



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

RECEIVED BY OWRD

Applicant(s): OREGON DEPARTMENT OF FORESTRY

First

Last

MAY 04 2016

Mailing Address: 2600 STATE ST., BUILDING F

SALEM

City

OREGON

State

97310

Zip

SALEM, OR

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

Home

503-945-7375

Work

503-302-3018

Other

## PROPERTY BUYER INFORMATION

Applicant(s): IFA NURSERIES, INC.

First

Last

Mailing Address: 9450 SW COMMERCE CIRCLE SUITE 460

WILSONVILLE

City

OREGON

State

97070

Zip

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

Home

503-855-3358

Work

971-645-3236

Other

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

County: DOUGLAS Township: 23 South Range: 8 West Section: 1

Tax Lot Number(s): 23-08W-01-600

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-80123 Permit #: S-52554 Certificate or Page #: 89770

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

RECEIVED BY OWRD

COUNTY OF DOUGLAS

MAY 04 2016

CERTIFICATE OF WATER RIGHT

SALEM, OR

THIS CERTIFICATE ISSUED TO

OREGON DEPARTMENT OF FORESTRY  
2424 WELLS RD  
ELKTON OR 97436

confirms the right to use the waters of AN UNNAMED STREAM, TRIBUTARY OF UMPQUA RIVER for NURSERY OPERATIONS.

This right was perfected under Permit S-52554. The date of priority is OCTOBER 31, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.34 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is September 16 through June 15.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
23 S	8 W	WM	1	SW SW	38	1230 FEET NORTH & 1025 FEET EAST FROM SW CORNER, SECTION 1

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 of water 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. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. 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 during the irrigation season of each year.

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

Twp	Rng	Mer	Sec	DLC	Q-Q
23 S	8 W	WM	1	38	SW SW

**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.

## Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.
- 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.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The water user shall maintain and operate fish screening to prevent fish from entering the diversion.

Failure to comply with any of the provisions of this right may result in action including, but 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.

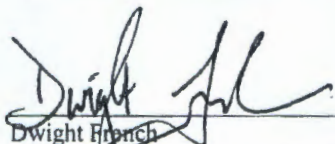
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The 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.

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.

JAN 23 2015

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

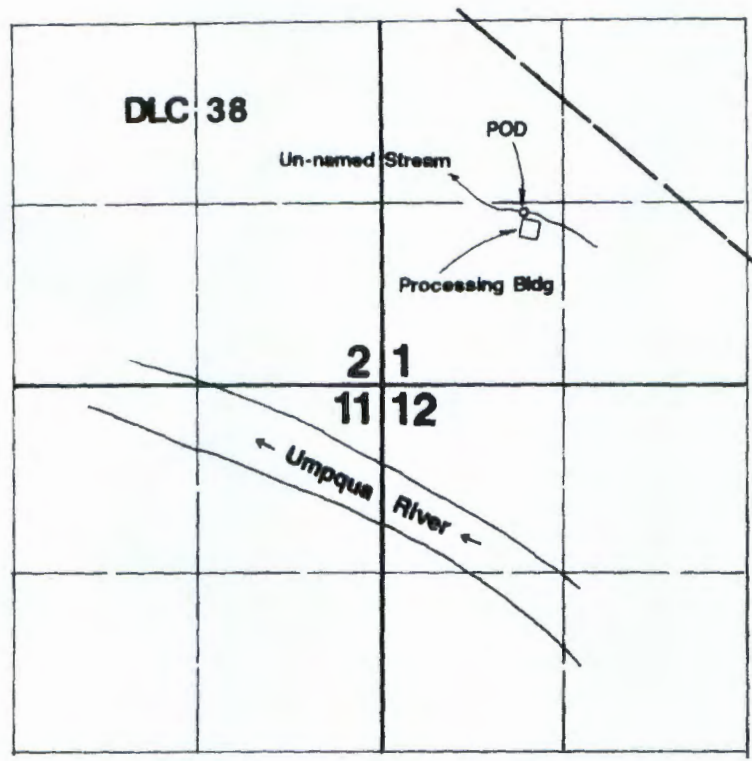


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MAY 04 2016

SALEM, OR

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



POD is located 1230'N & 1025'E from SW corner of Section 1.

**RECEIVED**

SEP 29 1998

WATER RESOURCES DEPT  
SALEM, OREGON

## Final Proof Survey

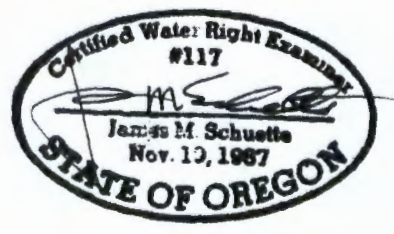
Application #: S-80123    Permit #: S-52554

In Name Of

### Oregon Department of Forestry

Surveyed on August 21, 1998 by JM Schuette

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.



Douglas County Official Records      2016-007100  
Patricia K. Hitt, County Clerk      04/27/2016 08:41:09 AM  
DEED-BS      Cnt=1 Sln=1 CAROL      \$61.00  
\$20.00 \$11.00 \$10.00 \$20.00

**DOUGLAS COUNTY CLERK**

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MAY 04 2016

SALEM, OR



**CERTIFICATE  
PAGE**

**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.

RECEIVED BY OWRD

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





**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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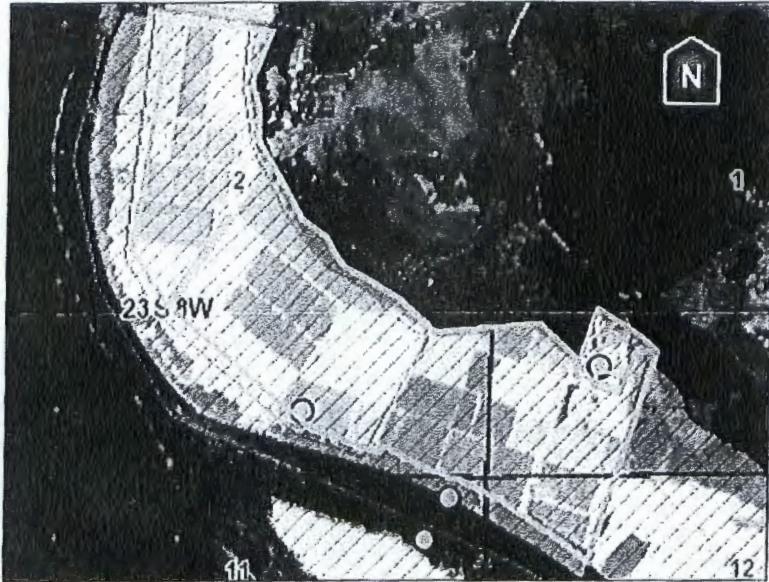
**MAY 04 2016**

**SALEM, OR**



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).