

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

**Check all items included with this application. (N/A = Not Applicable)**

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 51171 (Attachment A)**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment D)**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **(Attachment E)**
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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**(For Staff Use Only)**

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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### Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input checked="" type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>3 (2a)</u> Subtract 1 from the number in line 2a = <u>2 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter »	2	\$1,860
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » » »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$410
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input checked="" type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): <u>0.09 cfs (5a)</u> Subtract 1.0 from the number in 5a above: <u>0 (5b)</u> If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0 (5c)</u> and multiply 5c by \$350, then enter on line 5 » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3,430
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	8	<b>\$3,430</b>

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\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
  - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » <b>Fee for Substitution:</b>	3	N/A



**Part 4 of 5 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>MF Beef Bend, LLC; ATTN: John O'Neil</b>		PHONE NO. <b>503-597-7100</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>17933 NW Evergreen Place, Suite 300</b>			FAX NO.
CITY <b>Beaverton</b>	STATE <b>OR</b>	ZIP <b>97006</b>	E-MAIL <b>John@MetLandGroup.com</b>
<p><b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b></p>			

\*MF Beef Bend, LLC is the successor in interest to Porter Walton Co, Inc. listed on Certificate 51171

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

AGENT/BUSINESS NAME <b>GSI Water Solutions, Inc. ATTN: Ted Ressler</b>		PHONE NO. <b>971-200-8509</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>55 SW Yamhill St, Suite 300</b>			FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>tressler@gsiws.com</b>
<p><b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b></p>			

Explain in your own words what you propose to accomplish with this transfer application, and why:  
**The Applicant is proposing to make the following changes to a 14.0-acre portion of Certificate 51171: change the character of use from Irrigation to Nursery Use, change the place of use to an 8.0 acre area of nursery operations; and add an additional point of appropriation. It is anticipated that the Department will limit the proposed use of water for nursery use to an instantaneous rate of 0.09 cfs and an annual volume of 35 AF.**

**Check One Box**

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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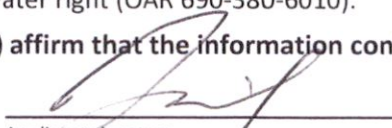
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**By my signature below, I confirm that I understand:**

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: **Sherwood Gazette.**
- Amendments to the application may only be made in response to the Department’s Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

  
 Applicant Signature

**John O'Neil, V.P.**  
 Print Name (and Title if applicable)

**10-22-2020**  
 Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant’s) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*



Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME <b>AGC Properties, LLC, ATTN: Mark Bigej</b>		PHONE NO. <b>(503) 726-1162</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1220 N Pacific Highway</b>			FAX NO.
CITY <b>Woodburn</b>	STATE <b>OR</b>	ZIP <b>97071</b>	E-MAIL <b>MBigej@als-gardencenter.com</b>

Describe any special ownership circumstances here: **MF Beef Bend, LLC is the current owner of the land associated with the existing authorized place of use and the proposed place of use. AGC Properties, LLC will be purchasing the property associated with the proposed place of use.**

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) **Although the lands associated with this transfer are located within Tualatin Valley Irrigation District's service area, the groundwater right being transferred is neither held nor served by the District.**

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. **N/A**

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Washington County Planning and Development Services</b>	ADDRESS <b>155 N First Ave., Suite 350, MS14</b>		
CITY <b>Hillsboro</b>	STATE <b>OR</b>	ZIP <b>97124</b>	

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## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

**CERTIFICATE # 51171**

### Description of Water Delivery System

System capacity: \_\_\_\_\_ cubic feet per second (cfs) **OR**  
**152** gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at sometime within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the well (WASH-11873) using a submersible pump and conveyed via mainline to a system bulge, from which the water is then withdrawn and applied for irrigation using a combination of overhead sprinklers and drip line.**

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	WASH 11873	2 S	1 W	18	SE NE	1501	1,020 feet North and 480 feet West from the E ¼ Corner of Section 18
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NOT DRILLED	2 S	1 W	18	SE NE	1502	45 feet North and 490 feet West from the E 1/4 corner of Section 18

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU)                 | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input checked="" type="checkbox"/> Character of Use (USE)             | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                         |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 6 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer Staff.

**Table 2. Description of Changes to Water Right Certificate # 51171**

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.  
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date					
<b>EXAMPLE</b>																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901	
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	1	W	18	SE	NE	1501 1502	DLC 42	13.3	Irrigation	Well 1	5/5/1971	POU/USE/ APOA	2	S	1	W	18	SE	NE	1502	DLC 42	6.4	Nursery Use	Well 1, Well 2	5/5/1971	
2	S	1	W	18	NE	SE	1501 1502		0.7	Irrigation	Well 1	5/5/1971	POU/USE/ APOA	2	S	1	W	18	NE	SE	1502		1.6	Nursery Use	Well 1, Well 2	5/5/1971	
TOTAL ACRES:								<b>14.0</b>						TOTAL ACRES:					<b>8.0</b>								

Additional remarks: The Applicant is proposing to change the character of use of 14.0 acres of Irrigation under Certificate 51171 to Nursery Use on 8.0 acres. It is anticipated that the Department will limit the proposed use of water for nursery use to an instantaneous rate of 0.09 cfs and an annual volume of 35 AF.

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**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: Permit S-51982, Cert. 58499, and Permit S-54499 are associated with the "from" and "to" lands. Permit S-51982 authorizes Agricultural Use and Nursery Operations during the non-irrigation season so this water right is not "layered" with Certificate 51171. Certificate 58499 is held by MF Beef Bend, LLC and authorizes use of stored water for supplemental irrigation; the layered portion of this water right will be cancelled by MF Beef Bend, LLC. Permit S-54499, which is held by Tualatin Valley Irrigation District (TVID), authorizes use of effluent from Rock Creek Water Treatment Plant for primary and supplemental irrigation. A map is not available for Permit S-54499 showing the location of the permit authorized acreage within Section 18, Township 2 South, Range 1 West to confirm potential layering with Certificate 51171. TVID will be contacted to discuss appropriate actions related to this permit.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)  
N/A

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.  
**Tip:** You may search for well logs on the Department's web page at:  
[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx) (See WASH 11873 in Attachment E)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

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Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 2	No	-	400 ft (est)	12 in (est)	0 to 55 ft (est)	0 to 55 ft (est)	55 to 400 ft (est)	60 ft (est)	Columbia River Basalt	

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Attachment A  
Water Right Certificate 51171  
Application for a Water Right Transfer – Certificate 51171

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## STATE OF OREGON

COUNTY OF

WASHINGTON

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

PORTER WALTON CO, INC.

of Route 4, Box 407, Sherwood, State of Oregon 97140, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Tualatin River for the purpose of irrigation of 54.6 acres

under Permit No. G-5476 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 5, 1971 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 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE 1/4 NE 1/4 as projected within Hicklins DLC 42, Section 18, T2S, R1W, WM; 1,020 feet North and 480 feet West from E 1/4 Corner Section 18

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 1/2 acre-feet per acre for each acre irrigated during the irrigation season of each year and is subject to all terms and conditions of an order of the State Engineer entered May 17, 1974, including its consideration as Item 81 and added to paragraph 9 of the order

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:

37.6 acres SE 1/4 NE 1/4 as projected within Hicklins DLC 42  
17.0 acres NE 1/4 SE 1/4  
Section 18  
Township 2 South, Range 1 West, WM

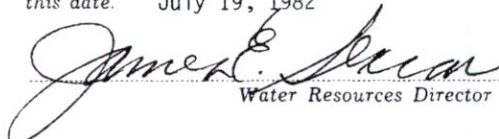
This certificate is issued so as to correctly describe the date of priority and supersedes Certificate of Water Right recorded at page 50548, Volume 44, State Record of Water Right Certificates.

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.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. July 19, 1982

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 51171

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Attachment B  
Current and Proposed Points of Appropriation and  
Places of Use, and Remaining Place of Use Maps  
Application for a Water Right Transfer – Certificate 51171

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Attachment C  
Evidence of Use Affidavit  
Application for a Water Right Transfer – Certificate 51171

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of WASHINGTON)

I, JOHN O'NEIL, in my capacity as REPRESENTATIVE OF THE LAND OWNER (MF BEEF BEND, LLC),  
 mailing address 17933 NW Evergreen Place, Suite 300, Beaverton, OR 97006  
 telephone number 503-597-7100, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

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2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
51171	2	S	1	W	WM	18	SE	NE	DLC42	13.3
51171	2	S	1	W	WM	18	NE	SE		0.7

OR

- Confirming Certificate # \_\_\_\_ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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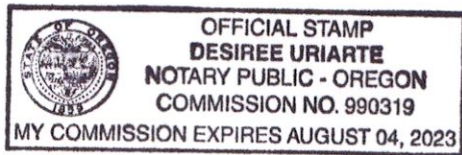
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF NURSERY STOCK

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant [Handwritten Signature]

10-22-2020  
Date

Signed and sworn to (or affirmed) before me this 22 day of October, 2020.



[Handwritten Signature]  
Notary Public for Oregon

My Commission Expires: Aug 4, 2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <u>Attached aerial image documents location of irrigated area throughout the 2015 irrigation season.</u>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos:            OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a>            OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a>            Google Earth – <a href="http://earth.google.com">earth.google.com</a>            TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Satellite Imagery from April 17, 2015 (FROM lands delineated in red)  
(Source: Google Earth)



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Attachment E

Well Log

Application for a Water Right Transfer – Certificate 51171

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NOTICE TO WATER WELL CONTRACTOR

The original and filed copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion

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 JUN 24 1969  
 STATE ENGINEER  
 SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON

(Please type or print)  
 (Do not write above this line)

WASH  
 011873

State Well No.

State Permit No.

2/W-18 add

G-5501

(1) OWNER:

Porter Walton Co. Inc. Nursery Dept. *WSSB*  
 Name **Yoshio & Sachiko Hasuiko**  
 Address **15685 S.W. 150th Ave. Tigard, Ore. 97223**

(11) LOCATION OF WELL:

County **Washington** Driller's well number  
 1/4 Section **18** T. **2S.** R. **1W** W.M.  
 Bearing and distance from section or subdivision corner

(2) TYPE OF WORK (check):

New Well  Deepening  Reconditioning  Abandon   
 If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary  Driven   
 Cable  Jetted   
 Dug  Bored

(4) PROPOSED USE (check):

Domestic  Industrial  Municipal   
 Irrigation  Test Well  Other

(12) WELL LOG:

Diameter of well below casing **12"**  
 Depth drilled **392** ft. Depth of completed well **392** ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	3	
Clay, yellow	3	7	
Rock, broken	7	8	
Clay w/embedded rock	8	40	
Sand, yellow	40	42	27
Clay, yellow sandy	42	48	
Clay w/embedded rock	48	50	
Rock, brown solid	50	118	
Clay, brown	118	126	
Rock, red lava soft, water bearing	126	159	
Rock, black	159	197	
Clay, yellow	197	198	
Rock, black	198	358	
Rock, gray, mdm. hard	358	370	
Rock, brown, soft, w.brng.	370	389	60
Rock, black, hard	389	392	

CASING INSTALLED:

12" Diam. from 0 ft. to 52 ft. Gage **250**  
 " Diam. from ft. to ft. Gage  
 " Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated?  Yes  No.  
 of perforator used  
 Size of perforations in. by in.  
 perforations from ft. to ft.  
 perforations from ft. to ft.  
 perforations from ft. to ft.  
 perforations from ft. to ft.  
 perforations from ft. to ft.

(7) SCREENS:

Well screen installed?  Yes  No  
 Manufacturer's Name  
 Type Model No.  
 Diam. Slot size Set from ft. to ft.  
 Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level **60** ft. below land surface Date **6/18/69**  
 Artesian pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level **Haakon Bottner**  
 Was a pump test made?  Yes  No If yes, by whom?  
 Yield: **260** gal./min. with **50** ft. drawdown after **7** hrs.  
**414** " " **79** " " **2** "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water **54°** Was a chemical analysis made?  Yes  No

(10) CONSTRUCTION:

Well seal—Material used **Cement & sand**  
 Depth of seal **28** ft.  
 Diameter of well bore to bottom of seal **16** in.  
 Were any loose strata cemented off?  Yes  No Depth  
 Was a drive shoe used?  Yes  No  
 Did any strata contain unusable water?  Yes  No  
 Type of water? **Sandy** depth of strata **40' to 42'**  
 Method of sealing strata off **cased**  
 Was well gravel packed?  Yes  No Size of gravel:  
 Gravel placed from ft. to ft.

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Work started **April 19 1969** Completed **June 12 1969**

Date well drilling machine moved off of well **June 20 1969**

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] *Heinrich Brant* Date **6/30 1969**  
 (Drilling Machine Operator)

Drilling Machine Operator's License No. **246-431**

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME **HAAKON BOTTNER DRILLING COMPANY**  
 (Person, firm or corporation) (Type or print)

Address **3424 S.E. 174th. AVE. PORTLAND, ORE.**

[Signed] *Haakon Bottner*  
 (Water Well Contractor)

Contractor's License No. **109** Date **135/22**, 19**69**



Water Solutions, Inc.

October 23, 2020

Ms. Lisa Jaramillo  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for a Permanent Water Right Transfer  
Certificate 51171, MF Beef Bend, LLC

Dear Lisa:

On behalf of the applicant, MF Beef Bend, LLC, please find enclosed an Application for a Permanent Water Right Transfer involving Certificate 51171. Please also find enclosed a check in the amount of \$3,430 for payment of the application filing fee.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE  
GSI Water Solutions, Inc.

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Enclosures: Application for a Permanent Water Right Transfer  
Check #22955 in the amount of \$3,430

CC: Darrel Smith - MF Beef Bend, LLC  
Mark Bigej - AGC Properties, LLC

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