

Name Bailey Nerseries IncAddress 9855 NW Pike Rd
Yamhill Oregon 97148Change in POWDate Filed 5/28/2020Initial notice date 6/16/2020

DPD issued date

PD issued date 2/2/2022PD notice date 2/8/2022Date of FO 6/18/2022 Vol 125 Page 234-37C-Date 10/01/2023COBU due date 10/01/2024

COBU Received date

Certificate issued 98707 issued 10-3-2025

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Reservoir, Salt creekTrib. of North Yamhill riverUse nurseryCounty Yamhill

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-70215Per # S-51934Cert # 90079PR Date 3/2/1990

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

App#

Per #

Cert #

PR Date

FEES PAID

Date	Amount	Receipt #
5-28-2020	\$1,160.00	132622
10-11-2024	125.00	143986
10-25-2024	105.00	144062

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

COBU MAP 1.2120
A-9

Irrigation District

Agent Stutzner engineering, bullflatz@stutzner.com

CWRE

CC's list Yamhill county☐ - Oversized map - Location

Mailing List for Final Transfer Certificate(s)

Transfer Application: T-13455

Certificate: 98707 (C-90079)

Certificate/Transfer Holder: (include copy of map)

BAILEY NURSERIES INC

9855 NW PIKE RD

YAMHILL, OR 97148

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Transfer Certificate(s) to be sent to:

1. Watermaster District #: 22
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. ROBYN COOK, CWRE

Record Marking(s):

1. Original Application# S-70215
2. Old Certificate# 90079

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>OCT 03 2025</u>	(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

Date Mailed: OCT 03 2025

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

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

This statement of judicial review rights is required under ORS 536.075 it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL OR 97148

confirms the right to the use of water perfected under the terms of Permit S-51934. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point(s) of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: SALT CREEK AND FIDEL BROTHERS RESERVOIR, TRIBUTARY TO THE NORTH YAMHILL RIVER

PURPOSE OR USE: AGRICULTURE USE (NURSERY OPERATIONS) ON 11.9 ACRES

MAXIMUM RATE: 0.10 CUBIC FOOT PER SECOND

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER; MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

DATE OF PRIORITY: MARCH 2, 1990

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM SE CORNER, DLC 61

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	3.0
2 S	4 W	WM	31	SE SE	54	1.8
2 S	4 W	WM	32	SW NW	54	5.0
2 S	4 W	WM	32	NW SW	54	2.1

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The right is limited to any deficiency in the available supply of any prior right existing for the same land.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered June 8, 2022, at Special Order Volume 125, Page 234, approving Transfer Application T-13455, and together with Certificate 95415, supercedes Certificate 90079, State record of Water Right Certificates.

Issued OCT 03 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

Transfer App #	T-13455	
WRD Reviewer (CW)	J Skauy	Date: Aug 2025
WRD Peer Reviewer (PR)	holmes	Date: Sep 25

ORIGINAL CERT:	CHANGE REQUESTED:	RR Cert:
90079	☒ POU ☐ POD/POA ☐ APOD/APOA ☐ USE ☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE ☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE ☐ POU ☐ POD/POA ☐ APOD/APOA ☐ USE	95415

App #
S-70215

PREPARATION:

CW	PR	RESEARCH:
☒	☐	☐ CBU Report/Map ☒ Transfer Order <i>SPV 125</i> Ord Vol <i>Pg 234</i> Issued Date <i>10/8/2022</i> ☐ Assignment ☐ Transfer Extension
☒	☐	Electronic Folder:
☒	☐	☒ Create CBU folder ☒ Create Work Packet Folder
☒	☐	SCAN: Above documents into "CBU Folder"
☒	☐	SAVE: other documents in "Work Packet Folder"
☒	☐	☐ Certificate(s) ☒ Transfer App Maps (To/From) ☐ ☒ OrMap Tax Lot Map ☒ Ownership Report ☐ BLM Cadastral Survey ☐ GW Logs ☐ GW Conditions ☐ Mitigation ☒ POU Report (conflict) [POU ONLY] ☐ Others:
☒	☐	SEARCH:
☐	☐	☐ Interactive Mapper ☐ AOI ☒ Map and TaxLot ID <i>2100, 2000</i> New Landowner: <i>Sum</i> ☐ Receiving LO:

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Fish Condition	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Meter/Measuring Device	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Water Use Reporting	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	SWL (Month)	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Dedicated MMS tube	
☐ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Well Id	
☒ Y ☐ N/A	☐ Y ☐ N/A	☐ Y ☐ N	Other:	
☒ Y ☐ N/A	☐ Y ☐ N/A	☒ Y ☐ N	C-date: <i>10/1/2023</i>	EXT C-Date: <i>may 2023</i>

REVIEW OF MAP: (Only the changes approved)

CW	PR	Notes:
☐	☐	Verify POA/POD Location (New Only)
☐	☐	Verify POU (New only)
☐	☐	POU clearly identified by Use Type/Certificate
☐	☐	DLC/GOV'T LOT
☐	☐	☐ Original Cert Map for <i>unchanged</i> POU/POD/POA (Attached for Peer Reviewer/Data) ☐ Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
<i>N/A</i>	<i>POU change only</i>			

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	
☒	☐	FINAL	<i>made proof</i>
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECK DOC	
☐	☐	MAPS: Identified for Reference	
☐		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS UPDATED	
☐	☐	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:**PEER REVIEWER COMMENTS:**

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Nick Reece
Transfer #: T-13455	
Date Received: 10/11/2024	
CWRE Name: Robyn Cook	
Priority Date (s): 3/2/1990	

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 #:	
RECOVER FROM:		APPLICATION PERMIT TRANSFER	
CASH CHECK #	OTHER (IDENTIFY)	TOTAL RECEIVED	
☐	☐		
CASH TREASURY CITY MISC CASH ACCT			
6407 COPIES	(IDENTIFY)		
6408 OTHER	(IDENTIFY)		
CASH TREASURY 6243 Min Water Mgmt Plan 6245 Cons Water			
CASH TREASURY 6279 MISC OPERATING ACCT			
MISCELLANEOUS		4611	
6409 COPY & TAP FEES			
6410 RESEARCH FEES			
6404 MISC REVENUE (IDENTIFY)			
6412 IMPROV (LVA) (IDENTIFY)			
6414 EXTENSION OF TIME			
WATER RIGHTS	STAMP FEE	6202	RECORD FEE
6201 SURFACE WATER			
6203 GROUND WATER		6204	
6205 TRANSFER			
WELL CONSTRUCTION	STAMP FEE		RECORD FEE
6218 WELL DRILL CONSTRUCTION		6219	
LANDOWNER'S PERMIT		6220	
6222 OTHER (IDENTIFY)	COBU	3200.00	
CASH TREASURY 6283 HYDROELECTRIC			
6223 POWER LICENSE FEE (FURNISH)		LIC NUMBER	
6221 HYDRO LICENSE FEE (FURNISH)			
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

10/29/2024

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

On October 11, 2024, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Transfer T-13455

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

Enclosed is your receipt for the \$230.00 COBU recording fee.

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 T-13455

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 # **144062**

INVOICE # _____

RECEIVED FROM: GSI

BY: Water Solutions, Inc.

APPLICATION

PERMIT

TRANSFER

T-13455

CASH: ☐

CHECK: #

OTHER: (IDENTIFY) _____

☒ 27090

TOTAL REC'D

\$ 105.00

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 4611

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0200 OTHER (IDENTIFY) LO3u

\$ 105.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **144062**

DATED: 10-25-24

BY: [Signature]

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

**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 # **143986**

INVOICE # _____

RECEIVED FROM: GSI
BY: Water Solutions, Inc.

APPLICATION	
PERMIT	
TRANSFER	T-13455

CASH: ☐ CHECK:# 27075 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0200 OTHER (IDENTIFY) COB \$ 125.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **143986**

DATED: 10-11-24 BY: [Signature]

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

**CLAIM OF
BENEFICIAL USE
for Transfers
Place of Use 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 \$230 fee is included with this COBU.

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 7" 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 place of use.

YES NO

If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION # **S-70215**

Received
OCT 11 2024

T-13455

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*

***Full beneficial use of water was made prior to the October 1, 2023 "C" date and the water system has not been changed since beneficial use was made.**

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

Received
OCT 11 2024
OWRD

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	10/7/2024

SECTION 3
EXTENT OF CHANGE COMPLETED

1. Claim Summary:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
11.9	11.9

If the use(s) was not irrigation or nursery:

WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
YES NO NA

2. Variations:

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

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

None.

SECTION 4 CONDITIONS

All conditions contained in the transfer, 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 AUTHORIZED CHANGE WAS COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	June 8, 2022	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	May 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 require the installation of a meter or approved measuring device?

YES NO

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

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

4. Other conditions required by the transfer final order:

a. 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):

N/A

SECTION 5
ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Attachment A	T-13455 Final Order
Attachment B	Claim of Beneficial Use Map

SECTION 6

CLAIM OF BENEFICIAL USE MAP

A 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 must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

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 place of use was visited during the site inspection. The extent of the place of use was located using aerial imagery (Google Earth, August 2024), a handheld GPS, and a field survey completed during the site inspection. 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.

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
- 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
- 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
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Transfer application 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
T-13455, Yamhill County	)	A CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.
9855 NW PIKE RD
YAMHILL, OR 97148

Findings of Fact

1. On May 28, 2020, BAILEY NURSERIES INC. filed an application to change the place of use under Certificate 90079. The Department assigned the application number T-13455.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 23, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13455 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 23, 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.
4. On February 2, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13455 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 8, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

Received
OCT 11 2024

OWRD

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

Certificate: 90079 in the name of BAILEY NURSERIES, INC. (perfected under Permit S-51934)

Use: AGRICULTURAL USE (NURSERY OPERATIONS) on 11.9 ACRES

Priority Date: MARCH 2, 1990

Rate: 0.10 CUBIC FEET PER SECOND

Period of Allowed Use: NOVEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER;
MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

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

Source: SALT CREEK AND FIDEL BROTHERS RESERVOIR, tributary to the NORTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF DLC 61

Authorized Place of Use:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	5.8
2 S	4 W	WM	31	NW SE	54	3.6
2 S	4 W	WM	31	SW SE	54	2.0
2 S	4 W	WM	31	SE SE	54	0.5
Total:						11.9

Received
OCT 11 2024
OWRD

6. Transfer Application T-13455 proposes to change the place of use of the right to:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	3.0
2 S	4 W	WM	31	SE SE	54	1.8
2 S	4 W	WM	32	SW NW	54	3.5
2 S	4 W	WM	32	SW NW	54	1.5
2 S	4 W	WM	32	NW SW	54	1.9
2 S	4 W	WM	32	NW SW	54	0.2
Total:						11.9

Transfer Review Criteria [OAR 690-380-4010(2)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A 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-13455.
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.

Conclusions of Law

The change in place of use proposed in Transfer Application T-13455 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

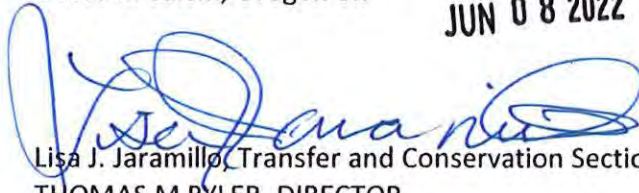
1. The change in place of use proposed in Transfer Application T-13455 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90079 and any related decree.
3. Water right Certificate 90079 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

Received
OCT 11 2024
OWRD

4. The former place of use of the transferred right shall no longer receive water under the right.
5. 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.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

JUN 08 2022



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

Mailing date: **JUN 09 2022**

Received

OCT 11 2024

OWRD



October 7, 2024

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

RE: Claim of Beneficial Use for Transfer T-13455

Gerry:

On behalf of Bailey Nurseries, Inc., please find enclosed a Claim of Beneficial Use report for Transfer T-13455.

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-13455 and \$230 fee

Received
OCT 11 2024
OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 8, 2022

BAILEY NURSERIES INC.
9855 NW PIKE RD
YAMHILL, OR 97148

REFERENCE: Transfer Application T-13455

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 temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.M.Smith@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 Department
Stuntzner Engineering, Agent

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13455, Yamhill County	)	A CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.
9855 NW PIKE RD
YAMHILL, OR 97148

Findings of Fact

1. On May 28, 2020, BAILEY NURSERIES INC. filed an application to change the place of use under Certificate 90079. The Department assigned the application number T-13455.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 23, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13455 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 23, 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.
4. On February 2, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13455 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 8, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

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

Certificate: 90079 in the name of BAILEY NURSERIES, INC. (perfected under Permit S-51934)

Use: AGRICULTURAL USE (NURSERY OPERATIONS) on 11.9 ACRES

Priority Date: MARCH 2, 1990

Rate: 0.10 CUBIC FEET PER SECOND

Period of

Allowed Use: NOVEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER;
MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

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

Source: SALT CREEK AND FIDEL BROTHERS RESERVOIR, tributary to the NORTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF DLC 61

Authorized Place of Use:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	5.8
2 S	4 W	WM	31	NW SE	54	3.6
2 S	4 W	WM	31	SW SE	54	2.0
2 S	4 W	WM	31	SE SE	54	0.5
Total:						11.9

6. Transfer Application T-13455 proposes to change the place of use of the right to:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	3.0
2 S	4 W	WM	31	SE SE	54	1.8
2 S	4 W	WM	32	SW NW	54	3.5
2 S	4 W	WM	32	SW NW	54	1.5
2 S	4 W	WM	32	NW SW	54	1.9
2 S	4 W	WM	32	NW SW	54	0.2
Total:						11.9

Transfer Review Criteria [OAR 690-380-4010(2)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A 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-13455.
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.

Conclusions of Law

The change in place of use proposed in Transfer Application T-13455 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

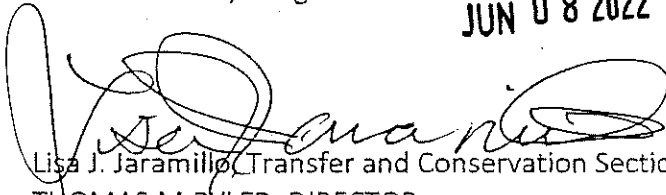
Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13455 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90079 and any related decree.
3. Water right Certificate 90079 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

4. The former place of use of the transferred right shall no longer receive water under the right.
5. 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.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

JUN 08 2022



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

Mailing date: **JUN 09 2022**

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
BAILEY NURSERIES, INC.
1325 BAILEY RD
SAINT PAUL, MN 55119

confirms the right to use the waters of SALT CREEK AND FIDEL BROTHERS RESERVOIR, tributary TO THE NORTH YAMHILL RIVER, for AGRICULTURAL USE (NURSERY OPERATIONS) on 248.0 ACRES.

This right was perfected under Permit S-51934. The date of priority is MARCH 2, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.13 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The period of allowed use is NOVEMBER THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER; MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF DLC 61.

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

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

AGRICULTURAL USES (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	29	SW SW	53	3.3
2 S	4 W	WM	29	SW SW	55	9.5
2 S	4 W	WM	30	SE SE	55	8.8
2 S	4 W	WM	31	NE NE	55	19.6
2 S	4 W	WM	31	SE NE	55	7.9
2 S	4 W	WM	31	NE SW	54	1.1
2 S	4 W	WM	31	SE SW	54	3.0
2 S	4 W	WM	31	NE SE	54	7.5
2 S	4 W	WM	31	NW SE	54	12.2
2 S	4 W	WM	31	SW SE	54	21.3
2 S	4 W	WM	31	SE SE	54	21.2
2 S	4 W	WM	32	NW NW	53	9.3
2 S	4 W	WM	32	NW NW	55	29.2
2 S	4 W	WM	32	SW NW	53	4.1
2 S	4 W	WM	32	SW NW	55	23.0
2 S	4 W	WM	32	NW SW	54	36.8
2 S	4 W	WM	32	SW SW	54	30.2
Total:						248.0

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quality of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The right is limited to any deficiency in the available supply of any prior right existing for the same land.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

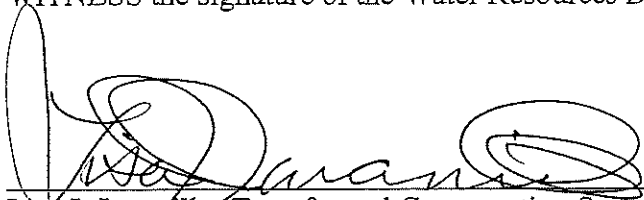
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This certificate describes that portion of water right Certificate 90079, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 08 2022, approving Transfer Application T-13455.

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 JUN 08 2022.



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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13455

Transfer Specialist: *Joan*

Transfer Type: *Regular*

Applicant: BAILEY NURSERIES INC. 9855 NW PIKE RD YAMHILL, OR 97148 Email: _____ Phone: _____		Agent: ☐ N/A STUNTZNER ENGINEERING 2318 B PACIFIC AVE FOREST GROVE, OR 97116 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.
☐	<i>S-70215</i>	<i>S-51934</i>	<i>90079</i>	☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: <i>May 28, 2020</i>	Proposed Action(s): <i>PLACE OF USE</i>	
Fees Pd: <i>1160.00</i>	WM District: <i>22</i>	ODFW District:
Initial Public Notice: <i>June 16, 2020</i>	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:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>4/7/21</i> Initials: <i>Joan</i>	Date: <i>Electronic</i> Initials: <i>Joan</i>	Date: <i>6/23/21</i> Initials: <i>Joan</i>	Date: <i>5/11/21</i> Initials: <i>PKS</i>	Date: <i>6/12/21</i> Initials: <i>Joan</i>	CW Sent: <i>6/23/21</i>	N/A
PD	Date: <i>12/2/21</i> Initials: <i>Joan</i>	Date: <i>12/6/21</i> Initials: <i>Scott</i>	Date: <i>1/14/22</i> Initials: <i>PKS</i>	Date: <i>1/14/22</i> Initials: <i>PKS</i>	Date: <i>1/14/22</i> Initials: <i>Joan</i>	Date: <i>1/31/22</i>	Date: <i>2/2/2022</i>
FO	Date: <i>3/9/22</i> Initials: <i>Joan</i>	Date: <i>3/9/21</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>5/15/22</i> Initials: <i>PKS</i>	Date: <i>5/10/22</i> Initials: <i>Joan</i>	Date: <i>5/23/22</i>	Date: <i>6/8/2020</i>

Special Issues: *Corey electronic peer review* ✓ *ok*

Special Order Volume: Vol. *122* Pages *234*
125



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 31, 2022

VIA CERTIFIED MAIL AND E-MAIL

BAILEY NURSERIES INC.
9855 NW PIKE RD
YAMHILL, OR 97148

SUBJECT: Water Right Transfer Application T-13455

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13455. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me at 503-986-0892 or Joan.M.Smith@oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: TRANSFER APPLICITON FILE- T-13455
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Stuntzner Engineering, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13455, Yamhill County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.
9855 NW PIKE RD
YAMHILL, OR 97148

Findings of Fact

1. On May 28, 2020, BAILEY NURSERIES INC. filed an application to change the place of use under Certificate 90079. The Department assigned the application number T-13455.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 23, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13455 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 23, 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.
4. The portion of the right to be transferred is as follows:

Certificate:	90079 in the name of BAILEY NURSERIES, INC. (perfected under Permit S-51934)
Use:	AGRICULTURAL USE (NURSERY OPERATIONS) on 11.9 ACRES
Priority Date:	MARCH 2, 1990
Rate:	0.10 CUBIC FEET PER SECOND

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.

Period of

Allowed Use: NOVEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW
AND STORED WATER;

MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY

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

Source: SALT CREEK AND FIDEL BROTHERS RESERVOIR, tributary to the NORTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF DLC 61

Authorized Place of Use:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	5.8
2 S	4 W	WM	31	NW SE	54	3.6
2 S	4 W	WM	31	SW SE	54	2.0
2 S	4 W	WM	31	SE SE	54	0.5
Total:						11.9

5. Transfer Application T-13455 proposes to change the place of use of the right to:

AGRICULTURAL USE (NURSERY OPERATIONS)						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	31	NE SE	54	3.0
2 S	4 W	WM	31	SE SE	54	1.8
2 S	4 W	WM	32	SW NW	54	3.5
2 S	4 W	WM	32	SW NW	54	1.5
2 S	4 W	WM	32	NW SW	54	1.9
2 S	4 W	WM	32	NW SW	54	0.2
Total:						11.9

Transfer Review Criteria [OAR 690-380-4010(2)]

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-13455.
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 place of use proposed in Transfer Application T-13455 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

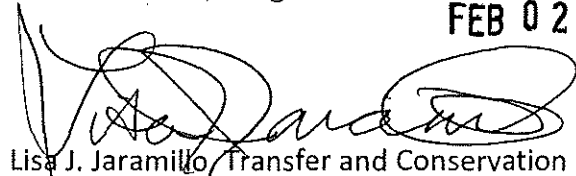
If Transfer Application T-13455 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-13455 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 90079 and any related decree.*
3. *Water right Certificate 90079 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *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.*
6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

FEB 02 2022



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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@oregon.gov.

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

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

Notice Regarding Service Members: Active duty 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.



First American

First American Title Insurance Company of Oregon

775 NE Evans St.

McMinnville, OR 97128

503.472.4627 Escrow Office

503.376.7363 Title Office

July 12, 2021

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

Re: R2431 02100

Mr. Estes:

At your request, I have researched the ownership and legal description of the parcel shown as Tax Lot 2100 on Yamhill County Assessor's map 2 4 31. Note that the last deed of record, to Bailey Nurseries, Inc., contains one legal description that encompasses Tax Lot 2100 *and* Tax Lot 2000 on tax map 2 4 31, as well as Tax Lot 590 on tax map 3 4 06. The information contained herein constitutes a Customer Service Report on the subject property.

Enclosed are the following:

1. Customer map showing the area surrounding R2431 02100, R2431 02000 and R3406 00590.
2. 1976 Survey filed at Yamhill County Surveyor as CS-6470 depicting the three tax lots as one parcel. I've also attached a .pdf of the survey that can be zoomed to view details and dimensions.
3. Warranty Deed recorded December 8, 1970 as Film Volume 116, Page 1097, Deed and Mortgage Records, from Fidel Bros., a co-partnership to Bailey Nurseries, Inc., a Minnesota corporation. Again, the legal description in the deed encompasses all three tax parcels.
4. EXHIBIT "A" legal description transcribed from the above deed. A Word document of the legal description is also attached.
5. Yamhill County Assessor Property Account Summaries of the three tax parcels.

Title to the subject property remains vested in Bailey Nurseries, Inc., a Minnesota corporation.

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

Larry Ball
Senior Title Officer
First American Title

KNOW ALL MEN BY THESE PRESENTS, That FIDEL BROS., a co-partnership,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by BAILEY NURSERIES, INC., a Minnesota corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.;

Thence along an existing fence North 88°47'25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris D.L.C. No. 54);

Thence South 1°12'38" West, 25.00 feet to a 5/8" iron rod;

Thence North 88°47'25" West, 425.00 feet to the center of the Yamhill

River;

Thence along the center of said Yamhill River North 1°12'38" East, (over)

(If space insufficient, continue description on reverse side)

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that

grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 331,360.00

However, the actual consideration consists of or includes other property or value given or promised which is mentioned in the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 3 day of December, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

FIDEL BROS. a co-partnership

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Yamhill
December 3, 1976.

STATE OF OREGON, County of Yamhill, ss.
Personally appeared _____, 19____

and _____, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____, a corporation,

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

SEAL

Notary Public for Oregon

My commission expires: 4/2/80

Notary Public for Oregon

My commission expires:

Fidel Bros., a co-partnership
Rt. 1
Yamhill, OR 97148
GRANTOR'S NAME AND ADDRESS

Bailey Nurseries, Inc., a Minnesota corporation,
1325 Bailey Road
Saint Paul, Minnesota 55119
GRANTEE'S NAME AND ADDRESS

After recording return to:

Bailey Nurseries, Inc., a Minnesota corporation,
Same as above
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

Bailey Nurseries, Inc., a Minnesota corporation,
as above
NAME, ADDRESS, ZIP

47770 STATE OF OREGON,
County of Yamhill, ss.

I certify that the within instrument was received for record on the 8 day of Dec, 1976, at 2:45 o'clock P.M., and recorded in book 116, page 1097, or as file/reel number 116-1097.

Record of Deeds of said county. Witness my hand and seal of County of Yamhill.

WANDA CATT, COUNTY CLERK

By _____ Recording Officer
Deputy

25.00 feet;
 Thence South 88°47'25" East, 400.00 feet to a 1 inch iron pipe at a fence corner;
 Thence along an existing fence North 00°18'20" West, 1546.15 feet to a 5/8" iron rod at a fence corner;
 Thence along an existing fence North 89°56'39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Book 108, Page 1371, Yamhill County deed of records;
 Thence along said tract North 89°06'40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract;
 Thence North 2°26'45" East, 563.54 feet to a tack and lead in concrete;
 Thence North 41°11'52" East, 201.67 feet to a 3/4" iron pipe;
 Thence North 64°27'57" East, 28.88 feet to a tack and lead in concrete;
 Thence North 00°45'18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20;
 Thence along said South right-of-way South 89°30'00" East, 269.56 feet to a 5/8" iron rod;
 Thence South 56°37'12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243;
 Thence along said West right-of-way South 00°38'39" West, 2447.23 feet to the point of beginning.
 Containing 165.68 acres therein.

SUBJECT TO:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Right of Way conveyed by deed from Robert Hanning to Portland Trust Company, recorded November 3, 1903 in Book 43, Page 373, Deed Records.
4. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden and Orrin D. Williams and Margaret W. Williams, husband and wife, to The city of Yamhill, a municipal corporation, dated December 16, 1965 and recorded February 21, 1966, in Film Volume 50, Page 983, Deed and Mortgage Records.
5. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to the City of Yamhill, a municipal corporation, dated February 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 980, Deed and Mortgage Records.
6. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to City of Yamhill, a municipal corporation, dated December 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 986, Deed and Mortgage Records.

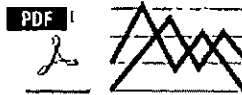
EXHIBIT "A"

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.; thence along an existing fence North 88° 47' 25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54); thence South 1° 12' 38" West, 25.00 feet to a 5/8" iron rod; thence North 88° 47' 25" West, 425.00 feet to the center of the Yamhill River; thence along the center of said Yamhill River North 1° 12' 38" East, 25.00 feet; thence South 88° 47' 25" East, 400.00 feet to a 1 inch iron pipe at a fence corner; thence along an existing fence North 00° 18' 20" West, 1546.15 feet to a 5/8" iron rod at a fence corner; thence along an existing fence North 89° 56' 39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Film Volume 108, Page 1371, Yamhill County deed of records; thence along said tract North 89° 06' 40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract; thence North 2° 26' 45" East, 563.54 feet to a tack and lead in concrete; thence North 41° 11' 52" East, 201.67 feet to a 3/4" iron pipe; thence North 64° 27' 57" East, 28.88 feet to a tack and lead in concrete; thence North 00° 45' 18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20; thence along said South right-of-way South 89° 30' 00" East, 269.56 feet to a 5/8" iron rod; thence South 56° 37' 12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243; thence along said West right-of-way South 00° 38' 39" West, 2447.23 feet to the point of beginning, containing 165.68 acres therein.

Property Account Summary

7/12/2021



Click image above for more information

Account Number		Property Address	
----------------	--	------------------	--

General Information

Alternate Property #	R2431 02100
Property Description	Township 2S Range 4W Section 31 TaxLot 02100
Last Sale Price	
Last Sale Date	
Last Sale Excise Number	
Property Category	Land &/or Buildings
Status	Active, Locally Assessed, Use Assessed
Tax Code Area	16.2
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY

Tax Rate

Description	Rate
Total Rate	12.2643

Property Characteristics

Neighborhood	Industrial Farm East
Land Class Category	551 Farm EFU Receiving FUV/imp
Account Acres	141.4400
Change Property Ratio	Farm

Related Properties

No Related Properties Found

Parties

Role	Percent	Name	Address
Taxpayer	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA
Owner	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA

Property Values

Value Type	Tax Year 2020	Tax Year 2019	Tax Year 2018	Tax Year 2017	Tax Year 2016
Assessed Value AVR	\$112,763	\$109,506	\$106,379	\$120,511	\$117,540
Exempt Value EAR					

Taxable Value TVR	\$112,763	\$109,506	\$106,379	\$120,511	\$117,540
Real Market Land MKLTL	\$1,278,362	\$1,293,573	\$1,239,600	\$401,941	\$401,941
Real Market Buildings MKITL	\$11,676	\$11,520	\$11,520	\$11,520	\$11,520
Real Market Total MKTTL	\$1,290,038	\$1,305,093	\$1,251,120	\$413,461	\$413,461
M5 Market Land MKLND	\$50,712	\$50,712	\$50,712		
M5 Limit SAV M5SAV	\$361,515	\$351,483	\$331,012	\$351,637	\$325,016
M5 Market Buildings MKIMP	\$11,676	\$11,520	\$11,520	\$11,520	\$11,520
M50 MAV MAVMK	\$8,370	\$8,126	\$7,889	\$7,659	\$7,436
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL	\$104,393	\$101,380	\$98,490	\$112,852	\$110,104

Parents

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Continued	Document Number
No Parents Found						

Children

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Document Number
No Children Found					

Active Exemptions

No Exemptions Found

Tax Balance**Receipts**

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/13/2020 00:00:00	<u>1114779</u>	\$1,382.96	\$1,382.96	\$1,341.47	\$0.00
11/18/2019 13:03:00	<u>1082026</u>	\$1,341.17	\$60,715.45	\$58,893.98	\$0.00
11/07/2018 12:25:00	<u>1013216</u>	\$1,257.66	\$48,028.06	\$46,587.22	\$0.00
11/06/2017 14:00:00	<u>965623</u>	\$1,434.60	\$47,266.21	\$45,848.23	\$0.00
11/08/2016 00:00:00	<u>732062</u>	\$1,408.48	\$1,408.48	\$1,366.23	

Sales History

Transfer Date	Receipt Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Grantor(Seller)	Grantee(Buyer)	Other Parcels
No Sales History Found									

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Receipt No:	1114779	Date and time:	11/13/2020
--------------------	---------	-----------------------	------------

Receipt Details

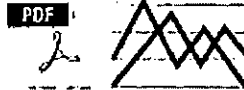
Parcel No.	Tax Year	TCA/District	Amount Applied	Description
16280	2020	16.2	\$1,382.96	PROPERTY TAX PRINCIPAL

Payer Details

Name	Address	Tender Type	Amount Applied
ONLINE PAYMENTS	535 NE 5TH ST, MCMINNVILLE , OR 97128	Online Payment	\$1,341.47

Property Account Summary

7/12/2021



Click image above for more information

Account Number		Property Address	9801 NW PIKE RD , , OR
----------------	--	------------------	------------------------

General Information

Alternate Property #	R2431 02000
Property Description	Township 2S Range 4W Section 31 TaxLot 02000
Last Sale Price	
Last Sale Date	
Last Sale Excise Number	
Property Category	Land &/or Buildings
Status	Active, Host Other Property, Locally Assessed, Use Assessed
Tax Code Area	16.2
Remarks	POTENTIAL ADDITIONAL TAX LIABILITY

Tax Rate

Description	Rate
Total Rate	12.2643

Property Characteristics

Neighborhood	Industrial Farm East
Land Class Category	559 Farm EFU Manufactured Home
Account Acres	16.0500
Change Property Ratio	Farm

Related Properties

507679 is Located On this property
488038 is Located On this property
287335 is Located On this property

Parties

Role	Percent	Name	Address
Taxpayer	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA
Owner	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA

Property Values

Value Type	Tax Year 2020	Tax Year 2019	Tax Year 2018	Tax Year 2017	Tax Year 2016
------------	------------------	------------------	------------------	------------------	------------------

Assessed Value AVR	\$418,513	\$412,942	\$406,303	\$402,063	\$398,061
Exempt Value EAR					
Taxable Value TVR	\$418,513	\$412,942	\$406,303	\$402,063	\$398,061
Real Market Land MKLTL	\$170,874	\$153,381	\$147,013	\$234,447	\$234,447
Real Market Buildings MKITL	\$396,777	\$392,592	\$386,343	\$387,153	\$383,511
Real Market Total MKTTL	\$567,651	\$545,973	\$533,356	\$621,600	\$617,958
M5 Market Land MKLND	\$6,745	\$6,745	\$6,745		
M5 Limit SAV M5SAV	\$51,874	\$47,130	\$44,400	\$46,500	\$42,930
M5 Market Buildings MKIMP	\$396,777	\$392,592	\$386,343	\$387,153	\$383,511
M50 MAV MAVMK	\$459,420	\$459,420	\$459,420	\$459,420	\$459,420
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL	\$14,991	\$13,605	\$13,215	\$14,910	\$14,550

Parents

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Continued	Document Number
No Parents Found						

Children

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Document Number
No Children Found					

Active Exemptions

No Exemptions Found

Tax Balance**Receipts**

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/13/2020 00:00:00	<u>1114778</u>	\$5,022.38	\$5,022.38	\$4,871.71	\$0.00
11/18/2019 13:03:00	<u>1082026</u>	\$4,934.26	\$60,715.45	\$58,893.98	\$0.00
11/07/2018 12:25:00	<u>1013216</u>	\$4,673.21	\$48,028.06	\$46,587.22	\$0.00
11/06/2017 14:00:00	<u>965623</u>	\$4,661.03	\$47,266.21	\$45,848.23	\$0.00
11/08/2016 00:00:00	<u>219912</u>	\$4,631.46	\$4,631.46	\$4,492.52	

Sales History

Transfer Date	Receipt Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Grantor(Seller)	Grantee(Buyer)	Other Parcels
No Sales History Found									

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Receipt No:	1114778	Date and time:	11/13/2020
--------------------	---------	-----------------------	------------

Receipt Details

Parcel No.	Tax Year	TCA/District	Amount Applied	Description
16271	2020	16.2	\$5,022.38	PROPERTY TAX PRINCIPAL

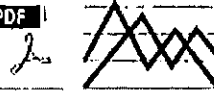
Payer Details

Name	Address	Tender Type	Amount Applied
ONLINE PAYMENTS	535 NE 5TH ST, MCMINNVILLE , OR 97128	Online Payment	\$4,871.71

Property Account Summary

7/12/2021

PDF



Click image above for more information

Account Number		Property Address	
----------------	--	------------------	--

General Information

Alternate Property #	R3406 00590
Property Description	Township 3S Range 4W Section 06 TaxLot 00590
Last Sale Price	
Last Sale Date	
Last Sale Excise Number	
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	16.2
Remarks	

Tax Rate

Description	Rate
Total Rate	12.2643

Property Characteristics

Neighborhood	Rural Yamhill Carlton
Land Class Category	400 Tract Residential Vacant
Account Acres	0.2300
Change Property Ratio	Tract Land

Related Properties

No Related Properties Found

Parties

Role	Percent	Name	Address
Taxpayer	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA
Owner	100	BAILEY NURSERIES INC	1325 BAILEY RD, ST PAUL, MN 55119 USA

Property Values

Value Type	Tax Year 2020	Tax Year 2019	Tax Year 2018	Tax Year 2017	Tax Year 2016
Assessed Value AVR	\$451	\$438	\$425	\$413	\$401
Exempt Value EAR					

Taxable Value TVR	\$451	\$438	\$425	\$413	\$401
Real Market Land MKLTL	\$24,664	\$24,808	\$25,099	\$679	\$647
Real Market Buildings MKITL					
Real Market Total MKTTL	\$24,664	\$24,808	\$25,099	\$679	\$647
M5 Market Land MKLND	\$24,664	\$24,808	\$25,099	\$679	\$647
M5 Limit SAV M5SAV					
M5 Market Buildings MKIMP					
M50 MAV MAVMK	\$451	\$438	\$425	\$413	\$401
Assessed Value Exception					
Market Value Exception					
SA Land (MAVUSe Portion) SAVL					

Parents

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Continued	Document Number
------------	---------------	--------	-----------	---------	-----------	-----------------

No Parents Found

Children

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Document Number
------------	---------------	--------	-----------	---------	-----------------

No Children Found

Active Exemptions

No Exemptions Found

Tax Balance**Receipts**

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/13/2020 00:00:00	<u>1114782</u>	\$5.53	\$5.53	\$5.36	\$0.00
11/18/2019 13:03:00	<u>1082026</u>	\$5.36	\$60,715.45	\$58,893.98	\$0.00
11/07/2018 12:25:00	<u>1013216</u>	\$5.02	\$48,028.06	\$46,587.22	\$0.00
11/06/2017 14:00:00	<u>965623</u>	\$4.92	\$47,266.21	\$45,848.23	\$0.00
11/08/2016 00:00:00	<u>924040</u>	\$4.79	\$4.79	\$4.65	

Sales History

Transfer Date	Receipt Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Grantor(Seller)	Grantee(Buyer)	Other Parcels
---------------	--------------	------------------	-------------	---------------	-----------	---------------	-----------------	----------------	---------------

No Sales History Found

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

Receipt No:	1114782	Date and time:	11/13/2020
--------------------	---------	-----------------------	------------

Receipt Details

Parcel No.	Tax Year	TCA/District	Amount Applied	Description
88844	2020	16.2	\$5.53	PROPERTY TAX PRINCIPAL

Payer Details

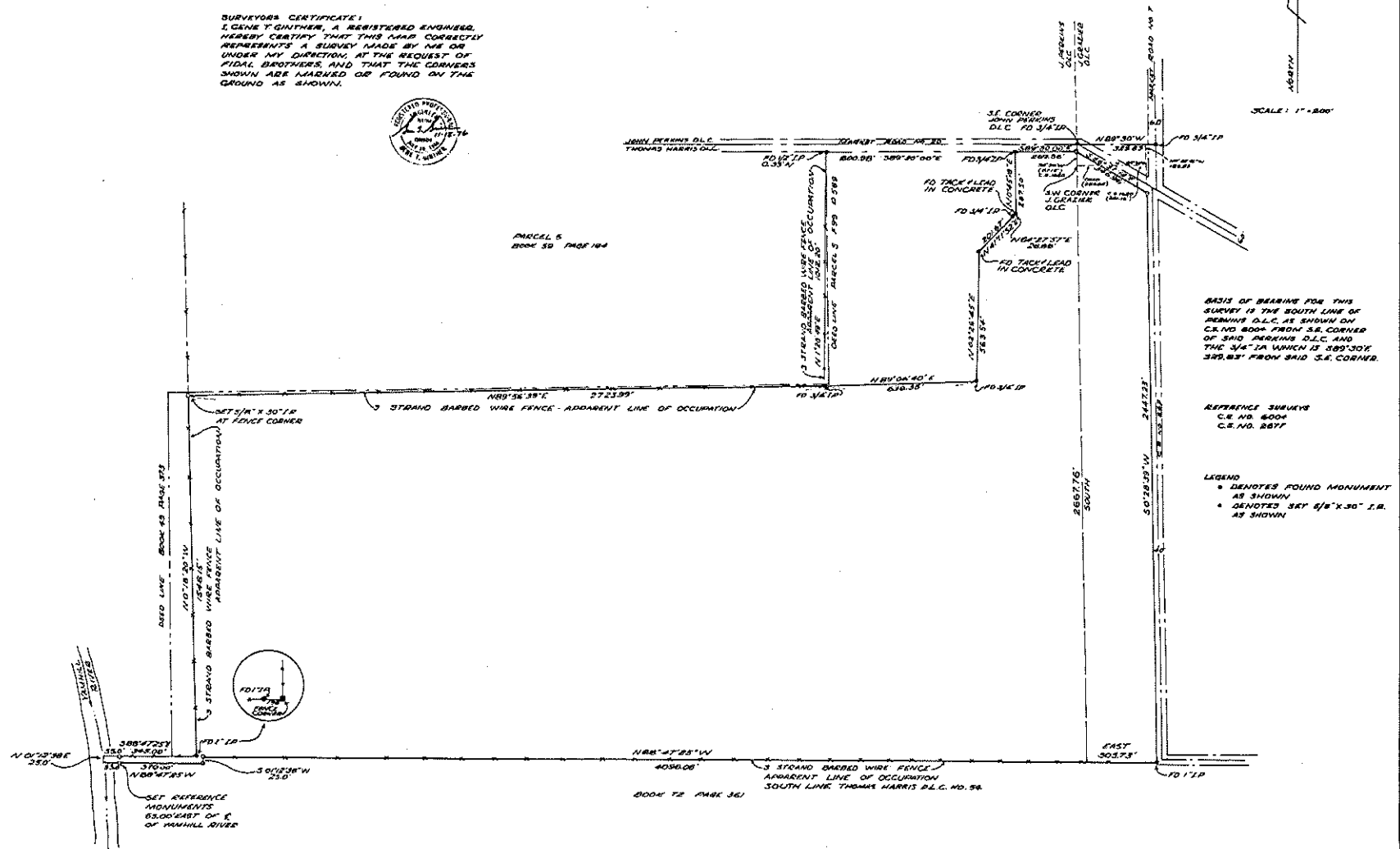
Name	Address	Tender Type	Amount Applied
ONLINE PAYMENTS	535 NE 5TH ST, MCMINNVILLE , OR 97128	Online Payment	\$5.36

RECORD OF SURVEY OF A PORTION OF THE EAST 1/2 SECTION 31 AND WEST 1/2 SECTION 32, T2S, R4W, WMA, YAMHILL COUNTY, OREGON

SURVEYOR'S CERTIFICATE:
I, GENE T. GINTHER, A REGISTERED ENGINEER,
HEREBY CERTIFY THAT THIS MAP CORRECTLY
REPRESENTS A SURVEY MADE BY ME OR
UNDER MY DIRECTION, AT THE REQUEST OF
FIDAL BROTHERS, AND THAT THE CORNERS
SHOWN ARE MARKED OR FOUND ON THE
GROUND AS SHOWN.



PARCEL 5
BOOK 35 PAGE 184



BEARING FOR THIS
SURVEY IS THE SOUTH LINE OF
PARCEL 31, AS SHOWN ON
C.E. NO. 6004 FROM S.E. CORNER
OF SAID PARCEL 31, D.L.C. AND
THE 1/4" 1/2" WHICH IS 589' 30" E
325.83' FROM SAID S.E. CORNER.

REFERENCE SURVEYS
C.E. NO. 6004
C.E. NO. 2877

LEGEND
• DENOTES FOUND MONUMENT
AS SHOWN
• DENOTES SET 6" X 30" I.P.
AS SHOWN

EXHIBIT "A"

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.; thence along an existing fence North 88° 47' 25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54); thence South 1° 12' 38" West, 25.00 feet to a 5/8" iron rod; thence North 88° 47' 25" West, 425.00 feet to the center of the Yamhill River; thence along the center of said Yamhill River North 1° 12' 38" East, 25.00 feet; thence South 88° 47' 25" East, 400.00 feet to a 1 inch iron pipe at a fence corner; thence along an existing fence North 00° 18' 20" West, 1546.15 feet to a 5/8" iron rod at a fence corner; thence along an existing fence North 89° 56' 39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Film Volume 108, Page 1371, Yamhill County deed of records; thence along said tract North 89° 06' 40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract; thence North 2° 26' 45" East, 563.54 feet to a tack and lead in concrete; thence North 41° 11' 52" East, 201.67 feet to a 3/4" iron pipe; thence North 64° 27' 57" East, 28.88 feet to a tack and lead in concrete; thence North 00° 45' 18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20; thence along said South right-of-way South 89° 30' 00" East, 269.56 feet to a 5/8" iron rod; thence South 56° 37' 12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243; thence along said West right-of-way South 00° 38' 39" West, 2447.23 feet to the point of beginning, containing 165.68 acres therein.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 23, 2021

VIA E-MAIL

Applicant

BAILEY NURSERIES INC.

9855 NW PIKE RD

YAMHILL, OR 97148

Reference: Water Right Transfer Application T-13455

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-13455. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either 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) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Please note the proposed date by which all conditions must be met: October 1, 2022. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

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

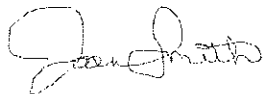
Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application;

If we do not receive the items listed above by July 23, 2021, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0892 or Joan.M.Smith@oregon.gov if I may be of assistance.

Sincerely,



Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13455
Joel M. Plahn, District 22 Watermaster (*via e-mail*)
Stuntzner Engineering, Agent for the applicant (*via e-mail*)

encs

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13455

Review Due Date:

Applicant Name: Bailey Nursery

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

Reviewer(s): Joel Plahn

Date of Review: 08/21/2020

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

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

☐ 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

June 9, 2020

BAILEY NURSERIES INC.
9855 NW PIKE RD
YAMHILL, OR 97148

Reference: Application T- 13455

On May 28, 2020, we received your water right Transfer application. The application was accompanied by \$1160.00. Our receipt number 132622 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.

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 in the new place of use 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
Stuntzner Engineering, Agent

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. 1A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **132622**

INVOICE # _____

RECEIVED FROM: Bailey Nurseries

BY: _____

CASH: ☐ CHECK: # 111209 OTHER: (IDENTIFY) _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13455</u>

TOTAL REC'D \$ 4,160.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1,160.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **132622**

DATED: 5-28-2020 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

MAY 28 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: 90079**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(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°).

RECEIVED

MAY 28 2020

OWRD

Part 3 of 5 – Fee Worksheet

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> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	0
3	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> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 » ☐ Yes: enter \$410 »	4	0
5	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☒ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.102 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.898 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » » » » » Subtotal:	6	\$1,160
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,160

*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:

- For irrigation calculate cfs for each water right involved as follows:
 - Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
 - 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
- 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> Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Bailey Nurseries, Inc.			PHONE NO. 503-662-3244	ADDITIONAL CONTACT NO.
ADDRESS 9855 NW Pike Road			FAX NO.	
CITY Yamhill	STATE OR	ZIP 97148	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 Stuntzner Engineering & Forestry			PHONE NO. 503-357-5717	ADDITIONAL CONTACT NO. 503-939-8381
ADDRESS 2318-B Pacific Avenue			FAX NO.	
CITY Forest Grove	STATE OR	ZIP 97116	E-MAIL billflatz@stuntzner.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: Bailey Nurseries is transferring 8.2 acres of certified area of nursery operations out from under a recently constructed recovery pond and moving it to available area in the nursery. The pond was constructed to comply with current state rules to prevent any runoff from entering the waters of the state during the irrigation season.

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

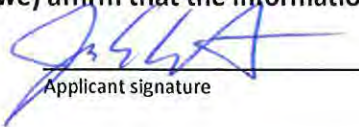
Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: _____.
- 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

Jon Estes - Water Resources Mgr
Print Name (and Title if applicable)

5/20/2020
Date

Applicant signature

Print Name (and Title if applicable)

Date

RECEIVED

MAY 28 2020

OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all 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.*

RECEIVED

MAY 28 2020

OWRD

13455

Check the following boxes that apply:

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

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

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

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

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

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

RECEIVED

MAY 28 2020

Describe any special ownership circumstances here: _____

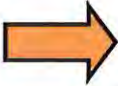
OWRD

- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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

ENTITY NAME Yamhill County	ADDRESS 535 NE 5th 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 # 90079

RECEIVED

Description of Water Delivery System

MAY 28 2020

System capacity: 2.23 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The water is pumped into Fidel Reservoir from Salt Creek with a 60 hp pump. From Fidel Reservoir the water is pumped with three 100 hp pumps through a series of 12" buried mainlines. The mainlines feed buried 10" mainlines. The 10" mainlines feed 2" buried lines within beds spaced at 65' on center and risers with rainbird impact sprinklers with 3/16" nozzels spaced at 40'. The 10" lines also feed above ground 2" hand lines spaced at 65'. The hand lines are set with risers and impact sprinklers at 40' spacing.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
1	☒ Authorized ☐ Proposed	N/A	2	S	4	W	31	NE	NE	TL 200 DLC 55	1265' N. AND 1360' W. OF THE SE. CORNER OF PERKINS DLC 55.
2	☒ Authorized ☐ Proposed	N/A	2	S	4	W	31	NE	NE	TL 200 DLC 55	1255' N. AND 1330' W. OF THE SE. CORNER OF PERKINS DLC 55.
3	☒ Authorized ☐ Proposed	N/A	2	S	4	W	31	SE	NE	TL 200 DLC 55	675' N. AND 1330' W. OF THE SE. CORNER OF PERKINS DLC 55.
4	☒ Authorized ☐ Proposed	N/A	2	S	4	W	31	SE	NE	TL 200 DLC 55	220' N. AND 1380' W. OF THE SE. CORNER OF PERKINS DLC 55.
5	☒ Authorized ☐ Proposed	N/A	2	S	4	W	31	SE	SE	TL 2100 DLC 54	1950' S. AND 2180' W. OF THE SE. CORNER OF PERKINS DLC 55.

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.

RECEIVED

MAY 28 2020

OWRD

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

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. 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			
2	S	4	W	31	NE	SE	2100	54	5.8	Nursery	Pods 1-5	1990	POU	2	S	4	W	31	NE	SE	2100	54	3.0	Nursery	Pods 1-5	1990			
2	S	4	W	31	NW	SE	2100	54	3.6	Nursery	Pods 1-5	1990	POU	2	S	4	W	31	SE	SE	2100	54	1.8	Nursery	Pods 1-5	1990			
2	S	4	W	31	SW	SE	2100	54	2.0	Nursery	Pods 1-5	1990	POU	2	S	4	W	32	NW	SW	1900	54	1.9	Nursery	Pods 1-5	1990			
2	S	4	W	31	SE	SE	2100	54	0.5	Nursery	Pods 1-5	1990	POU	2	S	4	W	32	NW	SW	2000	54	0.2	Nursery	Pods 1-5	1990			
														2	S	4	W	32	SW	NW	1900	54	3.5	Nursery	Pods 1-5	1990			
														2	S	4	W	32	SW	NW	2000	54	1.5	Nursery	Pods 1-5	1990			
TOTAL ACRES:									11.9						TOTAL ACRES:									11.9					

Additional remarks: .

Revised 11/6/2019

Permanent Transfer Application Form – Page 10 of 11

RECEIVED

MAY 28 2020 TACS

OWRD

For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: 42579, 44240.



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

RECEIVED

MAY 28 2020

OWRD

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of WASHINGTON)

I, JON ESTES, in my capacity as BAILEY NURSERY, WATER RESOURCE MANGER,
mailing address 9855 NW PIKE ROAD, YAMHILL OR 97148
telephone number (503) 662-3244, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 90079; **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)

RECEIVED
MAY 28 2020

OR

OWRD

- ☐ Confirming Certificate # ____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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

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

5/12/2020
Date

Signed and sworn to (or affirmed) before me this 12 day of May, 2020.



Scott Michael Cowan
Notary Public for Oregon

My Commission Expires: December 02, 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. 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

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
10670 NW OAK RIDGE RD
YAMHILL, OR 97148

Cycle: 0605
Feeder Line Code: YM2

Account # [REDACTED]

Previous Amount Due	3,239.10
Payments/Adjustments	3,239.10 _{CR}
Balance Forward	0.00
Current Charges	3,795.92

AMOUNT DUE \$ 3,795.92
Due date for current bill 10/06/15

This month's charges (turn over for details)

Meter # AB09782157, Schedule 49

Energy Charges (32412 kWh)	3,757.31
Adjustments	84.92 _{CR}

	3,672.39
Taxes and Fees	123.53

Current Charges 3,795.92

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

Point of Delivery Identification (PODID) number for meter number
AB09782157 is 183687969.

Your energy use

Meter # AB09782157

Schedule 49

Service Period	Meter Reading
09/09/15	89328 (Estimated)
08/07/15	56916
33 days of service	32412 kWh

RECEIVED SEP 22 2015

Period	Avg Daily	Avg kWh	Avg Cost
Ending	Temperature*	Per Day	Per Day
Sep 2015	N/A	982.1	111.28
Sep 2014	N/A	1001.2	102.07

29/21

13455

RECEIVED

MAY 28 2020

OWRD

22

21

PGE

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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
10670 NW OAK RIDGE RD
YAMHILL, OR 97148

Cycle: 0605
Feeder Line Code: YM2

Account #

Previous Amount Due	3,731.35
Payments/Adjustments	3,731.35 ^{CR}
Balance Forward	0.00
Current Charges	3,239.10

AMOUNT DUE \$ 3,239.10
Due date for current bill 09/15/15

This month's charges (turn over for details)

Meter # AB09782157, Schedule 49

Energy Charges (27544 kWh)	3,205.91
Adjustments	72.17 ^{CR}

Taxes and Fees	3,133.74
	105.36

Current Charges **3,239.10**

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

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

Point of Delivery Identification (PODID) number for meter number
AB09782157 is 183687969.

Your energy use

Meter # AB09782157

Schedule 49

Service Period	Meter Reading
08/07/15	56916 (Estimated)
07/09/15	29372
29 days of service	27544 kWh

RECEIVED AUG 31 2015

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Aug 2015	N/A	949.7	106.06

13455

RECEIVED

MAY 28 2020

OWRD



(303)228-6322 or 1-800-542-8818
PortlandGeneral.com

Portland General Electric

Service Address:
BAILEY NURSERIES INC
10670 NW OAK RIDGE RD
YAMHILL, OR 97148

RECEIVED JUL 27 2015

Cycle: 0605
Feeder Line Code: YM2

Account #

Previous Amount Due 2,736.04
Payments/Adjustments 2,736.04^{CR}
Balance Forward 0.00
Current Charges 3,731.35

AMOUNT DUE \$ 3,731.35

Due date for current bill 08/07/15

This month's charges (turn over for details)

Meter # AB09782157, Schedule 49

Energy Charges (31907 kWh)
Adjustments

3,701.10
91.19^{CR}

3,609.91
121.44

Taxes and Fees

Current Charges

3,731.35

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

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

Point of Delivery Identification (PODID) number for meter number AB09782157 is 183687969.

Your energy use

Meter # AB09782157

Schedule 49

Service Period

Meter Reading

07/09/15

29372 (Estimated)

06/09/15

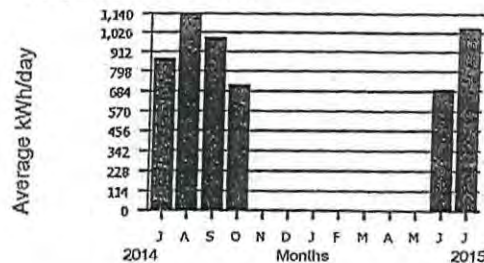
97465

30 days of service

31907 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jul 2015	N/A	1063.5	120.33
Jul 2014	N/A	878.8	90.39

*Temperature source: N/A



13455

02-02-21-000-501510 \$ 3731.35

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
10670 NW OAK RIDGE RD
YAMHILL, OR 97148

6/25

~~XXXX~~

Cycle: 0605
Feeder Line Code: YM2

Account #

Previous Amount Due	41.20
Payments/Adjustments	41.20 ^{CR}
Balance Forward	0.00
Current Charges	2,736.04

AMOUNT DUE \$ 2,736.04
Due date for current bill 07/01/15

This month's charges (turn over for details)

Meter # AB09782157, Schedule 49

Energy Charges (23199 kWh)
Adjustments

2,715.75
68.67^{CR}

2,647.08
88.96

Taxes and Fees

Current Charges

2,736.04

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

Point of Delivery Identification (PODID) number for meter number
AB09782157 is 183687969.

29 21

Your energy use

Meter # AB09782157

Schedule 49

Service Period	Meter Reading
06/09/15	97465
05/07/15	74266
33 days of service	23199 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jun 2015	N/A	703.0	80.21
Jun 2014	N/A	695.0	71.84

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

RECEIVED SEP 14 2015

Cycle: 0601
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due	10,315.67
Payments/Adjustments	10,315.67 ^{CR}
Balance Forward	0.00
Current Charges	8,551.45

AMOUNT DUE \$ 8,551.45

Due date for current bill 09/28/15

This month's charges (turn over for details)

Meter # AB09833354, Schedule 49

Energy Charges (71440 kWh)
Adjustments

8,461.01
187.18^{CR}

8,273.83
277.62

Taxes and Fees

Current Charges

8,551.45

Your energy use

Meter # AB09833354

Schedule 49

Meter Multiplier 80

Service Period	Meter Reading
----------------	---------------

09/09/15	34038
----------	-------

08/07/15	33145
----------	-------

33 days of service	71440 kWh
--------------------	-----------

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

Point of Delivery Identification (PODID) number for meter number
AB09833354 is 183243100.

22/21

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Sep 2015	67	2164.8	250.72
Sep 2014	70	2923.6	301.57

RECEIVED

MAY 28 2020

OWRD

13455



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0601
Feeder Line Code: YM1

Account #

Previous Amount Due 10,716.25
Payments/Adjustments 10,635.75^{CR}
Balance Forward 80.50
Current Charges 10,235.17

RECEIVED AUG 11 2015

AMOUNT DUE \$ 10,315.67
Due date for current bill 08/26/15

This month's charges (turn over for details)

Meter # AB09833354, Schedule 49

Energy Charges (86160 kWh) 10,128.34
Adjustments 225.75^{CR}

Taxes and Fees 9,902.59
332.58

Current Charges 10,235.17

This bill includes a previously billed amount.

Thank you for your payment.

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

Point of Delivery Identification (PODID) number for meter number
AB09833354 is 183243100.

Your energy use

Meter # AB09833354

Schedule 49

Meter Multiplier 80

Service Period	Meter Reading
08/07/15	33145
07/09/15	32068
29 days of service	86160 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Aug 2015	70	2971.0	341.46
Aug 2014	71	3086.8	319.42

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0601
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due	6,389.72
Payments/Adjustments	6,389.72 ^{CR}
Balance Forward	0.00
Current Charges	10,716.25

AMOUNT DUE \$ 10,716.25
Due date for current bill 07/28/15

This month's charges (turn over for details)

Meter # AB09833354, Schedule 49

Energy Charges (90560 kWh)

Adjustments

10,626.73
258.82^{CR}

Taxes and Fees

10,367.91
348.34

Current Charges

10,716.25

Your energy use

Meter # AB09833354

Schedule 49

Meter Multiplier 80

Service Period

Meter Reading

07/09/15

32068

06/09/15

30936

30 days of service

90560 kWh

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

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

Point of Delivery Identification (PODID) number for meter number AB09833354 is 183243100.

22/21

RECEIVED JUL 15 2015

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jul 2015	70	3018.6	345.59
Jul 2014	65	2502.8	271.30

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0601
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due	3,852.64
Payments/Adjustments	3,852.64 ^{CR}
Balance Forward	0.00
Current Charges	6,389.72

AMOUNT DUE \$ 6,389.72
Due date for current bill 06/26/15

This month's charges (turn over for details)

Meter # AB09833354, Schedule 49

Energy Charges (52720 kWh)	6,338.59
Adjustments	156.05 ^{CR}

Taxes and Fees

6,182.54
207.18

Current Charges

6,389.72

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

Point of Delivery Identification (PODID) number for meter number
AB09833354 is 183243100.

Your energy use

Meter # AB09833354

Schedule 49

Meter Multiplier 80

Service Period	Meter Reading
----------------	---------------

06/09/15	30936
----------	-------

05/08/15	30277
----------	-------

32 days of service	52720 kWh
--------------------	-----------

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jun 2015	61	1647.5	193.20
Jun 2014	60	1818.1	192.20

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

RECEIVED SEP 14 2015

Cycle: 0609
Feeder Line Code: YM1

Account #

Previous Amount Due	830.88
Payments/Adjustments	830.88 ^{CR}
Balance Forward	0.00
Current Charges	847.28

AMOUNT DUE \$ 847.28
Due date for current bill 09/28/15

This month's charges (turn over for details)

Meter # AB09625972, Schedule 47

Energy Charges (5637 kWh)	827.38
Adjustments	6.84 ^{CR}

Taxes and Fees	820.54
	26.74

Current Charges 847.28

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

Point of Delivery Identification (PODID) number for meter number
AB09625972 is 183237367.

4/55

Your energy use

Meter # AB09625972

Schedule 47

Service Period	Meter Reading
09/09/15	79436
08/07/15	73799
33 days of service	5637 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Sep 2015	67	170.8	24.86
Sep 2014	70	185.8	24.28

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0609
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due	860.06
Payments/Adjustments	860.06 ^{CR}
Balance Forward	0.00
Current Charges	830.88

RECEIVED AUG 11 2015

AMOUNT DUE \$ 830.88

Due date for current bill 08/26/15

This month's charges (turn over for details)

Meter # AB09625972, Schedule 47

Energy Charges (5543 kWh)

Adjustments

811.38
6.71^{CR}

804.67

26.21

Taxes and Fees

Current Charges

830.88

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

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

Point of Delivery Identification (PODID) number for meter number AB09625972 is 183237367.

Your energy use

Meter # AB09625972

Schedule 47

Service Period

Meter Reading

08/07/15

73799

07/09/15

68256

29 days of service

5543 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Aug 2015	70	191.1	27.74
Aug 2014	71	183.3	25.37

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0609
Feeder Line Code: YM1

Account #

Previous Amount Due	689.17
Payments/Adjustments	689.17 ^{CR}
Balance Forward	0.00
Current Charges	860.06

AMOUNT DUE \$ 860.06
Due date for current bill 07/28/15

This month's charges (turn over for details)

Meter # AB09625972, Schedule 47

Energy Charges (5759 kWh)

Adjustments

841.24
8.32^{CR}

Taxes and Fees

832.92
27.14

Current Charges

860.06

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

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

Point of Delivery Identification (PODID) number for meter number AB09625972 is 183237367.

Your energy use

Meter # AB09625972

Schedule 47

Service Period	Meter Reading
----------------	---------------

07/09/15	68256
----------	-------

06/09/15	62497
----------	-------

30 days of service	5759 kWh
--------------------	----------

RECEIVED JUL 15 2015

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jul 2015	70	191.9	27.76
Jul 2014	65	182.3	24.01

13455
RECEIVED
MAY 28 2020
OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Account # [REDACTED]

Previous Amount Due	457.35
Payments/Adjustments	457.35 ^{CR}
Balance Forward	0.00
Current Charges	689.17

Cycle: 0609
Feeder Line Code: YM1

AMOUNT DUE \$ 689.17
Due date for current bill 06/26/15

This month's charges (turn over for details)

Meter # AB09625972, Schedule 47

Energy Charges (4553 kWh)

Adjustments

674.49
7.06^{CR}

667.43

21.74

Taxes and Fees

Current Charges

689.17

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

Point of Delivery Identification (PODID) number for meter number
AB09625972 is 183237367.

Your energy use

Meter # AB09625972

Schedule 47

Service Period	Meter Reading
----------------	---------------

06/09/15	62497
----------	-------

05/08/15	57944
----------	-------

32 days of service	4553 kWh
--------------------	----------

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jun 2015	61	142.2	20.85
Jun 2014	60	137.8	19.80

13455

RECEIVED

MAY 28 2020

OWRD



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

RECEIVED SEP 14 2015

Cycle: 0605
Feeder Line Code: YM1

Account #

Previous Amount Due 1,840.50
Payments/Adjustments 1,840.50 CR
Balance Forward 0.00
Current Charges 1,615.01

AMOUNT DUE \$ 1,615.01

Due date for current bill 09/28/15

This month's charges (turn over for details)

Meter # AB09669442, Schedule 49

Energy Charges (13408 kWh)

Adjustments

1,597.73
35.13 CR

1,562.60

52.41

Taxes and Fees

Current Charges

1,615.01

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

Point of Delivery Identification (PODID) number for meter number

AB09669442 is 865171714.

31/21

Your energy use

Meter # AB09669442

Schedule 49

Service Period

Meter Reading

09/09/15

32162

08/07/15

18754

33 days of service

13408 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Sep 2015	67	406.3	47.35
Sep 2014	70	276.1	35.57

RECEIVED

MAY 28 2020

OWRD

13455-



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0605
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due 1,144.03
Payments/Adjustments 1,144.03^{CR}
Balance Forward 0.00
Current Charges 1,840.50

RECEIVED AUG 11 2015

AMOUNT DUE \$ 1,840.50
Due date for current bill 08/26/15

This month's charges (turn over for details)

Meter # AB09669442, Schedule 47

Energy Charges (12465 kWh)

Adjustments

1,797.41
15.08^{CR}

1,782.33
58.17

Taxes and Fees

Current Charges

1,840.50

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

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

Point of Delivery Identification (PODID) number for meter number
AB09669442 is 865171714.

Your energy use

Meter # AB09669442

Schedule 47

Service Period

Meter Reading

08/07/15

18754

07/09/15

6289

29 days of service

12465 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Aug 2015	70	429.8	61.45
Aug 2014	71	275.2	35.63

13455

RECEIVED

MAY 28 2020

OWRD



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

Account # [REDACTED]

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Previous Amount Due	959.68
Payments/Adjustments	959.68 ^{CR}
Balance Forward	0.00
Current Charges	1,144.03

Cycle: 0605
Feeder Line Code: YM1

AMOUNT DUE \$ 1,144.03
Due date for current bill 07/28/15

This month's charges (turn over for details)

Meter # AB09669442, Schedule 47

Energy Charges (7747 kWh)	1,119.10
Adjustments	11.22 ^{CR}

Taxes and Fees	1,107.88
	36.15

Current Charges 1,144.03

Your energy use

Meter # AB09669442

Schedule 47

Service Period	Meter Reading
07/09/15	6289
06/09/15	98542
30 days of service	7747 kWh

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

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

Point of Delivery Identification (PODID) number for meter number AB09669442 is 865171714.

RECEIVED JUL 15 2015

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jul 2015	70	258.2	36.92
Jul 2014	65	227.8	30.00

RECEIVED

MAY 28 2020

OWRD

13455 -



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

Portland General Electric

Service Address:
BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Cycle: 0605
Feeder Line Code: YM1

Account # [REDACTED]

Previous Amount Due	790.09
Payments/Adjustments	790.09 ^{CR}
Balance Forward	0.00
Current Charges	959.68

AMOUNT DUE \$ 959.68
Due date for current bill 06/26/15

This month's charges (turn over for details)

Meter # AB09669442, Schedule 47

Energy Charges (6447 kWh)	939.37
Adjustments	9.99 ^{CR}

Taxes and Fees	929.38
	30.30

Current Charges 959.68

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

Point of Delivery Identification (PODID) number for meter number
AB09669442 is 865171714.

Your energy use

Meter # AB09669442

Schedule 47

Service Period	Meter Reading
06/09/15	98542
05/08/15	92095
32 days of service	6447 kWh

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Jun 2015	61	201.4	29.04
Jun 2014	60	173.6	22.94

RECEIVED

MAY 28 2020

OWRD

13455

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAILEY NURSERIES, INC.
1325 BAILEY RD
ST PAUL, MN 55119

confirms the right to use the waters of SALT CREEK AND FIDEL BROTHERS RESERVOIR, TRIBUTARY TO THE NORTH YAMHILL RIVER, for AGRICULTURE USE (NURSERY OPERATIONS) on 259.9 ACRES.

This right was perfected under Permit S-51934. The date of priority is MARCH 2, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.23 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is NOVEMBER 1 THROUGH APRIL 30 FROM LIVE FLOW AND STORED WATER; MAY 1 THROUGH OCTOBER 31 FROM STORED WATER ONLY.

The points of diversion are located as follows:

Twp	Rng	Mcr	Sec	Q-Q	DLC	Measured Distances
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT A - 1265 FEET NORTH AND 1360 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	NE NE	55	DIVERSION POINT B - 1255 FEET NORTH AND 1330 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT C - 675 FEET NORTH AND 1330 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE NE	55	DIVERSION POINT D - 220 FEET NORTH AND 1380 FEET WEST FROM SE CORNER, DLC 55
2 S	4 W	WM	31	SE SE	54	DIVERSION POINT E - 660 FEET NORTH AND 2780 FEET WEST FROM SE CORNER, DLC 61

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	29	SW SW	53	3.3
2 S	4 W	WM	29	SW SW	55	9.5
2 S	4 W	WM	30	SE SE	55	8.8
2 S	4 W	WM	31	NE NE	55	19.6
2 S	4 W	WM	31	SE NE	55	7.9
2 S	4 W	WM	31	NE SW	54	1.1
2 S	4 W	WM	31	SE SW	54	3.0
2 S	4 W	WM	31	NE SE	54	13.3
2 S	4 W	WM	31	NW SE	54	15.8
2 S	4 W	WM	31	SW SE	54	23.3
2 S	4 W	WM	31	SE SE	54	21.7
2 S	4 W	WM	32	NW NW	53	9.3
2 S	4 W	WM	32	NW NW	55	29.2
2 S	4 W	WM	32	SW NW	53	4.1
2 S	4 W	WM	32	SW NW	55	23.0
2 S	4 W	WM	32	NW SW	54	36.8
2 S	4 W	WM	32	SW SW	54	30.2

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The right is limited to any deficiency in the available supply of any prior right existing for the same land.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

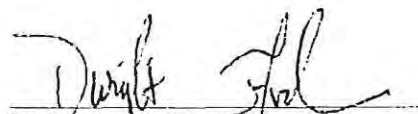
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Issued APR 17 2015



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

RECEIVED

MAY 28 2020

OWRD

Revised Certificate Areas 90079								AC	AC	AC	AC	AC BY
	T	R	Sec	Q	Q	GL/DLC	AC	FROM	REMAINING	TO	RESULT	Q/Q
1	2S	4W	29	SW	SW	53	3.3		3.3		3.3	12.8
2	2S	4W	29	SW	SW	55	9.5		9.5		9.5	
3	2S	4W	30	SE	SE	55	8.8		8.8		8.8	
4	2S	4W	31	NE	NE	55	19.6		19.6		19.6	
5	2S	4W	31	SE	NE	54	1.2		1.2		1.2	7.9
6	2S	4W	31	SE	NE	55	6.7		6.7		6.7	
7	2S	4W	31	NE	SW	54	1.1		1.1		1.1	
8	2S	4W	31	SE	SW	54	3.0		3.0		3.0	
9	2S	4W	31	NE	SE	54	13.3	5.8	7.5	3.0	10.5	
10	2S	4W	31	NW	SE	54	15.8	3.6	12.2		12.2	
11	2S	4W	31	SW	SE	54	23.3	2.0	21.3		21.3	
12	2S	4W	31	SE	SE	54	21.7	0.5	21.2	1.8	23.0	
13	2S	4W	32	NW	NW	53	9.3		9.3		9.3	38.5
14	2S	4W	32	NW	NW	55	29.2		29.2		29.2	
15	2S	4W	32	SW	NW	53	4.1		4.1		4.1	32.1
16	2S	4W	32	SW	NW	54	2.3		2.3	5.0	7.3	
17	2S	4W	32	SW	NW	55	20.7		20.7		20.7	
18	2S	4W	32	NW	SW	54	36.8		36.8	2.1	38.9	
19	2S	4W	32	SW	SW	54	30.2		30.2		30.2	
SUMS =							259.9	11.9	248.0	11.9	259.9	

NOTE: Certificate 90079 was found to have a latent error. The areas shown for DLC 55 in Q/Qs; SE/NE sec. 31 (lines 5 & 6) and SW/NW sec. 32 (lines 15-17) included area in DLC 54 South of NW Pike Road. This table distributes those areas to DLC 54.

RECEIVED

MAY 28 2020

OWRD

'FROM' place of use by Q/Q, DLC and TL, Certificate 90079										
T	R	Sec	Q	Q	TL	DLC	AC	Use	POD	Priority
2S	4W	31	NE	SE	2100	54	5.8	Nursery	1-5	1990
2S	4W	31	NW	SE	2100	54	3.6	Nursery	1-5	1990
2S	4W	31	SW	SE	2100	54	2.0	Nursery	1-5	1990
2S	4W	31	SE	SE	2100	54	0.5	Nursery	1-5	1990
Total From = 11.9										

'TO' place of use by Q/Q, DLC and TL, Certificate 90079										
T	R	Sec	Q	Q	TL	DLC	AC	Use	POD	Priority
2S	4W	31	NE	SE	2100	54	3.0	Nursery	1-5	1990
2S	4W	31	SE	SE	2100	54	1.8	Nursery	1-5	1990
2S	4W	32	NW	SW	1900	54	1.9	Nursery	1-5	1990
2S	4W	32	NW	SW	2000	54	0.2	Nursery	1-5	1990
2S	4W	32	SW	NW	1900	54	3.5	Nursery	1-5	1990
2S	4W	32	SW	NW	2000	54	1.5	Nursery	1-5	1990
Total To = 11.9										

13455

RECEIVED

MAY 28 2020

OWRD

2020 TRANSFER CALCULATIONS.

CERT	AC	CFS	CFS/AC	FROM AC	cfs trans
90079	259.9	2.23	0.00858	11.90	0.1021

RECEIVED

MAY 28 2020

OWRD

13455 -



First American

First American Title Insurance Company

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: Larry Ball
(503)376-7363
lball@firstam.com

LOT BOOK SERVICE

BAILEY NURSERIES INC
9855 NW PIKE RD
YAMHILL, OR 97148

Order No.: 1039-3398460
February 18, 2020

Attn: JON ESTES
Phone No.: (503)457-6897 - Fax No.: (503)662-3778
Email: JON.ESTES@BAILEYNURSERY.COM

Re:

Fee: \$125.00

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

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

and as of February 13, 2020 at 8:00 a.m.

We find that the last deed of record runs to

Bailey Nurseries, Inc., a Minnesota corporation

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

NONE

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. 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.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

First American Title

13455 -

RECEIVED

MAY 28 2020

OWRD

4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Yamhill River.
5. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
7. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: November 03, 1903
Recording Information: Book 43, Page 373, Deed Records
Affects: Exact location not specified
8. Easement, including terms and conditions contained therein:
Granted to: The City of Yamhill, a Municipal corporation
Recorded: February 21, 1966
Recording Information: Film Volume 50, Page 980, Deed and Mortgage Records
9. Easement, including terms and conditions contained therein:
Granted to: The City of Yamhill, a Municipal corporation
Recorded: February 21, 1966
Recording Information: Film Volume 50, Page 983, Deed and Mortgage Records
10. Easement, including terms and conditions contained therein:
Granted to: The City of Yamhill, a Municipal corporation
Recorded: February 21, 1966
Recording Information: Film Volume 50, Page 986, Deed and Mortgage Records
11. Easement, including terms and conditions contained therein:
Granted to: Bailey Nurseries, Inc., a Minnesota corporation
Recorded: December 8, 1976
Recording Information: Film Volume 116, Page 1101, Deed and Mortgage Records
12. Easement, including terms and conditions contained therein:
Granted to: Portland General Electric Company, an Oregon corporation, and its successors and assigns
Recorded: May 24, 2012
Recording Information: Instrument No. 2012-06848, Deed and Mortgage Records
13. Unrecorded leases or periodic tenancies, if any.

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

First American Title

RECEIVED

MAY 28 2020

OWRD

13455 -

We find the following unpaid taxes and city liens:

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$4,934.26
Map No.: R2431-02000
Property ID: 16271
Tax Code No.: 16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$118.05
Map No.: M00285746
Property ID: 507679
Tax Code No.: 16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$151.63
Map No.: M00269379
Property ID: 488038
Tax Code No.: 16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$1,733.18
Map No.: P2489
Property ID: 287335
Tax Code No.: 16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$1,341.17
Map No.: R2431-02100
Property ID: 16280
Tax Code No.: 16.2

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount: \$5.36
Map No.: R3406-00590
Property ID: 88844
Tax Code No.: 16.2

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

RECEIVED

MAY 28 2020

First American Title

13455 - OWRD

Exhibit "A"

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

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.; thence along an existing fence North 88° 47' 25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54); thence South 1° 12' 38" West, 25.00 feet to a 5/8" iron rod; thence North 88° 47' 25" West, 425.00 feet to the center of the Yamhill River; thence along the center of said Yamhill River North 1° 12' 38" East, 25.00 feet; thence South 88° 47' 25" East, 400.00 feet to a 1 inch iron pipe at a fence corner; thence along an existing fence North 00° 18' 20" West, 1546.15 feet to a 5/8" iron rod at a fence corner; thence along an existing fence North 89° 56' 39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Film Volume 108, Page 1371, Yamhill County deed of records; thence along said tract North 89° 06' 40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract; thence North 2° 26' 45" East, 563.54 feet to a tack and lead in concrete; thence North 41° 11' 52" East, 201.67 feet to a 3/4" iron pipe; thence North 64° 27' 57" East, 28.88 feet to a tack and lead in concrete; thence North 00° 45' 18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20; thence along said South right-of-way South 89° 30' 00" East, 269.56 feet to a 5/8" iron rod; thence South 56° 37' 12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243; thence along said West right-of-way South 00° 38' 39" West, 2447.23 feet to the point of beginning.

RECEIVED**MAY 28 2020**

Also Order 16 & 17 Dec 31 TZR4

ARB 4 Sec 6 354w

KNOW ALL MEN BY THESE PRESENTS, That **FIDEL BROS.,** a co-partnership, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by **BAILEY NURSERIES, INC.,** a Minnesota corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Yamhill and State of Oregon, described as follows, to-wit:

A tract of land located in the East 1/2 of Section 31 and the West 1/2 of Section 32 and a portion of the Thomas Harris D.L.C., Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe on the westerly right-of-way of County Road No. 243, which bears South 2667.76 feet and East 303.73 feet from the Southeast corner of the John Perkins D.L.C.;

Thence along an existing fence North 88°47'25" West, 4096.06 feet to a 5/8" iron rod (said fence being on the South line of the Thomas Harris DLC No. 54);

Thence South 1°12'38" West, 25.00 feet to a 5/8" iron rod;

Thence North 88°47'25" West, 425.00 feet to the center of the Yamhill River;

Thence along the center of said Yamhill River North 1°12'38" East, (over)

(If space insufficient, continue description on reverse side)

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$331,360.00.

Notwithstanding the actual consideration consists of or includes other property or value given or promised which is more or less than the consideration indicated which (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of December 3, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, with corporate seal)

STATE OF OREGON, County of Yamhill, December 3, 1976.

Personally appeared the above named Fidel Bros., a co-partnership by Fred Fidel, Marcus Fidel & Arno Fidel, and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon My commission expires: 4/2/80

STATE OF OREGON, County of Yamhill, December 3, 1976.

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: _____ (OFFICIAL SEAL)

Notary Public for Oregon My commission expires: _____

Fidel Bros., a co-partnership
Rt. 1
Yamhill, OR 97148
GRANTOR'S NAME AND ADDRESS

Bailey Nurseries, Inc., a Minnesota corporation, 1325 Bailey Road, Saint Paul, Minnesota 55119
GRANTEE'S NAME AND ADDRESS

Also recording return to:
Bailey Nurseries, Inc., a Minnesota corporation, Same as above
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:
Bailey Nurseries, Inc., a Minnesota corporation, as above
NAME, ADDRESS, ZIP

STATE OF OREGON, County of Yamhill.

I certify that the within instrument was received for record on the 8 day of Dec, 1976, at 2:44 o'clock P.M., and recorded in book 116 on page 1097 or as file/roll number _____ Record of Deeds of said county.

Witness my hand and seal of County affixed.

WANDA CATT, COUNTY CLERK
By _____ Recording Officer
_____ Deputy

RECEIVED
MAY 28 2020
OWRD

25.00 feet;

Thence South 88°47'25" East, 400.00 feet to a 1 inch iron pipe at a fence corner;

Thence along an existing fence North 00°18'20" West, 1546.15 feet to a 5/8" iron rod at a fence corner;

Thence along an existing fence North 89°56'39" East, 2723.99 feet to a 3/4" iron pipe being the Southwest corner of a tract of land as deeded to Fidel Bros. in Book 108, Page 1371, Yamhill County deed of records;

Thence along said tract North 89°06'40" East, 638.35 feet to a 3/4" iron pipe being the Southeast corner of said tract;

Thence North 2°26'45" East, 563.54 feet to a tack and lead in concrete;

Thence North 41°11'52" East, 201.67 feet to a 3/4" iron pipe;

Thence North 64°27'57" East, 28.88 feet to a tack and lead in concrete;

Thence North 00°45'18" East, 267.50 feet to a 3/4" iron pipe on the South right-of-way of Market Road Number 20;

Thence along said South right-of-way South 89°30'00" East, 269.56 feet to a 5/8" iron rod;

Thence South 56°37'12" East, 346.96 feet to a 5/8" iron rod on the West right-of-way of County Road Number 243;

Thence along said West right-of-way South 00°38'39" West, 2447.23 feet to the point of beginning.

Containing 165.68 acres therein.

SUBJECT TO:

1. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.

2. Rights of the public in streets, roads and highways.

3. Right of Way conveyed by deed from Robert Hanning to Portland Trust Company, recorded November 3, 1903 in Book 43, Page 373, Deed Records.

4. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden and Orrin D. Williams and Margaret W. Williams, husband and wife, to The City of Yamhill, a municipal corporation, dated December 16, 1965 and recorded February 21, 1966, in Film Volume 50, Page 983, Deed and Mortgage Records.

5. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to the City of Yamhill, a municipal corporation, dated February 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 980, Deed and Mortgage Records.

6. Water line easement, including the terms and provisions thereof, given by Charles N. Teegarden and Doris P. Teegarden, husband and wife, and Orrin D. Williams and Margaret W. Williams, husband and wife, to City of Yamhill, a municipal corporation, dated December 16, 1965, and recorded February 21, 1966, in Film Volume 50, Page 986, Deed and Mortgage Records.

RECEIVED

MAY 28 2020

OWRD

WIC MINNVILLE



TELEPHONE (503) 357-5717
CELL (503) 939-8381
FAX (503) 357-5698
billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY – JUNCTION CITY - FOREST GROVE - DALLAS

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

SUBJECT: Permanent Transfer Application, on behalf of Bailey Nursery, Inc.

5-26-20

To whom it may concern:

Please find enclosed:

- A check for the amount of \$1,160.
- The completed and signed permanent transfer application.
- The OWRD land use information form filled out by Yamhill County Planning.
- The completed and signed water use affidavit with power use records.
- A copy of the Certificate and map, 90079.
- A copy of the calculations and resolution of a latent error in the certificate.
- First American Lot Book Service report.
- The transfer application map.

Please call if you have any questions or need any further information.

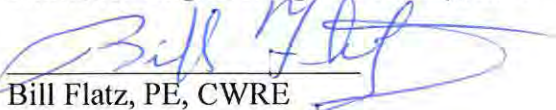
RECEIVED

MAY 28 2020

OWRD

Sincerely,

Stuntzner Engineering & Forestry, LLC

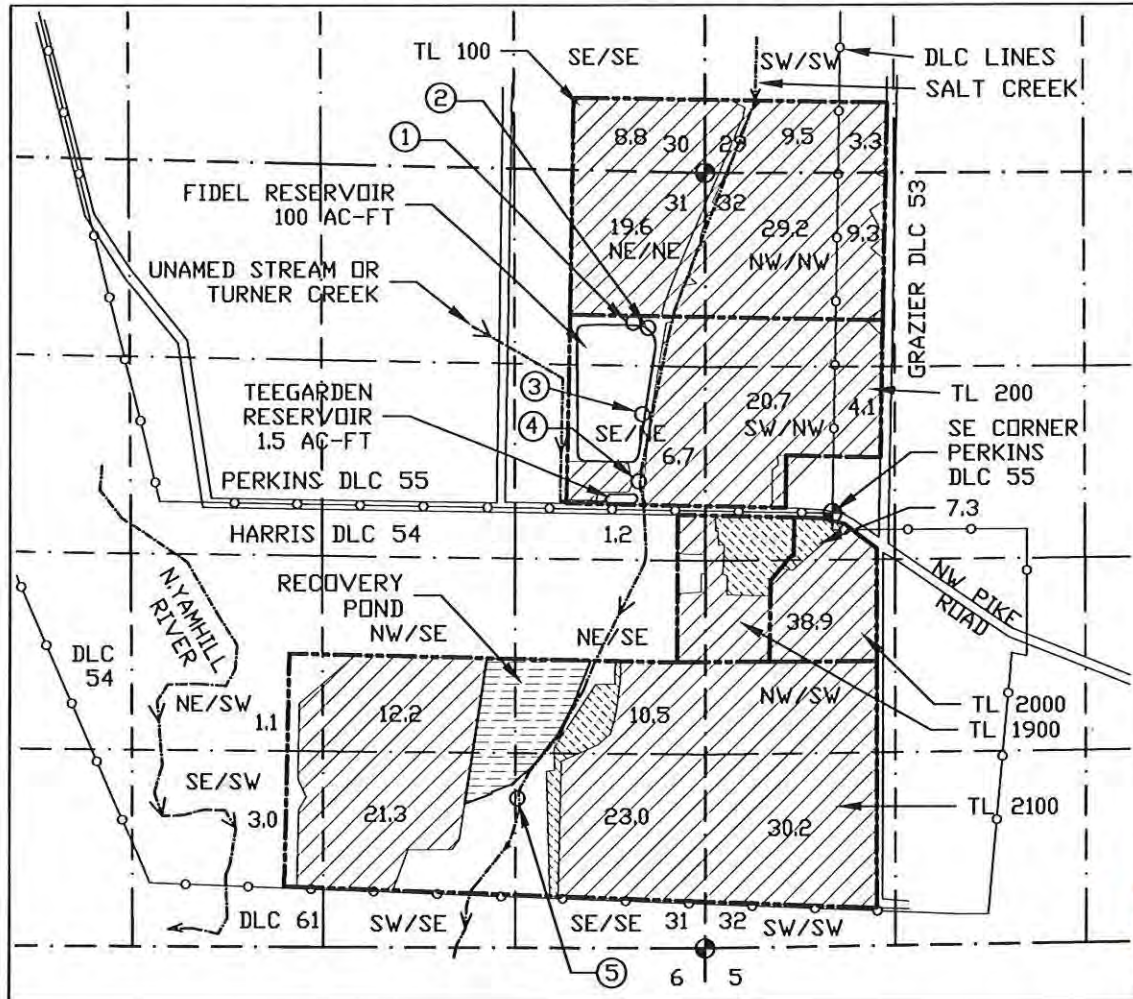

Bill Flatz, PE, CWRE

13455 -

BAILEY NURSERIES, YAMHILL, WATER RIGHTS TRANSFER MAP

LOCATION: TOWNSHIP 2 SOUTH, RANGE 4 WEST, SECTION 31, TAX LOTS; 100, 200, 1900,
2000 AND 2100, WILLAMETTE MERIDIAN, YAMHILL COUNTY.

SITE ADDRESS: 9855 NW PIKE ROAD, YAMHILL OR 97148



1 inch = 1320 ft.

'FROM' place of use by Q/Q, DLC and TL, Certificate 90079

T	R	Sec	Q	Q	TL	DLC	AC	Use	POD	Priority
2S	4W	31	NE	SE	2100	54	5.8	Nursery	1-5	1990
2S	4W	31	NW	SE	2100	54	3.6	Nursery	1-5	1990
2S	4W	31	SW	SE	2100	54	2.0	Nursery	1-5	1990

LEGEND



REMAINING NURSERY RIGHT
CERT. 90079, 248.0 AC.



'FROM' NURSERY RIGHT
CERT. 90079, 11.9 AC.

RECEIVED

MAY 28 2020

OWRD

RECORD OF SURVEY

OF A PORTION OF THE EAST 1/2 SECTION 31 AND
WEST 1/2 SECTION 32, T2S, R4W, W1E
YAMHILL COUNTY, OREGON

SURVYORS CERTIFICATE:
I, GENE T. GINTHER, A REGISTERED ENGINEER,
HEREBY CERTIFY THAT THIS MAP CORRECTLY
REPRESENTS A SURVEY MADE BY ME OR
UNDER MY DIRECTION, AT THE REQUEST OF
FIDAL BROTHERS, AND THAT THE CORNERS
SHOWN ARE MARKED OR FOUND ON THE
GROUND AS SHOWN.



PAGE 50 PAGE 51

SCALE: 1"=25'

BASE OF BRIDGE FOR THIS
SLEVEY IS THE SOUTH LINE OF
PARKING D.C. AS SHOWN ON
C.S. NO. 8004 FROM SE CORNER
OF S&D PARKING D.C. AND
THE 3/4" P. WHICH IS S85°30'E
329.63' FROM S&D SE CORNER.

REFERENCE SOURCES
C.E. NO 6004
C.E. NO 2617

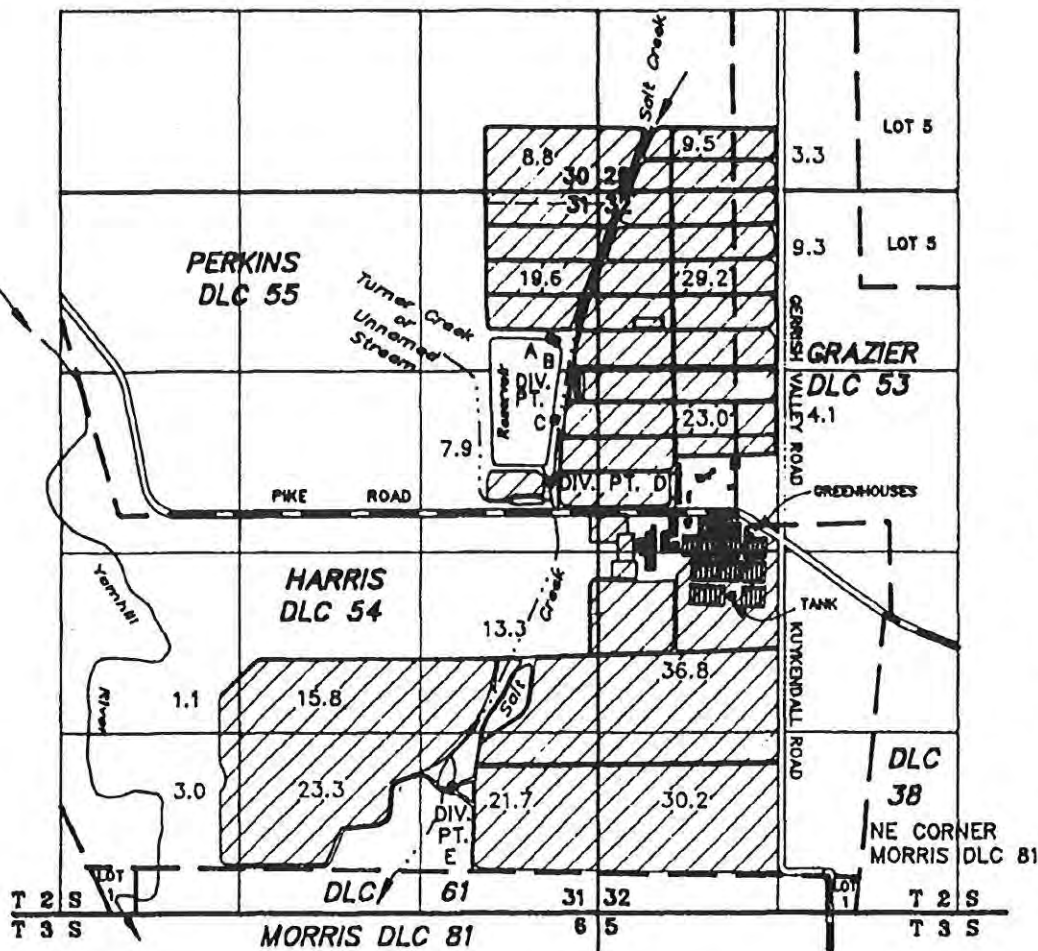
LEGEND
 * DENOTES FOUND AMMUNITION
 AS SHOWN
 † DENOTES SET 3/8" x 30" 11
 AS SHOWN

RECEIVED

13455 - MAY 28 2020

OWRD

T.2S. R.4W. W.M.
YAMHILL COUNTY



DIV. PT. A: 1265' N AND 1360' W. OF THE SE COR OF PERKINS DLC 55
 DIV. PT. B: 1255' N AND 1330' W. OF THE SE COR OF PERKINS DLC 55
 DIV. PT. C: 675' N AND 1330' W. OF THE SE COR OF PERKINS DLC 55
 DIV. PT. D: 220' N AND 1380' W. OF THE SE COR OF PERKINS DLC 55
 DIV. PT. E: 660' N AND 2780' W. OF THE SE COR OF MORRIS DLC 81

RECEIVED

OCT 01 1989

WATER RESOURCES
SALEM, OREGON

FINAL PROOF SURVEY

UNDER

R-25390
24477
R-45354
45355
52898
S-70215

R-1197
19292
R-5378
33951
39919
51934

Application No.

Permit No.

BAILEY NURSERIES INC

JUNE 30, 1999

SCALE: 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

RECEIVED

MAY 28 2020

OWRD



Updated referenced corner for measured distance, PODE. MB/LWRD 12-17-14

13455-

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 Nursery Inc.

Mailing Address: 9855 NW Pike Road

City: Yamhill

State: OR

Zip Code: 97148

Daytime Phone: 503-662-3244

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>4W</u>	<u>31</u>	_____	<u>2100</u>	<u>EF80</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>Nursery</u>
<u>2S</u>	<u>4W</u>	<u>31</u>	_____	<u>1900</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Nursery</u>
<u>2S</u>	<u>4W</u>	<u>31</u>	_____	<u>2000</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Nursery</u>
<u>2S</u>	<u>4W</u>	<u>31</u>	_____	<u>200</u>	<u>EF80</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>Nursery</u>

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

Yamhill County

RECEIVED

MAY 28 2020

OWRD

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) Salt Creek, no-name creek, Yamhill River

Estimated quantity of water needed: 2.23 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Bailey Nursery is moving 11.9 acres of existing water right to another part of the nursery. No additional point of diversion or new water right is involved in this transfer.

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. →

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 Nursery Inc.

Mailing Address: 9855 NW Pike Road

City: Yamhill

State: OR

Zip Code: 97148

Daytime Phone: 503-662-3244

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>4W</u>	<u>31</u>	_____	<u>100</u>	<u>EF80</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Nursery</u>
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

Yamhill County

RECEIVED

MAY 28 2020

OWRD

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) Salt Creek, no-name creek, Yamhill River

Estimated quantity of water needed: 2.23 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Bailey Nursery is moving 11.9 acres of existing water right to another part of the nursery. No additional point of diversion or new water right is involved in this transfer.

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. →

13455 -

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."

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

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.

RECEIVED

MAY 28 2020

OWRD

Name: Kenneth P. Frick Title: Planning Director
 Signature: [Signature] Phone: 503 434-756 Date: 8/2/2019
 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: _____

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 31 T2S R4W W.M.
YAMHILL COUNTY

1"=400'

2 4 31

CANCELLED

SEE MAP 2 4 30

16.2

SEE MAP 3 4 00

SEE MAP 2 4 32

2 4 31

RECEIVED
MAY 28 2020
OWRD

18455

Regular Permanent Water Right Transfer Application Checklist

Checked by Jean

Date 6/3/2020

(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: 1160.00

If not, the correct fee would be: _____, so the amount missing is: _____

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

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type

POU is counted as one type

[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?

If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?

If no, which are cancelled? _____

For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?

☒ N/A ☐ Form D needed from _____ (district)

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

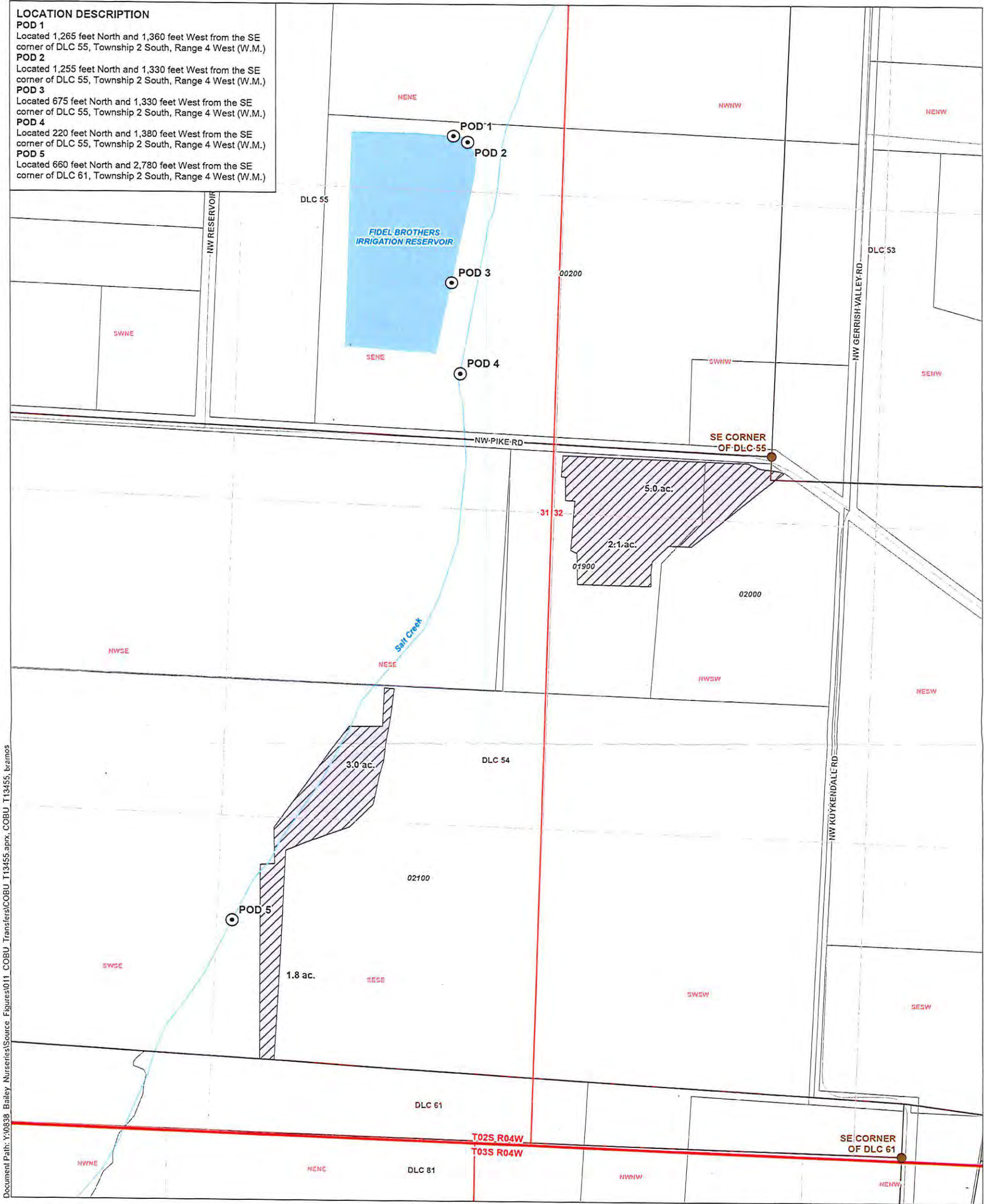
Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____

T-13455

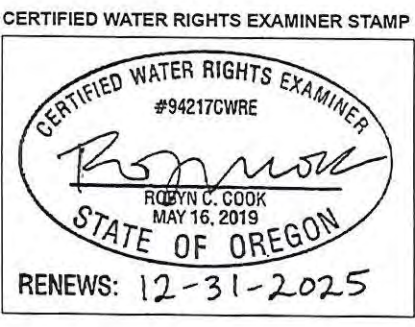


Document Path: Y:\0838 Bailey Nurseries\Source Figures\011 COBU Transfers\COBU T13455.aprx, COBU T13455.bramos

- LEGEND**
- Point of Diversion (POD)
 - Place of Use (POU)
 - Tax Lot
 - Donation Land Survey (DLC)
 - Watercourse
 - Waterbody

Claim of Beneficial Use Map
Application S-70215; Transfer T-13455
Yamhill County
Township 2 South, Range 4 West (W.M.)

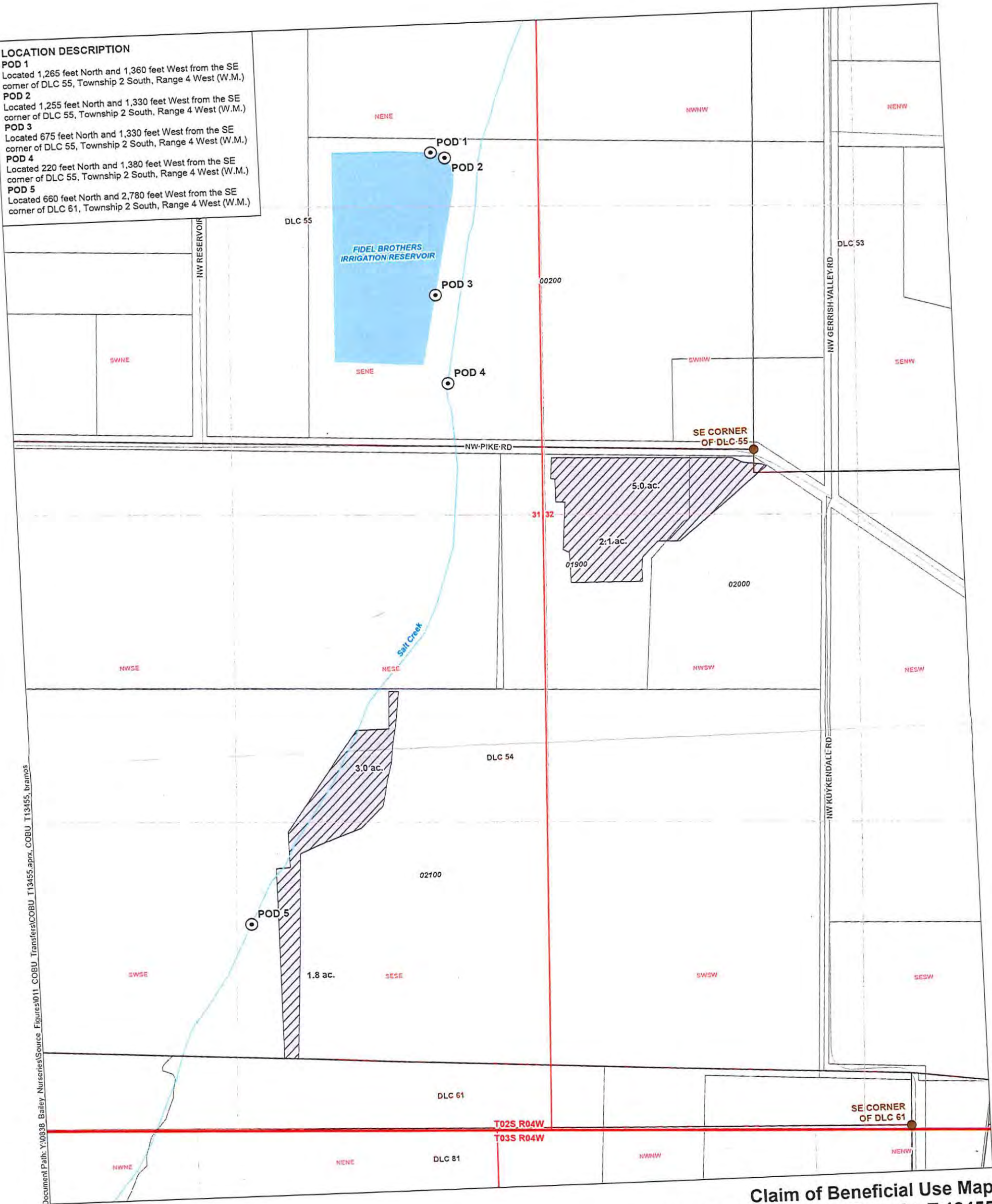
Received
OCT 11 2024
OWRD



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: October 7, 2024
Data Sources: BLM, ESRI, OWRD, USGS

0 200 400 600
1 INCH = 400 FEET

LOCATION DESCRIPTION
POD 1
Located 1,265 feet North and 1,360 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
POD 2
Located 1,255 feet North and 1,330 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
POD 3
Located 675 feet North and 1,330 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
POD 4
Located 220 feet North and 1,380 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
POD 5
Located 660 feet North and 2,780 feet West from the SE corner of DLC 61, Township 2 South, Range 4 West (W.M.)

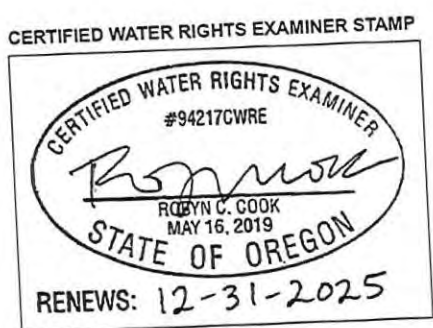


Document Path: Y:\0838 Bailey Nurseries\Source Figures\011 COBU Transfers\COBU T13455.aprx, COBU T13455, branos

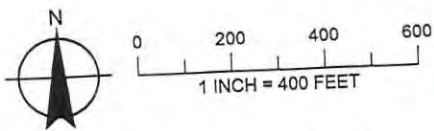
- LEGEND**
- Point of Diversion (POD)
 - Place of Use (POU)
 - Tax Lot
 - Donation Land Survey (DLC)
 - Watercourse
 - Waterbody

Claim of Beneficial Use Map
Application S-70215; Transfer T-13455
Yamhill County
Township 2 South, Range 4 West (W.M.)

Received
OCT 11 2024
OWRD

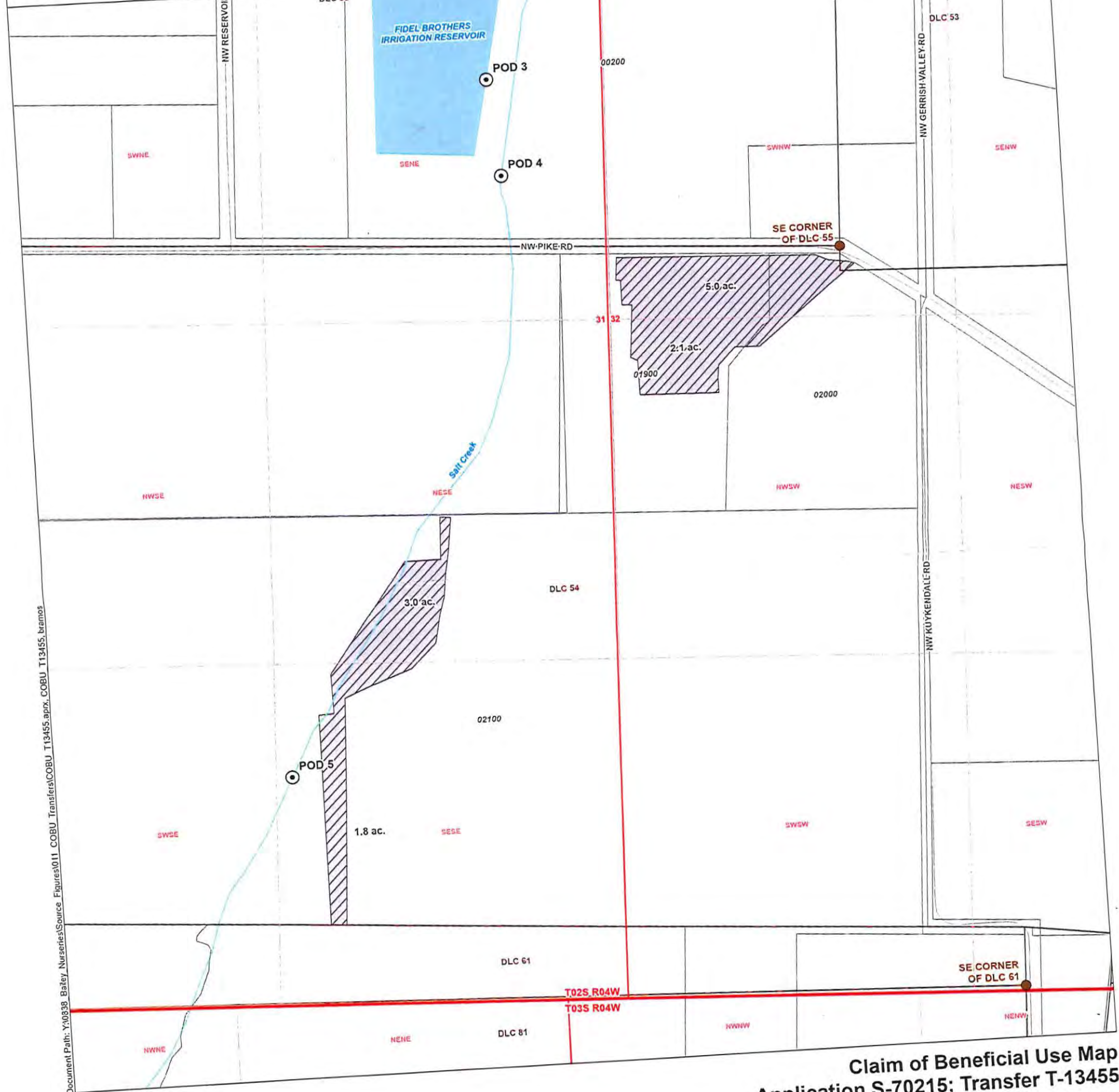


DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
Date: October 7, 2024
Data Sources: BLM, ESRI, OWRD, USGS



LOCATION DESCRIPTION

- POD 1**
Located 1,265 feet North and 1,360 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
- POD 2**
Located 1,255 feet North and 1,330 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
- POD 3**
Located 675 feet North and 1,330 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
- POD 4**
Located 220 feet North and 1,380 feet West from the SE corner of DLC 55, Township 2 South, Range 4 West (W.M.)
- POD 5**
Located 660 feet North and 2,780 feet West from the SE corner of DLC 61, Township 2 South, Range 4 West (W.M.)

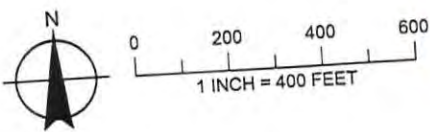
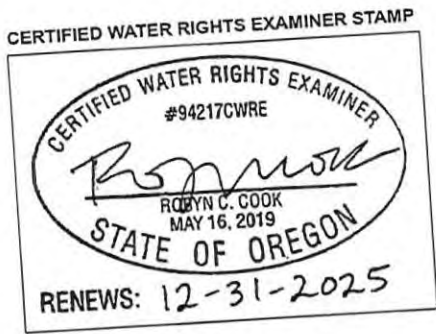


LEGEND

- Point of Diversion (POD)
- Place of Use (POU)
- Tax Lot
- Donation Land Survey (DLC)
- Watercourse
- Waterbody

Claim of Beneficial Use Map
Application S-70215; Transfer T-13455
Yamhill County
Township 2 South, Range 4 West (W.M.)

Received
OCT 11 2024
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: October 7, 2024
Data Sources: BLM, ESRI, OWRD, USGS

