



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 Oregon 97148
City State Zip

Phone: 503-662-3244
Home Work Other

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PROPERTY BUYER INFORMATION

Applicant(s): Mark & Marcel Gaibler
First Last

Mailing Address: P.O. Box 808

Carlton OR 97111
City State Zip

Phone: 503-852-9510
Home Work Other

SALEM, OR

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, OR 97111

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

Application #: T-6353.GJT Permit #: 13354 Certificate or Page #: 72219

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

Name of individual completing this form: Marcel Gaibler Phone: 503-852-9510

Signature: Marcel Gaibler Date: 12/30/15

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

Exhibit "A"

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:

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. Thomasen

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Lands; thence North $89^{\circ}57'$ West along the South line of said Thomasen 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.

Tax Parcel Number: R3416 00600

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STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAILEY NURSERIES, INC.
9855 N.W. PIKE ROAD
YAMHILL, OREGON 97148

confirms the right to use the waters of NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER, for IRRIGATION OF 26.5 ACRES.

This right was perfected under Permit 13354. The date of priority is NOVEMBER 15, 1938. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.33 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW 1/4, NW 1/4, AS PROJECTED WITHIN DLC 54, SECTION 16, T 3 S, R 4 W, W.M.; 380 FEET SOUTH AND 2240 FEET WEST FROM THE NE CORNER OF DLC 54.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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:

SW 1/4 NW 1/4 6.0 ACRES
NW 1/4 SW 1/4 15.8 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 16

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SE 1/4 NE 1/4 1.4 ACRES
NE 1/4 SE 1/4 3.3 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 17

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TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

NE 14 SE 14 3.3 ACRES
BOTH AS PROJECTED WITHIN DLC 54
SECTION 17
TOWNSHIP 3 SOUTH, RANGE 4 WEST. W.M.

The quantity of water diverted at the new point of diversion, together with that diverted at the old diversion, shall not exceed the quantity of water available at the original point of diversion.

When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JANUARY 16, 1992, and supersedes Certificate 14205, State Record of Water Right Certificates.

SEE NEXT PAGE

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The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MARCH 27, 1996.

/s/ MARTHA O. PAGEL

Martha O. Pagel

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Recorded in State Record of Water Right Certificates numbered 72219.

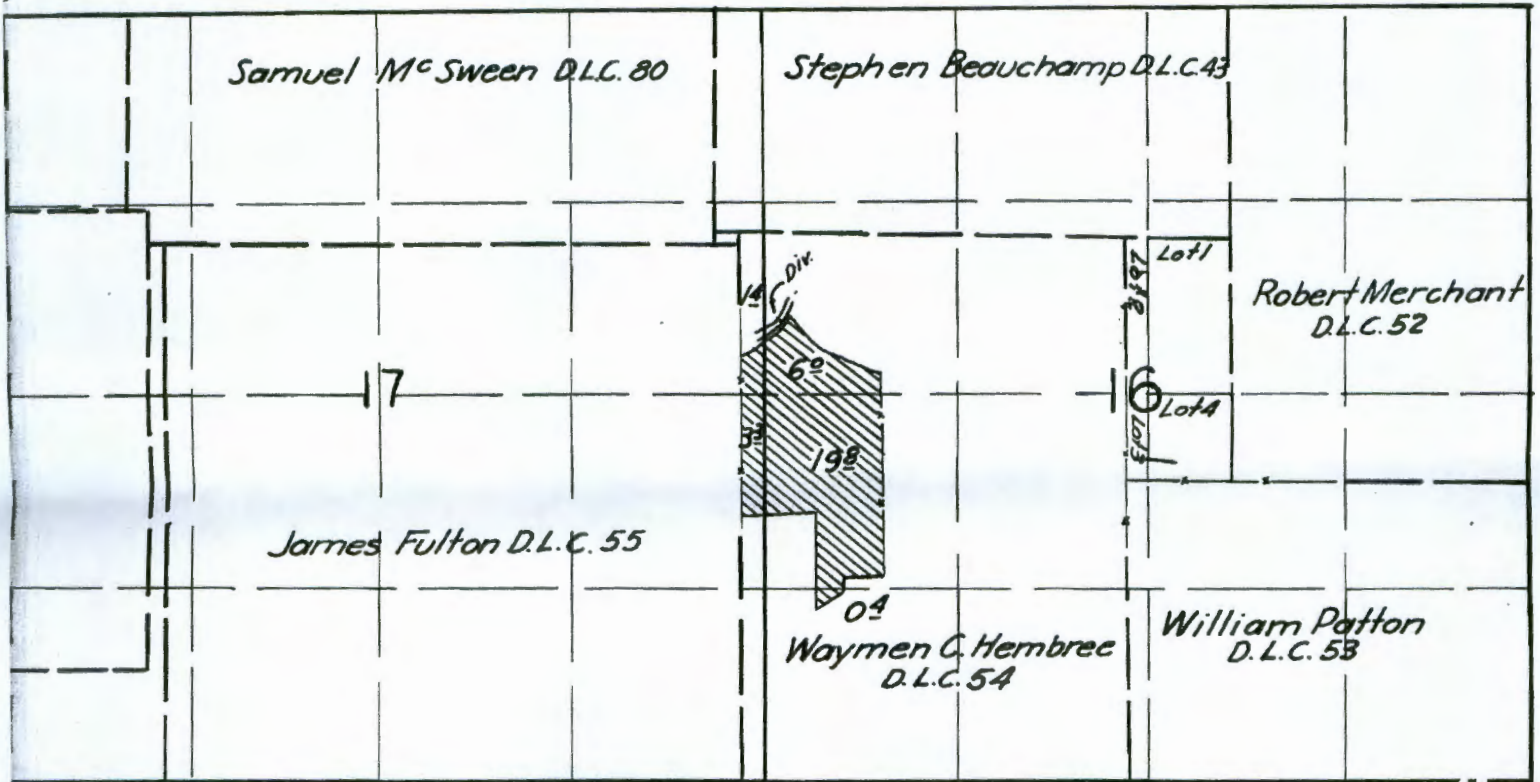
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TOWNSHIP 3 S., RANGE 4W



FINAL PROOF SURVEY

UNDER

Application No. 17660 Permit No. 13354

IN NAME OF

H.E. Grasse

Surveyed Apr. 28, 1941, by [Signature]

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