

Regular

Name MF Beef bend LLC
attn John O'neil
Address 17933 NW Evergreen Place
Beaverton Oregon 97006

Change in POU USE APOA
Date Filed 10/27/2020
Initial notice date 11/10/2020
DPD issued date
PD issued date 2/3/2025
PD notice date 2/4/2025
Date of FO 5/7/2025 Vol 134 Page 598-605

C-Date
COBU due date
COBU Received date
Certificate issued

Assignments:

Irrigation District

Agent GSI water Solutions -attn Ted Resler

CWRE REC

CC's list landowner ABC Properties LLC mark Bgey 1220 N Pacific Hwy woodburn 97071

* Washington County Planning

DESCRIPTION OF WATER RIGHT(S)

Name of Stream well
Trib. of Tualatin River
Use Irrigation County Washington
Quantity of water (CFS) No. of Acres
Name of ditch
App# G-5501 Per # G5476 Cert # 51171 PR Date 5/5/1971
App# Per # Cert # PR Date
App# Per # Cert # PR Date
App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
10-27-2020	\$3,430.00	133768
11-17-25	\$345.00	146389

FEES REFUNDED		
Date	Amount	Receipt #

- Oversized map - Location

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **144596**

INVOICE # _____

RECEIVED FROM: A/S Garden Centers and Greenhouses LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13542

CASH: CHECK:# 98252 OTHER: (IDENTIFY)

TOTAL REC'D \$ **85.06**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ **85.06**
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **144596**

DATED: 1-24-26 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **146389**

INVOICE # _____

RECEIVED FROM: Al's Garden Centers and Greenhouses, LLC

APPLICATION	
PERMIT	
TRANSFER	<u>T-13543</u>

BY: 102492

CASH: CHECK:# OTHER: (IDENTIFY)

TOTAL REC'D \$ 345.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
	OTHER: (IDENTIFY)	\$
0243	I/S Lease	
0244	Muni Water Mgmt. Plan	
0245	Cons. Water	

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES <u>46111</u>	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	RECORD FEE 0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	LICENSE FEE 0219 \$
	LANDOWNER'S PERMIT		0220 \$
<u>0200</u>	OTHER (IDENTIFY) <u>Cobu</u>		<u>8 345.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **146389** DATED: 4-17-25 BY: mmill

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **133768**

INVOICE # _____

RECEIVED FROM: BSE Water Solutions, Inc.
 BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13542

CASH: CHECK:# 22955 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 3,430.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$	
OTHER: (IDENTIFY)	\$	
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES	\$		
0410 RESEARCH FEES	\$		
0408 MISC REVENUE: (IDENTIFY)	\$		
TC162 DEPOSIT LIAB. (IDENTIFY)	\$		
0240 EXTENSION OF TIME	\$		
WATER RIGHTS:			
0201 SURFACE WATER	\$	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>3,430.00</u>		
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	\$	0219	LICENSE FEE
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

**RECEIVED
 OVER THE COUNTER**

RECEIPT: **133768**

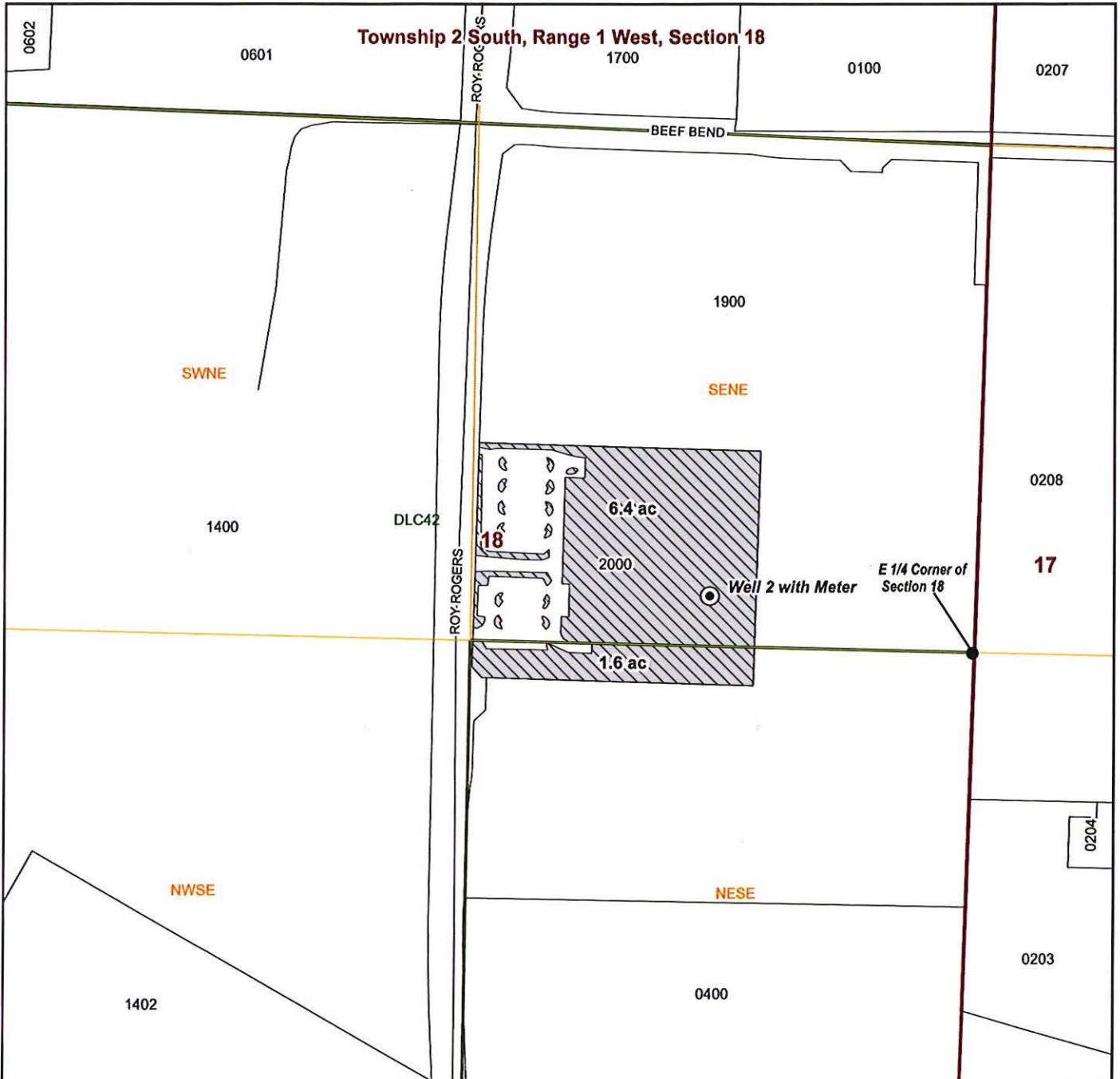
DATED: 10-27-2020 BY: [Signature]

COPY

Claim of Beneficial Use

Transfer T-13542

A Water Right held by AGC Properties, LLC
Washington County



LEGEND

- ⊙ Point of Appropriation (POA)
- ▨ Place of Use (POU) 8 ac
- Roads
- Tax Lots

POA Location Description

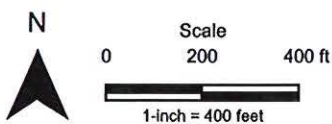
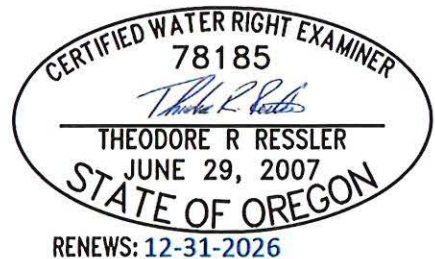
Well 2 (WASH 81878, L-151655)
Located 125 feet North and 700 feet West from the E 1/4 Corner of Section 18 (SENE), Township 2 South, Range 1 West, W.M.

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NOV 05 2025

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Date: 10/22/2025
Data Sources: BLM, OWRD, ODFW, USGS, Washington County.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.





Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

November 18, 2025

AGC Properties LLC
C/O Mark Bigej
1220 N Pacific Highway
Woodburn, OR 97071

On November 17, 2025, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Transfer T-13542

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$345.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13542

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Sarah Benham
Transfer #: T-13542	
Date Received: 11/17/2025	
CWRE Name: Theodore Ressler	

Fees Required:

- YES NO A fee of \$345 must accompany this form for permits with priority dates of July 9, 1987, or later. **Priority date of affected water right(s):**
- YES NO A fee of \$345 must accompany this form for any transfer applications submitted July 9, 1987, or later. **Submission date of transfer application:**
10/27/2020

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- Pump Test required (Priority Date on or after December 20, 1988)
- Pump Test submitted
- Pump Test not submitted

Fill in App or Transfer Number

MONEY SLIP

DATE: _____ RECEIPT #: _____

RECEIVED FROM: _____ APPLICATION FEE: _____
 PERMIT FEE: _____ TRANSFER FEE: _____

CASH CHECK # _____ OTHER (IDENTIFY) _____ TOTAL RECEIVED: _____

1987 TREASURY 4781 MISC. GASTADEL _____

1987 COMES _____ OTHER (IDENTIFY) _____

2243 Transfer (Cash) _____ 0244 Misc. Permit Mgmt. Fee _____ 0245 Cash (Permit) _____

1987 TREASURY 4270 WIND OPERATING ADCT. _____

MISCELLANEOUS 4611 _____

0407 COPY & STAMP FEES _____

0410 RESEARCH FEES _____

0408 MISC. REVENUE (IDENTIFY) _____

TC-42 DEPOSIT (MISC. IDENTIFY) _____

0240 EXTENSION OF TERM _____

WATER RIGHTS _____

0201 SURFACE WATER _____ EXAM. FEE _____ RECORD FEE _____

0203 GROUND WATER _____ _____

0205 TRANSFER _____ _____

WELL CONSTRUCTION _____ EXAM. FEE _____ RECORD FEE _____

0218 WELL DRILL CONSTRUCTION LANDOWNER'S PERMIT _____

0200 OTHER (IDENTIFY) _____ COBU _____ \$200.00

1987 TREASURY 0487 HYDROLOGIC RES. _____

0203 POWER LICENSE FEE (PMP/PC) _____ LIC. NUMBER _____

0201 HYDRO LICENSE FEE (PMP/PC) _____

HYDRO APPLICATION _____

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT - LETTER ATTACHED

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes - Groundwater



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

A fee of \$345 must accompany this form for transfers where the application was submitted on July 9, 1987, or later.

Enter the date the transfer application was submitted:

10/27/2020

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 7" 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.

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>

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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. Change in POA(s) or Additional POA(s)
- 2. Change in Place of Use
- 3. Change in Character of Use

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

1. File Information

APPLICATION #
T-13542

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME AGC Properties, LLC; ATTN: Mark Bigej		PHONE No. 971-563-1524	ADDITIONAL CONTACT No.	
ADDRESS 1220 N Pacific Highway				
CITY Woodburn	STATE OR	ZIP 97071	E-MAIL MBigej@als-gardencenter.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 AGC Properties LLC; ATTN: Mark Bigej				
ADDRESS 1220 N Pacific Highway				
CITY Woodburn	CITY Woodburn	ZIP 97071		

4. Date of Site Inspection:

9/25/2025

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Mark Bigej	11/21/2016 4/15/2020	Chief Operations Officer, Al's Garden & Home
Patrick McKenna	9/25/2025	Store Manager

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)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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



CWRE NAME Theodore R. Ressler		PHONE NO. 503-701-4535	ADDITIONAL CONTACT NO.	
ADDRESS Summit Water Resources, LLC, 4784 SE 17th Avenue, Suite 111				
CITY Portland	STATE OR	ZIP 97202	EMAIL tressler@summitwr.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
	Mark Bigej	Member of AGC Properties, LLC	

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SECTION 3

Changes Made

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

Change #1

Change in POA(s) or Additional POA(s)

Did the transfer order authorize a change in the points of appropriation or additional points of appropriation?

YES

If "NO", this Section can be deleted.

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

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well 2	WASH 81878	L151655	A Well, a tributary of Tualatin River

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

See Attachment 3 for the well log for WASH 81878.

If well logs are available, items A and B below can be deleted

2. Variations:

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

YES

If yes, describe below.

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

The original point of appropriation, Well 1 (WASH-11873) has been abandoned; the associated abandonment log is WASH-82949. Copies of these well logs are provided in Attachment 3.

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well 2	0.10 cfs	0.46 cfs	0.10 cfs

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System Description

Are there multiple new or additional Points of Appropriation (POA)? NO

If "YES" you will need to copy and complete either Section A or B in this Section for each POA.

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

Well 2

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A. POA System Information

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

1. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin Electric	120STS15D5A-0963	Not available	Submersible	--	3-inch

2. Motor Information:

MANUFACTURER	HORSEPOWER
Franklin Electric	15

3. Theoretical Pump Capacity – Pump at Well:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO GROUND SURFACE (THE DEPTH TO WATER FROM THE GROUND SURFACE MEASURED AT THE WELL DURING PUMPING)	LIFT TO PLACE OF USE (THE LIFT FROM THE GROUND SURFACE AT THE WELL TO THE PLACE OF USE)	TOTAL PUMP OUTPUT (IN CFS)
15	65 psi ^A	65.1 ft ^B	0 ft ^C	0.46 cfs

Notes

^A Operating pressure measured on discharge mainline, as reported by the Variable Frequency Drive.

^B Depth to water below top of measuring point measured during pumping.

^C Lift downstream of pump discharge is a component of the measured operational pressure.

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

4. Provide pump calculations:

$$Q_{\text{Pump}} = \frac{(\text{horsepower})(\text{conversion factor})}{(\text{lift} + \text{pressure}) \text{ total head in feet}} = \text{cfs}$$

Conversion Factor: Turbine & Submersible Pumps, 80% eff. $\frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4/\text{sec/Hp}$

$$Q_{\text{Pump}} = \frac{(15)(7.04)}{[65.1 + (65 \times 2.54)]} = 0.46 \text{ cfs} = 206 \text{ gpm}$$

***Assumed minor frictional losses (pump column) accounted for by the 2.54 ft/psi conversion factor (versus 2.31 ft/psi). Frictional losses in the transmission pipeline and additional lift downstream of the well discharge are a component of the pressure measured at the wellhead.**

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)
35,559,300 gallons	35,559,525 gallons	5 minutes	45 gpm or 0.10 cfs

6. Theoretical Pump Capacity – Pump at Sump:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO GROUND SURFACE (THE LIFT FROM THE WATER SURFACE TO THE PUMP)	LIFT TO PLACE OF USE (THE LIFT FROM THE PUMP TO THE PLACE OF USE)	TOTAL PUMP OUTPUT (IN CFS)
N/A – the system does not involve a Sump				

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

7. Provide pump calculations:

N/A – the system does not involve a Sump
--

8. 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 – the system does not involve a Sump			

9. Additional notes or comments related to the system:

Irrigation is completed by zone, typically 1 zone at a time with some additional hand watering simultaneously completed.

The well pump is operated with a variable frequency drive (VFD), with the flow rate at any one time being adjusted to supply the water needed by the system. The output of each irrigation zone is sized to utilize water at the rate authorized by the transfer. The pump system is sized to provide water at a higher rate to provide fire protection for the facility.

B. Groundwater Source Information (Well and Sump)

1. Is the appropriation from a dug well (sump)?

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

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OWRD

Received
NOV 05 2025

OWRD

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
8 acres	8 acres

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If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
N/A – the new use was "Nursery and Commercial Use"	

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.")

Change #3

Change in Character of Use

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

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
Nursery and Commercial Use

2. Variations:

Were all the uses developed from what was authorized by the transfer final order?

NO

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

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**SECTION 4
CONDITIONS**

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	05/07/2025	
COMPLETENESS DATE FROM ORDER (C)	10/01/2026	Documented beneficial use during site visit conducted on 9/25/2025.

* 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.

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 appropriation.

b. Has a meter been installed? YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 2	DLJ	18049805	Working	35,559,700 gallons (9/25/2025 13:50)	November 2024

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

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? Received NO
If "NO", item b relating to this section may be deleted. NOV 17 2025

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

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? Received NO
- c. Other conditions? NO

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NOV 05 2025

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

**SECTION 5
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Maps
Attachment 2	Water Right Information
Attachment 3	Well Logs

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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 poly 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.

The changes that were authorized under the transfer final order must be mapped based on the developed locations; new or additional points of appropriation and place of use.

In cases where the order involved additional points of appropriation, the additional points should be mapped based on their developed locations. The original points of appropriation should be mapped based on the original right of record at the time the transfer final order was issued.

In cases where the order involved changing the place of use for a portion of a water right, the portion of the place of use being changed should be mapped based on the developed location. If the transfer also included portions of the place of use that were not being modified, but were receiving a new or additional point of appropriation, the place of use for those lands should be mapped 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.

The point of diversion, visible system components, and the place of use were visited during the site inspection. The location of the point of diversion and the extent of the place of use were obtained from a field survey completed during the site. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from ESRI, USGS, BLM, OGEO, OWRD, Washington County. Additional data and information specific to the property appurtenant to the water right and the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water user.

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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
- N/A** 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
- Quarter-Quarters illustrated and named (NE NE, NW NE, etc.)
- 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

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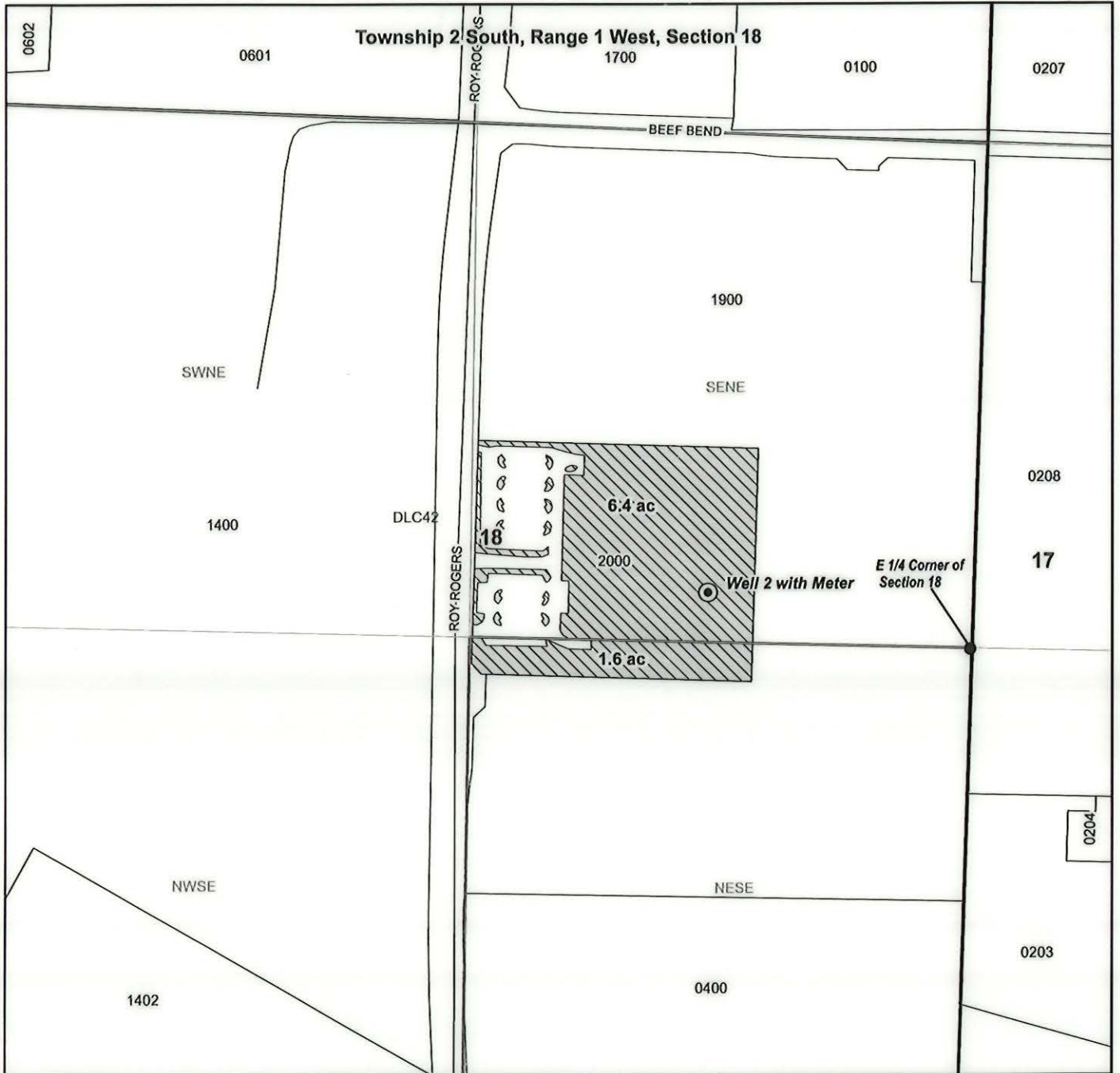
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Claim of Beneficial Use

Transfer T-13542

A Water Right held by AGC Properties, LLC
Washington County



LEGEND

- Point of Appropriation (POA)
- Place of Use (POU) 8 ac
- Roads
- Tax Lots

POA Location Description

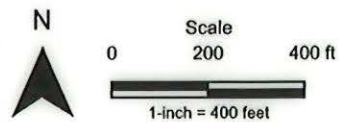
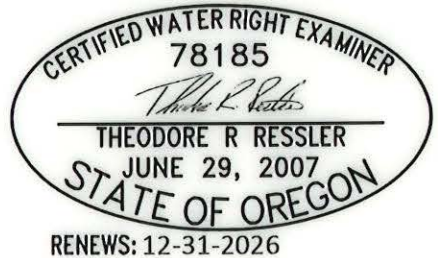
Well 2 (WASH 81878, L-151655)
Located 125 feet North and 700 feet West from the E 1/4 Corner of Section 18 (SENE), Township 2 South, Range 1 West, W.M.

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Date: 10/22/2025
Data Sources: BLM, OWRD, ODFW, USGS, Washington County.
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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

Seal and Signature

CWRE NAME Theodore R. Ressler	PHONE NO. 503-701-4535	ADDITIONAL CONTACT NO.
ADDRESS Summit Water Resources, LLC, 4784 SE 17th Avenue, Suite 111		
CITY Portland	STATE OR	ZIP 97202
EMAIL tressler@summitwr.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.

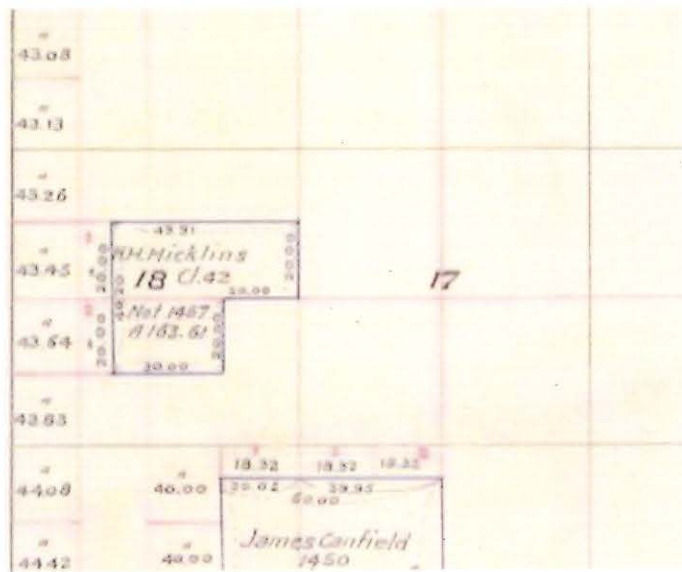
SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Mark Bigej	Member of AGC Properties, LLC	

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BLM Cadastral Survey Township 2 South, Range 1 West

https://www.blm.gov/or/landrecords/landsurvey/gPlatView1_2.php?path=POR&name=t020s010w_002.jpg&tr=002-0S001-0W



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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application T-13542, Washington County)))))))	FINAL ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION, A CHANGE IN PLACE OF USE, A CHANGE IN CHARACTER OF USE, PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE, AND PARTIAL CANCELLATION OF A WATER USE PERMIT
---	---------------------------------	---

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

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Applicant

MF BEEF BEND, LLC
 ATTN: JOHN O'NEIL
 17933 NW EVERGREEN PARKWAY, SUITE 300
 BEAVERTON, OR 97006

Receiving Landowner

AGC PROPERTIES, LLC
 ATTN: MARK BIGEJ
 1220 N PACIFIC HIGHWAY
 WOODBURN, OR 97071

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Findings of Fact

1. On November 5, 2020, MF BEEF BEND, LLC, ATTN: JOHN O'NEIL filed an application for an additional point of appropriation, to change the place of use, and to change the character of use under Certificate 51171. The Department assigned the application number T-13542.
2. AGC PROPERTIES, LLC, ATTN: MARK BIGEJ is the receiving landowner who will be responsible for completion of the changes.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. Notice of the application for transfer was published on November 10, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On December 1, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application did not include a Supplemental Form D, as the authorized and proposed place of use is located within the Tualatin Valley Irrigation District (District) and is also layered with Permit S-54499 in the name of the District. Certificate 58499 in the name of MF Beef Bend, LLC is also layered with the portion of Certificate 51171 involved in T-13542 and was not included in the application pursuant to OAR 690-380-2240. Table 2 described 14.0 acres being transferred off of the "FROM" lands, and only 8.0 acres on the "TO" lands, so the amount of acres being transferred wasn't clear. The Department requested that the deficiencies be resolved by January 3, 2022.
5. On February 6, 2024, the Department received a revised application, map, and an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 58499.
6. On March 28, 2024, the Department received an Affidavit for the Voluntary Cancellation of a Portion of Water Use Permit S-54499 from the District, resolving the deficiencies.
7. On October 4, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13542 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On February 3, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-13542 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 4, 2025, and in the Sherwood Gazette newspaper on February 13 and 20, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
9. The portion of the right to be transferred is as follows:

Certificate: 51171 in the name of PORTER WALTON CO, INC. (perfected under Permit G-5476)
Use: IRRIGATION OF 16.0 ACRES
Priority Date: MAY 5, 1971
Rate: 0.10 CUBIC FOOT PER SECOND

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Limit/Duty: 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 2.5 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.

Source: A WELL, a tributary of TUALATIN RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	(WELL 1) - 1020 FEET NORTH AND 480 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	15.3
2 S	1 W	WM	18	NE SE		0.7
Total						16.0

10. Transfer Application T-13542 proposes an additional point of appropriation approximately 916 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	WELL 2 - 130 FEET NORTH AND 700 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

11. Transfer Application T-13542 also proposes to change the place of use of the right to:

NURSERY AND COMMERCIAL USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	6.4
2 S	1 W	WM	18	NE SE		1.6
Total						8.0

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 OWRD

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 OWRD

12. Transfer Application T-13542 proposes to change the character of use to Nursery and Commercial Use.

13. The applicant proposes to double the acres on a deficient irrigation right to get a higher irrigation rate, while reducing the number of acres irrigated to one half; i.e. change from 16.0 acres irrigated, to 8.0 acres irrigated.

14. Certificate 51171 does not specify a season of use; therefore, pursuant to the Tualatin River decree, the season of use is May 1 to September 30.

15. On May 16, 2019, the Department approved Transfer Application T-12699, recorded at Special Order Volume 113, Pages 123-128. The final order contained a scrivener's error in the description of the existing acres under Permit S-54499 below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q Q	Acres
2 S	2 W	WM	15	NW NW	7.9

The correct description of the existing acres under Permit S-54499 are shown below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q Q	Acres
2 S	2 W	WM	15	NW NW	7.8

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300]

16. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13542.
18. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
20. The proposed changes would not result in enlargement of the right if the rate of appropriation for the change in character of use from irrigation to the proposed nursery and commercial use is limited to 0.10 cubic foot per second and be further limited to a total volume of 40.0 Acre-Feet (AF) (16.0 acres x 2.5 AF per acre) during the season of use, being May 1 to September 30. Further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.

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- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.

21. The proposed changes, as conditioned, would not result in injury to other existing water rights.

22. All other application requirements are met.

Partial Cancellation of a Water Right

23. On February 6, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from MF Beef Bend, LLC, Attn: John O'Neil. The portion of the right to be cancelled is as follows:

Certificate: 58499 in the name of PORTER-WALTON CO., INC. (perfected under Permit S-45854)

Use: SUPPLEMENTAL IRRIGATION OF 12.7 ACRES

Priority Date: APRIL 1, 1980

Rate: 0.13 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE DIVERSION OF WATER DURING THE PERIOD FROM JULY 31 TO SEPTEMBER 15 SHALL BE FROM STORED WATER ONLY.

Source: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8279, a tributary of TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SE	2270 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 18

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
Total						12.7

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Partial Cancellation of a Water Use Permit

24. On March 28, 2024, an affidavit certifying that a portion of a water use permit has been abandoned and requesting cancellation of the permit was received from Tualatin Valley Irrigation District. The portion of the permit to be cancelled is as follows:

Permit: S-54499 in the name of TUALATIN VALLEY IRRIGATION DISTRICT
Use: PRIMARY IRRIGATION OF 12.7 ACRES
Priority Date: JANUARY 4, 1984, for 0.11 CUBIC FOOT PER SECOND and DECEMBER 18, 1986 for 0.02 CUBIC FOOT PER SECOND
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: UNIFIED SEWAGE AGENCY ROCK CREEK TREATMENT PLANT DISCHARGE

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SW	NPI NURSERIES: 870 FEET SOUTH AND 660 FEET WEST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

NPI NURSERIES – PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
Total						12.7

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Conclusions of Law

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of the right and permit will be cancelled.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 is approved. The portion of the right and Permit S-54499 that have been abandoned are cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 51171 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new additional point of appropriation or the new place of use.
4. Water right Certificates 51171 and 58499, and Permit S-54499 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.
5. Permit S-55522, in the name of Tualatin Valley Irrigation District, is issued to replace Permit S-54499, and incorporates the partial cancellation and correction approved by this order. Permit S-54499, in the name of Tualatin Valley Irrigation District, is no longer of any force or effect.
6. The rate of diversion for the change in character of use from irrigation to the proposed nursery and commercial use shall be limited to 0.10 cubic foot per second and shall be further limited to a total volume diverted of 40.0 acre-feet (16.0 x 2.5 acre-feet per acre) during the season of use being, May 1 to September 30.
7. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b. For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - c. For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - d. For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.
8. The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
9. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

10. The former place of use of the transferred right shall no longer receive water under the right.

11. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on MAY 07 2025


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: MAY 08 2025

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Well 2

WASH 81878

WESTERBERG DRILLING INC.

PO BOX 1228

WELL I.D. LABEL#	L151655
START CARD #	1073361
ORIGINAL LOG #	<input type="checkbox"/>

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

(1) LAND OWNER

Owner Well I.D. **MOLALLA, OR 97038**

First Name _____ Last Name _____
 Company Al's Garden & Home
 Address 1220 N Pacific Hwy
 City Woodburn State OR Zip 97071

(2) TYPE OF WORK

New Well Deepening Conversion

Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Seal: _____

(3) DRILL METHOD

Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE

Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 424 ft. Special Standard (Attach copy)

BORE HOLE			SEAL			sacks/ lbs	
Dia	From	To	Material	From	To	Amt	lbs
10	0	212	Bentonite	0	31	33	S
8	212	424				Calculated	14
			Cement	31	209	76.5	S
						Calculated	49.5

How was seal placed: Method A B C D E
 Other bent prd & probed
 Backfill placed from 209 ft. to 214 ft. Material pea gravel & sand
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Seal Placement Begin Date 5-1-24 Begin Time 16:00

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount P Actual Amount P

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	18"	424	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) 424
 Temp casing Yes Dia 10 From +1 To 46'

(7) PERFORATIONS/SCREENS

Perforations Method Swift Factory
Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Pe	Ca	6	344	364	.0125	4	456	6"
Pe	Ca	6	384	424	.0125	4	912	6"

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
100+		300	1 hr
80+		200	15 min

Temperature 55 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) TDS amount 350 ppr
 From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)

County WASHINGTON Twp 2 S N/S Range 1 W E/W WM
 Sec 18 SE SW 1/4 of the NE 1/4 Tax Lot 1502
 Tax Map Number _____ Lot _____
 Lat _____ " or 45.39714 DMS or DD
 Long _____ " or -122.84934 DMS or DD
 Street address of well Nearest address
16920 SW Roy Rogers Rd, Sherwood

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL (psi)	+ SWL (ft)
Completed Well	<u>5-3-24</u>		<u>33.11</u>

Flowing Artesian? Dry Hole?

WATER BEARING ZONES

Depth water was first found 68

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
<u>4-26-24</u>	<u>68</u>	<u>214</u>	<u>30</u>		<u>34.2</u>
<u>5-3-24</u>	<u>240</u>	<u>424</u>	<u>100</u>		<u>33.11</u>

(11) WELL LOG

Ground Elevation _____

Material	From	To
soil & gravel	0	1
soil	1	2
clay brown soft	2	25
broken rock brown	25	26
silt brown	26	32
basalt broken brown	32	38
clay grey	38	39
basalt soft coarse grain	39	42
basalt weathered & fractured	42	46
basalt grey & brown firm	46	62
basalt grey with red lava	62	68
basalt grey with brown & green porous & fractured	68	95
basalt grey & brown	95	110
lava brown & red	110	124
basalt brown & yellow broken	124	130
basalt grey & pink hard	130	132
basalt broken grey & red	132	135
basalt grey & red firm	135	155
basalt grey & brown hard	155	183

Construction Begin Date 4-25-24 Begin Time 10:30 End Date 5-3-24

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1358 Date 5-9-24 **Received**
Signed [Signature] **MAY 13 2024**

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 688 Date 5-9-24
Signed [Signature]
Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WASH 81878

WATER SUPPLY WELL REPORT - continuation page

WESTERBERG DRILLING INC. PO BOX 1228

WELL I.D. LABEL# 151655 START CARD # 1073361 ORIGINAL LOG #

(2a) PRE-ALTERATION

Table with columns: Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd, Material, From, To, Amt sacks/lbs

MOLALLA Water Quality Concerns

Table with columns: From, To, Description, Amount, Units

(5) BORE HOLE CONSTRUCTION

Table with columns: Dia, From, To, Material, SEAL, From, To, Amt, sacks/lbs

(10) STATIC WATER LEVEL

Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft)

FILTER PACK

Table with columns: From, To, Material, Size

(11) WELL LOG

Table with columns: Material, From, To

Received MAY 13 2024 Received NOV 05 2025 OWRD Received NOV 17 2025 OWRD

(6) CASING/LINER

Table with columns: Casing Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd

(7) PERFORATIONS/SCREENS

Table with columns: Perf/Screen, Casing/Liner, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Table with columns: Yield gal/min, Drawdown, Drill stem/Pump depth, Duration (hr)

Name of person(s) who assisted with construction and Trainee License # / Helper #

Table with columns: Assistant Name, Type, #

Comments/Remarks

Welded on 1/2 round rod ring around 6" casing @ 214' & 216' for packer installed pea gravel & sand from 209-214 well will probably pump more water than we were blowing

WASH 81878

Oregon Water Resources Department
Groundwater Use Recording Mapping Tool

725 Summer St NE, Sale

Step 1: Search for Well

Step 2: Create Well Map

Mark Well Point and Create Map:

Zoom in closer to the well location, if needed.
Mark the location of the well by either of these two methods:

A. Drawing on the map using the draw tool

Click on icon and draw a point on the map

B. Type in the GPS Decimal Degrees:

GPS Latitude: 45.39714

GPS Longitude: -122.84934

Mark Point Clear Point

[Converter](#)

Results:

Latitude 45.3971776683 Longitude -122.8459845565

Complete the form:

Submitted by: Steven N. Stadel

Address of Well: 16920 SW Roy
Rogers Rd.

City: Sherwood

Special Notes: TS 2S R 1W Sec.
18 Tax Lot 1502

Make Map

L 151655

N ↑



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NOV 05 2025
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NOTICE TO WATER WELL CONTRACTOR
The original and file copy
of this report are to be
filed with the

RECEIVED
JUN 24 1969
ENGINEER
M. OREGON

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
Do not write above this line

WASH
011873
G-5501

State Well No. 2/1W-18 adb
State Permit No. _____
Received
NOV 05 2025

Well 1

(1) OWNER: Porter Walton Co. Inc. Nursing Apt. 1558
Name Yoshio & Sachiko Hasuike
Address 15685 S.W. 150th Ave. Tigard, Ore. 97223

(2) TYPE OF WORK (check):
New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):
Rotary Driven Domestic Industrial Municipal
Cable Jetted Irrigation Test Well Other
Dug Bored

CASING INSTALLED:
12" Diam. from 0 ft. to 52 ft. Gage # 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS: Perforated? Yes No.
Type 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
Well pressure _____ lbs. per square inch Date _____

(9) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? Haakon Bottner
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.

(11) LOCATION OF WELL:
County Washington Driller's well number _____
1/4 Section 18 T. 2S. R. 1W
Bearing and distance from section or subdivision corner _____
OWRD
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NOV 17 2025

(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	

Work started April 1 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] Haakon Bottner Date 6/30, 1969
(Drilling Machine Operator)

Drilling Machine Operator's License No. 216-431

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 3124 S.E. 174th Ave. Portland, Ore.
[Signed] Haakon Bottner
(Water Well Contractor)
Contractor's License No. 109 Date 6/30, 1969

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

WASH 82949

9/15/2025

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NOV 17 2025

Received
NOV 05 2025

OWRD

OWRD

Map of Hole

STATE OF OREGON WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 45.39958207 Datum: WGS84

Longitude: -122.84873228

Township/Range/Section/Quarter-Quarter Section:

WM2.00S1.00W18SENE

Address of Well:

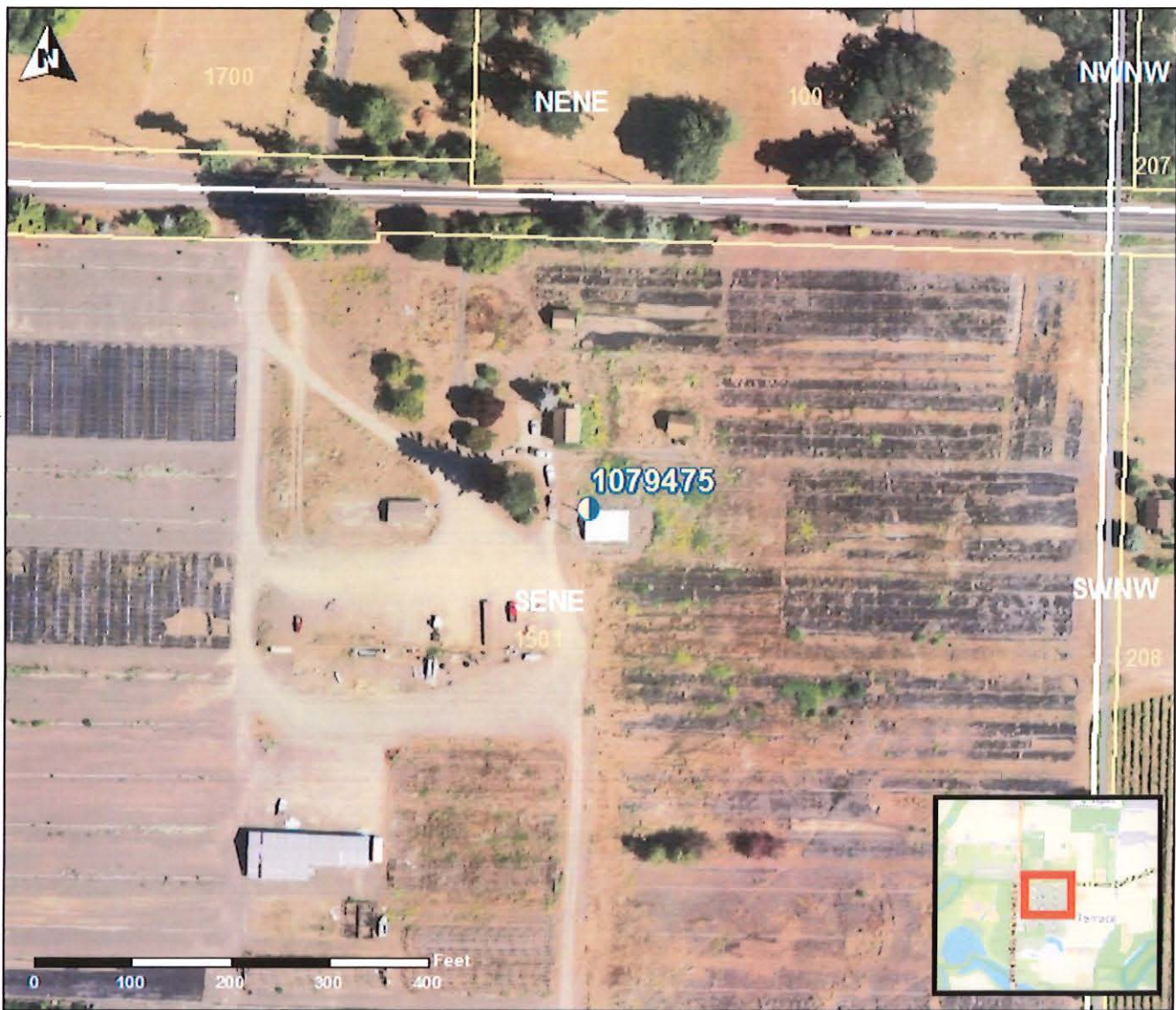
16300 SW BEEF BEND RD, SHERWOOD, OR

Startcard: 1079475

Printed: September 12, 2025

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor





November 1, 2025

Mr. Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Transfer T-13542

Mr. Clark:

On behalf of the permittee, please find enclosed Claim of Beneficial Use (COBU) report for Transfer T-13542, accompanied by a check in the amount of \$345 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-701-4535 with questions about the enclosed COBU.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Enclosures:

Claim of Beneficial Use for Transfer T-13542
Check # 102492 in the amount of \$345

Cc: Mark Bigej – AGC Properties, LLC

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NOV 17 2025

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NOV 05 2025

OWRD



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 6, 2025

AGC Properties, LLC
Mark Bigej
1220 N Pacific Highway
Woodburn, OR 97071

RE: T-13542

Dear Permit Holder,

On November 5, 2025, the Department received the Claim of Beneficial Use that you submitted for the above referenced file. At this time, we are unable to accept your Claim and application because the check submitted was not signed.

Therefore, the Department is returning your claim and check in the amount of \$345.00. Please return the claim and signed check to the Department.

Should you have any questions, please contact Water Right Customer Service at (503) 986-0801 or (503) 986-0810.

Sincerely,

Sarah Benham
Water Rights Customer Service

cc:

Theodore Ressler, CWRE

Enclosures:

Check (102492) and T-13542 claim

Received
NOV 17 2025
OWRD



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

May 7, 2025

John O'Neil
17933 NW Evergreen Parkway Suite 300
Beaverton, OR 97006

REFERENCE: Transfer Application T-13542

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3917 or by e-mail at Corey.a.courchane@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Jacob W. Constans, Watermaster Dist. # 18 (via email)
Ted Ressler, Agent
Mark Bigej, Receiving Landowners
Washington County Planning Department, Local Government

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application T-13542, Washington County)))))))	FINAL ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION, A CHANGE IN PLACE OF USE, A CHANGE IN CHARACTER OF USE, PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE, AND PARTIAL CANCELLATION OF A WATER USE PERMIT
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Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

MF BEEF BEND, LLC
ATTN: JOHN O’NEIL
17933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

Receiving Landowner

AGC PROPERTIES, LLC
ATTN: MARK BIGEJ
1220 N PACIFIC HIGHWAY
WOODBURN, OR 97071

Findings of Fact

1. On November 5, 2020, MF BEEF BEND, LLC, ATTN: JOHN O’NEIL filed an application for an additional point of appropriation, to change the place of use, and to change the character of use under Certificate 51171. The Department assigned the application number T-13542.
2. AGC PROPERTIES, LLC, ATTN: MARK BIGEJ is the receiving landowner who will be responsible for completion of the changes.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. Notice of the application for transfer was published on November 10, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On December 1, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application did not include a Supplemental Form D, as the authorized and proposed place of use is located within the Tualatin Valley Irrigation District (District) and is also layered with Permit S-54499 in the name of the District. Certificate 58499 in the name of MF Beef Bend, LLC is also layered with the portion of Certificate 51171 involved in T-13542 and was not included in the application pursuant to OAR 690-380-2240. Table 2 described 14.0 acres being transferred off of the "FROM" lands, and only 8.0 acres on the "TO" lands, so the amount of acres being transferred wasn't clear. The Department requested that the deficiencies be resolved by January 3, 2022.
5. On February 6, 2024, the Department received a revised application, map, and an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 58499.
6. On March 28, 2024, the Department received an Affidavit for the Voluntary Cancellation of a Portion of Water Use Permit S-54499 from the District, resolving the deficiencies.
7. On October 4, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13542 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On February 3, 2025, the Department issued a Preliminary Determination proposing to approve Transfer T-13542 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 4, 2025, and in the Sherwood Gazette newspaper on February 13 and 20, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
9. The portion of the right to be transferred is as follows:

Certificate: 51171 in the name of PORTER WALTON CO, INC. (perfected under Permit G-5476)
Use: IRRIGATION OF 16.0 ACRES
Priority Date: MAY 5, 1971
Rate: 0.10 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 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.

Source: A WELL, a tributary of TUALATIN RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	(WELL 1) - 1020 FEET NORTH AND 480 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	15.3
2 S	1 W	WM	18	NE SE		0.7
Total						16.0

10. Transfer Application T-13542 proposes an additional point of appropriation approximately 916 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	WELL 2 - 130 FEET NORTH AND 700 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

11. Transfer Application T-13542 also proposes to change the place of use of the right to:

NURSERY AND COMMERCIAL USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	6.4
2 S	1 W	WM	18	NE SE		1.6
Total						8.0

12. Transfer Application T-13542 proposes to change the character of use to Nursery and Commercial Use.

13. The applicant proposes to double the acres on a deficient irrigation right to get a higher irrigation rate, while reducing the number of acres irrigated to one half; i.e. change from 16.0 acres irrigated, to 8.0 acres irrigated.

14. Certificate 51171 does not specify a season of use; therefore, pursuant to the Tualatin River decree, the season of use is May 1 to September 30.

15. On May 16, 2019, the Department approved Transfer Application T-12699, recorded at Special Order Volume 113, Pages 123-128. The final order contained a scrivener's error in the description of the existing acres under Permit S-54499 below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	7.9

The correct description of the existing acres under Permit S-54499 are shown below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	7.8

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300]

16. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
17. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13542.
18. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
19. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
20. The proposed changes would not result in enlargement of the right if the rate of appropriation for the change in character of use from irrigation to the proposed nursery and commercial use is limited to 0.10 cubic foot per second and be further limited to a total volume of 40.0 Acre-Feet (AF) (16.0 acres x 2.5 AF per acre) during the season of use, being May 1 to September 30. Further limited such that:
- a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.

- c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
- d) For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.

- 21. The proposed changes, as conditioned, would not result in injury to other existing water rights.
- 22. All other application requirements are met.

Partial Cancellation of a Water Right

23. On February 6, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from MF Beef Bend, LLC, Attn: John O'Neil. The portion of the right to be cancelled is as follows:

Certificate: 58499 in the name of PORTER-WALTON CO., INC. (perfected under Permit S-45854)
Use: SUPPLEMENTAL IRRIGATION OF 12.7 ACRES
Priority Date: APRIL 1, 1980
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE DIVERSION OF WATER DURING THE PERIOD FROM JULY 31 TO SEPTEMBER 15 SHALL BE FROM STORED WATER ONLY.
Source: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8279, a tributary of TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SE	2270 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 18

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
Total						12.7

Partial Cancellation of a Water Use Permit

24. On March 28, 2024, an affidavit certifying that a portion of a water use permit has been abandoned and requesting cancellation of the permit was received from Tualatin Valley Irrigation District. The portion of the permit to be cancelled is as follows:

Permit: S-54499 in the name of TUALATIN VALLEY IRRIGATION DISTRICT
Use: PRIMARY IRRIGATION OF 12.7 ACRES
Priority Date: JANUARY 4, 1984, for 0.11 CUBIC FOOT PER SECOND and DECEMBER 18, 1986 for 0.02 CUBIC FOOT PER SECOND
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: UNIFIED SEWAGE AGENCY ROCK CREEK TREATMENT PLANT DISCHARGE

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SW	NPI NURSERIES: 870 FEET SOUTH AND 660 FEET WEST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

NPI NURSERIES – PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
Total						12.7

Conclusions of Law

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of the right and permit will be cancelled.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 is approved. The portion of the right and Permit S-54499 that have been abandoned are cancelled.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 51171 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new additional point of appropriation or the new place of use.
4. Water right Certificates 51171 and 58499, and Permit S-54499 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.
5. Permit S-55522, in the name of Tualatin Valley Irrigation District, is issued to replace Permit S-54499, and incorporates the partial cancellation and correction approved by this order. Permit S-54499, in the name of Tualatin Valley Irrigation District, is no longer of any force or effect.
6. The rate of diversion for the change in character of use from irrigation to the proposed nursery and commercial use shall be limited to 0.10 cubic foot per second and shall be further limited to a total volume diverted of 40.0 acre-feet (16.0 x 2.5 acre-feet per acre) during the season of use being, May 1 to September 30.
7. The change in character of use from irrigation to the proposed nursery use shall be further limited such that:
 - a. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b. For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - c. For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - d. For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.
8. The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
9. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

10. The former place of use of the transferred right shall no longer receive water under the right.

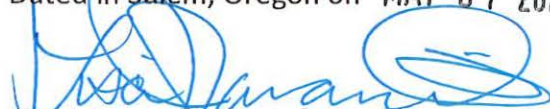
11. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

13. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 07 2025**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: MAY 08 2025

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORTER-WALTON CO., INC.
ROUTE 4, BOX 407
SHERWOOD, OR 97140

confirms the right to use the waters of AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8279, a tributary of TUALATIN RIVER, for SUPPLEMENTAL IRRIGATION of 41.9 ACRES.

This right was perfected under Permit S-45854. The date of priority is APRIL 1, 1980. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.420 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SE	2270 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE DIVERSION OF WATER DURING THE PERIOD FROM JULY 31 TO SEPTEMBER 15 SHALL BE FROM STORED WATER ONLY.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

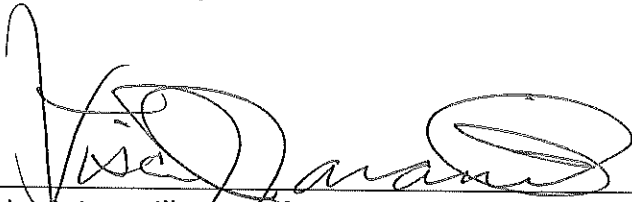
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	25.6
2 S	1 W	WM	18	NE SE		16.3
					Total	41.9

This certificate describes that portion of water right Certificate 58499, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 07 2025, approving Transfer Application T-13542.

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 above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed MAY 07 2025.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF WASHINGTON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PORTER WALTON CO, INC.
ROUTE 4, BOX 407
SHERWOOD, OR 97140

confirms the right to use the waters of a WELL, a tributary of TUALATIN RIVER for IRRIGATION of 38.6 ACRES.

This right was perfected under Permit G-5476. The date of priority is MAY 5, 1971. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.24 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	1020 FEET NORTH AND 480 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

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

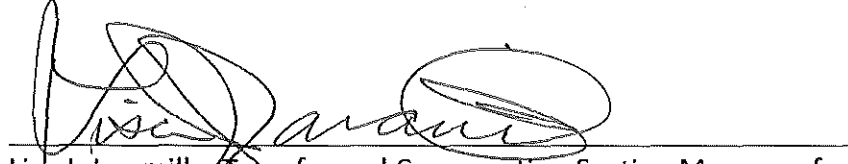
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	22.3
2 S	1 W	WM	18	NE SE		16.3
Total						38.6

This certificate describes that portion of water right Certificate 51171, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 07 2025, approving Transfer Application T-13542.

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 above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MAY 07 2025.

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", is written over a horizontal line.

Lisa J. Jaramillo, (Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TUALATIN VALLEY IRRIGATION DISTRICT
2330 ELM STREET
FOREST GROVE, OR 97116

This superseding permit is issued to describe that portion of Permit S-54499, not modified by the provisions of an order of the Water Resources Director entered MAY 07 2025, approving Transfer Application T-13542, and to describe an amendment for a change in place of use and point of diversion proposed under Water Right Transfer Application T-12699 and approved by Special Order Vol. 113, Page 123, entered May 16, 2019, and a correcting order to describe a scrivener's error in the location of the proposed point of diversion, and to describe an extension of time for complete application of water approved October 26, 2018. This permit supersedes Permit S-54499.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-54580

SOURCE OF WATER: UNIFIED SEWAGE AGENCY ROCK CREEK TREATMENT PLANT DISCHARGE

PURPOSE OR USE: PRIMARY IRRIGATION OF 599.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 1389.3 ACRES.

MAXIMUM RATE: 24.87 CUBIC FEET PER SECOND

DATE OF PRIORITY: JANUARY 4, 1984, for 21.49 CUBIC FEET PER SECOND and DECEMBER 18, 1986, for 3.38 CUBIC FEET PER SECOND

POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	7	SW SW	BAGGENSTOS BROTHERS: 1100 FEET NORTH AND 640 FEET EAST FROM THE SW CORNER OF SECTION 7
2 S	1 W	WM	18	NW NW	ALOIS AMSTAD, SR.: 410 FEET SOUTH AND 360 FEET EAST FROM THE SW CORNER OF SECTION 7
2 S	1 W	WM	18	SE NW	D.L. DENNIS: 2130 FEET SOUTH AND 1510 FEET EAST FROM THE NW CORNER OF SECTION 18
2 S	1 W	WM	18	NE SW	NPI NURSERIES: 870 FEET SOUTH AND 660 FEET WEST FROM THE C1/4 CORNER OF SECTION 18

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NW SW	ED AND ADELE SHEPPARD: 2260 FEET NORTH AND 174 FEET EAST FROM THE SE CORNER OF SECTION 13
2 S	1 W	WM	19	NE NW	BAGGENSTOS BROTHERS: 200 FEET SOUTH AND 2300 FEET WEST FROM THE NW CORNER OF DLC 41
2 S	1 W	WM	20	NE NW	DENE MALLORY: 250 FEET SOUTH AND 2850 FEET WEST FROM THE NE CORNER OF SECTION 20
1 S	2 W	WM	17	NW SW	LAWRENCE WAIBEL: 1130 FEET SOUTH AND 950 FEET EAST FROM THE W1/4 CORNER OF SECTION 17
1 S	2 W	WM	19	NE SE	VANDECOEVERING: 1500 FEET NORTH AND 500 FEET WEST FROM THE SE CORNER OF SECTION 19
1 S	2 W	WM	21	NE SW	MRS. LEO GOLDSMITH: 1160 FEET SOUTH AND 1460 FEET EAST FROM THE W1/4 CORNER OF SECTION 21
1 S	2 W	WM	21	SW SW	BETTIE G. KAMNA: 470 FEET NORTH AND 730 FEET EAST FROM THE NE CORNER OF SECTION 29
1 S	2 W	WM	29	SE SE	MRS. LEO GOLDSMITH: 140 FEET NORTH AND 530 FEET WEST FROM THE SW CORNER OF SECTION 28
1 S	2 W	WM	34	SE SE	RON TANKERSLEY: 620 FEET NORTH AND 720 FEET WEST FROM THE SE CORNER OF SECTION 34
1 S	2 W	WM	34	SE SE	CLARENCE LINDOW: 1000 FEET NORTH AND 700 FEET WEST FROM THE SE CORNER OF SECTION 34
2 S	2 W	WM	9	SW NE	R.L. BERTELLOTTI: 750 FEET NORTH AND 250 FEET EAST FROM THE C1/4 CORNER OF SECTION 9
2 S	2 W	WM	9	NE SE	SAM GOTTER: 1600 FEET NORTH AND 1080 FEET WEST FROM THE SE CORNER OF SECTION 9
2 S	2 W	WM	10	SW NE	VIVIAN ANDERSON: 2390 FEET SOUTH AND 1870 FEET WEST FROM THE NE CORNER OF SECTION 10
2 S	2 W	WM	10	SE SW	ROWELL BROTHERS: 900 FEET NORTH AND 1820 FEET EAST FROM THE SW CORNER OF SECTION 10
2 S	2 W	WM	11	NW SE	WILLIAM BOSWELL, JR.: 1850 FEET NORTH AND 2440 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	NW SE	DALE STOBBE: 1850 FEET NORTH AND 2440 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	NW SE	BYRON FLINT: 1850 FEET NORTH AND 2440 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	HARLAND FLINT: 1850 FEET NORTH AND 2440 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	ALDEN OLESON: 340 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	ALDEN OLESON: 340 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	TOM CURTAN: 340 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	TOM CURTAN: 340 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 11
2 S	2 W	WM	11	SW SE	LOUIS HESSE: 4170 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 11
2 S	2 W	WM	14	SW NW	ROWELL BROTHERS: 2112 FEET SOUTH AND 1056 FEET EAST FROM THE NE CORNER OF SECTION 15
2 S	2 W	WM	16	NE NE	STANFORD GOTTER: 940 FEET SOUTH AND 120 FEET WEST FROM THE NE CORNER OF SECTION 16

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	2 W	WM	19	NW NW	ED RUPPRECHT: 10 FEET SOUTH AND 400 FEET EAST FROM THE SE CORNER OF SECTION 18
2 S	2 W	WM	19	NW NW	ED NEILL: 10 FEET SOUTH AND 400 FEET EAST FROM THE SE CORNER OF SECTION 18

A description of the PLACE OF USE to which this right is appurtenant is as follows:

ALOIS AMSTAD, SR. – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	7	NE SW	24.3
2 S	2 W	WM	7	NW SW	3.5
2 S	2 W	WM	7	SW SW	8.9
2 S	2 W	WM	7	NW SE	25.6
Total					62.3

VIVIAN ANDERSON – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	2	SW SW	7.9
2 S	2 W	WM	3	NW SE	1.6
2 S	2 W	WM	3	SW SE	29.5
2 S	2 W	WM	3	SE SE	29.8
2 S	2 W	WM	10	NE NE	14.6
2 S	2 W	WM	10	NW NE	1.4
2 S	2 W	WM	11	NW NW	5.2
Total					90.0

BAGGENSTOS BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	7	SE SW	30.6
2 S	1 W	WM	7	SW SE	29.3
2 S	1 W	WM	7	SE SE	19.5
2 S	1 W	WM	18	NW NE	7.0
2 S	1 W	WM	18	NE NW	1.6
2 S	1 W	WM	19	SW NE	6.4
2 S	1 W	WM	19	SW NW	2.9
2 S	1 W	WM	19	SE NW	24.8
Total					122.1

BAGGENSTOS BROTHERS – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	7	SW NE	9.7

R.L. BERTELOTTI – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	9	SW NE	5.0

WILLIAM BOSWELL, JR. – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	NW NE	20.5
2 S	2 W	WM	11	SW NE	20.0
2 S	2 W	WM	11	SE NW	1.2
2 S	2 W	WM	11	NW SE	4.3
Total					46.0

TOM CURTAN – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	NE SE	0.4
2 S	2 W	WM	11	SE SE	0.5
2 S	2 W	WM	12	NW SW	8.9
2 S	2 W	WM	12	SW SW	18.5
2 S	2 W	WM	12	SE SW	1.5
Total					29.8

TOM CURTAN – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	NE SE	20.6
2 S	2 W	WM	12	NW SW	2.4
Total					23.0

D.L. DENNIS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	18	SW NE	37.3
2 S	1 W	WM	18	SE NW	15.4
2 S	1 W	WM	18	NE SW	21.4
2 S	1 W	WM	18	NW SW	0.2
2 S	1 W	WM	18	NW SE	28.8
Total					103.1

D.L. DENNIS – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	18	NW SW	7.4

BYRON FLINT – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	SE NE	3.1
2 S	2 W	WM	11	NE SE	4.0
2 S	2 W	WM	11	NW SE	1.8
Total					8.9

BYRON FLINT – PRIMARY IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	NE NE	3.0
2 S	2 W	WM	11	SE NE	16.1
2 S	2 W	WM	12	NW NW	0.7
2 S	2 W	WM	12	SW NW	0.3
Total					20.1

HARLAND FLINT – SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	2	SE SW	0.7
2 S	2 W	WM	11	NW NE	10.0
2 S	2 W	WM	11	NE NW	14.2
Total					24.9

MRS. LEO GOLDSMITH – SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	21	NE SW	27.4
1 S	2 W	WM	21	SE SW	9.4
1 S	2 W	WM	21	NW SE	14.0
1 S	2 W	WM	21	SW SE	9.5
1 S	2 W	WM	28	SW SW	6.0
1 S	2 W	WM	28	SE SW	3.1
1 S	2 W	WM	33	NE NW	7.7
1 S	2 W	WM	33	NW NW	23.2
Total					100.3

SAM GOTTER – SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	9	NE SE	4.0
2 S	2 W	WM	9	NW SE	4.8
2 S	2 W	WM	9	SW SE	22.8
2 S	2 W	WM	9	SE SE	31.4
2 S	2 W	WM	10	SW SW	9.8
2 S	2 W	WM	15	NW NW	1.0
2 S	2 W	WM	16	NE NE	2.0
Total					75.8

SAM GOTTER – PRIMARY IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	9	NW SE	7.0
2 S	2 W	WM	9	SW SE	7.7
2 S	2 W	WM	9	SE SE	2.5
2 S	2 W	WM	16	NE NE	5.7
Total					22.9

STANFORD GOTTER – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	2.2
2 S	2 W	WM	16	NE NE	12.8
Total					15.0

LOUIS HESSE – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	2	NE SW	11.70
2 S	2 W	WM	2	NW SW	5.70
2 S	2 W	WM	2	SW SW	11.10
2 S	2 W	WM	2	SE SW	31.10
2 S	2 W	WM	2	NE SE	3.60
2 S	2 W	WM	2	NW SE	3.60
2 S	2 W	WM	2	SW SE	34.40
2 S	2 W	WM	2	SE SE	38.80
Total					140.0

BETTIE G. KAMNA – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	29	NE NW	5.6
1 S	2 W	WM	29	NW NW	12.2
1 S	2 W	WM	29	SW NW	31.0
1 S	2 W	WM	29	SE NW	14.5
1 S	2 W	WM	29	NE SW	8.6
1 S	2 W	WM	29	NW SW	17.8
1 S	2 W	WM	29	SW SW	0.2
1 S	2 W	WM	30	NE NE	1.6
1 S	2 W	WM	30	SE NE	3.5
Total					95.0

CLARENCE LINDOW – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	28	NE SE	2.6
1 S	2 W	WM	28	SE SE	33.4
1 S	2 W	WM	33	NE NE	23.1
1 S	2 W	WM	33	SE NE	0.9
1 S	2 W	WM	34	SW NW	17.7
1 S	2 W	WM	34	NW SW	0.3
Total					78.0

DENE MALLORY – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	17	NE SW	7.7
2 S	1 W	WM	17	SW SW	11.8
2 S	1 W	WM	17	SE SW	36.3
2 S	1 W	WM	17	SW SE	16.4
2 S	1 W	WM	17	SE SE	1.0
2 S	1 W	WM	20	NE NE	6.8

DENE MALLORY – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	20	NW NE	18.9
2 S	1 W	WM	20	NE NW	2.1
Total					101.0

ED NEILL – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	24	SW NE	33.2
2 S	2 W	WM	24	SE NE	6.8
Total					40.0

NPI NURSERIES – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	1 W	WM	18	SE NE	15.0
2 S	1 W	WM	18	NE SE	17.3
Total					32.3

ALDEN OLESON – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	12	SE NW	19.9
2 S	2 W	WM	12	NE SW	28.2
2 S	2 W	WM	12	NW SW	14.2
2 S	2 W	WM	12	SW SW	3.1
2 S	2 W	WM	12	SE SW	6.5
Total					71.9

ALDEN OLESON – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	12	NE SW	0.3
2 S	2 W	WM	12	NW SW	5.5
Total					5.8

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	10	SW SW	1.1
2 S	2 W	WM	10	SE SW	28.4
2 S	2 W	WM	10	NW SE	2.4
2 S	2 W	WM	10	SW SE	10.4
2 S	2 W	WM	15	NE NE	37.9
2 S	2 W	WM	15	NW NE	8.6
2 S	2 W	WM	15	NE NW	6.5
2 S	2 W	WM	15	NW NW	7.8
Total					103.1

ROWELL BROTHERS – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NE	8.6

ED RUPRECHT – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	24	NE NE	27.7
2 S	2 W	WM	24	NW NE	36.1
Total					63.8

ED RUPRECHT – PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	24	SE NE	22.0

ED AND ADELE SHEPPARD – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	13	SW NE	4.8
2 S	2 W	WM	13	SE NE	3.9
2 S	2 W	WM	13	NE SW	15.1
2 S	2 W	WM	13	SE SW	14.1
2 S	2 W	WM	13	NE SE	18.9
2 S	2 W	WM	13	NW SE	33.2
2 S	2 W	WM	13	SW SE	25.3
2 S	2 W	WM	13	SE SE	0.5
Total					115.8

DALE STOBBE – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	11	NE NE	7.5
2 S	2 W	WM	11	NW NE	8.0
2 S	2 W	WM	11	SW NE	8.7
2 S	2 W	WM	11	SE NE	2.0
2 S	2 W	WM	11	NE SE	0.5
2 S	2 W	WM	11	NW SE	6.3
Total					33.0

RON TANKERSLEY – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	34	NE NE	22.0
1 S	2 W	WM	34	SW NE	11.6
1 S	2 W	WM	34	SE NE	40.0
1 S	2 W	WM	34	NE SE	36.0
1 S	2 W	WM	34	NW SE	10.3
1 S	2 W	WM	34	SW SE	1.3
1 S	2 W	WM	34	SE SE	13.2
1 S	2 W	WM	35	NW NW	15.6
1 S	2 W	WM	35	SW NW	28.8
1 S	2 W	WM	35	NW SW	29.8
1 S	2 W	WM	35	SW SW	16.7
Total					225.3

VANDECOEVERING -- SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	19	NE SE	1.4
1 S	2 W	WM	19	SE SE	26.4
1 S	2 W	WM	20	NW SW	3.6
1 S	2 W	WM	20	SW SW	27.4
1 S	2 W	WM	29	NW NW	1.2
1 S	2 W	WM	30	NE NE	0.2
Total					60.2

LAWRENCE WAIBEL -- SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	2 W	WM	17	SW NW	12.0
1 S	2 W	WM	18	SE NE	15.0
Total					27.0

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, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Transfer Application T-12699 Conditions:

The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Original Permit Conditions:

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit, when issued, is for the beneficial use of water.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

The original permit was issued May 27, 1987. Complete application of the water to the use was to be made on or before October 1, 1990. By Extension of Time Final Order dated October 26, 2018, the deadline for complete application of water to use was extended to October 1, 2023. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

WITNESS the signature of the Water Resources Director, affixed MAY 07 2025.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13542

Transfer Specialist: *Corey*

Transfer Type: **Regular**

Applicant: JOHN O'NEIL 17933 NW EVERGREEN PARKWAY SUITE 300 BEAVERTON, OR 97006 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A TED RESSLER 1600 SW WESTERN AVENUE SUITE 240 CORVALLIS, OR 97333 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Washington County Planning Department Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-5501	G-5476	51171	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97718
<input type="checkbox"/>			58499	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97719
<input type="checkbox"/>		S-54499		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	S-55522

Key Dates & Initial Actions:

Rec'd: November 5, 2020	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE; USE	
Fees Pd: 3430.00	WM District: 18	ODFW District:
Initial Public Notice: November 10, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent: 1/14/25	News \$ received: 1/24/25
Request to publish sent: 2/3/2025	Affidavit of publication received:	Last day of publication:

Sherwood Gazette Beaverton Valley Times

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 3/27/24 Initials: CC	Date: 4/11/24 Initials: ALD	Date: _____ Initials: _____	Date: 4/18/24 Initials: PLS	Date: 10/4/24 Initials: CC	CW Sent: 10/4/24	N/A
PD	Date: 12/3/24 Initials: CC	Date: 12/9/24 Initials: SG	Date: _____ Initials: _____	Date: 1/9/25 Initials: SH	Date: 1/9/25 Initials: CC	Date: 1/30/25	Date: 2/3/2025
FO	Date: 3/24/25 Initials: CC	Date: 3/26/25 Initials: JS	Date: _____ Initials: _____	Date: 3/26/25 Initials: SH	Date: 4/3/25 Initials: CC	Date: 4/3/25	Date: 5/7/2025

Special Issues: _____

Special Order Volume: Vol. 134 Pages 598-605

COURCHANE Corey A * WRD

From: COURCHANE Corey A * WRD
Sent: Tuesday, January 28, 2025 10:09 AM
To: BUCHHOLZ Sheila L * WRD
Subject: RE: MF Beef Bend LLC, T-13542

Good morning Sheila,

I finally has some spare time to look over what you found on the superseding permit. See my responses below. Unfortunately I wasn't able to correct all of the items you identified, as we have to wait for a COBU to be submitted. Please let me know if I may be of further assistance.

Thank you,

Corey

COREY A COURCHANE | ALLOCATION OF CONSERVED WATER

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Work cell: 503 979-3917 | Fax: 503 986-0901
Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>

From: BUCHHOLZ Sheila L * WRD <Sheila.L.BUCHHOLZ@water.oregon.gov>
Sent: Tuesday, January 21, 2025 9:59 AM
To: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>; WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: RE: MF Beef Bend LLC, T-13542

Hello Corey,

This PD has been completed by data. You were right, this one had a lot of moving parts. The part that seemed to have any issues that I thought you might want to know about is the new permit S-55522, snap 228465.

1. On page 9 of the permit on the last supplemental entry I show those acres as "Lawrence Waibel", not "Vandecoevering" as on the document. Is this perhaps an unintentional duplication of the previous named acres? **Corrected to Lawrence Waibel**
2. On page 7, on the 2nd to the last entry, the 5.5 acres of IR for Alden Oleson was previously recorded as in the NWNW, just making sure that change was intentional. **Permit S-54499 identifies 5.5 acres in the NW SW of Sec 12, 2S, 2W. I have to go off of what the previous permit shows, so I did not change to NW NW. Also, the original permit, being S-49958 identifies NW SW of Sec 12.**
3. POD 2, (Alois Amstad) the measured distance of 360 feet would have to be measured EAST not WEST to be in the NWNW of section 18. **This one is definitely a miscalculation, and being an error when the permit was applied for, I have corrected it to EAST. Normally we would just say the CWRE will fix when they prove up on the permit, but you can clearly see the direction was misidentified.**
4. POD 5, (Ed & Adele Sheppard) the measured distance of 174 feet would have to be measured East not West to be in the NWSW of section 18. **Same as above for POD 2.**

5. POD 11, (Bettie G. Kamna) the measurements listed place the POD in the middle of a field, the river is in the SESW, not the SWSW. **I agree with you on this one, however I can't change this. This will have to be fixed when the applicant submits the COBU to prove up on the permit.**
6. POD 14, (Clarence Lindow) the measurements place the POD 400 ft+ North of where the stream is. **Same as above for POD 11.**
7. PODS 30 & 31, (Ed Rupprecht & Ed Neill) the measurements can't be correct. Duff believes the measurement should be from the SW corner, instead of the SE and the directional should be North instead of South and the document would read that they are in the SWSW of Section 18 instead of the NWNW of section 19. This is where I placed them in WRIS before committing them. **Same as above for POD 11.**

Please let me know if any of these items are changed, or if they will remain as is so I can update WRIS accordingly and clear the RTC (Return to Caseworker) entry.

Thank you,

[Sheila Buchholz](#)

(She/Her/Hers)

Data Technician 1

725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: Sheila.L.Buchholz@water.oregon.gov



[Integrity](#) | [Service](#) | [Technical Excellence](#) | [Teamwork](#) | [Forward-Looking](#)

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Sent: Thursday, January 9, 2025 8:02 AM
To: WRD_DL_is_data_techs <WRD_DL_is_data_techs@water.oregon.gov>
Subject: MF Beef Bend LLC, T-13542

Good morning,

The PD for T-13542 is ready for review. There's a lot going on in this transfer, so please let me know if you have any questions. One RR, one partial cancellation RR, and one superseding permit due to partial cancellation.

Thank you,

Corey

**COREY A COURCHANE |
ALLOCATION OF CONSERVED WATER**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Work cell: 503 979-3917 | Fax: 503 986-0901

Email: corey.a.courchane@water.oregon.gov | Web: <http://www.oregon.gov/OWRD>



P.O. Box 45 West Linn, OR 97068
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, ss I, Kristine Humphries, being first duly sworn, depose and say that I am the Principal Clerk of the The Times, a newspaper of general circulation, published in Washington County, Oregon, as defined by ORS 193.010 and 193.020, that

SEE EXHIBIT A

Ad#: 349061
Owner: Oregon Water Resources Department
Description: Notice of Preliminary Determination for Water Right Transfer T-13542

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:
02/13/2025, 02/20/2025



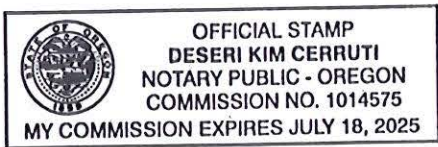
Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this
02/20/2025.



NOTARY PUBLIC FOR OREGON

Acct #: 149038
Attn:
OREGON WATER RESOURCES DEPARTMENT
725 SUMMER STREET SE, SUITE A
SALEM, OR 97301



Received
MAR 03 2025
OWRD

EXHIBIT A

Notice of Preliminary Determination for Water Right Transfer T-13542

T-13542 filed by MF Beef Bend, LLC, Attn: John O'Neil, 17933 NW Evergreen Parkway, Suite 300, Beaverton, OR 97006, proposes an additional point of appropriation, a change in place of use, and a change in character of use under Certificate 51171. The right allows the use of 0.10 cubic foot per second from a well in Sec. 18, T2S, R1W, WM for irrigation in Sec. 18, T2S, R1W, WM. The applicant proposes an additional point of appropriation in Sec. 18, T2S, R1W, WM, to change the place of use within Sec. 18, T2S, R1W, WM., and to change the character of use to nursery and commercial use. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, February 20, 2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published Feb 13 & 20, 2025.

TT349061

Received
MAR 03 2025
OWRD



Oregon

Tina Kotek, Governor

Water Resources Department
North Mall Office Building

February 3, 2025

VIA CERTIFIED MAIL AND E-MAIL

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
17933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

SUBJECT: Water Right Transfer Application T-13542

52 192E 9020 0220 0710 0710 6959

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	Postmark Here
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	7-13542
\$	
Total Postage and Fees	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13542. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Sherwood Gazette newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13542
Jacob W. Constans, District 18 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*
AGC Properties, LLC, Attn: Mark Bigej, Receiving Landowner *(via e-mail)*

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application T-13542, Washington County))))))))	PRELIMINARY DETERMINATION PROPOSING APPROVAL FOR AN ADDITIONAL POINT OF APPROPRIATION, A CHANGE IN PLACE OF USE, A CHANGE IN CHARACTER OF USE, PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE, AND PARTIAL CANCELLATION OF A WATER USE PERMIT
---	--------------------------------------	---

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
17933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

Receiving Landowner

AGC PROPERTIES, LLC
ATTN: MARK BIGEJ
1220 N PACIFIC HIGHWAY
WOODBURN, OR 97071

Findings of Fact

1. On November 5, 2020, MF BEEF BEND, LLC, ATTN: JOHN O'NEIL filed an application for an additional point of appropriation, to change the place of use, and to change the character of use under Certificate 51171. The Department assigned the application number T-13542.
2. AGC PROPERTIES, LLC, ATTN: MARK BIGEJ is the receiving landowner who will be responsible for completion of the changes.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

3. Notice of the application for transfer was published on November 10, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On December 1, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application did not include a Supplemental Form D, as the authorized and proposed place of use is located within the Tualatin Valley Irrigation District (District) and is also layered with Permit S-54499 in the name of the District. Certificate 58499 in the name of MF Beef Bend, LLC is also layered with the portion of Certificate 51171 involved in T-13542 and was not included in the application pursuant to OAR 690-380-2240. Table 2 described 14.0 acres being transferred off of the "FROM" lands, and only 8.0 acres on the "TO" lands, so the amount of acres being transferred wasn't clear. The Department requested that the deficiencies be resolved by January 3, 2022.
5. On February 6, 2024, the Department received a revised application, map, and an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 58499.
6. On March 28, 2024, the Department received an Affidavit for the Voluntary Cancellation of a Portion of Water Use Permit S-54499 from the District, resolving the deficiencies.
7. On October 4, 2024, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13542 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

8. The portion of the right to be transferred is as follows:

Certificate: 51171 in the name of PORTER WALTON CO, INC. (perfected under Permit G-5476)

Use: IRRIGATION OF 16.0 ACRES

Priority Date: MAY 5, 1971

Rate: 0.10 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 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.

Source: A WELL, a tributary of TUALATIN RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	(WELL 1) - 1020 FEET NORTH AND 480 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	15.3
2 S	1 W	WM	18	NE SE		0.7
Total						16.0

9. Transfer Application T-13542 proposes an additional point of appropriation approximately 916 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	WELL 2 - 130 FEET NORTH AND 700 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

10. Transfer Application T-13542 also proposes to change the place of use of the right to:

NURSERY AND COMMERCIAL USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	6.4
2 S	1 W	WM	18	NE SE		1.6
Total						8.0

11. Transfer Application T-13542 proposes to change the character of use to Nursery and Commercial Use.

12. The applicant proposes to double the acres on a deficient irrigation right to get a higher irrigation rate, while reducing the number of acres irrigated to one half; i.e. change from 16.0 acres irrigated, to 8.0 acres irrigated.

13. Certificate 51171 does not specify a season of use; therefore, pursuant to the Tualatin River decree, the season of use is May 1 to September 30.

14. On May 16, 2019, the Department approved Transfer Application T-12699, recorded at Special Order Volume 113, Pages 123-128. The final order contained a scrivener's error in the description of the existing acres under Permit S-54499 below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	2 W	WM	15	NW NW		7.9

The correct description of the existing acres under Permit S-54499 are shown below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	7.8

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300]

15. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13542.
17. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
18. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
19. The proposed changes would not result in enlargement of the right if the rate of appropriation for the change in character of use from irrigation to the proposed nursery and commercial use is limited to 0.10 cubic foot per second and be further limited to a total volume of 40.0 Acre-Feet (AF) (16.0 acres x 2.5 AF per acre) during the season of use, being May 1 to September 30. Further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.

- 20. The proposed changes, as conditioned, would not result in injury to other existing water rights.
- 21. All other application requirements are met.

Partial Cancellation of a Water Right

22. On February 6, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from MF Beef Bend, LLC, Attn: John O'Neil. The portion of the right to be cancelled is as follows:

Certificate: 58499 in the name of PORTER-WALTON CO., INC. (perfected under Permit S-45854)
Use: SUPPLEMENTAL IRRIGATION OF 12.7 ACRES
Priority Date: APRIL 1, 1980
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE DIVERSION OF WATER DURING THE PERIOD FROM JULY 31 TO SEPTEMBER 15 SHALL BE FROM STORED WATER ONLY.
Source: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8279, a tributary of TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SE	2270 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 18

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
Total						12.7

Partial Cancellation of a Water Use Permit

23. On March 28, 2024, an affidavit certifying that a portion of a water use permit has been abandoned and requesting cancellation of the permit was received from Tualatin Valley Irrigation District. The portion of the permit to be cancelled is as follows:

Permit: S-54499 in the name of TUALATIN VALLEY IRRIGATION DISTRICT
Use: PRIMARY IRRIGATION OF 12.7 ACRES

Priority Date: JANUARY 4, 1984 for 0.11 CUBIC FOOT PER SECOND and DECEMBER 18, 1986 for 0.02 CUBIC FOOT PER SECOND

Rate: 0.13 CUBIC FOOT PER SECOND

Limit/Duty: 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, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: UNIFIED SEWAGE AGENCY ROCK CREEK TREATMENT PLANT DISCHARGE

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SW	NPI NURSERIES: 870 FEET SOUTH AND 660 FEET WEST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

NPI NURSERIES – PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
					Total	12.7

Determination and Proposed Action

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of the right and permit will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right and permit will be cancelled.

If Transfer Application T-13542 is approved, the final order will include the following:

- 1. The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 is approved. The portion of the right and Permit S-54499 that have been abandoned are cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 51171 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person’s property for purposes of accessing the new additional point of appropriation or the new place of use.*

4. *Water right Certificates 51171 and 58499, and Permit S-54499 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.*
5. *Permit S-55522, in the name of Tualatin Valley Irrigation District, is issued to replace Permit S-54499, and incorporates the partial cancellation and correction approved by this order, Permit S-54499, in the name of Tualatin Valley Irrigation District, is no longer of any force or effect.*
6. *The rate of diversion for the change in character of use from irrigation to the proposed nursery and commercial use shall be limited to 0.10 cubic foot per second and shall be further limited to a total volume diverted of 40.0 acre-feet (16.0 x 2.5 acre-feet per acre) during the season of use being, May 1 to September 30.*
7. *The change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
 - a. *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.*
 - b. *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.*
 - c. *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.*
 - d. *For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.*
8. *The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
9. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
10. *The former place of use of the transferred right shall no longer receive water under the right.*

11. *Water use measurement conditions:*

- a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **FEB 03 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR

Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last

date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503-986-0900
Fax 503 986-0904
www.oregon.gov/owrd

January 14, 2025

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
117933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

SUBJECT: Water Right Transfer Application T-13542

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$85.06 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write **"for T-13542 NOTICE"** on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than February 14, 2025.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Beaverton Valley Times newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by February 14, 2025, a Preliminary Determination may be issued denying the application as incomplete.

✂-----

Attached is a check in the amount of \$85.06 (PCA #46118) for Newspaper Notice for Transfer T-13542 made out to Oregon Water Resources Department (or WRD)

- **"for T-13542 NOTICE" written on front of check**

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: cc

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13542
Jacob W. Constans, District 18 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*
AGC Properties, LLC, Attn: Mark Bigej, Receiving Landowner *(via e-mail)*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

October 4, 2024

VIA E-MAIL

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
17933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

Reference: Water Right Transfer Application T-13542

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13542. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 4, 2024.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by NOVEMBER 4, 2024, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right is currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

The Watermaster has required a water measurement device(s) at the new diversion point(s) prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device(s).

Please note the proposed date by which all conditions must be met: October 1, 2026. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. **As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).**

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by November 4, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13542
Jacob W. Constans, District 18 Watermaster *(via e-mail)*
Ted Ressler, Agent for the applicant *(via e-mail)*
AGC Properties, LLC, Attn: Mark Bigej, Receiving Landowner *(via e-mail)*

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application
T-13542, Washington County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL FOR AN
ADDITIONAL POINT OF APPROPRIATION,
A CHANGE IN PLACE OF USE, A CHANGE
IN CHARACTER OF USE, PARTIAL
CANCELLATION OF A WATER RIGHT
CERTIFICATE, AND PARTIAL
CANCELLATION OF A WATER USE PERMIT

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
17933 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006

Receiving Landowner

AGC PROPERTIES, LLC
ATTN: MARK BIGEJ
1220 N PACIFIC HIGHWAY
WOODBURN, OR 97071

Findings of Fact

1. On November 5, 2020, MF BEEF BEND, LLC, ATTN: JOHN O'NEIL filed an application for an additional point of appropriation, to change the place of use, and to change the character of use under Certificate 51171. The Department assigned the application number T-13542.
2. AGC PROPERTIES, LLC, ATTN: MARK BIGEJ is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on November 10, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

4. On December 1, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application did not include a Supplemental Form D, as the authorized and proposed place of use is located within the Tualatin Valley Irrigation District (District) and is also layered with Permit S-54499 in the name of the District. Certificate 58499 in the name of MF Beef Bend, LLC is also layered with the portion of Certificate 51171 involved in T-13542 and was not included in the application pursuant to OAR 690-380-2240. Table 2 described 14.0 acres being transferred off of the "FROM" lands, and only 8.0 acres on the "TO" lands, so the amount of acres being transferred wasn't clear. The Department requested that the deficiencies be resolved by January 3, 2022.
5. On February 6, 2024, the Department received a revised application, map, and an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 58499.
6. On March 28, 2024, the Department received an Affidavit for the Voluntary Cancellation of a Portion of Water Use Permit S-54499 from the District, resolving the deficiencies.
7. The portion of the right to be transferred is as follows:

Certificate: 51171 in the name of PORTER WALTON CO, INC. (perfected under Permit G-5476)

Use: IRRIGATION OF 16.0 ACRES

Priority Date: MAY 5, 1971

Rate: 0.10 CUBIC FOOT PER SECOND

Limit/Duty: 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 2.5 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.

Source: A WELL, a tributary of TUALATIN RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	(WELL 1) - 1020 FEET NORTH AND 480 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	15.3
2 S	1 W	WM	18	NE SE		0.7
Total						16.0

8. Transfer Application T-13542 proposes an additional point of appropriation approximately 916 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	1 W	WM	18	SE NE	42	WELL 2 - 130 FEET NORTH AND 700 FEET WEST FROM THE E1/4 CORNER OF SECTION 18

9. Transfer Application T-13542 also proposes to change the place of use of the right to:

NURSERY AND COMMERCIAL USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	6.4
2 S	1 W	WM	18	NE SE		1.6
Total						8.0

10. Transfer Application T-13542 proposes to change the character of use to Nursery and Commercial Use.

11. The applicant proposes to double the acres on a deficient irrigation right to get a higher irrigation rate, while reducing the number of acres irrigated to one half; i.e. change from 16.0 acres irrigated, to 8.0 acres irrigated.

12. Certificate 51171 does not specify a season of use; therefore, pursuant to the Tualatin River decree, the season of use is May 1 to September 30.

13. On May 16, 2019, the Department approved Transfer Application T-12699, recorded at Special Order Volume 113, Pages 123-128. The final order contained a scrivener's error in the description of the existing acres under Permit S-54499 below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	7.9

The correct description of the existing acres under Permit S-54499 are shown below in bold:

ROWELL BROTHERS – SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	2 W	WM	15	NW NW	7.8

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2), 690-380-2200, and 690-380-2300]

14. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13542.
16. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
17. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
18. The proposed changes would not result in enlargement of the right if the rate of appropriation for the change in character of use from irrigation to the proposed nursery and commercial use is limited to 0.10 cubic foot per second and be further limited to a total volume of 40.0 Acre-Feet (AF) (16.0 acres x 2.5 AF per acre) during the season of use, being May 1 to September 30. Further limited such that:
 - a) The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.
 - b) For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - c) For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.
 - d) For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.
19. The proposed changes, as conditioned, would not result in injury to other existing water rights.
20. All other application requirements are met.

Partial Cancellation of a Water Right

21. On February 6, 2024, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from MF Beef Bend, LLC, Attn: John O'Neil. The portion of the right to be cancelled is as follows:

Certificate: 58499 in the name of PORTER-WALTON CO., INC. (perfected under Permit S-45854)
Use: SUPPLEMENTAL IRRIGATION OF 12.7 ACRES
Priority Date: APRIL 1, 1980
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. THE DIVERSION OF WATER DURING THE PERIOD FROM JULY 31 TO SEPTEMBER 15 SHALL BE FROM STORED WATER ONLY.
Source: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-8279, a tributary of TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SE	2270 FEET NORTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 18

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
					Total	12.7

Partial Cancellation of a Water Use Permit

22. On March 28, 2024, an affidavit certifying that a portion of a water use permit has been abandoned and requesting cancellation of the permit was received from Tualatin Valley Irrigation District. The portion of the permit to be cancelled is as follows:

Permit: S-54499 in the name of TUALATIN VALLEY IRRIGATION DISTRICT
Use: PRIMARY IRRIGATION OF 12.7 ACRES
Priority Date: JANUARY 4, 1984 for 0.11 CUBIC FOOT PER SECOND and DECEMBER 18, 1986 for 0.02 CUBIC FOOT PER SECOND
Rate: 0.13 CUBIC FOOT PER SECOND
Limit/Duty: 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, and shall be further

limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: UNIFIED SEWAGE AGENCY ROCK CREEK TREATMENT PLANT DISCHARGE

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	18	NE SW	NPI NURSERIES: 870 FEET SOUTH AND 660 FEET WEST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

NPI NURSERIES – PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	1 W	WM	18	SE NE	42	12.0
2 S	1 W	WM	18	NE SE		0.7
					Total	12.7

Determination and Proposed Action

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of the right and permit will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right and permit will be cancelled.

If Transfer Application T-13542 is approved, the final order will include the following:

- 1. The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-13542 is approved. The portion of the right and Permit S-54499 that have been abandoned are cancelled.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 51171 and any related decree.*
- 3. Approval of this transfer application does not constitute nor grant legal access onto or through another person’s property for purposes of accessing the new additional point of appropriation or the new place of use.*
- 4. Water right Certificates 51171 and 58499, and Permit S-54499 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.*
- 5. Permit S-55522, in the name of Tualatin Valley Irrigation District, is issued to replace Permit S-54499, and incorporates the partial cancellation and correction approved by this order, Permit S-54499, in the name of Tualatin Valley Irrigation District, is no longer of any force or effect.*

6. *The rate of diversion for the change in character of use from irrigation to the proposed nursery and commercial use shall be limited to 0.10 cubic foot per second and shall be further limited to a total volume diverted of 40.0 acre-feet (16.0 x 2.5 acre-feet per acre) during the season of use being, May 1 to September 30.*
7. *The change in character of use from irrigation to the proposed nursery use shall be further limited such that:*
 - a. *The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.10 cubic foot per second per acre and 40.0 acre-feet per acre during the irrigation season of each year.*
 - b. *For the irrigation of containerized nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.*
 - c. *For the irrigation of in-ground nursery plants, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year.*
 - d. *For the irrigation of any other crop, the amount of water diverted is limited to 0.10 cubic foot per second (or its equivalent) and 40.0 acre-feet per acre during the irrigation season of each year. The use of water for irrigation of any other crop shall be limited to 8.0 acres.*
8. *The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
9. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
10. *The former place of use of the transferred right shall no longer receive water under the right.*
11. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*

- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2026. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
13. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov



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February 6, 2024

Mr. Corey Courchane
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Revised Application for Transfer T-13542, Application filed by MF Beef Bend, LLC.

Corey:

Please find enclosed a revised application for Transfer T-13542 that incorporates the following changes.

- A. A change to the location of the proposed additional point of appropriation
- B. A change in the proposed new use of water
- C. Changes to address application deficiencies summarized in the Department's letter dated December 1, 2021.

For ease of tracking, the specific changes made to the application are highlighted in yellow and new additions to the application materials are flagged with a "New" stamp.

In regards to Item C, a discussion of each application deficiency identified by the Department in its December 1, 2021 letter is provided below.

1. *The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. Since the current and proposed place of use is located within the Tualatin Valley Irrigation District and may also be layered with Permit S-54499, a Supplemental Form D (attached) is required. Please complete and submit the attached Supplemental Form D. The applicant is currently finalizing an agreement with Tualatin Valley Irrigation District (TVID) to exit from the district and for TVID to voluntarily cancel the portion of Permit S-54499 that is located on the property associated with T-13542. Once the exit agreement is executed and the voluntary cancellation of Permit S-54499 is submitted, this deficiency will be resolved because the property associated with the transfer application will no longer be served by TVID. Documentation of resolution of this deficiency will be separately submitted to the Department once the exit agreement and voluntarily cancellation are completed.*
2. *The Evidence of Use submitted with the application, indicates that portions of Certificate 51171 are paved, and have not been irrigated for more than 5 years. Therefore, beneficial use of water as authorized under Certificate 51171 has not been made, and those portions should be cancelled. Pursuant to Oregon Revised*

Statute 540.610, beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right. If T-13542 is approved, the lands not being affected by the transfer will become a remaining right, thus creating a remaining right certificate. The Department cannot issue a certificate for lands that have not received the beneficial use of water for over 5 years. Please revise the REMAINING Lands map, complete the attached Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and resubmit.

Following discussion of this item with the Department, the Department determined that this item does not need to be addressed by the applicant – see attached email from Kelly Starnes dated February 10, 2022.

3. *On page 8 of the application, it is stated, "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." A transfer cannot be completed unless the right that is layered with the water right involved in the transfer, is either moved with or cancelled. Please complete an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and submit.*

An Affidavit for the Voluntary Cancellation of a Portion of Certificate 58499 is included as Attachment F of the enclosed application.

4. *Table 2 "FROM" lands identifies 14.0 acres changing place of use and character of use, however the "TO" lands identifies only 8.0 acres. You cannot shrink the 14.0 acres down to 8.0 acres as it must be acre for acre. The remaining 6.0 acres either need to move somewhere else, or be cancelled. Please revise Table 2 and the map, and resubmit.*

Following discussion of this item with the Department (Kelly Starnes and Lisa Jaramillo), the following revised approach was developed for the transfer application. The application has been revised to involve proposed changes to two 8-acre portions of the water right (16 acres total). For the first 8-acre portion, a APOA will be added, the use will be changed to "nursery use and commercial use", and the 8-acres of FROM lands will be moved to 8-acres of TO lands. For the second 8-acre portion, a APOA will be added, the use will be changed to "nursery use and commercial use", and the 8-acres of FROM lands will be moved to 8-acres of TO lands. The 8-acres of TO lands are the same for both 8-acre portions of Certificate 51171 involved in the transfer, and since nursery use and commercial use rights do not layer, the water use authorized from each 8-acre portion will be additive. The expectation is that the Department will limit both the rate and the volume of use based on the 16.0 acres of irrigation involved in the transfer (i.e., an instantaneous rate of up to 0.10 cfs with an annual volume limit of 40 AF).

Lastly, please note that a revised land use form is not included in the enclosed application. The property is located in a portion of Washington County that is being annexed into the City of King City, which is expected to be completed this month (February 2024). A new land use form reviewed by the planning division at City of King City will be separately submitted to the Department.

Subject: Revised Application for Transfer T-13542, Application filed by MF Beef Bend.

If you have any questions regarding the enclosed application, you can reach me at 503-967-7050 x204. Please copy me on any correspondence regarding this application.

Respectfully submitted,



Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Cc: John O'Neil – MF Beef Bend, LLC
Mark Bigej – AGC Properties, LLC

Enclosures:

Email correspondence with Kelly Starnes dated February 10, 2022
Revised application for Transfer T-13542

Ressler, Ted

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Thursday, February 10, 2022 8:55 AM
To: Ted Ressler
Cc: JARAMILLO Lisa J * WRD; COURCHANE Corey A * WRD
Subject: RE: Transfer T-13542

Good Morning Ted,

I apologize for the delay in responding, busy busy busy here.....

The question about use of the remaining right does not have to be answered by the applicant. The Department will issue a remaining right when the transfer is approved. There is language in the remaining right certificate that says issuance of the certificate does not confirm use of the right. Future transfers off the remaining right will still have to show evidence of use of the right.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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

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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. 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.

(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/. 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°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MF Beef Bend, LLC; ATTN: John O'Neil		PHONE NO. 503-597-7132	ADDITIONAL CONTACT NO.
ADDRESS 17933 NW Evergreen Place, Suite 300			FAX NO.
CITY Beaverton	STATE OR	ZIP 97006	E-MAIL John@MetLandGroup.com
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.			

*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 Summit Water Resources, LLC: Attn: Ted Ressler		PHONE NO. 503-967-7050 x204	ADDITIONAL CONTACT NO.
ADDRESS 4784 SE 17th Avenue, Suite 111			FAX NO.
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.com
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.			

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 16.0-acre portion of Certificate 51171: change the character of use from Irrigation to Nursery Use and Commercial Use, change the place of use to an 8.0 acre area of nursery and commercial operations; and add an additional point of appropriation. It is anticipated that the Department will limit the proposed use of water for nursery use and commercial use to an instantaneous rate of 0.10 cfs and an annual volume of 40 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.

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)

Date

4-8-2022

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

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

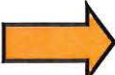
Describe any special ownership circumstances here: **MF Beef Bend, LLC is the current owner of the land associated with the existing authorized place of use and the proposed place of use. AGC Properties, LLC will be purchasing the property associated with the proposed place of use.**

- 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 Washington County Planning and Development Services	ADDRESS 155 N First Ave., Suite 350, MS14		
CITY Hillsboro	STATE OR	ZIP 97124	

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	130 feet North and 700 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.

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	
EXAMPLE																					
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	15.3	Irrigation	Well 1	5/5/1971	POU/USE/ APOA	2	S	1	W 18 SE NE	1502	DLC 42	6.4	Nursery and Commercial 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 and Commercial Use	Well 1, Well 2	5/5/1971	
TOTAL ACRES:						16.0						TOTAL ACRES:						8.0			

Additional remarks: **The Applicant is proposing to change the character of use of 16.0 acres of Irrigation under Certificate 51171 to Nursery Use and Commercial Use on 8.0 acres. This will be accomplished by transferring (POU/USE/APOA) 8.0 acres of Certificate 51171 (FROM Lands 1) to the 8.0 acres of TO Lands, and then transferring (POU/USE/APOA) an additional 8.0 acres of Certificate 51171 (FROM Lands 2) to the same 8 acres of TO Lands. The intent is to create 8.0 acres of nursery use and commercial use, with the expectation that the Department will limit both the rate and volume of use based on the 16.0 acres of irrigation transferred (an instantaneous rate of up to 0.10 cfs with an annual volume limit of 40 AF). The Applicant requests that the Department issue a single certificate combining both of the transferred portions when the claim of beneficial use for the transfer is received and approved.**

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 # _____.

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 (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.

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	

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
irrigation of 54.6 acres

for the purpose of

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

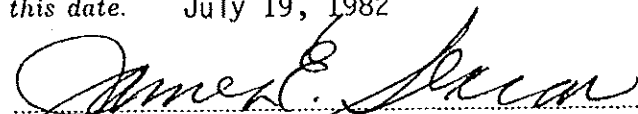
This certificate is issued so as to correctly describe the date of priority and supersedes Certificate of Water Right recorded at page 50548, Volume 44, State Record of Water Right Certificates.

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.

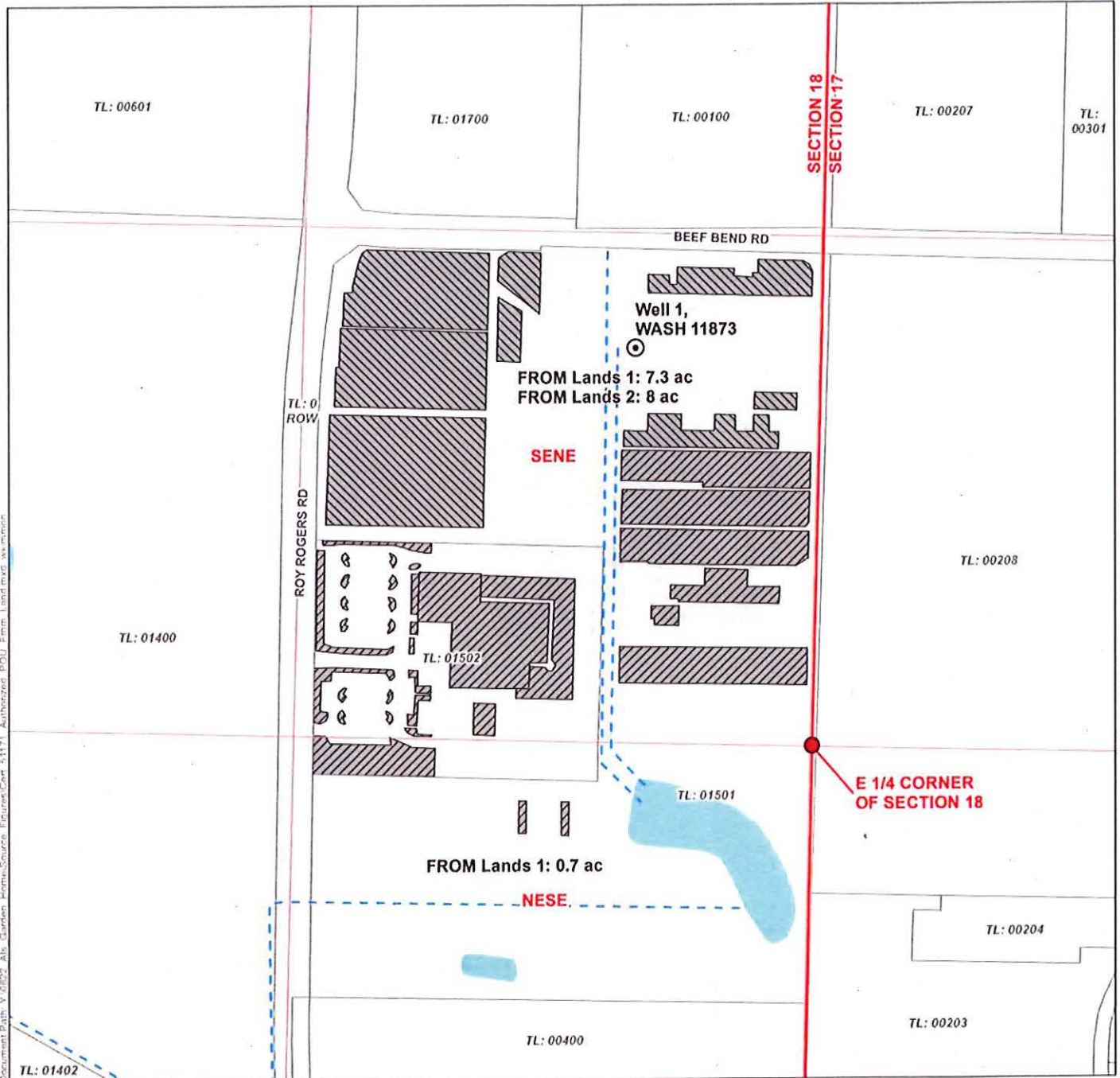
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. July 19, 1982


Water Resources Director

Application for Permanent Water Right Transfer Certificate 51171 FROM Lands and Authorized Point of Appropriation Township 2 South, Range 1 West (W.M.)



LEGEND

- Authorized Point of Appropriation (POA)
- Conveyance
- FROM Lands 1 (8 ac)
- FROM Lands 2 (8 ac)
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)

Certified Water Rights Examiner Stamp



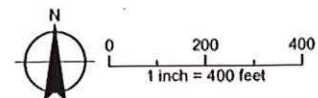
RENEWED: 12-31-2024

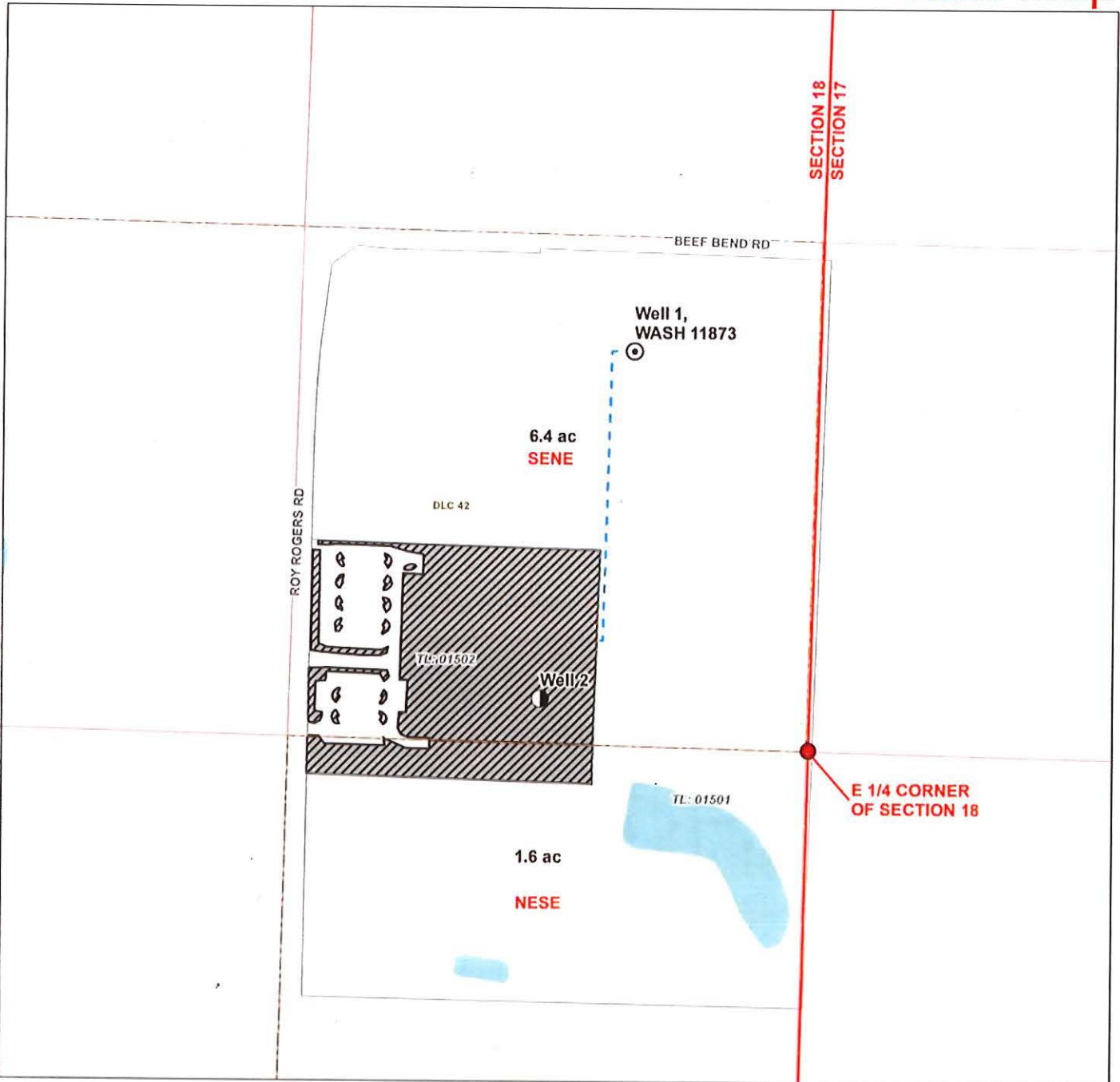
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: January 27, 2022
Data Sources: BLM, OWRD, Metro, ESRI





LEGEND

- Authorized Point of Appropriation (POA)
- Proposed Additional Point of Appropriation (POA)
- TO Lands
- Conveyance
- Donation Land Claim (DLC)
- Waterbody

Application for Permanent Water Right Transfer TO Lands and Additional Point of Appropriation

Certificate 51171

Township 2 South, Range 1 West (W.M.)

CERTIFIED WATER RIGHTS EXAMINER STAMP



RENEWS: 12.31.2024

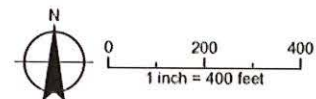
POA LOCATION DESCRIPTION

Well 1, WASH 11873
 Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)
Well 2
 Located 130 feet North and 700 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)

DISCLAIMER

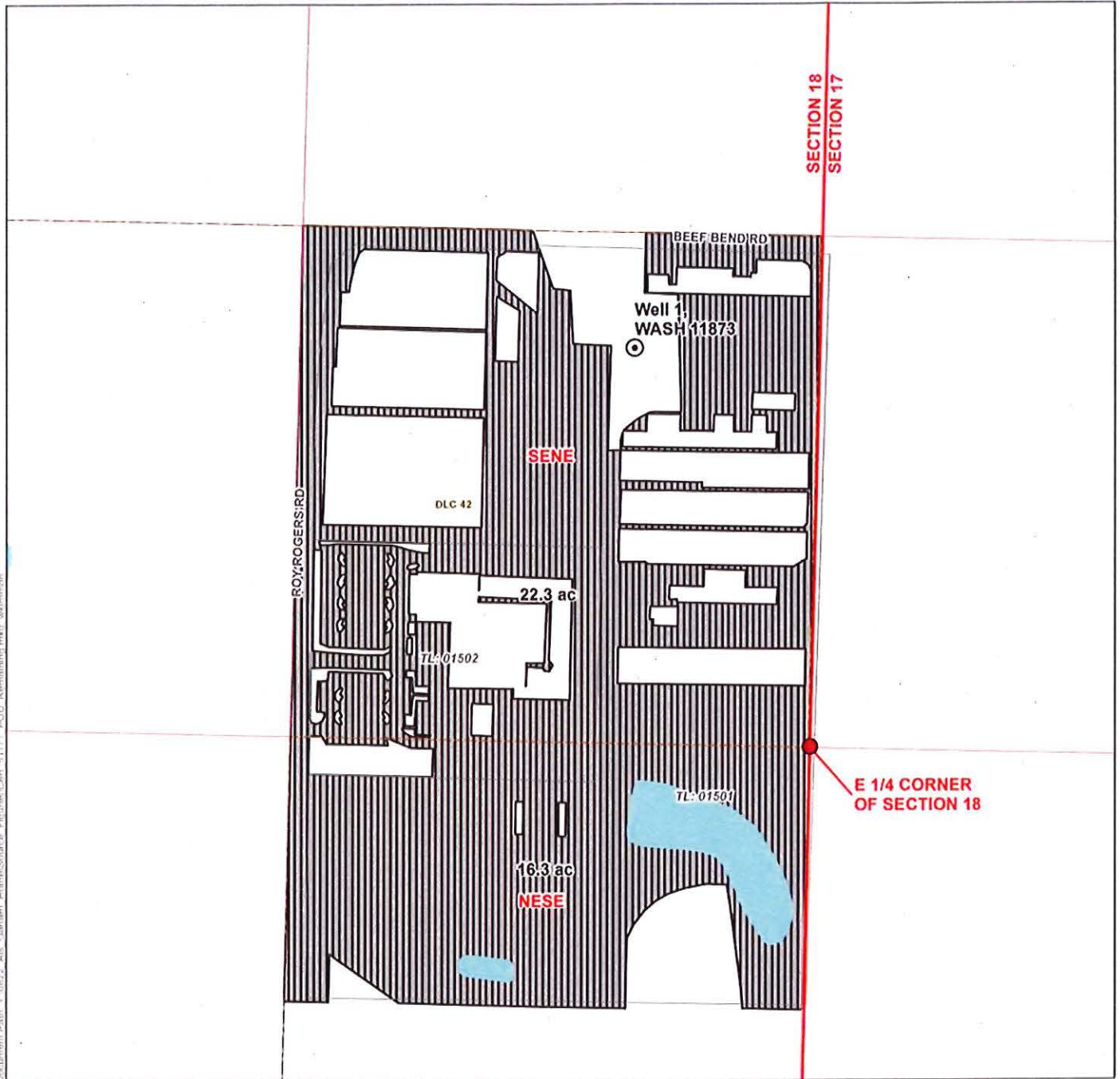
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: January 29, 2024
 Data Sources: BLM, ESRI, OWRD, USGS



Application for Permanent Water Right Transfer
 Certificate 51171
 REMAINING Lands

Township 2 South, Range 1 West (W.M.)



Document Path: V:\0872_Als_Garden_HomeSource_Equities\Cert 51171_POU_Remaining_may_2022.mxd

LEGEND

- Authorized Point of Appropriation (POA)
- Remaining Lands
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



RENEWS: 12.31.2024

DISCLAIMER

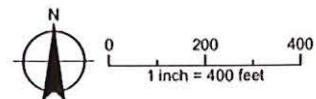
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: January 27, 2022
 Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION

Well 1, WASH 11873
 Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



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 503-597-7132, 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

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	15.3
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)

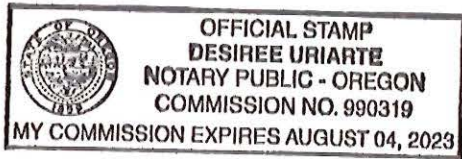
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF NURSERY STOCK

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 _____

10-22-2020
Date

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



DU
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 confirming 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"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<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"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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



NOTICE TO WATER WELL CONTRACTOR
The original and file copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion

RECEIVED
WATER WELL REPORT
STATE OF OREGON
SALEM, OREGON

WASH
011873
State Well No. 2/1W-18 adb
State Permit No.
G-5501

(1) OWNER: *Porter Walton Co. Inc. Nursery Pkt. WSR*
Name **Yoshio & Sachiko Haruiko**
Address **15685 S.W. 150th Ave. Tigard, Ore. 97223**

(2) TYPE OF WORK (check):
New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 13.

(3) TYPE OF WELL: (4) PROPOSED USE (check):
Rotary Driven Domestic Industrial Municipal
Cable Jetted Irrigation Test Well Other
Dug Bored

(6) CASING INSTALLED: Threaded Welded
" Diam. from 0 ft. to 52 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(9) PERFORATIONS: Perforated? Yes No.
Type 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
Well pressure lbs. per square inch Date

(9) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? **Haakon Bottner**
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.

(11) LOCATION OF WELL:
County **Washington** Driller's well number
1/4 1/4 Section 18 T. 28. R. 1W W.M.

Bearing and distance from section or subdivision corner

(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	

Work started April 1 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] *John W. Brant* Date 6/20, 1969
(Drilling Machine Operator)

Drilling Machine Operator's License No. 216-431

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 6/20, 1969

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION
OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Washington)

I/We (or authorized agent), MF Beef Bend, LLC. ATTN: John O'Neil, residing at 17933 NW Evergreen Place, Suite 300, Beaverton, OR 97006 telephone number 503-597-7132, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 1501, within the SENE and NESE ¼¼, Section 18, Township 2S, Range 1W, of the Willamette Meridian, in Washington County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 58499 issued to Porter Walton Co., Inc. with a date of priority of April 1, 1980.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Supplemental Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 12.7
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of 0.127 cubic foot per second
- From the water source (s) Unnamed Stream and Reservoir constructed under Permit R-8279, tributary to Tualatin River

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____¼¼, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate) _____

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: The lands associated with this right are located within the Tualatin Valley Irrigation District's service area, however, the right is neither held nor served by the District.)
4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A

Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

Signature of district manager Printed Name Date

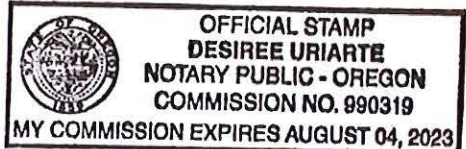
6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.



Signature of legal owner as listed on deed, or authorized agent Date 4-8-2022

Signature of legal co-owner as listed on deed Date
(if applicable)

Subscribed and Sworn to Before Me this 8 day of April, 2022.





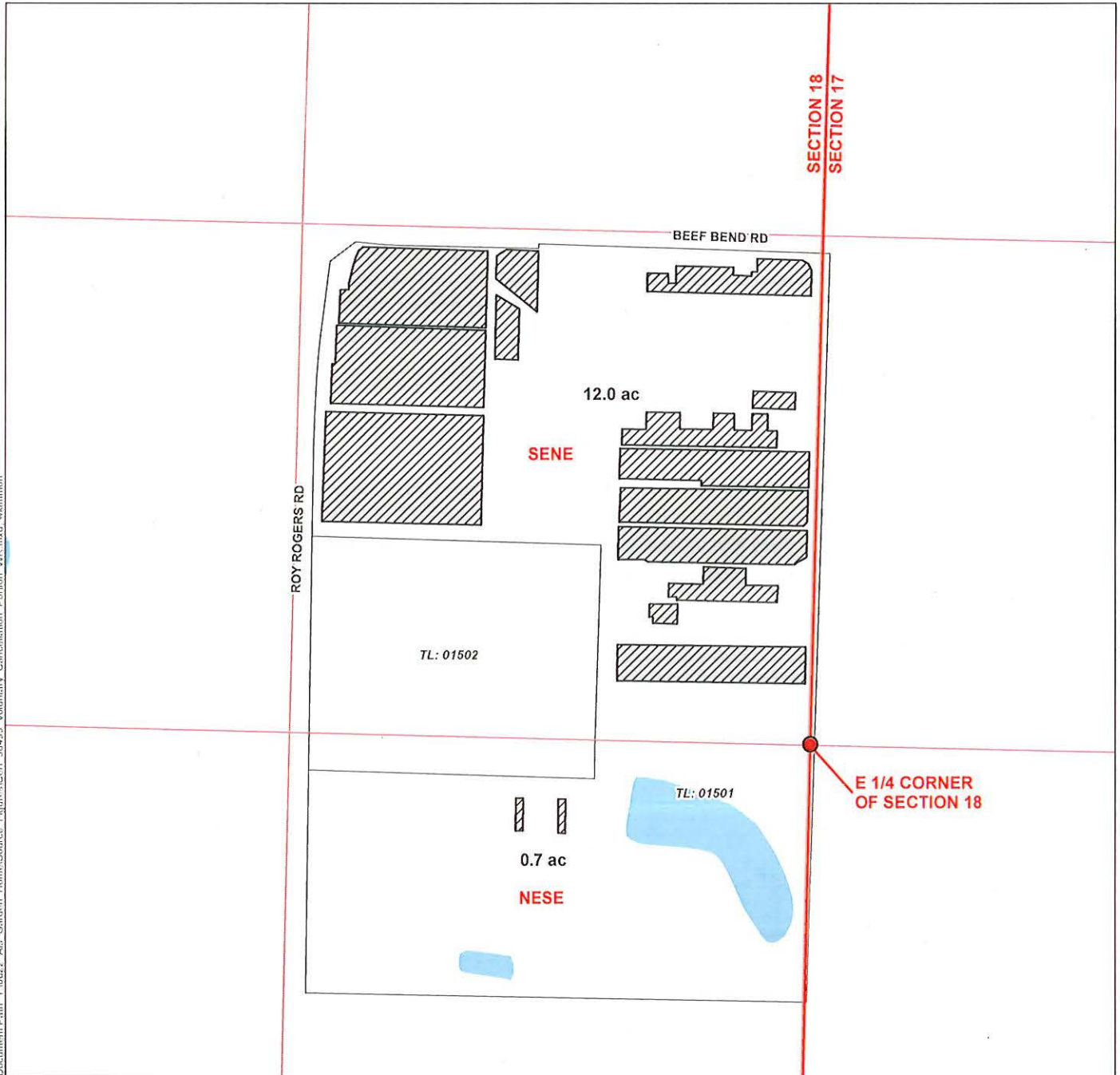
Notary Public for Oregon
My Commission Expires Aug 4, 2023

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).







Voluntary Cancellation of a Portion of Water Right Certificate 58499

Township 2 South, Range 1 West (W.M.)



Document Path: Y:\0822_Als_Garden_Home\Source_Figures\Cert_58499_Voluntary_Cancellation_Portion_WR.mxd wkmmn

LEGEND

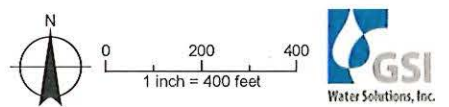
-  Portion of Certificate 58499 to be Canceled (12.7 ac)
-  Government Lot (GL)
-  Tax Lot
-  Railroad
-  Watercourse
-  Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: February 21, 2022
Data Sources: BLM, OWRD, Metro, ESRI





After recording return to:
MF Beef Bend, LLC
17933 NW Evergreen Pkwy, Suite 300
Beaverton, OR 97006

Until a change is requested all tax
statements shall be sent to the
following address:
MF Beef Bend, LLC
17933 NW Evergreen Pkwy, Suite 300
Beaverton, OR 97006

File No.: 7001-2353116 (LB)
Date: August 20, 2015

Washington County, Oregon **2015-079367**
D-DBS
Stn=15 S PFEIFER 09/18/2015 12:50:57 PM
\$25.00 \$11.00 \$5.00 \$2,895.00 \$20.00 **\$2,956.00**

THIS SPACE RES

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within Instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

STATUTORY BARGAIN AND SALE DEED

NWK2 Inc., a California corporation, Grantor, conveys to MF Beef Bend, LLC, an Oregon limited liability company, Grantee, the following described real property:

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

The true consideration for this conveyance is **\$2,895,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 3 day of September, 2015.

FIRST AMERICAN - 2353116-ST

APN: R528600

Bargain and Sale Deed
- continued

File No.: 7001-2353116 (LB)
Date: 09/18/2015

NWK2 Inc., a California corporation

By: K Koers
Name: Karin Koers
Title: Senior Vice President

By: [Signature]
Name: Meenas Manjkian
Title: Senior Vice President

STATE OF California)
County of _____)ss.

This instrument was acknowledged before me on this _____ day of _____, 20____
by Karin Koers as Senior Vice President of NWK2 Inc., on behalf of the corporation. And Meenas
Manjkian as Senior Vice President of NWK2 Inc., on behalf of the corporation.

[Signature]

Notary Public for California
My commission expires:

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno)

On September 3, 2015 before me, LIA N. MCGINNIS
(insert name and title of the officer)

personally appeared Karin Koers and Meenas Manjikian
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~
subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in
his/her/their authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



EXHIBIT A

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

A TRACT OF LAND IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 80 RODS SOUTH OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE WEST 80 RODS; THENCE SOUTH 120 RODS; THENCE EAST 80 RODS TO SECTION LINE; THENCE NORTH 120 RODS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A STRIP OF LAND IN THE NORTHEASTERLY CORNER OF SAID TRACT, WHICH STRIP MEASURES 363 FEET FROM THE SAID NORTHEASTERLY CORNER IN A SOUTHERLY DIRECTION ALONG THE EASTERLY LINE OF SAID TRACT, AND MEASURES 30 FEET IN WIDTH, THE WESTERLY LINE OF SAID STRIP BEING PARALLEL TO THE EASTERLY LINE OF SAID TRACT AND THE SOUTHERLY LINE OF SAID STRIP BEING PARALLEL TO THE NORTHERLY LINE OF SAID TRACT.

ALSO EXCEPTING THEREFROM THAT PORTION LEASED TO AGC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY AS SET FORTH IN MEMORANDUM OF GROUND LEASE RECORDED APRIL 20, 2004 AS FEE NO. 2004-041849, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL BEING A PART OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED APRIL 29, 1996 AS FEE NO. 96037618, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE EAST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89°57'51" WEST A DISTANCE OF 571.57 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 102.01 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89°57'51" WEST A DISTANCE OF 750.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID FEE NO. 96037618 TRACT; THENCE NORTH 00°02'12" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.00 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°02'09" EAST A DISTANCE OF 522.84 FEET TO A POINT; THENCE SOUTH 89°57'51" EAST, A DISTANCE OF 750.00 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 609.83 FEET TO THE TRUE POINT OF BEIGNNING OF THE PARCEL HEREIN DESCRIBED.

FURTHER EXCEPTING THEREFROM THAT PORTION DEDICATED TO WASHINGTON COUNTY BY INSTRUMENT RECORDED NOVEMBER 02, 1999 AS FEE NO. 99123635.

TOGETHER WITH AN EASEMENT FOR IRRIGATION PURPOSES AS DESCRIBED IN INSTRUMENT RECORDED FEBRUARY 10, 1989 AS RECORDER'S FEE NO. 89-06294, RECORDS OF WASHINGTON COUNTY, OREGON.

EXHIBIT "B"

A PARCEL BEING A PART OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED APRIL 29, 1996 AS FEE NO. 96037618, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE EAST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89°57'51" WEST A DISTANCE OF 571.57 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 102.01 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89°57'51" WEST A DISTANCE OF 750.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID FEE NO. 96037618 TRACT; THENCE NORTH 00°02'12" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.00 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°02'09" EAST A DISTANCE OF 522.84 FEET TO A POINT; THENCE SOUTH 89°57'51" EAST, A DISTANCE OF 750.00 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 609.83 FEET TO THE TRUE POINT OF BEIGNNING OF THE PARCEL HEREIN DESCRIBED.

FURTHER EXCEPTING THEREFROM THAT PORTION DEDICATED TO WASHINGTON COUNTY BY INSTRUMENT RECORDED NOVEMBER 02, 1999 AS FEE NO. 99123635.

NOTE: This legal description was created prior to January 1, 2008.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13542 RE-REVIEW

GW Reviewer Gabriela Ferreira Date Review Completed: September 26, 2024

Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13542

Applicant Name: MF Beef Bend, LLC

- Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Gabriela Ferreira

Date of Review: September 26, 2024

Supersedes original review completed August 5, 2021 by Jen Woody

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

1. Basic description of the changes proposed in this transfer: This review supersedes the review completed on August 5, 2021; this re-review was done to evaluate changes to the original application contained in a revised application submitted to OWRD on February 6, 2024.

The proposed transfer would modify Certificate 51171, which currently authorizes 0.34 cfs (152 gpm) by one existing well, WASH 11873, on 54.6 acres for Irrigation Use. The POAs and POU are located within the Cooper-Bull Mountain Critical Groundwater Area.

The proposed transfer would authorize one APOA, Well 2, change the character of use, and change the place of use. The character of use would change from Irrigation to Nursery and Commercial Use. A total 8.0 acres of the authorized place of use would be moved and the application anticipates a maximum instantaneous rate of 0.10 cfs and annual volume of 40 acre-feet.

The revised application was submitted on February 6, 2024, at which time Well 2 was proposed and not yet drilled; proposed APOA Well 2 was completed on May 3, 2024 and is identified as WASH 81878. The revised application modifies the actual final location of proposed APOA Well 2, which is approximately 275 feet northwest of the originally proposed location. This re-review is focused on evaluating the actual final location of Well 2 (WASH 81878).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: Currently authorized POA WASH 11873 is a 392-foot deep well producing from the Columbia River Basalt Group (CRBG). The proposed APOA is described in the application as a 400 foot deep well that will access an aquifer within the CRBG. The completed well WASH 81878 is 424 feet deep and produces from the CRBG. Groundwater within this portion of the CRBG is managed as a single aquifer per the Bull-Mountain Critical Groundwater Area Order (Special Order Vol. 24, Page 370).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with another ground water right?
 Yes No Comments: WASH 50813 was identified as the nearest well producing from CRBG and with a similar depth to the proposed APOA.
The proposed location of the APOA could result in an increase in interference.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
 Yes No Comments: To evaluate potential interference with WASH 50813 (nearest similarly constructed known well location) caused by pumping of APOA Well 2 (WASH 81878), drawdown was estimated using the Theis (1935) analytical solution for a confined aquifer. Hydraulic parameters used for the analysis were derived from nearby pumping test results and from regional data and studies (Conlon and others, 2005), and are within a typical range of values for a comparable hydrogeologic regime (Freeze and Cherry, 1979).
The potential interference between proposed APOA Well 2 (WASH 81878) and WASH 50813 was evaluated with the maximum authorized rate of 0.34 cfs (152 gpm). The results are shown on the attached figures.
Results of the analyses indicate that interference with WASH 50813 due to the proposed change might result in about 9 feet of additional drawdown after continuously pumping for 365 days at the maximum assumed rate for an individual well (0.34 cfs, ~152 gpm). WASH 50813 is 300 feet deep with a reported static water level of 118 ft bls and thus has approximately 180 feet of available drawdown. Consequently, it is unlikely that an additional nine feet of drawdown at WASH 50813 caused by pumping of APOA Well 2 (WASH 81878) (derived using conservative operational and hydrogeologic parameters) will result in WASH 50813 (and other similarly located and completed wells) from receiving the water to which it is legally entitled.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The basalt aquifer system from which the well produces is not hydraulically connected with any nearby surface water source. Water-bearing zones are reported in the confined interflow zones of the CRBG at depths greater than 240 feet below ground surface. The well construction and the tabular nature of CRBG aquifers prevent efficient hydraulic connection between the well and nearby surface water.

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: N/A

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None.

8. Any additional comments: None.

References

Review completed by Jen Woody (August 5, 2021)

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

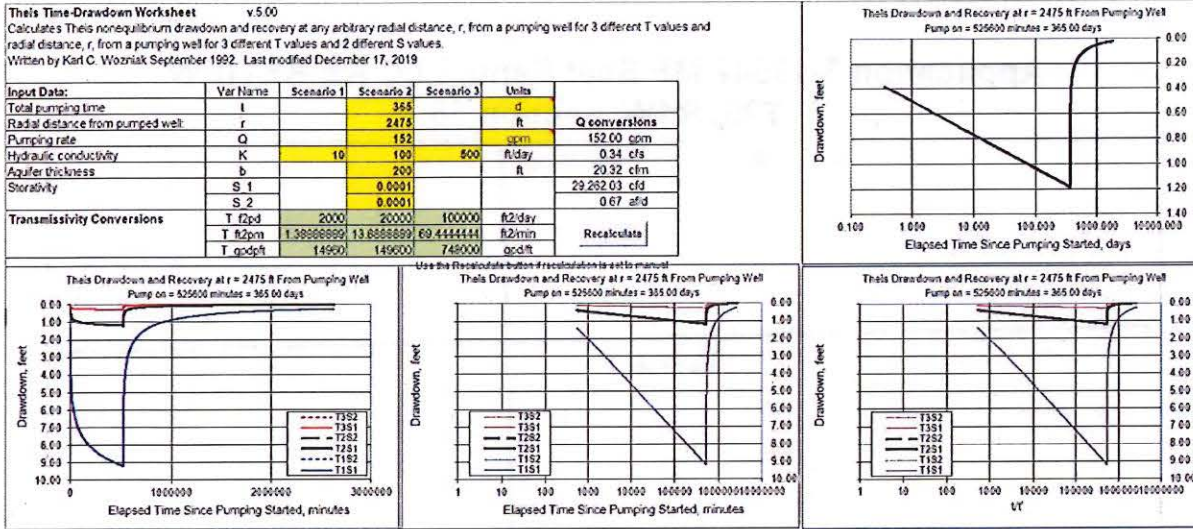
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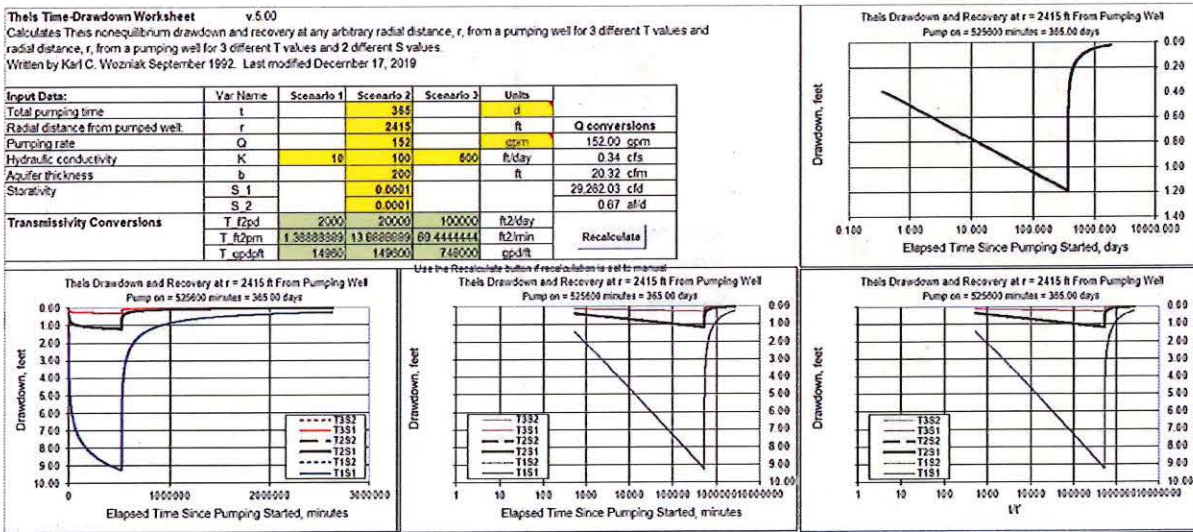
Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

US Geological Survey Topographic Map, Beaverton Quadrangle

Modeled Interference: Proposed Well 2 (Original Location) to WASH 50813

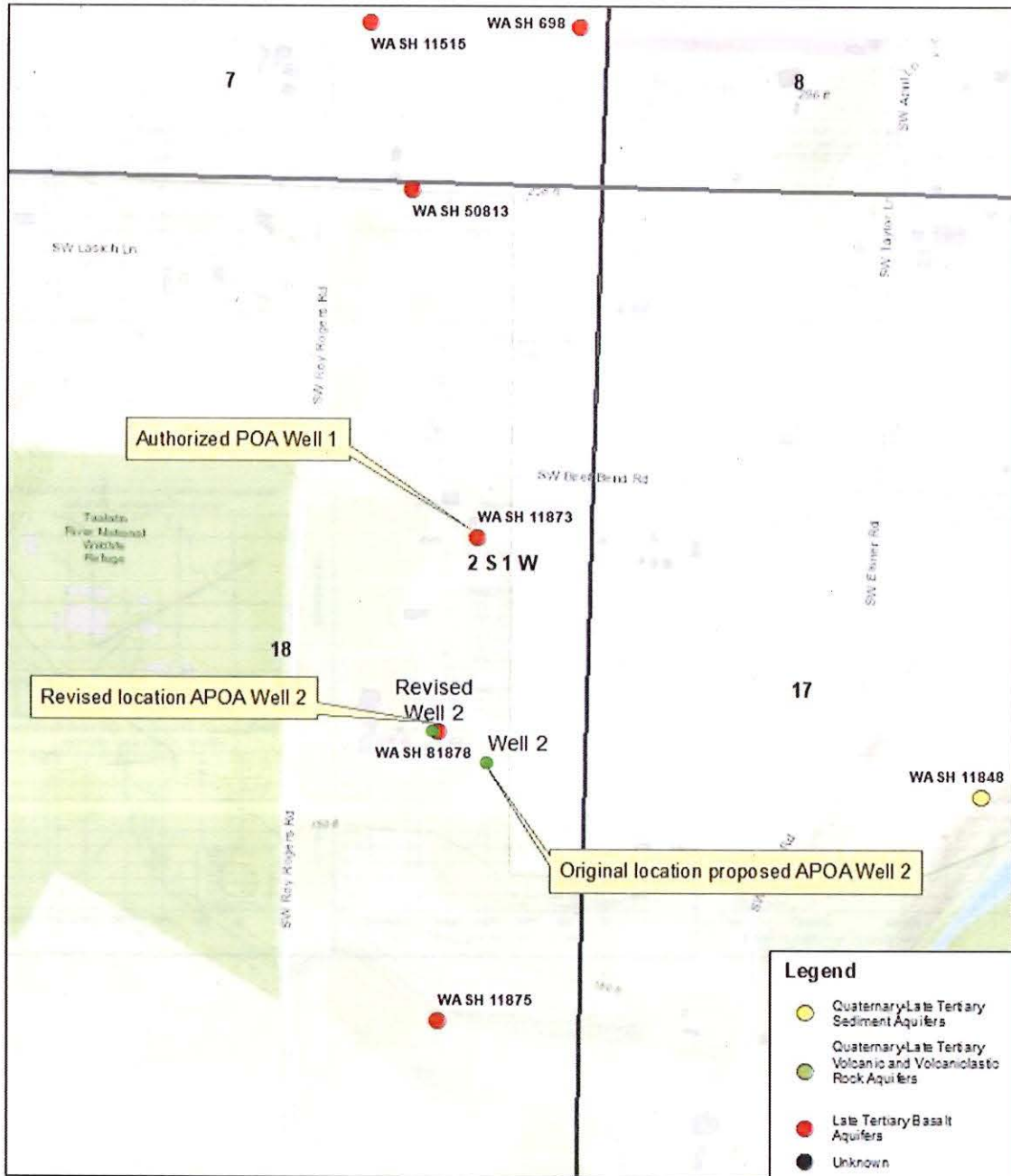


Modeled Interference: Proposed Well 2 (Revised Location) to WASH 50813



Well Location Map

Application T-13542 MF Beef Bend, LLC RE-REVIEW
T2S, R1W, Section 18



Main Map Scale = 1:24,000

Service Layer Credits: Sources: Esri, HERE, Garmin, Mapbox, Microsoft, P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13542 RE-REVIEW

GW Reviewer Gabriela Ferreira Date Review Completed: September 26, 2024

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This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13542

Applicant Name: MF Beef Bend, LLC

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Gabriela Ferreira

Date of Review: September 26, 2024

Supersedes original review completed August 5, 2021 by Jen Woody

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
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3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with another ground water right?
 Yes No Comments: WASH 50813 was identified as the nearest well producing from CRBG and with a similar depth to the proposed APOA.
The proposed location of the APOA could result in an increase in interference.
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Stream: _____ Minimal Significant

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Provide context for minimal/significant impact: N/A

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None.

8. Any additional comments: None.

References

Review completed by Jen Woody (August 5, 2021)

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

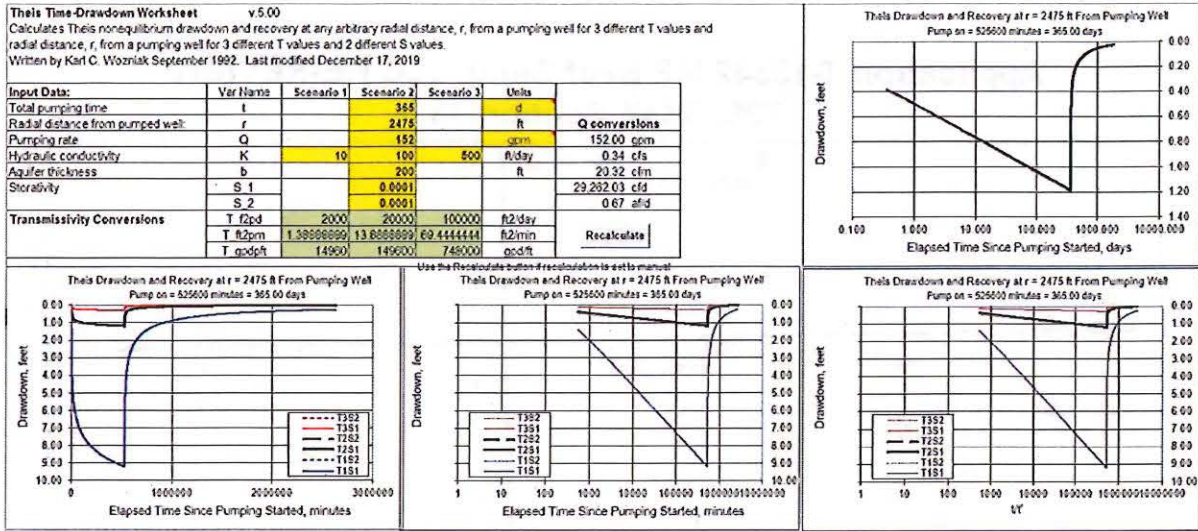
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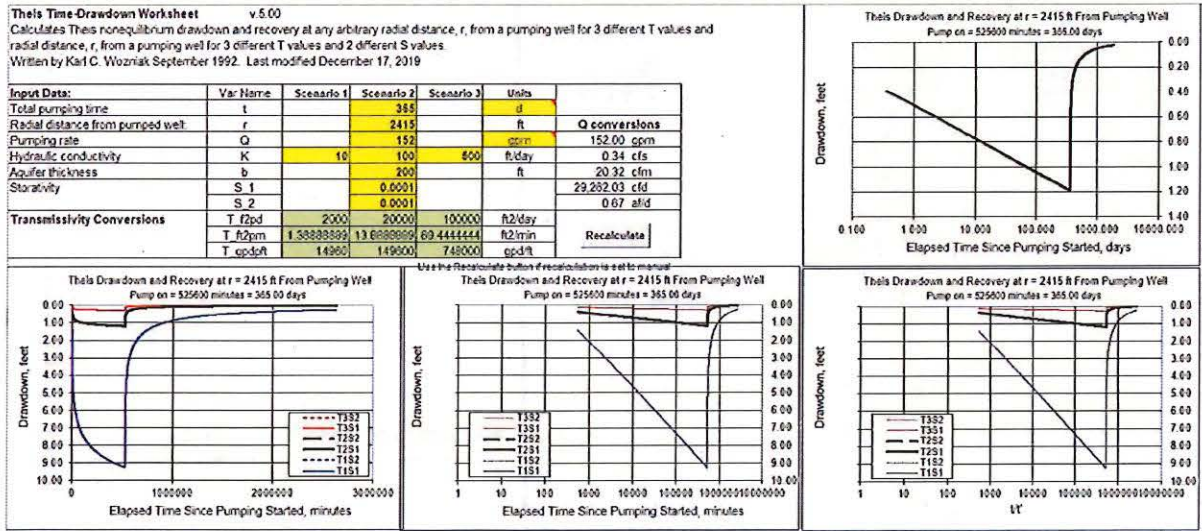
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US Geological Survey Topographic Map, Beaverton Quadrangle

Modeled Interference: Proposed Well 2 (Original Location) to WASH 50813

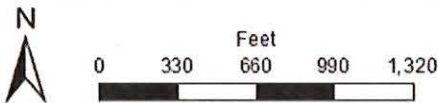
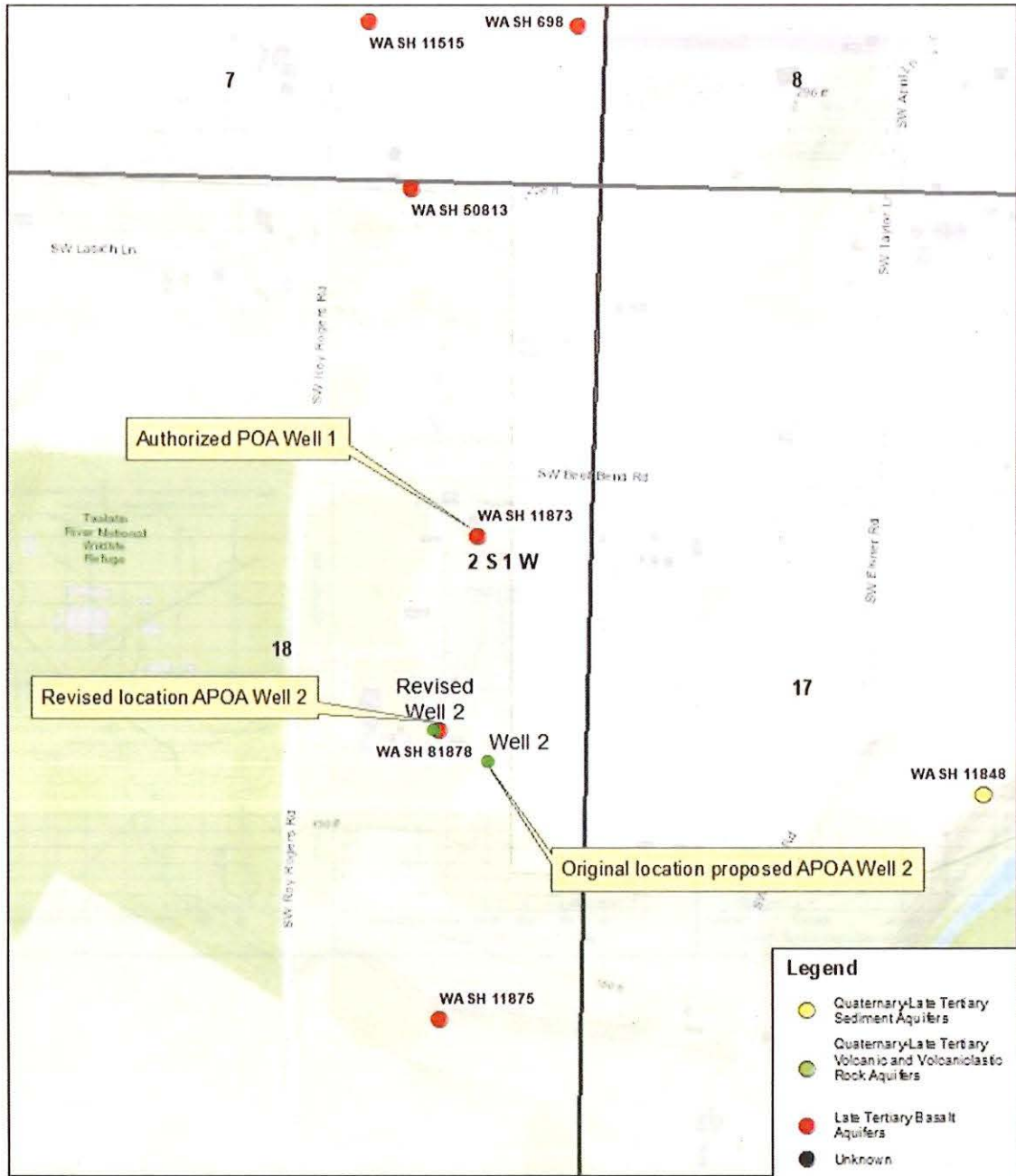


Modeled Interference: Proposed Well 2 (Revised Location) to WASH 50813



Well Location Map

Application T-13542 MF Beef Bend, LLC RE-REVIEW
T2S, R1W, Section 18



Main Map Scale = 1:24,000

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Permit Information:

Application Number: S - 54580	Permit Number: S - 54499
Associated Transfer Number: T - 13542	
Issued for use within the State of Oregon, County of: Washington	
Issued in the name of: Tualatin Valley Irrigation District	
Name of the Permit Holder(s) of Record: Tualatin Valley Irrigation District	
Date Permit was assigned: June 13, 2019 (<input type="checkbox"/> Check here if not applicable.)	
Completion Date on permit: October 1, 2023	
Rate or Volume on entire Permit 25.0 in <input checked="" type="checkbox"/> cubic feet per second <i>or</i> <input type="checkbox"/> gallons per minute <i>or</i> <input type="checkbox"/> acre-feet).	
Source(s) of water identified on Permit: Unified Sewage Agency Rock Creek Treatment Plant Discharge	
Use(s) of water listed on Permit: Primary IR and Supplemental IR (purposes)	
Total number of acres on Permit for primary IR 612.5 , supplemental IR 1389.3	

Describe in your words what you want to accomplish with this affidavit: Cancel the portion of Permit S-54499 that is layered with the FROM lands for Transfer T-13542.

Statement of Oath

I/we (or authorized agent) Bobby Nuvolini, District Manager, Tualatin Valley Irrigation District (TVID)			
Residing at	City	State	Zip
With a mailing address of (if different) 2330 Elm Street	Forest Grove	OR	97116
With a telephone number of 503-357-3118	With an email address of bobby.nuvolini@tvid.org		

Being, first duly sworn depose and say:

1. I/We are the permit holder(s) of record of the of the permit described above. The property is located within the following legal description [*must include at a minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)*].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here:

T1S, R2W S17-21, 18, 19, 28, 29, 30, 33, 34, 35; T2S, R1W S7, 17-20; T2S, R2W 2, 3, 7, 9, 10, 11, 12, 16, 24; ALL WITHIN THE BOUNDARY OF TUALATIN VALLEY IRRIGATION DISTRICT


2. I/We are requesting the voluntary cancellation of any and all interest a PORTION of Permit Number: S - 54499.

3. I/We are the deeded landowners of land for the ENTIRE permit for which partial cancellation is being requested. Yes No (check one box) If no, please explain This is a water right held by an irrigation district.

4. Are you the deeded landowner for the PORTION of the permit for which partial cancellation is being requested? Yes No (check one box) If no, do you have the permission of the deeded landowner? If no, please explain: This is a water right held by an irrigation district. TVID is submitting this partial cancellation to cancel the portion of Permit S-54499 that is layered with the FROM lands for a transfer (T-13542) filed by the deeded landowner.

5. The appurtenant portion of the permit being cancelled is or is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the permit is located within a district or reclamation project, name it here: Tualatin Valley Irrigation District.

a. The appurtenant portion of the permit being cancelled is in the name of or served by a district or is layered with a district held right. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.


Signature of District Manager
(if applicable)

BOBBY NUVOLETTI
Printed Name

3/28/2024
Date

6. I/We have abandoned any and all interest in the following portion(s) of the permit identified in the *Permit Information* section, above. The portion of the permit to be cancelled is as follows:

- A place of use for supplemental irrigation (or designated as supplemental when there are multiple primary rights on the same lands).
 - Total number of acres to be cancelled 12.7
 - In the amount of: 0.13 gallons per minute or cubic feet per second *and/or* _____ acre-feet per year
- [rate to be cancelled = (total rate on Permit/total acres on Permit) x number of acres being cancelled];* 25.0 cfs/2001.8 acres = 0.01 x 12.7 acres = 0.13 cfs
- From the water source (s) Unified Sewage Agency Rock Creek Treatment Plant Discharge
 - At the following location(s) (*attach a larger table if needed*):


PORTION of PERMIT to be CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Q-Q (1/4)	Acres	Tax Lot #
2	S	1	W	WM	18			SE NE	12.0	1501
2	S	1	W	WM	18			NE SE	0.7	1501

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the permit map or an alternate map is being submitted with information sufficient to determine the lands on which the permit is to be cancelled. **(See attached map)**
- Locations of the place of use or acres NOT being cancelled are clearly identified on a copy of the permit map or an alternate map is being submitted with information sufficient to determine the lands on which the permit is to be cancelled, or a written waiver for exemption from this requirement from the Department is attached. **(Waiver provided by Transfer Section, 3/27/2024)**

7. I/We understand that final proof on Permit Number: **S - 54499** can only be made to an extent less than that granted by the permit equal to the portion of the permit cancelled by this affidavit. A copy of this affidavit and all supporting documentation will be placed in the permit file for use at the time of final proof.

Signatures and Notary:

Note: All permit holders of record for the portion of the permit being cancelled must sign the affidavit.


 Signature of permit holder of record
 or authorized agent

BOBBY NUVOLINI
 Printed Name

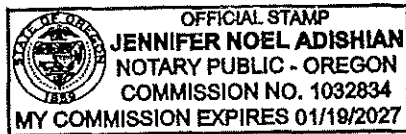
3/28/2024
 Date

 Signature of legal co-permit holder
 of record

 Printed Name

 Date

Subscribed and Sworn to Before Me this 28 day of March, 2024.

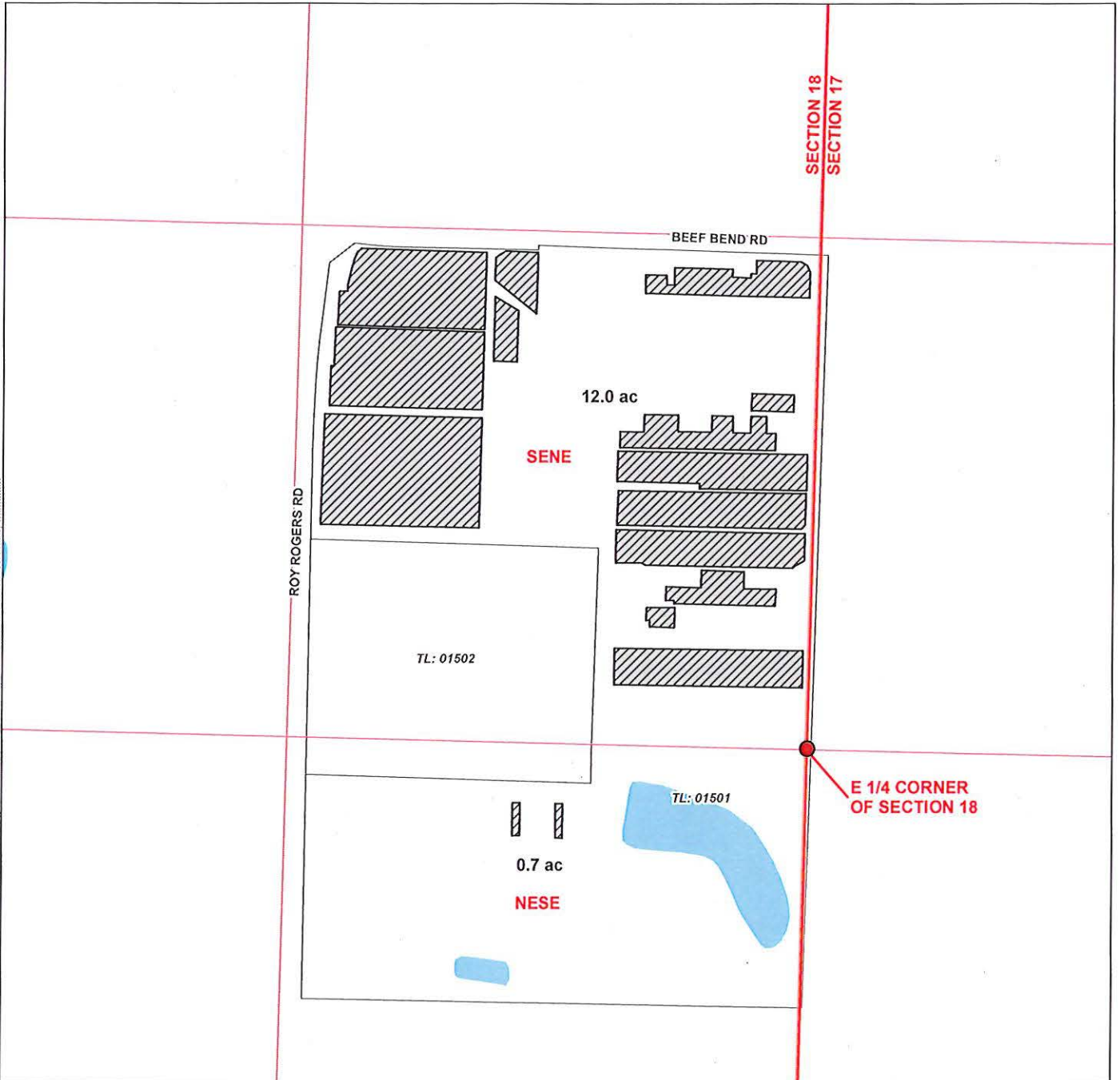



 Notary Public for Oregon

My Commission Expires: 01/19/2027

Voluntary Cancellation of a Portion of Water Use Permit S-54499

Township 2 South, Range 1 West (W.M.)
Washington County



Document Path: Y:\0892_Alu_Carden_Home\Source_Figures\Cant_54499_Voluntary_Cancellation_Periton_WIR.mxd vskimmon

LEGEND

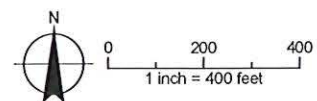
- Portion of Permit S-54499 to be Canceled (12.7 ac)
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: June 24, 2022
Data Sources: BLM, OWRD,
Metro, ESRI



RE: MF Beef Bend LLC, T-13542

From: Ressler, Ted tressler@summitwr.com

To: STARNES Patrick K * WRD Patrick.K.STARNES@water.oregon.gov

Cc: COURCHANE Corey A * WRD Corey.A.COURCHANE@water.oregon.gov

Date: Tue, 10 May 2022, 11:01 am

Hi Kelly

Following up on our phone call this morning. We have reached agreement with TVID on how to resolved the layered water right issue noted in the Department' deficiency letter; however, additional time is needed to coordinate with TVID on implementation (e.g., partial cancellation of the TVID permit). Please extend the date for responding to the deficiency letter from 4/15/2022 to 6/15/2022.

Thanks

Ted

From: Ressler, Ted <tressler@summitwr.com>

Sent: Thursday, May 5, 2022 1:34 PM

To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Cc: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>

Subject: RE: MF Beef Bend LLC, T-13542

Hi Kelly

Touching base with you on this application. The applicant is finalizing plans with TVID to resolve the layering issue with the certificate involved in this transfer. I wanted chat with you about sequencing of the transfer. Do you have some time early next week (or today) for a phone call to discuss?

Ted

From: COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>

Sent: Friday, March 25, 2022 10:55 AM

To: Ressler, Ted <tressler@summitwr.com>

COURCHANE Corey A * WRD

From: Ted Ressler <tressler@gsiws.com>
Sent: Thursday, February 10, 2022 10:33 AM
To: STARNES Patrick K * WRD
Cc: JARAMILLO Lisa J * WRD; COURCHANE Corey A * WRD
Subject: RE: Transfer T-13542

Thanks for the follow-up Kelly. I appreciate you looking into this and am glad it is resolved.

Corey, regarding the remaining items in the deficiency letter, we have resolved all items except for the layered TVID water right. We are actively working to schedule a time to re-engage with TVID on the options that we previously discussed with them for resolving the layering issue.

Ted

From: STARNES Patrick K * WRD [mailto:Patrick.K.STARNES@water.oregon.gov]
Sent: Thursday, February 10, 2022 8:55 AM
To: Ted Ressler <tressler@gsiws.com>
Cc: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; COURCHANE Corey A * WRD <Corey.A.COURCHANE@water.oregon.gov>
Subject: RE: Transfer T-13542

Good Morning Ted,

I apologize for the delay in responding, busy busy busy here.....

The question about use of the remaining right does not have to be answered by the applicant. The Department will issue a remaining right when the transfer is approved. There is language in the remaining right certificate that says issuance of the certificate does not confirm use of the right. Future transfers off the remaining right will still have to show evidence of use of the right.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Ted Ressler <tressler@gsiws.com>
Sent: Friday, February 04, 2022 4:00 PM

To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: Transfer T-13542

Hi Kelly

Checking back on this. Today was our deadline for responding to the deficiency letter. I just sent Corey a request to extend.

Thanks
Ted

From: Ted Ressler
Sent: Monday, January 24, 2022 6:13 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: RE: Transfer T-13542

Hi Kelly

Sounds good. Please let me know if we need to discuss further. I would like to get this sorted out soon so that we can respond to the deficiency letter and get the revised application submitted. As a reminder the deadline we are working against is 2/4/2022.

Thanks
Ted

From: STARNES Patrick K * WRD [<mailto:Patrick.K.STARNES@water.oregon.gov>]
Sent: Friday, January 21, 2022 11:18 AM
To: Ted Ressler <tressler@gsiws.com>
Subject: RE: Transfer T-13542

Hi Ted,

I am sorry, I have not been able to look into that this week. I will have an answer for you next week for sure.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

From: Ted Ressler <tressler@gsiws.com>
Sent: Thursday, January 20, 2022 2:36 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>
Subject: RE: Transfer T-13542

Kelly and Lisa

Checking back with you regarding Transfer T-13542. Was any resolution reached on the basis, and need, for Item #2 given that a remaining right certificate issued for the portion of the water right not involved in the transfer will include the language "The issuance of this superseding certificate does not confirm the status of the water right tin regards to the provision of ORS 540.610 pertaining to forfeiture or abandonment". This condition attached to remaining right certificates seems to adequately address the concerns raised in Item 2 regarding the issuance of certificate for lands that have not received beneficial use in the past 5 years.

Thanks
Ted

From: Ted Ressler
Sent: Thursday, December 2, 2021 3:02 PM
To: Patrick.K.Starnes@water.oregon.gov; Lisa.J.Jaramillo@water.oregon.gov
Subject: Transfer T-13542

Kelly and Lisa

I hope you both are well.

I had a question for you regarding Transfer T-13542, which involves a transfer of portion of Certificate 51171 from primary irrigation to nursery use. Lisa, you and I talked about this transfer back in July 2020 before it was submitted (yeesh, that was a while ago). My question is specific to item #4 on the attached deficiency letter. I have talked with Corey about this already, but I wanted to follow-up as Department's position is different from what I understood during preparation of the transfer. Rather than getting into the details in an email, I was wondering if we could plan a time for a phone call to discuss.

Thank you!
Ted

Theodore R. Ressler
RG, CWRE, PG
Hydrogeologist and Water Resources Consultant
direct: 971.200.8509 | mobile: 503.701.4535
55 SW Yamhill St., Suite 300, Portland, OR 97204
GSI Water Solutions, Inc. | www.gsiws.com

Please note: GSI is open for business, although most of us are working remotely. I am available by phone or e-mail; if you do call, please use my mobile number.



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 1, 2021

MF BEEF BEND, LLC
ATTN: JOHN O'NEIL
17933 NW EVERGREEN PLACE, SUITE 300
BEAVERTON, OR 97006

REFERENCE: Transfer Application T-13542

The Department has completed an initial review of your transfer application. There are some deficiencies that need to be resolved before we can continue processing your application:

1. The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. Since the current and proposed place of use is located within the Tualatin Valley Irrigation District and may also be layered with Permit S-54499, a Supplemental Form D (attached) is required. Please complete and submit the attached Supplemental Form D.
2. The Evidence of Use submitted with the application, indicates that portions of Certificate 51171 are paved, and have not been irrigated for more than 5 years. Therefore, beneficial use of water as authorized under Certificate 51171 has not been made, and those portions should be cancelled. Pursuant to Oregon Revised Statute 540.610, beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right. If T-13542 is approved, the lands not being affected by the transfer will become a remaining right, thus creating a remaining right certificate. The Department cannot issue a certificate for lands that have not received the beneficial use of water for over 5 years. Please revise the REMAINING Lands map, complete the attached Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and resubmit.
3. On page 8 of the application, it is stated, "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." A transfer cannot be completed unless the right that is layered with the water right involved in the transfer, is either moved with or cancelled. Please complete an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and submit.

4. Table 2 "FROM" lands identifies 14.0 acres changing place of use and character of use, however the "TO" lands identifies only 8.0 acres. You cannot shrink the 14.0 acres down to 8.0 acres as it must be acre for acre. The remaining 6.0 acres either need to move somewhere else, or be cancelled. Please revise Table 2 and the map, and resubmit.

If the Department does not receive the above requested materials by January 3, 2022, a draft Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,



Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: Jake Constans, Watermaster, District 18
Ted Ressler, GSI Water Solutions, Inc., Agent

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13542

GW Reviewer Jen Woody Date Review Completed: 8/5/2021

Summary of Same Source Review:

The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Ground Water Review Form:

- Water Right Transfer
- Permit Amendment
- GR Modification
- Other

Application: T-13542

Applicant Name: MF Beef Bend, LLC

Proposed Changes: POA APOA SW→GW RA
 USE POU OTHER

Reviewer(s): Jen Woody

Date of Review: 8/5/2021

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/5/21

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- Other _____

-
1. Basic description of the changes proposed in this transfer: T-13542 proposes to change the place of use, character of use and add a point of appropriation to Certificate 51171. The currently authorized well is WASH 11873, a 392 foot deep well that accesses an aquifer within the Columbia River Basalt Group (CRBG). This right is located within the Cooper-Bull Mountain Critical Groundwater Area (CGWA).
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: The proposed APOA is described in the application as a 400 foot deep well that will access an aquifer within the CRBG. Groundwater within this portion of the CRBG is managed as a single aquifer per the CGWA Order (Special Order Vol. 24, Page 370).
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No See section 2 comments.
 b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
 Yes No Comments: The new POA is 1200 feet closer to the southern taxlot boundary, which will increase drawdown by approximately 0.2 feet at the property line.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes No If yes, explain: A reasonably efficient, fully penetrating well in this aquifer should have at least 200 feet of water above the bottom of the hole. A drawdown increase of 0.2 feet will not prevent access to sufficient groundwater rates or volumes.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The low permeability of the basalt flow interiors usually results in little connection between stacked aquifers and local stream reaches that are not incised through the water-bearing zone. The new POA location is approximately the same distance from surface water as the original, therefore no change in stream depletion is expected.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ Minimal Significant

Stream: _____ Minimal Significant

Provide context for minimal/significant impact: N/A

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: none

8. Any additional comments: none

References

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

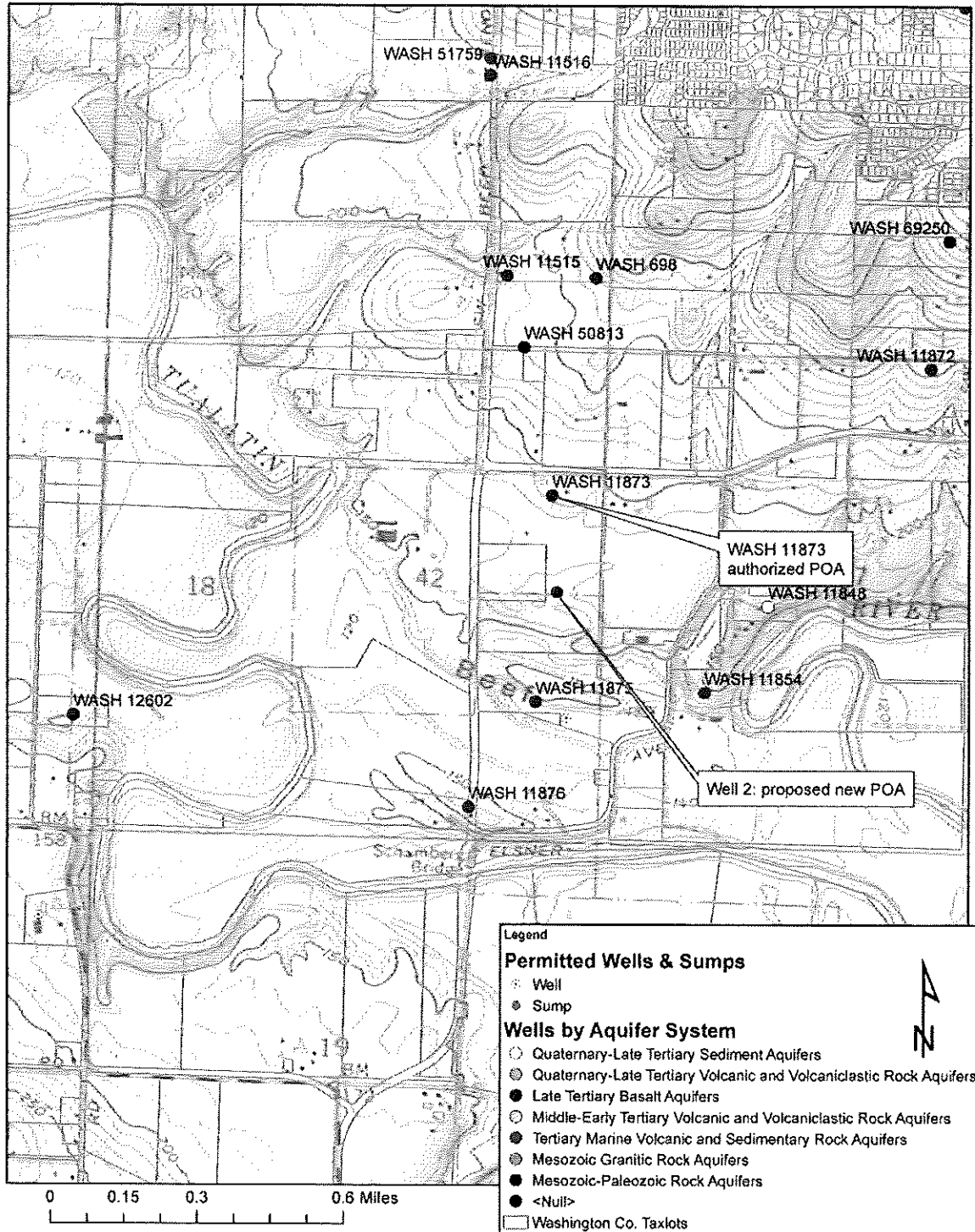
OWRD water level and well log databases, includes reported water levels and pump tests.

Theis, C.V., 1941, The effect of a well on the flow of a nearby stream: American Geophysical Union Transactions, v. 22, pt. 3, p. 734-738.

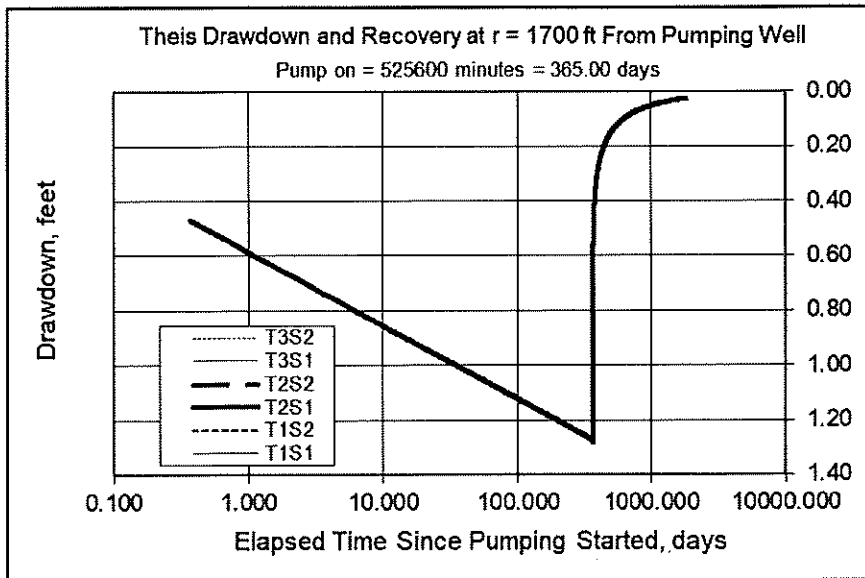
US Geological Survey Topographic Map, Beaverton Quadrangle.

Well location Map

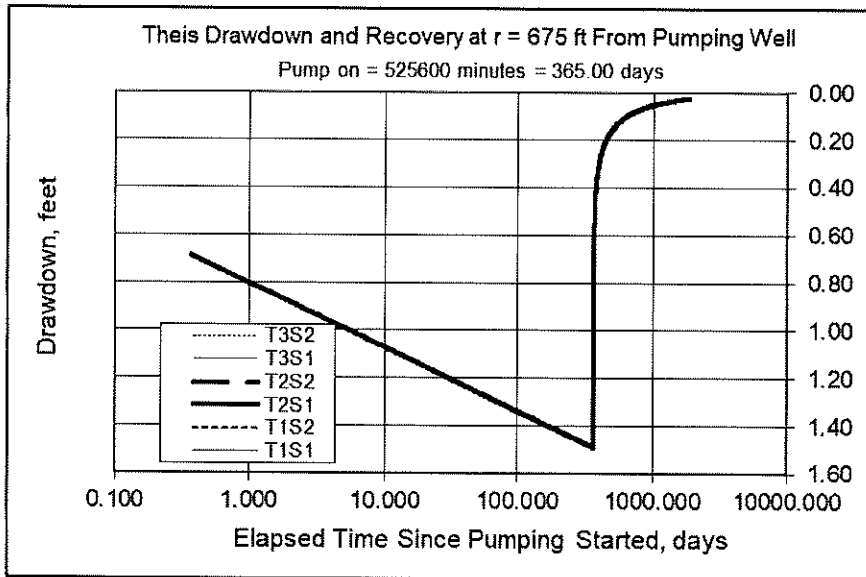
T-13542: MF Beef Bend, LLC: 2S/1W - Section 18



Well pumping drawdown estimates

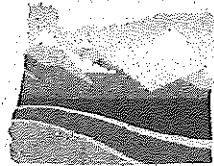


Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		365		d
Radial distance from pumped well:	r		1700		ft
Pumping rate	Q		152		gpm
Hydraulic conductivity	K	100	100	100	ft/day
Aquifer thickness	b		200		ft
Storativity	S_1		0.0001		
	S_2		0.0001		
Transmissivity Conversions	T_f2pd	20000	20000	20000	ft ² /day
	T_ft2pm	13.888889	13.888889	13.888889	ft ² /min
	T_gpdft	149600	149600	149600	gpd/ft



Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units
Total pumping time	t		365		d
Radial distance from pumped well:	r		675		ft
Pumping rate	Q		152		gpm
Hydraulic conductivity	K	100	100	100	ft/day
Aquifer thickness	b		200		ft
Storativity	S 1		0.0001		
	S 2		0.0001		
Transmissivity Conversions	T_f2pd	20000	20000	20000	ft ² /day
	T_ft2pm	13.888889	13.888889	13.888889	ft ² /min
	T_gpdpft	149600	149600	149600	gpd/ft

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T- 13542

Review Due Date:

Applicant Name: MF Beef Bend LLC

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Jake Constans

Date of Review: 01/11/21

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
No history of regulation of groundwater resources in Tualatin River Basin.
3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? Yes No

9. For POU changes: N/A Is it likely the original place of use would continue to receive water from the same source? Yes No If "Yes", explain:

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

Yes No If "Yes", explain:

11. For POU changes that involve micro-irrigation: N/A

a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

Yes No If "Yes", explain:

b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

Yes No If "Yes", answer the following:

i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? Yes No If "Yes", explain:

ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? Yes No If "No", explain:

iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? Yes No If "No", explain:

iv. Do you have any other observations regarding the temporary transfer? Yes No If "Yes", describe:

v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? Yes No If "No", explain:

c. To the best of your knowledge, if this transfer is approved, does it appear that:

i. "Injury" will occur to other water rights that share the same source? Yes No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur? Yes No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

Yes No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? No Yes, as checked and provided below:

For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

A Headgate should be required prior to diverting water.

Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

Weir

Submerged Orifice

Parshall Flume

Flow Restrictor

Other: _____

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13542



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) OR



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Jake Constans

District: 18

Address: 1400 SW Walnut Street #240

City/State/Zip: Hillsboro, OR 97123

Phone: 503-846-7780

Email: Jake.W.Constans@oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 5, 2020

JOHN O'NEIL
17933 NW EVERGREEN PARKWAY
SUITE 300
BEAVERTON, OR 97006

Reference: Application T- 13542

On November 5, 2020, we received your water right Transfer application. The application was accompanied by \$3430.00. Our receipt number 133768 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well or as the original POD.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #18 *(via email)*
Washington County Planning
Ted Ressler, Agent
AGC Properties

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. 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.

(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: ____/____/____ |

RECEIVED

OCT 27 2020

OWRD

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/. 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 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MF Beef Bend, LLC; ATTN: John O’Neil		PHONE NO. 503-597-7100	ADDITIONAL CONTACT NO.
ADDRESS 17933 NW Evergreen Place, Suite 300			FAX NO.
CITY Beaverton	STATE OR	ZIP 97006	E-MAIL John@MetLandGroup.com
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.			

*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 GSI Water Solutions, Inc. ATTN: Ted Ressler		PHONE NO. 971-200-8509	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill St, Suite 300			FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.com
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.			

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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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

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

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 Washington County Planning and Development Services	ADDRESS 155 N First Ave., Suite 350, MS14	
CITY Hillsboro	STATE OR	ZIP 97124

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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				
EXAMPLE																										
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:								14.0						TOTAL ACRES:								8.0				

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 (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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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-eighth 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

[Signature]
Water Resources Director

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

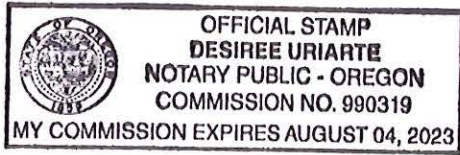
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant _____

10-22-2020

Date

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



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 confirming 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"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<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"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<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 – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

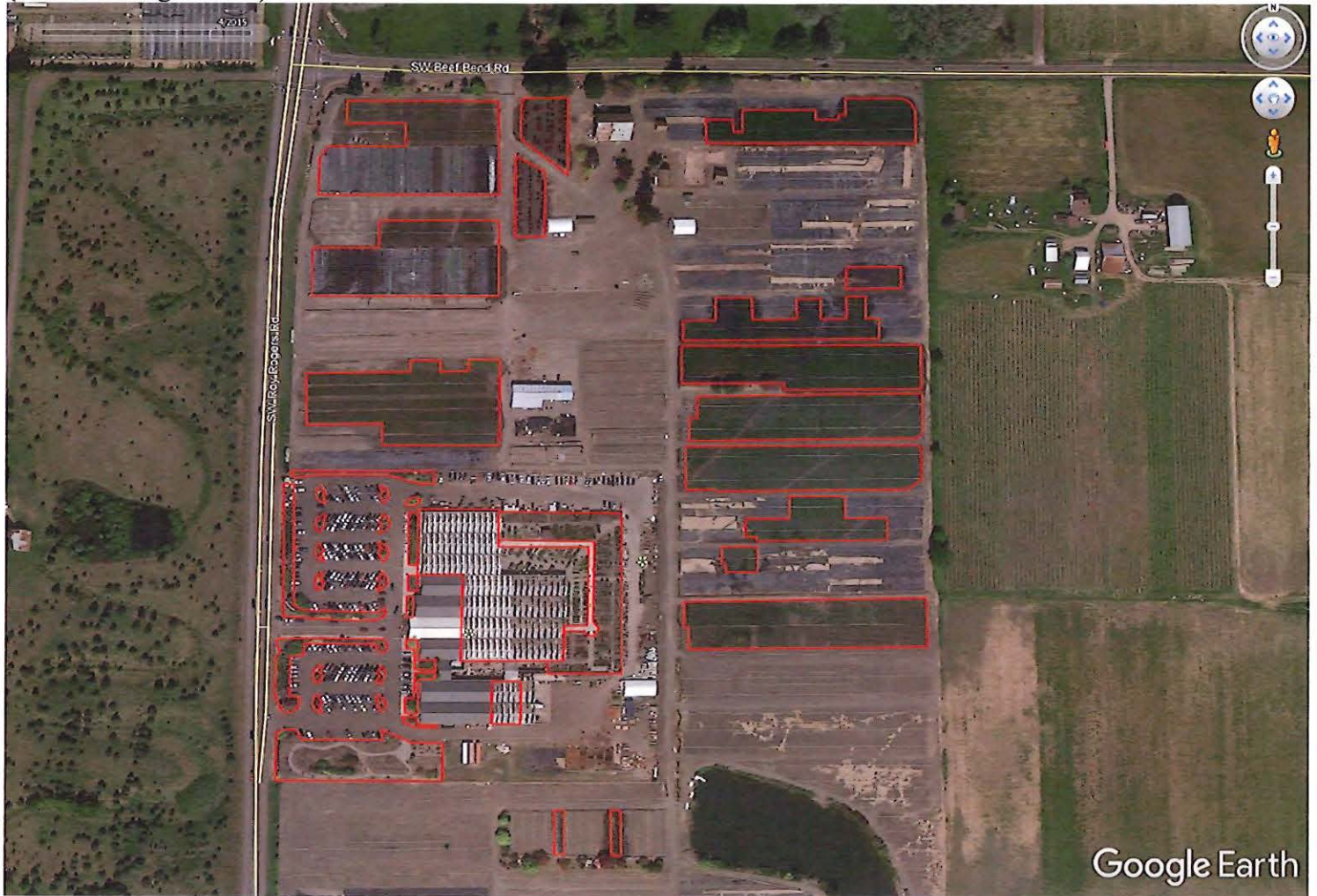
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Satellite Imagery from April 17, 2015 (FROM lands delineated in red)
(Source: Google Earth)



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NOTICE TO WATER WELL CONTRACTOR

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

RECEIVED JUN 24 1969 STATE ENGINEER SALEM, OREGON

WATER WELL REPORT

WASH 011873 G-5501

State Well No. 2/1W-18adb

State Permit No.

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion

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

(1) OWNER:

Porter Walton Co. Inc. Nursery Dept. USB

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 [X] Deepening [] Reconditioning [] Abandon []

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [] Driven [] Cable [X] Jetted [] Dug [] Bored []

(4) PROPOSED USE (check):

Domestic [] Industrial [] Municipal [] Irrigation [X] Test Well [] Other []

CASING INSTALLED:

Threaded [] Welded [X] 12" Diam. from 0 ft. to 52 ft. Gage 250

(12) WELL LOG:

Diameter of well below casing 12" th

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.

Table with columns: MATERIAL, From, To, SWL. Rows include Top soil, Clay, yellow, Rock, broken, Clay w/embedded rock, Sand, yellow, Clay, yellow sandy, Clay w/embedded rock, Rock, brown solid, Clay, brown, Rock, red lava soft, water bearing, Rock, black, Clay, yellow, Rock, black, Rock, gray, mdm, hard, Rock, brown, soft, w. brng., Rock, black, hard.

(6) PERFORATIONS:

Perforated? [] Yes [] No.

Type of perforator used

Table with columns: Size of perforations, in. by, in., ft. to ft. Rows for perforations from 0 to 52 ft.

(7) SCREENS:

Well screen installed? [] Yes [] No

Manufacturer's Name, Type, Model No., 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 [X] 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 [X] 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 [X] No Depth

Was a drive shoe used? [] Yes [X] No

Did any strata contain unusable water? [X] Yes [] No

Type of water? Sandy depth of strata 40' to 42'

Method of sealing strata off cased

Was well gravel packed? [] Yes [X] No Size of gravel:

Gravel placed from ft. to ft.

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Work started April 11 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] Robin W. Bunt Date 6/30, 1969 (Drilling Machine Operator)

Drilling Machine Operator's License No. 216-431

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. 17th th. AVE. PORTLAND, ORE.

[Signed] Haakon Bottner (Water Well Contractor)

Contractor's License No. 109 Date 135/82, 1969



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 blue ink that reads "Theodore R. Ressler".

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

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OCT 27 2020

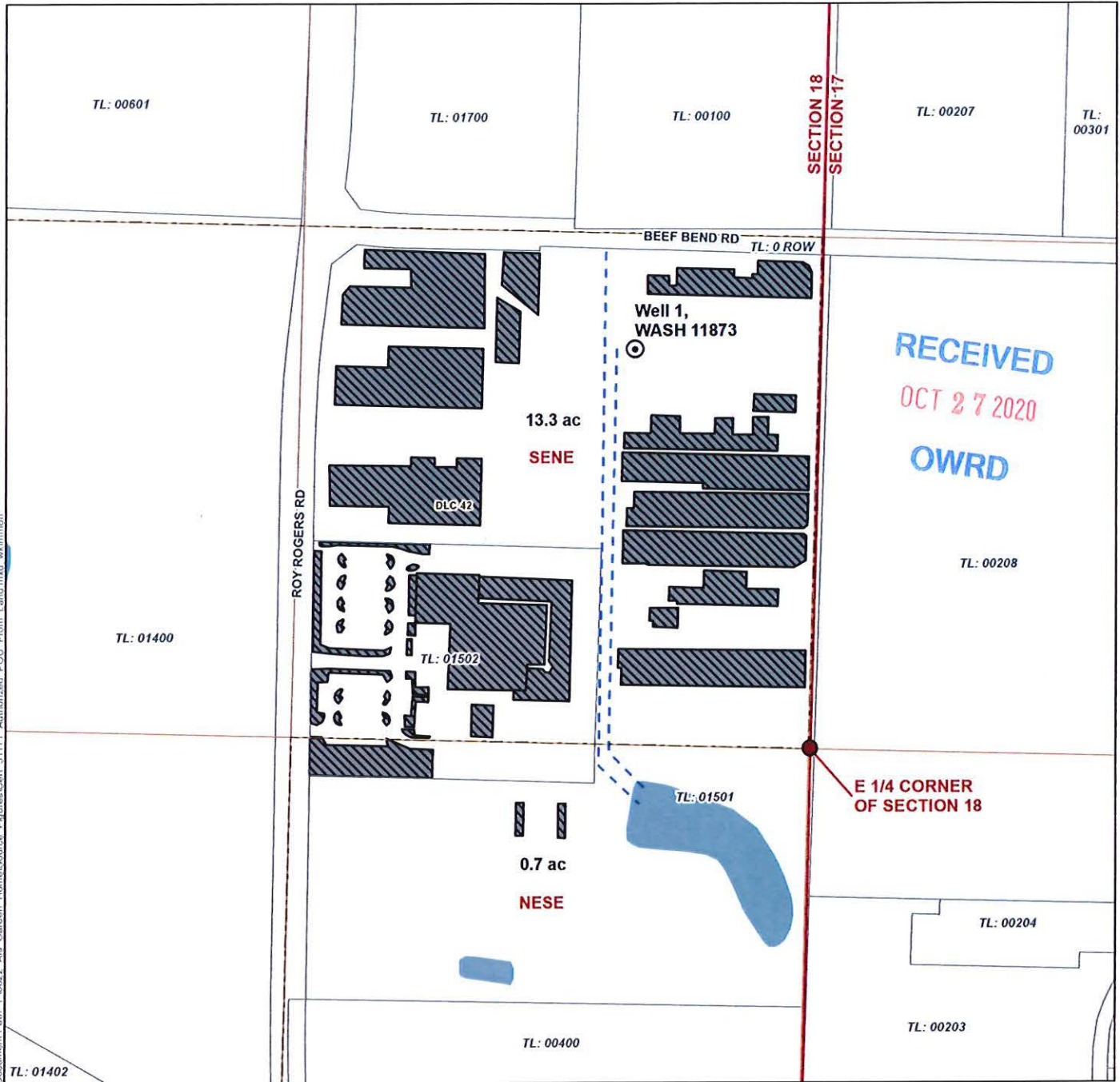
OWRD

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

13542

Application for Permanent Water Right Transfer Certificate 51171 FROM Lands and Authorized Point of Appropriation Township 2 South, Range 1 West (W.M.)

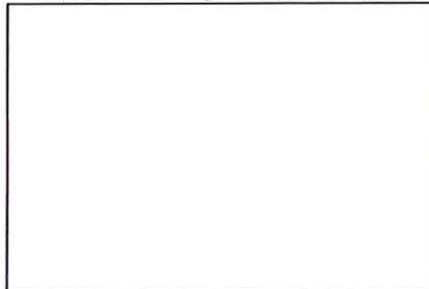


Document Path: Y:\0522_Als_Garden_Homesource_Figures\Cert_51171_Authorized_POA_From_Land.mxd w:\mmon

LEGEND

- Authorized Point of Appropriation (POA)
- Conveyance
- FROM Lands
- Government Lot (GL)
- Donation Land Claim (DLC)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



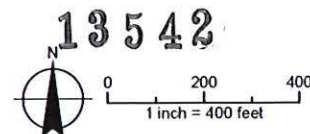
DISCLAIMER
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: October 14, 2020
Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



Application for Permanent Water Right Transfer Certificate 51171 TO Lands and Additional Point of Appropriation

Township 2 South, Range 1 West (W.M.)



Document Path: Y:\0522_Alb. Carleton Home\Source Figures\Cert_51171_Proposed_POA_To_Land.mxd w:\mmon

LEGEND

- ⊙ Authorized Point of Appropriation (POA)
- ◐ Proposed Additional Point of Appropriation (POA)
- ▨ TO Lands
- - - Conveyance
- ⌈⌋ Government Lot (GL)
- Donation Land Claim (DLC)
- ⌈⌋ Tax Lot
- +— Railroad
- ~ Watercourse
- 🌊 Waterbody

Certified Water Rights Examiner Stamp



POA LOCATION DESCRIPTION

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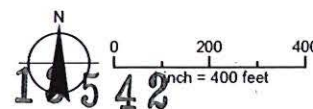
Well 2
 Located 45 feet North and 490 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)

DISCLAIMER

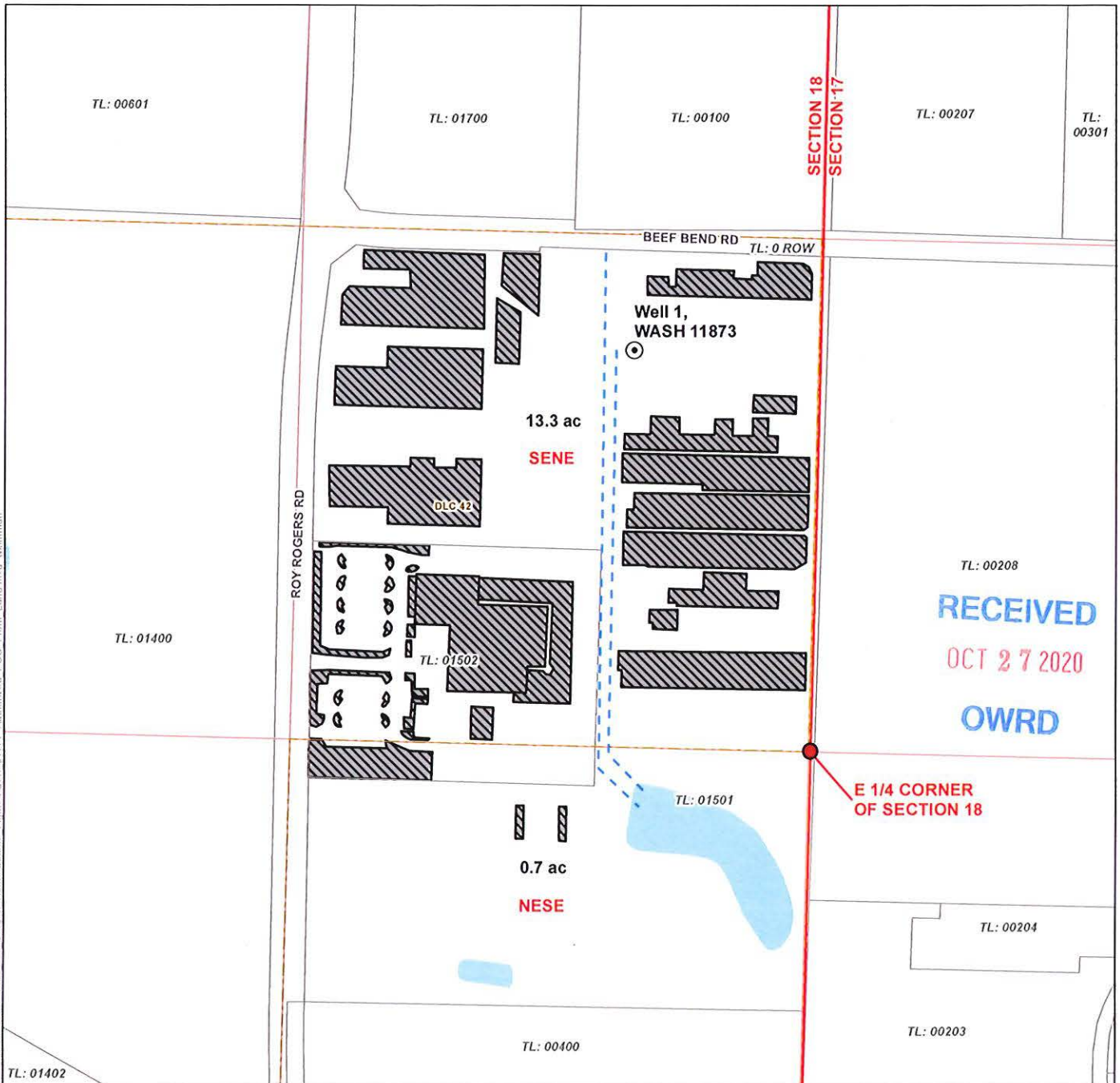
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MAP NOTES

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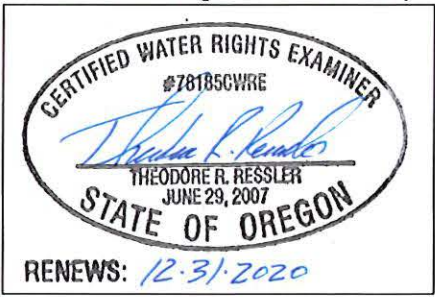
Application for Permanent Water Right Transfer Certificate 51171 FROM Lands and Authorized Point of Appropriation Township 2 South, Range 1 West (W.M.)



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- LEGEND**
- ⊙ Authorized Point of Appropriation (POA)
 - Conveyance
 - ▨ FROM Lands
 - ⌂ Government Lot (GL)
 - Donation Land Claim (DLC)
 - ⊞ Tax Lot
 - +— Railroad
 - ~ Watercourse
 - 💧 Waterbody

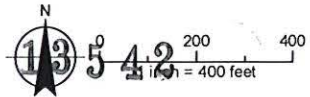
Certified Water Rights Examiner Stamp



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MAP NOTES
Date: October 14, 2020
Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION
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Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



Document Path: \\01022-Abn-Cadwin-Harris\Gourde-Fligore\Cert 51171-Authorized POA From Land.mxd wksman

Application for Permanent Water Right Transfer Certificate 51171 TO Lands and Additional Point of Appropriation

Township 2 South, Range 1 West (W.M.)

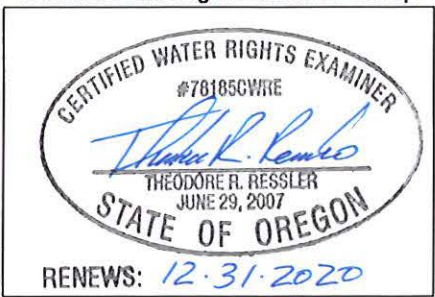


Document Path: Y:\0922_Alt_Cadieux_Home\Course_Films\Cert_51171_Proposed_POA_To_Land.mxd w:\mms

LEGEND

- ⊙ Authorized Point of Appropriation (POA)
- ⊙ Proposed Additional Point of Appropriation (POA)
- ▨ TO Lands
- - - Conveyance
- ⌈⌋ Government Lot (GL)
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- Railroad
- ~ Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



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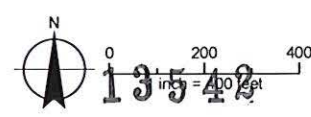
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Date: October 14, 2020
Data Sources: BLM, OWRD, Metro, ESRI



Application for Permanent Water Right Transfer Certificate 51171 REMAINING Lands

Township 2 South, Range 1 West (W.M.)

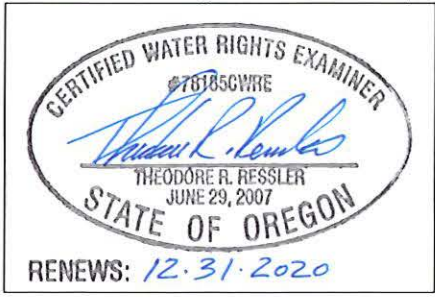


Document Path: V:\0825-Abt_Cardinal_Home\GIS\Projects\Cert_51171_POU_Permanent_wdr_extern.mxd

LEGEND

- Authorized Point of Appropriation (POA)
- Remaining Lands
- Government Lot (GL)
- Donation Land Claim (DLC)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



DISCLAIMER

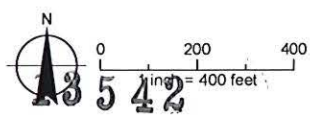
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MAP NOTES

Date: October 14, 2020
Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



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(s): MF Beef Bend, LLC; ATTN: John O'Neil

Mailing Address: 17933 NW Evergreen Place, Suite 300

City: Beaverton

State: OR

Zip Code: 97006

Daytime Phone: (503) 597-7100

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:
<u>2S</u>	<u>1W</u>	<u>18</u>	<u>SENE</u>	<u>1501</u>	<u>EFU 80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Nursery Use</u>
<u>2S</u>	<u>1W</u>	<u>18</u>	<u>SENE</u>	<u>1502</u>	<u>EFU 80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery Use</u>
<u>2S</u>	<u>1W</u>	<u>18</u>	<u>NESE</u>	<u>1502</u>	<u>EFU 80</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery Use</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Washington 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: 0.09 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 Use

Briefly describe:

The Applicant is submitting an application for a water right transfer to make changes to a 14.0 acre portion of an existing water right, Certificate 51171. The proposed changes include a change in the character of use from "irrigation" to "nursery use", a change in the place where water will be used, and the addition of a second authorized point of appropriation.

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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 13542

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):

Land 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

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: MAITREYEE SINHA Title: ASSOCIATE PLANNER

Signature: *M. Sinha* Phone: 503-846-3835 Date: 10/23/2020

Government Entity: WASHINGTON COUNTY, OREGON

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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OCT 27 2020

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: GSI Water Solutions

55 SW Yamhill Street Suite 300 Portland, OR 97204

Transaction Type: Transfer

Fees Received: \$ 3430.00

Cash Check: Check No. 22955

Name(s) on Check: SAME

Address on Check: SAME

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: P. Middleton
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

Regular Permanent Water Right Transfer Application Checklist

Checked by Swift Date 10/30/20

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

2. Are fees included and correct? Fee paid: 3,430
If not, the correct fee would be: _____, so the amount missing is: _____

▶ If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE *or* (Supplemental to Primary)] are counted as one type

3. Page 3 of application: Have all the applicants listed at the top of the page signed? yes
If no, whose signature is missing? _____

4. Are all listed certificates or permits shown by WRIS as non-cancelled? yes N/c
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved:

Changes: _____

cfs involved: _____

Source: _____