



SCHWABE, WILLIAMSON & WYATT®  
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

SHONEE D. LANGFORD

Direct Line: Salem 503-540-4261; Portland 503-796-2896

E-Mail: slangford@schwabe.com

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MAY 04 2016

SALEM, OR

May 2, 2016

Oregon Water Resources Department  
725 Summer St NE Ste A  
Salem, OR 97301-1271

Re: Certificate of Water Right Ownership Updates

To Whom it May Concern:

Enclosed for filing on behalf of IFA Nurseries are Certificate of Water Right Ownership Update forms for Certificates 49171, 72141 and 89770. Please contact me at 503-540-4261 if you have any questions.

Thank you for your assistance.

Best regards,

Shonee D. Langford

SDL:kdo

Enclosure

cc: David Colgrove (via email; w/encl.)



**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

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Applicant(s): OREGON DEPARTMENT OF FORESTRY

First

Last

Mailing Address: 2600 STATE ST., BUILDING F

MAY 04 2016

SALEM

OREGON

97310

SALEM, OR

City

State

Zip

Phone: \_\_\_\_\_

503-945-7375

503-302-3018

Home

Work

Other

## 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: \_\_\_\_\_

503-855-3358

971-645-3236

Home

Work

Other

## 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-31549 Permit #: S-24900 Certificate or Page #: 49171

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: *Shonee D. Langford* 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 Is to Certify, That

FORESTRY DEPARTMENT  
OFFICE OF STATE FORESTER

of 2600 State Street, Salem, State of Oregon 97310, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Umpqua River

a tributary of Pacific Ocean for the purpose of irrigation of 79.2 acres

under Permit No. 24900 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 9, 1957

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.99 cubic foot per second, if available at the original point of diversion, NE $\frac{1}{2}$  NE $\frac{1}{2}$ , as projected within Bay DLC 38, Section 11, T. 23 S., R. 8 W., W.M.; 440 feet South and 40 feet West from SE Corner, Section 2

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{2}$  NE $\frac{1}{2}$ , Section 11, SW $\frac{1}{2}$  SE $\frac{1}{2}$ , Section 2, as projected within Bay DLC 38, T. 23 S., R. 8 W., W.M.; No. 1 - 440 feet South and 40 feet West; No. 2 - 250 feet South and 470 feet West; No. 3 - 320 feet North and 2160 feet West, all from SE Corner, Section 2

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 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

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34.0 acres SW $\frac{1}{2}$  SW $\frac{1}{2}$   
2.2 acres NW $\frac{1}{2}$  SW $\frac{1}{2}$   
2.0 acres SE $\frac{1}{2}$  SW $\frac{1}{2}$   
Section 1

1.6 acres NE $\frac{1}{2}$  SE $\frac{1}{2}$   
24.7 acres SE $\frac{1}{2}$  SE $\frac{1}{2}$   
Section 2

1.5 acres NE $\frac{1}{2}$  NE $\frac{1}{2}$   
Section 11

13.2 acres NW $\frac{1}{2}$  NW $\frac{1}{2}$   
Section 12

all as projected within Bay DLC 38  
T. 23 S., R. 8 W., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered April 13, 1978, and supersedes certificate of water right recorded on Page 41916, Volume 33, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.*

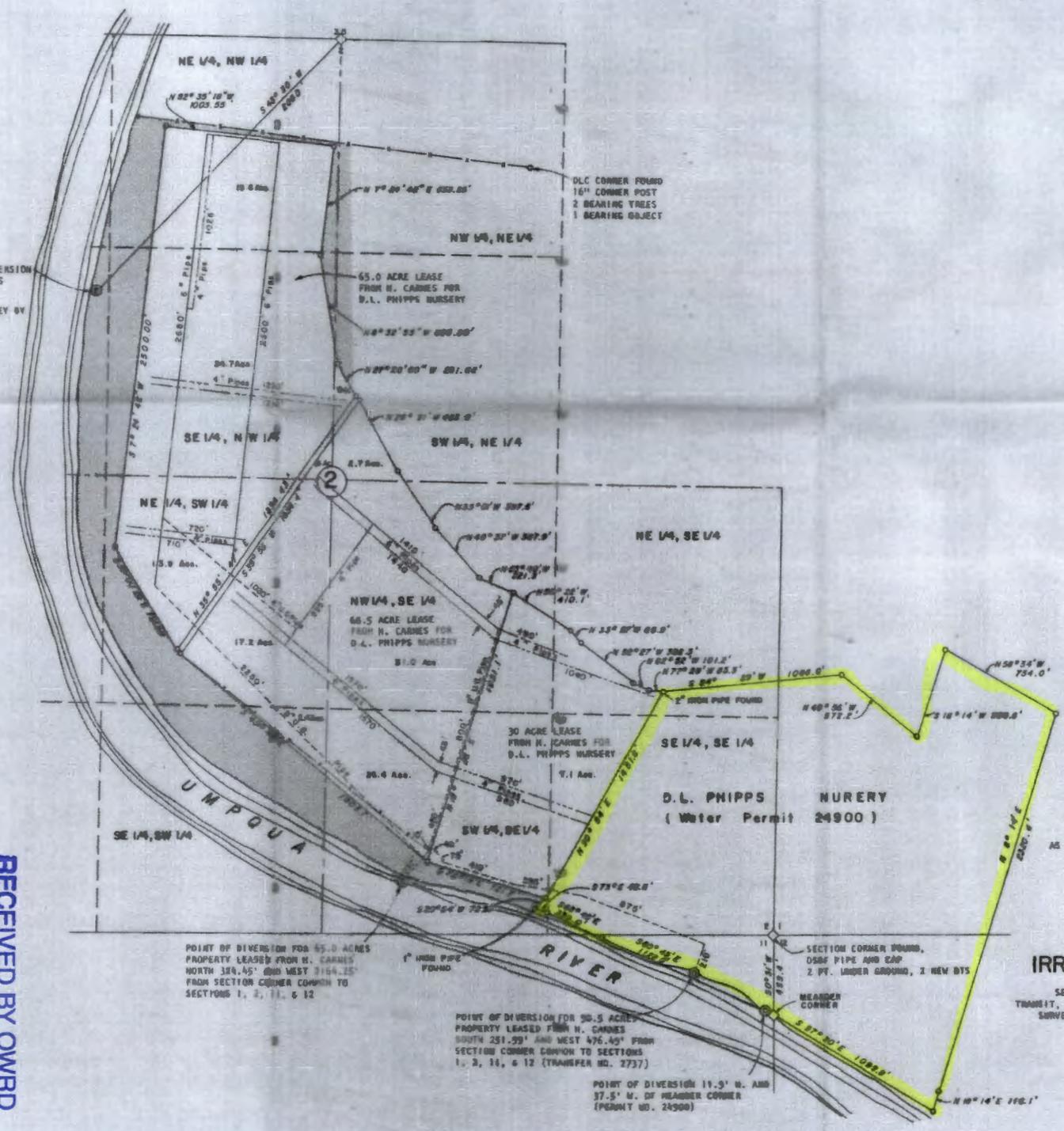
*WITNESS the signature of the Water Resources Director, affixed*

*this date.* May 2, 1980



Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42 , page 49171



POINT OF DIVERSION FOR H. CARNES PROPERTY  
(SEE WATER RIGHT SURVEY BY F.L. BOB FOR PERMIT NO. 23157)

DLC CORNER FOUND  
16" CORNER POST  
2 BEARING TREES  
1 BEARING OBJECT

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Ronald H. Gibson*  
MAY 4 1977  
ARNOLD G. BRADEN  
REG

SOLAR OBSERVATION  
AS TAKEN BY A. GIBSON FOR OREGON FOREST NURSERY  
ELKTON, OREGON U.S.G.F. SURVEY  
1957

SURVEY FOR:  
STATE OF OREGON-DEPARTMENT OF FORESTRY  
**IRRIGATION WATER SUPPLY**  
D. L. PHIPPS-NURSERY  
SECTIONS 1, 2, 11 & 12, T.23S., R.8W., U.N.  
TRANSIT, THEODOLITE, CHAIN AND ELECTRONIC DISTANCE MEYER  
SURVEY BY: T. HLOSTERMAN, J. MCINTOSH, R. JOHNSON  
AND D. SMITH  
DRAWN BY: D. SMITH  
MAY 4, 1977  
SCALE: 1"=400'

POINT OF DIVERSION FOR 55.0 ACRES PROPERTY LEASED FROM H. CARNES NORTH 384.45' AND WEST 3164.25' FROM SECTION CORNER COMMON TO SECTIONS 1, 2, 11, & 12

POINT OF DIVERSION FOR 50.5 ACRES PROPERTY LEASED FROM H. CARNES SOUTH 231.99' AND WEST 476.45' FROM SECTION CORNER COMMON TO SECTIONS 1, 2, 11, & 12 (TRANSFER NO. 2737)

POINT OF DIVERSION 11.9' W. AND 37.5' N. OF BEARER CORNER (PERMIT NO. 24908)

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MAY 04 2016

SALEM, OR

AB-36  
8-8-77  
M. STEVENS



Douglas County Official Records  
Patricia K. Hitt, County Clerk

2016-007100

04/27/2016 08:41:09 AM

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

\$61.00

## DOUGLAS COUNTY CLERK



# CERTIFICATE PAGE

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

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

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SALEM, OR

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

SALEM, OR

**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

**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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MAY 04 2016

SALEM, OR

STATE OF OREGON )  
County of Marion ) ss

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  
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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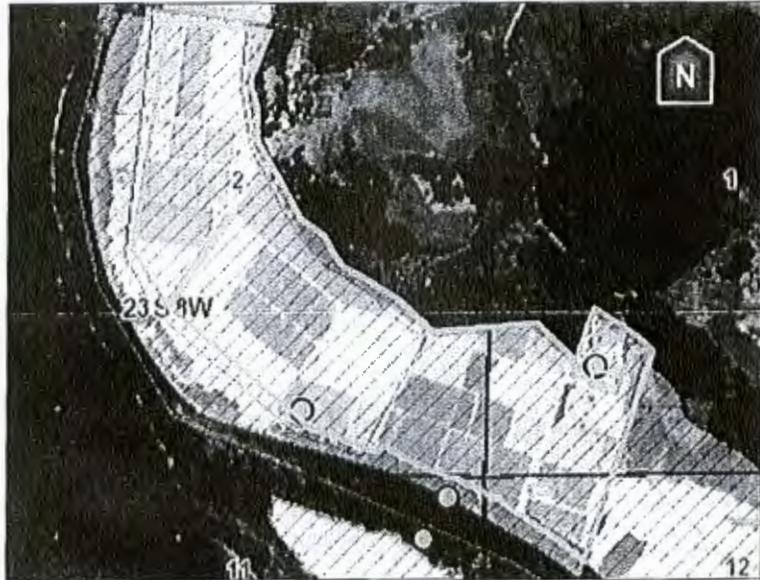
MAY 04 2016

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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**MAY 04 2016**

**SALEM, OR**