



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): OREGON DEPARTMENT OF FORESTRY

First Last  
 Mailing Address: 2600 STATE ST., BUILDING F

SALEM OREGON 97310  
 City State Zip

Phone: Home Work Other  
503-945-7375 503-302-3018

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SALEM, OR

### PROPERTY BUYER INFORMATION

Applicant(s): IFA NURSERIES, INC.

First Last  
 Mailing Address: 9450 SW COMMERCE CIRCLE SUITE 460

WILSONVILLE OREGON 97070  
 City State Zip

Phone: Home Work Other  
503-855-3358 971-645-3236

### PROPERTY DESCRIPTION (attach additional pages if necessary):

County: DOUGLAS Township: 23 South Range: 8 West Section: 1, 2, 11, 12

Tax Lot Number(s): 23-08W-01-600; 23-08W-02-600; 23-08W-12-500

Street address of water right property: 2424 Wells Rd., Elkton, OR 97436

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

Application #: S-69398 Permit #: S-50154 Certificate or Page #: 72141

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

Name of individual completing this form: Shonee Langford, Attorney Phone: 503-540-4261

Signature: [Signature] Date: 5/2/16

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

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
DEPARTMENT OF FORESTRY  
2424 WELLS ROAD  
ELKTON, OREGON 97436

confirms the right to use the waters of THE UMPQUA RIVER AND GALESVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-9964, a tributary of the PACIFIC OCEAN, for COMMERCIAL NURSERY USES ON 234.4 ACRES, TO INCLUDE IRRIGATION DURING THE PERIOD OCTOBER 1 THROUGH MARCH 31 OF EACH YEAR WHEN WATER CAN BE PUT TO BENEFICIAL USE FOR IMMEDIATE CROP GROWTH OR TO RAISE THE SOIL MOISTURE CONTENT TO BE UTILIZED BY PLANT GROWTH AND TO INCLUDE USE FOR TEMPERATURE CONTROL, FERTILIZATION, PESTICIDE APPLICATIONS, HARVESTING, TRANSPORTING, ROOT CULTURE AND DUST ABATEMENT.

This right was perfected under Permit 50154. The date of priority is OCTOBER 7, 1987. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.8 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversions are located as follows:

DIVERSION POINT 1 - SW 1/4 SE 1/4, SECTION 2, T 23 S, R 8 W, W.M.; 324.45 FEET NORTH AND 2164.25 FEET WEST FROM THE SE CORNER OF SECTION 2.

DIVERSION POINT 2 - NE 1/4 NE 1/4, SECTION 11, T 23 S, R 8 W, W.M.; 251.99 FEET SOUTH AND 476.49 FEET WEST FROM THE NE CORNER OF SECTION 11.

DIVERSION POINT 3 - NE 1/4 NE 1/4, SECTION 11, T 23 S, R 8 W, W.M.; 447.5 FEET SOUTH AND 37.5 FEET WEST FROM THE NE CORNER OF SECTION 11.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

NW 1/4 SW 1/4	3.0 ACRES
SW 1/4 SW 1/4	32.0 ACRES
SE 1/4 SW 1/4	3.0 ACRES

SECTION 1

SW 1/4 NE 1/4	3.5 ACRES
NE 1/4 NW 1/4	13.5 ACRES
SE 1/4 NW 1/4	34.1 ACRES
NE 1/4 SW 1/4	31.1 ACRES
SE 1/4 SW 1/4	2.4 ACRES
NE 1/4 SE 1/4	5.6 ACRES
NW 1/4 SE 1/4	30.0 ACRES
SW 1/4 SE 1/4	24.4 ACRES
SE 1/4 SE 1/4	38.1 ACRES

SECTION 2

SEE NEXT PAGE

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NE 1/4 NE 1/4 1.5 ACRES  
SECTION 11

NW 1/4 NW 1/4 12.2  
SECTION 12

ALL PROJECTED WITHIN DLC 38  
TOWNSHIP 23 SOUTH, RANGE 8 WEST, W.M.

This right is issued subject to the terms and conditions of an agreement between the State of Oregon, Department of Forestry and Douglas County, or a satisfactory replacement, a copy of which is on file in the records of the Water Resources Director.

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

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 20,  
1996.

 **Steven P. Applegate**

Martha O. Pagel

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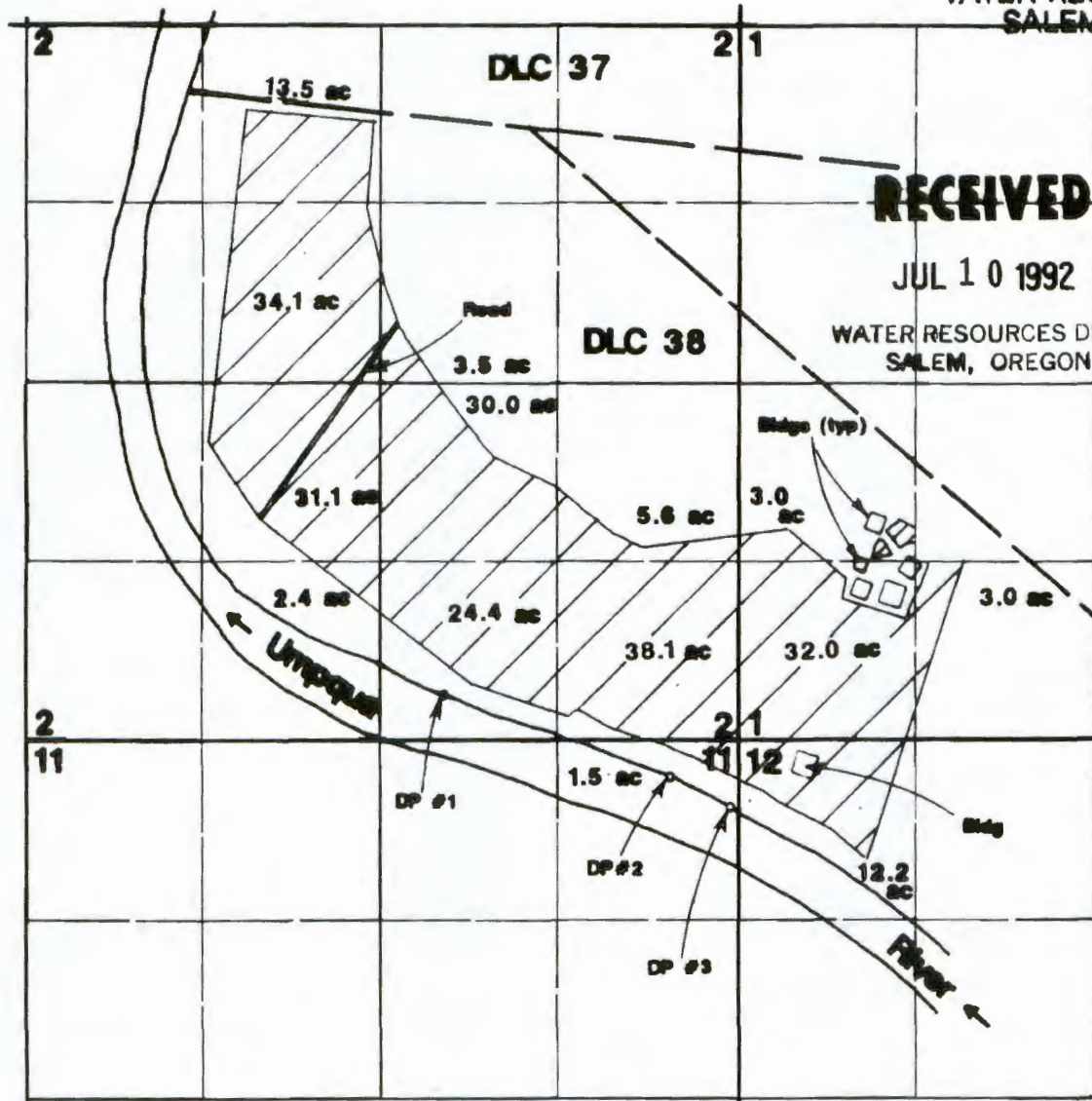
Recorded in State Record of Water Right Certificates numbered 72141.

**RECEIVED**

**T.23S., R.8W., W.M.**

OCT 01 1991

WATER RESOURCES DEP  
SALEM, OREGON



**RECEIVED**

JUL 10 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

1" = 1320'



Area Irrigated

Div Pt #1 located 324.45'N & 2164.25'W to corner common to Sections 1, 2, 11 & 12.  
 Div Pt #2 located 251.99'S & 476.49'W from corner common to Sections 1, 2, 11 & 12.  
 Div Pt #3 located 447.5'S & 37.5'W from corner common to Sections 1, 2, 11 & 12.

**Final Proof Survey**

Application #: 69398 Permit #: 50154

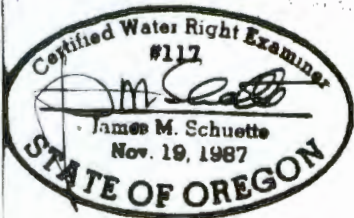
**State of Oregon  
Dept of Forestry**

Surveyed on September 11, 1991 by JM Schuette

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THIS MAP WAS PREPARED FOR THE PURPOSE OF  
 VERIFYING THE LOCATION OF A WATER RIGHT  
 AND IS NOT INTENDED TO PROVIDE LEGAL  
 OPINIONS OR LOCATION OF PROPERTY  
 OWNERSHIP LINES.

Douglas County Official Records  
Patricia K. Hitt, County Clerk

2016-007100

04/27/2016 08:41:09 AM

DEED-BS Cnt=1 SIn=1 CAROL  
\$20.00 \$11.00 \$10.00 \$20.00

\$61.00

## DOUGLAS COUNTY CLERK



# CERTIFICATE PAGE

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**DO NOT REMOVE THIS PAGE FROM ORIGINAL  
DOCUMENT**

**THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED**

AFTER RECORDING  
RETURN TO  
Ticor Title Company  
300 West Anderson Ave. - Box 1075  
Coos Bay, OR 97420-0233

470315043302

Space above this line for Recorder's use.

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STATE OF OREGON  
BARGAIN AND SALE DEED  
ORS 93.860

MAY 04 2016

**GRANTOR:**

State of Oregon, acting by and through its  
Department of Forestry on behalf of the  
Oregon Board of Forestry  
2600 State Street  
Salem, OR 97310

**GRANTEE:**

IFA Nurseries, Inc.  
9450 SW Commerce Circle, Ste. 460  
Wilsonville, OR 97070

SALEM, OR

**FUTURE TAX STATEMENTS  
SHOULD BE MAILED TO:**

IFA Nurseries, Inc.  
9450 SW Commerce Circle, Ste. 460  
Wilsonville, OR 97070

**AFTER RECORDING  
RETURN TO:**

IFA Nurseries, Inc.  
9450 SW Commerce Circle, Ste. 460  
Wilsonville, OR 97070

The STATE OF OREGON, acting by and through its Department of Forestry, on behalf of the Oregon Board of Forestry (GRANTOR), conveys to IFA Nurseries, Inc., an Oregon corporation, (GRANTEE), the following described real property (the "Property") located in, Douglas County, Oregon and being more particularly described as follows:

**See: Exhibit 1, attached hereto and made a part hereof.**

**The true consideration for this conveyance is \$1,468,214.44.**

Grantee acknowledges that it has examined the above described Property to its own satisfaction and has formed its own opinion as to the condition (including environmental condition) and value thereof. Grantee has not relied on any statements or representations from Grantor or any person acting on behalf of Grantor concerning any of the following: the size or area of the Property or any of the parcels of the Property; the location of corners or boundaries of any parcel of the Property; the condition of the Property, including but not limited to, environmental condition above or below the surface of the Property or compliance with environmental laws and other governmental requirements; the availability of services to the Property; the ability of Grantee to use the Property or any portion thereof for any intended purpose; or any other matter affecting or relating to the Property or any portion thereof. Grantee is acquiring the Property in the condition existing at the time of execution of this deed, AS IS, with all defects, if any. Grantee waives, releases and forever discharges Grantor of and from all claims, actions, causes of action, fines, penalties, damages (including consequential, incidental and special damages), costs (including the cost of complying with any judicial or governmental order), and expenses (including attorney fees), direct or indirect, known or unknown, foreseen or unforeseen, which may arise on account of or in any way growing

out of or in connection with any physical characteristic or condition of the Property, including any surface or subsurface condition, or any law, rule or regulation applicable to the Property. These provisions shall be binding on Grantor and Grantee's successors and assigns.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON, acting by and through its Department of Forestry on behalf of the Oregon Board of Forestry,

Satish Upadhyay  
Satish Upadhyay  
Administrative Services Division Chief  
Oregon Department of Forestry

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STATE OF OREGON )  
County of Marion )

ss

SALEM, OR

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April,

2016 by Satish Upadhyay, as Administrative Services Division Chief for the Oregon Department of Forestry.

Stacy Miller  
Signature  
Notary Public for Oregon  
My commission expires March 2  
2020.



**EXHIBIT 1**  
**Legal Description of the Property**

Parcel No. 1 (Elkton Nursery): Beginning at a point on the property line between Norman L. Compton and Keith Kesterson 1265.6 feet North and 957.0 feet West of the one-quarter corner common to Sections 1 and 12, Township 23 South, Range 8 West, Willamette Meridian; thence South 18° 14' West 2436.7 feet along the Keith Kesterson property line; thence North 57° 30' West 1099.8 feet; North 65° 45' West 1122.0 feet; North 63° 45' West 330.0 feet; North 73° West 48.8 feet to a point on the Howard F. Carnes Property line; thence North 30° 54' East 1451.8 feet along the Howard F. Carnes property line; thence North 84° 29' East 1068.0 feet; South 48° 56' East 572.2 feet; North 18° 14' East 550.6 feet; South 58° 34' East 754.0 feet to the point of beginning, all in Douglas County, Oregon.

Parcel No. 2 (Road to Elkton Nursery): Beginning at a point 25 feet South of the center of the Existing County Road No. 203, said point being 532.7 feet North and 1773.0 feet East of the Northeast corner of the William F. Bay Donation Land Claim No. 38; Township 23 South Range 8 West, Willamette Meridian, thence along the center line of a road right of way 50 feet in width South 26° 01' West 639.5 feet; South 11° 57' East 83.5 feet; South 4° 29' East 365.7 feet; South 39° 52' East 446.3 feet; South 22° 34' East 342.8 feet; South 49° 33' East 80.9 feet; South 25° 10' East 449.5 feet; South 64° 10' East 72.4 feet; South 41° 15' East 183.7 feet; South 75° 46' East 80.0 feet; South 22° 52' West 71.7 feet; North 89° 24' East 97.7 feet; South 69° 10' West 104.9 feet; South 36° 44' East 67.9 feet; South 45' 30" West 78.2 feet ; South 69° 26' West 99.8 feet; South 0° 08" East 70.5 feet; South 12° 45' East 289.2 feet; South 12° 36' East 323.0 feet; South 72° 19' East 71.8 feet; thence along a 70 foot right of way North 67° 27' East 66.0 feet; South 30° 19' West 192.3 feet; thence North 56° 16' East 82.0 feet; South 19° 13' West 81.8 feet; South 87° 17' East 48.4 feet; South 36° 39' East 222.7 feet; South 13° 48' West 71.3 feet to a point on the North boundary of the proposed Elkton Nursery site 1370.5 feet North and 1128.8 feet South of the one-quarter corner common to Sections 1 and 12, Township 23 South, Range 8 West, Willamette Meridian, all in Douglas County, Oregon.

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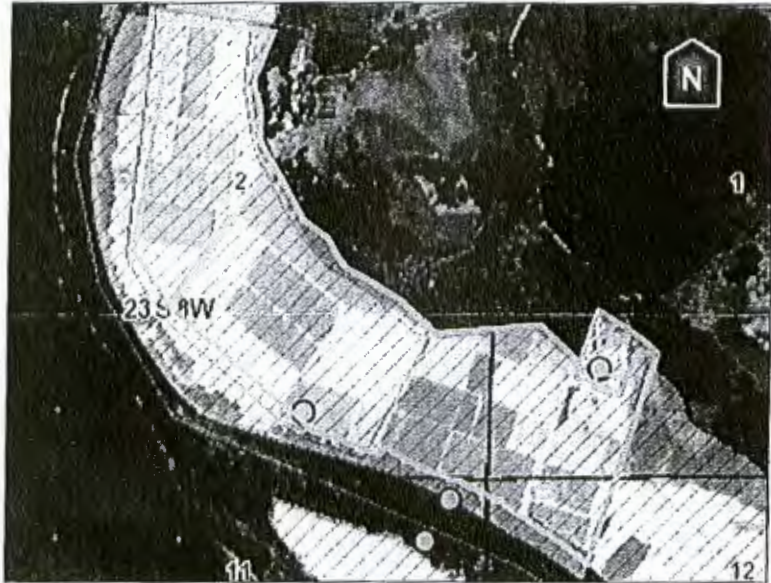
SALEM, OR



**DESCRIPTION (continued)**

**OREGON DEPARTMENT OF FORESTRY**

**Water Rights**



According to the Oregon Water Resources Department, the subject property has three water right certificates:

- **Certificate 49171** has a priority date of **1957**, and grants **79.2 AC** of irrigation water rights to the subject from **three points of diversion** from the Umpqua River; two points of diversion are located on the subject property (State-owned), and one is located on the nursery property to the adjacent west. Flow is 0.99 cubic feet per second and duty is 2.50 acre feet per acre during the irrigation season (no date range specified).
- **Certificate 72141** has a priority date of **1987**, and grants **84.7 AC** of irrigation water rights to the subject from **four points of diversion**; two points of diversion from the Umpqua River are located on the subject property (State-owned), one point of diversion from the Umpqua River is located on the nursery property to the adjacent west, and one point of diversion from an unnamed stream flowing from the Galesville Reservoir. The maximum flow rate allowed from these points of diversion is 4.8 cubic feet per second during the irrigation season (10/1 through 3/31).

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