

# Application for a Permit to Use Surface Water



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

**RECEIVED**

MAR 02 2012

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

WATER RESOURCES DEPT  
SALEM, OREGON

### Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL

### Organization Information

NAME		PHONE	FAX
CARLTON NURSERY CO., LLC (ALLAN ELLIOTT)		503-868-7971	503-868-7503
ADDRESS		CELL	
PO BOX 398			
CITY	STATE	ZIP	E-MAIL
DAYTON	OR	97114	

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

AGENT / BUSINESS NAME		PHONE	FAX
MALIA KUPILLAS / PACIFIC HYDRO-GEOLOGY, INC.		503-632-5016	503-632-5983
ADDRESS		CELL	
18487 S. VALLEY VISTA ROAD		503-310-5553	
CITY	STATE	ZIP	E-MAIL
MULINO	OR	97042	PHG@BCTONLINE.COM

Note: Attach multiple copies as needed

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

*Carlton Nursery Co. LLC.*  
Applicant Signature

Print Name and title if applicable

*2/28/12*  
Date

by: *F. Allan Elliott*  
Applicant Signature

*F. Allan Elliott*  
Print Name and title if applicable

*2/28/12*  
Date

*Operations Mgr.*

App. No. <i>S-87785</i>	For Department Use	Permit No. _____	Date _____
-------------------------	--------------------	------------------	------------

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Ron G Goodrich, agent and attorney-in-fact (Please contact Carlton Plants before contacting)

1099 Clear Lake Rd. NE

Keizer, OR 97303

Yamhill County Department of Public Works

2060 Lafayette Avenue

McMinnville, OR 97128

State of Oregon (ODOT)

885 Airport Rd

Salem, OR 97310

Shelby Holbrook

16200 Alderman Rd SE

Dayton, OR 97114

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Stored Water

Tributary to: Willamette River

Source 2: \_\_\_\_\_

Tributary to: \_\_\_\_\_

If any source listed above is stored water that is **authorized under a water right permit, certificate, or decree, attach a copy of the document** or list the document number (for decrees, list the volume, page and/or decree name). **A new Bureau of Reclamation Contract is being applied for to use stored water under certificate 72755 or 72756.**

S-67785

MAR 02 2012

**WATER RESOURCES DEPT  
SALEM, OREGON**

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
  - A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
    - ✓ Copy of Contract Data Sheet attached.
  - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.
    - ✓ Written agreement with BOR will be submitted when available. We need an application number from OWRD before a written agreement will be issued.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Bureau of Reclamation	Supplemental Irrigation	March 1 to October 31	49.7 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 0.0 Acres                      Supplemental: 49.7 Acres  
 List the Permit or Certificate number of the underlying primary water right(s): 42053, GR-2157  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 49.7 AF

S-87705

RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
\_\_\_\_\_

## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): At Lambert Slough: a Cornell CDD, model 4YB50-2 six inch by four inch pump with 50 Hp Marathon Electric Motor, 1765 rpm. An additional pump is used at the booster station using PACO pump with a 30 Hp Baldor Motor. At Alderman Reservoir two identical pumps are used, PACO, CDD, No. 3095-5 with 40Hp Baldor Electric, 3525 rpm.

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water is pumped from Lambert Slough through 8 inch and 6 inch buried PVC with a booster pump in-line to Alderman Reservoir. Water is re-pumped from Alderman Reservoir with two pumps through a buried 12 inch PVC mainline to the area of use and above ground pipe at the place of use.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

One application method is sprinklers with 9/64 inch nozzles. However, other methods of irrigation may be used depending on the crop type and best management practices.

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Water will be used conservatively in amounts necessary to promote growth and maintain healthy plants. A meter will be used to record the amount of use.

## SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: Existing OWFD approved fish screen will be used, a Clemons Model CW 600 self-cleaning screen with 10 mesh stainless steel screens.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No clearing will be needed because system already exist.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No equipment operated in a water body because system already exist.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Existing check values currently protect the water quality.

## SECTION 7: PROJECT SCHEDULE

Date construction will begin: May 2012

Date construction will be completed: May 2012

Date beneficial water use will begin: May 2012

## SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

This supplemental surface water right will be using an existing diversion point on Lambert Slough that provides water to fields covered with other existing surface-water rights. The only construction needed will be inserting a "T" and a riser pipe into the existing mainline and an above ground lateral will be used apply water to the plants. Carlton Plants owns or has essement access for all lands the existing mainline crosses from the point of diversion to the place of use.

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

# Land Use Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT. WR / FS  
SALEM, OREGON

# 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): Carlton Nursery Co., LLC

Mailing Address: PO Box 398

City: Dayton

State: OR

Zip Code: 97114

Daytime Phone: 503-868-7971

## 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>5S</u>	<u>3W</u>	<u>9</u>		<u>5 3 9 100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>5S</u>	<u>3W</u>	<u>9</u>		<u>5 3 9 500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>5S</u>	<u>3W</u>	<u>9</u>		<u>5 3 9 400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>5S</u>	<u>3W</u>	<u>9</u>		<u>5 3 9 1500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>5S</u>	<u>3W</u>	<u>8</u>		<u>5 3 8 1800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>5S</u>	<u>3W</u>	<u>8</u>		<u>5 3 8 1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____

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

Yamhill County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 49.7   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

Stored water will be obtained from the Willamette Basin Project Reservoirs constructed under Permits R-1625 and R-5363, a tributary of the Columbia River.

**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. →

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
 SALEM OREGON

# 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 YUZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Stephanie Armstrong Title: Planner  
 Signature: [Signature] Phone: 503-434-7516 Date: 2/23/12  
 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: \_\_\_\_\_

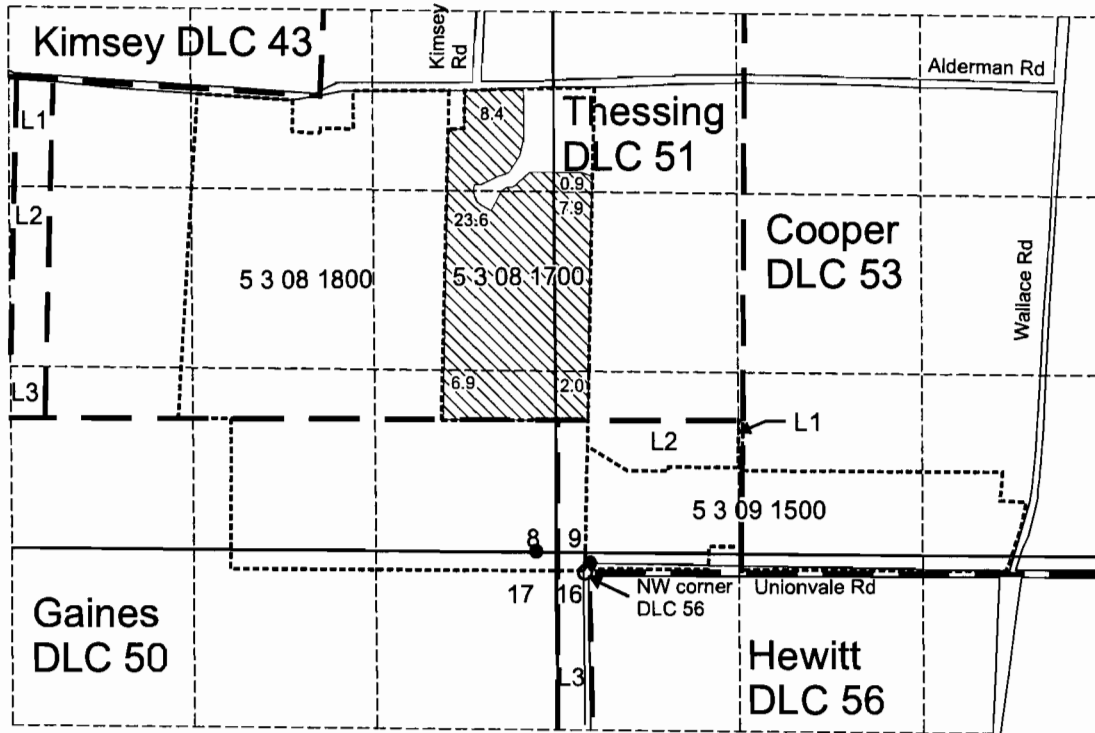
**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT'S  
SALEM, OREGON





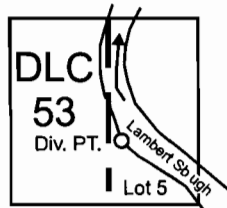
# T.5S. R.3W. Sec. 8, 9, 16, & 17 W.M.



Point of Diversion is located 430 feet north and 80 feet east from the SW corner of Lot 5, T.5S. R.3W. Section 10, W.M.

 Area (49.7 Acres) to be irrigated.

 DLC boundary  
 Tax lot boundary



**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
 SALEM, OREGON

Note: The quarter quarter lines have been projected using a tax map, government land survey maps, an aerial photograph, and best professional judgement.

Scale: 1" = 1,320'



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



Unionvale Finnicum.cdr

Pacific Hydro-Geology Inc.

12/2011

Surface Water Right  
 Application Map

Carlton Plants LLC  
 Goodrich

2-87785



6. Do you currently hold a right to natural flows for irrigating the property described herein? NO  
If yes, what is/are the priority date(s)? \_\_\_\_\_
7. Total quantity of water from storage requested: 49.7 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
5 S	3 W	8	SE NE	8.4	Nursery Stock
5 S	3 W	8	NE SE	23.6	€ Cover Crops
5 S	3 W	8	SE SE	6.9	}
5 S	3 W	9	SW NW	0.9	
5 S	3 W	9	NW SW	7.9	
5 S	3 W	9	SW SW	2.0	

9. What is the present use of the land identified above? [*Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].  
In-ground nursery stock and cover crops
10. Is the land identified above currently being irrigated? yes If yes, what is the source? (*natural flows, wells, etc.*) a well
11. Diversion must be screened to prevent uptake of fish and other aquatic life.  
Describe plan(s) to comply with State/Federal fish screen standards: an approved fish screen is in place and being used  
\* see attached ODFW approval letter

**RECEIVED**

MAR 02 2012

12. Telephone Number where you can be reached during the day: 503-868-7971 WATER RESOURCES DEPT  
SALEM OREGON

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

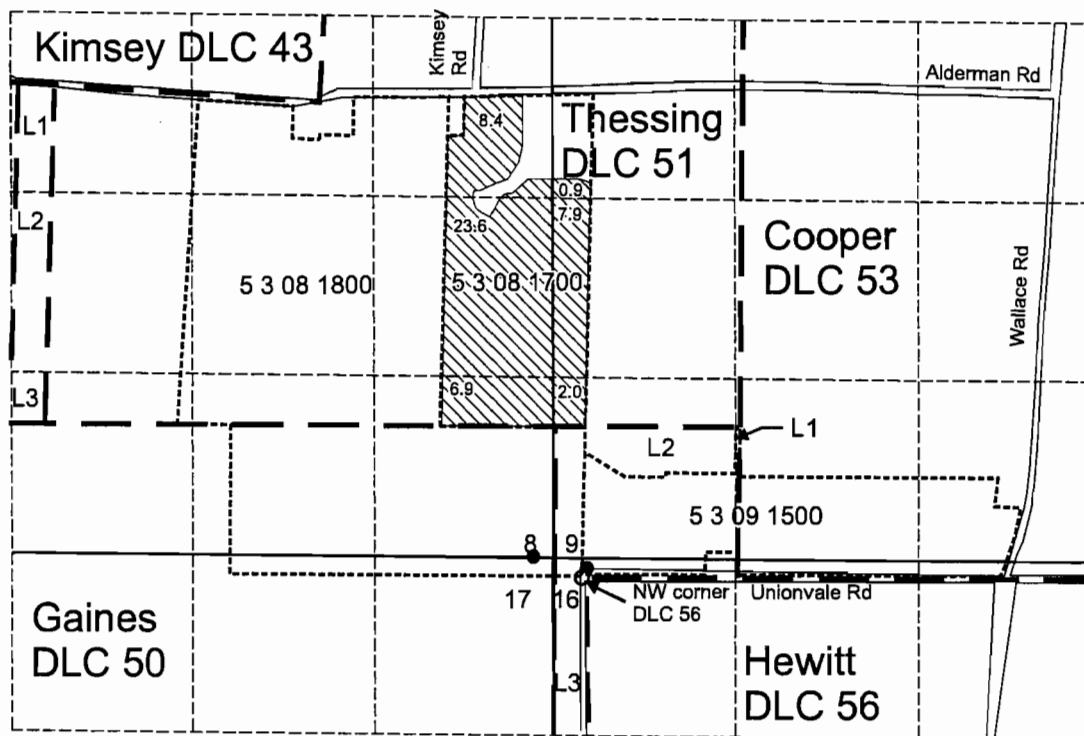
- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEETS, AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE. MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION.

Section 1061 of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency in the United States to furnish a unique taxpayer identifying number, social security number or employer identification number, and each agency to disclose that contractor's intent to use such number for purposes of collecting and reporting any delinquent amount arising out of such contractor's relationship with the Government.

The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be raised in order to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs of the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable cost, which advance payment is required, will be provided to the applicant.

S-87785

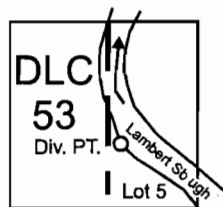
# T.5S. R.3W. Sec. 8, 9, 16, & 17 W.M.



Point of Diversion is located 430 feet north and 80 feet east from the SW corner of Lot 5, T.5S. R.3W. Section 10, W.M.

Area (49.7 Acres) to be irrigated.

DLC boundary  
 Tax lot boundary

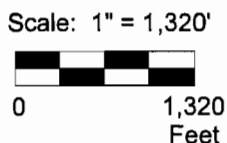


**RECEIVED**

MAR 02 2012

**WATER RESOURCES DEPT  
 SALEM, OREGON**

Note: The quarter quarter lines have been projected using a tax map, government land survey maps, an aerial photograph, and best professional judgement.



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



**Surface Water Right  
 Application Map**

Carlton Plants LLC  
 Goodrich

Pacific Hydro-Geology Inc.

12/2011

Unionvale\_Finnicum.cdr

S-87785

DEED OF PERSONAL REPRESENTATIVE

JACK LEE GOODRICH, Personal Representative of the Estate of Maurice H. Goodrich, deceased, Grantor, conveys, subject to the life estates described below, to JACK LEE GOODRICH, GARY L. GOODRICH, RONALD G. GOODRICH, and LANA GAIL MCKINNEY, Grantees, each as to an undivided one-quarter (1/4) interest as tenants in common, the property described on Exhibit A attached hereto. The property hereby transferred is subject to a life estate hereby granted to EARNESTEEN GOODRICH, including the rents and benefits therefrom, for the entire real property, except the portion used by Jack Lee Goodrich as his residence, and also subject to a terminable right of use hereby granted to JACK LEE GOODRICH, for that portion of the real property used as his residence, together with all benefits therefrom, which right of use is subject to the terms and conditions set forth in the Last Will of Maurice H. Goodrich dated March 12, 1982.

The true and actual consideration for this conveyance stated in terms of dollars is none. The conveyance is made pursuant to ORS 116.223.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 22 day of April, 2002.

*Jack Lee Goodrich*  
\_\_\_\_\_  
Jack Lee Goodrich, Personal Representative of  
the Estate of Maurice H. Goodrich, Deceased

After Recording Return to:  
Peterson & Prause L.L.P.  
P.O. Box 827  
McMinnville, OR 97128

Until a change is requested, all  
tax statements shall be sent to:  
Earnesteen Goodrich  
15950 S.E. Alderman Road  
Dayton, OR 97114

OFFICIAL YAMHILL COUNTY RECORDS  
CHARLES STERN, COUNTY CLERK



\$36.00

200208508 4:48:35 PM 4/26/2002  
DMR-DMR Crit=1 Str=3 SUSAN  
\$15.00 \$10.00 \$11.00

P-87785

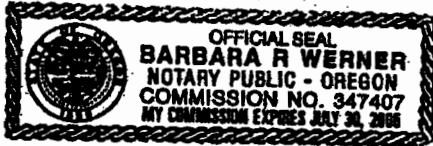
RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                                  ) ss.  
County of Yamhill    )

The above instrument was acknowledged by **JACK LEE GOODRICH** to be his voluntary act as Personal Representative of the Estate of Maurice H. Goodrich, deceased, on the 2nd day of April, 2002.



*Barbara R. Werner*  
Notary Public for Oregon  
My Commission Expires: 7/30/08

S-87785

**RECEIVED**  
MAR 02 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT A

Being a part of the Donation Land Claim of John H. Thessing and wife, claim No. 50, Notification 1643 in Section 8 and 9, Township Five (5), South of Range Three (3), West of the Willamette Meridian, in Yamhill County, Oregon, and more particularly bounded and described as follows, to-wit: Beginning at a point 16.50 chains west of the Southeast corner of the said Donation Land Claim. Thence West 16.50 chains. Thence North 30.28 chains. Thence East 16.26 chains. Thence South 30.34 chains, to the place of beginning, containing fifty acres, and

Being a part of the Donation Land Claim of J.H. Thessing, claim No. 51, Notification No. 1643, in Township Five (5), South of Range Three (3), West of the Willamette Meridian, in Yamhill County and State of Oregon, and more particularly described as follows: Beginning at a stone in center of road 14.30 chains East of West boundary line of the J.H. Thessing D.L.C. Thence South 6.04 chains to a stone. Thence East 16.31 chains to a stone. Thence North 6.52 chains to a stone in center of road. Thence West 16.31 chains to the place of beginning, and containing ten and one-fourth acres, more or less.

---

EXCEPTING that portion of the above-described real property transferred to Fred and Mary Hackworth by instrument recorded on July 17, 1950, in Book 158, Page 136.

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

3/3

S-87785

AFTER RECORDING RETURN TO:

Jon Barch  
Carlton Plants, LLC  
PO Box 398  
Dayton, OR 97114

SEND TAX STATEMENTS TO: No Change.

CONSIDERATION: None

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**FARM LEASE**  
(Goodrich)

DATE: April 14<sup>th</sup>, 2011

PARTIES: GARY L. GOODRICH, RONALD G. GOODRICH, LANA GAIL (McKINNEY) HUNT, and JOY M. SAUSE (beneficiary of the estate of JACK L. GOODRICH), as equal tenants in common, collectively referred to as "Landlord"  
15956 SE Alderman Road  
Dayton, OR 97114

and

CARLTON PLANTS, LLC, an Oregon limited liability company, "Tenant."  
PO Box 398  
14301 SE Wallace Road  
Dayton, OR 97114

The parties agree as follows:

**SECTION 1. LEASE OF REAL PROPERTY**

1.1 **Real Property.** Landlord leases to Tenant that certain tract of land (50 tillable acres) commonly known as the Goodrich Farm, consisting of a portion of Tax Lot #5308-01700, Yamhill County (the "leased premises"), and more particularly described on Exhibit "A," attached hereto and incorporated herein.

1.2 **Additional Rights.** During the lease term, Tenant shall have the right to exercise and use Landlord's water rights relating to the leased premises, if any. Tenant shall pay its proportionate share of all fees connected with the use of such rights, including but not limited to its proportionate share of electric bills. Tenant's proportionate share shall be based on Tenant's water use on the leased premises as compared to total water use. Landlord shall not sell, assign or sublease any of such water rights to any third party.

**SECTION 2. TERM**

The term of this lease shall commence on November 1, 2010 and shall continue through October 31, 2021. Thereafter, Tenant may, (by providing written notice to Landlord), elect to extend the term of this lease or any extension hereof on a month-to-month basis for 1/12th of the annual rental each month to allow harvesting of existing crops. Tenant shall have the option to terminate this lease, at annual intervals, by delivering a written notice to Landlord on or before January 1 of any year. If a notice is so delivered, the lease shall terminate on the October 31st following the delivery of the notice.

FARM LEASE - 1

3/21/11 DMR:lgW:\clients\ca10477004\00061663.WPD

S-87785



**SECTION 3. RENT**

Tenant shall pay to Landlord as cash-rent the following amounts:



**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

Rent shall be paid in one annual payment, payable on the 1st day of November of each year, beginning November 1, 2011.

Notwithstanding the above, the rent due from Tenant for the period from November 1, 2010 to October 31, 2011 ( [redacted] x 50 ac = [redacted] ) shall be off-set by the amounts spent by Tenant for utility upgrades on the leased premises, up to [redacted]

**SECTION 4. USE OF THE PREMISES**

Tenant shall use the leased premises for agricultural and related purposes. Tenant shall have the right to clean ditches and fence rows, construct roads and level the land as required to plant nursery stock thereon. Tenant shall also have the right to install utility upgrades on the leased premises.

**SECTION 5. RIGHT OF REFUSAL**

5.1 **To Rent.** Tenant is hereby granted a right of first refusal to rent the leased premises for one additional five (5) year term following expiration of the Term in Section 2 above. In the event Tenant exercises this option, this Farm Lease shall be renewed on terms and conditions similar to those contained in this Lease agreement, except for rent, which shall be agreed upon between the parties.

5.2 **To Purchase.** Tenant is hereby granted a right of first refusal to purchase all or any part of the leased premises for which an offer to purchase is made by a third party on the same terms and conditions offered to Landlord, in the event the Landlord is willing to accept the offer. Landlord shall give written notice to Tenant of any such third party offer and shall provide Tenant with a reasonable time to exercise this right of first refusal. Transfers between the Landlords named above are exempt from this Right of First Refusal as long as Tenant continues to lease the premises.

**SECTION 6. TAXES AND PROPERTY INSURANCE**

Landlord shall pay all real property taxes levied against the leased premises or improvements thereon and shall pay all premiums for casualty insurance on the improvements located on the leased premises.

S-87785

## **SECTION 7. MAINTENANCE OF THE PROPERTY; WASTE**

7.1 Tenant shall farm the leased premises in accordance with the principles of good husbandry and shall not permit or commit any waste to the leased premises.

7.2 At its cost, Tenant shall make all improvements or repairs to the leased premises occupied by Tenant.

7.3 Tenant shall make efforts to maintain or improve drainage and control erosion, perform cover cropping and weed control measures on the leased premises. Tenant may, at its discretion, elect to tile the leased premises, or a portion thereof. Tiling, if any, shall be paid for by Tenant.

7.4 Upon termination of the lease, Tenant shall deliver the leased premises to Landlord in as good a state and condition as reasonable use and wear thereof will permit (damages by the elements excepted) and subject to the effects, if any, of fertilizers, herbicides, pesticides and insecticides which Tenant has used on the leased premises, as long as they are applied according to the manufacturer's label specifications.

## **SECTION 8. INSURANCE**

Tenant shall be responsible for obtaining and maintaining liability insurance insuring Tenant's operations on the leased premises, in an amount of at least \$250,000/occurrence. Such policy shall name Landlord as an additional insured and shall provide Landlord with 25 days written notice prior to cancellation. Tenant shall provide Landlord with written proof of insurance. Landlord shall be responsible for any insurance Landlord may wish to purchase covering liability for Landlord's acts and any loss which may be occasioned to the property subject to this lease.

## **SECTION 9. INDEMNITY**

Except as otherwise provided herein, Tenant shall indemnify and hold Landlord harmless from any and all claims of every nature which may arise from injury to person or property arising from Tenant's use of the leased premises, except those resulting from Landlord's own negligence.

## **SECTION 10. DEFAULT**

Should the Tenant fail to do anything as required by this agreement, the Landlord shall give Tenant notice in writing specifying the Tenant's default. If the Tenant shall not cure that default within 60 days, the lease shall automatically be terminated, and the Landlord may reenter the leased premises and take possession of it and remove all persons and things from the leased premises.

## **SECTION 11. MISCELLANEOUS**

11.1 Time is of the essence of this agreement.

11.2 If suit is necessary to enforce any term or provision of this agreement, the prevailing party shall be entitled to recover from the losing party such attorney fees and costs as may be awarded by the court. This award will include any attorney fees or costs awarded on any appeal.

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

11.3 Waiver by the Landlord or Tenant of the strict performance of any term or covenant of this agreement, or of the timely payment of any rent due, or any right under this agreement, shall not be a continuing waiver.

11.4 This contract shall bind the heirs, administrators, successors and assigns of the parties.

11.5 This lease contains the entire agreement of the parties. No amendment or variation of the terms or conditions of this lease shall be valid unless it is in writing and is signed by all parties.

11.6 Any notice under this lease shall be in writing and shall be effective when actually delivered.

Duly executed in duplicate.

CARLTON PLANTS, LLC

By [Signature]  
Jon Barch, Member

TENANT

By [Signature]  
Ronald G. Goodrich, as attorney-in-fact and agent for Gary L. Goodrich

By [Signature]  
Ronald G. Goodrich, individually

By [Signature]  
Ronald G. Goodrich, as attorney-in-fact and agent for Lana Gail (McKinney) Hunt

By [Signature]  
Ronald G. Goodrich, as attorney-in-fact and agent for Joy M. Sause, for an on behalf of the beneficiaries of the Estate of Jack L. Goodrich

LANDLORD

Yamhill County, Oregon - ss:

On this 14<sup>th</sup> day of April, 2011 personally appeared RONALD G. GOODRICH and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



[Signature]  
Notary Public for Oregon  
My Commission Expires: 11/28/2012

RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

yamhill County, Oregon - ss.

On this 14<sup>th</sup> day of April, 2011, personally appeared JONATHAN BARTCH and, being duly sworn, did say that he is the Member of CARLTON PLANTS, LLC, an Oregon limited liability company, and that he executed the foregoing instrument for and on behalf of said limited liability company by authority of its members, and acknowledged the instrument to be its voluntary act and deed.

Before me:

Michele Thomas  
Notary Public for Oregon  
My commission expires: 11/28/2012



**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT A**

Being a part of the Donation Land Claim of John H. Thessing and wife, claim No. 50, Notification 1643 in Section 8 and 9, Township Five (5), South of Range Three (3), West of the Willamette Meridian, in Yamhill County, Oregon, and more particularly bounded and described as follows, to-wit: Beginning at a point 16.50 chains west of the Southeast corner of the said Donation Land Claim. Thence West 16.50 chains. Thence North 30.28 chains. Thence East 16.26 chains. Thence South 30.34 chains, to the place of beginning, containing fifty acres, and

Being a part of the Donation Land Claim of J.H. Thessing, claim No. 51, Notification No. 1643, in Township Five (5), South of Range Three (3), West of the Willamette Meridian, in Yamhill County and State of Oregon, and more particularly described as follows: Beginning at a stone in center of road 14.30 chains East of West boundary line of the J.H. Thessing D.L.C. Thence South 6.04 chains to a stone. Thence East 16.31 chains to a stone. Thence North 6.52 chains to a stone in center of road. Thence West 16.31 chains to the place of beginning, and containing ten and one-fourth acres, more or less.

**EXCEPTING** that portion of the above-described real property transferred to Fred and Mary Hackworth by instrument recorded on July 17, 1950, in Book 158, Page 136.

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785



GENERAL PROVISIONS:

1. CALL THE APPROVING AGENCY TWO BUSINESS DAYS PRIOR TO START OF WORK. See below.
2. Traffic control shall conform to the requirements of the MANUAL on UNIFORM TRAFFIC CONTROL DEVICES.
3. Pavement cutting will not be allowed without prior approval, approval will be given on a case by case basis only.
4. Open cuts of pavement within travel lanes shall be patched with cold mix or covered with steel plates to accommodate traffic overnight or until the final hot patch is constructed.
5. All trenching and pavement cuts shall be guaranteed against settlement.
6. A copy of an approved permit and construction drawings must be on the job at all times that work is being performed.
7. ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the center. (Note: the telephone number for the Oregon Utility Notification Center is (503) 232-1987 or 1-800-332-2344.)

The Applicant shall indemnify and save harmless the Approving Agency, its Council, its Board of Commissioners, its officers and employees from all suits and actions; or claims of any character brought because of any injuries or damages received or sustained by any person, or property on account of the operations of the said Applicant, his Subcontractors or the employees of either; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the said Applicant.

The Applicant accepts and approves the terms and provisions contained and attached hereto, including the special provisions and the Approving Agency's adopted Design Standards. Permits for construction expire six (6) months from date of issue.

APPLICANTS SIGNATURE: [Signature]

TITLE (owner(s)/authorized agent): owner

DATE: Feb 1 2001

\* \* \* \* \* WHEN APPROVED AFFIX AGENCY STAMP BELOW \* \* \* \* \*



YAMHILL COUNTY  
PUBLIC WORKS  
DEPARTMENT  
2060 Lafayette  
McMinnville  
Phone 503

REQUIRED APPROVALS

[Signature] 2/6/01  
County Engineer Date

[Signature] Feb 02, 01  
Roadmaster Date

[Signature] 2/6/2001  
Date

RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

MAPERMIT

S-87785

STATE OF OREGON  
COUNTIES OF LANE, LINN, AND MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUREAU OF RECLAMATION, U.S.A.  
PACIFIC NORTHWEST REGION  
1150 NORTH CURTIS ROAD  
BOISE, IDAHO 83706-1234

confirms the right to store the waters of COAST FORK WILLAMETTE RIVER, in COTTAGE GROVE RESERVOIR; ROW RIVER in DORENA RESERVOIR; LONG TOM RIVER in FERN RIDGE RESERVOIR; MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; NORTH SANTIAM RIVER in DETROIT RESERVOIR; tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-1625. The date of priority is AUGUST 16, 1954. The amount of water entitled to be stored each year under this right is NOT MORE THAN 835,000 acre-feet; BEING 30,000 AF from COAST FORK WILLAMETTE RIVER in COTTAGE GROVE RESERVOIR; 70,000 AF from ROW RIVER in DORENA RESERVOIR; 95,000 AF from LONG TOM RIVER in FERN RIDGE RESERVOIR; 340,000 AF from MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; 300,000 AF from NORTH SANTIAM RIVER in DETROIT RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoirs are located as follows:

COTTAGE GROVE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 27, 28, 29, 32, AND 33  
TOWNSHIP 21 SOUTH, RANGE 3 WEST, W.M.

SECTIONS 4, 5, AND 8  
TOWNSHIP 22 SOUTH, RANGE 3 WEST, W.M.

DORENA RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 32, 33, AND 34  
TOWNSHIP 20 SOUTH, RANGE 2 WEST, W.M.

SECTIONS 2, 3, 4, 5, 10, 11, 13, AND 14  
TOWNSHIP 21 SOUTH, RANGE 2 WEST, W.M.

SEE NEXT PAGE

R-29397.GJT

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785



FERN RIDGE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
23, 26, 27, 28, 29, 30, 32, 33, AND 34  
TOWNSHIP 17 SOUTH, RANGE 5 WEST, W.M.

LOOKOUT POINT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 13 AND 24  
TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

SECTIONS 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, AND 35  
TOWNSHIP 19 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 1, 2, 3, 4, 10, 11, AND 12  
TOWNSHIP 20 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 7, 17, 18, 19, 20, 21, 27, AND 28  
TOWNSHIP 20 SOUTH, RANGE 2 EAST, W.M.

DETROIT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 35 AND 36  
TOWNSHIP 9 SOUTH, RANGE 5 EAST, W.M.

SECTION 24  
TOWNSHIP 10 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 1, 2, 3, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
27, AND 28  
TOWNSHIP 10 SOUTH, RANGE 5 EAST, W.M.

SECTIONS 7, 17, AND 18  
TOWNSHIP 10 SOUTH, RANGE 6 EAST, W.M.

THIS CERTIFICATE IS ISSUED SUBJECT TO THE TERMS AND CONDITIONS AS SET OUT IN  
"EXHIBIT B" OF THE APPLICATION.

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

WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

  |S|   Steven P. Applegate  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72755.

R-29397.GJT

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

87785

STATE OF OREGON  
COUNTIES OF LANE AND LINN  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUREAU OF RECLAMATION, U.S.A.  
PACIFIC NORTHWEST REGION  
1150 NORTH CURTIS ROAD  
BOISE, IDAHO 83706-1234

confirms the right to store the waters of MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR, SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR, BLUE RIVER in BLUE RIVER RESERVOIR, FALL CREEK in FALL CREEK RESERVOIR, SOUTH SANTIAM RIVER in FOSTER RESERVOIR, MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR, tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-5363. The date of priority is SEPTEMBER 16, 1968. The amount of water entitled to be stored each year under this right is NOT MORE THAN 805,100 ACRE-FEET, BEING 194,600 AF FROM MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR; 144,000 AF FROM SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR; 79,000 AF FROM BLUE RIVER in BLUE RIVER RESERVOIR; 107,500 AF FROM FALL CREEK in FALL CREEK RESERVOIR; 30,000 AF FROM SOUTH SANTIAM RIVER in FOSTER RESERVOIR; AND 250,000 AF FROM MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoir is located as follows:

HILLS CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 34, 35, AND 36  
TOWNSHIP 21 SOUTH, RANGE 3 EAST, W.M.

SECTION 31  
TOWNSHIP 21 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 2, 3, 4, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 33, AND 34  
TOWNSHIP 22 SOUTH, RANGE 3 EAST, W.M.

SECTION 6  
TOWNSHIP 22 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 3 AND 4  
TOWNSHIP 23 SOUTH, RANGE 3 EAST, W.M.

SEE NEXT PAGE

R-45396.GJT

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

COUGAR RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 31 AND 32  
TOWNSHIP 16 SOUTH, RANGE 5 EAST, W.M.

SECTIONS 4, 5, 6, 7, 8, 17, 20, 28, 29, AND 33  
TOWNSHIP 17 SOUTH, RANGE 5 EAST, W.M.

BLUE RIVER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 9, 10, 11, 12, 13, 14, 15, 16, AND 22  
TOWNSHIP 16 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 6 AND 7  
TOWNSHIP 16 SOUTH, RANGE 5 EAST, W.M.

FALL CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTION 36  
TOWNSHIP 18 SOUTH, RANGE 1 WEST, W.M.

SECTION 1  
TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

SECTIONS 26, 27, 31, 32, 33, AND 34  
TOWNSHIP 18 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 4, 5, 6, 7, 8, 9, AND 16  
TOWNSHIP 19 SOUTH, RANGE 1 EAST, W.M.

FOSTER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 22, 23, 24, 25, 26, AND 27  
TOWNSHIP 13 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 16, 17, 19, 20, 28, 29, 30, 32, AND 33  
TOWNSHIP 13 SOUTH, RANGE 2 EAST, W.M.

SEE NEXT PAGE

R-45396.GJT

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

GREEN PETER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 24, 25, 26, 35, AND 36  
TOWNSHIP 12 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 9, 10, 16, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32,  
33, 34, AND 35  
TOWNSHIP 12 SOUTH, RANGE 3 EAST, W.M.

SECTIONS 1, 2, 10, 11, AND 12  
TOWNSHIP 13 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 3, 4, 5, AND 6  
TOWNSHIP 13 SOUTH, RANGE 3 EAST, W.M.

SECTION 19  
TOWNSHIP 12 SOUTH, RANGE 4 EAST, W.M.

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

WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

|s| Steven P. Applegate  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72756

R-45396.GJT

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

Pipeline under Wallace Rd. @ Alderman #1



**APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY**

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

**24224**

HIGHWAY DIVISION

GENERAL LOCATION		PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)	
HIGHWAY NAME <b>Salem - Dayton</b>		<input type="checkbox"/> POLE LINE	TYPE
HIGHWAY NUMBER <b>150</b>	COUNTY <b>Yamhill</b>	<input type="checkbox"/> BURIED CABLE	TYPE
BETWEEN OR NEAR LANDMARKS <b>Carlton Nursery AND</b>		<input checked="" type="checkbox"/> PIPE LINE	TYPE <b>Water</b>
MINY. REFERENCE MAP NUMBER <b>5B-4-23</b>	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> NON-COMMERCIAL SIGN
APPLICANT NAME AND ADDRESS <b>Carlton Nursery Rt. 1, Box 214 Dayton, Oregon 97114 c/o S.B. Nicoll (Ceramco) Ph: 472-3222</b>		<input type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW. BOND REQUIRED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO REFERENCE: OAR 734-55-035 (2) AMOUNT OF BOND: \$ INSURANCE REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE: OAR 734-55-035 (1) SPECIFIED COMP. DATE:	

**DETAIL LOCATION OF FACILITY**

(For more space use back of application or attach additional sheets)

MILE POINT	MILE TO POINT	ENGINEERS STATION	ENGINEERS TO STATION	SIDE OF HIGHWAY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		* OPEN OUT	SPAN LENGTH
					CENTER LINE	RAW LINE	DEPTH	SIZE AND KIND		
5.21		253+00		90°			36"	6" w/8" PVC Casing	N	

DESCRIPTION AND LOCATION OF NON-COMMERCIAL SIGNS OR MISCELLANEOUS OPERATIONS/FACILITIES

SPECIAL PROVISIONS (For more space use back of application or attach additional sheets)

\*1—OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED?

YES [OAR 734-55-040 (10)]  NO [OAR 734-55-040 (9)]

**# 03M24224**

\*2—TRAFFIC CONTROL REQUIRED?

YES [OAR 734-55-025 (8)]  NO

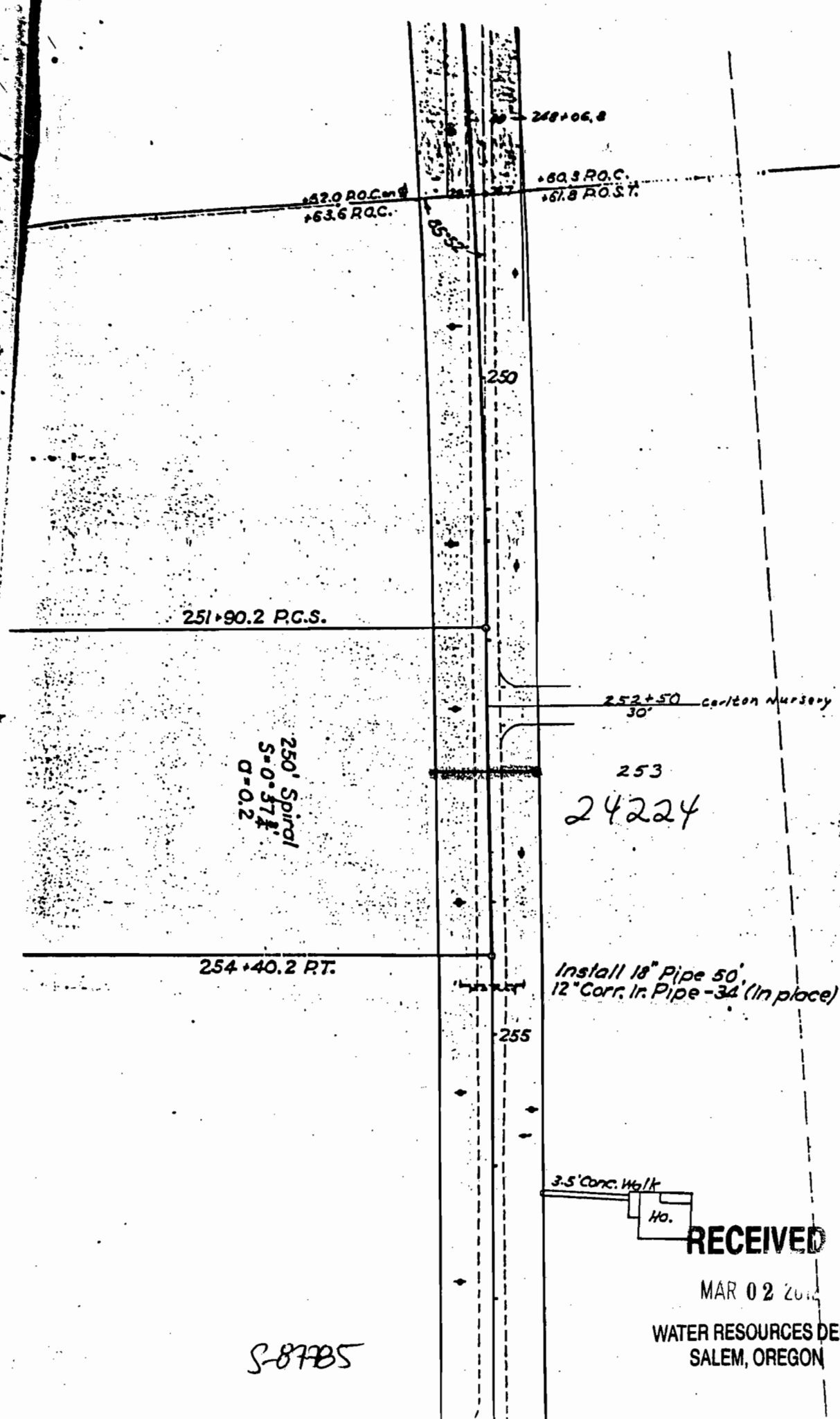
**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

587785

When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached; and the terms of Oregon Administrative Rule, Chapter 734, Division 55, which is by this reference made a part of this permit.		DISTRICT MAINTENANCE SUPERVISOR <i>AST.</i> <input checked="" type="checkbox"/> <i>Jack Bryan</i>	DATE COMPLETE APPLICATION RECEIVED <b>6-28-83</b>
APPLICANT <input checked="" type="checkbox"/> <i>J. W. ...</i>	APPLICATION DATE	REGION ENGINEER <input checked="" type="checkbox"/> <i>[Signature]</i>	DATE <b>6-20-83</b>
TITLE <b>CONSTRUCTION SUPERVISOR</b>		UTILITY PERMIT SUPERVISOR <input checked="" type="checkbox"/> <i>[Signature]</i>	APPROVAL DATE <b>JUN 30 1983</b>



248+06.8

249.0 R.O.C. + 63.6 R.O.C.

249.3 R.O.C. + 67.8 R.O.S.T.

250

251+90.2 P.G.S.

252+50 Carleton Nursery 30'

250' Spiral  
S=0.57%  
D=0.2

253

24224

254+40.2 R.T.

Install 18" Pipe 50'  
12" Corr. Ir. Pipe - 34' (In place)

255

3.5' Conc. Walk

No.

RECEIVED

MAR 02 2014

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

HolbrookEASEMENT

KNOW ALL MEN BY THESE PRESENTS, That JOSEPH T. HOLBROOK and SHELBY J. HOLBROOK, husband and wife, hereinafter called the "Grantor", for and in consideration of \$10.00, and other good and valuable consideration, to Grantor in hand paid by GORDON BAILEY, TRUSTEE OF THE GORDON BAILEY REVOCABLE TRUST DATED NOVEMBER 9, 1989, hereinafter called the "Grantee", have bargained, sold and conveyed and by these presents do hereby bargain, sell, and convey unto the Grantee, his successors and assigns, a permanent easement and right-of-way fifteen feet (15') in width, including the perpetual right to enter upon the real estate described in and by the following described easement, to obtain access to said easement and to construct, maintain, repair and replace, operate, make connections, remove water lines and service connections through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said pipe-lines and installations, and for the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said pipelines and other installations.

The land affected by the grant of this easement as granted to the Grantee is more particularly described as follows:

-----A tract of land in Section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the Donation Land Claim of J. H. Thessing, Claim No. 51, Notification No. 1643, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and running thence West along the South boundary line of said Donation Land Claim, 16.580 chains to the Southwest corner of a 50 acre tract of land conveyed to Chandler Warner by Deed recorded in Book "X", Page 636, Deed Records of Yamhill County, Oregon; thence North 36.67 chains to the center of the County Road now there, and being the Northwest corner of a certain 11 acre tract conveyed to Chandler Warner, by Deed recorded in Book "Z", Page 365, Deed Records of Yamhill County, Oregon; thence East along the center of said County Road, 16.28 chains to an iron pin set in the center of said County Road and the East line of the said J. H. Thessing Donation Land Claim; thence South 37.15 chains to the place of beginning.-----

The easement across the above described property is a strip of land fifteen feet (15') in width and begins at Alderman Road at the Northeast corner of the above described property and runs South parallel with and contiguous to the east line of the above described property to the South line of the above described property, and thence runs West fifteen feet (15') in width, parallel with, and contiguous to the South line of the above described property to the West line of the above described property.

PAGE 1 - EASEMENT

Recorded in Yamhill County, Oregon  
CHARLES STERN, COUNTY CLERK

40.00

199413927 3:59pm 08/26/94

001 9003838 09 06

1 0 D13 2 10.00 10.00 20.00 0.00 0.00  
0.00**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

Exhibit C Page 1 of 3

S-87785

RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

TO HAVE AND TO HOLD said easement and right-of-way to the said Grantee, and to his successors and assigns forever.

As a further consideration for this grant of easement, the Grantee shall by the acceptance of this grant agree to do the following:

1. To refill all excavations as soon as practicable after opening the same.
2. To dispose of all the brush and debris from the easements,
3. To notify the owner before future major repairs are made, if owner is available.
4. To pay crop damage, if any.

The Grantor hereby reserves the right to the use of the surface of the strip of land conveyed by this easement and right-of-way, except the right to erect structures thereon.

The Grantor hereby covenants to and with the Grantee, its successors and assigns, that Grantor is lawfully seized and possessed of the real premises and that the Grantor has a good and lawful right to convey said easement or any part thereof; that it is free from all liens and encumbrances except encumbrances held by mortgagees, if any, and that Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

In construing this easement, the singular includes the plural, as the circumstances may require.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 9<sup>th</sup> day of August, 1994.

Joseph T. Holbrook  
JOSEPH T. HOLBROOK

Shelby J. Holbrook  
SHELBY J. HOLBROOK

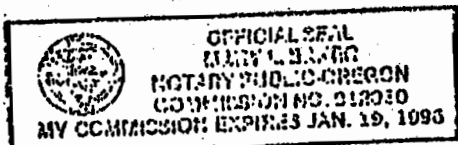
STATE OF OREGON     )  
                          )     ss.  
County of Yamhill )

August 9<sup>th</sup>, 1994

Personally appeared the above-named JOSEPH T. HOLBROOK and SHELBY J. HOLBROOK, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

M. L. Baker  
Notary Public for Oregon  
My Commission Expires: 1-19-1996



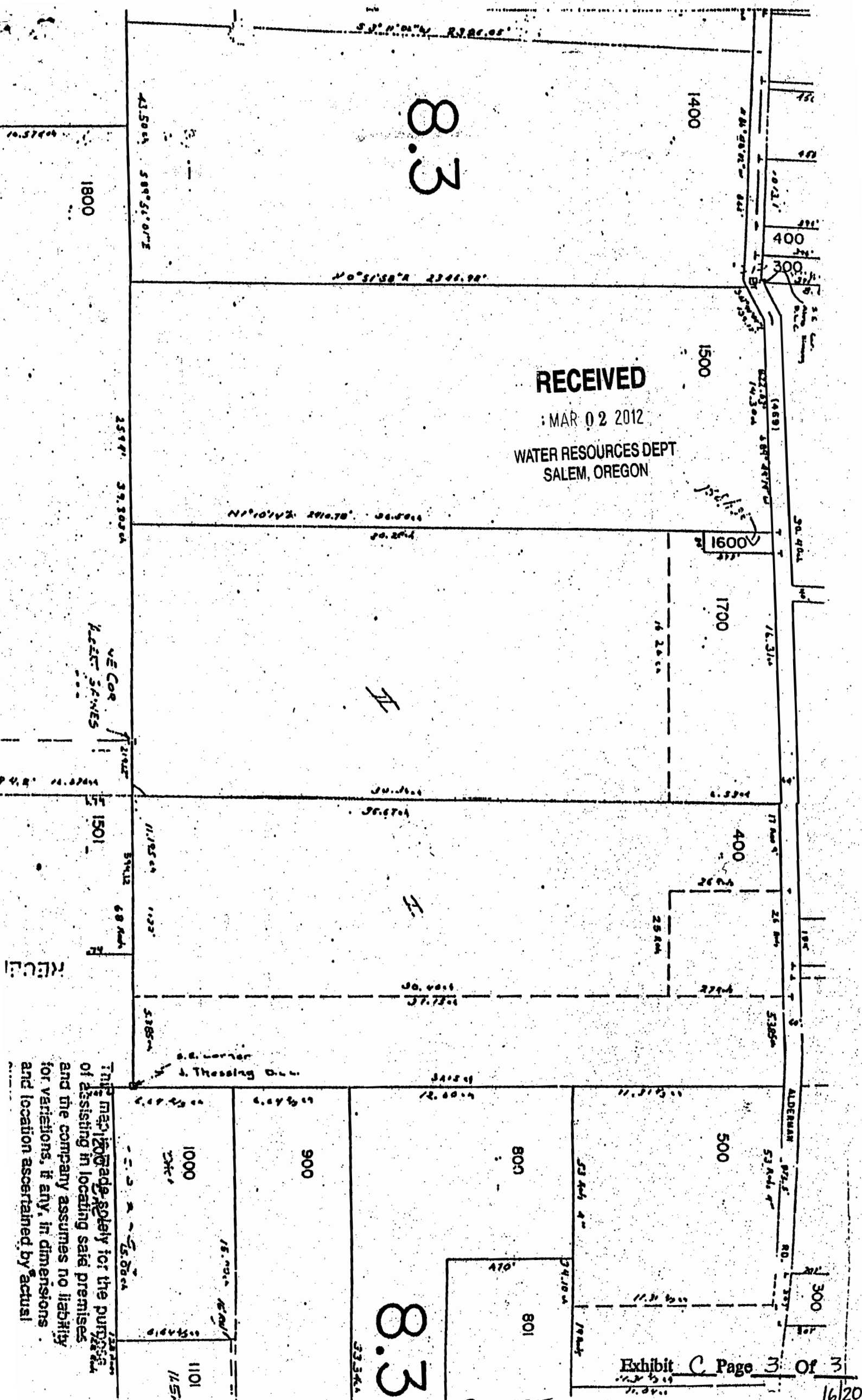


8.3

RECEIVED

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS AND LOCATION ASCERTAINED BY ACTUAL

S-87705

**Checklist for Reclamation Water Contractor Diversions**

**DIVERSION INFORMATION:**

Name of Diversion: ALDERMAN / CARLTON PLANT  
Stream: Lambert Slough Tributary to: Willamette  
Diversion Type (gravity or pump): Pump Location: T     , R     , Sec.       
GPS Coordinates: Lat N 45°09.393 Long W 123°03.015 Elevation: 98 ft  
Who owns the diversion structure? Private  Federal Facility  Unknown   
Name of canal/ditch if available:       
Is diversion structure a full upstream passage barrier to adult salmonids? Yes  No   
If not, what type of upstream passage?       
What is the purpose of barrier?     

**WATER CONTRACTOR CONTACTS:**

Name: Allen & Elliot @ Carlton Plant  
Address: 14301 SE WALLACE RD  
City: Dayton State: OR Zip: 97114  
Phone: 503-868-7971 Fax:       
Water Right Amount (cfs):      Certificate Number: 79468  
Total amount of water diverted (cfs):      Amount of Contract Water (cfs): 2.51  
Water Service Contract number: 5-07-10-W1030 + Temporary 51918 permit #

**FISH INFORMATION:**

Please check below:

- I. Species of Anadromous Salmonid
  - Spring Chinook
  - Fall Chinook
  - Coho
  - Sockeye
  - Summer Steelhead
  - Winter Steelhead
  - Lamprey
- II. Species of Resident Trout
  - Rainbow Trout
  - Cutthroat Trout
  - Redband Trout
  - Bull Trout

Lat  
45.15255  
Long  
-123.05025

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

**FISH SCREEN INFORMATION:**

Does the canal/ditch have an operating fish screen? Yes  No

If yes, Type of Screen: Sure Flo

Type of screen cleaning system (active or passive):

Date Installed: \_\_\_\_\_ Installed By: Water User

Designed By: \_\_\_\_\_ Maintained By: Water User

Is screen(s) properly operated and maintained? Yes  No

**For Rotating Drum or Vertical Panel Screens:**

**I. Rotating Drum Screen:**

i. Type of Operating System: Electrical Motor  Paddle wheel

ii. Size of screen: Diameter \_\_\_\_\_ ft. Length \_\_\_\_\_ ft.

iii. Net Approach Velocity  $\leq 0.40$  fps Yes  No

iv. Screen Material meets NMFS criteria?<sup>1</sup> Yes  No

v. Screen Open Area at least 27% Yes  No

vi. Submergence:  $\leq 85\%$  and  $\geq 65\%$  Yes  No

vii. Is Screen Length greater than 6 ft? Yes  No

a. If yes, Screen must be angled, what angle? \_\_\_\_\_ degrees; (Max. angle is 45°)

viii. Stoplog used at downstream of screen Yes  No  Distance \_\_\_\_\_ ft.<sup>2</sup>

ix. Sweeping velocity:  $\geq 0.8$  fps and  $\leq 3$  fps Yes  No

**II. Vertical Screen:**

i. Net Approach Velocity  $\leq 0.40$  fps Yes  No

ii. Screen Material meets NMFS criteria?<sup>1</sup> Yes  No

iii. Screen Open Area at least 27% Yes  No

iv. Is Screen Length greater than 6 ft? Yes  No

a. If yes, Screen must be angled, what angle? \_\_\_\_\_ degrees; (Max. angle is 45°)

v. Sweeping velocity:  $\geq 0.8$  fps and  $\leq 3$  fps Yes  No

**For Actively Cleaned End-of-Pipe Screens:**

**I. General:**

i. Net Approach Velocity  $\leq 0.40$  fps Yes  No

ii. Screen Material meets NMFS criteria?<sup>1</sup> Yes  No

iii. Screen Open Area must be at least 27% Yes  No

iv. Submergence:  $\geq 1$  screen radius below<sup>3</sup> Yes  No

v. Intake located in off-channel area Yes  No

If yes is water velocity back to main channel less than 0.4 fps Yes  No  N/A

50hp Pump  
650 gpm

Screen Manufacturer: Sure Flo Model: SCS-8 22" Long x 21" Dia

**II. Pump Information (Active Screen only)**

Manufacturer: \_\_\_\_\_ Horsepower: 50 hp Intake size: \_\_\_\_\_ in.

**RECEIVED**

MAR 02 2012

WATER RESOURCES DEPT  
SALEM, OREGON

S-87785

**For Passive End-of-Pipe Screens:**

**I. General:**

- i. Net Approach Velocity  $\leq 0.20$  fps Yes  No
- ii. Screen Material meets NMFS criteria?<sup>1</sup> Yes  No
- iii. Screen Open Area must be at least 27% Yes  No
- iv. Combined rate of flow:  $\leq 3$  cfs Yes  No
- v. Submergence:  $\geq 1$  screen-radius below<sup>3</sup> Yes  No
- vi. Any woody debris or sediment built-up Yes  No
- vii. Intake located in off-channel area Yes  No

If yes is water velocity back to main channel less than 0.4 fps Yes  No

Screen Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_

**II. Pump Information (Passive Screen only)**

Manufacturer: \_\_\_\_\_ Horsepower: \_\_\_\_\_ hp Intake size: \_\_\_\_\_ in.

Note: The combined rate of flow at the diversion site using a passive screen must be less than 3 cfs.

**For Bypass Facility:**

**I. Bypass Entrance:**

- i. Minimum Flow<sup>4</sup>: Yes  No

**II. Bypass Conduit (Pipe)**

- i. Flow: 5 % of total diverted flow amount Yes  No
- ii. Velocity:  $\geq 6$  fps and  $\leq 12$  fps Yes  No
- iii. Depth:  $\geq 40\%$  of pipe diameter Yes  No
- iv. Are pipes/joints smooth or good conditions? Yes  No

**III. Bypass Outfall**

- i. Free of eddies, reverse flow or known predator habitat Yes  No
- ii. Impact Velocity: Less than 25 fps Yes  No
- iii. Is it possible for adult fish to be attracted into pipe? Yes  No

Does Screen meet NMFS criteria<sup>5</sup>? Yes  No

Does Bypass Facility meet NMFS criteria<sup>5</sup>? Yes  No  *n/a*

Comments: As long as the water user uses less than 1150 gpm this screen will meet NMFS criteria.

*S-87785*

**RECEIVED**  
MAR 02 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

<sup>1</sup> Screen face openings; Circular screen openings must not exceed 3/32 inches in diameter. Or Square screen openings must not exceed 3/32" on a diagonal. Slotted screen must not exceed 1/16" (1.75mm) in narrow direction.

<sup>2</sup> Stoplogs should be located at least two drum diameters downstream of the back of the drum.

<sup>3</sup> Screen must be submerged to a depth of at least one screen radius below the minimum water surface.

<sup>4</sup> The minimum bypass entrance flow velocity should be greater than 110% of the maximum canal velocity upstream of the bypass entrance.

<sup>5</sup> National Marine Fishery Service, N.M.F.S. Anadromous Salmonid Passage Facility Design (Dated: Feb 2008)  
(www.nwr.noaa.gov/Salmon-Hydropower/PERC/upload/Fish\_Passage\_Design.pdf)

MARTIN OLSON ODFW  
Inspected by: Print Name Agency

[Signature] 11/16/09  
Inspected by: Date

\_\_\_\_\_  
O.D.F.W. Fish Screening Program Coordinator Date

\_\_\_\_\_  
Reclamation BSA Program Manager Date

**RECEIVED**  
MAR 02 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

S-87785