

Application for a Permit to Use Ground Water



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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G-18502

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$2,650
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other None

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME CARLTON NURSERY CO., LLC C/O ALLAN ELLIOTT		PHONE (503) 868-7971	FAX
ADDRESS P.O. BOX 398		CELL	
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL*

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Malia R. Kupillas		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 310-5553 (cell)
ADDRESS 18487 S. Valley Vista Road		FAX NO. (503) 632-5983	
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phg@bctonline.com

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.


Carlton Nursery LLC Carlton Nursery LLC 4/19/2017
Applicant Signature Print Name and title if applicable Date

by: F. Allan Elliott F. Allan Elliott 4/19/2017
Applicant Signature Print Name and title if applicable Date

For Department Use			RECEIVED
App. No. <u>G-18502</u>	Permit No. _____	Date _____	
			MAY 5 2017

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

NA

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Well 1	Warner Creek	310 feet	10 feet
Well 2	Warner Creek	50 feet	5 feet
Well 3	Warner Creek	1,700 feet	10 feet
Holbrook Well 2	Warner Creek	400 feet	10 feet

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

See Well Log YAMH 557 (Well 1), YAMH 6409 (Well 2), YAMH 6449 (Well 3) and YAMH 6439 (Holbrook Well 2)

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This land is encumbered by easements, rights of way, roads or other encumbrances.

No

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See Well Log YAMH 557 (Well 1), YAMH 6409 (Well 2), MARI 2888 (Well 3) and YAMH 6439 (Holbrook Well 2)

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 2.66 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Well 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 557	<input type="checkbox"/>	8 inch	0 to 146	60 to 65 and 105 to 135	0 to 20	22.41 (March 19, 2017)	Alluvium	146 feet		
Well 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 6409	<input type="checkbox"/>	8 inch	0 to 126	80 to 101	0 to 22, 155 to 247	1.33 (March 19, 2017)	Alluvium	107 feet		
Well 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 6449	<input type="checkbox"/>	10 inch	0 to 219	104 to 109	NR	22.3 (March 21, 2017)	Alluvium	219 feet		
Holbrook Well 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 6439	<input type="checkbox"/>	10 inch	0 to 100	40 to 80	20	10.75 (March 8, 2017)	Alluvium	100 feet		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Total:		673 gpm	532.5 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well. *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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Revised 2/1/2012

Ground Water/5

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 2.66 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

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Well 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 557	<input type="checkbox"/>	8 inch	0 to 146	60 to 65 and 105 to 135	0 to 20	22.41 (March 19, 2017)	Alluvium	146 feet		
Well 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 6409	<input type="checkbox"/>	8 inch	0 to 126	80 to 101	0 to 22, 155 to 247	1.33 (March 19, 2017)	Alluvium	107 feet		
Well 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 2888	<input type="checkbox"/>	10 inch	0 to 219	104 to 109	NR	22.3 (March 21, 2017)	Alluvium	219 feet		
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	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Total:		673 gpm	532.5 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year round	532.5 AF

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: NA Acres Supplemental: NA Acres

List the Permit or Certificate number of the underlying primary water right(s): NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: NA

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA
If the use is **mining**, describe what is being mined and the method(s) of extraction: NA

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type):
Well 1: Submersible 2 Hp
Well 2: Submersible 7.5 Hp
Well 3: Submersible 7.5 Hp
Holbrook Well 2: Submersible 30 Hp
Pond Pump: Centrifugal 40 Hp

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water is pumped from the wells through buried mainlines to greenhouses, can yards, storage facilities and the water can go to pond to be re-distributed through mainlines with hydrants where handlines can be attached with impact sprinklers.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Irrigation of greenhouses will be done by drip irrigation and canyard and fields are irrigated with impact sprinklers.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Irrigation of the nursery stock will be done using best management practices to prevent waste. A flow meter will be used to measure the amount of water used. We also recycle water.

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SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: NA Acreage inundated by reservoir: NA

Use(s): NA

Volume of Reservoir (acre-feet): NA Dam height (feet, if excavated, write "zero"): NA

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: As soon as the permit is issued

Date construction will be completed: Within five year after the permit is issued

Date beneficial water use will begin: Within five years after the permit has been issued

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name Palmer Creek Water District Improvement Company	Address P.O. Box 152	
City Dayton	State OR	Zip 97114

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

None

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Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other _____

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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

Applicant: Carlton Nursery Co., LLC c/o Allan Elliott

Mailing Address: P.O. Box 398

Dayton OR 97114 Daytime Phone: _____
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5S	3 W	8		1800	EF-80 (AFLH)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	NU
5S	3 W	9		400	EF-80 (AFLH)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	NU
5S	3 W	9		1500	EF-80 (AFLH)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	NU
5S	3 W	9		1501	EF-80 (AFLH)	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	NU

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Yamhill County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 1.5 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other Nursery

Briefly describe:

New groundwater application to provide nursery rights to an ongoing nursery operation.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402.02 of the YCZO

and uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Stephanie Armstrong Title: Associate Planner
 Signature: [Signature] Phone: 937.434.7516 Date: 4/25/17
 Government Entity: Yamhill County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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MAY 5 2017

G-10502 rec'd 2-6-2018

AFTER RECORDING, RETURN TO:

David M. Roth
Heltzel, Upjohn, Williams,
& Yandell, P.C.
PO Box 1048
Salem, OR 97308-1048

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK



105.00

199811201 2:28pm 06/15/98

001 10023038 10 04

1 0 D08 15 75.00 10.00 20.00 0.00 0.00 0.00

WARRANTY DEED

JONATHAN BARTCH, as Grantor,

conveys and warrants to

CARLTON NURSERY COMPANY, LLC, as Grantee,

the following described real property, free of all encumbrances except as specifically set forth herein:

See Exhibit "A," attached hereto and incorporated herein.

Excepted from the warranties provided by law are the following:

See Exhibit "B," attached hereto and incorporated herein.

Until a change is requested, all tax statements shall be sent to the following address: Carlton Nursery Company, LLC, 14301 SE Wallace Rd., Dayton, OR 97114-0398.

The true consideration for this conveyance is the receipt of an interest in the Grantee.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Duly executed 5/21, 1998.

Jonathan Bartch

GRANTOR **RECEIVED**
MAY 5 2017

Marion County, Oregon - ss.

On this 21st day of May, 1998, personally appeared JONATHAN BARTCH and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon
My commission expires: 7/10/2000

61-18502

1/15

1). LAND - Tax Lot Number

Description

5309-100

Parcel 4, 5, 9, 10
(Alderman 1, 2, 4, 7, Pond, Irene,
& Irene West)

5304-200
5304-202
5304-203
5304-401

Parcel 1, 3, 8
(Alderman 2, 3, 5, 8, Warehouse, Sawdust &
Bottom Ground)

5303-800

Parcel 2
(Alderman by Lambert Slough)

5309-600

Parcel 7
(Co-op)

5308-1800

Parcel 11
(Unionvale West)

5309-1500

Parcel 12 & 13
(Unionvale East)

5323-501

Parcel 14
(Grand Island)

5302-701

Parcel 16 & 17
(Gordon 2, 4 & 5)

5305-702

Parcel 18
(Gordon 1 & 2)

Parcel 19
(Road between Ediger 2 & Gordon 2)

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place of beginning.

EXCEPTING THEREFROM a tract of land conveyed to Stayton Canning Company, Cooperative, a Cooperative Association, by Deed recorded April 4, 1967 in Film Volume 59, Page 176, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM a tract of land conveyed to Farmers Cooperative Oil of Yamhill County, by Deed recorded February 23, 1967 in Film Volume 58, Page 345, Deed and Mortgage Records of Yamhill County, Oregon.

PARCEL 8: Beginning at an anchor post on the East line of the John H. Thessing Donation Land Claim, Notification No. 1643, Claim No. 51 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon at the Southeast corner Lot No. 1 of County Survey No. 2514 and being 58.15 chains North of the Southeast corner of said Claim; thence North along the East line of Claim, 1042.8 feet to anchor post at the Northeast corner of said Survey; thence North 89°47' West with North line of said Survey (at 10.11 chains, a stone for witness corner on the East bank of creek) 1062 feet to point for Northwest corner; thence South 6°35' West, 1075 feet to a stake on South line of County Survey No. 2514; thence North 89°28' East with said South line, 1185 feet to the place of beginning.

PARCEL 9: Beginning at a point on the East boundary line of the Donation Land Claim of John H. Thessing and wife, Notification No. 1643, Claim No. 51, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, 37.15 chains North from the Southeast corner of said Claim; thence North on East boundary of said Claim, 7.70 chains to a stone; thence West, 5.56 chains; thence South to center of County Road; thence East to the place of beginning.

PARCEL 10: The East one-half acre of the following described tract of land:

A tract of land in the John H. Thessing Donation Land Claim No. 51, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a point North 37.15 chains and West 6.56 chains from the Southeast corner of said Donation Land Claim, which point is also the Southwest corner of that tract conveyed by Deed from Chandler Warner to Julia A. Putnam, recorded October 28, 1941 in Book 118, Page 614, Deed Records; thence West, 9.69 chains to the Southeast corner of a tract of land conveyed by Deed from Hannah S. Hoyt to C.G. Robertson, recorded September 9, 1891 in Book 25, Page 605, Deed Records; thence North, 8.12 chains to the Northeast corner of said Robertson Tract; thence East, 9.69 chains to the Northwest corner of said Putnam Tract; thence South along the West line of said Putnam Tract to the place of beginning.

PARCEL 11: Being a part of Lot No. 2, Section 9, a part of Lot No. 3, Section 16 and a part of the Albert Gaines Donation Land Claim No. 50, Notification No. 1845 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and

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EXHIBIT A

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beginning at an iron pipe set on the true South line of and 17.00 chains West from the Southeast corner of the John H. Thessing Donation Land Claim No. 51, Notification No. 1643 in said Township and Range; thence West along the South line of said Thessing Donation Land Claim, 39.303 chains to a stone for the Northwest corner; thence South 16.576 chains set stake and stone; thence East parallel to the North line 39.123 chains to a stone at the true Northwest corner of the Henry Hewitt Donation Land Claim, from which one of the original bearing trees, an oak 24 inches in diameter bears North 70° West, 60 links, also an oak 12 inches in diameter bears North 70° East, 10 feet, a stone set by Branson in Former survey is 9 links North and 5-1/4 links East; thence North 00°37' East, 16.576 chains to the place of beginning.

PARCEL 12: All of Government Lot 1, Section 9 and part of Government Lot 2, Section 9, all of Government Lot 2 and part of Government Lot 3, Section 16, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon described as follows:

BEGINNING on the West line of the Enoch Cooper Donation Land Claim No. 53 and the Southeast corner of the John H. Thessing Donation Land Claim No. 51 in said Township and Range; thence South along the West line of said Enoch Cooper Claim, 66.15 rods to the North line of the Henry Hewitt Donation Land Claim No. 56 and the Southwest corner of the Enoch Cooper Claim; thence West along the North line of said Henry Hewitt Claim, 68 rods to the Northwest corner of said Henry Hewitt Claim, which point is also the Southeast corner of tract conveyed to Norman Quigley and Joyce Lee Quigley by Deed recorded June 11, 1951 in Book 161, Page 668, Deed Records; thence North 00°37' East along the East line of said Norman Quigley Tract, 16.576 chains to the South line of the John H. Thessing Donation Land Claim; thence East along the South line of said John H. Thessing Donation Land Claim, 17.00 chains to the place of beginning.

EXCEPT that portion lying in the County Road.

ALSO EXCEPTING THEREFROM that portion conveyed to Emil Hellekes, et ux., by Deed recorded June 18, 1969 in Film Volume 76, Page 102, Deed and Mortgage Records of Yamhill County, Oregon.

FURTHER EXCEPTING THEREFROM that portion conveyed to Michael L. Brooks et ux., by Deed recorded May 8, 1980 in Film Volume 150, Page 1302, Deed and Mortgage Records of Yamhill County, Oregon.

FURTHER EXCEPTING THEREFROM that portion conveyed to Brent and Tamara Leavitt by Deed recorded July 1, 1996 in Instrument No. 199610475, Deed and Mortgage Records, Yamhill County, Oregon.

PARCEL 13: Beginning at the Southwest corner of the Enoch Cooper Donation Land Claim No. 53, Notification No. 1490, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon and being a part of said Claim; running thence North, 11.12 chains to the Northwest corner of Lot 6 and the Southwest corner of Lot 5 of County Survey No. 1463; thence East along the South line of Lot 5, 31.97 chains to center of County Road; thence South 3°30' West along the center of said road, 11.12 chains to the South line of said Claim; thence West along the South line of said Claim, 31.45 chains to the place of beginning, also being Lot 6 of County

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EXHIBIT A
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Survey No. 1463.

EXCEPT that portion conveyed to Yamhill County, Oregon, by Deed recorded December 13, 1928 in Book 100, Page 212, Deed Records of Yamhill County, Oregon.

AND ALSO EXCEPTING THEREFROM that portion conveyed to Howard Baker, et ux., by Deed recorded April 22, 1964 in Film Volume 36, Page 811, Deed and Mortgage Records of Yamhill County, Oregon.

PARCEL 14: The Southwest Quarter of the Northwest Quarter of Section 23, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Yamhill County, Oregon by Deed recorded August 23, 1930 in Book 104, Page 67, Deed Records.

PARCEL 15: Part of the Mark Sawyer Donation Land Claim No. 59 in Section 28, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at the Southeast corner of that certain 76.91 acre tract conveyed to Alda Ruth Perry, et al., to F.L. Withee, et ux., by Deed recorded December 13, 1949 in Book 155, Page 546, Deed Records, which place of beginning is East 15.58 chains from the Southwest corner of said Donation Land Claim; thence East 36.42 chains to the most Southerly Southeast corner of said Donation Land Claim No. 59; thence North along the Donation Land Claim line to the interior corner of said Claim; thence along the center of the State Highway to the Northeast corner of that certain 15.97 acre tract conveyed by J.W. Smith, et ux., to P.H. Sluyter, by Deed recorded in Book 60, Page 277, Deed Records; thence West 35.22 chains to the East line of said F.L. Withee, 76.91 acre tract; thence South along the East line of said Withee tract to the place of beginning.

EXCEPTING THEREFROM a tract of land in Section 28, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at an iron rod at the intersection of the North line of that certain tract described in Deed to Adeline Underhill, recorded in Film Volume 104, Page 582, Deed and Mortgage Records, with the West line of State Secondary Highway No. 150, said iron rod being South 00°49' East, 1020.57 feet, North 00°07' West, 88.78 feet and South 89°28'30" West, 30.00 feet from an iron bar at the Northwest corner of the Daniel Matheny Donation Land Claim (bearing base is State Highway right of way map of State Highway No. 150, dated 1935); thence South 89°28'30" West, 817.00 feet to an iron rod; thence North 00°05'10" West, 267.11 feet to an iron rod; thence North 89°28'30" East, 813.75 feet to an iron rod in the West line of said State Highway; thence Southerly 267.11 feet along said West line to the point of beginning.

EXCEPTING THEREFROM that certain tract conveyed to Jamie Ediger and Patricia L. Ediger, husband and wife, by Deed recorded July 12, 1966 in Film Volume -53, Page 914, Deed and Mortgage Records.

FURTHER EXCEPTING THEREFROM that certain tract conveyed to Adeline Underhill, by Deed recorded February 10, 1975 in Film

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EXHIBIT A

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EXHIBIT "B"

Subject to the following encumbrances:

As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

Rights of the public in streets, roads and highways.

The premises herein described are within and subject to the statutory powers, including the power of assessment of Palmer Creek Water District.

(Affects Parcels 1 through 20, inclusive, Parcels 22 and 24.)

Easement, including the terms and provisions thereof, from J.H. PUTMAN and JULIA A. PUTMAN, husband and wife and CHANDLER A. WARNER, to PORTLAND GENERAL ELECTRIC COMPANY, a Corporation of Oregon, recorded JUNE 5, 1940, in Book 116, Page 526 and/or Instrument No. N/A, Deed Records. (Affects Parcel 5 herein.)

Reservations, exceptions and easements as shown by Deed from United States of America, recorded JUNE 2, 1944 in Book 124, Page 435, Deed Records, Yamhill County, Oregon. (Affects Parcel 24)

Easement for road purposes, being twenty (20) feet in width, including the terms and provisions thereof, from NEVA CRABTREE, the duly appointed and qualified and acting Personal Representative of the Estate of Urie S. Alderman, deceased, to STAYTON CANNING COMPANY, COOPERATIVE, a Cooperative Corporation, recorded MARCH 24, 1971, in Film Volume 83, Page 508 and/or Instrument No. N/A, Deed and Mortgage Records. (Affects Parcel 4).

Easement for water pipeline, including the terms and provisions thereof, from NEVA CRABTREE, the duly appointed qualified and acting Personal Representative of the Estate of Urie S. Alderman, deceased, to STAYTON CANNING COMPANY, COOPERATIVE Cooperative Corporation, recorded MARCH 24, 1971, in Film Volume 83, Page 508 and/or Instrument No. N/A, Deed and Mortgage Records. (Affects Parcel 4).

Unrecorded Contract of Sale, including the terms and provisions thereof, between VERNON THOMPSON and NADINE P. THOMPSON, husband and wife vendor(s), and BARRY W. HOUSE and ROBERTA HOUSE, husband and wife vendec(s), as disclosed by Memorandum of Contract dated MARCH 10, 1978 and recorded MARCH 17, 1978, in Film Volume 127, Page 1269 and/or Instrument No. N/A, Deed and Mortgage Records of YAMHILL County, Oregon. (Affects Parcel 26.)

By mesne instruments of record, the interests of Barry W. House and Roberta House, husband and wife, have been conveyed to Gordon Bailey, as Trustee of the Gordon Bailey Revocable Trust dated November 9, 1989.

Easement including the terms and provisions thereof, from CARLTON NURSERY COMPANY, an Oregon Corporation, to MICHAEL L. BROOKS and SONJA D. BROOKS, husband and wife, recorded OCTOBER 16, 1980, in Film Volume 155, Page 990 and/or Instrument No. N/A, Deed and Mortgage Records. (Affects Parcel 12).

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Exhibit B

Covenant and Easement Agreement, including the terms and provisions thereof, disclosed, referenced and/or contained in instrument between Gordon Bailey and Barry W. House and Roberta House, husband and wife, dated DECEMBER 30, 1987, recorded DECEMBER 13, 1987 in Film Volume 219, Page 217, and/or Instrument No. N/A, Deed and Mortgage Records of YAMHILL County, Oregon. (Affects Parcels 21 and 26.)

Reservations, exceptions and easements as shown by the Deed from United States of America, recorded JUNE 2, 1944 in Book 124, Page 435, Deed Records, Yamhill County, Oregon. (Affects Parcel 25.)

Any adverse claim based upon the assertion that:

a.) said land or any portion thereof is now or at any time has been below high water mark of the WILLAMETTE RIVER (LAMBERT SLOUGH) (Affects parcels 1, 2 and 4 and certain easement parcels described herein).

b.) Some portion of said land has been created by artificial means or has accreted to such portion so created.

c.) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the WILLAMETTE RIVER (LAMBERT SLOUGH) or has been formed by accretion to any such portion.

d.) Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of WILLAMETTE River.

e.) Subject to any adverse claim, defect or loss, which may exist or arise by reason of the effect of HB 2556, Chapter 214, Oregon Laws, 198, effective June 22, 1981, that some portion of the land has not been continuously within the boundaries of Yamhill County.

Subject to the terms and provisions of those certain recorded grants/reservations of easement instruments set forth in Parcel descriptions 27 through 39 inclusive.

Deed of Trust, including the terms and provisions thereof, executed by JONATHAN BARTCH to TICOR TITLE INSURANCE COMPANY OF OREGON, a corporation, Trustee(s) for the benefit of MARGARET M. BAILEY, THOMAS J. CAMPBELL, VIRGINIA KAREN BARTCH, JONATHAN BARTCH AND JAMES FRITZ, SUCCESSOR CO-TRUSTEES OF THE GORDON BAILEY TRUST DATED NOVEMBER 9, 1989, dated MARCH 14, 1997, recorded MARCH 14, 1997, in Film Volume N/A, Page N/A and/or Instrument No. 199704117, Deed and Mortgage Records of YAMHILL, County, Oregon, given to secure the sum of \$4,900,000.00.

The interest of the United States National Bank of Oregon, as shown by UCC Financing Statement - Form UCC-1A, dated March 5, 1997, by and between Jon Bartch and Carlton Plants (Debtors) and United States National Bank of Oregon (Secured Party).

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Exhibit B

Page 2 of 2

G-18502

5369-1501

"Easement"
Exhibit A

Parcel 1:

Situated in Section 9, Township 5 South, Range 3 West, W.M., Yamhill County, Oregon, and commencing at the Southeast corner of the JOHN THESSING DONATION LAND CLAIM No. 51; thence S 89° 45' 00" W along the South line of said claim, 447.29 feet to the point of beginning; thence continuing S 89° 45' 00" W 80.59 feet to an iron pipe; thence S 00° 36' 00" W 336.74 feet to an iron rod; thence N 89° 45' 00" E 80.59 feet; thence N 00° 36' 00" E 336.74 feet to said point of beginning, and containing 0.623 acre.

Parcel 2:

Situated in Section 9, Township 5 South, Range 3 West, W.M., Yamhill County, Oregon, and commencing at the Southeast corner of the JOHN THESSING DONATION LAND CLAIM No. 51; thence S 89° 45' 00" W along the South line of said claim, 30.00 feet to an iron rod marking the point of beginning; thence continuing S 89° 45' 00" W along the South line of said claim, 417.29 feet; thence S 00° 36' 00" W 336.74 feet; thence N 89° 45' 00" E 417.29 feet to an iron rod; thence N 00° 36' 00" E 336.74 feet to said point of beginning, and containing 3.225 acres.

Reserving unto Grantor, their heirs, successors and assigns, a perpetual non-exclusive easement and right-of-way ten (10) feet in width for the continued placement and use of a water drainage system as it now exists across and upon Parcels 1 and 2, hereinabove described, and being five (5) feet on each side of all lines as they now exist or may in the future be reconstructed and/or replaced. This easement is for the benefit of other property now owned or which may in the future be owned by Grantor, their successors and assigns, and includes the right to enter upon the above-described easement for access to the water drainage system in order to maintain, repair, reconstruct, replace, make connections to and operate the present drainage system and necessary appurtenances through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said drainage system, and for the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and maintenance of the water drainage system and necessary appurtenances. Grantor, in the usage of the easement, shall do the following:

1. Refill all excavations as soon as practicable after opening the same and to pay for any resulting crop damage;
2. Dispose of all the brush and debris from the easement; and
3. Notify the Grantee, their heirs, successors and assigns, before future repairs are made, if Grantee is available.

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5309-400



After recording return to:
Carlton Nursery Company, LLC
PO Box 398
Dayton, OR 97114

Until a change is requested all tax
statements shall be sent to the
following address:
Carlton Nursery Company, LLC
PO Box 398
Dayton, OR 97114

File No.: 1031-1894598 (LF)
Date: June 26, 2012

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK

2012-08728



\$51.00

06/29/2012 09:25:00 AM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00 \$15.00

STATUTORY WARRANTY DEED

Shelby Holbrook, Trustee of the Shelby Holbrook Trust dated May 6, 2008, Grantor, conveys and warrants to **Carlton Nursery Company, LLC, an Oregon Limited Liability Company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey, including that Easement and Well Joint Usage Agreement and the terms and conditions thereof recorded December 29, 2004, Instrument No. 200426240.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

The true consideration for this conveyance is [REDACTED] (Here comply with requirements of ORS 93.030)

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FIRST AMERICAN TITLE 1894598

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EXHIBIT A

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

A tract of land in section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:


Beginning at the Southeast corner of the Donation Land Claim of J.H. Thessing, Claim No. 51, Notification No. 1643, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon and running thence West along the South boundary line of said Donation Land Claim, 16.580 chains to the Southwest corner of a 50 acre tract of land conveyed to Chandler Warner by Deed recorded in Book "X", Page 636, Deed Records of Yamhill County, Oregon; thence North 36.67 chains to the center of the County Road now there, and being the Northwest corner of a certain 11 acre tract conveyed to Chandler Warner, by Deed recorded in Book "Z", Page 365, Deed Records of Yamhill County, Oregon; thence East along the center of said County Road, 16.28 chains to an iron pin set in the center of said County Road and the East line of the said J.H. Thessing Donation Land Claim; thence South 37.15 chains to the place of beginning.

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Oregon Water Resources Department
 Apply for a Permit to Appropriate Ground Water and/or Store Ground Water

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Friday, May 05, 2017

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,150.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	2.66	\$900.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	4	\$900.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$3,400.00

OWRD Fee Schedule

Fee Calculator Version B20130709

2950 before recording fee