

Gordon & Ediger Farms



Oregon Water Resources Department 725
Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First _____ Last _____
Mailing Address: _____
City _____ State _____ Zip _____
Phone: _____
Home _____ Work _____ Other _____
*Fax: _____ *Email Address: _____

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WATER RESOURCES DEPARTMENT
SALEM OREGON

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: Carlton Nursery Company, LLC
Name and Title of Person Applying: Allan Elliott
Mailing Address or Organization: P.O. Box 398
Dayton Oregon 97114
City State Zip
Phone: 503.868.7971
Day Evening
*Fax: 503.868.7503 *Email Address: aelliott@carltonplants.com

*Optional

For Department Use		
App. No. <u>617293</u>	Permit No. _____	Date _____

Completion Date: 2011

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1*	12"	12" Steel	min 20'	100-350'	> 80'	30'	100'	per OARs	350'
2*	12"	12" Steel	min 20'	100-350'	> 80'	30'	100'	per OARs	350'
3*	12"	12" Steel	min 20'	100-350'	> 80'	30'	100'	per OARs	350'
4*	12"	12" Steel	min 20'	100-350'	> 80'	30'	100'	per OARs	350'
Tile	1*								
Tile	2*	*see remarks							

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

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C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works.

Not Anticipated

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Alluvium	Nursery <i>Pond maintenance</i>	448.8		unknown
2	Alluvium	Nursery	448.8		unknown
3	Alluvium	Nursery	448.8		unknown
4	Alluvium	Nursery	448.8	232,000,000	unknown

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1.0 cfs (448.8 gpm)
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year Round for Nursery Operations & Pond Maintenance
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 261.8
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): To be determined after drilling the well
- other means (describe): _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

- Pipe (give diameter and total length):

Diameter To be determined Length To be determined

- other, describe: _____

Ground Water/4
 Pond application to be submitted shortly
 by Lee Hardy (H&R Eng.)

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 W&S
 S.W.

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Water will be applied using a a hard hose traveler, drip, hand lines, or other methods that are appropriate for the crop that conserves the most water.

Irrigation or land application method (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Flood | <input type="checkbox"/> High pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input checked="" type="checkbox"/> Drip | <input checked="" type="checkbox"/> Water Cannons | <input type="checkbox"/> Center pivot system |
| <input checked="" type="checkbox"/> Hand Lines | <input checked="" type="checkbox"/> Wheel Lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> other, describe: _____ | | |

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Distribution method

- | | | |
|---|--|-------------------------------------|
| <input checked="" type="checkbox"/> Direct pipe from source | <input checked="" type="checkbox"/> In-line storage (tank or pond) | <input type="checkbox"/> Open Canal |
|---|--|-------------------------------------|

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Water will be applied to the nursery stock when they need it, base on soil moisture testing.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: 2010

Proposed date construction will be completed: 2013

Proposed date beneficial water use will begin: 2015

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

3.A. Well Characteristics: Water will also be obtained from two drain tiles. The distance from Palmer Creek to the drain tiles are 4,000 ft for Tile 1 and 3,900 ft. for Tile 2. The difference in ground surface elevation between the tiles and Palmer Creek is 39 feet for Tile 1 and 43 feet for Tile 2. The tile discharge is 5 ft.. below ground surface. A Map showing the distribution of drain tiles in relation to the reservoir is attached.

3.B. Well Characteristics: Actual well casing diameter and length, screen length, seal depth, and final well depth will depend on actual conditions encountered in the field. The objective will be to complete a well that develops water from the alluvial aquifer.

4.B. Amount of Water: Water will be used from one or four wells to provide the estimated annual quantity of 232,000,000 gallons per year.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- 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 swear that all information provided in this application is true and correct to the best of my knowledge:

Carlton Nursey Co. LLC ^{by:} *J. Allan Elliott* *12/07/2009*
Signature of Applicant (more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us



Oregon Water Resources Department

FORM I FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If Supplemental, please indicate the number of acres that will be irrigated for each type of use

Primary: 261.8 Acres

Supplemental: 0.0 Acres

List the permit or certificate number of the primary water right: No. _____

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2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. Nursery Full Season Partial Season (from: _____ to _____)

2. _____ Full Season Partial Season (from: _____ to _____)

3. _____ Full Season Partial Season (from: _____ to _____)

4. _____ Full Season Partial Season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

711.9 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

Daily during daytime hours

Daily during nighttime hours

Two or three times weekly during daytime

Two or three times weekly during nighttime

Weekly, during daytime hours

Weekly, during nighttime hours

Other, explain: when plants need water based on soil-moisture testing

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Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Carlton Nursery Co., LLC

Mailing Address: P.O. Box 398

Dayton OR 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), or used. 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:
5 S	3 W	5		5 3 05 701		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5 S	3 W	5,8		5 3 05 702		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5 S	3 W	5		5 3 05 900		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5 S	3 W	4,5		5 3 05 1300		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery

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

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
- Exchange of Water
- Allocation of Conserved Water
- Limited Water Use License
- Permit Amendment of Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) Palmer Creek

Estimated quantity of water needed: 448.8 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Water may be withdrawn from a one or more wells and stored temporarily in a reservoir for distribution to the places of use for irrigation and other nursery uses.

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

Receipt for Request for Land Use Information

State of Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EF-80 Section 402 of the Yamhill Co. Planning Dept
- Land uses to be served by 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.

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Name: Kenneth P. Fridgen Title: P. D. M.
 Signature: *[Signature]* Phone: 503 434-7516 Date: 12/18/09
 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: _____

617293

Blocks
Gordon - 1, 2, 4 & 5

REC'D NOV 10 1989

Premium \$ 937.50



Policy of Title Insurance

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, a California corporation, hereinafter called the Company, for a valuable consideration paid for this policy of title insurance, the number, date, and amount of which are shown in Schedule A, does hereby insure the parties named as Insured in Schedule A, the heirs, devisees, personal representatives of such Insured, or if a corporation, its successors by dissolution, merger or consolidation, against direct loss or damage not exceeding the amount stated in Schedule A, together with costs, attorneys' fees and expenses which the Company may be obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

- Title to the land described in Schedule A being vested, at the date hereof, otherwise than as herein stated; or
- Unmarketability, at the date hereof, of the title to said land of any vestee named herein, unless such unmarketability exists because of defects, liens, encumbrances, or other matters shown or referred to in Schedule B; or
- Any defect in, or lien or encumbrance on, said title existing at the date hereof, not shown or referred to in Schedule B, or excluded from coverage in the Schedule of Exclusions from Coverage; or
- Any defect in the execution of any mortgage or deed of trust shown in Schedule B securing an indebtedness, the owner of which is insured by this policy, but only insofar as such defect affects the lien or charge of such mortgage or deed of trust upon said land; or
- Priority, at the date hereof, over any such mortgage or deed of trust, of any lien or encumbrance upon said land, except as shown in Schedule B such mortgage or deed of trust being shown in the order of its priority,

all subject, however, to the Schedule of Exclusions from Coverage and the Conditions and Stipulations hereto annexed, which, together with Schedules A and B are hereby made a part of this policy.

This policy shall not be valid or binding until countersigned below by a validating signatory of the Company.

NOV 28 1989
VALUATION
3721

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

By	<i>William T. Seitz</i>	President
Attest	<i>Erich E. Ewlsch</i>	Secretary

Countersigned:

By  Validating Signatory

617293

TICOR TITLE INSURANCE

SCHEDULE A

Amount \$295,000.00

Date: October 31, 1989

At 11:57 am

Premium: \$937.50

INSURED

-----GORDON BAILEY-----

The estate or interest referred to herein is, at the date hereof, vested in

-----GORDON BAILEY, fee simple estate.-----

The land referred to in this policy is described as

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

The estate or interest in the land described in this schedule is:

A FEE

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SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorney's fees or expenses, any or all of which arise by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured on page 1 of this policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
6. This policy does not include a search for financing statements covering crops filed in the Office of the Secretary of State, and no liability is assumed on account thereof.
7. Rights of the public in streets, roads and highways.

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8 8 2009

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LEGAL DESCRIPTION

REC'D
DEC 28 2009

-----PARCEL 1: BEGINNING North 87° West, 15.35 chains from the Northeast corner of the Alvis Kimsey Donation Land Claim No. 43 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence South 1°39' West along the West line of land conveyed to the State of Oregon, by Deed recorded April 23, 1938 in Book 114, Page 159, Deed Records, 23.725 chains to an iron pipe; thence North 87° West, 23.536 chains to an iron pipe in the center of the County Road; thence North 2°16' East along the center of the County Road, 23.215 chains to an iron pipe on the North line of said Claim; thence South 87° East, 23.28 chains to the point of beginning.

PARCEL 2: BEGINNING at a stone set at the Northeast corner of the Alvis Kimsey Donation Land Claim No. 43, Notification No. 1630 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; running thence South 1°39' West on the true East line of said Kimsey Donation Land Claim, 11.07 chains set iron pipe 1 inch in diameter for the Northeast corner of Lot 1, which was allotted to John Versteeg; thence North 87°00' West, parallel to the North line of said Kimsey Donation Land Claim, 15.35 chains set iron pipe 1 inch in diameter for the Northwest corner of Lot No. 1; thence South 1°39' West, parallel to the East line of said Claim, 11.37 chains, set an iron pipe 1 inch in diameter from the Southwest corner of Lot No. 1 which is also the Northwest corner of Lot No. 2; thence South 87°00' East, parallel to the North line of said Claim, 15.35 chains to the East line of said Claim set an iron pipe 1 inch in diameter for the Southeast corner of Lot No. 1, being also the Northeast corner of Lot No. 2; thence North 1°39' East along the East line of said Claim, 11.37 chains to the point of beginning, and being the premises described as Lot No. 1 in that certain Partition Suit in the Circuit Court of the State of Oregon for Yamhill County, wherein John Versteeg was plaintiff and Ray Marvin Peffer et al. were defendants.

PARCEL 3: A part of the East Half of the Donation Land Claim of Alvis Kimsey and Elizabeth Kimsey, husband and wife, in Sections 5, 6, 7, and 8 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and particularly described as follows, to-wit:

BEGINNING at a 1 inch diameter iron pipe set on the East line of said Donation Land Claim South 1°39' West, 22.44 chains from the Northeast corner of said Donation Land Claim, said beginning point being the Southeast corner of Lot 1, according to County Survey No. 2775; thence North 87°00' West, parallel to the North line of said Donation Land Claim, 15.35 chains to an iron pipe set at the Southwest corner of said Lot 1; thence South 1°39' West, parallel to the East line of said Donation Land Claim, 43.22 chains to an iron pipe 1 inch in diameter; thence South 87°00' East, parallel to the North line of said Donation Land Claim, 15.35 chains to an iron pipe set on the East line of said Donation Land Claim; thence North 1°39' East along the East line of said Claim, 43.22 chains to the point of beginning.

EXCEPTING THEREFROM all that portion lying South of Palmer Creek.

PARCEL 4: Being a part of the J. H. Thessing Donation Land Claim, Notification No. 1643, Claim No. 31 in Sections 5 and 8, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe on the West line of and South 2°30' West, 2116.95 feet from the Northwest corner of said Claim; thence South 2°30' West along the West line of said Claim, 1759.9 feet to an iron pipe at the Southwest corner of County Survey No. 2940; thence East, 15.0 feet; thence North 2°30' East, parallel with the West line of said Claim, 1759.9 feet; thence West, 15.0 feet to the point of beginning.-----

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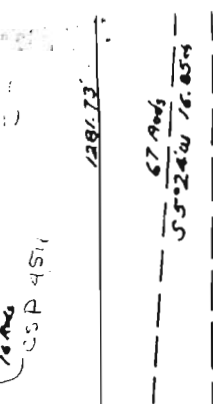
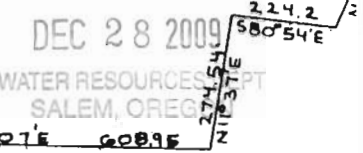
DEC 28 2009

WATER RESOURCES DEPT
SALEM, OREGON

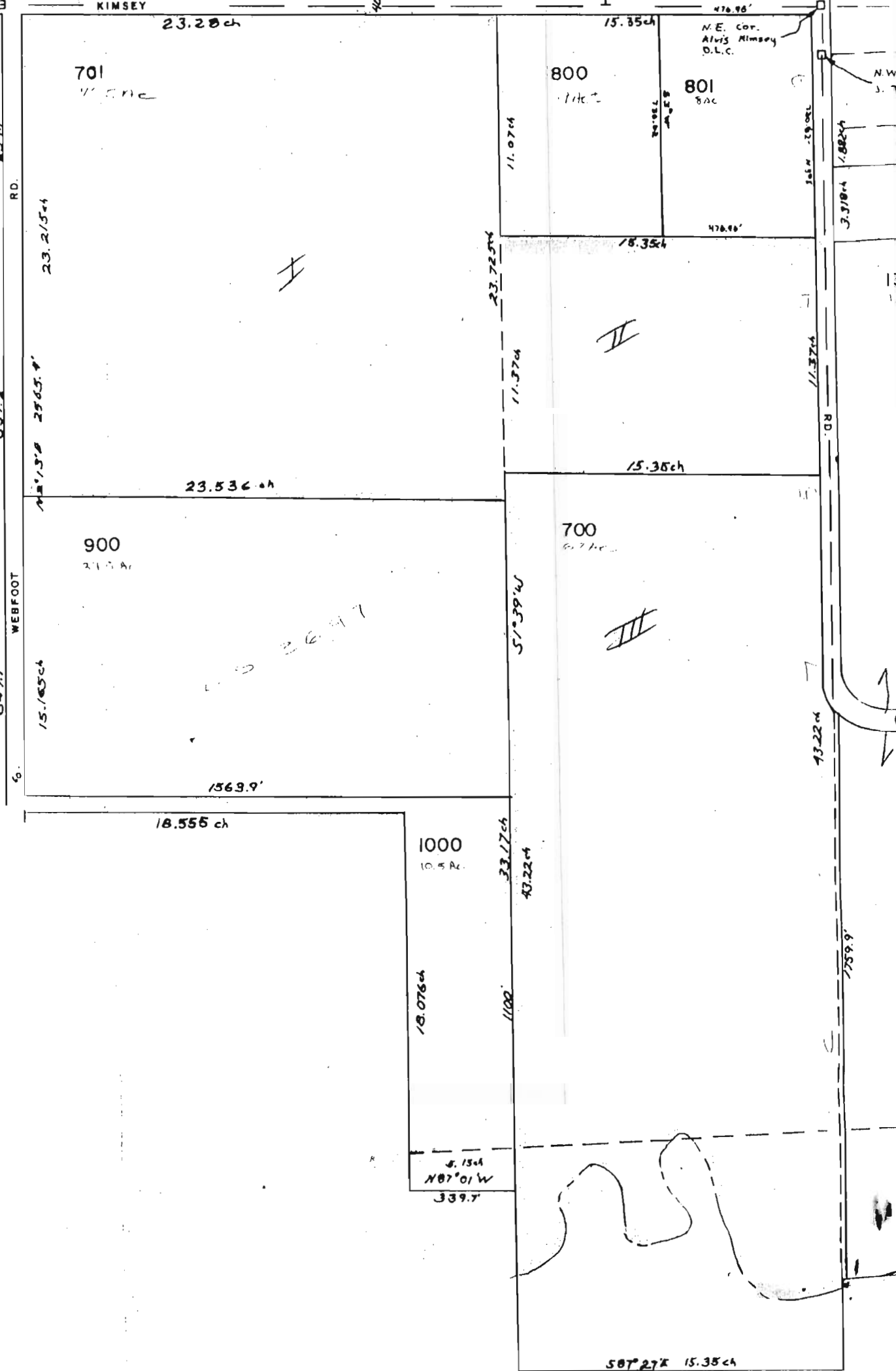
this map is made solely for the purpose
of assisting in locating said premises and
the Company assumes no liability for
variations, if any, in dimensions and lo-
cation ascertained by actual survey.

TIGSR TITLE INSURANCE COMPANY

SW Cor
W Logan DLC.



ELY, S.E. CORNER
A. COOVERT D.L.C.



G17293

SEE SEC. 5 3 08

Gordon-3

Premium \$ 366.00



Policy of Title Insurance

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, a California corporation, hereinafter called the Company, for a valuable consideration paid for this policy of title insurance, the number, date, and amount of which are shown in Schedule A, does hereby insure the parties named as Insured in Schedule A, the heirs, devisees, personal representatives of such Insured, or if a corporation, its successors by dissolution, merger or consolidation, against direct loss or damage not exceeding the amount stated in Schedule A, together with costs, attorneys' fees and expenses which the Company may be obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

- Title to the land described in Schedule A being vested, at the date hereof, otherwise than as herein stated; or
- Unmarketability, at the date hereof, of the title to said land of any vestee named herein, unless such unmarketability exists because of defects, liens, encumbrances, or other matters shown or referred to in Schedule B; or
- Any defect in, or lien or encumbrance on, said title existing at the date hereof, not shown or referred to in Schedule B, or excluded from coverage in the Schedule of Exclusions from Coverage; or
- Any defect in the execution of any mortgage or deed of trust shown in Schedule B securing an indebtedness, the owner of which is insured by this policy, but only insofar as such defect affects the lien or charge of such mortgage or deed of trust upon said land; or
- Priority, at the date hereof, over any such mortgage or deed of trust, of any lien or encumbrance upon said land, except as shown in Schedule B such mortgage or deed of trust being shown in the order of its priority,

all subject, however, to the Schedule of Exclusions from Coverage and the Conditions and Stipulations hereto annexed, which, together with Schedules A and B are hereby made a part of this policy.

This policy shall not be valid or binding until countersigned below by a validating signatory of the Company.

DEC 28 2009



Yamhill County Office
627 N. Evans Street
P.O. Box 267
McMinnville, Oregon 97128
(503) 472-6101

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

By

President

Attest

Secretary



Countersigned

By  Validating Signatory

SCHEDULE A

Amount \$102,840.00

Date: January 28, 1991

At 3:54 P.M.

Premium: \$366.00

INSURED

-----GORDON BAILEY, SR., dba CARLTON PLANTS-----

The estate or interest referred to herein is, at the date hereof, vested in

-----GORDON BAILEY, SR., dba CARLTON PLANTS, fee simple estate.-----

The land referred to in this policy is described as

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

The estate or interest in the land described in this schedule is:

A FEE

DEC 28 1991

SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorney's fees or expenses, any or all of which arise by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured on page 1 of this policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
6. This report does not include a search for financing statements covering crops filed in the Office of the Secretary of State, and no liability is assumed on account thereof.
7. Rights of the public in streets, roads and highways.
8. The premises herein described are within and subject to the statutory powers, including the power of assessment of Palmer Creek Water Control District.

- - - - -

DEC 20 1989

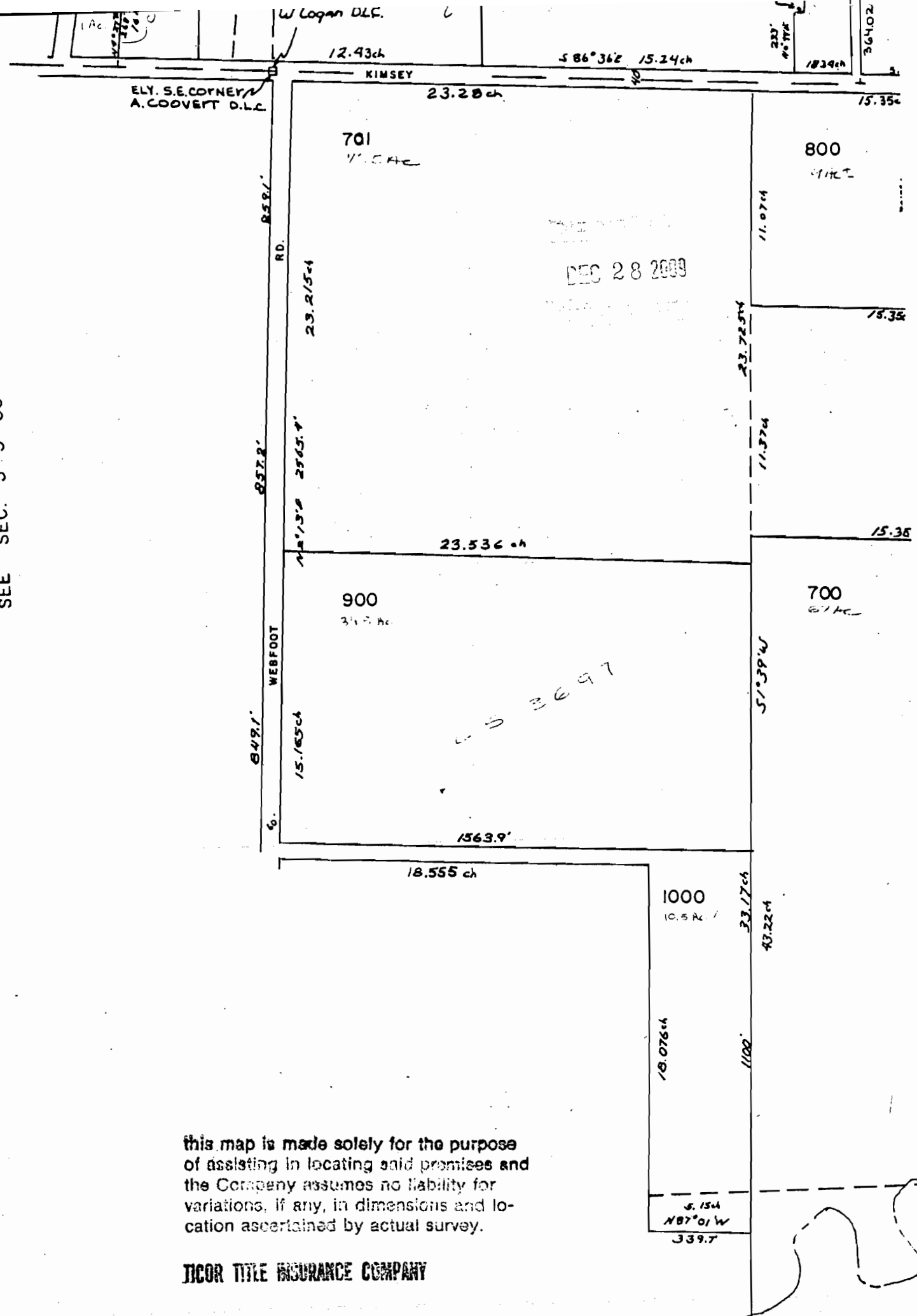
617293

LEGAL DESCRIPTION

-----A tract of land in the Alvis Kimsey Donation Land Claim in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and being a part of a 45 acre tract as surveyed in County Survey No. 2331 and described in Mortgage recorded in Film Volume 26, Page 454, Deed and Mortgage Records, Yamhill County, Oregon on November 5, 1962, and more particularly described as follows:

Beginning at an iron pipe North 87° West, 15.35 chains and South 1°39' West, 23.725 chains from the Northeast corner of said Claim, which said point is the Southeast corner of tract conveyed to Bruce V. Millam and Annie F. Millam by Deed recorded December 17, 1946 in Book 139, Page 497, Deed Records, Yamhill County, Oregon; thence North 87° West, 23.536 chains to an iron pipe in the center of the County Road at the Southeast corner of said Millam tract; thence South along the center of said County Road, 953.09 feet to a point 47.8 feet North of a stone set at the most Westerly Southwest corner of County Survey No. 2331; thence South 87°14' East, 1563.9 feet, more or less, to a point on the East line of said 45 acre tract and the East line of said County Survey; thence North 1°39' East along said East line to the point of beginning.

SEE SEC. 5 3 06



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 survey.

TICOR TITLE INSURANCE COMPANY

3	5
7	8

617293

Ediger Farm

Premium \$ 1,080.00



Policy of Title Insurance

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, a California corporation, hereinafter called the Company, for a valuable consideration paid for this policy of title insurance, the number, date, and amount of which are shown in Schedule A, does hereby insure the parties named as Insured in Schedule A, the heirs, devisees, personal representatives of such Insured, or if a corporation, its successors by dissolution, merger or consolidation, against direct loss or damage not exceeding the amount stated in Schedule A, together with costs, attorneys' fees and expenses which the Company may be obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

- Title to the land described in Schedule A being vested, at the date hereof, otherwise than as herein stated; or
- Unmarketability, at the date hereof, of the title to said land of any vestee named herein, unless such unmarketability exists because of defects, liens, encumbrances, or other matters shown or referred to in Schedule B; or
- Any defect in, or lien or encumbrance on, said title existing at the date hereof, not shown or referred to in Schedule B, or excluded from coverage in the Schedule of Exclusions from Coverage; or
- Any defect in the execution of any mortgage or deed of trust shown in Schedule B securing an indebtedness, the owner of which is insured by this policy, but only insofar as such defect affects the lien or charge of such mortgage or deed of trust upon said land; or
- Priority, at the date hereof, over any such mortgage or deed of trust, of any lien or encumbrance upon said land, except as shown in Schedule B such mortgage or deed of trust being shown in the order of its priority,

all subject, however, to the Schedule of Exclusions from Coverage and the Conditions and Stipulations hereto annexed, which, together with Schedules A and B are hereby made a part of this policy.

This policy shall not be valid or binding until countersigned below by a validating signatory of the Company.

DEC 28 2009

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA

By *Genita L. Appel* President

Attest *Ernie L. ...* Secretary

Countersigned:
By *[Signature]*
Validating Signatory

G-17293

SCHEDULE A

Amount \$ 365,000.00
Premium \$ 1,080.00

Date OCTOBER 9, 1987
POLICY # 36-66-753

~~XEROX COPY~~
AT3:36 PM

INSURED

——GORDON BAILEY——

The estate or interest referred to herein is, at the date hereof, vested in

——GORDON BAILEY, fee simple estate.——

DEC 28 2009
WATERVILLE
SALINE

The land referred to in this policy is described as

——A tract of land situate in Sections 4, 5, and 8, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

BEGINNING at a point in the center of Palmer Creek, which is 73.92 chains North and 10.95 chains, more or less, West of the Southeast corner of the Donation Land Claim of John H. Thessing, Notification No. 1643, Claim No. 51 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence in a Southwesterly direction upstream following the meanderings of said creek to a point due East of a point on the West boundary line of said Claim, 22.71 chains; North 3° East from the inner angle on the West boundary line of said Claim; thence West to said point on said boundary line; thence North 3° East on the West boundary line of said Claim, 49.965 chains to a point 8.975 chains South 3° West from the most Northerly Northwest corner of said Claim; thence East, 31.33 chains, more or less, to the center of Palmer Creek; thence upstream following the meanderings of said Creek to the point of beginning.

SAVE AND EXCEPTING THEREFROM that portion of the above mentioned premises described in Yamhill County Circuit Decree, Case No. 81-1620 (Ediger vs. Keopke, et al., said Decree reforming the descriptions in Deeds recorded in Film Volume 126, Page 203 and Film Volume 137, Page 1695, Deed and Mortgage Records) as follows:

Being a part of the J. H. Thessing Donation Land Claim, Notification No. 1643, Claim No. 51 in Section 5, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a point in the center of the County Road, now there, said point being South 3° West, 2,104.96 feet, South 84°18'03" East, 664.24 feet from the Northwest corner of said Claim; and thence South 5°41'57" West, 20 feet to the true point of beginning, said point being on the Southerly boundary of the County Road right of way; thence South 5°06'31" West, 1,140 feet, more or less, to a point in the center of Palmer Creek; thence Easterly, following down the center line of Palmer Creek, 1,300 feet, more or less, to a point on the Westerly right of way line of the County Road; thence following along the said County Road right of way line the following courses and distances: North 13°12'03" West, 425 feet, more or less, to a point; thence North 76°47'57" East, a distance of 5.0 feet; thence along

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the arc of a 104 foot curve concave to the Southwest (the long chord of which bears North 48°41' West, 120.94 feet) 129.06 feet to a point; thence North 5°41'57'' West, a distance of 5 feet; thence North 84°18'3'' West, 255.23 feet to the true point of beginning.

ALSO EXCEPTING those portions described in Deed to Bruce V. Millam and Annie F. Millam, recorded November 24, 1948 in Book 151, Page 325, Deed Records, and in Deed to Yamhill County, recorded October 31, 1977 in Film Volume 124, Page 857, Deed and Mortgage Records, Yamhill County, Oregon.——

DEC 28 2009

36-66-753

Page 3 of Policy No.

SCHEDULE A — Continued

The estate or interest in the land described in this schedule is:

A FEE

SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorney's fees or expenses, any or all of which arise by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured on page 1 of this policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
6. This policy does not include a search for financing statements covering crops filed in the office of the Secretary of State, and no liability is assumed on account thereof.
7. Rights of the public in streets, roads and highways.

RECEIVED
DEC 20 2009
CANTON, MASSACHUSETTS

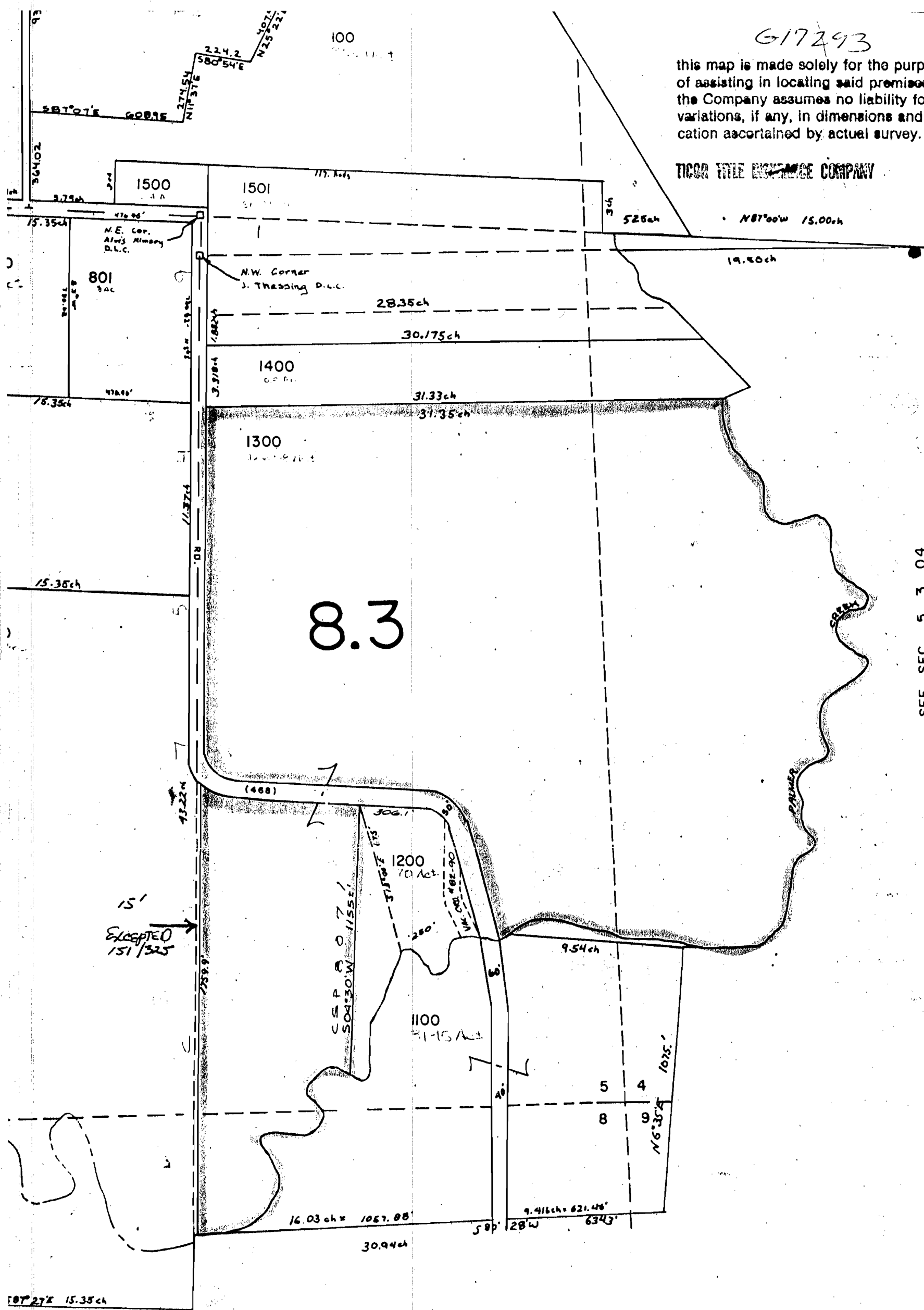
36-66-753

G-17293

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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 survey.

TICOR TITLE INSURANCE COMPANY



SEE SEC. 5 3 04

SEE SEC. 5 3 08

5 3 05

G17293



\$26.00

Recording Requested by:
Fidelity National Title Company of Oregon

200326475 1:53:21 PM 10/15/2003
DMR-RECDMR Cnt=1 Stn=3 SUSAN
\$5.00 \$10.00 \$11.00

Grantor: Jonathan Bartch
Beneficiary: Margaret M. Bailey, Thomas J. Campbell, Virginia Karen Bartch
Jonathan Bartch, James Fritz, Successor Co-trustees of the Gordon
Bailey Revocable trust, dated November 9, 1989

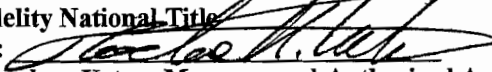
After Recording return to:
David M. Roth
Heltzel, Upjohn, Williams, Yandell, Roth
Smith & Petersen, P.C.
P O BOX 1048
Salem OR 97308-1048

DEC 28 2003

FULL RECONVEYANCE

Fidelity National Title as present trustee under that certain Deed of trust dated March 14, 1997 executed by Jonathan Bartch as Grantor (s) and recorded on March 14, 1997 as Instrument no. 1997 04117, Yamhill County Oregon.

Having been requested in writing by the holder of obligations secured by the deed of trust to reconvey the estate granted to Trustee under the deed of trust DOES RECONVEY to the person or persons legally entitled thereto, without warranty, all the estate, title and interest acquired by the trustee under the deed of trust.

Fidelity National Title
By: 
Theodore Urton, Manager and Authorized Agent
for Tigor Title Insurance

Dated: October 2, 2003

State of Oregon
County of Marion

This instrument was acknowledged before me on October 2, 2003
Theodore Urton, Manager Authorized Agent for Tigor Title Insurance



Notary Public for Oregon
My Commission expires: 30-00



G17293



617293

Permit # U-183-09

Yamhill County Public Works Department

2060 Lafayette Avenue, McMinnville, OR 97128

DEC 28 2008

John Phelan
Director Public Works
phelanj@co.yamhill.or.us
Phone Number (503) 434-7515

William A. Gille P.E., P.L.S.
County Engineer
Pubwork@co.yamhill.or.us
Fax: 503-472-4068

Randy Webb
Permit Specialist
webbr@co.yamhill.or.us
503-434-7370

PERMITS: Who needs one?

Any time an individual, contractor, or company needs to perform work within the County Rights-of-Way, whether in the road, along the shoulder, or in the ditch, a Right-of-Way Permit is required.

Examples of work frequently performed in the Right-of-Way and requiring a permit include subdivisions, drainage issues, utility construction, driveway installation and use changes, private situations and special events.

The purpose of the permit is to insure that activities conducted in the Right-of-Way do not constitute a danger to the traveling public or the individuals involved and that the project does not degrade the right-of-way thereby increasing maintenance costs to the taxpayer.

INSTRUCTIONS:

Complete the "APPLICANT INFORMATION" below by printing. Insufficient information will delay processing. Include two sets of plans and if required: (a certificate of insurance, a bond or guarantee of payment and any set fees). Read the reverse side of this form, sign and date your acknowledgement. Special provisions may be added to the permit when and if issued.

***** APPLICANT INFORMATION *****

APPLICANT: Allan Elliott POSITION: Operations Mgr.
 COMPANY NAME: Carlton Plants
 MAILING ADDRESS: P.O. Box 398 Dayton, OR 97114
 E-MAIL ADDRESS: aelliott@Carltonplants.com
 BUSINESS PHONE: 503-868-7971 Cell: 503-930-3770 FAX: 503-868-7503
 WORK BEING PERFORMED BY: Company: Subcontractor: Self: Other:
 Field supervisors name: Rick Paola
 Firms name: Carlton Plants Telephone: _____
 PROJECT LOCATION: TOWNSHIP: 5 RANGE: 3 SECTION: 05 TAX LOT: 1300
 PROJECT ADDRESS: 13520 SE Kimsey Rd. Dayton, OR
 PROJECT DESCRIPTION: A 6" PVC Irrigation mainline was installed under the road in about 1988. The county road crew was aware of the work being done. Somehow we didn't get a permit. I need a permit to show "right of way" easement for a water right.

***** COUNTY'S RECORD *****

PERMIT: _____ INSURANCE: _____ BOND/GUARANTEE AMOUNT: _____
 TWO SETS OF CONSTRUCTION PLANS SUBMITTED: _____ FEE AMOUNT: _____
 PROVISIONS AND DRAWINGS ATTACHED: _____

SPECIAL PROVISIONS: To county Spec's

GENERAL PROVISIONS:

1. **SEE YAMHILL COUNTY ORDINANCE 776 FOR SPECIFIC PROVISIONS.** Copies may be obtained from our office.
2. **CALL YAMHILL COUNTY PUBLIC WORKS AT 503-434-7514, one working day prior to start of activity and no later than 7:00 A.M. the day work commences TO SCHEDULE INSPECTION OF YOUR PROJECT.** Give a contact name, call back telephone number, location of work, type of work, time the work is scheduled to start and the permit number. Delays of work longer than one day require additional notification.
3. Oregon law requires excavators to follow rules adopted by the Oregon Utility Notification Center. Copies may be obtained by calling the center at 503-232-1987 or 1-800-332-2344.
4. A copy of an "APPROVED" permit and project plans must be on the site at all times work is in progress.
5. Traffic control shall conform to the requirements of the Manual On Uniform Traffic Control Devices.
6. Permits for construction expire 0 months from date of issue.

The Applicant shall indemnify and save harmless Yamhill County, its Board of Commissioners, 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 hereby applies to Yamhill County Public Works Department for permission to perform operations within Rights-of-Way under Yamhill County jurisdiction. This is subject to and with full knowledge of the appropriate General Provisions contained in Yamhill County Ordinance 776 and supplemented by design standards and/or modified by any special provisions. It shall be the obligation of the applicant to obtain a copy of Ordinance 776 and all specified attachments from Yamhill County Public Works Department before commencement of any project covered under a permit and to comply with all applicable requirements.

APPLICANT'S SIGNATURE: by: 7. Allan Elliott DATE: 7/29/09

DIRECTOR: _____ DATE: _____

PERMIT SPECIALIST: [Signature] DATE: 7-30-09

INITIAL SITE REVIEW BY: _____ DATE: _____

PERMIT ISSUED BY: [Signature] VIA: HAND DATE: 7-30-09

START WORK NOTICE BY: _____ C# _____ DATE: _____

CONSTRUCTION APPROVED BY: _____ DATE: _____

NOTES: _____

REC 28 2009

FINAL INSPECTION APPROVED BY: 617293 DATE: _____

