning; thence South 59° 10' 18" East, 348.76 feet to an iron rod and the South line of said Leavitt tract: thence South 89° 45' 00" West along the Southerly line of the Leavitt tract 301.37 feet to the Southwest corner thereof and an iron pipe set North 00° 36' East 726.94 feet from the Northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence North 00° 36' 00" East along the West line of the Leavitt tract, 180.05 feet to the True point of beginning.

TOGETHER WITH a portion of that tract of land described in Parcel 12 of Instrument #199811201, Yamhill County Deed Records, being a part of Government Lot 2, Section 9, Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at the southwest corner of that tract of land described in Parcel 25 of Instrument #199811201, Yamhill County Deed Records, said corner on record as being South 00° 36' West 366.74 feet from an iron pipe at the Northeast corner of County Survey No. 2332, said beginning point being on the west boundary of said Parcel 12; thence North 89° 37' 22" East 243.37 feet along the south boundary of said Parcel 25 to a 5/8" iron rod; thence South 52° 14' 55" West 308.69 feet to a point on the west boundary of said Parcel 12, said point being North 00° 13' 02" East 539.57 feet from the Northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence North 00° 13' 02" East 187.39 feet to the place of beginning.

EXCEPTING THEREFROM a portion of that tract of land described in Parcel 11 of Instrument #199811201, Yamhill County Deed Records, being a portion of the Albert Gaines Donation Land Claim No. 50, and a

Received by OWRD

OCT 24 2021

Salem, OR

portion of Government Lot 2 of Section 9, and a portion of Government Lot 3 of Section 16, Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, said tract being more particularly described as follows:

Beginning at the Northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence South 89° 37' 22" West 219.29 feet along the south boundary of that tract of land described in said Parcel 11; thence South 89° 32' 33" West 168.47 feet to a 5/8" iron rod on the south boundary of said Parcel 11; thence North 26° 09' 17" East 141.07 feet to a 5/8" iron rod; thence North 09° 47' 10" East 104.04 feet to a 5/8" iron rod; thence North 15° 47' 49" East 63.22 feet to a 5/8" iron rod; thence North 32° 59' 12" East 61.64 feet to a 5/8" iron rod; thence North 52° 14' 55" East 327.77 feet to a point on the east boundary of said Parcel 11, said point bearing North 00° 13' 02" East 539.57 feet from the northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence South 00° 13' 02" West 539.57 feet to the place of beginning.

Received by OWRD

OCT 24 2021

Salem, OR

Legal Description R5309 01500

TRACT A:

BEGINNING AT THE SOUTHWEST CORNER OF THE ENOCH COOPER DONATION LAND CLAIM NO. 53, NOTIFICATION NO. 1490, TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON AND BEING A PART OF SAID CLAIM; RUNNING THENCE NORTH, 11.12 CHAINS TO THE NORTHWEST CORNER OF LOT 6 AND THE SOUTHWEST CORNER OF LOT 5 OF COUNTY SURVEY NO. 1463; THENCE EAST ALONG THE SOUTH LINE OF LOT 5, 31.97 CHAINS TO CENTER OF COUNTY ROAD; THENCE SOUTH 3°30' WEST ALONG THE CENTER OF SAID ROAD, 11.12 CHAINS TO THE SOUTH LINE OF SAID CLAIM; THENCE WEST ALONG THE SOUTH LINE OF SAID CLAIM, 31.45 CHAINS TO THE PLACE OF BEGINNING, ALSO BEING LOT 6 OF COUNTY SURVEY NO. 1463.

EXCEPT THAT PORTION CONVEYED TO YAMHILL COUNTY, OREGON, BY DEED RECORDED DECEMBER 13, 1928 IN BOOK 100, PAGE 212, DEED RECORDS OF YAMHILL COUNTY, OREGON.

AND ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO HOWARD BAKER, ET UX., BY DEED RECORDED APRIL 22, 1964 IN FILM VOLUME 36, PAGE 811, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON.

TRACT B:

PART OF THE DONATION LAND CLAIM OF HENRY HEWITT AND WIFE, NOTIFICATION NO. 1629, CLAIM NO. 56 IN SECTION 16, TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON AND SAID PART BEING BOUNDED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DONATION LAND CLAIM, NORTH 89°45' EAST, 19.72 CHAINS FROM A STONE AT THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM; THENCE NORTH 89°45' EAST ALONG THE NORTH LINE OF SAID DONATION LAND CLAIM 15.92 CHAINS TO STAKE; THENCE SOUTH 1°40' WEST ALONG FENCE, NOW THERE 29.10 CHAINS TO STAKE SET ON SOUTH SIDE OF ANCHOR POST NOW THERE; THENCE SOUTH 89°45' WEST ALONG OLD FENCE, NOW THERE 15.09-1/2 CHAINS TO CENTER OF OLD RAIL FENCE, NOW THERE; THENCE NORTH 03' EAST ALONG OLD RAIL FENCE, NOW THERE 29.08-1/2 CHAINS TO THE PLACE OF BEGINNING.

Received by OWRD

OCT 24 2021

Salem, OR

Legal Description R5309 01502

A tract of land being a portion of the Gains DLC #50 and Government Lots 1,2,3 in Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that land described as Parcels 11,12 and 25 Instrument #199811201 Yamhill County Deed Records and being more particularly described as follows:

Beginning at the Southeast corner of land described as Parcel 25 Instrument #199811201 thence South 74°03'58" West 112.41 feet; thence South 52°28'03" West 189.09 feet; thence South 48°39'59" West 94.13 feet; thence South 61°21'47" West 108.20 feet; thence South 59°16'31" West 154.08 feet; thence South 41°20'52" West 83.22 feet; thence South 16°57'35" West 92.10 feet; thence South 13°48'27" West 75.92 feet; thence South 20°50'58" West 153.49 feet; thence South 88°28'25" East 383.77 feet; thence South 88°33'55" East 890.79 feet; thence North 2°34'28" East 186.49 feet; thence South 88°01'08" East 234.31 feet more or less to a point on the West boundary of E Cooper DLC #53; thence North 1°42'22" East 908.95 feet more or less along the said West boundary to the Southeast corner of the J. Thessing DLC #51; thence North 88°32'50" West 27.18 feet more or less to the Northeast corner of land described as Parcel 2 Instrument #199610475 Yamhill County Deed Records; thence South 1°42'54" West 339.68 feet more or less to the Southeast corner of above said Parcel 2; thence South 30.63 feet more or less to a point on the South boundary of land described in Film Volume 150, Page 1302; thence North 88° 31' 48" West 293.37 feet to the Point of Beginning

Received by OWRD

OCT 24 2021

Salem, OR

After recording, return to:

Walter R. Gowell, Attorney
P.O. Box 480
McMinnville, OR 97128

Send Tax Statements to:

No Change

Yamhill County Official Records **201903031**
DMR-DDMR
Stn=2 MILLSA 03/13/2019 02:27:00 PM
11Pgs \$55.00 \$11.00 \$5.00 \$60.00 **\$131.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

COVER SHEET FOR RE-RECORDING

Name of Document: Statutory Warranty Deed

Grantor: Sweet Pea Farms LLC, an Oregon limited liability company
Formerly Known As Carlton Nursery Company, LLC, an
Oregon limited liability company

Grantee: Bailey Nursery Company, LLC, an Oregon limited liability
company

Consideration: The true and actual consideration paid for this transfer, stated in terms of dollars, is \$4,138,849.00 (This conveyance is made pursuant to the terms and provisions of an Asset Purchase Agreement between Grantor and Grantee dated October 16, 2018.)

Purpose of Re-recording: This deed is being re-recorded at the mutual request of the Grantor and Grantee herein 1) in order to correct the amount of consideration and 2) to correct the identity of the Grantee to ***Bailey Nurseries, Inc. a Minnesota corporation***, and 3) to further to correct the legal descriptions set forth on Exhibit A in that certain deed previously recorded on November 30, 2018, as Document No. 201816953, Yamhill County Deed and Mortgage Records. (The correct legal descriptions of said three conveyed parcels are set forth and shown on attached Revised Exhibit "A".

Received by OWRD

OCT 24 2021

Salem, OR

First American Title - NCS 868982

After Filing Return To:
Davis Wright Tremaine LLP
Attn: Jesse Lyon
1300 SW Fifth Avenue, Suite 2400
Portland, Oregon 97201

**Until a Change is Requested,
Send Tax Statements To:**

Bailey Nurseries, Inc.
1325 Bailey Road
St. Paul, Minnesota 55119
Attn: Terri McEnaney

Yamhill County Official Records		201816953
DMR-DDMR		
Stn=2 MILLSA	11/30/2018 03:06:00 PM	
6Pgs \$30.00 \$11.00 \$5.00 \$60.00	\$106.00	
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Brian Van Bergen - County Clerk		

STATUTORY WARRANTY DEED

Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company, Grantor, conveys and warrants to * ~~Bailey Nursery Company, LLC, an Oregon limited liability company, Grantee,~~ the real property located in Yamhill County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances, except as specifically set forth in Exhibit B, attached hereto and made a part hereof.

The true consideration for this conveyance includes other property or other value given or promised that represents the whole consideration. This transaction is undertaken by Grantee in connection with and with funds obtained by Grantee pursuant to an Internal Revenue Code Section 1033 exchange transaction.

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.

Received by OWRD

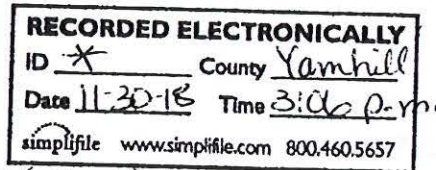
* Bailey Nurseries, Inc., a Minnesota corporation, Grantee,

OCT 24 2021
Salem, OR

First American Title - NCs 868982

After Filing Return To:

Davis Wright Tremaine LLP
Attn: Jesse Lyon
1300 SW Fifth Avenue, Suite 2400
Portland, Oregon 97201



* 201816953

**Until a Change is Requested,
Send Tax Statements To:**

Bailey Nurseries, Inc.
1325 Bailey Road
St. Paul, Minnesota 55119
Attn: Terri McEnaney

STATUTORY WARRANTY DEED

Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company, Grantor, conveys and warrants to ~~Bailey Nursery Company, LLC, an Oregon limited liability company, Grantee~~, the real property located in Yamhill County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances, except as specifically set forth in Exhibit B, attached hereto and made a part hereof. *

The true consideration for this conveyance includes other property or other value given or promised that represents the whole consideration. This transaction is undertaken by Grantee in connection with and with funds obtained by Grantee pursuant to an Internal Revenue Code Section 1033 exchange transaction.

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.

Received by OWRD

* Bailey Nurseries, Inc., a Minnesota corporation, Grantee

Oct 24 2021
Salem, OR

Dated effective as of the 30 day of November, 2018.

GRANTOR:
SWEET PEA FARMS LLC
an Oregon limited liability company



By: Jonathan Bartch
Title: Manager and Member

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of yamhill)

This record was acknowledged before me on this 29th day of November, 2018, by Jonathan Bartch,
as Manager and Member of Sweet Pea Farms LLC.




NOTARY PUBLIC – State of Oregon
My Commission Expires: 3/15/2021

Signature Page to Grant Deed

Received by OWRD

OCT 24 2021

Salem, OR

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1 Alderman

Adjusted Tax Lot 202 (All of Tax Lot 202 with portion of Tax Lot 100 that includes Resource Industrial Zone and the portion of TL 100 lying East of Wallace Road and above the lower agricultural land)

A tract of land being a portion of the E Cooper DLC #53 in Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that land described as Parcel 4, Instrument #199811201 Yamhill County Deed Records and being more particularly described as follows:

Beginning at a point on the easterly margin of Highway 221 (Wallace Rd) said point being the Northwest corner of that land described in Film Volume 89, Page 2417; thence South 84°28'59" East 552.40 feet along the northerly boundary of Film Volume 89, Page 2417 and along the north boundary of land as surveyed in CS-3714; thence North 4°28'38" East 47.84 feet; thence South 85°20'54" East 40.79 feet; thence South 5°33'13" West 47.41 feet; thence North 87°32'27" West 17.41 feet; thence South 4°22'43" West 186.16 feet; thence South 84°42'34" East 575.80 feet more or less to the easterly boundary of the RI Zone; thence along the easterly boundary or Resource Industrial Zone (RI), North 10°27'48" West 200.48 feet; thence North 48°23'15" West 73.36 feet; thence leaving the Easterly boundary of said RI Zone, North 4°52'33" West 623.26 feet; thence North 638.06 feet; thence North 1°41'12" East 433.58 feet; thence North 88°19'50" West 879.97 feet more or less to the Easterly boundary of Highway 221; thence along said Easterly boundary South 3°56'07" West 1234.44 feet; thence South 4°38'25" West 440.00 feet more or less to the Point of Beginning, containing 39.2 Acres more or less.

Received by OWRD

OCT 24 2021

Salem, OR

Parcel 2 Unionvale East/Propagation:

A tract of land being a portion of the Gains DLC #50 and Government Lots 1,2,3 in Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon and being a portion of that land described as Parcels 11,12 and 25 Instrument #199811201 Yamhill County Deed Records and being more particularly described as follows:

Beginning at the Southeast corner of land described as Parcel 25 Instrument #199811201 thence South 74°03'58" West 112.41 feet; thence South 52°28'03" West 189.09 feet; thence South 48°39'59" West 94.13 feet; thence South 61°21'47" West 108.20 feet; thence South 59°16'31" West 154.08 feet; thence South 41°20'52" West 83.22 feet; thence South 16°57'35" West 92.10 feet; thence South 13°48'27" West 75.92 feet; thence South 20°50'58" West 153.49 feet; thence South 88°28'25" East 383.77 feet; thence South 88°33'55" East 890.79 feet; thence North 2°34'28" East 186.49 feet; thence South 88°01'08"

East 234.31 feet more or less to a point on the West boundary of E Cooper DLC #53; thence North 1°42'22" East 908.95 feet more or less along the said West boundary to the Southeast corner of the J. Thessing DLC #51; thence North 88°32'50" West 27.18 feet more or less to the Northeast corner of land described as Parcel 2 Instrument #199610475 Yamhill County Deed Records; thence South 1°42'54" West 339.68 feet more or less to the Southeast corner of above said Parcel 2; thence North 88°22'30" West 502.61 feet; thence South 30.63 feet more or less to a point on the South boundary of land described in Film Volume 150, Page 1302; thence North 88° 31' 48" West 293.37 feet to the Point of Beginning

Parcel 3 Holbrook West:

Adjusted 10 Acre Tract

A tract of land being a portion of the J. Thessing DLC #51 in Township 5 South Range 3 West W.M. Yamhill County, OR and being portions of that land described in Book 72, Pages 410, 411, 412 Yamhill County Deed Records and more particularly described as follows:

Beginning at the Northeast corner of that 4 acre tract of land described in Book 72, Page 410, said point being on record as bearing 5.385 chains West and 30.40 chains North and 27 rods North of the Southeast corner of the said J. Thessing Donation Land Claim #5; thence South 89°37'43" West 410.88 feet; thence South 89°37'43" West 319.79 feet; thence South 2°22'47" West 406.75 feet; thence South 87°58'00" East 237.86 feet; thence South 2°53'55" West 259.08 feet; thence South 89°45'20" East 506.33 feet; thence North 1°23'52" East 680.69 feet to the Point of Beginning, Containing 10 Acres.

Received by OWRD

OCT 24 2021

Salem, OR

**REVISED EXHIBIT A TO STATUTORY WARRANTY DEED
LEGAL DESCRIPTION**

Parcel 1 Alderman:

Adjusted 36.6 Acre Tract

A tract of land being a portion of the Enoch Cooper and wife Donation Land Claim No. 53 in Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, and being a portion of that those tracts of lands described as Parcels 1 and 4 of Instrument #199811201, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the northwest corner of that tract of land described in Film Volume 89, Page 2417, said point being on the easterly margin of Highway 221 (Wallace Road) and being North 03° 18' 40" East 130.78 feet from an iron pipe at the southwest corner of CS-3259-C; thence South 86° 12' 03" East 222.82 feet to the northeast corner of said tract described in Film Volume 89, Page 2417; thence following along the exterior boundary of that tract of land surveyed in CSP-3714 and those tracts of land conveyed to the Stayton Canning Company in Film Volume 59, Page 176 and Film Volume 74, Page 29 the following courses: South 86° 14' 08" East 339.35 feet to a bolt; thence North 03° 45' 52" East 48.65 feet to a 5/8" iron rod; thence South 86° 14' 08" East 40.88 feet to a pipe; thence South 03° 45' 52" West 48.65 feet to a bolt; thence North 86° 14' 08" West 16.50 feet to a 1/2" iron rod; thence South 02° 48' 52" West 182.76 feet to a 5/8" iron rod; thence South 87° 00' 08" East 465.64 feet to a 5/8" iron rod; thence leaving said exterior boundary of the Stayton Canning Company tracts North 07° 30' 18" West 930.30 feet to an iron pipe of CSP-8158; thence North 03° 32' 44" West 1015.60 feet to a point on the prolongation of the south line of that tract of land conveyed to Ivan Gubser et ux. in Film Volume 107, Page 2006; thence South 89° 36' 33" West 198.20 feet to the southeast corner of said Gubser tract; thence South 89° 36' 33" West 576.80 feet to the southwest corner of said Gubser tract, said corner being on the east line of the old State Highway and on the east boundary of that tract of land conveyed to the State of Oregon in Parcel 3 of Book 114, Page 365, Yamhill County Deed Records; thence South 02° 59' 25" West 678.98 feet to the southeast corner of said tract described in Parcel 3 of Book 114, Page 365; thence southerly along the east margin of the highway as described in Book 114, Page 365 and Book 113, Page 21, Yamhill County Deed Records, 387.47 feet along a 11499.16 foot radius curve, concave to the west, chord bearing South 01° 43' 15" West 387.45 feet to the beginning point of a spiral; thence along the east margin of said highway along a spiral, chord bearing South 03° 06' 09" West 250.42 feet to the point of tangency; thence along said east margin South 03° 18' 40" West 370.41 feet to the place of beginning, containing 36.6 Acres, more or less.

Received by OWRD

Parcel 2 Unionvale East/Propagation:

Adjusted 21.0 Tract

A tract of land being a portion of the Albert Gaines Donation Land Claim No. 50, and a portion of Government Lots 1 and 2 of Section 9, and a portion of Government Lot 3 of Section 16, Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, said tract being a part of Parcels 11 and 12 of Instrument #199811201, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the Northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence South 89° 37' 22" West 219.29 feet along the south boundary of that tract of land described in said Parcel 11; thence South 89° 32' 33" West 168.47 feet to a 5/8" iron rod on the south boundary of said Parcel 11; thence North 26° 09' 17" East 141.07 feet to a 5/8" iron rod; thence North 09° 47' 10" East 104.04 feet to a 5/8" iron rod; thence North 15° 47' 49" East 63.22 feet to a 5/8" iron rod; thence North 32° 59' 12" East 61.64 feet to a 5/8" iron rod; thence North 52° 14' 55" East 327.77 feet to a point on the east boundary of said Parcel 11, said point bearing North 00° 13' 02" East 539.57 feet from the northwest corner of the Henry Hewitt Donation Land Claim No. 56; thence North 52° 14' 55" East 308.69 feet to a 5/8" iron rod on the south boundary of that tract of land described in Parcel 25 of said Instrument #199811201; thence North 89° 37' 22" East 58.00 feet to the southeast corner of said Parcel 25; thence North 89° 37' 22" East 292.75 feet to the southeast corner of that tract of land conveyed to Michael L. Brooks and Sonja D. Brooks in Film Volume 150, Page 1302, Yamhill County Deed Records; thence North 00° 13' 02" East 30.02 feet to the southwest corner of Parcel II of that tract of land conveyed to Brent Leavitt in Instrument #199907433, Yamhill County Deed Records; thence North 89° 37' 22" East 497.47 feet to the southeast corner of Parcel III of that tract of land conveyed to Brent Leavitt in said Instrument #199907433; thence North 00° 13' 02" East 336.67 feet to an iron rod at the northeast corner of said Parcel III; thence North 89° 37' 22" East 29.89 feet to the Southeast corner of the John H. Thessing Donation Land Claim No. 51, said corner also being on the west line of the Enoch Cooper Donation Land Claim No. 53; thence South 00° 07' 19" East 907.89 feet along said west line to the northeast corner of that tract of land conveyed to Emil Hellekes and Carrie L. Hellekes in Film Volume 76, Page 102, Yamhill County Deed Records; thence South 89° 36' 24" West 235.22 feet to the northwest corner of said tract described in Film Volume 76, Page 102; thence South 00° 07' 19" East 185.40 feet to the southwest corner of said tract described in Film Volume 76, Page 102, said corner being on the north line of the Henry Hewitt Donation Land Claim No. 56; thence South 89° 36' 24" West 892.74 feet to the place of beginning, containing 21.0 Acres (20.6 Acres excluding roads), more or less.

Received by OWRD

OCT 24 2021

Salem, OR

Parcel 3 Holbrook West:

Adjusted 10 Acre Tract

A tract of land being a portion of the J. Thessing Donation Land Claim No. 51 in Township 5 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon, and being portions of that tract of land described in Book 72, Page 410 and Page 412, Yamhill County Deed Records, said tract being more particularly described as follows:

Beginning at the northwest corner of that tract of land conveyed to Clarence A. Warner in Book 72, Page 411, Yamhill County Deed Records, said corner being in the center of the county road and on record as being 5.385 chains West and 37.15 chains north of the southeast corner of the J. Thessing Donation Land Claim No. 51; thence South 87° 38' 53" West 716.35 feet along the center of the county road to the northwest corner of the said tract of land described in Book 72, Page 412; thence South 00° 11' 50" West along the west boundary of said tract described in Book 72, Page 412 a distance of 428.00 feet to a 5/8" iron rod; thence North 89° 36' 34" East 225.00 feet to a 5/8" iron rod; thence South 10° 20' 58" East 256.39 feet to a 5/8" iron rod; thence North 89° 36' 34" East 450.98 feet to a 5/8" iron rod on the west boundary of said tract of land described in Book 72, Page 411; thence North 00° 23' 26" West 705.02 feet along said west boundary to the place of beginning, containing 10.0 Acres.

Received by OREGON

OCT 24 2011

Salem, OR

EXHIBIT B
PERMITTED EXCEPTIONS

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public.
2. 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.
3. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.
(Affects Tract 3)
4. These premises are within the boundaries of the Palmer Creek Water District and are subject to the levies and assessments thereof.
5. Easement reserved in a Contract, including terms and provisions contained therein:
Recording Information: March 26, 1971, in Film Volume 83, Page 587, Deed and
Mortgage Records
Parties: Neva Crabtree, Executrix of the Estate of U. S. Alderman and J
Kent Brooks and Eugene B Brooks
For: Agricultural purposes
(Affects Tract 1)
6. Easement, including terms and provisions contained therein:
Recording Information: October 16, 1980 in Film Volume 155, Page 0990, Deed and
Mortgage Records
In Favor of: Michael L. Brooks and Sonja D. Brooks, husband and wife
For: Road
(Affects Tract 2)
7. Reservation of easement in deed Grantor: Margaret M. Bailey, Virginia Karen Bartch, James Fritz, Jonathon Bartch and Thomas J. Campbell, Successor Co-Trustees of the Gordon Bailey Revocable Living Trust, dated November 9, 1989 Grantee: Brent Leavitt and Tamara Leavitt, husband and wife For: Right-of-way Recorded: July 01, 1996
Instrument No.: 199610475, Deed and Mortgage Records.
(Affects Tract 2)
8. Easement, including terms and provisions contained therein:
Recording Information: March 11, 1997 as Instrument No. 199703899, Deed and
Mortgage Records
In Favor of: Margaret M. Bailey, Virginia Karen Bartch, James Fritz, Jonathon Bartch and Thomas J. Campbell, Co-Trustees of the Gordon Bailey Revocable Living Trust doing business as Carlton Plants
For: Ingress and egress
(Affects Tract 1)

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OCT 24 2021

Salem, OR

9. Easement, including terms and provisions contained therein:
Recording Information: November 18, 2003 as Instrument No. 200329335, Deed and
Mortgage Records
In Favor of: Carlton Nursery Company, LLC, an Oregon limited liability company
For: Well
(Affects Tract 2)
10. Easement, including terms and provisions contained therein:
Recording Information: March 25, 2014 as Instrument No. 201403284, Deed and
Mortgage Records
In Favor of: Portland General Electric Company, an Oregon corporation, and
its successors and assigns
For: Right-of-way
(Affects Tract 3)
11. Easement, including terms and provisions contained therein:
Recording Information: March 25, 2014 as Instrument No. 201403285, Deed and
Mortgage Records
In Favor of: Portland General Electric Company, an Oregon corporation, and
its successors and assigns
For: Right-of-way
(Affects Tract 3)
12. Easement Agreement upon the terms, conditions and provisions contained therein:
Parties: Charles H. Hoffman III and Carlton Nursery Company, LLC, and
Carlton Plants, LLC,
Recorded: November 01, 2017
Instrument No.: Instrument No. 201717562, Deed and Mortgage Records
(Affects Tract 2)
13. Memorandum of Farm Lease Agreement upon the terms, conditions and provisions
contained therein:
Dated: October 31, 2018
Parties: Carlton Nursery Company, LLC and Bailey Nurseries, Inc.
Recorded: October 31, 2018
Instrument No.: 201815479
14. Memorandum of Option Agreement upon the terms, conditions and provisions
contained therein:
Dated: October 31, 2018
Parties: Carlton Nursery Company, LLC and Bailey Nurseries, Inc.
Recorded: October 31, 2018
Instrument No.: 201815480

Received by OWRD

OCT 24 2021

Salem, OR

Recording Requested by and After Recording Return To:

First American Title -NCS
200 SW Market Street Ste 250
Portland, OR 97201
Attn: Wayne Wagner

File Number: NCS-1039598-ORI

Yamhill County Official Records	202023372
DMR-DDMR	
Stn=1031 SUTTONS	12/23/2020 02:26:00 PM
13Pgs \$65.00 \$11.00 \$5.00 \$60.00 \$20.00	\$161.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

Rerecording Cover Sheet – Oregon
ORS 205.244

RERECORDED AT THE REQUEST OF ATTORNEY TO CORRECT LANGUAGE ON ORIGINAL PAGE ONE FROM PURCHASE PRICE TO SALES PRICE ON NEW PAGE 1 OF DOCUMENT. PREVIOUSLY RECORDED IN YAMHILL COUNTY, OREGON AS INSTRUMENT NUMBER 202023353 ON DECEMBER 23, 2020.

This cover sheet has been prepared by the person presenting the attached instrument for rerecording. Any errors in this cover sheet do not affect the transaction(s) contained in the instrument.

1) Titles of Transaction(s) ORS 205.234(a)

Statutory Warranty Deed

2) Grantor(s) ORS 205.160

Sweet Pea Farms LLC

3) Grantee(s) ORS 205.160

Bailey Nurseries, Inc.

Received by OWRD

OCT 24 2021

Salem, OR

After Filing Return To:
Haugeberg, Rueter, Gowell,
Fredricks, & Higgins, PC
Attn: Katherine L. Gowell
PO Box 480
McMinnville, OR 97128

**Until a Change is Requested,
Send Tax Statements To:**
Bailey Nurseries, Inc.
1325 Bailey Road
St. Paul, Minnesota 55119
Attn: Terri McEnaney or John Bailey

STATUTORY WARRANTY DEED

Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Bailey Nurseries, Inc. a Minnesota corporation, Grantee, the real property located in Yamhill County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances, except as specifically set forth in Exhibit B, attached hereto and made a part hereof.

The true consideration for this conveyance is \$2,269,360.00 that represents the whole consideration. This transaction is undertaken by Grantee in connection with funds obtained by Grantee pursuant to an Internal Revenue Code Section 1031 exchange transaction, with a gross sale price of \$2,100,000 and net proceeds \$1,922,541.80.

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.

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Bailey Nurseries, Inc.
1325 Bailey Road
St. Paul, Minnesota 55119
Attn: Terri McEnaney or John Bailey

Yamhill County Official Records	202023353
DMR-DDMR	
Stn=1031 SUTTONS	12/23/2020 01:07:00 PM
10Pgs \$50.00 \$11.00 \$5.00 \$60.00	\$126.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

Recording Requested By:
First American Title -NCS
Attn: Wayne Wagner
200 SW Market Street, Ste 250
Portland, OR 97201
File: NCS-1039598-OR1

Received by OWRD

OCT 24 2021

Salem, OR

STATUTORY WARRANTY DEED

Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Bailey Nurseries, Inc. a Minnesota corporation, Grantee, the real property located in Yamhill County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances, except as specifically set forth in Exhibit B, attached hereto and made a part hereof.

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First American Title NCS-1039598

After Filing Return To:
Haugeberg, Rueter, Gowell,
Fredricks, & Higgins, PC
Attn: Katherine L. Gowell
PO Box 480
McMinnville, OR 97128

E-RECORDED

simplifile®

ID: 202023353

County: Yamhill

Date: 12/23/2020 Time: 1:07pm

Until a Change is Requested,
Send Tax Statements To:
Bailey Nurseries, Inc.
1325 Bailey Road
St. Paul, Minnesota 55119
Attn: Terri McEanney or John Bailey

STATUTORY WARRANTY DEED

Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Bailey Nurseries, Inc. a Minnesota corporation, Grantee, the real property located in Yamhill County, Oregon, described as set forth on Exhibit A attached hereto and made a part hereof, free of encumbrances, except as specifically set forth in Exhibit B, attached hereto and made a part hereof.

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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.

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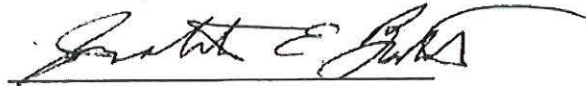
OCT 24 2021

Salem, OR

Dated effective as of the 21 day of December, 2020.

GRANTOR:

SWEET PEA FARMS LLC
an Oregon limited liability company

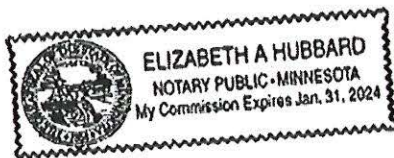


By: Jonathan Bartch
Title: Manager and Member

ACKNOWLEDGMENT

STATE OF Minnesota)
) ss.
County of St. Louis)

This record was acknowledged before me on this 21 day of December 2020, by Jonathan Bartch, as Manager and Member of Sweet Pea Farms LLC.




NOTARY PUBLIC – State of Minnesota
My Commission Expires: 1-31-24

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OCT 24 2021

Salem, OR

Signature Page to Grant Deed

**EXHIBIT A
LEGAL DESCRIPTION**

HOLBROOK WEST

Legal Description After Lot Line Adjustment and Corrected Legal Description.

TRACT 1

Parcel 1:

A TRACT OF LAND BEING A PORTION OF THE J. THESSING DONATION LAND CLAIM NO. 51 IN TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, AND BEING ALL OF THAT TRACT OF LAND CONVEYED TO CLARENCE A. WARNER IN BOOK 72, PAGE 411, YAMHILL COUNTY DEED RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE DONATION LAND CLAIM OF J.H. THESSING, CLAIM NO. 51, NOTIFICATION NO. 1643 IN TOWNSHIP FIVE SOUTH OF RANGE THREE WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, AND RUNNING THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF SAID DONATION LAND CLAIM 5.385 CHAINS; THENCE NORTH 37.15 CHAINS TO THE CENTER OF THE COUNTY ROAD NOW THERE; THENCE EAST ALONG THE CENTER OF SAID COUNTY ROAD 5.385 CHAINS TO AN IRON PIN SET IN THE CENTER OF SAID COUNTY ROAD AND IN THE EAST BOUNDARY LINE OF SAID J.H. THESSING DONATION LAND CLAIM; THENCE SOUTH 37.15 CHAINS TO THE PLACE OF BEGINNING, CONTAINING TWENTY ACRES, MORE OR LESS.

Portion of APN 5309-00400

Parcel 2

A TRACT OF LAND BEING A PORTION OF THE J. THESSING DONATION LAND CLAIM NO. 51 IN TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN BOOK 72, PAGE 412, YAMHILL COUNTY DEED RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO CLARENCE A. WARNER IN BOOK 72, PAGE 411, YAMHILL COUNTY DEED RECORDS, SAID CORNER BEING SOUTH 89° 37' 22" WEST 355.41 FEET FROM THE SOUTHEAST CORNER OF THE J. THESSING DONATION LAND CLAIM NO. 51; THENCE SOUTH 89° 37' 22" WEST 173.68 FEET TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO HOFFMAN IN INSTRUMENT #201805433, YAMHILL COUNTY DEED RECORDS; THENCE NORTH 00° 26' 27" WEST 30.11 TO A 5/8" IRON ROD AT THE NORTHEAST CORNER OF SAID HOFFMAN TRACT; THENCE SOUTH 89° 37' 49" WEST 566.94 FEET ALONG THE NORTH LINE OF SAID HOFFMAN TRACT TO THE INTERSECTION WITH THE WEST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 72, PAGE 412; THENCE NORTH 00° 11' 50" EAST 1982.44 FEET ALONG SAID WEST BOUNDARY TO A 5/8" IRON ROD; THENCE NORTH 89° 36' 34" EAST 225.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 10° 20' 58" EAST 256.39 FEET TO A 5/8" IRON ROD; THENCE NORTH 89° 36' 34" EAST 450.98 FEET TO A 5/8" IRON ROD ON THE WEST BOUNDARY OF SAID TRACT OF LAND DESCRIBED IN BOOK 72, PAGE 411; THENCE SOUTH 00° 23' 26" EAST 1760.17 FEET TO THE PLACE OF BEGINNING, CONTAINING 30.6 ACRES, MORE OR LESS.

Portion of APN 5309-00402

UNIONVALE EAST:

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Legal Description After Lot Line Adjustment.

TRACT 2

Parcel 1:

BEGINNING AT THE SOUTHWEST CORNER OF THE ENOCH COOPER DONATION LAND CLAIM NO. 53, NOTIFICATION NO. 1490, TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON AND BEING A PART OF SAID CLAIM; RUNNING THENCE NORTH, 11.12 CHAINS TO THE NORTHWEST CORNER OF LOT 6 AND THE SOUTHWEST CORNER OF LOT 5 OF COUNTY SURVEY NO. 1463; THENCE EAST ALONG THE SOUTH LINE OF LOT 5, 31.97 CHAINS TO CENTER OF COUNTY ROAD; THENCE SOUTH 3°30' WEST ALONG THE CENTER OF SAID ROAD, 11.12 CHAINS TO THE SOUTH LINE OF SAID CLAIM; THENCE WEST ALONG THE SOUTH LINE OF SAID CLAIM, 31.45 CHAINS TO THE PLACE OF BEGINNING, ALSO BEING LOT 6 OF COUNTY SURVEY NO. 1463.

EXCEPT THAT PORTION CONVEYED TO YAMHILL COUNTY, OREGON, BY DEED RECORDED DECEMBER 13, 1928 IN BOOK 100, PAGE 212, DEED RECORDS OF YAMHILL COUNTY, OREGON.

AND ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO HOWARD BAKER, ET UX., BY DEED RECORDED APRIL 22, 1964 IN FILM VOLUME 36, PAGE 811, DEED AND MORTGAGE RECORDS OF YAMHILL COUNTY, OREGON.

Portion of APN 5309-1500

Parcel 2:

PART OF THE DONATION LAND CLAIM OF HENRY HEWITT AND WIFE, NOTIFICATION NO. 1629, CLAIM NO. 56 IN SECTION 16, TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON AND SAID PART BEING BOUNDED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DONATION LAND CLAIM, NORTH 89°45' EAST, 19.72 CHAINS FROM A STONE AT THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM; THENCE NORTH 89°45' EAST ALONG THE NORTH LINE OF SAID DONATION LAND CLAIM 15.92 CHAINS TO STAKE; THENCE SOUTH 1°40' WEST ALONG FENCE, NOW THERE 29.10 CHAINS TO STAKE SET ON SOUTH SIDE OF ANCHOR POST NOW THERE; THENCE SOUTH 89°45' WEST ALONG OLD FENCE, NOW THERE 15.09-1/2 CHAINS TO CENTER OF OLD RAIL FENCE, NOW THERE; THENCE NORTH 03' EAST ALONG OLD RAIL FENCE, NOW THERE 29.08-1/2 CHAINS TO THE PLACE OF BEGINNING.

Portion of APN 5309-1500

UNIONVALE WEST

Legal Description After Lot Line Adjustment and Corrected Legal Description.

TRACT 3

A TRACT OF LAND BEING A PART OF LOT NO. 2, SECTION 9, A PART OF LOT NO. 3, SECTION 16 AND A PART OF THE ALBERT GAINES DONATION LAND CLAIM NO. 50, NOTIFICATION NO. 1845 IN TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, AND BEGINNING AT AN IRON PIPE SET ON THE TRUE SOUTH LINE OF AND 17.00 CHAINS WEST FROM THE SOUTHEAST CORNER OF THE JOHN H. THESSING DONATION LAND CLAIM NO. 51, NOTIFICATION NO. 1643 IN SAID TOWNSHIP AND RANGE; THENCE WEST ALONG THE SOUTH LINE OF SAID THESSING DONATION LAND CLAIM, 39.303 CHAINS TO A STONE FOR THE NORTHWEST CORNER; THENCE SOUTH 16.576 CHAINS SET STAKE AND STONE; THENCE EAST PARALLEL TO THE NORTH LINE

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Salem, OR

39.123 CHAINS TO A STONE AT THE TRUE NORTHWEST CORNER OF THE HENRY HEWITT DONATION LAND CLAIM, FROM WHICH ONE OF THE ORIGINAL BEARING TREES, AN OAK 24 INCHES IN DIAMETER BEARS NORTH 70° WEST, 60 LINKS, ALSO AN OAK 12 INCHES IN DIAMETER BEARS NORTH 70° EAST, 10 FEET, A STONE SET BY BRANSON IN FORMER SURVEY IS 9 LINKS NORTH AND 5-1/4 LINKS EAST; THENCE NORTH 00°37' EAST, 16.576 CHAINS TO THE PLACE OF BEGINNING.

TOGETHER WITH THAT TRACT OF LAND DESCRIBED IN PARCEL 25 OF INSTRUMENT #199811201, YAMHILL COUNTY DEED RECORDS, BEING A TRIANGULAR SHAPED PARCEL OF LAND SITUATED IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON (BEING A PART OF THOSE CERTAIN PREMISES DESCRIBED IN DEED TO LEAVITT RECORDED MARCH 2, 1994 IN FILM VOLUME 304, PAGE 1121, DEED AND MORTGAGE RECORDS, YAMHILL COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE NORTHEAST CORNER OF COUNTY SURVEY NO. 2332, BEING ON THE SOUTH LINE OF THE JOHN THESSING DONATION LAND CLAIM NO. 51, AT A POINT THAT IS SOUTH 89° 45' WEST, 17.00 CHAINS FROM THE SOUTHEAST CORNER OF THE THESSING CLAIM, AND BEING ALSO NORTH 89° 45' EAST 219.04 FEET FROM THE NORTHEAST CORNER OF THE ALBERT GAINES DONATION LAND CLAIM NO. 50; THENCE SOUTH 00° 36' WEST AND ALONG THE WEST LINE OF THE AFORESAID LEAVITT TRACT (FILM VOLUME 304, PAGE 1121) 186.69 FEET TO AN IRON ROD AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 59° 10' 18" EAST, 348.76 FEET TO AN IRON ROD AND THE SOUTH LINE OF SAID LEAVITT TRACT; THENCE SOUTH 89° 45' 00" WEST ALONG THE SOUTHERLY LINE OF THE LEAVITT TRACT 301.37 FEET TO THE SOUTHWEST CORNER THEREOF AND AN IRON PIPE SET NORTH 00° 36' EAST 726.94 FEET FROM THE NORTHWEST CORNER OF THE HENRY HEWITT DONATION LAND CLAIM NO. 56; THENCE NORTH 00° 36' 00" EAST ALONG THE WEST LINE OF THE LEAVITT TRACT, 180.05 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF THAT TRACT OF LAND DESCRIBED IN PARCEL 12 OF INSTRUMENT #199811201, YAMHILL COUNTY DEED RECORDS, BEING A PART OF GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 5 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN PARCEL 25 OF INSTRUMENT #199811201, YAMHILL COUNTY DEED RECORDS, SAID CORNER ON RECORD AS BEING SOUTH 00° 36' WEST 366.74 FEET FROM AN IRON PIPE AT THE NORTHEAST CORNER OF COUNTY SURVEY NO. 2332, SAID BEGINNING POINT BEING ON THE WEST BOUNDARY OF SAID PARCEL 12; THENCE NORTH 89° 37' 22" EAST 243.37 FEET ALONG THE SOUTH BOUNDARY OF SAID PARCEL 25 TO A 5/8" IRON ROD; THENCE SOUTH 52° 14' 55" WEST 308.69 FEET TO A POINT ON THE WEST BOUNDARY OF SAID PARCEL 12, SAID POINT BEING NORTH 00° 13' 02" EAST 539.57 FEET FROM THE NORTHWEST CORNER OF THE HENRY HEWITT DONATION LAND CLAIM NO. 56; THENCE NORTH 00° 13' 02" EAST 187.39 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF THAT TRACT OF LAND DESCRIBED IN PARCEL 11 OF INSTRUMENT #199811201, YAMHILL COUNTY DEED RECORDS, BEING A PORTION OF THE ALBERT GAINES DONATION LAND CLAIM NO. 50, AND A PORTION OF GOVERNMENT LOT 2 OF SECTION 9, AND A PORTION OF GOVERNMENT LOT 3 OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HENRY HEWITT DONATION LAND CLAIM NO. 56; THENCE SOUTH 89° 37' 22" WEST 219.29 FEET ALONG THE SOUTH BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN SAID PARCEL 11; THENCE SOUTH 89° 32' 33" WEST 168.47 FEET TO A 5/8" IRON ROD ON THE SOUTH BOUNDARY OF SAID PARCEL 11; THENCE NORTH 26° 09' 17" EAST 141.07 FEET TO A 5/8" IRON ROD; THENCE NORTH 09° 47' 10" EAST 104.04 FEET TO A 5/8" IRON ROD; THENCE NORTH 15° 47' 49" EAST 63.22 FEET TO A 5/8" IRON ROD; THENCE NORTH 32° 59' 12" EAST 61.64 FEET TO A 5/8" IRON ROD; THENCE NORTH 52° 14' 55" EAST 327.77 FEET TO A POINT ON THE EAST

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Salem, OR

BOUNDARY OF SAID PARCEL 11, SAID POINT BEARING NORTH 00° 13' 02" EAST 539.57 FEET FROM THE NORTHWEST CORNER OF THE HENRY HEWITT DONATION LAND CLAIM NO. 56; THENCE SOUTH 00° 13' 02" WEST 539.57 FEET TO THE PLACE OF BEGINNING.

Resulting tract containing 63.0 +/- Acres.

APN 5308-01801

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Salem, OR

EXHIBIT B
PERMITTED EXCEPTIONS

ALL TRACTS:

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. These premises are within the boundaries of the Palmer Creek Water District and are subject to the levies and assessments thereof.

TRACT 1

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. Easement, including terms and provisions contained therein:

Recording Information: August 26, 1994 in Film Volume 315, Page 0039,
Deed and Mortgage Records
In Favor of: Gordon Bailey, Trustee of the Gordon Bailey Revocable Trust dated
November 9, 1989
For: Right-of-way

3. Easement, including terms and provisions contained therein:

Recording Information: August 26, 1994 in Film Volume 315, Page 0040,
Deed and Mortgage Records
In Favor of: Gordon Bailey, Trustee of the Gordon Bailey Revocable
Trust dated November 9, 1989
For: Right-of-way

Received by OWRD

4. An easement reserved in a deed, including the terms and provisions thereof;

OCT 24 2021

Recorded: July 01, 1996
Recording Information: Instrument No. 199610475, Deed and Mortgage Records
From: Margaret M. Bailey, Virginia Karen Bartch, James Fritz, Jonathon
Bartch and Thomas J. Campbell, Successor Co-Trustees of the
Gordon Bailey Revocable Living Trust, dated November 9, 1989
To: Brent Leavitt and Tamara Leavitt, husband and wife
For: Right-of-way

Salem, OR

5. Easement and Well Usage Agreement and the terms and conditions thereof:

Between: Joseph T. Holbrook
And: Carlton Nursery Company, LLC, an Oregon limited liability company
Recording Information: December 29, 2004 as Instrument No. 200426240, Deed and
Mortgage Records

And Re-Recorded: January 04, 2005
Recording Information: Instrument No. 200500215, Deed and Mortgage Records

6. Easement, including terms and provisions contained therein:

Recording Information: March 25, 2014 as Instrument No. 201403284, Deed and Mortgage Records
In Favor of: Portland General Electric Company, an Oregon corporation, and its successors and assigns
For: Right-of-way

7. Easement, including terms and provisions contained therein:

Recording Information: March 25, 2014 as Instrument No. 201403285, Deed and Mortgage Records
In Favor of: Portland General Electric Company, an Oregon corporation, and its successors and assigns
For: Right-of-way

Received by OWRD

8. Easement Agreement and the terms and conditions thereof:

OCT 24 2021

Between: Charles H. Hoffman III
And: Carlton Nursery Company, LLC and Carlton Plants, LLC
Recording Information: November 01, 2017 as Instrument No. 201717562, Deed and Mortgage Records

Salem, OR

9. A deed restriction, reserved, and as set forth, in a deed, including the terms and provisions thereof;

Recorded: November 30, 2018
Recording Information: Instrument No. 201816952, Deed and Mortgage Records
From: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company
To: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC, an Oregon limited liability company
And Re-Recorded: April 30, 2019
Recording Information: Instrument No. 201905256, Deed and Mortgage Records

10. Easement Agreement and the terms and conditions thereof:

Between: Bailey Nurseries, Inc.
And: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC
Recording Information: November 30, 2018 as Instrument No. 201816956, Deed and Mortgage Records

TRACT 2

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. Easement, including terms and provisions contained therein:

Recording Information: November 18, 2003 as Instrument No. 200329335, Deed and Mortgage Records
In Favor of: Carlton Nursery Company, LLC, an Oregon limited liability company
For: Well

3. Easement Agreement and the terms and conditions thereof:

Between: Charles H. Hoffman III
And: Carlton Nursery Company, LLC, and Carlton Plants, LLC
Recording Information: November 01, 2017 as Instrument No. 201717562, Deed and Mortgage Records

4. Easement Agreement and the terms and conditions thereof:

Between: Bailey Nurseries, Inc.
And: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC
Recording Information: November 30, 2018 as Instrument No. 201816956, Deed and Mortgage Records

5. Easement Agreement and the terms and conditions thereof:

Between: Bailey Nurseries, Inc.
And: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC
Recording Information: December 12, 2019 as Instrument No. 201918081, Deed and Mortgage Records

TRACT 3

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. Easement, including terms and provisions contained therein:

Recording Information: August 26, 1994 in Film Volume 315, Page 0040, Deed and Mortgage Records
In Favor of: Gordon Bailey, Trustee of the Gordon Bailey Revocable Trust dated November 9, 1989
For: Right-of-way

3. Easement, including terms and provisions contained therein:

Recording Information: March 13, 1997 as Instrument No. 199703970, Deed and Mortgage Records
In Favor of: Margaret M. Bailey, Thomas J. Campbell, Virginia Karen Bartch, Jonathon Bartch and James Fritz, Trustees of the Gordon Bailey Revocable Trust dated November 9, 1989

Received by OWRD

OCT 24 2021

Salem, OR

For: Rights-of-way

4. Easement Agreement and the terms and conditions thereof:

Between: Charles H. Hoffman III
And: Carlton Nursery Company, LLC, and Carlton Plants, LLC
Recording Information: November 01, 2017 as Instrument No. 201717562, Deed and Mortgage Records

5. Easement Agreement and the terms and conditions thereof:

Between: Bailey Nurseries, Inc.
And: Sweet Pea Farms LLC, an Oregon limited liability company, formerly known as Carlton Nursery Company, LLC
Recording Information: November 30, 2018 as Instrument No. 201816956, Deed

Received by OWRD

OCT 24 2021

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

October 18, 2021

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

Reference: Water Right Transfer Application T-13527

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13527. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 17, 2021.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by November 17, 2021, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership;
OR
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

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

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

- d) Must include a list of owners at the time the report was generated; **AND**
- e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).

5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:
https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Please note the proposed date by which all conditions must be met: October 1, 2023. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

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.
3. **If we do not receive the items listed above by November 17, 2021, a Preliminary Determination may be issued denying the application as incomplete.**

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

Sincerely,

Scott Grew

Transfer Specialist

cc: Transfer Application file T-13527
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Theodore Ressler, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application
T-13527, Yamhill County

)
) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF
) APPROPRIATION AND 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.

Applicant

BAILEY NURSERIES, INC.,
ATTN: JON ESTES
PO BOX 398
DAYTON, OR 97114

Findings of Fact

1. On September 29, 2020, BAILEY NURSERIES, INC., ATTN: JON ESTES filed an application to change a point of appropriation and an additional point of appropriation under Certificate 31650. The Department assigned the application number T-13527.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
 - Certificate:** 31650 in the name of NORMAN & JOYCE QUIGLEY (perfected under Permit G-1387)
 - Use:** IRRIGATION of 117.9 ACRES
 - Priority Date:** JULY 14, 1959
 - Rate:** 1.06 CUBIC FEET 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 WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	9	SE SW	53	POA 1 - 5 CHAINS SOUTH AND 12 CHAINS EAST FROM THE SE CORNER OF THESSING DLC 51

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	8	SW SE		50	21.4
5 S	3 W	WM	8	SE SE		50	27.6
5 S	3 W	WM	9	SW SW	2		19.5
5 S	3 W	WM	9	SE SW	1		0.8
5 S	3 W	WM	9	SE SW		53	16.5
5 S	3 W	WM	9	SW SE		53	9.9
5 S	3 W	WM	16	NW NE		53	2.8
5 S	3 W	WM	16	NE NW	2		0.1
5 S	3 W	WM	16	NE NW		53	4.6
5 S	3 W	WM	16	NW NW	3		4.8
5 S	3 W	WM	17	NE NE		50	5.6
5 S	3 W	WM	17	NW NE		50	4.3
						Total	117.9

4. Transfer Application T-13527 proposes to move the authorized point of appropriation approximately 700 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	SE SW	WELL 3 – 520 FEET NORTH AND 1275 FEET EAST FROM THE NW CORNER OF DLC 56

5. Transfer Application T-13527 proposes an additional point of appropriation approximately 1800 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	9	NW SW	HOLBROOK WELL 2 – 2120 FEET NORTH AND 675 FEET EAST FROM THE NW CORNER OF DLC 56

Transfer Review Criteria (OAR 690-380-4010)

6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13527.

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.
10. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 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-13527 is approved, the final order will include the following:

- 1. The change in point of appropriation and an additional point of appropriation proposed in Transfer Application T-13527 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 31650 and any related decree.*
- 3. Water right Certificate 31650 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new point of appropriation (Well 3), together with that diverted at the new additional point of appropriation (Holbrook Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. The former place of use of the transferred right shall no longer receive water under the right.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.*

8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft 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@oregon.gov or 503-986-0890.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13527

GW Reviewer Jen Woody Date Review Completed: 8/3/2021

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-13527

Applicant Name: Bailey Nurseries, Inc.

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

Reviewer(s): Jen Woody

Date of Review: 8/3/2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/21

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: T-13527 proposes to change Certificate 31650 by removing one well (MARI 2888) and adding YAMH 6439 and a proposed well.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The proposed POAs are located on a terrace approximately 60 feet above the adjacent floodplain of the Willamette River. The terrace consists of a thick sequence of predominately fine-grained sediments. The upper 50-100 feet of sediments are likely Willamette Silt. Thin (5-15 feet), discontinuous beds of sands and gravels are observed within this sediment package at depths greater than 50 feet. According to observed static water levels and published water table maps, the water table occurs at shallow depths within the Willamette Silt, which acts as a leaky confining layer for productive sands and gravel at depth (Conlon and others, 2005).
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No see Section 2.
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

- ☒ Yes ☐ No Comments: YAMH 6439 already has two water rights (Certificate 43948 and GR 2034) with a total rate of 1.20 cfs. This transfer proposes to move up to an additional 1.1 cfs to the same well, which may result in a total rate that exceeds the well's maximum possible physical pumping rate.

☐ Yes ☒ No If yes, explain: See comments in 4a. The new use will interfere with the existing water rights associated with YAMH 6439. However, the physical rate limitations on YAMH 6439 will be self-limiting and force the rate to be spread out across all the associated POAs. Therefore, it is likely the proposed changes will be feasible if rate is split across the multiple wells and not limited to YAMH 6439.

☐ Yes ☒ No Comments: The proposed wells are closer to Warner Creek, a tributary to Palmer Creek. However, there are 80-100 feet of low-permeability Willamette Silt underlying Warner Creek. This will prevent a significant change in stream interference by moving pumping to the proposed new wells.

Provide context for minimal/significant impact: N/A

- ☐ Yes ☐ No Comments: N/A

7. Any additional comments:none

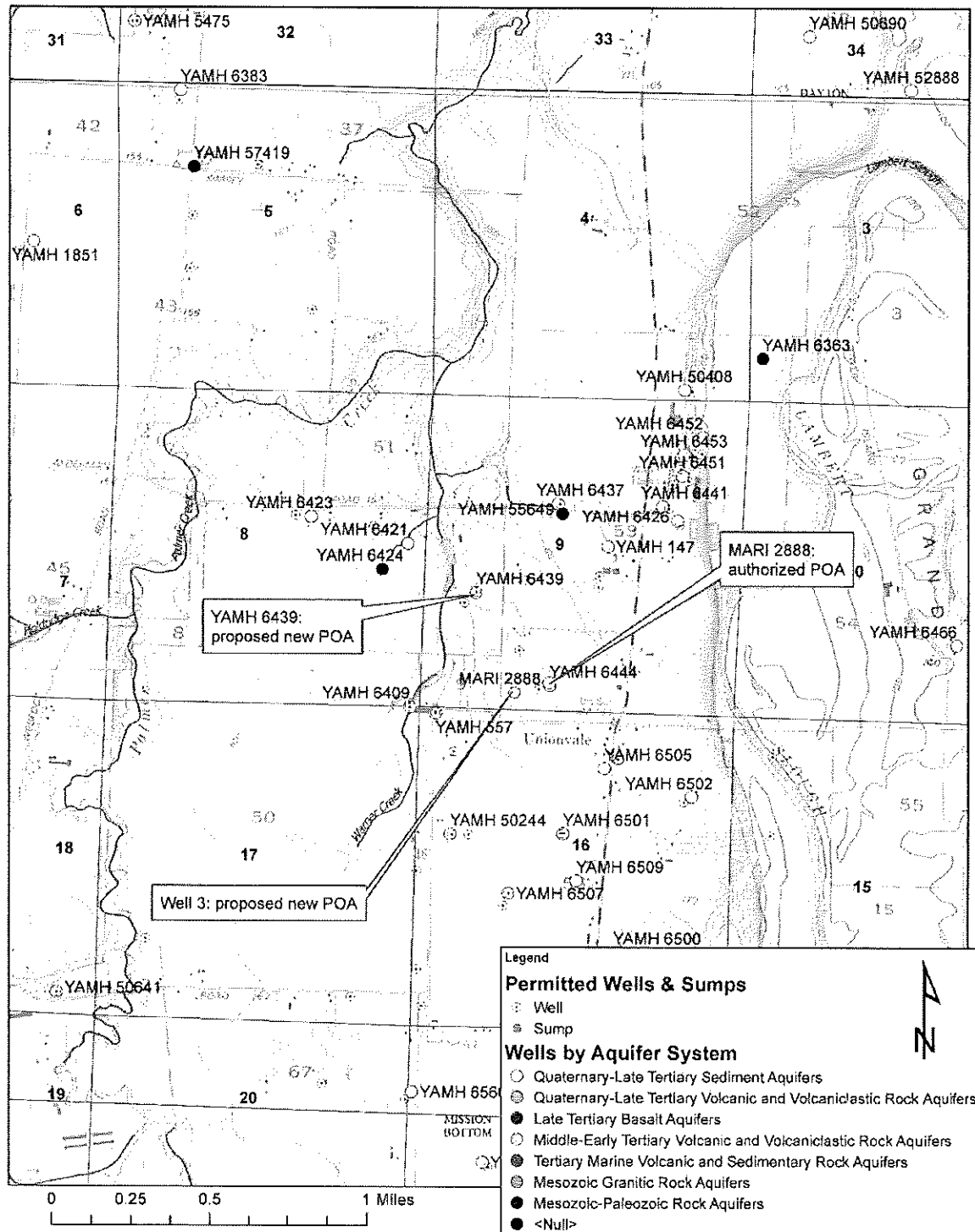
Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

OWRD Groundwater Information System water level and well log data, accessed 8/2/2021.

Version: 20210204

Well location map

T-13527 Bailey Nurseries, Inc. 5S/3W - Section 9



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-13527

Review Due Date:

Applicant Name: Bailey Nurseries Inc

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

Reviewer(s): Joel Plahn

Date of Review: 10/15/2020

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-

☐ In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 29, 2020

BAILEY NURSERIES
JON ESTES
PO BOX 398
DAYTON, OR 97114

Reference: Application T- 13527

On September 29, 2020, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 133515 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 or as the original POD.

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

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

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

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

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

Cc: Watermaster Dist. #22 (*via email*)
Yamhill County Planning Department
Theodore Ressler, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **133515**

INVOICE # _____

RECEIVED FROM: Bailey Nurseries

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-12527</u>

CASH: ☐ CHECK: # 11890 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,570.00

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	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>1,570.00</u>
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	

EXAM FEE
\$
\$
\$ <u>1,570.00</u>
EXAM FEE
\$

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **133515**

DATED: 9-21-2020 BY: [Signature]

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

SEP 21 2020

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: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 31650 (Attachment A)**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

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

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter \$410 »		
4		4	\$410
	Do you propose to change the place of use or character of use? ☒ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,570
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »		
7		7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,570

*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	\$840.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	937	N/A

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Bailey Nurseries, Inc., ATTN: Jon Estes		PHONE NO. 503-457-6897	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 398		FAX NO.	
CITY Dayton	STATE OR	ZIP 97114	E-MAIL jon.estes@baileynursery.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME GSI Water Solutions, Inc., ATTN: Theodore Ressler		PHONE NO. 971-200-8509	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill Street, Suite 300		FAX NO.	
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
Applicant is proposing to remove one existing well (MARI 2888), add one existing well (YAMH 6439), and add one new well (proposed Well 3) to a 117.9-acre portion of Certificate 31650.

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: News-Register.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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


Applicant signature

Applicant signature

Jon Estes, Water Resources Manager
Print Name (and Title if applicable)

Print Name (and Title if applicable)

9/10/2020
Date

Date

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

Check the following boxes that apply:

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

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

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

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

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

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

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Describe any special ownership circumstances here: _____

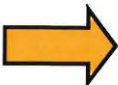
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- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) **Although the nursery site is located within the Palmer Creek Water District Improvement Company's service area, the groundwater right being transferred is neither held nor served by the district.**

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 N/A	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 Yamhill County	ADDRESS 525 NE 4th Street		
CITY McMinnville	STATE OR	ZIP 97128	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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 # **31650**

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Description of Water Delivery System

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System capacity: **1.1** cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from POA 1 using a 7.5 horsepower submersible pump and conveyed via a buried 6-inch diameter mainline to the place of use where it is applied with impact 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)
POA 1	☒ Authorized ☐ Proposed	MARI 2888	5 S	3 W	9	SE SW	1300	5 chains South and 12 chains East from SE corner, Thessing DLC 51
Well 3	☐ Authorized ☒ Proposed	NOT DRILLED	5 S	3 W	9	SE SW	1500	520 feet North and 1275 feet East from NW corner, DLC 56
Holbrook Well 2	☐ Authorized ☒ Proposed	YAMH 6439	5 S	3 W	9	NW SW	400	2120 feet North and 675 feet East from NW corner, DLC 56

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

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

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

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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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 Changes to Water Right Certificate # 31650

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901				
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901				
5	S	3	W 8 SW SE		DLC 50	21.4	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 8 SW SE		DLC 50	21.4	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 8 SE SE		DLC 50	27.6	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 8 SE SE		DLC 50	27.6	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 9 SW SW		GL 2	19.5	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 9 SW SW		GL 2	19.5	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 9 SE SW		GL 1	0.8	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 9 SE SW		GL 1	0.8	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 9 SE SW		DLC 53	16.5	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 9 SE SW		DLC 53	16.5	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 9 SW SE		DLC 53	9.9	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 9 SW SE		DLC 53	9.9	Irrigation	Well 3, Holbrook Well 2	7/14/1959				
5	S	3	W 16 NW NE		DLC 53	2.8	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W 16 NW NE		DLC 53	2.8	Irrigation	Well 3, Holbrook Well 2	7/14/1959				

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
5	S	3	W	16	NE	NW		GL 2	0.1	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W	16	NE	NW		GL 2	0.1	Irrigation	Well 3, Holbrook Well 2	7/14/1959
5	S	3	W	16	NE	NW		DLC 53	4.6	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W	16	NE	NW		DLC 53	4.6	Irrigation	Well 3, Holbrook Well 2	7/14/1959
5	S	3	W	16	NW	NW		GL 3	4.8	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W	16	NW	NW		GL 3	4.8	Irrigation	Well 3, Holbrook Well 2	7/14/1959
5	S	3	W	17	NE	NE		DLC 50	5.6	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W	17	NE	NE		DLC 50	5.6	Irrigation	Well 3, Holbrook Well 2	7/14/1959
5	S	3	W	17	NW	NE		DLC 50	4.3	Irrigation	POA 1	7/14/1959	POA/APOA	5	S	3	W	17	NW	NE		DLC 50	4.3	Irrigation	Well 3, Holbrook Well 2	7/14/1959
TOTAL ACRES:									117.9					TOTAL ACRES:									117.9			

Additional remarks: The proposed transfer involves a 117.9-acre portion of Certificate 31650. The 4.7 acres of Remaining Lands are shown on the transfer map, Attachment B.

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: N/A - no change to Place of Use or Character of Use is proposed.



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

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

Ground water supplemental Permit or Certificate # N/A;

Surface water primary Certificate # N/A.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

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

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 3	No	N/A	200 to 250 ft (est)	8-inch (est)	0 to 100 ft (est)	0 to 75 ft (est)	Screened intervals(s) between 100 to 250 ft (est)	22 ft (est)	Quaternary-Late Tertiary Sediment Aquifer	

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STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

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This Is to Certify, That NORMAN & JOYCE QUIGLEY

of 1207 East, Alamosa, State of Colorado, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Willamette River
irrigation of 122.6 acres

for the purpose of

under Permit No. G-1387 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 14, 1959,

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 1.1 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Cooper DLC 53, Sec. 9, T. 5 S., R. 3 W., W. M.; Well located 5 chains South and 12 chains East from SE corner, Thessing DLC 51.

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

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

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

21.4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
27.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
both as projected within Gaines DLC 50	both as projected within Cooper DLC 53
Section 8	0.1 acre Lot 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
23.4 acres Lot 2 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	4.8 acres Lot 3 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
0.8 acre Lot 1 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)	Section 16
16.5 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
10.7 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
both as projected within Cooper DLC 53	both as projected within Gaines DLC 50
Section 9	Section 17
T. 5 S., R. 3 W., W. M.	T. 5 S., R. 3 W., 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 date. JUNE 15 1964

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page

3153527

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of YAMHILL) ss

I, JON ESTES, in my capacity as WATER RESOURCES MANAGER,

mailing address P.O. BOX 398, DAYTON, OR 97114

telephone number (503)457-6897, 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 # ____; **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)
31650	5	S	3	W	WM	8	SW	SE	DLC 50	21.4
31650	5	S	3	W	WM	8	SE	SE	DLC 50	27.6
31650	5	S	3	W	WM	9	SW	SW	GL 2	19.5
31650	5	S	3	W	WM	9	SE	SW	GL 1	0.8
31650	5	S	3	W	WM	9	SE	SW	DLC 53	16.5
31650	5	S	3	W	WM	9	SW	SE	DLC 53	9.9
31650	5	S	3	W	WM	16	NW	NE	DLC 53	2.8
31650	5	S	3	W	WM	16	NE	NW	GL 2	0.1
31650	5	S	3	W	WM	16	NE	NW	DLC 53	4.6
31650	5	S	3	W	WM	16	NW	NW	GL 3	4.8
31650	5	S	3	W	WM	17	NE	NE	DLC 50	5.6
31650	5	S	3	W	WM	17	NW	NE	DLC 50	4.3

OR

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

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- ☐ 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)

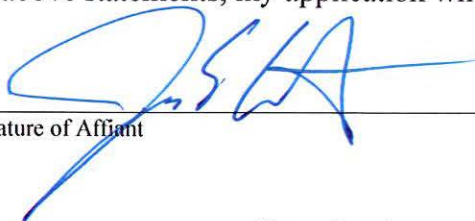
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(continues on reverse side)

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

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


Signature of Affiant

9/10/2020
Date

Signed and sworn to (or affirmed) before me this 10th day of September, 2020.




Notary Public for Oregon

My Commission Expires: 12/2/2022

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☒ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.

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	Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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

Account # [REDACTED]

Balance Forward 0.00
Current Charges 336.97

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Service Address:
BAILEY NURSERIES INC
16040 SE UNIONVALE RD
DAYTON, OR 97114

Cycle: 07

AMOUNT DUE \$336.97
Due date for current bill 03/27/20

This month's charges (Turn over for details)

Meter # 31025846AB, Schedule 47

Energy Charges (1922 kWh) 325.14
Adjustments 0.39 CR

Other Charges/Credits 1.43

Total Taxes and Fees 10.79

Current Energy Charges 336.97

43/90

Your energy use

Meter # 31025846AB

Schedule 47

Service Period Meter Reading

03/11/20 89693

02/11/20 87771

29 days of service 1922 kWh

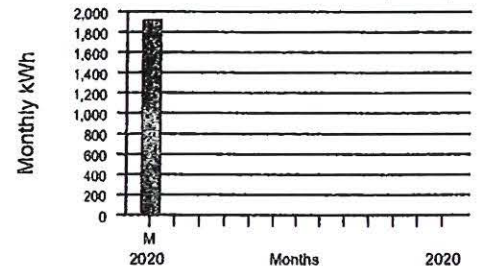
RECEIVED

SEP 21 2020

OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Mar 2020	41	1922	336.97
N/A	N/A	N/A	N/A

*Temperature source: McMinnville Municipal Airport



Please detach and return this portion with your payment.



P.O. Box 4438
Portland, OR 97208-4438

07

Account Number

Due Date: 03/27/20

Amount Due: \$336.97

*004524



BAILEY NURSERIES INC
PO BOX 399
DAYTON OR 97114-0399

Please indicate amount paid below

\$

Questions? Call 1-800-542-8818 or
portlandgeneral.com

PGE





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

Account # [REDACTED]

Previous Amount Due 336.97
Payments 336.97 CR
Balance Forward 0.00
Current Charges 134.77

RECEIVED APR 15 2020

Service Address:
BAILEY NURSERIES INC
16040 SE UNIONVALE RD
DAYTON, OR 97114

Cycle: 07

AMOUNT DUE \$134.77
Due date for current bill 04/28/20

This month's charges (Turn over for details)

Meter # 31025846AB, Schedule 47

Energy Charges (732 kWh)	130.03
Adjustments	0.13 CR
	129.90
Other Charges/Credits	0.57
Total Taxes and Fees	4.30
Current Energy Charges	134.77

Thank you for your payment.

43/90

Your energy use

Meter # 31025846AB
Schedule 47

Service Period	Meter Reading
04/10/20	90425
03/11/20	89693
30 days of service	732 kWh

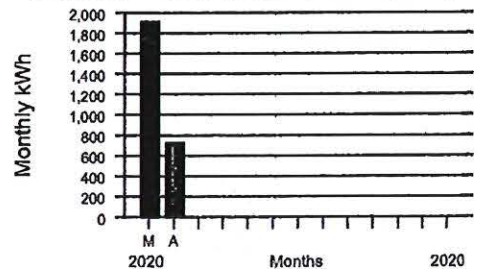
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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Apr 2020	45	732	134.77
N/A	N/A	N/A	N/A

*Temperature source: McMinnville Municipal Airport



Please detach and return this portion with your payment.



P.O. Box 4438
Portland, OR 97208-4438

07

Account Number

Due Date: 04/28/20

Amount Due: \$134.77

*004555



BAILEY NURSERIES INC
PO BOX 399
DAYTON OR 97114-0399

Please Indicate amount paid below

\$

134.77

Questions? Call 1-800-542-8818 or
portlandgeneral.com

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

Account # [REDACTED]

MAY 15 2020

Previous Amount Due	134.77
Payments	134.77 CR
Balance Forward	0.00
Current Charges	310.66

Service Address:
BAILEY NURSERIES INC
16040 SE UNIONVALE RD
DAYTON, OR 97114

Cycle: 07

AMOUNT DUE \$310.66
Due date for current bill 05/28/20

This month's charges (Turn over for details)

Meter # 31025846AB, Schedule 47

Energy Charges (1542 kWh)	299.83
Adjustments	0.31 CR
	299.52
Other Charges/Credits	1.32
Total Taxes and Fees	9.82
Current Energy Charges	310.66

Thank you for your payment.

43/90

Your energy use

Meter # 31025846AB

Schedule 47

Service Period	Meter Reading
05/11/20	91967
04/10/20	90425
31 days of service	1542 kWh

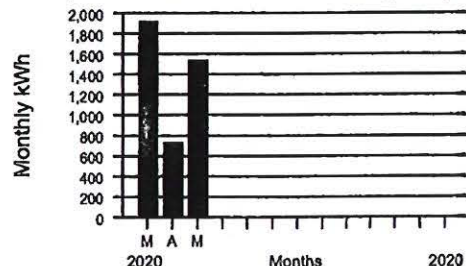
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SEP 21 2020

OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
May 2020	55	1542	310.66
N/A	N/A	N/A	N/A

*Temperature source: McMinnville Municipal Airport

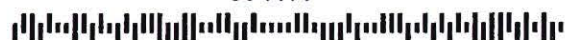


Please detach and return this portion with your payment.



P.O. Box 4438
Portland, OR 97208-4438

*004177



BAILEY NURSERIES INC
PO BOX 399
DAYTON OR 97114-0399

07

Account Number

Due Date: 05/28/20

Amount Due: \$310.66

Please Indicate amount paid below

\$

Questions? Call 1-800-542-8818 or
portlandgeneral.com

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

Account # [REDACTED]

Service Address:
BAILEY NURSERIES INC
16040 SE UNIONVALE RD
DAYTON, OR 97114

JUN 15 2020

Previous Amount Due	310.66
Payments	310.66 CR
Balance Forward	0.00
Current Charges	226.53

Cycle: 07

AMOUNT DUE \$226.53
Due date for current bill 06/26/20

This month's charges (Turn over for details)

Meter # 31025846AB, Schedule 47	
Energy Charges (1047 kWh)	218.67
Adjustments	0.22 CR
	218.45
Other Charges/Credits	0.96
Total Taxes and Fees	7.12
Current Energy Charges	226.53

Thank you for your payment.

Your energy use

Meter # 31025846AB
Schedule 47

Service Period	Meter Reading
06/10/20	93014
05/11/20	91967
30 days of service	1047 kWh

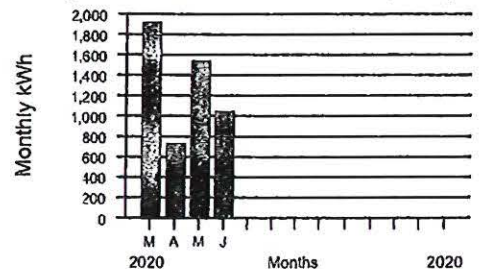
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OWRD

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jun 2020	57	1047	226.53
N/A	N/A	N/A	N/A

*Temperature source: McMinnville Municipal Airport



Please detach and return this portion with your payment.



P.O. Box 4438
Portland, OR 97208-4438

07

Account Number [REDACTED]

Due Date: 06/26/20

Amount Due: \$226.53

*004473



BAILEY NURSERIES INC
PO BOX 399
DAYTON OR 97114-0399

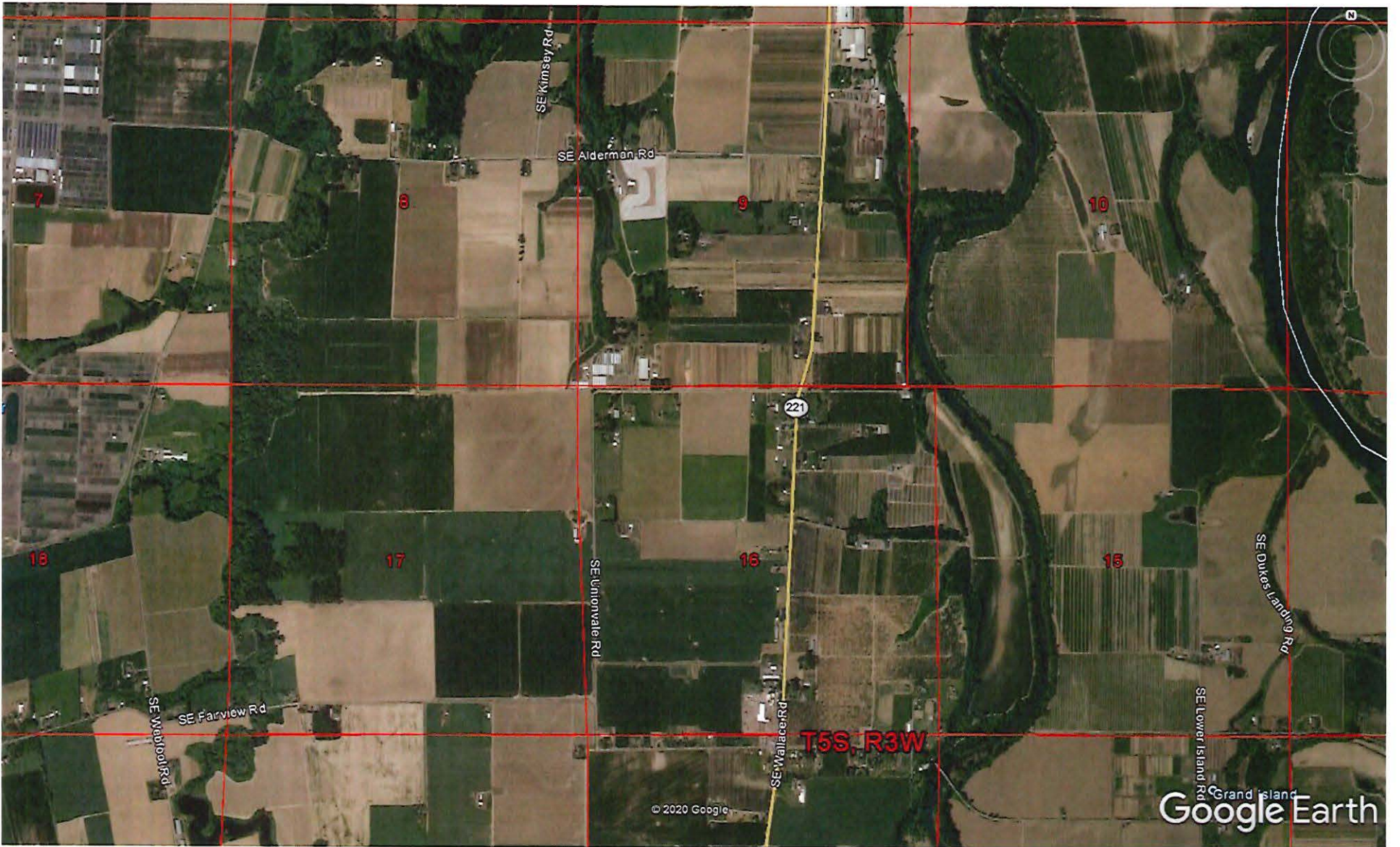
Please Indicate amount paid below

\$

Questions? Call 1-800-542-8818 or
portlandgeneral.com

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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

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State of Oregon)
)ss
County of Yamhill)

I Jon Bartch in my/our capacity as landowner,
mailing address PO Box 306, Dayton OR 97114,
telephone number 503-883-1948, duly sworn depose and say that I
consent to the proposed change(s) to Water Right Certificate Number 31650
described in a Transfer Application (T-____) submitted by Bailey Nurseries, Inc.,
(transfer number, if known)
on the property in tax lot number(s) 1500, 1502, 1801, Section 8 and 9, Township 5
South, Range 3 West, W.M., located at 16140 SE Unionvale Road, Dayton, OR 97114.
(site address)

Jon E Bartch member, Sweet Lea Farms LLC 8/26/20
Signature of Affiant Date

Signature of Affiant Date

Subscribed and Sworn to before me this 26 day of August, 2020



Michele Rose Thomas
Notary Public for Oregon

My commission expires 3/15/2021

13527

#5
OBSERVATION WELL
WATER WELL REPORT
STATE OF OREGON

State Well No. 5/3W-9P(1)
State Permit No.

(1) OWNER:

Name Howard Baker
Address Rt 3 Dayton, Ore

(2) LOCATION OF WELL:

County _____ Owner's number, if any—
1/4 1/4 Section T. R. W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
10" Diam. from 0 ft. to 118 ft. Gage 1/4" Well
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used Turck
SIZE of perforations 12 in. by 4 in. 10
60 perforations from ft. to 70 ft.
200 perforations from 70 ft. to 93 ft.
150 perforations from 103 ft. to 118 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) 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.

(9) CONSTRUCTION:

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1 1/4" p
Gravel placed from ft. to ft.
Was a surface seal provided? ☐ Yes ☐ No To what depth? ft.
Material used in seal—
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level ft. below land surface Date
Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] _____ Date _____, 19____
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: gal./min. with ft. drawdown after hrs.

" " " "

" " " "

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

Artesian flow g.p.m. Date

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

(12) WELL LOG:

Diameter of well 16 inches.

Depth drilled 115 ft. Depth of completed well 115 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top Soil	0	2
Brown clay	2	26
Silty Blue clay	26	45
Blue clay	45	64
Compacted Fine sand w/ wood	64	70
Blue clay	70	74
Fine Blk sand	74	75
Blue clay	75	103
Sand & Fine Gravel	103	112
Builders & Gravel	112	118

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Work started 5/31 1941. Completed 6/17 1941

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Well Driller's Statement:

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

NAME Wilcox Drilling Co.
(Person, firm, or corporation) (Type or print)

Address P.O. Box 579 McMinnville, Ore.

Driller's well number Well #4

[Signed] James H. Wilcox
(Well Driller)

License No. 53 Date 6/28, 1941



Water Solutions, Inc.

September 18, 2020

Ms. Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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RE: Application for a Permanent Water Right Transfer
Certificate 31650, Bailey Nurseries, Inc.

OWRD

Dear Lisa:

On behalf of the applicant, Bailey Nurseries, Inc., please find enclosed an Application for a Permanent Water Right Transfer involving Certificate 31650. The application requests a change in POA and an additional POA for a portion of Certificate 31650. Please also find enclosed a check in the amount of \$1,570 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

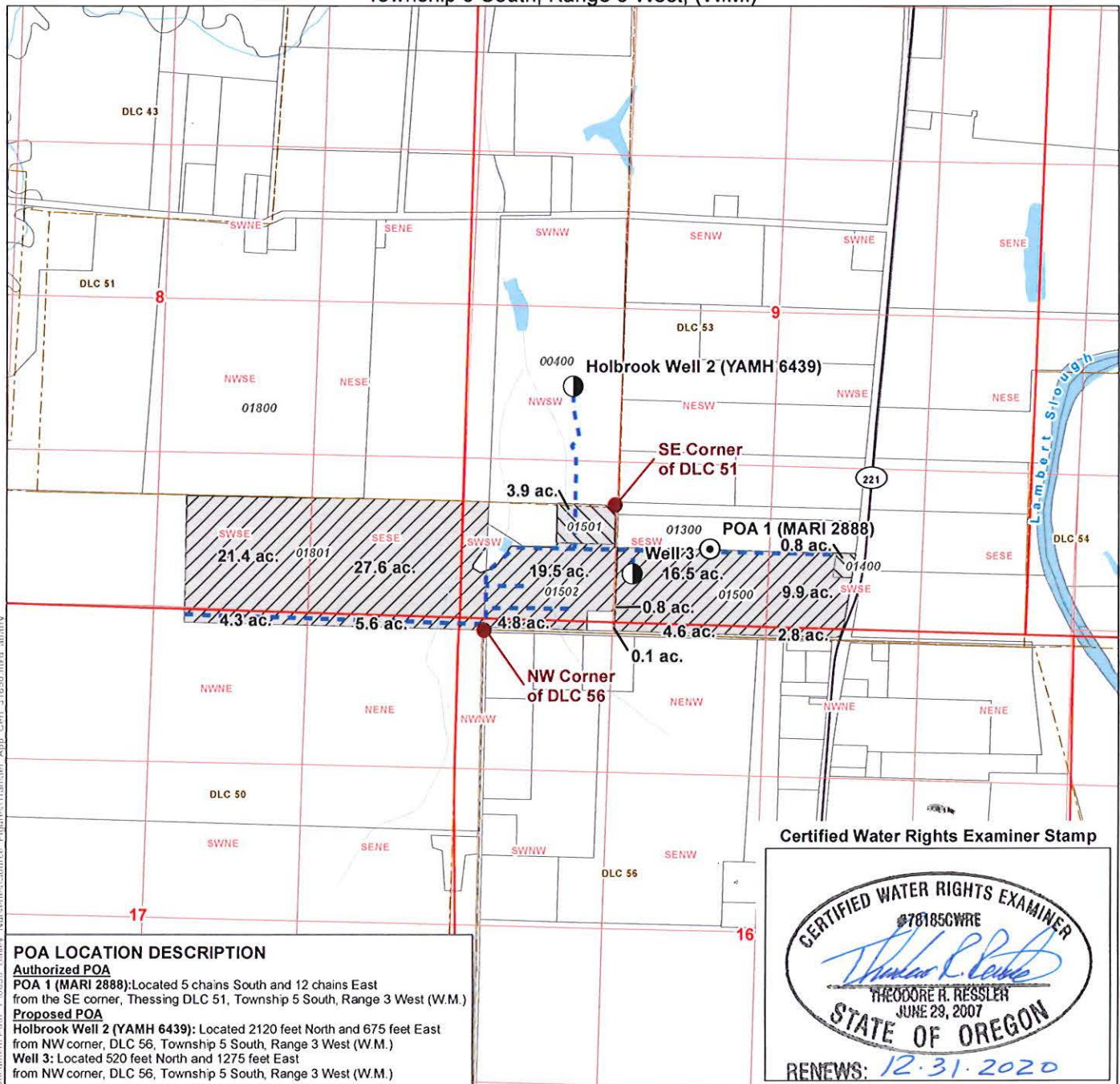
Enclosures: Application for a Permanent Water Right Transfer
Check #111890 in the amount of \$1,570

CC: Jon Estes, Water Resources Manager – Bailey Nurseries, Inc.

13527

Application for a Water Right Transfer

Certificate 31650

Yamhill County
Township 5 South, Range 3 West, (W.M.)

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(s): Bailey Nurseries, Inc., ATTN: Jon Estes

Mailing Address: P.O. Box 398

City: Dayton

State: OR

Zip Code: 97114

Daytime Phone: 503-457-6897

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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
5S	3W	9	SWSW	1500, 1501	EF-80	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
5S	3W	9	SESW	1500	EF-80	☒ Diverted	☒ Conveyed	☒ Used	Irrigation
5S	3W	9	NWSW	1700	EF-80	☒ Diverted	☒ Conveyed	☐ Used	Irrigation

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

Yamhill County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 1.1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

The Applicant is proposing to add two wells to an existing irrigation water right (Certificate 31650) associated with the Applicant's farm.

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

See bottom of Page 3. →

13527

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 Ordinance
- ☐ 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."**

*Ordinance
5309-1500
- 1501
- 1700*

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

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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: Kenneth P. Friday Title: P.D.
 Signature: *[Signature]* Phone: 503 474-9041 Date: 8/4/2020
 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: _____ Phone: _____ Date: _____

13527

Regular Permanent Water Right Transfer Application Checklist

Checked by Scott Date 9/22/28

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

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

☒ 2. Are fees included and correct? Fee paid: 1570
If not, the correct fee would be: _____, so the amount missing is: _____

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

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

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

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled? yes n/c
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

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

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

Certs & acres involved: _____

Changes: _____

cfs involved: _____

Source: _____