

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



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

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

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

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

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

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

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YES NO OWRD

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION # T-12798

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 Carlton Nursery Co. LLC		
ADDRESS PO Box 398		
CITY Dayton	STATE OR	ZIP 97114

4. Date of Site Inspection:

September 26, 2024*

***The system observed during the site visit was in place in May 2023.**

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

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

6. County:

Yamhill

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

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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



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

Transfer Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Jon Estes	Water Resources Manager, Bailey Nurseries; Representative for Carlton Nursery Company LLC	2/5/2025

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**SECTION 3
Changes Made**

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

**New or Additional Point of Diversion
Change in POD(s) or Additional POD(s)**

Did the transfer order authorize a change in the points of diversion or additional points of diversion? YES **NO**

If "NO", this Section can be deleted.

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

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
CP POD	Willamette River and Willamette River Basin Project Reservoirs

2. Variations:

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

If yes, describe below.

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

N/A

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE <u>AND VOLUME</u> AUTHORIZED IN ORDER*	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED*
CP POD	6.03 cfs (4.43 cfs Cert. 64748, 1.6 cfs Cert. 87769); 400.0 acre-feet (Cert. 89032)	5.7 cfs	5.7 cfs

System Description

Are there multiple new or additional Points of Diversion (POD)? **YES** NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

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

CP POD

A. POD System Information

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

1. Pump Information

PUMP	MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Pump 1	Cornell Pump Co.	5RB-75-4	253019.13.06.0.00	Centrifugal	8"	5"
Pump 2	Cornell Pump Co.	4YB5022	65548	Centrifugal	8"	5"
Booster	Paco	0-40707-04001-188	98B00699	Centrifugal	6"	6"

2. Motor Information

PUMP	MANUFACTURER	HORSEPOWER
1	Baldor	75
2	Marathon	50
Booster	Baldor	30

3. Theoretical Pump Capacity

PUMP	HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
Pump 1	75 HP	18	10 ft	81 ft	3.9 cfs
Pump 2	50 HP	40	10 ft	81 ft	1.8 cfs

4. Provide pump calculations:

Pump calculations are provided in Attachment B.

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

PUMP	INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Pump 1	130,771,000 gal	130,774,500 gal	2 min	3.9 cfs
Pump 2	276,019,625 gal	276,021,255 gal	2 min	1.8 cfs

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

None.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM’S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe? **YES** **NO**

If “NO”, items 2 through 4 relating to this section may be deleted. Items 2 through 4 were deleted.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING’S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal? **YES** **NO**

If “NO”, items 2 through 4 relating to this section may be deleted. Items 2 through 4 were deleted.

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use? **YES** **NO**

If “NO”, this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
125.0 Irrigation (45.0 Cert. 19875; 80.0 Cert. 87769)	125.0 Irrigation (45.0 Cert. 19875; 80.0 Cert. 87769)
45.1 Supplemental Irrigation (0.1 Cert. 64748; 45.0 Cert. 87769)	45.1 Supplemental Irrigation (0.1 Cert. 64748; 45.0 Cert. 87769)

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.”)

N/A

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **YES** **NO**

If “NO”, this Section can be deleted. This section was deleted.

Change #4

Change in Character of Use – Reservoir

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Did the transfer order authorize a change in character of use for a reservoir? YES NO

If "NO", this Section can be deleted. This section was deleted.

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SECTION 4 CONDITIONS

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

1. Time Limits:

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

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	January 6, 2021	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2022	May 2023*

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE *AN EXTENSION OF TIME WAS APPROVED EXTENDING THE "C" DATE TO OCTOBER 1, 2023.

2. Is there an extension final order(s)? YES NO

If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
125	813	October 1, 2023

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES NO

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

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.

b. Has a meter been installed? YES NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
CP POD (Pump 1)	McCrometer	23-00724-10	Working	130,771,000 gal	March 2023
CP POD (Pump 2)	McCrometer	1709732-06	Working	276,019,625 gal	March 2023

If a meter has been installed, items d through f relating to this section may be deleted. Items d through f were deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES** **NO**

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

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES** **NO**

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? **YES** **NO**

c. When was the fish screening installed?

DATE	BY WHOM
March, 2023	Owner

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump and** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA** **YES** **NO**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? NA YES* NO
***A fish screen approval letter is included in Attachment C.**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

- a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

If "NO", items b and c relating to this section may be deleted. Items b and c were deleted.

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

- a. Was the water user required to restore the riparian area if it was disturbed? YES NO
- b. Was a fishway required? YES NO
- c. Other conditions? YES NO

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

N/A

SECTION 5

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Attachment A	Transfer Final Order and Extension Final Order
Attachment B	Pump Calculations
Attachment C	Fish Screen Approval Letter
Attachment D	Claim of Beneficial Use Maps
Attachment E	Assumed Business Name – Amendment

SECTION 6

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale

of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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

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

The new place of use was visited during the site inspection. The extent of the place of use was located during a field survey completed during the site inspection and verified using historical aerial imagery. The location of the additional point of diversion was confirmed during the site inspection using a handheld GPS. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from 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
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- 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")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

Attachment A

Transfer T-12798 Final Order and Extension Final Order

Claim of Beneficial Use – Bailey Nurseries, Inc.

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

In the Matter of Transfer Application)
T-12798, Marion, Polk, and Yamhill)
Counties) **FINAL ORDER APPROVING AN
) ADDITIONAL POINT OF DIVERSION
) AND 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

CARLTON NURSERY CO. LLC
C/O ALLAN ELLIOTT
PO BOX 398
DAYTON, OR 97114

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Findings of Fact

1. On December 22, 2017, CARLTON NURSERY CO. LLC, c/o ALLAN ELLIOTT filed an application for an additional point of diversion under Certificates 64748, 87769, and 89032. The Department assigned the application number T-12798.
2. Certificates 64748, 87769, and 89032 are in the name of Palmer Creek Water District Improvement Company, however, Carlton Nursery Co. LLC, c/o Allan Elliott, will be responsible for completion of the changes.
3. Notice of the application for transfer was published on January 2, 2018, pursuant to OAR 690-380-4000. No comments 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.

4. On May 23, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The application did not correctly identify the authorized point of diversion under Certificates 64748, 87769, and 89032. The application maps identifying the current place of use under Certificates 64748 and 87769 do not match the place of use as identified by Department records. The Department requested that the deficiencies be resolved by June 21, 2019.
5. On June 19, 2019, the applicant's agent submitted revised tables and a map, correctly identifying the authorized point of diversion for Certificates 64748, 87769, and 89032. The applicant's agent also informed the Department that the Palmer Creek Water District Improvement Company (PCWDIC) had revised maps for all water rights involved, and that the maps would be submitted to the Department as part of a District reconciliation of irrigated acres and quarter-quarter lines. The maps submitted with the application were simply a re-description of Certificates 64748 and 87769.
6. On June 24, 2019, the applicant's agent informed the Department that PCWDIC never completed re-mapping that was allowed under House Bill (HB) 3111, as the maps were done but the acreages needed to be added.
7. On July 18, 2019, the Department informed the applicant's agent that the Department was unable to locate a petition for PCWDIC, as was required under ORS 541.327. The Department determined that PCWDIC was not eligible for re-description under HB 3111, since a petition was not on file with the Department. The Department also determined that a change in place of use had taken place, and that the application would need to be revised, or a new transfer application would need to be submitted. The Department requested that the deficiencies be resolved by August 2, 2019. The Department did not receive a response.
8. On August 29, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-12798 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 27, 2019, for the applicant to respond. The Department did not receive a response.
9. On October 23, 2019, the Department issued a Preliminary Determination proposing to deny Transfer T-12798 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 October 29, 2019, pursuant to ORS 540.520 and OAR 690-380-4020.
10. On November 8, 2019, a protest was received from Pacific Hydro-Geology, Inc., 18487 S. Valley Vista Rd., Mulino, OR, 97042. The Department also received revisions to the application which included a request to change the place of use under Certificates 19875 and 87769.
11. On November 22, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the revisions submitted on November 8, 2019. Table 2 and the map under Certificate 19875 identified 45.7 acres, whereas Certificate 19875 authorizes only 45.0 acres. The Department requested that the deficiencies be resolved by December 24, 2019.

12. On December 3, 2019, the Department determined that Certificate 19875 is layered with Certificate 87769. Certificate 19875 is identified as the underlying primary right for portions of Certificate 87769 that are identified as supplemental irrigation. Certificate 87769 authorizes supplemental irrigation on 3.1 acres in the NWNE of Section 8, T5S, R3W, WM. Certificate 19875 authorizes primary irrigation on only 2.4 acres NWNE of Section 8, T5S, R3W, WM. The Department has determined that 0.7 acres designated for supplemental irrigation under Certificate 87769 located in the NWNE of Section 8, does not have an underlying primary right. The applicant is requesting to identify the 0.7 acres in the NWNE of Section 8, T5S, R3W, WM as primary irrigation.
13. On December 6 and December 18, 2019, the Department received revisions under Certificate 19875, resolving the deficiencies identified in Findings of Fact #11 and #12.
14. On March 5, 2020, the Department evaluated the submitted revisions described in Finding of Fact #13 and determined the application is complete, as all issues and deficiencies have been addressed. The Department, therefore, is now able to proceed with a determination proposing to approve T-12798.
15. On September 3, 2020, the Department issued a revised Preliminary Determination proposing to approve Transfer T-12798 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 September 8, 2020, and in the McMinnville News Review newspaper on September 18 and 25, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 19875 in the name of BRUCE V. MILLAM (perfected under Permit S-18352)
Use: IRRIGATION of 45.0 ACRES
Priority Date: JUNE 29, 1948
Rate: 0.562 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer. When in the distribution of water it becomes necessary to install headgates and measuring devices, the applicant or his successor in interest will be required to install these so as not to restrict the natural channel of the stream or interfere with the flow of the water therein.
Source: PALMER CREEK, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 S	3 W	WM	5	SW SE

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Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SE SW	43	1.0
5 S	3 W	WM	5	NW SE	43	18.0
5 S	3 W	WM	5	SW SE	43	23.4
5 S	3 W	WM	8	NW NE	43	2.4
5 S	3 W	WM	8	NE NW	43	0.2
Total						45.0

17. Transfer Application T-12798 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SE SW	43	1.4
5 S	3 W	WM	5	NE SE	43	18.0
5 S	3 W	WM	5	SW SE	43	23.0
5 S	3 W	WM	8	NW NE	43	2.3
5 S	3 W	WM	8	NE NW	51	0.3
Total						45.0

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

Certificate: 64748 in the name of PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY (perfected under Permit S-32243)
Use: PRIMARY IRRIGATION of 47.9 ACRES AND SUPPLEMENTAL IRRIGATION of 306.5 ACRES
Priority Date: APRIL 14, 1967
Rate: 4.43 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The right allowed herein is limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.
Source: WILLAMETTE RIVER, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	3 W	WM	4	NW SW	58	PCWDIC POD - 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF DLC 58

Authorized Place of Use:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	4	SW NW	51	0.4
5 S	3 W	WM	4	NW SW	51	1.4
5 S	3 W	WM	5	SW NE	51	0.3
5 S	3 W	WM	5	SE NE	51	2.0
5 S	3 W	WM	5	NE SW	43	23.6

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 OWRD

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	NW SW	43	2.3
5 S	3 W	WM	5	SW SW	43	0.8
5 S	3 W	WM	5	SE SW	43	7.4
5 S	3 W	WM	5	NE SE	51	5.2
5 S	3 W	WM	5	NW SE	51	0.5
5 S	3 W	WM	5	NW SE	43	0.5
5 S	3 W	WM	5	SW SE	43	0.1
5 S	3 W	WM	9	SW NW	51	3.4
Total:						47.9

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	4	NE SW	52	24.4
5 S	3 W	WM	4	NW SW	51	13.3
5 S	3 W	WM	4	SW SW	51	17.1
5 S	3 W	WM	4	SE SW	51	1.0
5 S	3 W	WM	4	SE SW	52	5.0
5 S	3 W	WM	4	SE SW	53	30.0
5 S	3 W	WM	4	NW SE	52	3.4
5 S	3 W	WM	4	SW SE	52	0.4
5 S	3 W	WM	4	SW SE	53	30.4
5 S	3 W	WM	5	NE SE	51	34.4
5 S	3 W	WM	5	NW SE	51	6.5
5 S	3 W	WM	5	SW SE	51	7.2
5 S	3 W	WM	5	SE SE	51	15.0
5 S	3 W	WM	9	NW NE	53	30.8
5 S	3 W	WM	9	SW NE	53	12.6
5 S	3 W	WM	9	NE NW	53	35.6
5 S	3 W	WM	9	NE NW	51	0.6
5 S	3 W	WM	9	NW NW	51	24.8
5 S	3 W	WM	9	SW NW	51	0.1
5 S	3 W	WM	9	SE NW	53	13.9
Total:						306.5

19. Transfer Application T-12798 proposes an additional point of diversion approximately 7.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	10	NW NW	CP POD - 608 FEET NORTH AND 40 FEET WEST FROM THE NORTHERLY NW CORNER OF DLC 54

20. The applicant's agent identified a mapping error regarding 0.1 acre of supplemental irrigation located in SW NW of Section 9. The agent states the 0.1 acre was never located in the SW NW, and was actually part of the acres located in NW NW of Section 9, therefore Transfer Application T-12798 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	9	NW NW	51	0.1

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

Certificate: 87769 in the name of PALMER CREEK WATER DISTRICT IMPROVEMENT CO. (perfected under Permit S-51959)
Use: IRRIGATION of 79.3 and SUPPLEMENTAL IRRIGATION of 45.7 ACRES
Priority Date: OCTOBER 10, 1990
Rate: 1.6 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 through OCTOBER 31
Source: WILLAMETTE RIVER, a tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	3 W	WM	4	NW SW	58	PCWDIC POD - 4700 FEET NORTH AND 1290 FEET EAST FROM THE SE CORNER OF DLC 58

Authorized Place of Use:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SW NE	43	8.3
5 S	3 W	WM	5	SW NW	43	1.4
5 S	3 W	WM	5	SE NW	43	29.2
5 S	3 W	WM	5	NE SW	43	17.0
5 S	3 W	WM	5	NW SW	43	0.9
5 S	3 W	WM	5	NW SE	43	16.7
5 S	3 W	WM	5	SW SE	43	5.8
Total:						79.3

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SE SW	43	1.0
5 S	3 W	WM	5	NW SE	43	18.0
5 S	3 W	WM	5	SW SE	43	23.4
5 S	3 W	WM	8	NW NE	43	3.1
5 S	3 W	WM	8	NE NW	43	0.2
Total:						45.7

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22. Transfer Application T-12798 proposes an additional point of diversion approximately 7.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	10	NW NW	CP POD - 608 FEET NORTH AND 40 FEET WEST FROM THE NORTHERLY NW CORNER OF DLC 54

23. Based on Finding of Fact No. 12, Transfer Application T-12798 proposes to identify the following as primary irrigation:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	8	NW NE	43	0.7

24. Transfer Application T-12798 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SW NE	43	8.3
5 S	3 W	WM	5	SW NW	43	1.4
5 S	3 W	WM	5	SE NW	43	29.2
5 S	3 W	WM	5	NE SW	43	17.0
5 S	3 W	WM	5	NW SW	43	0.9
5 S	3 W	WM	5	NW SE	43	16.7
5 S	3 W	WM	5	SW SE	43	6.0
5 S	3 W	WM	8	NW NE	43	0.5
Total						80.0

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	5	SE SW	43	1.4
5 S	3 W	WM	5	NW SE	43	18.0
5 S	3 W	WM	5	SW SE	43	23.0
5 S	3 W	WM	8	NW NE	43	2.3
5 S	3 W	WM	8	NE NW	43	0.3
Total:						45.0

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

Certificate 89032 in the name of PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY (perfected under Permit S-43379)

Use: SUPPLEMENTAL IRRIGATION of 160.0 ACRES

Priority Date: MAY 11, 1977

Rate: 400.0 ACRE-FEET STORED WATER ONLY

Limit/Duty: For irrigation, a diversion of 2.5 acre-feet of stored water only for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of contract No. 3-07-10-W0479, or a satisfactory replacement between the Bureau of Reclamation and the water right holder, a copy of which is on file in the records of the Water Resources Department.

Source: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, tributaries of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	4	NW SW	PCWDIC POD - 690 FEET SOUTH AND 110 FEET WEST FROM THE NE CORNER OF DLC 58

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Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	4	NE SW	51	0.6
5 S	3 W	WM	4	NE SW	52	23.3
5 S	3 W	WM	4	SW SW	51	16.1
5 S	3 W	WM	4	SE SW	51	1.2
5 S	3 W	WM	4	SE SW	52	0.4
5 S	3 W	WM	4	SE SW	53	34.1
5 S	3 W	WM	4	NW SE	52	2.6
5 S	3 W	WM	4	SW SE	53	28.0
5 S	3 W	WM	9	NW NE	53	16.2
5 S	3 W	WM	9	NE NW	51	0.3
5 S	3 W	WM	9	NE NW	53	20.0
5 S	3 W	WM	9	NW NW	51	17.2
Total:						160.0

26. Transfer Application T-12798 proposes an additional point of diversion approximately 7.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	10	NW NW	CP POD - 608 FEET NORTH AND 40 FEET WEST FROM THE NORTHERLY NW CORNER OF DLC 54

27. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

28. Water has been used within the last five year period prior to submittal of the transfer application according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
29. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12798.
30. The proposed change as conditioned would not result in enlargement of the rights.
31. The proposed change would not result in injury to other water rights.
32. All other application requirements are met.

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Conclusions of Law

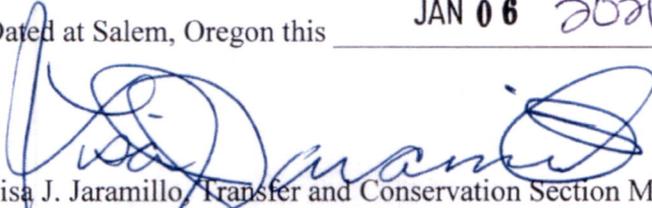
The additional point of diversion and change in places of use proposed in Transfer Application T-12798 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is **ORDERED**:

1. The additional point of diversion and changes in place of use proposed in Transfer Application T-12798 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 Certificates 19875, 64748, 87769, 89032, and any related decree.
3. Water right Certificate 19875 is cancelled.
4. Water right Certificates 64748, 87769, and 89032 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
5. The quantity of water diverted at the new additional point of diversion (CP POD), together with that diverted at the original points of diversion (PCWDIC), shall not exceed the quantity of water lawfully available at the original points of diversion (PCWDIC).
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - 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.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred under Certificates 64748, 87769, and 89032 be issued in the name of Palmer Creek Water District Improvement Company.

Dated at Salem, Oregon this JAN 06 2021,



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

Mailing date: JAN 08 2021

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

In the Matter of Application for Extension)
of Time for Transfer Application T-12798,)
Yamhill County)

FINAL ORDER APPROVING AN EXTENSION
OF TIME FOR A PERMANENT TRANSFER

Applicant

Carlton Nursery Co. LLC
PO Box 398
Dayton, OR 97114
jon.estes@baileynursery.com

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Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On August 17, 2022, the Department received an application for extension of time for Transfer Application T-12798.
2. On January 6, 2021, the Department signed an order, which was mailed on January 8, 2021, approving Transfer Application T-12798 to change places of use and add an additional point of diversion. The order was recorded in Special Order Volume 118, Pages 335-344. The order set a transfer completion date of October 1, 2022.
3. Since the approval of the transfer, the applicant has irrigated the proposed place of use and installed a new pump, pipeline, and completed electrical upgrades to the well.

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

4. To fully complete the change, the applicant needs to purchase and install a floating screen and revise the design for the additional point of diversion.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2023.

Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-12798.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-12798 shall be extended to **October 1, 2023**.

SEP 28 2022

Signed at Salem, Oregon on _____



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

SEP 28 2022

Mailing date: _____

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Attachment B

Pump Calculations

Claim of Beneficial Use – Bailey Nurseries, Inc.

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CP POD - Pump 1

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 75
Efficiency = 6.61
Lift = 81
PSI = 18

Results Calculated

(hp)(efficiency) = 495.75
Head based on psi = 45.7
Total dynamic head = 126.7
(head + lift)

Pump Capacity = 3.9 cubic feet per second

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CP POD - Pump 2

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	<u>50</u>
Efficiency =	<u>6.61</u>
Lift =	<u>81</u>
PSI =	<u>40</u>

Results Calculated

(hp)(efficiency) =	330.5
Head based on psi =	101.6
Total dynamic head =	182.6
(head + lift)	

Pump Capacity = 1.8 cubic feet per second

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Attachment C

Fish Screen Approval Letter

Claim of Beneficial Use – Bailey Nurseries, Inc.



Oregon

Tina Kotek., Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
FAX (541) 296-7889
odfw.com

January 9th, 2025

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



RE: Transfer T-12798, T-13497

To whom it may concern,

The Oregon Department of Fish and Wildlife has reviewed the fish screens associated with the diversion point on Lambert Slough, a tributary to the Willamette River at 45.15651 -123.05020 for Transfers T-12798 and T-13497. This site was inspected virtually with photos submitted by the water user.

The fish screens in use at this point of diversion are two River Screens. These active screens, when installed and maintained properly are capable of screening up to 3.31 cfs each for a combined max withdrawal rate of 6.63 cfs, while protecting all age classes of native fish present from entrapment and impingement. ODFW concludes that these screens will meet ODFW criteria. A bypass device is not required at this point of diversion as this is an end of pipe screen.

The approval is contingent on the following: the screen is installed prior to any withdraw of water, the screens are installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If you have any questions regarding this letter, please contact me at 541-296-8026

Sincerely,

Toby Schuyler

NW Region Fish Screen and Passage Coordinator

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Attachment D

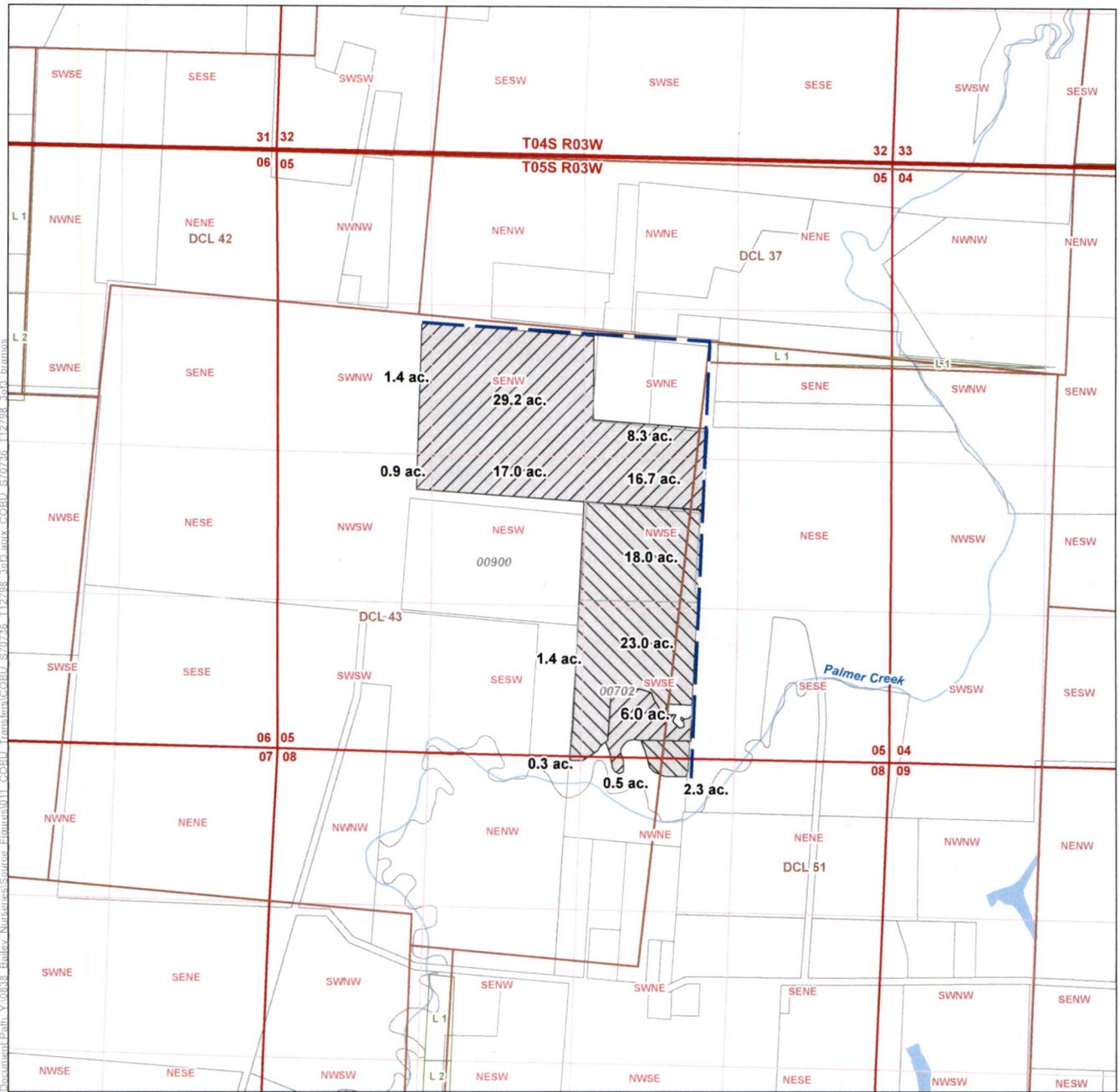
Claim of Beneficial Use Map

Claim of Beneficial Use - Bailey Nurseries, Inc.

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LEGEND

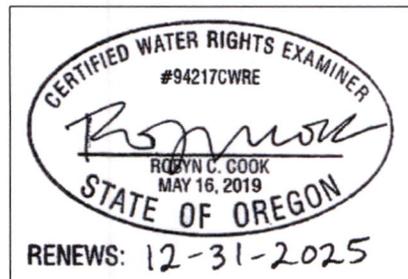
- Conveyance Line
- Government Lot (GL)
- Primary Place of Use (POU), 80 ac.
- Donation Land Claims
- Supplemental Place of Use (POU), 45 ac.
- Watercourse
- Waterbody
- All Other Features**
- Tax Lot

**Claim of Beneficial Use Map
Application S-70736 (Certificate 87769);
Transfer T-12798**

**Map 3 of 3
Yamhill County**

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

CERTIFIED WATER RIGHTS EXAMINER STAMP

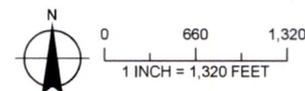


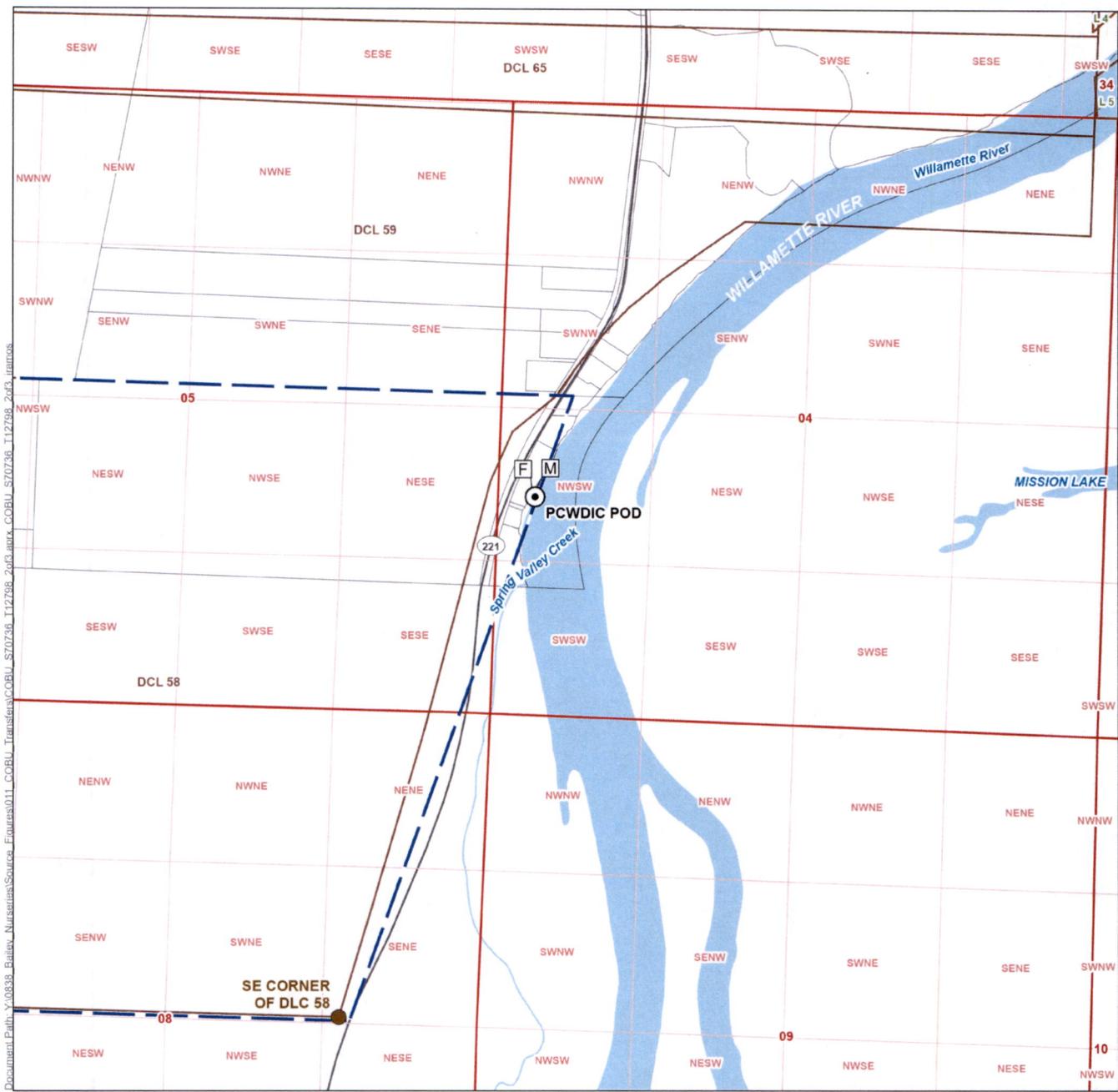
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This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: January 10, 2025
Data Sources: BLM, ESRI, OWRD, USGS





- LEGEND**
- ⊙ Point of Diversion (POD)
 - F Fish Screen
 - M Meter
 - Conveyance Line
 - All Other Features
 - Tax Lot

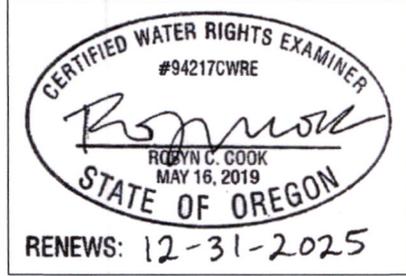
- Government Lot (GL)
- Donation Land Claims
- Major Road
- ~ Watercourse
- Waterbody

Claim of Beneficial Use Map
Application S-70736 (Certificate 87769);
Transfer T-12798

Map 2 of 3
Yamhill County

Township 6 South, Range 3 West (W.M.)

CERTIFIED WATER RIGHTS EXAMINER STAMP



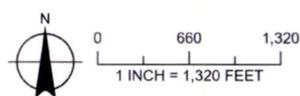
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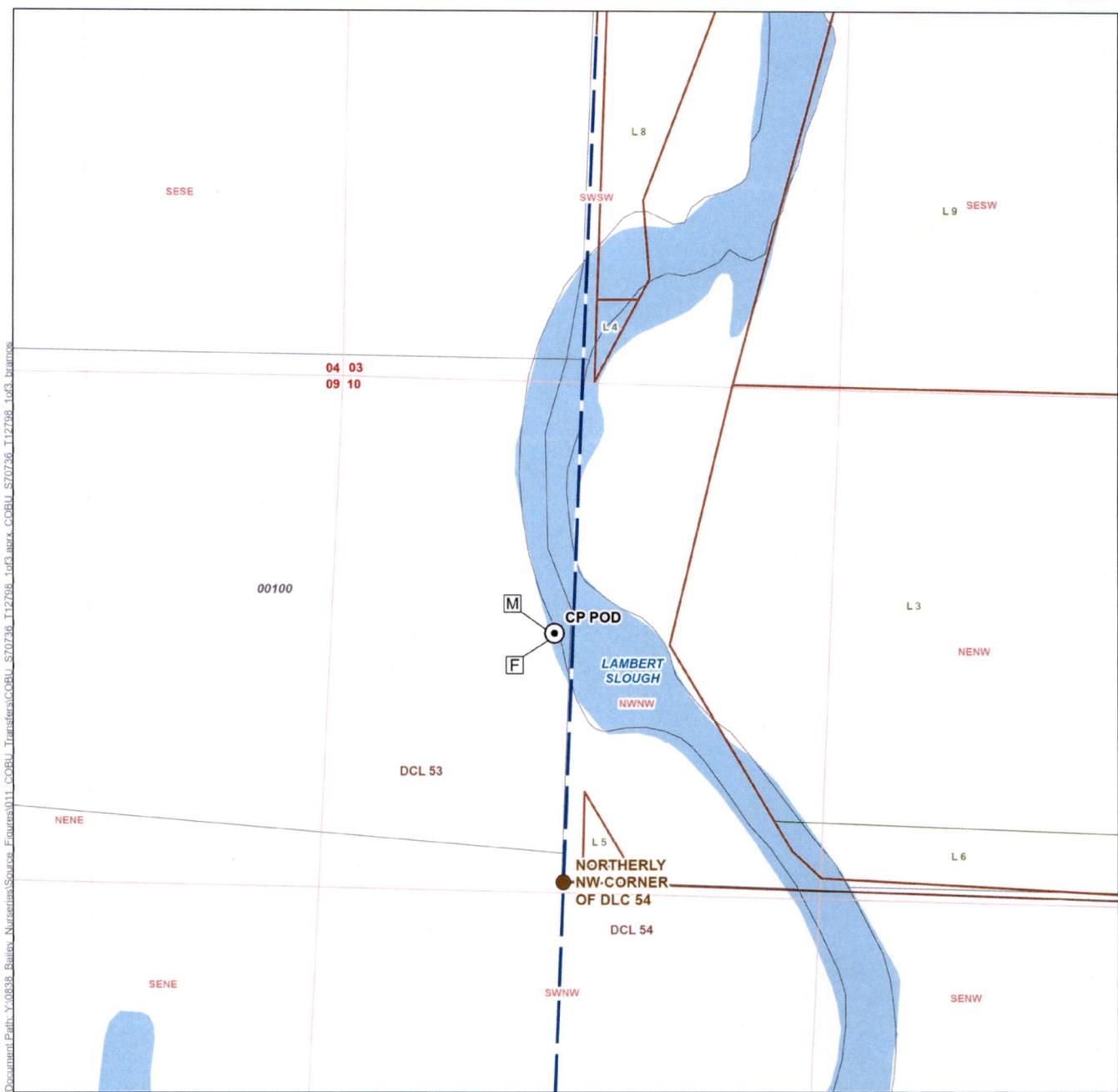
DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: August 29, 2024
 Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION
PCWDIC POD
 Located 4,700 feet North and 1,290 feet East from the SE corner of DLC 58, Township 6 South, Range 3 West (W.M.)



Document Path: Y:\0838_Ballou_Nurses\Source_Figures\011_COBU_Transfers\COBU_S70736_T12798_2of3.aprx
 COBU_S70736_T12798_2of3.aprx



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LEGEND

- ⊙ Point of Diversion (POD)
- Conveyance Line
- F Fish Screen
- M Meter
- All Other Features
 - Tax Lot
 - Government Lot (GL)
 - Waterbody

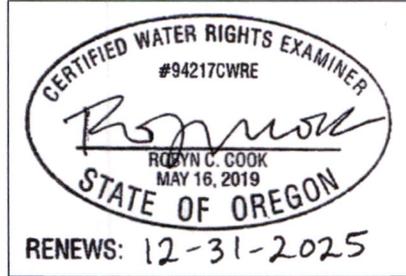
**Claim of Beneficial Use Map
Application S-70736 (Certificate 87769);
Transfer T-12798**

**Map 1 of 3
Yamhill County**

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

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CERTIFIED WATER RIGHTS EXAMINER STAMP

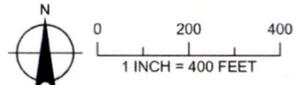


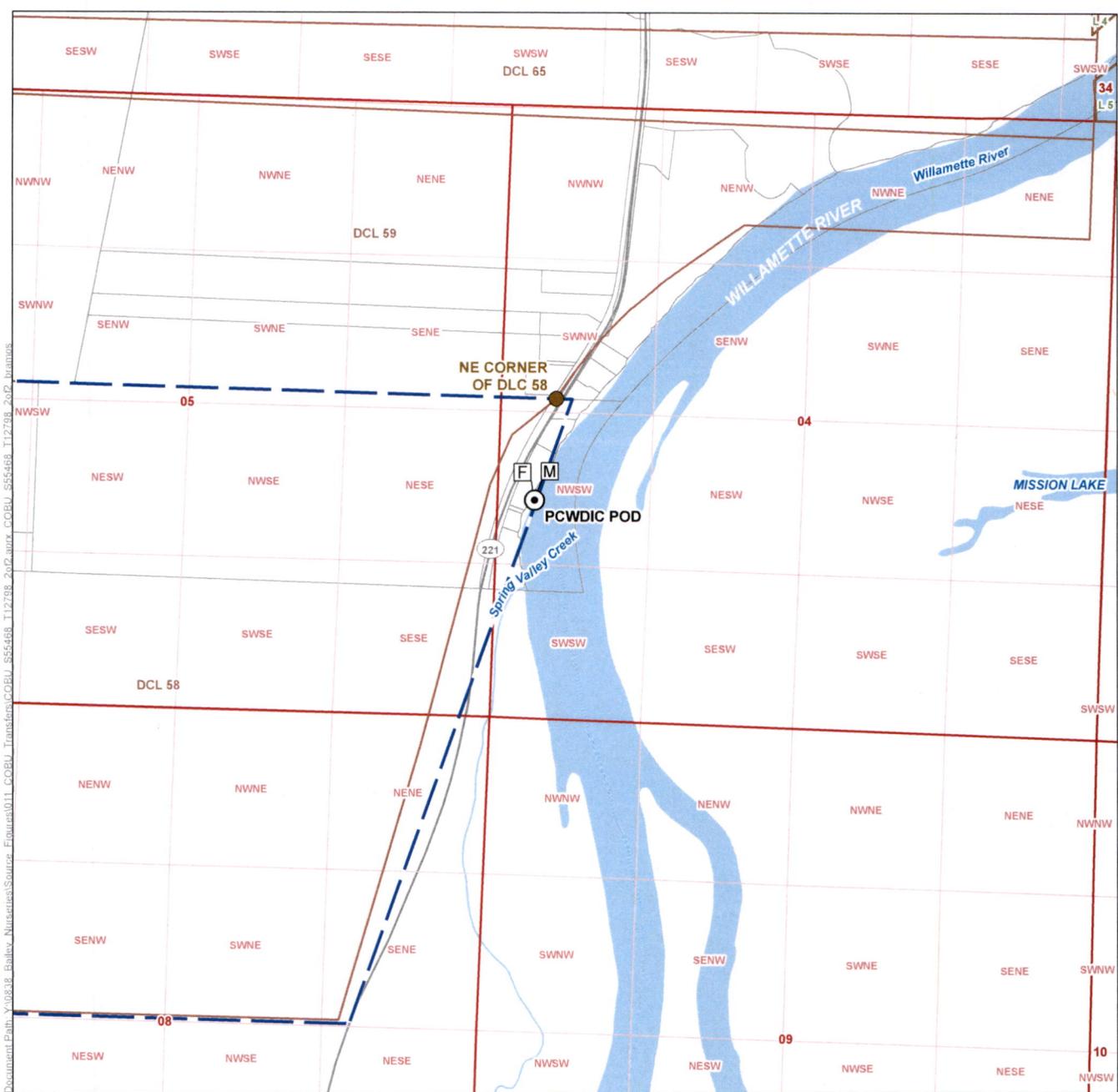
DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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

LOCATION DESCRIPTION

CP POD
Located 608 feet North and 40 feet West from the Northerly NW corner of DLC 54, Township 5 South, Range 3 West (W.M.)

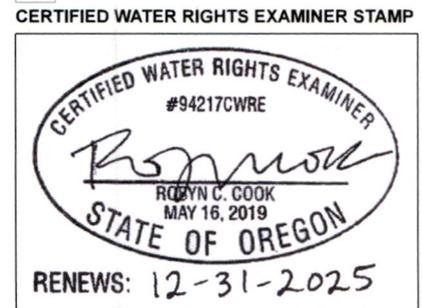




- LEGEND**
- Point of Diversion (POD)
 - F Fish Screen
 - M Meter
 - Conveyance Line
 - All Other Features
 - Tax Lot
 - Government Lot (GL)
 - Donation Land Claims
 - Major Road
 - ~ Watercourse
 - Waterbody

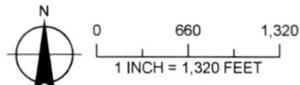
**Claim of Beneficial Use Map
Application S-55468 (Certificate 89032);
Transfer T-12798**

**Map 2 of 2
Yamhill County
Township 6 South, Range 3 West (W.M.)**



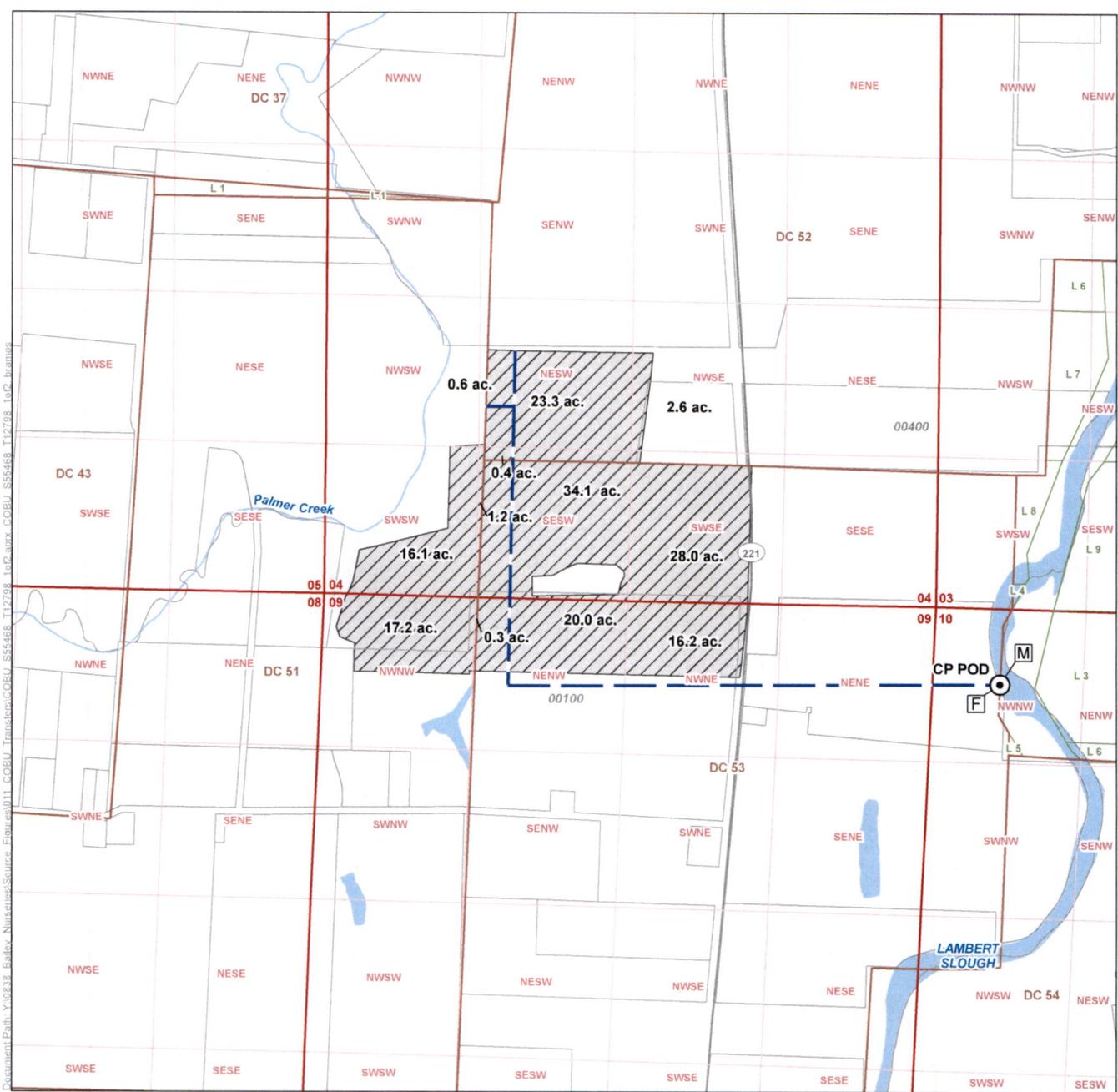
LOCATION DESCRIPTION
PCWDIC POD
Located 690 feet South and 110 feet West from the NE corner of DLC 58, Township 6 South, Range 3 West (W.M.)

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FEB 10 2025
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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: January 10, 2025
Data Sources: BLM, ESRI, OWRD, USGS

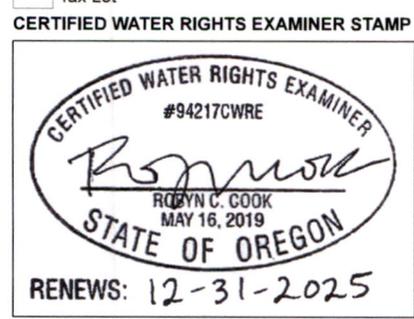




- LEGEND**
- ⊙ Point of Diversion (POD)
 - F Fish Screen
 - M Meter
 - Conveyance Line
 - ▨ Place of Use (POU), 160 ac.
 - All Other Features
 - Tax Lot
 - ▭ Donation Land Survey (DLC)
 - ▭ Government Lot (GL)
 - Major Road
 - ~ Watercourse
 - ~ Waterbody

**Claim of Beneficial Use Map
Application S-55468 (Certificate 89032);
Transfer T-12798**

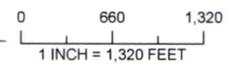
**Map 1 of 2
Yamhill County
Township 5 South, Range 3 West (W.M.)**



LOCATION DESCRIPTION
CP POD
Located 608 feet North and 40 feet West from the Northerly NW corner of DLC 54, Township 5 South, Range 3 West (W.M.)

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FEB 10 2025

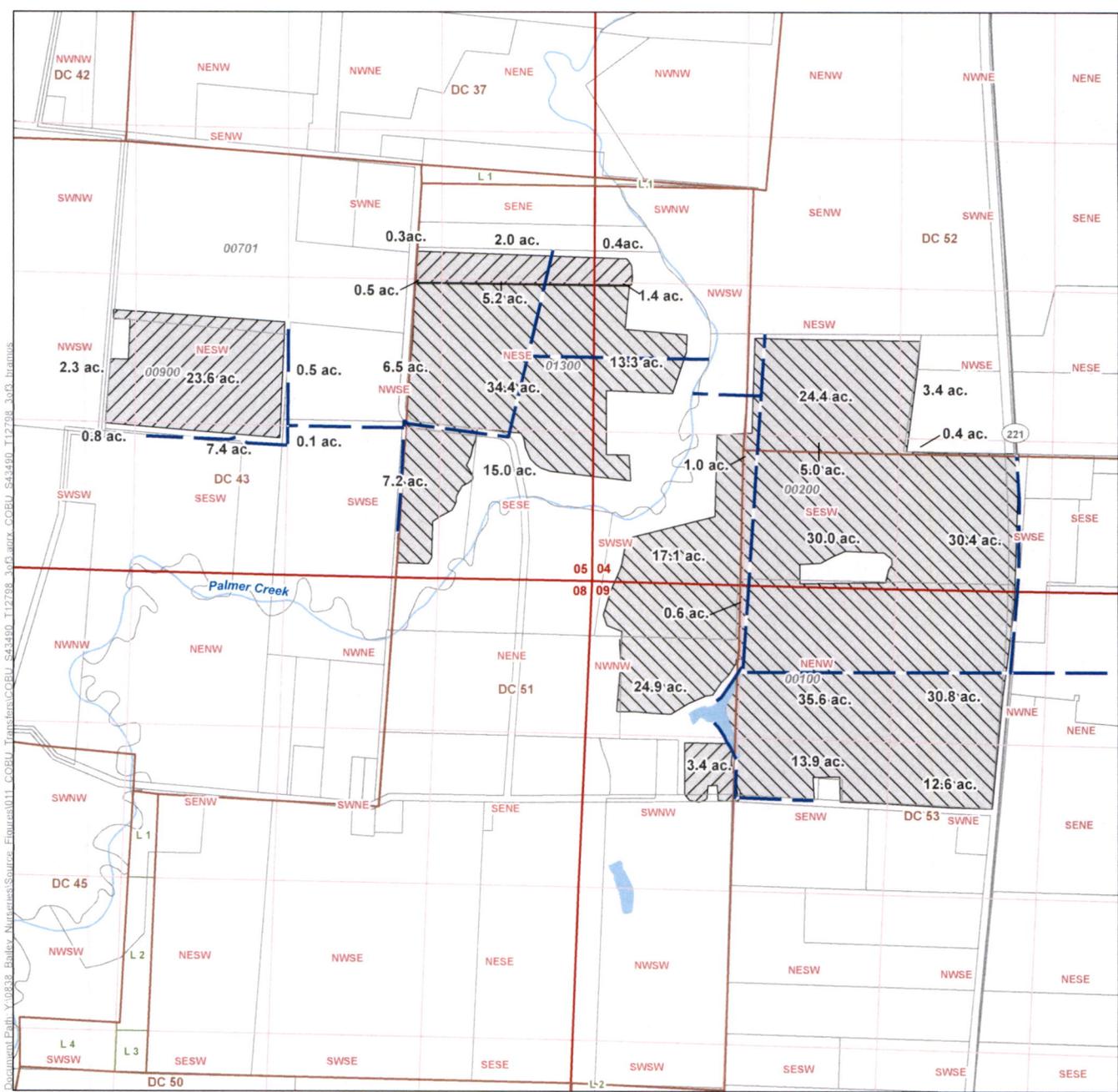
OWRD



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

Date: January 10, 2025
Data Sources: BLM, ESRI, OWRD, USGS

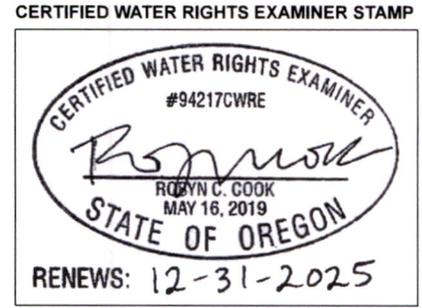




- LEGEND**
- Conveyance Line
 - Place of Use (POU) - Primary Irrigation
 - Place of Use (POU) - Supplemental Irrigation
 - Tax Lot
 - Government Lot (GL)
 - Donation Land Survey (DLC)
 - Major Road
 - Watercourse
 - Waterbody
- All Other Features**

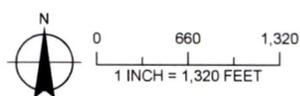
Claim of Beneficial Use Map
Application S-43490 (Certificate 64748);
Transfer T-12798

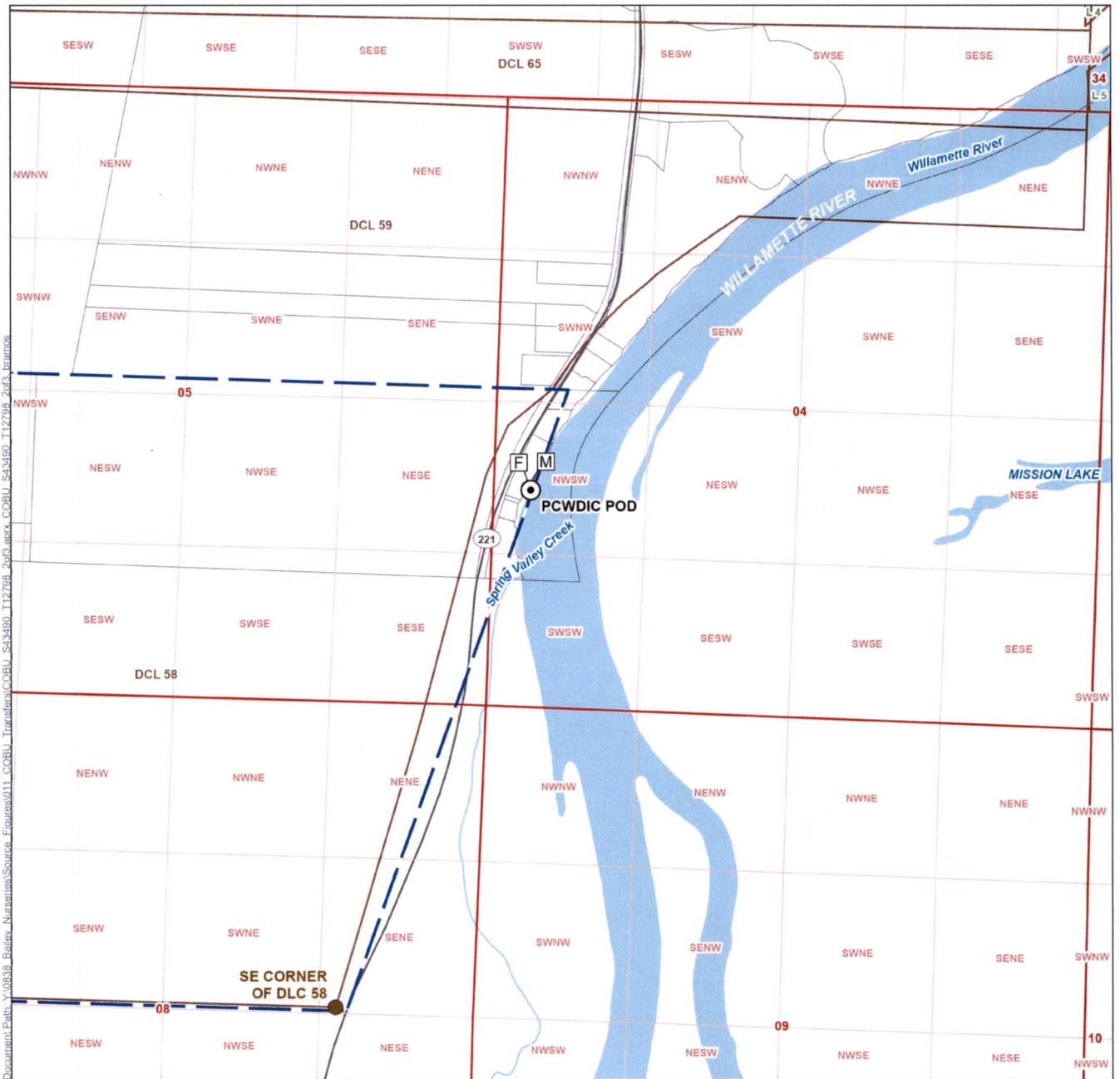
Map 3 of 3
Yamhill County
 Township 5 South, Range 3 West (W.M.)



Received
FEB 10 2025
 OWRD

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
 Date: January 10, 2025
 Data Sources: BLM, ESRI, OWRD, USGS





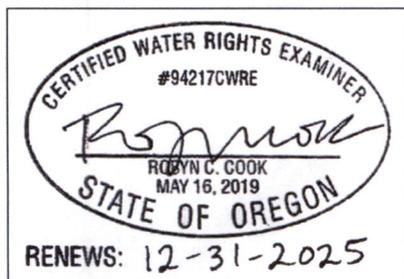
LEGEND

- ⊙ Point of Diversion (POD)
- [F] Fish Screen
- [M] Meter
- Conveyance Line
- All Other Features
- Tax Lot
- Donation Land Claims
- Government Lot (GL)
- Major Road
- ~ Watercourse
- Waterbody

Claim of Beneficial Use Map
Application S-43490 (Certificate 64748);
Transfer T-12798
Map 2 of 3
Yamhill County

Township 6 South, Range 3 West (W.M.)

CERTIFIED WATER RIGHTS EXAMINER STAMP

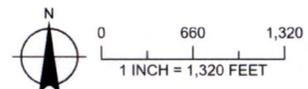


Received
FEB 10 2025
OWRD

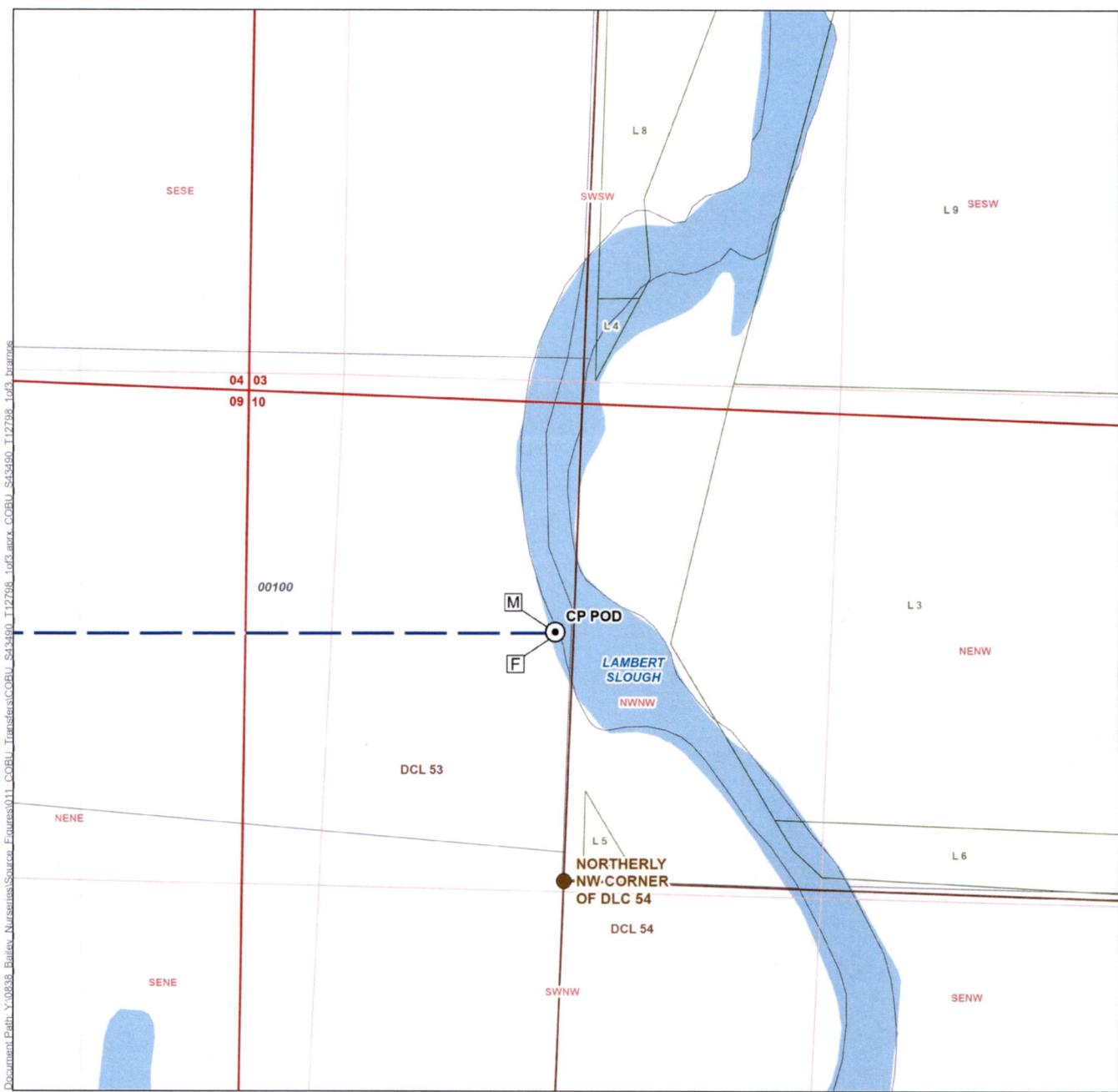
DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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

LOCATION DESCRIPTION
PCWDIC POD
 Located 4,700 feet North and 1,290 feet East from the SE corner of DLC 58, Township 6 South, Range 3 West (W.M.)



Document Path: Y:\0838_Balton_Nurseries\Source_Figures\011_COBU_Transfer\COBU_S43490_T12798_2of3.aprx_COBU_S43490_T12798_2of3.dwg



LEGEND

- Point of Diversion (POD)
- Conveyance Line
- Fish Screen
- Meter
- All Other Features**
- Tax Lot
- Government Lot (GL)
- Waterbody

**Claim of Beneficial Use Map
Application S-43490 (Certificate 64748);
Transfer T-12798**

**Map 1 of 3
Yamhill County**

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

CERTIFIED WATER RIGHTS EXAMINER STAMP



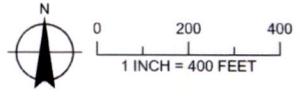
Received
FEB 10 2025

OWRD

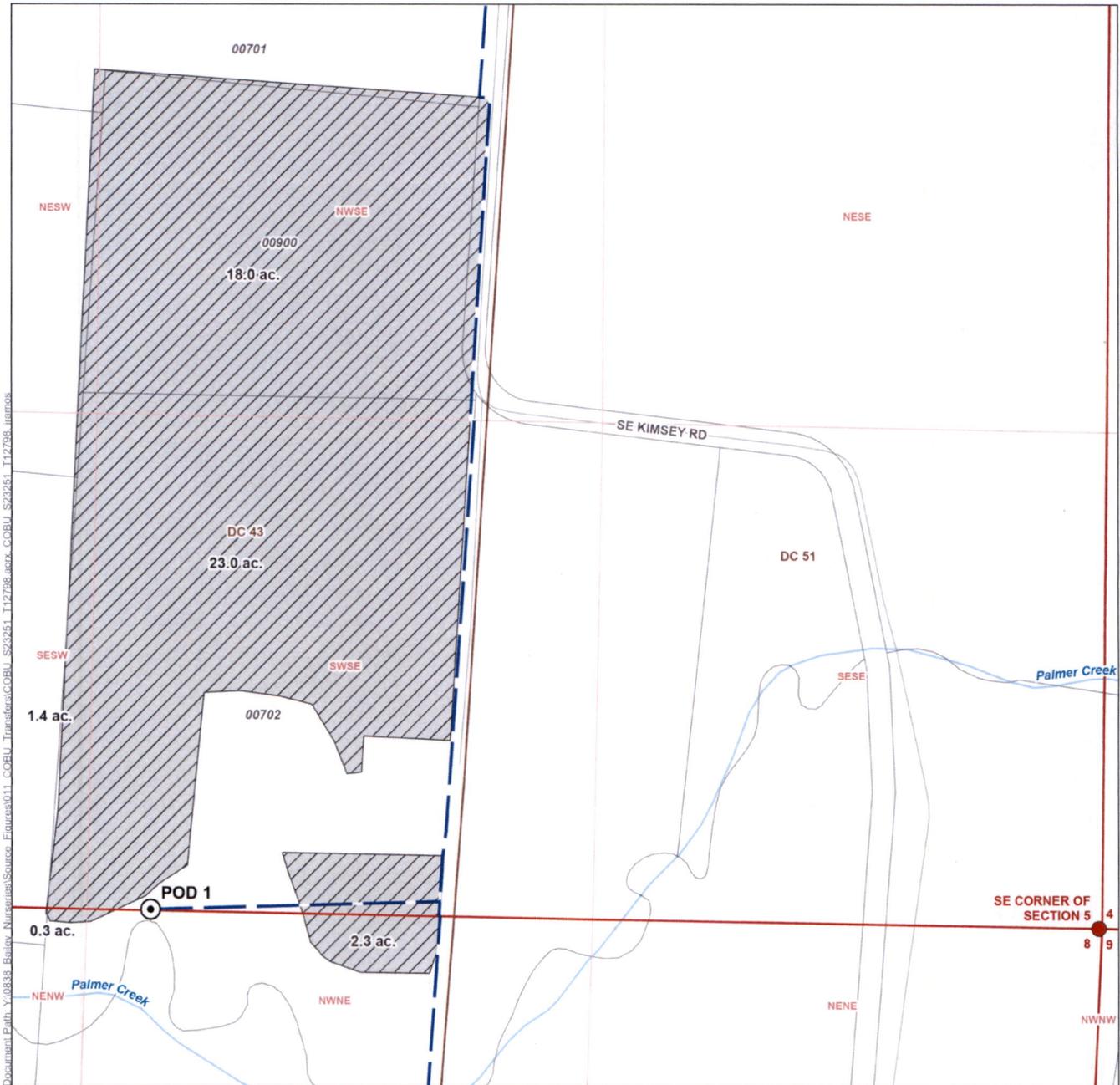
DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

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

LOCATION DESCRIPTION
CP POD
Located 608 feet North and 40 feet West from the Northerly NW corner of DLC 54, Township 5 South, Range 3 West (W.M.)



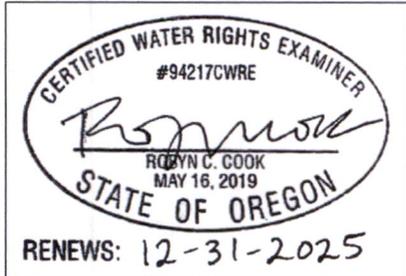
Document Path: Y:\0838_Baliew_Nurses\Source_Figures\011_COBU_Transfer\COBU_S43490_T12798_1of3_bramms



- LEGEND**
- Point of Diversion (POD)
 - Conveyance Line
 - ▨ Place of Use (POU)
 - All Other Features
 - Tax Lot
 - ▭ Donation Land Survey (DLC)
 - ~ Watercourse

Claim of Beneficial Use Map
Application S-23251 (Certificate 19875);
Transfer T-12798
Yamhill County
 Township 5 South, Range 3 West (W.M.)

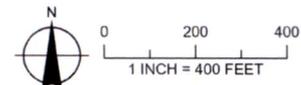
CERTIFIED WATER RIGHTS EXAMINER STAMP



Received
 FEB 10 2025
 OWRD

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
 Date: August 29, 2024
 Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION
 POD 1
 Located 50 feet North and 2,495 feet West from the NE corner of Section 8, Township 5 South, Range 3 West (W.M.)



Received

FEB 10 2025

OWRD

Attachment E

Assumed Business Name - Amendment
Claim of Beneficial Use - Bailey Nurseries, Inc.



Assumed Business Name - Amendment

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200 Fax: (503) 376-4381

Complete only the sections that you are updating.

To review current information, please go to: sos.oregon.gov/bizsearch

REGISTRY NUMBER: 365972-84

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. CURRENT BUSINESS NAME: CARLTON NURSERY COMPANY

2. NEW BUSINESS NAME: (If changed, \$50 fee required)

3. DESCRIPTION OF BUSINESS:

4. PRINCIPAL PLACE OF BUSINESS: (Street Address, City, State, Zip)

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

5. NAME OF AUTHORIZED REPRESENTATIVE: (One name only) CONTINUING (C) or NEW (N)

BAILEY NURSERIES, INC.

6. MAILING ADDRESS OF AUTHORIZED REPRESENTATIVE:

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

7. REGISTRANTS/OWNERS: (List name and publicly available street address of new registrants)(Attach separate sheet if needed)

a. NEW REGISTRANTS/OWNERS: Street Address City State Zip

BAILEY NURSERIES, INC., 1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

b. WITHDRAWING REGISTRANTS/OWNERS:

CARLTON NURSERY COMPANY, LLC, 14301 SE WALLACE RD, DAYTON, OREGON 97114

8. CURRENT REGISTRANTS/OWNERS ADDRESS CHANGE ONLY: (This section is only for registrant address changes)(Attach separate sheet if needed)

- 9. COUNTIES: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

10. SIGNATURE(S): New Registrants must sign. If any Registrants are WITHDRAWING, withdrawing Registrants or Authorized Representative must sign. I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

Signature:

[Handwritten signature]

Printed Name:

JONATHAN BARTCH, WITHDRAWING AUTH. REP.

JOHN BAILEY, AUTH. REP. OF NEW REGISTRANT

Received FEB 10 2025

CONTACT NAME: (To resolve questions with this filing)

HEATHER WIGHT-AXLING

PHONE NUMBER: (Include area code)

206 757-8168

OWRD FEES

If Changing Business Name \$50

No Fee For Other Changes

Processing Fees are nonrefundable. Please make check payable to "Corporation Division".

Free copies are available at sos.oregon.gov/business using the Business Name Search program.



Assumed Business Name - Amendment

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200 Fax: (503) 378-4381

Complete only the sections that you are updating.

To review current information, please go to: sos.oregon.gov/bizsearch

REGISTRY NUMBER: 314814-50

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. CURRENT BUSINESS NAME: CARLTON PLANTS

2. NEW BUSINESS NAME: (If changed, \$50 fee required)

3. DESCRIPTION OF BUSINESS:

4. PRINCIPAL PLACE OF BUSINESS: (Street Address, City, State, Zip)

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

Received

FEB 10 2025

5. NAME OF AUTHORIZED REPRESENTATIVE: (One name only) CONTINUING () or NEW ()

BAILEY NURSERIES, INC.

6. MAILING ADDRESS OF AUTHORIZED REPRESENTATIVE:

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

OWRD

7. REGISTRANTS/OWNERS: (List name and publicly available street address of new registrants)(Attach separate sheet if needed)

a. NEW REGISTRANTS/OWNERS: Street Address City State Zip

BAILEY NURSERIES, INC., 1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

b. WITHDRAWING REGISTRANTS/OWNERS:

CARLTON PLANTS, LLC, 14301 SE WALLACE RD, DAYTON, OREGON 97114

8. CURRENT REGISTRANTS/OWNERS ADDRESS CHANGE ONLY: (This section is only for registrant address changes)(Attach separate sheet if needed)

Registrant Name Street Address City State Zip

- 9. COUNTIES: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Malheur, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

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Signature:

[Handwritten signature]

Printed Name:

JONATHAN BARTCH, WITHDRAWING AUTH. REP.

JOHN BAILEY, AUTH. REP. OF NEW REGISTRANT

CONTACT NAME: (To resolve questions with this filing)

HEATHER WIGHT-AXLING

PHONE NUMBER: (Include area code)

206 757-8168

FEES

If Changing Business Name \$50

No Fee For Other Changes

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Free copies are available at sos.oregon.gov/business using the Business Name Search program.



February 5, 2025

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

RE: Claim of Beneficial Use for Transfer T-12798

Gerry:

On behalf of Carlton Nursey Co. LLC, please find enclosed a Claim of Beneficial Use report for Transfer T-12798.

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-12798 and \$230 fee

Received
FEB 10 2025
OWRD

CLARK Gerald E * WRD

From: Leah Cogan <lcogan@gsiws.com>
Sent: Wednesday, February 5, 2025 4:25 PM
To: CLARK Gerald E * WRD
Subject: RE: COBU for transfer T-12798

Hi Gerry,

Thanks so much for your quick response and explanation. We are revising the claim to show that Carlton is the transfer holder, and it will be signed by a representative of Bailey on behalf of Carlton. We will also include the Assumed Business Name – Amendment as an attachment to the COBU so it's clear that the person signing is authorized to represent Carlton.

Thank you,

Leah Cogan

Water Resources Analyst

direct: 971.200.8529 | mobile: 541.272.9888

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, February 5, 2025 8:17 AM
To: Leah Cogan <lcogan@gsiws.com>
Subject: RE: COBU for transfer T-12798

Leah,

Thank you for sharing the Assumed Business Name – Amendment forms. These forms are new to me. I shared and discussed them with Mary Bjork this morning.

This transfer is currently in the name of Carlton Nursery Company, LLC, as such, an authorized representative for that company must sign the claim. If I understand the forms you shared correctly, Carlton Nursery Company is still an active business and Bailey Nurseries, Inc. has been designated as their representative. That being the case, a representative for Bailey Nurseries, Inc. can sign the claim, but they will need to sign as “representative for Carlton Nursery Company, LLC”.

The Claim form itself must indicate that the claim is for Carlton Nursery Company, LLC. The Claim, as originally submitted, indicated that the transfer holder was Bailey Nurseries, Inc. This is not the case. In order to change the ownership of the transfer from Carlton Nursery Company, LLC to Bailey Nurseries, an assignment must be submitted. Upon the approval of an Assignment, Bailey Nurseries would then be the transfer holder of record.

I hope this helps. Please let me know if you have any additional questions.

Have a great day!

Gerry

Gerry Clark

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Leah Cogan <lcogan@gsiws.com>
Sent: Tuesday, February 4, 2025 4:00 PM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: COBU for transfer T-12798

Hi Gerry,

We recently submitted a COBU for Transfer T-12798 on behalf of Carlton Nursery Company, which is now owned by Bailey Nurseries. The COBU was signed by a representative of Bailey, but it was just returned saying that it needs to be assigned to Bailey.

The transfer holder sent me the attached documentation showing that Bailey is the authorized representative of Carlton. Can I resubmit the COBU with this documentation? Or could you help me understand why an assignment is needed if Bailey is authorized to sign?

Thank you,

Leah Cogan

Water Resources Analyst

direct: 971.200.8529 | mobile: 541.272.9888

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | www.gsiws.com

pronouns: she, her



Assumed Business Name - Amendment

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200 Fax: (503) 378-4381

Complete only the sections that you are updating.

To review current information, please go to: sos.oregon.gov/bizsearch

REGISTRY NUMBER: 365972-84

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. CURRENT BUSINESS NAME: CARLTON NURSERY COMPANY

2. NEW BUSINESS NAME: (If changed, \$50 fee required)

3. DESCRIPTION OF BUSINESS:

4. PRINCIPAL PLACE OF BUSINESS: (Street Address, City, State, Zip)

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

5. NAME OF AUTHORIZED REPRESENTATIVE: (One name only) CONTINUING () or NEW (X)

BAILEY NURSERIES, INC.

6. MAILING ADDRESS OF AUTHORIZED REPRESENTATIVE:

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

7. REGISTRANTS/OWNERS: (List name and publicly available street address of new registrants)(Attach separate sheet if needed)

a. NEW REGISTRANTS/OWNERS: Street Address City State Zip

BAILEY NURSERIES, INC., 1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

b. WITHDRAWING REGISTRANTS/OWNERS:

CARLTON NURSERY COMPANY, LLC, 14301 SE WALLACE RD, DAYTON, OREGON 97114

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Registrant Name Street Address City State Zip

- 9. COUNTIES: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Malheur, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

10. SIGNATURE(S): New Registrants must sign. If any Registrants are WITHDRAWING, withdrawing Registrants or Authorized Representative must sign. I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

Signature:

[Handwritten Signature]

Printed Name:

JONATHAN BARTCH, WITHDRAWING AUTH. REP.

JOHN BAILEY, AUTH. REP. OF NEW REGISTRANT

CONTACT NAME: (To resolve questions with this filing)

HEATHER WIGHT-AXLING

PHONE NUMBER: (Include area code)

206 757-8168

FEES

If Changing Business Name \$50

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REGISTRY NUMBER: 314814-50

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2. NEW BUSINESS NAME: (If changed, \$50 fee required)

3. DESCRIPTION OF BUSINESS:

4. PRINCIPAL PLACE OF BUSINESS: (Street Address, City, State, Zip)

1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

5. NAME OF AUTHORIZED REPRESENTATIVE: (One name only) CONTINUING (C) or NEW (N)

BAILEY NURSERIES, INC.

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BAILEY NURSERIES, INC., 1325 BAILEY ROAD, NEWPORT, MINNESOTA 55055

b. WITHDRAWING REGISTRANTS/OWNERS:

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Signature:

[Handwritten signature]

Printed Name:

JONATHAN BARTCH, WITHDRAWING AUTH. REP. JOHN BAILEY, AUTH. REP. OF NEW REGISTRANT

CONTACT NAME: (To resolve questions with this filing)

HEATHER WIGHT-AXLING

PHONE NUMBER: (Include area code)

206 757-8168

FEES

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