



Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: Transfer Section
725 Summer Street NE, Ste. A
Salem, OR, 97301

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20 Oct. 2020

Subject: Claim of Beneficial Use for T-12780

To Whom It May Concern,

Enclosed is a Claim of Beneficial Use (COBU) for a transfer along with the following attachments:

- A. COBU Map
- B. Fish Screen documentation
- C. Butler Farms, LLC business information
- D. Pump Calculations

No fee is needed because latest priority date is 1963.

Please let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

**CLAIM OF
BENEFICIAL USE
for Transfer with Multiple
Changes – Surface Water**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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A fee of \$200 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required. 1963 is latest priority date.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

A separate section will be completed for each type of change authorized in the transfer final order.

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1. File Information

APPLICATION # T-12780

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Hoffmans & Butler Farms, LLC c/o Jay Hoffman		PHONE NO. 503.519.4829	ADDITIONAL CONTACT NO.
ADDRESS 22307 SW Munger Lane			
CITY Sherwood	STATE OR	ZIP 97140	E-MAIL jay@tvpfarms.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Hoffman Farms		
ADDRESS 1657 NE 13 th Street (new address)		
CITY Bend	STATE OR	ZIP 97702

4. Date of Site Inspection:

28 SEP 2020

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Jay Hoffman	28 SEP 2020	Agent (of LLC) and landowner

6. County:

Washington

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

*Note: The following is added to avoid possible confusion in Jay Hoffman signing for this Claim. Please note that Robert Jay Hoffman (or Jay Hoffman) is the agent for the Butler Farms LLC tract (see Attachment "C"), and a co-owner of the Hoffman tract.

OWNER OF RECORD Wes & MaryBel Butler Farms, LLC		
ADDRESS 22307 SW Munger Lane		
CITY Sherwood	STATE OR	ZIP 97140

OWNER OF RECORD Robert Jay Jr & Kelly L Hoffman		
ADDRESS 22307 SW Munger Lane		
CITY Sherwood	STATE OR	ZIP 97140

Add additional tables for owners of record as needed

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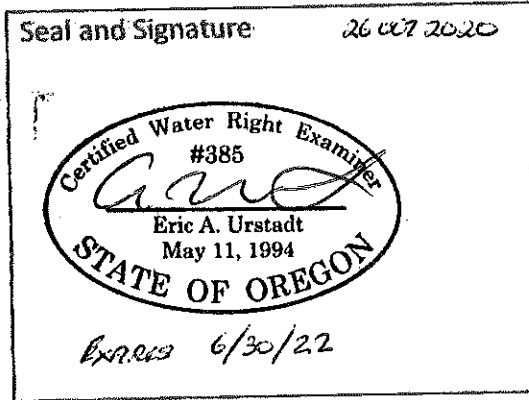
**SECTION 2
SIGNATURES**

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CWRE Statement, Seal and Signature

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The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Eric Urstadt, PE, PLS, CWRE		PHONE NO. 971.250.1520	ADDITIONAL CONTACT NO. 503.647.1919
ADDRESS 39290 NW Murtaugh Road			
CITY North Plains	STATE OR	ZIP 97133	E-MAIL ericurstadt@hotmail.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Robert Jay Jr. Hoffman	co-landowner and agent for LLC	10-26-2020
	Kelly L. Hoffman	co-landowner	10-26-2020

SECTION 3
Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

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New or Additional Point of Diversion
Change in POD(s) or Additional POD(s)

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Did the transfer order authorize a change in the points of diversion or additional points of diversion? OWRD
YES

If "NO", this Section can be deleted.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD B	Tualatin River, & Scoggins Creek and Reservoir, Gales Creek
POD R-25.5	Tualatin River, & Scoggins Creek and Reservoir, Gales Creek

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

No variations were found.

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD B	0.35CFS*	2.29 CFS	N/A
POD R-25.5	0.56CFS*	2.84 CFS	N/A

*These rates were computed using the number of acres accessed by the POD for the rights in this transfer, not the total rate for the right.

System Description

Are there multiple new or additional Points of Diversion (POD)? YES

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If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD B

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Goulds	illegible	illegible	centrifugal	4 inch	3 inch

2. Motor Information

MANUFACTURER	HORSEPOWER
General Electric	60

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60	60	12 feet	9 feet	2.29

4. Provide pump calculations:

See Attachment D – Pump calculations.

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A	N/A	N/A	N/A

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

The system was all hooked up, but not operating at the time of the site visit. The system has a new fish screen.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted. Items Deleted

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

If "NO", items 2 through 4 relating to this section may be deleted. Items Deleted

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System Description

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POD Name or Number this section describes (only needed if there is more than one):

POD 1-25-5

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Cornell Pump	4YB75-2*	56083 9*	centrifugal	5 inch	4 inch

*These numbers were very hard to read and could be wrong.

2. Motor Information

MANUFACTURER	HORSEPOWER
Marathon	75

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
75	60	10 feet	12 feet	2.84

4. Provide pump calculations:

See Attachment D – Pump calculations.

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A	N/A	N/A	N/A

Reminder: For pump calculations use the reference information at the end of this document.

6. Additional notes or comments related to the system:

The system was all hooked up, but not operating at the time of the site visit.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted. Items Deleted

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

If "NO", items 2 through 4 relating to this section may be deleted. Items Deleted

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Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
51.6 IRRIGATION*	51.6
35.5 SUPPLEMENTAL**	35.5

*(51.6 = 0.9-23038 + 36.7-23065+ 14.0-88122)

** (35.5 = 35.5-88122)

2. Variations:

Was the use developed differently from what was authorized by the transfer final order?

NO

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

No variations noted.

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Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use?

NO

If "NO", this Section can be deleted. Section deleted.

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Change #4

Change in Character of Use – Reservoir

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Did the transfer order authorize a change in character of use for a reservoir?

NO

If "NO", this Section can be deleted. Section deleted.

**SECTION 4
CONDITIONS**

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	26 NOV 2019	
COMPLETENESS DATE FROM ORDER (C)	1 OCT 2020	End of September, 2020

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

If "NO", you may delete the following table. Table deleted.

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

YES NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD B	McCrometer	unknown	unknown	Illegible-moisture*	14 Sep 2020
POD R-25.5	N/A	N/A	N/A	N/A	N/A

*This was mentioned to Hoffman Farms personnel.

If a meter has been installed, items d through f relating to this section may be deleted. Items deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

If "NO", item b relating to this section may be deleted. Item deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

DATE	BY WHOM
14 SEP 2020	Clearwater Irrigation Supply

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? NA

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? Not Applicable

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If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass devices been installed? NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH INTAKE (HAVING THE FISH SCREEN) BEING IN THE NATURAL STREAM.	N/A	N/A

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Other conditions? NO

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If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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N/A

SECTION 5 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
A	COBU Map
B	Fish screen documentation
C	Butler Family, LLC documentation
D	Pump Calculations

SECTION 6 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for

additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

PROPERTY LINES, DLC LINES, AND THE STREAM LOCATION ARE BASED ON THE TAX ASSESSOR MAP FOR S3, T2S, R2W. QUARTER-QUARTER LINES ARE BASED ON THE FINAL PROOF MAP FOR THE CERT. 88122 WHICH MATCHES THE MAP FOR T-11071. ALTHOUGH THESE QUARTER-QUARTER LINES ARE OUT OF TRUE POSITION, THEY WERE UTILIZED SO THAT THIS MAP AND ACREAGES CORRESPOND TO THE PREVIOUS MAPS AND DOCUMENTS. THE MAP FOR T-11071 WAS USED TO DETERMINE EXISTING TVID AREAS PER T-11071.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

The Dalles Screen Shop

3561 Klindt Drive

The Dalles, OR 97058

(541) 296-8026

FAX (541) 296-7889

odfw.com

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September 16, 2020

Hoffman Farms
22307 SW Munger Lane
Sherwood, OR 97140

RE: OWRD Transfer Application T-12780

To Whom It May Concern,

This letter is in regards to fish screening and passage requirements set forth in Oregon Water Resources Department Transfer Application T-12780, which approves a new point of diversion (POD) on the Tualatin River, approximately 4 miles west of King City, OR.

An agent of the water user, Mr. Eric Urstadt with Aspen Rural Land Consulting, contacted the Oregon Department of Fish and Wildlife (ODFW) fish screening program to ensure that a fish screen meeting National Marine Fisheries Service criteria was installed at the new POD (POD B). Based on ODFW recommendation, the water user installed a self-cleaning Sure Flo SCS8, which meets state and federal criteria up to 2.0 cfs, or 899 gpm.

With the proper use, care, and maintenance of this Sure Flo SCS8, the fish screening requirements for T-12780 are satisfied. As this is an end of pipe screen, there are no by-pass devices necessary. If you have any questions in regards to this letter, please contact me at 541-296-8026.

Sincerely,

Hilary A. Doulos
Fish Screen and Passage Coordinator

CC: Eric Urstadt, Aspen Rural Land Consulting