



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

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. **If for multiple rights, a separate form for each right will be required.**

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): Bailey Nursery Inc
First Last
 Mailing Address: 9855 NW Pike Rd
Yamhill OR 97148
City State Zip
 Phone: _____
Home Work Other

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PROPERTY BUYER INFORMATION

Applicant(s): Mark + Marcel Gaibler
First Last
 Mailing Address: PO Box 80x
Carlton OR 97111
City State Zip
 Phone: 5038529510 5039326640 5032094080
Home Work Other

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PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Yamhill Township: 3 South Range: 4 West Section: 16
 Tax Lot Number(s): 600

Street address of water right property: 12325 Highway 47, Carlton 97111

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: S-70213.jwg Permit #: 51848 Certificate or Page #: 85467

Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Marci Gaibler Phone: 5038529510

Signature: marci gaibler Date: 1/29/14

Please be sure to attach a copy of your property deed or legal description of the property.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of NORTH YAMHILL RIVER, a tributary of the YAMHILL RIVER for AGRICULTURAL USE FOR NURSERY OPERATIONS on 127.0 ACRES.

This right was perfected under Permit 51848. The date of priority is MARCH 2, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.75 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is November 1 through April 30.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
3 S	4 W	WM	16	SW NW		54	380 FEET SOUTH & 2240 FEET WEST FROM NE CORNER, DLC 54

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

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

NURSERY USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	4 W	WM	16	SW NW		54	16.7
3 S	4 W	WM	16	SE NW		54	26.0
3 S	4 W	WM	16	NE SW		54	34.8
3 S	4 W	WM	16	NW SW		54	30.1

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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 either 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

NURSERY USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	4 W	WM	16	SW SW		54	2.7
3 S	4 W	WM	16	SE SW		54	12.0
3 S	4 W	WM	17	SE NE		54	1.4
3 S	4 W	WM	17	NE SE		54	3.3

Measurement, recording and reporting conditions:

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

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

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

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

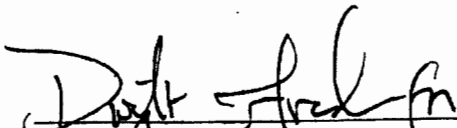
This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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

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

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

Issued MAY 08 2009


 Phillip C. Ward, Director
 Water Resources Department

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EXHIBIT A

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

PARCEL 1:

Being a part of the H. C. Hembree Donation Land Claim, Notification No. 1541, Claim No. 54 in Sections 16 and 17, Township 3 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, and beginning on the North line of said Claim at a point North 89°09' West .652 of a chain from the Northeast corner of said Claim; thence North 89°09' West along the North line of Claim 14.22 chains to an iron pipe; thence South 29°23' West along old line fence between Merchant and Thomasen 2.987 chains to oak tree 18 inches in diameter; thence South 59°34' West along fence 9.947 chains to oak tree 12 inches in diameter; thence North 78°32' West along old fence 10.55 chains to the center of the Yamhill River; thence down center of River South 30°42' West 2.42 chains; thence South 61°19' West along center of River 4.017 chains to the West line of said Hembree Claim; thence South 43' West along the West line of Claim, 19.407 chains to the North line of the C. E. Ladd Tract; thence South 89°14' East along said C. E. Ladd Tract 6 chains to anchor post; thence South 46' West along said Tract 14.518 chains to post on South line of Thomasen Land and at the Southeast corner of C. E. Ladd 8.77 acre tract described in Volume 36, Page 483, Deed Records of Yamhill County Oregon; thence South 89°45' East along the line between Thomasen and Johnson 33.885 chains to an iron pipe at the Southwest corner of Lot 1 of County Survey No. 2478 of Yamhill County, Oregon; thence North 13' West along wire fence and West line of Lot 1, 43.50 chains to the place of beginning.

EXCEPTING THEREFROM a Tract of land in Section 16, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a point which is North 89°09' West 43.03 feet and South 0°13' East 2871.00 feet and North 89°45' West 1411.48 feet from the Northeast corner of the W. C. Hembree Donation Land Claim No. 54 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said beginning point being on the South line of that certain tract of land conveyed by George S. and Barbara Frum to Warren H. and Louise Grasley by Deed recorded in Film Volume 21, Page 236, Deed and Mortgage Records of Yamhill County, Oregon; thence North 89°45' West along the South line of said property described in Film Volume 21, Page 236, a distance of 825.00 feet to the Southeast corner of that certain tract of land conveyed to C. E. Ladd by Deed recorded in Film Volume 56, Page 483, Deed and Mortgage Records of Yamhill County, Oregon; thence North 00°46' East along the East line of said property described in said Film Volume 56, Page 483, a distance of 958.19 feet; thence South 89°45' East 547.00 feet; thence South 2°10' West 272.31 feet; thence South 89°45' East 272.73 feet; thence South 0°13' East 686.04 feet to the point of beginning.

PARCEL 2:

A strip of land for roadway purposes, more particularly described as follows:

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Beginning at an iron pipe in the center of County Road now there, and set at the Northeast corner of Lot 2 of County Survey 1668 of Yamhill County, Oregon, and at the Southeast corner of the P. C. Thomassen Lands; thence North $89^{\circ}57'$ West along the South line of said Thomassen Lands, 30.134 chains to an iron pipe and anchor post at the Southwest corner of Lot 1 and Southeast corner of Lot 2 of County Survey No. 2478 and on the North line of the J. C. Johnson Land; thence North $13'$ West 30 feet; thence South $89^{\circ}57'$ East 30.134 chains to the center of County Road now there; thence South 30 feet to the place of beginning and being almost entirely in the William Patton Donation Land Claim in Section 16, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

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