T-13448

Regular RA

T-13448

Name KA Berger farms Inc.
c/o Attn Rebecca Berger
Address PO Box 1359
Hillsboro Oregon 97123

Change in APOO
Date Filed 5/22/2020
Initial notice date 6/9/2020
DPD issued date
PD issued date 11/18/2020
PD notice date 11/24/2020
Date of FO 01/07/2021 Vol 118 Page 352-354
C-Date 10/01/2022
COBU due date 10/01/2023
COBU Received date
Certificate issued 97361

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Deer Creek
Trib. of South Yamhill river
Use Irrigation County Yamhill
Quantity of water (CFS) No. of Acres
Name of ditch

App#	Per #	Cert #	PR Date
S-25737	S-20147	22691	3/19/1951

FEES PAID

Date	Amount	Receipt #
5-22-2020	$1,160.00	132559
5-22-2020	$125.00	132560
6-15-2020	$1,268.82	1327666

FEES REFUNDED

Date	Amount	Receipt #
9/18/2024	$208.00	VP058712

Assignments:

Irrigation District

Agent Schwabe, Williamson & Wyatt Attn Elizabeth Howard
EHoward@Schwabe.com
CWRE
CC's list Yamhill County Planning

☐ - Oversized map – Location

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

August 27, 2024

KA BERGER FARMS INC.
ATTENTION: REBECCA BERGER
PO BOX 1359
HILLSBORO OR 97123

RE: Refund for Reimbursement Authority Contract R12937-23; Application T-13448

Dear Applicant/Agent,

Thank you for using the Certificate Reimbursement Authority Program to expedite the processing of your client's Claim of Beneficial Use. The Department completed its processing of the claim for less than the estimated amount. Consequently, we are refunding the difference to you. A check will be mailed separately to you.

I hope you were pleased with the Certificate Reimbursement Authority Program and would consider using it again if the need arises. If you have any questions about this refund, please send an email to Kerry.L.Kavanagh@water.oregon.gov or call me at (503) 979-3208.

Sincerely,

K Kavanagh

Kerry Kavanagh
Reimbursement Authority, Certificates
Water Right Service Division

cc: File T-13448

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: **Fiscal Services Section** DATE: August 27, 2024

FROM: Kerry Kavanagh
Phone: (503) 979-3208

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Refund**

FILE #: T-13448 **RA #:** R12937-23 **RECEIPT #:** 140327

Please prepare payment in the amount of **$208.00**, made payable to:

47126
0413

Name: **BERGER INTERNATIONAL LLC**

Address: **C/O KA BERGER FARMS INC.; ATTENTION: REBECCA BERGER**
PO BOX 1359
HILLSBORO OR 97123

These funds are being paid or refunded as a result of (check one):

_____ Excess fees were collected for Claim of Beneficial Use
__X__ Excess fees were collected for Reimbursement Authority
_____ Other

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Dwight Hall Date: 8/30/24

After this memo has been signed, please route to:

__X__ Abby Hungate

_____ Fiscal

_____ Other _____

RA Mailing List for Certificate

Scheduled Mailing Date:

Application: T-13448

Certificate: 97361 (cf-22691)

Copies Mailed
by: KMWF
(STAFF)
on: SEP 2 2 2023
(DATE)

Water Right Holder:

KA BERGER FARMS INC.
ATTENTION: REBECCA BERGER
PO BOX 1359
HILLSBORO OR 97123

Copies of Final Certificate to be sent to:

1. Watermaster District 22 (include copy of map)
2. Water Availability
3. Vault
4. File

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records?

YES - Map Taxlot 5.5.27.00100 owned by K.A. Berger Farms Inc. per Yamhill County Assessor

Other persons to receive copies: (include map):

1. Steve Bruce, CWRE, Skookum Water Associates Inc., 1626 Victorian Way, Eugene OR 97401

Record Marking(s):

1. Original Application# S-25737
2. Old Certificate# 22691

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

K. A. BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO OR 97123

confirms the right to use the waters of DEER CREEK, a tributary of SOUTH YAMHILL RIVER for IRRIGATION of 106.23 ACRES.

This right was perfected under Permit S-20147. The date of priority is MARCH 19, 1951. 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 0.27 CUBIC FOOT PER SECOND (cfs), or its equivalent in case of rotation, measured at the point of diversion from the stream.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
5 S	5 W	WM	22	SE SW		51	POD 4 (ORIGINAL) - 110 FEET NORTH AND 1930 FEET EAST FROM SW CORNER, SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 (ORIGINAL) - 1940 FEET SOUTH AND 960 FEET WEST FROM NE CORNER, SECTION 22
5 S	5 W	WM	27	NW NW			POD 3 (ORIGINAL) - 260 FEET SOUTH AND 890 FEET EAST FROM NW CORNER, SECTION 27
5 S	5 W	WM	28	SE NE			POD 2 (ADDITIONAL) - 1690 FEET SOUTH AND 1420 FEET WEST FROM NE CORNER, SECTION 28

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 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 shall be still further limited to a diversion of not to exceed 0.27 cfs, 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 herby confirmed, and to which this right is appurtenant, is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	5 W	WM	27	SW NW	19.60
5 S	5 W	WM	27	NW SW	28.90
5 S	5 W	WM	28	SE NE	29.50
5 S	5 W	WM	28	NE SE	28.23

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

Water use measurement conditions:

A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of diversion.

B. 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.

The water user shall maintain and operate the fish screen at the additional point of diversion (POD 2) consistent with the Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards.

The quantity of water diverted at the additional point of diversion (POD 2), together with that diverted at the original points of diversion (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion (POD 1, POD 3, POD 4, POD 5, AND POD 6). The locations of POD 1 and POD 6 are described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	23	SW NW	49	POD 6 (ORIGINAL) - 2180 FEET SOUTH AND 270 FEET EAST FROM NW CORNER, SECTION 23
5 S	5 W	WM	28	NW SE		POD 1 (ORIGINAL) - 1990 FEET NORTH AND 1810 FEET WEST FROM SE CORNER, SECTION 28

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

This certificate is issued to confirm a change in ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 4, 2021, at Special Order Volume 118, Page 503, approving Transfer Application T-13448, and together with Certificate 95227, supersedes Certificate 22691, State Record of Water Right Certificates.

Issued SEP 2 2 2023.

Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

OREGON
WATER RESOURCES DEPARTMENT

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: E.A. Berger Farms Inc, Rebecca Berger
PO Box 1359 1211 SW Fifth Ave Suite 900

Transaction Type: RA Application (COBU)

Fees Received: $ 125.00

☐ Cash ☑ Check; **Check No.** 17248

Name(s) on Check: Berger International LLC

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: Dante Luongo
(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.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (*application/other document*) in the top drawer of filing cabinet.

SKOOKUM
WATER ASSOCIATES INC

CLAIM OF BENEFICIAL USE

WATER-RIGHT TRANSFER T-13448

K.A. BERGER FARMS INC.

P.O. BOX 1359
HILLSBORO, OR 97123

December 29, 2022

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Project 10145.004

Skookum Water Associates Inc.
1626 Victorian Way Eugene, OR 97401
(503) 319-8926

CLAIM OF BENEFICIAL USE for Transfer New or Additional POD Only

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

A fee of $230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

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

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

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

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

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

If you have questions regarding the completion of this form, please call 503-979-9103.

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 where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. **YES**
If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #
T-13448

2. Property Owner (current owner information)

Applicant/Business Name		Phone No.	Additional Contact No.
K.A. Berger Farms Inc. Attn: Rebecca Berger		(503) 209-5449	
Address P.O. Box 1359			
City Hillsboro	State OR	Zip 97123	E-Mail becky@bergerseed.com annelisa@bergerseed.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		
NA		
Address		
City	State	Zip

4. Date of Site Inspection:

December 12, 2022

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

Name	Date	Association with the Project
Derek Berger	12/12/2022	Farm Manager

6. County:

Yamhill

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		
NA		
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.

Seal and Signature



CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Steven R. Bruce Skookum Water Associates Inc.		(503) 319-8926	
ADDRESS 1626 Victorian Way			
CITY Eugene	STATE OR	ZIP 97401	E-MAIL steve@skookumwater.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
Rebecca Berger	Rebecca Berger	President	1/12/23

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SECTION 3

CLAIM DESCRIPTION

Note: The Claim <u>only</u> needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

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

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD 2	Deer Creek, a tributary of South Yamhill River

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? If yes, describe below. YES

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

Only the use of PODs 2, 3, 4 and 5 should be included in the new certificate. PODs 1 and 6 are no longer used.

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD 2	0.27 cfs	1.51 cfs	NA – the system was placed in storage for the winter

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s? NO

If *"YES"* you will need to copy and complete a separate Section 4 for each POD.

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

A. POD System Information

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

1. Pump Information

Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake Size	Discharge Size
Berkeley Pentair	B4EPE1	PP807	Centrifugal	8 inch	3 inch

2. Motor Information

Manufacturer	Horsepower
Baldor- Reliance	50

3. Theoretical Pump Capacity

Horsepower	Operating PSI	Lift from Source to Pump	Lift from Pump to Place of Use	Total Pump Output (in cfs)
50	80	10 feet	5 feet	1.51

4. Provide pump calculations:

Q Pump = $\frac{\text{(horsepower)(pump efficiency)}}{\text{(total head in feet)}} = \frac{(50)(6.61)}{203.2+10+5} = \frac{330.5}{218.2}$ = 1.51 cfs (approx. 678 gpm)

Where:

hp = 50

efficiency = 6.61 ft^4/sec/hp

total head = 203.2 feet (conversion of 80 psi to feet based on table in CBU form) + 10 feet from river to pump + 5 feet from pump to POU

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)
NA – system winterized			

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

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B. Gravity Flow Pipe

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

1. Does the diversion involve a gravity flow pipe? NO

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

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C. Gravity Flow Canal or Ditch

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

1. Does the diversion involve a gravity flow ditch or canal? NO

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

D. Additional notes or comments related to the system:

SECTION 5

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 NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	2/4/2021	
COMPLETENESS DATE FROM ORDER (C)	10/1/2022	9/5/2022

* 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 diversion.

b. Has a meter been installed? YES

c. Meter Information

POD Name or #	Manufacturer	Serial #	Condition (working or not)	Current Meter Reading	Date Installed
POD 2	McCrometer	22-03572-08	Working	42.733 AF	Sept 5, 2022
POD 3	McCrometer	22-03573-06	Working	0.005 AF	Aug 2021
POD 4	McCrometer	12-05744-06	Working	16.799 AF	Aug 2021
POD 5	ARAD	16-150009679	Working	170,571,540 gal	Spring 2016

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? NO

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

5. Fish Screening

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

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

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

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

Date	By Whom
6/20/2021	Derek Berger and Larry Urbanski

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

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

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

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

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

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

- Has the ODFW approval been previously submitted? **YES**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx

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

6. By-pass Devices

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

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

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

b. Have by-pass devices been installed? **NA – not necessary (see below)**

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

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

DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
As indicated in the June 23, 2021 letter by Bryce Macnab (ODFW) in Exhibit A, this is an end-of-pipe screen so no bypass device is necessary at the POD.	**NA**	**NA**

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

a. Was the water user required to restore the riparian area if it was disturbed? **NO**

b. Was a fishway required? **NO**

c. Other conditions? **NO**

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

NA

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SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Exhibit A	June 23, 2021 letter from Bryce Macnab (ODFW) to Annelisa Zander (Berger International LLC) approving the fish screening and bypass device requirements for Transfer T-13448
Figure 1	Claim of Beneficial Use Map for T-13448

SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

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

The map was tied using a Garmin Oregon 750t GPS and two USDA-FSA-NAIP aerial images collected July 13, 2020 (m_4512354_se_10_060_20200713.tif and m_4512362_ne_10_060-20200713.tif).

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Map Checklist

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

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

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Oregon
Kate Brown., Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
FAX (541) 296-7889
odfw.com

June 23, 2021

Attn. Annelisa Zander
Berger International LLC
PO Box 1359
Hillsboro, OR 97123

RE: Transfer T-13448

To Whom It May Concern:

This letter is in regards to fish screening and bypass device requirements set forth by the Oregon Water Resources Department for T-13448. This water right transfer created a new point of diversion on Deer creek located at N 45.111049 W123.304905.

The model of screen that has been installed and approved is a Clemons CW600, which is rated for up to 750 gpm. This self-cleaning screen, when installed and maintained properly will protect all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for a withdrawal rate up to 1.67 cfs, although legally diverted flow may be less, and will satisfy the screening requirements for Transfer T-13448. This is an end of pipe screen so no by-pass device is necessary at this point of diversion.

Since this fish screen may be reinstalled yearly before water is withdrawn, this approval is contingent on the following: the screen is installed each year prior to any diversion of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order.

If there are any questions regarding the approval of this screen for Berger International LLC's T-13448, please call me at 541-967-2126.

Sincerely,

Bryce Macnab
Fish Screens and Passage Coordinator

RECEIVED
JAN 23 2023
OWRD

EXHIBIT A

KA Berger Farms CERT

Completion Checklist for Claims of Beneficial Use for
POST JULY 1, 2004 Claims

Application #	WRD Reviewer Kerry Kavanagh
Transfer # T-13448	Claim Logged YES
Date Received 1-23-2023	Oversized Map # MA
CWRE Name Steve Bruce	folded 11X17 map

TFO issued 1-27-2021. add'l POD
superseding TFO issued 2-4-2021
CD Date = 10-1-2022.
0.27 cfs from POD 2 - add'l
Port Cart 92691 PR Cart 95227

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))
- / Source illustrated if surface water (OAR 690-014-0170(3))
- / Point(s) of diversion or appropriation (illustrated) (OAR 690–014(4) & 690-310-0050)
- / Point(s) of diversion or appropriation (coordinates)(OAR 690–014(4) & 690-310-0050)
- / Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- / Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690–014-0170(4))
- / Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review: CORR - 0.27 cfs from POD 2 (add'l)

- / On form or format 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) Klamath
- / Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- / Source(s) of water (OAR 690-014-0100)
- / Place of use location (OAR 690-014-0100)
- / Type of use (OAR 690-014-0100)
- / Extent of use (OAR 690-014-0100)
- / Rate and Duty (OAR 690-014-0100)
- MA Diversion rate for each use (OAR 690-014-0100)
- / Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- / System capacity (OAR 690-014-0100)
  - / Calculated capacity of system (required)
  - MA Measured amount of use (optional)
- / Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - MA Time limits
  - MA Initial water level measurements
  - MA Annual static water level measurements
  - Measurement, recording, and reporting
    - / Meter/measuring device
    - / Water use reporting
  - / Fish screening and/or by-pass CORR - ODFW letter 6-27-2021: approved fish screen no by-pass required
  - MA Pump test (ground water)
  - Other

MA Conditions from Extension Final Order and/or Water Management Conservation Plan

- / CWRE stamp and signature (OAR 690-014-0100)
- / Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient
N/A = Not Applicable

Appt-13448 CERT

Certificate Issuance Processing Checklist

__/__ Map and COBU reviewed
__/__ Conflict check Any Conflicts? NO
__/__ Check for ownership

Check Area of Interest ☐ **YES** ☒ **NO**
Identified Party _____

Staff Recommendations:

__/__ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information:_____
_____ Send letter recommending extension to cure deficiencies:_____

Can certificate be processed further?
_____Yes

If "Yes":
_____Proposed
_____Final Certificate #_____

Mailing list:

Proposed:

Final:

• COBU notes only POD 2, 3, 4 & 5 are claimed status that POD 1 & 6 are no longer needed.

\

T-13448:

Pump Capacity Calculation Sheet App T-13448
using Department designed formula: add'l POD --> POD 6

(hp)(efficiency) / (lift + psi head) = capacity in cfs

Efficiency:

Centrifugal = 6.61
Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	50
Efficiency =	6.61
Lift =	15
PSI =	80

Results Calculated

(hp)(efficiency) =	330.5
Head based on psi =	203.2
Total dynamic head = (head + lift)	218.2

Pump Capacity = 1.51 feet per second

Application # Permit # Transfer # T-13448

KA Berger Farms Inc. RA# R12937-23

Reimbursement Authority Process
Itemized FINAL Sheet
for
Certificates

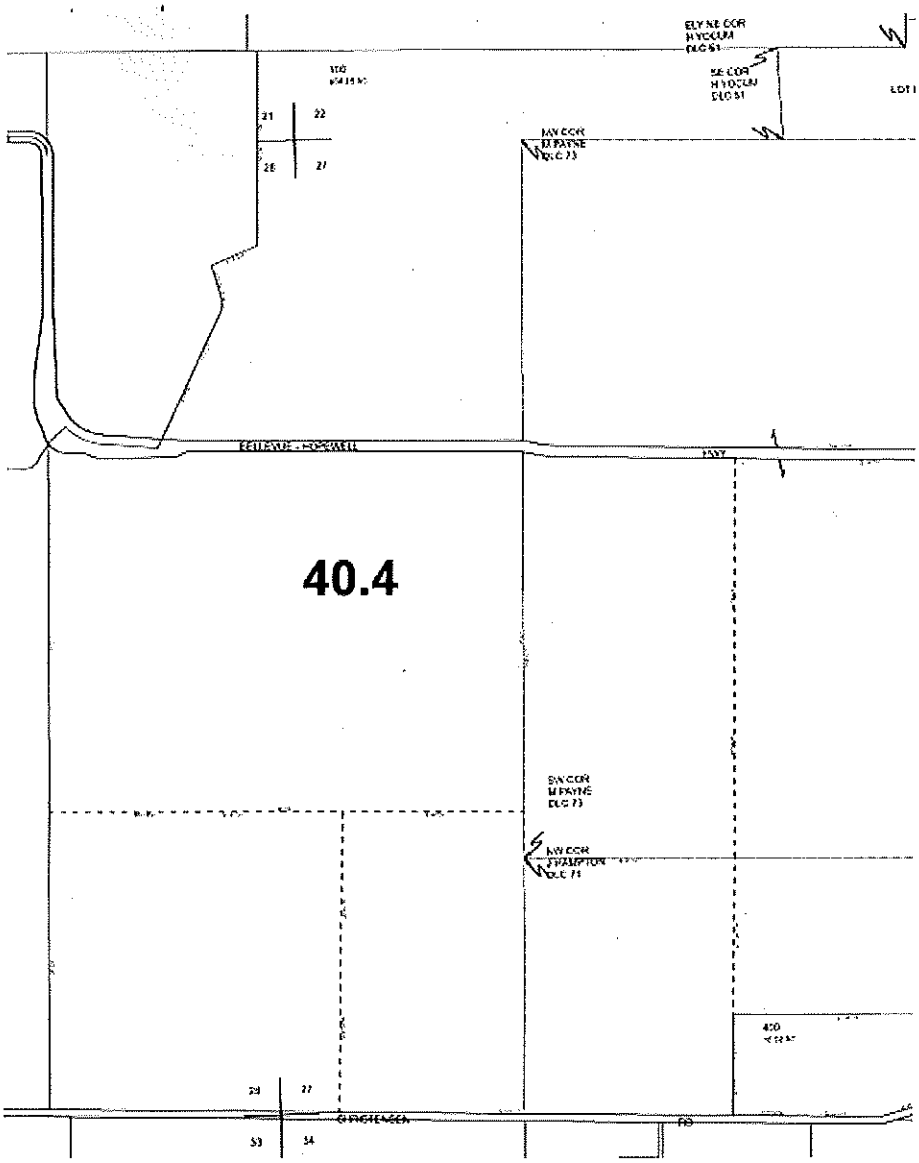
	New Est. Time (hr)	Multiplier	Total Est Hours	Individual	Hourly Rate	New Est. Cost	Date/Act. Time
1. Review Claim of Beneficial Use report & map	2.00	31%	2.62	Kerry	$74.44	$ 195.03	
2. Conflict Check	0.50	31%	0.66	Kerry	$74.44	$ 48.76	
3. Prep of def. letter - contigency time	0.00	31%	0.00	Kerry	$74.44	$ -	
4. Enter pump test data -	0.00	31%	0.00	Kerry	$74.44	$ -	
5. Prep of 1 cert - add'l POD	3.75	31%	4.91	Kerry	$74.44	$ 365.69	
6a. Peer review - consultation	0.00		0.00	Gerry	$73.70	$ -	
6b. Peer review	0.30		0.30	Dwight	$105.45	$ 31.64	
6d. Peer review	0.50	26%	0.63	Gerry	$73.70	$ 46.43	
7. Project Management -	1.00	31%	1.31	Kerry	$73.83	$ 96.72	
7. Project Management -	4.75	31%	6.22	Kerry	$74.44	$ 463.20	
8a. Water right data record update	0.75	31%	0.98	Support-Kyler	$30.53	$ 30.00	
8b. Water right data record update	1.00		1.00	Data Tech-Chloe	$37.95	$ 37.95	
9. Pump test - n/a	0.00		0.00	Michael Thoma	$76.33	$ -	
Total			**18.63**		Sub Total	**$1,315**	
					10% Overhead	$131.54	
					TOTAL	**$1,447**	

$208 under (estimated cost = $1655)

TFO issued 1-7-2021- change - add'l POD. C Date = 10-1-2022.
port Cert 22691 - 0.27 cfs for IR of 106.23 ac - surface water

-- quantity of water diverted at add'l POD (POD 2) shall not exceed quantity of water lawfully available at original PODs (POD 1, POD 3, POD 4, POD 5, & POD 6).

T-13448 - Ownership per Yamhill County Assessor: 5.5.27 00100:



Thu 7/27/2023 2:00 PM

Kimberly Navarro <navarrok@co.yamhill.or.us>

Property in Yamhill County - portion of Sections 27 and 28, T5S, R5W, W.M.

To KAVANAGH Kerry L * WRD

You forwarded this message on 7/28/2023 8:17 AM.

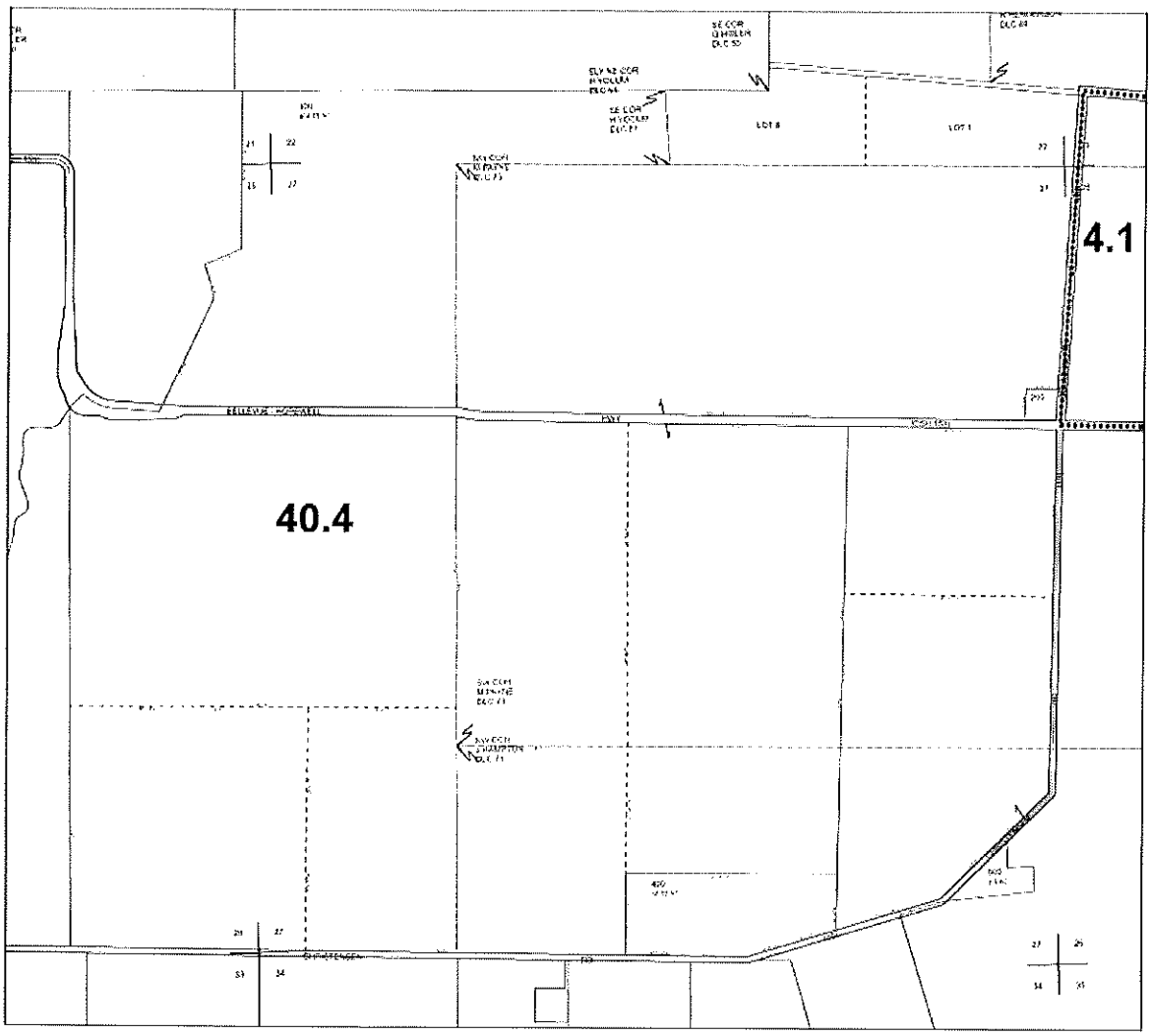
You don't often get email from navarrok@co.yamhill.or.us. Learn why this is important

Good afternoon,

I am showing the below ownership information for R5527 00100:

K A Berger Farms Inc
PO Box 1359
Hillsboro, OR 97123

5 5 27



YAMHILL COUNTY

ASSESSMENT & TAX
CARTOGRAPHY

SECTION 27 T5S R5W W/M
YAMHILL COUNTY OREGON
1" = 400'

CANCELLED TAXLOTS
300
150 A31

DATE PRINTED 4/28/2016

This product is for Assessment and Taxation purposes only and is not to be used for boundary determinations, engineering or any purpose that requires the precision and accuracy of a survey.

5 5 27

T-13448:

Oregon Water Resources Department
Water Rights Platcard Report

Main
Return

Search Criteria

Meridian: Willamette | Township: 5 South | Range: 5 West | Section: 27 | Records per Page: 7 | Search

Platcards Maps!
Learn about * View Map

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	oregon: acres:	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	Cert:22687 OR *		2/6/1951	IRRIGATION										26	5										
	Additional Info: BELLEVUE FARMS INC. App: S25625 Permit: S20103 Cert: 22687																								
Select	Cert:22687 OR *		2/6/1951	IRRIGATION		73							6.2												
	Additional Info: BELLEVUE FARMS INC. App: S25625 Permit: S20103 Cert: 22687																								
Select	Cert:22691 OR CN	T13448	3/19/1951	IRRIGATION	CN										~~19.6~~			~~28.9~~							
	Additional Info: BELLEVUE FARMS INC. App: S25737 Permit: S20147 Cert: 22691																								
Select	Cert:22691 OR CN	T13448	3/19/1951	IRRIGATION	CN	73			~~39.7~~	~~37.6~~	~~12.5~~	~~13.1~~	~~32.9~~			~~12.5~~									
	Additional Info: BELLEVUE FARMS INC. App: S25737 Permit: S20147 Cert: 22691																								
Select	Cert:39477 OR *	IL126, IL920	3/9/1961	IRRIGATION		73			0.6			0.5													
	Additional Info: STEVEN R JONES App: S34685 Permit: S27237 Cert: 39477																								
Select	Cert:50648 OR CN	IL67, IL84, T11478	5/4/1977	IRRIGATION	CN	71																		~~4.4~~	
	Additional Info: CRIMSON WEST FARMS INC. App: S55832 Permit: S42508 Cert: 50648																								
Select	Cert:64561 OR CN	IL67, IL84, IL96	7/8/1983	IRRIGATION	CN	71															~~1~~	~~0.1~~	~~2.9~~	~~27.1~~	
	Additional Info: CRIMSON WEST FARMS INC. App: S65280 Permit: S47581 Cert: 64561																								

1 2 3 4

Acreage Legend: 12.25 Regular acreage | ~~12.25~~ Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | *Acreage is not specified

Oregon Water Resources Department
Water Rights Platcard Report

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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Govt Lot	Govt Tract	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	**Cert:64561 OR CN** Additional Info: CRIMSON WEST FARMS INC. App: S85280 Permit: S47681 Cert: 64561	IL67, IL84, IL96	7/8/1983	IRRIGATION	CN	73					~~1.3~~	~~23.5~~									~~38.9~~	~~2.8~~			
Select	**Cert:87465 CR CN** Additional Info: CRIMSON WEST FARMS INC. App: S85280 Permit: S47681 Cert: 87465	T11478	7/8/1983	IRRIGATION	CN	73					~~1.3~~	~~23.5~~									~~38.9~~	~~2.8~~			
Select	**Cert:87465 CR CN** Additional Info: CRIMSON WEST FARMS INC. App: S85280 Permit: S47681 Cert: 87465	T11478	7/8/1983	IRRIGATION	CN	71															~~1~~	~~0.1~~	~~2.9~~	~~27.1~~	
Select	**Cert:90051 (RR) CN** Additional Info: CRIMSON WEST FARMS INC. App: S85280 Permit: S47681 Cert: 90051		7/8/1983	IRRIGATION	CN	71															~~1~~	~~0.1~~	~~2.9~~	~~27.1~~	
Select	**Cert:90051 (RR) CN** Additional Info: CRIMSON WEST FARMS INC. App: S85280 Permit: S47681 Cert: 90051		7/8/1983	IRRIGATION	CN	73					~~1.3~~	~~23.5~~									~~38.9~~	~~2.8~~			
Select	**Cert:93113 CF *** Additional Info: CHRISTENSEN FARMS LLC App: S55832 Permit: S42508 Cert: 93113		5/4/1977	IRRIGATION		71																		5.7	
Select	**Cert:93115 CF *** Additional Info: CHRISTENSEN FARMS LLC App: S85280 Permit: S47681 Cert: 93115		7/8/1983	IRRIGATION		71															2.2	0.2	3.5	24.6	

1 2 3 4

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Oregon Water Resources Department
Water Rights Platcard Report

Main | Return

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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	Cert:93115 CF * Additional Info: CHRISTENSEN FARMS LLC App: S85280 Permit: S47881 Cert: 93115		7/8/1983	IRRIGATION		73					2	24.7										36.6	3.4			
Select	Inchoate: T 13448 CF (REG) * Additional Info: K A BERGER FARMS INC. App: S25737 Permit: S20147		3/19/1951	IRRIGATION											(19.6)			(28.9)							
Select	Cert:95227 (T 13448 RR) * Additional Info: K A BERGER FARMS INC. App: S25737 Permit: S20147 Cert: 95227		3/19/1951	IRRIGATION		73			39.7	37.8	13.5	13.1	32.9			12.5									
Select	Permit: S 55301 * Additional Info: K A BERGER FARMS INC. App: S88895 Permit: S55301		11/10/2020	IRRIGATION							23.7				7.8	26.8	40	10.4	40	38.1		38.1		21.7	
Select	Cert:72984 OR * Additional Info: OREGON WATER RESOURCES DEPARTMENT App: IS73563 Cert: 72984		8/5/1993	POLLUTION ABATEMENT (INSTREAM)									*												
Select	Permit: G 10987 * Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G11935 Permit: G10987		6/16/1989	QUASI-MUNICIPAL USES							*	*			*	*	*	*	*	*	*	*	*	*	
Select	Permit: G 12721 * Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G13929 Permit: G12721		12/28/1994	QUASI-MUNICIPAL USES							*	*			*	*	*	*	*	*	*	*	*	*	

Acreage Legend: 12.25 Regular acreage | ~~12.25~~ Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | *Acreage is not specified

Oregon Water Resources Department
Water Rights Platcard Report

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	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	COUNTY: OR180:	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown Q,Q
Select	**Cert:60020 OR *** Additional Info: SPOKANE BANK FOR COOPERATIVES App: G6717 Permit: G6352 Cert: 60020		11/8/1974	QUASI-MUNICIPAL USES							*	*			*	*	*	*	*	*	*	*	*	*	
Select	**App: LL 1233 EX** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: LL1233		7/27/2009	QUASI-MUNICIPAL USES	EX						*	*			*	*	*	*	*	*	*	*	*	*	
Select	**Inchoate: T 10935 CF (REG) *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G5958 Permit: G5665		12/18/1972	QUASI-MUNICIPAL USES							(*)	(*)			(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	
Select	**App: LL 1242 EX** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: LL1242		8/28/2009	QUASI-MUNICIPAL USES	EX						*	*			*	*	*	*	*	*	*	*	*	*	
Select	**Permit: G 16772 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G17130 Permit: G16772		10/28/2008	QUASI-MUNICIPAL USES							*	*			*	*	*	*	*	*	*	*	*	*	
Select	**Permit: G 17909 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G18168 Permit: G17909		12/4/2015	QUASI-MUNICIPAL USES							*	*			*	*	*	*	*	*	*	*	*	*	

Acreage Legend: 12.25 Regular acreage | ~~12.25~~ Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | * Acreage is not specified

Oregon Water Resources Department
Water Rights Platcard Report

Search Criteria

Meridian: Willamette | Township: 5 South | Range: 5 West | Section: 28 | Records per Page: 7 | Search

Platcards Maps! Learn about - View Map

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): QQ(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	Cert:39583 OR *		4/17/1968	FISH AND WILDLIFE																			-		
	Additional Info: THEODORE ROSSNER App: S44717 Permit: S33207 Cert: 39583																								
Select	Cert:39582 OR *		4/17/1968	FISH CULTURE																			-		
	Additional Info: THEODORE ROSSNER App: R44716 Permit: R5154 Cert: 39582																								
Select	Cert:22336 OR *	IL304	1/3/1951	IRRIGATION					29.8			5.4	38.8			38.8									
	Additional Info: R WALKER App: S25548 Permit: S20061 Cert: 22336																								
Select	Cert:22687 OR *		2/6/1951	IRRIGATION					5.1			3.1													
	Additional Info: BELLEVUE FARMS INC. App: S25625 Permit: S20103 Cert: 22687																								
Select	Cert:22691 OR CN	T13448	3/19/1951	IRRIGATION CN								~~29.5~~									~~28.22~~				
	Additional Info: BELLEVUE FARMS INC. App: S25737 Permit: S20147 Cert: 22691																								
Select	Cert:40520 OR *	T14234	9/19/1967	IRRIGATION		57								1	12			10							
	Additional Info: HAROLD BUEL App: S44078 Permit: S32990 Cert: 40520																								
Select	Cert:44426 OR CN	T9831, IL349	12/29/1989	IRRIGATION CN						~~35.4~~	~~30.4~~														
	Additional Info: CHESTER STRINGER JR App: S46615 Permit: S34891 Cert: 44426																								

1 2 3 4

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Oregon Water Resources Department
Water Rights Platcard Report

Main | Return

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Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Govt Lot	Acres	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select **Cert:81613 (RR) *** Additional Info: CHESTER STRINGER JR App: S48615 Permit: S34891 Cert: 81613		12/29/1969	IRRIGATION						30.1	15.8														
Select **Cert:88829 CF *** Additional Info: JERRY FREEMAN App: S48615 Permit: S34891 Cert: 88829		12/29/1969	IRRIGATION													19.9								
Select **Inchoate: T 13448 CF (REG) *** Additional Info: K A BERGER FARMS INC. App: S25737 Permit: S20147		3/19/1951	IRRIGATION								(29.5)									(28.23)				
Select **Permit: S 55301 *** Additional Info: K A BERGER FARMS INC. App: S88895 Permit: S55301		11/10/2020	IRRIGATION																10.4			40	
Select **Cert:72984 OR *** Additional Info: OREGON WATER RESOURCES DEPARTMENT App: IS73563 Cert: 72984		8/5/1993	POLLUTION ABATEMENT (INSTREAM)				*			*	*					*	*	*			*			
Select **Permit: G 10987 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G11935 Permit: G10987		6/15/1989	QUASI-MUNICIPAL USES							*	*				*	*	*	*	*	*	*	*	*	
Select **Permit: G 12721 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G13929 Permit: G12721		12/28/1994	QUASI-MUNICIPAL USES							*	*				*	*	*	*	*	*	*	*	*	

1 2 3 4

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Meridian: Willamette | Township: 5 South | Range: 5 West | Section: 28 | Records per Page: 7 | Search

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Select	**Cert:60020 OR *** Additional Info: SPOKANE BANK FOR COOPERATIVES App: G8717 Permit: G8352 Cert: 60020		11/8/1974	QUASI-MUNICIPAL USES						-	-			-	-	-	-	-	-	-	-	-	
Select	**App: LL 1233 EX** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: LL1233		7/27/2009	QUASI-MUNICIPAL USES	EX					-	-			-	-	-	-	-	-	-	-	-	
Select	**Inchoate: T 10935 CF (REG) *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G5958 Permit: G5855		12/18/1972	QUASI-MUNICIPAL USES						(-)	(-)			(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	(-)	
Select	**App: LL 1242 EX** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: LL1242		8/26/2009	QUASI-MUNICIPAL USES	EX					-	-			-	-	-	-	-	-	-	-	-	
Select	**Permit: G 16772 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G17130 Permit: G16772		10/28/2008	QUASI-MUNICIPAL USES						-	-			-	-	-	-	-	-	-	-	-	
Select	**Permit: G 17909 *** Additional Info: PERRYDALE DOMESTIC WATER ASSOCIATION App: G18166 Permit: G17909		12/4/2015	QUASI-MUNICIPAL USES						-	-			-	-	-	-	-	-	-	-	-	
Select	**Cert:39582 OR *** Additional Info: THEODORE ROSSNER App: R44716 Permit: R5154 Cert: 39582		4/17/1968	WILDLIFE																	-		

Acreage Legend: 12.25 Regular acreage | -12.25- Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | * Acreage is not specified

Oregon Water Resources Department
Water Rights Platcard Report

Search Criteria

Meridian: Willamette | Township: 5 South | Range: 5 West | Section: 28 | Records per Page: 7 | Search

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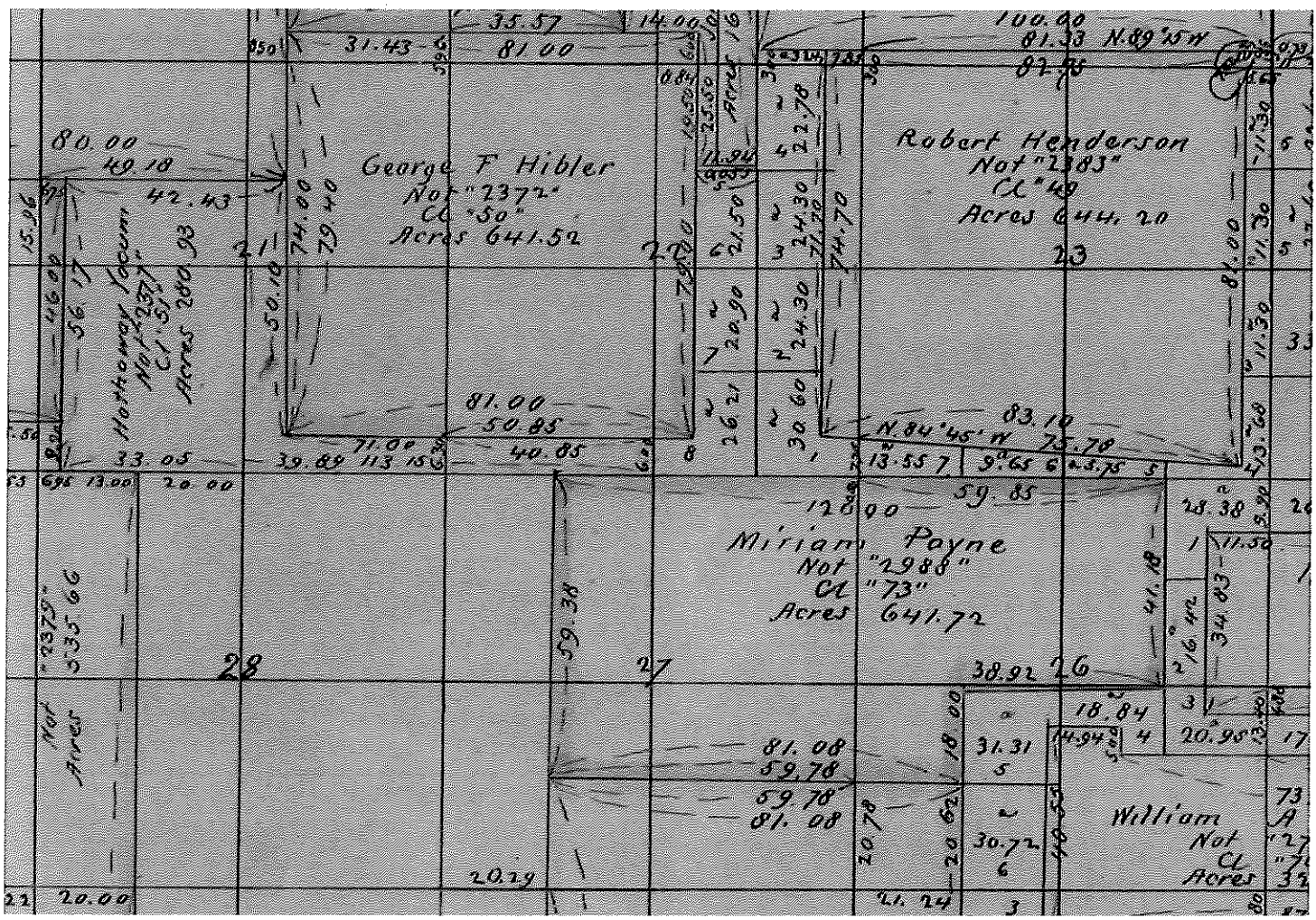
	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	POINT OF DIVERSION: NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select	**Cert:81033 OR CN** Additional Info: PRESTON HENRY App: R74735 Permit: R12237 Cert: 81033		10/24/1994	WILDLIFE	CN														*					
Select	**Cert:81086 OR *** Additional Info: PRESTON HENRY App: R74735 Permit: R12237 Cert: 81086		10/24/1994	WILDLIFE															*					

1 2 3 4

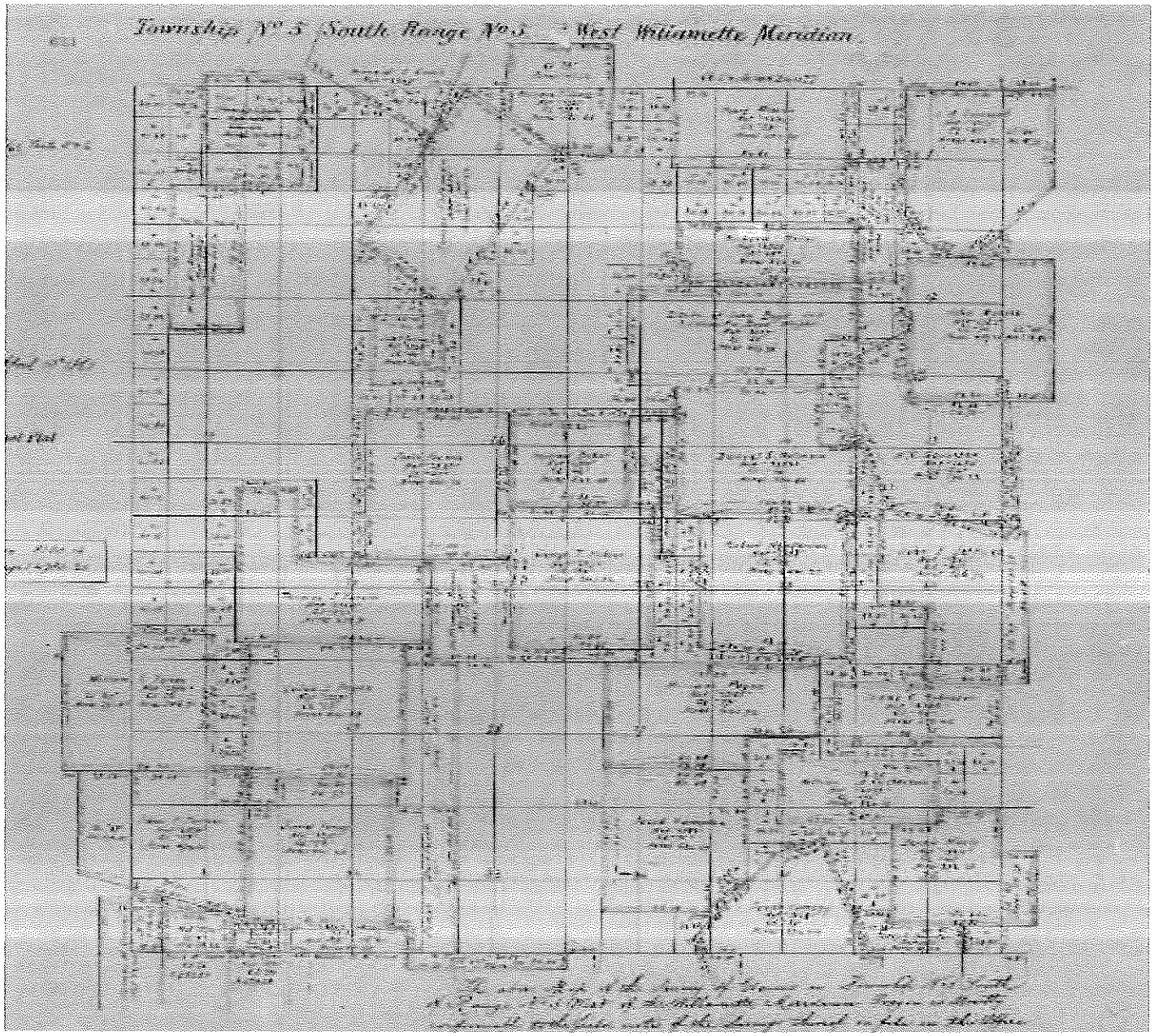
Acreage Legend: 12.25 Regular acreage | ~~12.25~~ Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | *Acreage is not specified

T-13448:

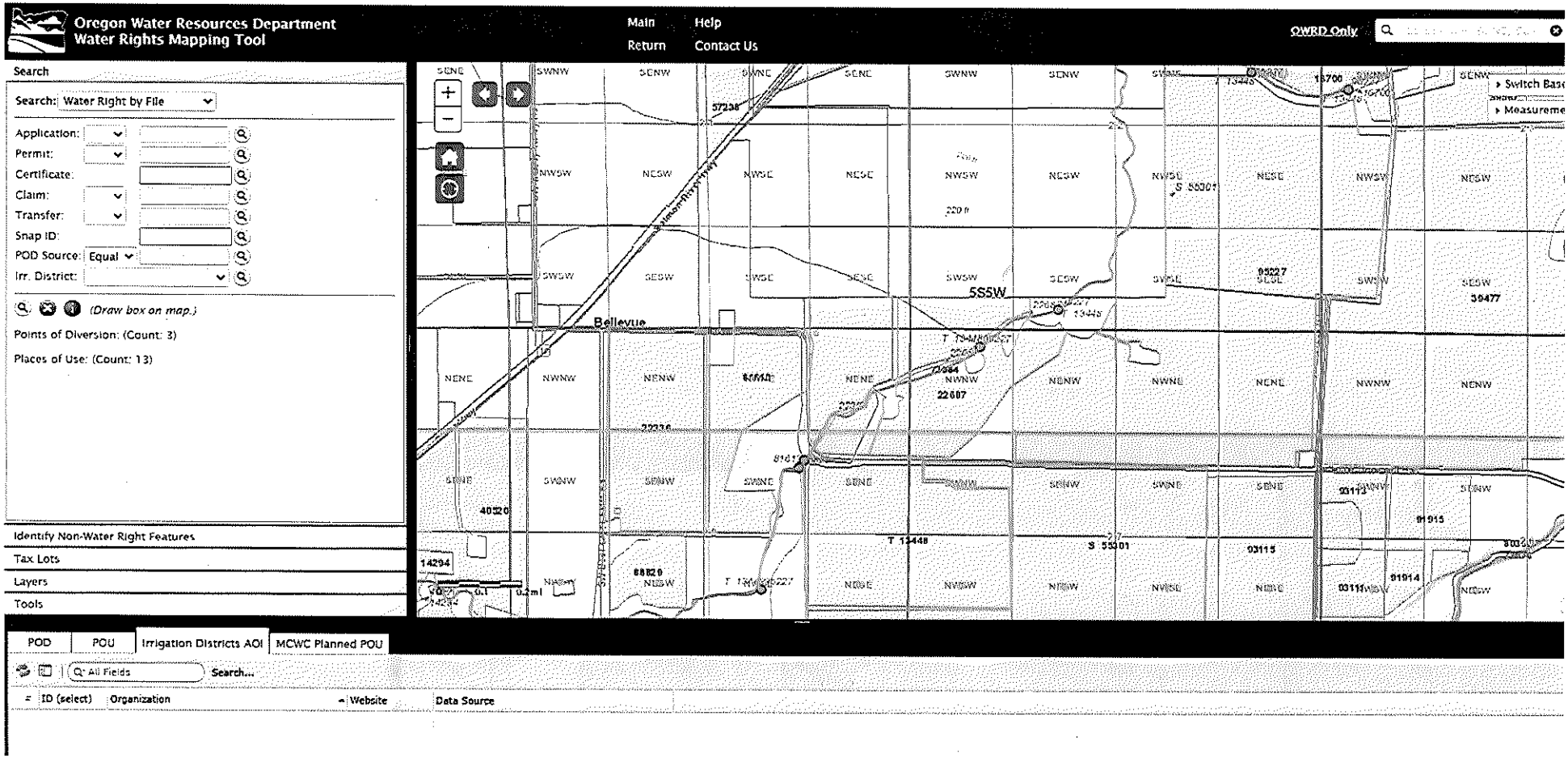
Portion cadastral survey T5S, R5W, W.M. – 1861-04-13:



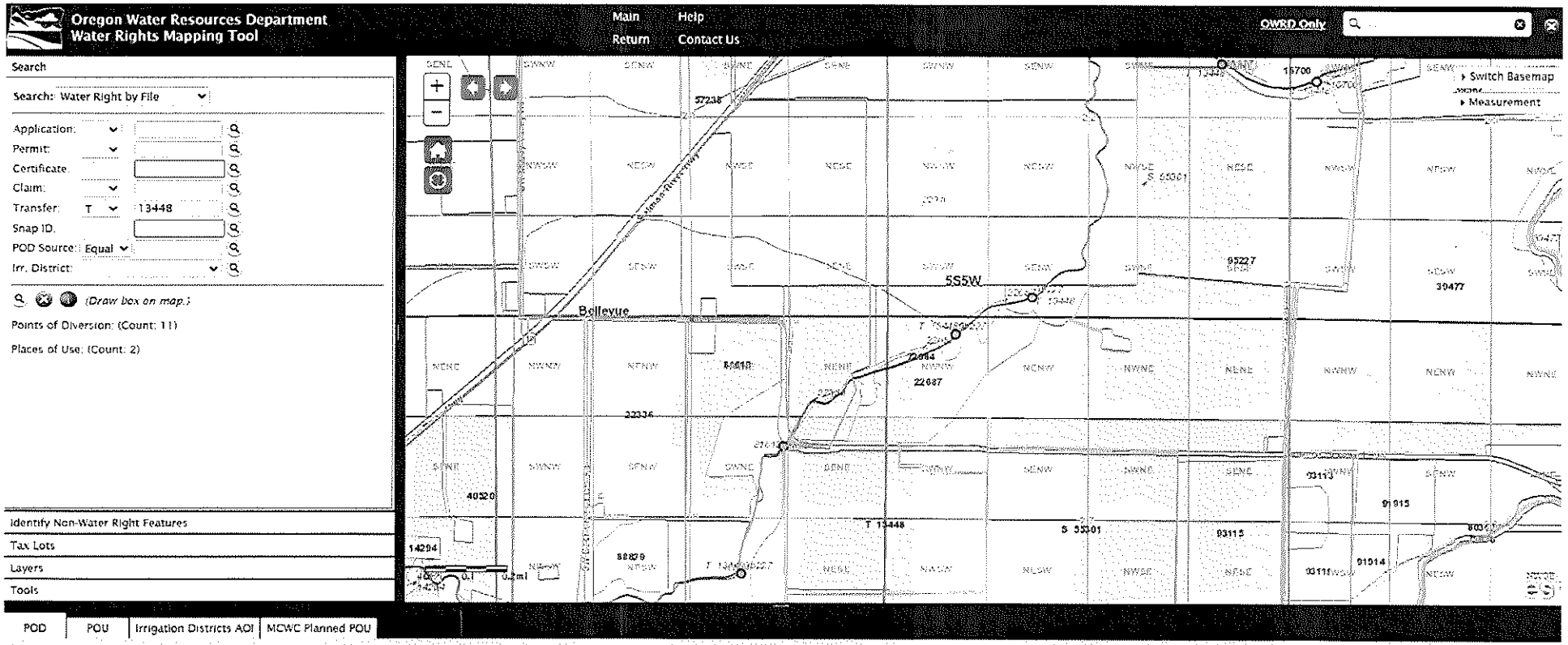
Cadastral survey T5S, R5W, W.M. – 1861-04-13:



T-13448:


Oregon Water Resources Department
Water Rights Mapping Tool
Main
Help
Return
Contact Us
OWRD Only
Search
Search: Water Right by File
Application:
Permit:
Certificate:
Claim:
Transfer:
Snap ID:
POD Source: Equal
Irr. District:
(Draw box on map.)
Points of Diversion: (Count: 3)
Places of Use: (Count: 13)
Identify Non-Water Right Features
Tax Lots
Layers
Tools
Bellevue
T 13448
S 55301
POD
POU
Irrigation Districts AOI
MCWC Planned POU
All Fields
Search...
ID (select)
Organization
Website
Data Source

T-13448:



#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp.	Duty	Rate cfs	Rate cfs Est.	Max Rate cfs	Acre ft	Acre ft Est	Max Rate Acre ft	Stream Name
1	186674	(Details)	Map WR	Inchoate: T 13448 CF...	SW			K A BERGER FARMS ...	IRRIGATION	03/19/1951	-	2.5	0.04500...	Yes	0.27		-		DEER CR > S YAMHILL R
2	186675	(Details)	Map WR	Inchoate: T 13448 CF...	SW			K A BERGER FARMS ...	IRRIGATION	03/19/1951	-	2.5	0.04500...	Yes	0.27		-		UNN STR > DEER CR
3	186676	(Details)	Map WR	Inchoate: T 13448 CF...	SW			K A BERGER FARMS ...	IRRIGATION	03/19/1951	-	2.5	0.04500...	Yes	0.27		-		DEER CR > S YAMHILL R

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13448, Yamhill County	))	FINAL ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
P.O. BOX 1359
HILLSBORO, OR 97123

Findings of Fact

1. On May 22, 2020, K.A. BERGER FARMS INC., ATTN: REBECCA BERGER filed an application for an additional point of diversion under Certificate 22691. The Department assigned the application number T-13448.

2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, 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.

4. On November 18, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13448 and mailed a copy to the applicant. Additionally, notice of the

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.

Preliminary Determination for the transfer application was published on the Department's weekly notice on November 24, 2020, and in the Yamhill Valley News-Register newspaper on November 10 and November 17, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 22691 in the name of BELLEVUE FARMS INC. (perfected under Permit S-20147)
Use: IRRIGATION of 106.23 ACRES
Priority Date: MARCH 19, 1951
Rate: 0.27 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.
Source: DEER CREEK, a tributary of SOUTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		49
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

6. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 – 1940 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 22
5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

7. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

8. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
POD 1	POD 3	POD 4	POD 5	POD 6
0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. 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.

11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

12. The proposed change would not result in enlargement of the right.

13. The proposed change would not result in injury to other water rights.

14. All other application requirements are met.

Conclusions of Law

The additional point of diversion proposed in Transfer Application T-13448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

If Transfer Application T-13448 is approved, the final order will include the following:

1. The additional point of diversion proposed in Transfer Application T-13448 is approved.

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 22691 and any related decree.

3. Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.

4. The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).

5. 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.

   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.

6. 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.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on JAN 07 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JAN 08 2021

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13448, Yamhill County	)	RECONSIDERATION OF A FINAL ORDER RECORDED IN SPECIAL ORDER VOLUME 118, PAGES 352 – 356, WITHDRAWING A FINAL ORDER AND ISSUING A SUPERSEDING FINAL ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
P.O. BOX 1359
HILLSBORO, OR 97123

Findings of Fact

1. On May 22, 2020, K.A. BERGER FARMS INC., ATTN: REBECCA BERGER filed an application for an additional point of diversion under Certificate 22691. The Department assigned the application number T-13448.

2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a

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.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. On November 18, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13448 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 November 24, 2020, and in the Yamhill Valley News-Register newspaper on November 10 and November 17, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. On January 7, 2021, the Department issued a Final Order for the application, recorded at Special Order Volume 118, Pages 352 – 356. Shortly following issuance of the order the Department determined that the order should be reconsidered due to a scrivener's error beneath "Now, therefore, it is ORDERED:" which reads "If Transfer Application T-13448 is approved, the final order will include the following", which should not have appeared on the Final Order. On its own motion, the Department withdrew the order and reconsidered the error.

6. This order is issued to supersede the previous order recorded at Special Order Volume 118, Pages 352 – 356, and to remove the scrivener's error.

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

Certificate: 22691 in the name of BELLEVUE FARMS INC. (perfected under Permit S-20147)
Use: IRRIGATION of 106.23 ACRES
Priority Date: MARCH 19, 1951
Rate: 0.27 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.
Source: DEER CREEK, a tributary of SOUTH YAMHILL RIVER

Authorized Points of Diversion:

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5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		49
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

8. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 – 1940 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 22
5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

9. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

10. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
POD 1	POD 3	POD 4	POD 5	POD 6
0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

12. 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.

13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

14. The proposed change would not result in enlargement of the right.

15. The proposed change would not result in injury to other water rights.

16. All other application requirements are met.

Conclusions of Law

The additional point of diversion proposed in Transfer Application T-13448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

Now, therefore, it is ORDERED:

1. The order recorded at Special Order Volume 118, Pages 352 – 356 is withdrawn, is of no further force or effect, and is superseded by this order.

2. The additional point of diversion proposed in Transfer Application T-13448 is approved.

3. 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 22691 and any related decree.

4. Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.

5. The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).

6. 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.

    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.

7. 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.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on FEB 04 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: FEB 05 2021

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is To Certify, That BELLEVUE FARMS INC.

of P. O. Box 89, McMinnville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Deer Creek a tributary of South Yamhill River for the purpose of irrigation under Permit No. 20147 of the State Engineer, 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 March 19, 1951;

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 1.35 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 3 ($SE\frac{1}{4}NE\frac{1}{4}$), Section 22; $SE\frac{1}{4}SW\frac{1}{4}$, as projected within Yokum DLC #51, Section 22; $SW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49, Section 23; $NW\frac{1}{4}NW\frac{1}{4}$, Section 27; $NW\frac{1}{4}SE\frac{1}{4}$, Section 28; Township 5 South, Range 5 West, W. M.

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 2½ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 1.35 cfs,

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:

6.0 acres in the $SW\frac{1}{4}SW\frac{1}{4}$, as projected within S. Holman DLC #43
1.1 acres in the $SE\frac{1}{4}SW\frac{1}{4}$, as projected within S. Holman DLC #43
Section 14
2.9 acres in the $SE\frac{1}{4}SE\frac{1}{4}$, as projected within S. Holman DLC #43
Section 15
16.0 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, as projected within Henderson DLC #49
1.2 acres in Lot 4 ($NE\frac{1}{4}NE\frac{1}{4}$)
10.0 acres in Lot 6 ($SW\frac{1}{4}NE\frac{1}{4}$)
20.9 acres in Lot 3 ($SE\frac{1}{4}NE\frac{1}{4}$)
9.3 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, as projected within Henderson DLC #49
0.4 acres in the $SE\frac{1}{4}SW\frac{1}{4}$, as projected within H. Yocum DLC #51
16.0 acres in the $NE\frac{1}{4}SE\frac{1}{4}$, as projected within Henderson DLC #49
24.0 acres in Lot 2 ($NE\frac{1}{4}SE\frac{1}{4}$)
20.0 acres in Lot 7 ($NW\frac{1}{4}SE\frac{1}{4}$)
26.6 acres in Lot 8 ($SW\frac{1}{4}SE\frac{1}{4}$)
30.5 acres in Lot 1 ($SE\frac{1}{4}SE\frac{1}{4}$)
9.5 acres in the $SE\frac{1}{4}SE\frac{1}{4}$, as projected within Henderson DLC #49
Section 22
1.0 acres in the $NE\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
34.8 acres in the $NW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
7.2 acres in the $SW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
25.9 acres in the $NW\frac{1}{4}SW\frac{1}{4}$, as projected within Henderson DLC #49
14.4 acres in the $SW\frac{1}{4}SW\frac{1}{4}$, as projected within Henderson DLC #49
Section 23
39.7 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
37.6 acres in the $NW\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
13.5 acres in the $SW\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
13.1 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
Section 27

(cont'd on next page)

32.9 acres in the NE¼NW¼, as projected within Mirram Payne DLC #73
19.6 acres in the SW¼NW¼
12.5 acres in the SE¼NW¼, as projected within Mirram Payne DLC #73
28.9 acres in the NW¼SW¼

Section 27

29.5 acres in the SE¼NE¼
28.23 acres in the NE¼SE¼

Section 28
Township 5 South, Range 5 West, W. M.

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 State Engineer, affixed

this 12th *day of* June , 19 57.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 16 , *page* 22691.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO, OR 97123

confirms the right to use the waters of DEER CREEK, a tributary of SOUTH YAMHILL RIVER for irrigation of 427.0 acres.

This right was perfected under Permit S-20147. The date of priority is MARCH 19, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.08 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

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 shall be still further limited to a diversion of not to exceed 1.08 cfs, 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	GLot	DLC	Acres
5 S	5 W	WM	14	SW SW		43	6.00
5 S	5 W	WM	14	SE SW		43	1.10
5 S	5 W	WM	15	SE SE		43	2.90

This is a final order in other than a contested case. This order is subject to judicial review under ORS183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	22	NE NE	4		1.20
5 S	5 W	WM	22	NE NE		49	16.00
5 S	5 W	WM	22	SW NE	6		10.00
5 S	5 W	WM	22	SE NE		49	9.30
5 S	5 W	WM	22	SE NE	3		20.90
5 S	5 W	WM	22	SE SW		51	0.40
5 S	5 W	WM	22	NE SE		49	16.00
5 S	5 W	WM	22	NE SE	2		24.00
5 S	5 W	WM	22	NW SE	7		20.00
5 S	5 W	WM	22	SW SE	8		26.60
5 S	5 W	WM	22	SE SE		49	9.50
5 S	5 W	WM	22	SE SE	1		30.50
5 S	5 W	WM	23	NE NW		49	1.00
5 S	5 W	WM	23	NW NW		49	34.80
5 S	5 W	WM	23	SW NW		49	7.20
5 S	5 W	WM	23	NW SW		49	25.90
5 S	5 W	WM	23	SW SW		49	14.40
5 S	5 W	WM	27	NE NE		73	39.70
5 S	5 W	WM	27	NW NE		73	37.60
5 S	5 W	WM	27	SW NE		73	13.50
5 S	5 W	WM	27	SE NE		73	13.10
5 S	5 W	WM	27	NE NW		73	32.90
5 S	5 W	WM	27	SE NW		73	12.50
						TOTAL	427.0

This certificate describes that portion of water right Certificate 22691, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 04 2021, approving Transfer Application T-13448.

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 FEB 04 2021.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

KAVANAGH Kerry L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Wednesday, August 23, 2023 5:13 PM
To: KAVANAGH Kerry L * WRD; 'becky@bergerseed.com'
Subject: RE: Certificate RA Project R12937-23 for KA Berger Farms Inc. involving Application T-13448 - please review draft certificate [IWOV-PDX.FID4526071]

Hi Kerry,

We have reviewed the draft certificate and just have one comment. On page 2, in the sentence discussing maintenance of a fish screen, I believe the sentence should be slightly revised to clarify that a fish screen is only required at the new POD because the language in the Transfer Final Order (see page 4, #7) states a fish screen is only required at the new POD, not at all PODs.

Perhaps the language in the draft certificate could be revised as follows (additions in bold and underline): "The water user shall maintain and operate the fish screen at the **additional** point of diversion **(POD 2)** consistent with the Oregon Department of Fish and Wildlife's (ODFW) operational and maintenance standards."

Please let me know if you would like to discuss.
Thanks,
Lindsay

Lindsay Thane

Shareholder
Pronouns: she, her, hers
(503) 796-2059
lthane@schwabe.com

Schwabe

From: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Sent: Friday, August 11, 2023 3:42 PM
To: 'becky@bergerseed.com' <becky@bergerseed.com>; Thane, Lindsay M. <LThane@SCHWABE.com>
Cc: KAVANAGH Kerry L * WRD <Kerry.L.KAVANAGH@water.oregon.gov>
Subject: Certificate RA Project R12937-23 for KA Berger Farms Inc. involving Application T-13448 - please review draft certificate

Hello,

Please find attached to this email the draft certificate for transfer application T-13448.

Please review the draft certificate and compare it to the transfer final order for accuracy and completeness.

For your convenience, here is a link to information regarding Application T-13448 in the Department's Water Rights Information System (WRIS) database:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=13448&transfer_char=T
Click on "118-503" under "Volume-Page" to view the transfer final order.

Please provide me your comments or edits by August 25, 2023, should you have any. Because the claim of beneficial use demonstrated Proof to the Satisfaction of the Director to the full extent described in the transfer final order, I will issue the certificate soon. I am providing you this courtesy email with the opportunity to review the draft certificate prior to issuance – if you do see any errors, I would greatly appreciate if you let me know as soon as possible.

If you have any questions, please send an email to kerry.l.kavanagh@water.oregon.gov

Thanks,
Kerry

Kerry Kavanagh
Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | https://www.oregon.gov/OWRD



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 140327 INVOICE # _____

RECEIVED FROM: Berger International LLC

BY: _____

APPLICATION	T-13448
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 17134 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1,655.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47126 R-12937-23	$
0413	OTHER:	(IDENTIFY) Certificate Reimbursement Authority	$ 1,655.00

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

	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	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: 140327 DATED: 3/20/23 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

OREGON WATER RESOURCES DEPARTMENT

CERTIFICATE REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

Contract Number: **R12937-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **KA Berger Farms Inc.**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	**Applicant's Information**	**Applicant's Representative**
Project Contact: Kerry Kavanagh	Name: Rebecca Berger	Name: Lindsay Thane
Reimbursement Authority		Title: Representative
Oregon Water Resources Department	Company: KA Berger Farms Inc.	Company: Schwabe, Williamson & Wyatt
725 Summer Street NE	Address: PO Box 1359	Address: 1211 SW Fifth Ave, Suite 1900
Salem, OR 97301-1271	Hillsboro OR 97123	Portland OR 97204
Phone: 503-979-3208	Phone: 503-209-5449	Phone: 503-796-2059
Email: Kerry.L.Kavanagh@water.oregon.gov	Email*: Becky@bergerseed.com	Email*: Lthane@schwabe.com

*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use. (Transfer Application Number: T-13448)**

2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.

3. **Restrictions.** KA Berger Farms Inc. and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.

5. **Consideration.** KA Berger Farms Inc. shall pay OWRD in advance for actual costs incurred by OWRD. KA Berger Farms Inc. agrees to pay the full amount of **$1655** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.

6. **Confidentiality.** KA Berger Farms Inc. agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and sh
considered public records.

7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Or
and their officers, employees, and agents from and against all claims, suits, actions, loss
liabilities, costs and expenses of any nature resulting from or arising out of, or relating to
of Applicant or its representatives, officers, employees, contractors, or agents under this A
with respect to the expedited service. The Applicant acknowledges that the Oregon Wate
Department cannot and does not guarantee a favorable review under the subject regulatory

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MAR 20 2023
OWRD
SALEM, OREGON

PCA 47126

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.

9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.

11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.

12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.

13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: Rebecca Berger
Name: Rebecca Berger
Company: KA Berger Farms Inc.
Date: 3/15/23

For OWRD: K Kavanagh
Name: Kerry Kavanagh
Water Right Services Division
Date: 3-22-2023

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47126

KAVANAGH Kerry L * WRD

From:	KAVANAGH Kerry L * WRD
Sent:	Tuesday, March 07, 2023 1:12 PM
To:	'becky@bergerseed.com'; Thane, Lindsay M.
Cc:	Steven R. Bruce , RG, LHG, CWRE (steve@skookumwater.com); KAVANAGH Kerry L * WRD
Subject:	Certificate RA Estimate R12937-23 for KA Berger Farms Inc. involving Application T-13448
Attachments:	RA contract_T-13448.pdf; RA estimate request_T-13448.pdf; RA estimate receipt_T-13448.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh
Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 |Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov| https://www.oregon.gov/OWRD

OREGON
WATER
RESOURCES
DEPARTMENT

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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 # 139953 INVOICE # _____

RECEIVED FROM: Berger International LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13448

CASH: ☐ CHECK:# ☒ 17248 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES 47126	R13937-23	$
0413	OTHER: (IDENTIFY)	Certificate Reimbursement Authority	$ 125.00

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:

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

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	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 _____ $

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OVER THE COUNTER

RECEIPT: 139953 DATED: 1-23-2023 BY: Mindy Cards

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JAN 23 2023
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OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. ***A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of $125.00 per request.***

REQUEST	TYPE	FILE NUMBER	
☒	Certificate Request	Application Number	NA
		Permit Number	NA
		Transfer Number/Permit Amendment (if applicable)	T-13448

	Applicant Information	Applicant's Representative/Contact
Name:	K.A. Berger Farms Inc. Attn: Rebecca Berger	Lindsay Thane/Schwabe, Williamson & Wyatt
Address:	P.O. Box 1359	1211 SW Fifth Ave., Suite 1900
	Hillsboro, OR 97123	Portland, OR 97204
Phone:	(503) 209-5449	(503) 796-2059
Fax:	(503)372-5843	
E-Mail Address:	Becky@bergerseed.com	LThane@schwabe.com

I certify that I *(check one):*

- ○ have previously filed a Claim of Beneficial Use
- ◉ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

  Oregon Water Resources Department
  Certificate Reimbursement Authority Program
  725 Summer St. NE, Suite A
  Salem, OR 97301-1271

I certify that I am the *(check one):*

◉ Applicant ○ Applicant's Representative ○ Other *(Please specify)* _____

Name: Rebecca Berger

Signature: Rebecca Berger

OWRD USE ONLY: Reimbursement Authority Number: R12 937-23

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JUL 12 2021
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Oregon
Kate Brown., Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
FAX (541) 296-7889
odfw.com

June 23, 2021

Attn. Annelisa Zander
Berger International LLC
PO Box 1359
Hillsboro, OR 97123

RE: Transfer T-13448

To Whom It May Concern:

This letter is in regards to fish screening and bypass device requirements set forth by the Oregon Water Resources Department for T-13448. This water right transfer created a new point of diversion on Deer creek located at N 45.111049 W123.304905.

The model of screen that has been installed and approved is a Clemons CW600, which is rated for up to 750 gpm. This self-cleaning screen, when installed and maintained properly will protect all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for a withdrawal rate up to 1.67 cfs, although legally diverted flow may be less, and will satisfy the screening requirements for Transfer T-13448. This is an end of pipe screen so no by-pass device is necessary at this point of diversion.

Since this fish screen may be reinstalled yearly before water is withdrawn, this approval is contingent on the following: the screen is installed each year prior to any diversion of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order.

If there are any questions regarding the approval of this screen for Berger International LLC's T-13448, please call me at 541-967-2126.

Sincerely,

Bryce Macnab
Fish Screens and Passage Coordinator

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JUL 12 2021
OWRD

BERGER
INTERNATIONAL

July 8, 2021

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Water Resources Staff,

Please place the attached ODFW fish screen approval letter in your files for T-13448.

Thank you,

Annelisa Zander
Berger International LLC

P.O. Box 1359 | Hillsboro, OR 97123 | (p) 503.209.5449 | (f) 503.372.5843

RECEIVED
FEB 04 2021
OWRD

BERGER
INTERNATIONAL

February 2, 2021

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

Dear Water Resources Staff,

Please place the attached letter in your files for water right transfer T-13448.

Thank you,

Annelisa Zander
Berger International LLC

P.O. Box 1359 | Hillsboro, OR 97123 | (p) 503.209.5449 | (f) 503.372.5843

RECEIVED
FEB 04 2021
OWRD

Oregon
Kate Brown., Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
FAX (541) 296-7889
odfw.com

January 26, 2021

Attn. Annelisa Zander

Berger International LLC.

PO Box 1359

Hillsboro, OR 97123

Dear Ms. Zander

As a condition of Berger International LLC's water right transfer T-13448, there must be an approved fish screen at the new point of diversion on Deer Creek that meets Oregon Department of Fish and Wildlife's fish screening criteria. This water right transfer combines a 0.27 cfs water right with an existing 1.35 cfs water right for a total water right of 1.62 cfs or 727 gpm for irrigation. The model of screen that has been agreed upon with Berger International LLC and Oregon Department of Fish and Wildlife is a Clemons CW600, which is rated for 525 – 750 gpm, and when installed, operated, and maintained properly, will fulfill the fish screening requirements listed under the final order of T-13448. This is an end of pipe screen so no by-pass device is necessary at this point of diversion.

Oregon Department of Fish and Wildlife has received and approved a tax credit application for Berger International LLC for a new fish screen at the point of diversion listed in T-13448. Berger International LLC may now purchase the Clemons CW600 screen and intake parts to complete the new intake. Once the screen and intake parts have been purchased and assembled, Oregon Department of Fish and Wildlife will schedule a final screen inspection. At this point, Oregon Department of Fish and Wildlife will also collect invoices from Berger International LLC so a final tax credit and letter of compliance can be completed.

Sincerely,

Bryce Macnab

Fish Screens and Passage Coordinator

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13448, Yamhill County	)	RECONSIDERATION OF A FINAL ORDER RECORDED IN SPECIAL ORDER VOLUME 118, PAGES 352 – 356, WITHDRAWING A FINAL ORDER AND ISSUING A SUPERSEDING FINAL ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
P.O. BOX 1359
HILLSBORO, OR 97123

Findings of Fact

1. On May 22, 2020, K.A. BERGER FARMS INC., ATTN: REBECCA BERGER filed an application for an additional point of diversion under Certificate 22691. The Department assigned the application number T-13448.

2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a

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.

Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. On November 18, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13448 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 November 24, 2020, and in the Yamhill Valley News-Register newspaper on November 10 and November 17, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. On January 7, 2021, the Department issued a Final Order for the application, recorded at Special Order Volume 118, Pages 352 – 356. Shortly following issuance of the order the Department determined that the order should be reconsidered due to a scrivener's error beneath "Now, therefore, it is ORDERED:" which reads "If Transfer Application T-13448 is approved, the final order will include the following", which should not have appeared on the Final Order. On its own motion, the Department withdrew the order and reconsidered the error.

6. This order is issued to supersede the previous order recorded at Special Order Volume 118, Pages 352 – 356, and to remove the scrivener's error.

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

Certificate: 22691 in the name of BELLEVUE FARMS INC. (perfected under Permit S-20147)
Use: IRRIGATION of 106.23 ACRES
Priority Date: MARCH 19, 1951
Rate: 0.27 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.
Source: DEER CREEK, a tributary of SOUTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		49
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

8. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 – 1940 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 22
5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

9. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

10. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
POD 1	POD 3	POD 4	POD 5	POD 6
0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

12. 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.

13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

14. The proposed change would not result in enlargement of the right.

15. The proposed change would not result in injury to other water rights.

16. All other application requirements are met.

Conclusions of Law

The additional point of diversion proposed in Transfer Application T-13448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

Now, therefore, it is ORDERED:

1. The order recorded at Special Order Volume 118, Pages 352 – 356 is withdrawn, is of no further force or effect, and is superseded by this order.

2. The additional point of diversion proposed in Transfer Application T-13448 is approved.

3. 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 22691 and any related decree.

4. Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.

5. The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).

6. 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.

    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.

7. 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.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on FEB 04 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: FEB 05 2021

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
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13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

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    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.

7. 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.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on FEB 04 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: FEB 05 2021

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO, OR 97123

confirms the right to use the waters of DEER CREEK, a tributary of SOUTH YAMHILL RIVER for irrigation of 427.0 acres.

This right was perfected under Permit S-20147. The date of priority is MARCH 19, 1951. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.08 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

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 shall be still further limited to a diversion of not to exceed 1.08 cfs, 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	GLot	DLC	Acres
5 S	5 W	WM	14	SW SW		43	6.00
5 S	5 W	WM	14	SE SW		43	1.10
5 S	5 W	WM	15	SE SE		43	2.90

This is a final order in other than a contested case. This order is subject to judicial review under ORS183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	22	NE NE	4		1.20
5 S	5 W	WM	22	NE NE		49	16.00
5 S	5 W	WM	22	SW NE	6		10.00
5 S	5 W	WM	22	SE NE		49	9.30
5 S	5 W	WM	22	SE NE	3		20.90
5 S	5 W	WM	22	SE SW		51	0.40
5 S	5 W	WM	22	NE SE		49	16.00
5 S	5 W	WM	22	NE SE	2		24.00
5 S	5 W	WM	22	NW SE	7		20.00
5 S	5 W	WM	22	SW SE	8		26.60
5 S	5 W	WM	22	SE SE		49	9.50
5 S	5 W	WM	22	SE SE	1		30.50
5 S	5 W	WM	23	NE NW		49	1.00
5 S	5 W	WM	23	NW NW		49	34.80
5 S	5 W	WM	23	SW NW		49	7.20
5 S	5 W	WM	23	NW SW		49	25.90
5 S	5 W	WM	23	SW SW		49	14.40
5 S	5 W	WM	27	NE NE		73	39.70
5 S	5 W	WM	27	NW NE		73	37.60
5 S	5 W	WM	27	SW NE		73	13.50
5 S	5 W	WM	27	SE NE		73	13.10
5 S	5 W	WM	27	NE NW		73	32.90
5 S	5 W	WM	27	SE NW		73	12.50
						TOTAL	427.0

This certificate describes that portion of water right Certificate 22691, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 04 2021, approving Transfer Application T-13448.

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 FEB 04 2021.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

SMITH Tamera L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Friday, January 08, 2021 5:55 PM
To: SMITH Tamera L * WRD
Subject: Final Order T-13448 [IWOV-pdx.FID4526071]

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tamera,

The final order for T-13448 issued was signed yesterday, thank you. In reviewing the Final Order, I do have two questions/concerns:

1. The Final Order states that Certificate 22691 has been cancelled, and Certificate 22691 is shown on WRIS as cancelled; however, I do not see that a superseding certificate has been uploaded to WRIS. Will a superseding certificate be issued for the portion of 22691 not affected by the T-13448?

2. It appears that the Final Order was not updated to remove a sentence from the Preliminary Determination that says "If Transfer Application T-13448 is approved, the final order will include the following: . . . ." (Page 4 of the Final Order). I believe that sentence was included in the Final Order in error, and should be removed.

Hope you had a good New Year,
Lindsay

Lindsay M. Thane
Associate
Direct: 503-796-2059
lthane@schwabe.com
Pronouns: she, her, hers

Schwabe Williamson & Wyatt
Please visit our COVID-19 Resource Page



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5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

6. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 – 1940 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 22
5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

7. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

8. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
POD 1	POD 3	POD 4	POD 5	POD 6
0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. 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.

11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

12. The proposed change would not result in enlargement of the right.

13. The proposed change would not result in injury to other water rights.

14. All other application requirements are met.

Conclusions of Law

The additional point of diversion proposed in Transfer Application T-13448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

If Transfer Application T-13448 is approved, the final order will include the following:

1. The additional point of diversion proposed in Transfer Application T-13448 is approved.

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 22691 and any related decree.

3. Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.

4. The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).

5. 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.

   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.

6. 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.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on JAN 07 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JAN 08 2021

Oregon
Kate Brown, Governor

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

January 7, 2021

K A BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO, OR 97123

REFERENCE: Transfer Application T-13448

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, Tamera Smith by telephone at (503) 986-0864 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie Baustian

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. #22 (via email)
Elizabeth Howard, Agent
Yamhill County Planning

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13448, Yamhill County	))	FINAL ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
P.O. BOX 1359
HILLSBORO, OR 97123

Findings of Fact

1. On May 22, 2020, K.A. BERGER FARMS INC., ATTN: REBECCA BERGER filed an application for an additional point of diversion under Certificate 22691. The Department assigned the application number T-13448.

2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, 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.

4. On November 18, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13448 and mailed a copy to the applicant. Additionally, notice of the

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.

Preliminary Determination for the transfer application was published on the Department's weekly notice on November 24, 2020, and in the Yamhill Valley News-Register newspaper on November 10 and November 17, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 22691 in the name of BELLEVUE FARMS INC. (perfected under Permit S-20147)
Use: IRRIGATION of 106.23 ACRES
Priority Date: MARCH 19, 1951
Rate: 0.27 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.
Source: DEER CREEK, a tributary of SOUTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		49
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

6. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
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5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

7. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

8. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
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0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. 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.

11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

12. The proposed change would not result in enlargement of the right.

13. The proposed change would not result in injury to other water rights.

14. All other application requirements are met.

Conclusions of Law

The additional point of diversion proposed in Transfer Application T-13448 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

If Transfer Application T-13448 is approved, the final order will include the following:

1. The additional point of diversion proposed in Transfer Application T-13448 is approved.

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3. Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.

4. The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).

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   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.

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   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.

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7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

Dated in Salem, Oregon on JAN 07 2021

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JAN 08 2021

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13448

Transfer Type: Regular

Transfer Specialist: TS

Applicant:	Agent: ☐ N/A
K A BERGER FARMS INC. ATTN: REBECCA BERGER PO BOX 1359 HILLSBORO, OR 97123 Email: yes! Phone:	ELIZABETH HOWARD 1211 SW 5TH AVE SUITE 1900 PORTLAND, OR 97204 Email: Phone:
Irrigation District: ☐ N/A Email:	**CWRE**: ☐ N/A Email:
Affected Local Gov'ts: ☐ N/A Yamhill County Planning Department Email:	**Affected Tribal Gov't**: ☐ N/A UNAVAILABLE Email:
Current Landowner if other than Applicant: ☐ N/A Email:	**Receiving Landowner**: ☐ N/A Email:

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-25737	S-20147	22691	☑ Yes ☐ No	95227
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: May 22, 2020	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1160.00	WM District: 22	ODFW District:
Initial Public Notice: June 9, 2020	WM Review sent: ✓	ODFW Review sent: ✓ screen only
Acknowledgement Letter Sent ☑	626, new + existing	GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☑	BOR notified (date): ☐ N/A	
Newspaper quote requested: 10.22.2020	Request for news $ sent: on account	News $ received: yes / on account
Request to publish sent:	Affidavit of publication received: 12/14	Last day of publication: 11/10 + 11/17

newspaper required: up to 2.5 mi Δ Yamhill Valley News-Register

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: 8-7-20 Initials: RB	Date: 8/10/20 Initials: SinH	Date: 9-25-2020 Initials: RB	Date: 9/10/20 Initials: PICS	Date: 11-10-20 Initials: TS	CW Sent: 4-10-2020	N/A
PD	Date: 9-10-20 Initials: RB 20	Date: 9/15/20 Initials: ce	Date: Initials:	Date: 10-8-20 Initials: SinH	Date: 11-1-2020 Initials: TS	Date: 11-14-2020	Date: 11-19-2020
FO	Date: 12-11-20 Initials: RB 20	Date: 12/21/20 Initials: ce	Date: Initials:	Date: 12/23/20 Initials: PICS	Date: 1-2-2021 Initials: TS 21	Date: 1-2-2021	Date:

Special Issues: WM status instream flows are good

Special Order Volume: Vol. _____ Pages _____

FO DC 10-1-2020 → to NP 11/10 + 11/17

WMW routed

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Schwabe
WILLIAMSON & WYATT®

September 11, 2020

Lindsay Thane
Admitted in Oregon, Washington and Montana
T: 503-796-2059
C: 406-214-1918
lthane@schwabe.com

VIA EMAIL AND FIRST CLASS MAIL

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer St NE, Ste. A
Salem, Oregon 97301

RE: Water Right Transfer Application T-13448; Draft Preliminary Determination Response
Our File No.: 129362-205602

Dear Tamera:

This letter is sent on behalf of K.A. Berger Farms Inc. ("Berger Farms"), the applicant under Transfer Application T-13448, and is being sent to confirm that Berger Farms agrees to the proposed action and conditions set forth in the Preliminary Determination. However, we noticed a repeated typo on page 2, under finding of fact 3, in the authorized place of use table, under the points of diversion ("POD") column, which is that POD 2 is included in each row. This is in error. POD 2 is appropriately referenced in finding of fact 5 as the proposed additional POD; however, it is not currently an authorized POD and should not be listed in finding of fact 3.

In addition, enclosed please find an Ownership and Encumbrances Report[1] for the lands to which the applicable water rights are appurtenant (collectively, the "Applicable Property"). Pursuant to the Ownership and Encumbrances Report, K. A. Berger Farms Inc. is the only owner of the Applicable Property.

Finally, notice of the transfer should be published in the Yamhill Valley NewsRegister Newspaper. Please utilize Schwabe's account with the Oregon Water Resources Department to pay fees associated with the publication. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-13448.

[1] To respond to the Department's letter, we requested a Lot Book Report from Ticor Title Company. Ticor Title said they no longer do Lot Book Reports, but that an Ownership and Encumbrances Report was a similar report. The Ownership and Encumbrances Report responds to the criteria in the Department's September 10, 2020 letter.

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Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.

Lindsay M. Thane

Lindsay Thane

LTH:lth
Enclosure

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TICOR TITLE™
Company of Oregon

Ticor Title Company of Oregon
1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Schwabe Williamson & Wyatt
1211 SW 5th Avenue, 19th Floor
Portland, OR 97204

Customer Ref.: _____
Order No.: 471820098205
Effective Date: September 1, 2020 at 08:00 AM
Charge: $350.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

K. A. Berger Farms, Inc., an Oregon corporation

Premises. The Property is:

(a) Street Address:

16720 SW Bellevue Highway, McMinnville, OR 97128

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2019-2020
Amount:	$9,522.55
Levy Code:	40.4
Account No.:	[redacted]
Map No.:	R5527 00100

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

2. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

3. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$11,250,000.00
Dated:	November 13, 2015
Trustor/Grantor:	K. A. Berger Farms, Inc., an Oregon corporation; Berger Seed company, LLC, an Oregon limited liability company, successor by merger with Berger Seed Company, an oregon general partnership et al.
Trustee:	First American Title Company of Oregon
Beneficiary:	The Prudential Insurance Company of America
Loan No.:	717611053,717611139
Recording Date:	November 18, 2015
Recording No:	201518175

Affects: The herein described Land and other land.

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by:	K. A. Farms Berger Inc
Recording Date:	June 12, 2017
Recording No:	201709306

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by:	K. A. Berger Farms, Inc.,an Oregon corporation et al
Recording Date:	July 25, 2019
Recording No:	201910057

4. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

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Entitled: Lease Subordination Agreement
Lessor: K. A. Berger Farms, Inc., an Oregon corporation; Berger Seed company, LLC, an Oregon limited liability company et al.
Lessee: Berger International LLC, an Oregon limited liability company
Recording Date: November 18, 2015
Recording No: 201518182

An agreement recorded November 18, 2015 at Recording No.: 201518182 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: November 18, 2015
Recording No: 201518175

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Deborah Clark
5035353743
Deborah.Clark@titlegroup.fntg.com

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EXHIBIT "A"

Legal Description

PARCEL 1:

A part of the Miriam Payne Donation Land Claim No. 73 and the Jacob Hampton Donation Land Claim No. 71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone on the South line of Claim No. 73 and 16.47 chains East of the Southwest corner of said Claim; thence North 00°8' West, 33.19 chains to a stone in the center of the County Road; thence South 89°23' East along the center of said road, 22.24 chains to a stone; thence South 1°03' West, 45.83 chains to the Northeast corner of a 16.92 acre tract conveyed by L.A. Courtemache et al. to Merl C. Brown and wife by deed recorded May 31, 1944 in Book 124, Page 423, Deed Records; thence West along the North line of said Brown tract, 21.38 chains to the Northwest corner of said Brown tract; thence North 00°16' East, 12.88 chains to the place of beginning.

PARCEL 2:

Part of the Aaron Lynch Donation Land Claim, Notification No. 2381 in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron shaft 1-1/4 inches by 18 inches set at a point 4.70 chains East of the corner of Sections 27, 28, 33 and 34 in said Township and Range; thence North 00°24' West, 24.90 chains; thence South 89°58' West, 24.112 chains; thence South 25.00 chains to the South line of said Claim; thence East 24.98 chains to the place of beginning.

PARCEL 3:

Part of the Miriam Payne Donation Land Claim No. 73 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone at the Southwest corner of the said Donation Land Claim and running thence East 16.48 chains to a stone; thence North 33.19 chains to a point in County Road 30 feet North of a stone set for witness corner; thence North 89-1/4° West 16.61 chains to a stone set in County Road on the West line of said Donation Land Claim; thence South 33.40 chains to the place of beginning.

PARCEL 4:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of the land conveyed by David Lynch and wife to J. F. Spencer by deed dated November 3, 1879 and recorded in Volume "S" at Page 408, Deed Records of Yamhill County, Oregon; thence running North 30.00 chains to the land conveyed by Aaron Lynch and wife to Hathaway Yocum by deed dated December 17, 1868 and recorded in Volume "I", Page 202 of the Deed Records of Yamhill County, Oregon; thence West 40.00 chains; thence South 30.00 chains; thence East 40.00 chains to the place of beginning.

EXCEPTING THEREFROM those portions conveyed to State of Oregon, by and through its Department of Transportation.

PARCEL 5:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, and part of the Jacob Hampton Donation Land Claim No. 71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

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EXHIBIT "A"

Legal Description

Beginning at an iron shaft 1-1/4 inches by 18 inches set 4.70 chains East of the corner of Sections 27, 28, 33 and 34 and on the South line of the Aaron Lynch Donation Land Claim; thence East along the South line of the said Lynch Donation Land Claim, and along the Section line between said Sections 27 and 34 above named, 32.083 chains to an iron rod 1/2 inch by 36 inches from which an oak 18 inches in diameter bears North 37°30' West 25 links distant; thence running North 00°20' East 21.126 chains to a stone set on the North line of the said Jacob Hampton Donation Land Claim and set for the Northeast corner of a certain 34 acre tract described in deed recorded at Page 105 of Book 43 of Deed Records for said Yamhill County, Oregon; thence South 89°54' West with the North line of said Hampton Donation Land Claim, 16.466 chains to a stone set for the Northwest corner of said Hampton Claim; thence North 00°22' West 3.80 chains to a stone set for the Northeast corner of that certain 100 acre tract described in deed recorded on Page 105, Book 43, Records of Deeds for said Yamhill County, Oregon; thence South 89°58' West along the true North line of said 100 acre tract, 15.888 chains to an iron rod 1 inch by 36 inches in ground; thence South 00°24' East 24.90 chains to the place of beginning.

PARCEL 6:

Beginning at a point 29.83 chains West of the Southeast corner of the George F. Hibler Donation Land Claim, Notification No. 2372, Claim No. 50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 32.50 chains to an iron pin in the County Road; thence North 89 1/4° West 65.2 links to a rock; thence North 75 links to a rock from which an oak bears North 41° West 104 links; thence West 28.71 chains to the Southeast corner of "Frost" lands; thence North 25° East 10.51 chains to a post from which an oak bears South 75° East 18 links; thence North 7° West, 2 chains; thence North 38°30' West 2.51 chains to an oak on the North bank of Deer Creek; thence North 67° East 4.12 chains; thence North 16.50 chains to a stone set on the South line of said George F. Hibler Donation Land Claim; thence East 21.92 chains to the place of beginning.

PARCEL 7:

Beginning at a point on the South line of the George F. Hibler Donation Land Claim, Notification No. 2372, Claim No. 50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, 30.40 chains West of the Southeast corner of said Donation Land Claim, which is the Northwest corner of a 10 acre tract conveyed to E. P. Casey by Freeman L. Jones by deed recorded July 1, 1910 in Book 58, Page 474, Deed Records; thence South 32.50 chains to an iron pipe in County Road; thence South 89°05' East, 3.105 chains; thence North 32.25 chains to the South line of said Donation Land Claim; thence West 3.105 chains to the place of beginning.

PARCEL 8:

Beginning at the Southeast corner of the George F. Hibler Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, from which an oak 12 inches in diameter bears North 63° West 39.2 links distant; thence North 2.08 chains to the South line of Gunning roadway; thence South 87° East along the South line of said roadway, 30.10 chains to the center of the County Road; thence South 2° West along the center of said roadway, 30.60 chains to the Northeast corner of School Lot; thence North 89°15' West, West, 3.16 chains to the Northwest corner of the School Lot; thence South 2° West, 3.16 chains to the center of County Road; thence North 89°15' West 52.425 chains to the Southeast corner of the 10 acre tract heretofore sold to Ed Casey and Lilly Casey, his wife by deed recorded in Book 58, Page 474, Deed Records; thence North along the East line of said Casey tract, 32.50 chains to the Northeast corner of said Casey tract; thence East 26.725 chains to the place of beginning.

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LIMITATIONS OF LIABILITY

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THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

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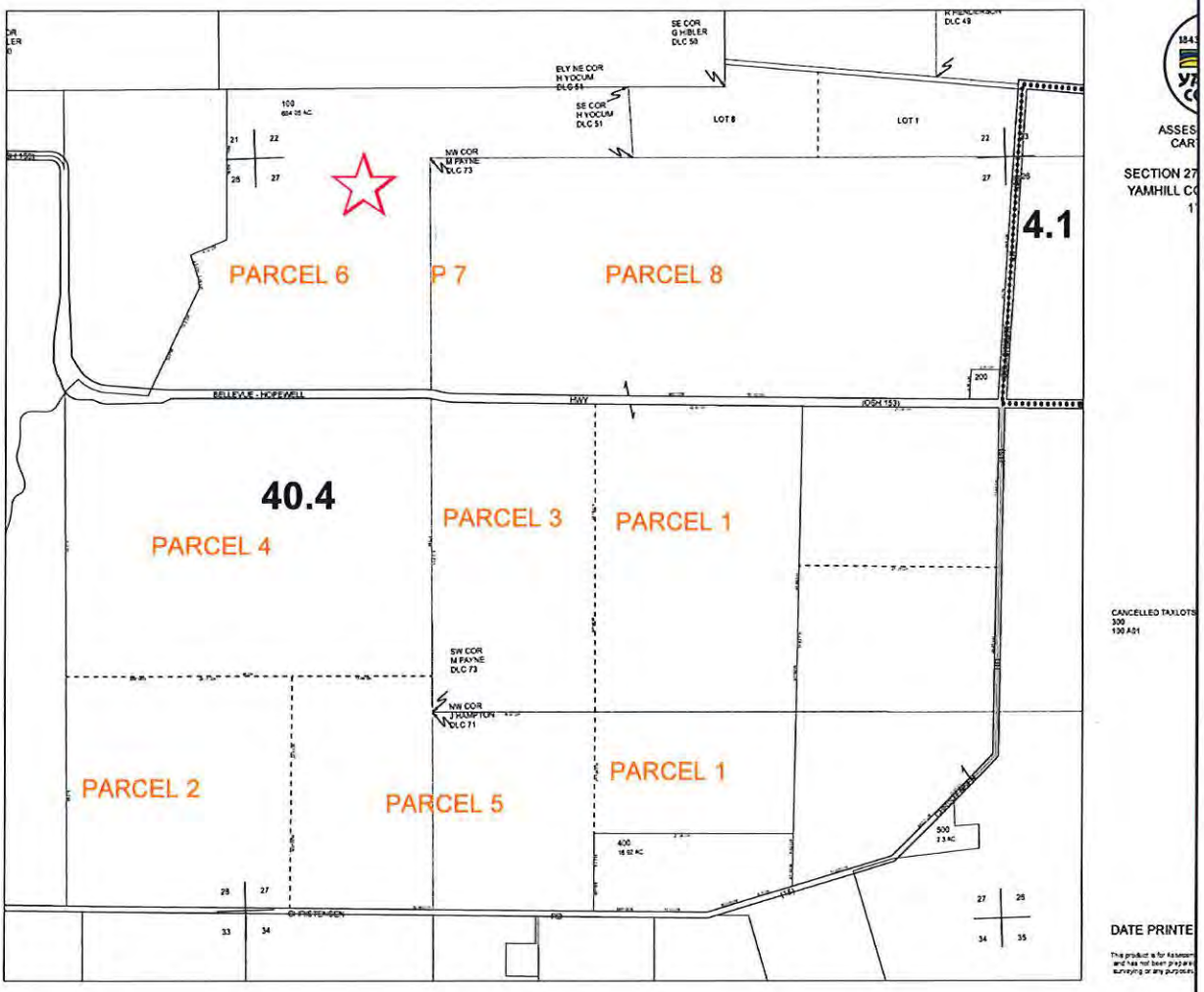
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END OF THE LIMITATIONS OF LIABILITY

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This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Schwabe
WILLIAMSON & WYATT®

September 11, 2020

Lindsay Thane
Admitted in Oregon, Washington and Montana
T: 503-796-2059
C: 406-214-1918
lthane@schwabe.com

VIA EMAIL AND FIRST CLASS MAIL

Oregon Water Resources Department
Attn: Tamera Smith
725 Summer St NE, Ste. A
Salem, Oregon 97301

RE: Water Right Transfer Application T-13448; Draft Preliminary Determination Response
Our File No.: 129362-205602

Dear Tamera:

This letter is sent on behalf of K.A. Berger Farms Inc. ("Berger Farms"), the applicant under Transfer Application T-13448, and is being sent to confirm that Berger Farms agrees to the proposed action and conditions set forth in the Preliminary Determination. However, we noticed a repeated typo on page 2, under finding of fact 3, in the authorized place of use table, under the points of diversion ("POD") column, which is that POD 2 is included in each row. This is in error. POD 2 is appropriately referenced in finding of fact 5 as the proposed additional POD; however, it is not currently an authorized POD and should not be listed in finding of fact 3.

In addition, enclosed please find an Ownership and Encumbrances Report[1] for the lands to which the applicable water rights are appurtenant (collectively, the "Applicable Property"). Pursuant to the Ownership and Encumbrances Report, K. A. Berger Farms Inc. is the only owner of the Applicable Property.

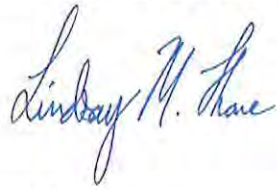
Finally, notice of the transfer should be published in the Yamhill Valley NewsRegister Newspaper. Please utilize Schwabe's account with the Oregon Water Resources Department to pay fees associated with the publication. For our records, please note on Schwabe's account and invoice that such payment is made for the newspaper publication associated with T-13448.

[1] To respond to the Department's letter, we requested a Lot Book Report from Ticor Title Company. Ticor Title said they no longer do Lot Book Reports, but that an Ownership and Encumbrances Report was a similar report. The Ownership and Encumbrances Report responds to the criteria in the Department's September 10, 2020 letter.

Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Lindsay Thane

LTH:lth
Enclosure

TICOR TITLE™
Company of Oregon

Ticor Title Company of Oregon
1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Schwabe Williamson & Wyatt
1211 SW 5th Avenue, 19th Floor
Portland, OR 97204

Customer Ref.: _____
Order No.: 471820098205
Effective Date: September 1, 2020 at 08:00 AM
Charge: $350.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of the property ("the Property") as of the Effective Date is:

K. A. Berger Farms, Inc., an Oregon corporation

Premises. The Property is:

(a) Street Address:

16720 SW Bellevue Highway, McMinnville, OR 97128

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Monetary Encumbrances

Monetary Encumbrances. As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2019-2020
Amount:	$9,522.55
Levy Code:	40.4
Account No.:	[redacted]
Map No.:	R5527 00100

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

2. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

3. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$11,250,000.00
Dated:	November 13, 2015
Trustor/Grantor:	K. A. Berger Farms, Inc., an Oregon corporation; Berger Seed company, LLC, an Oregon limited liability company, successor by merger with Berger Seed Company, an oregon general partnership et al.
Trustee:	First American Title Company of Oregon
Beneficiary:	The Prudential Insurance Company of America
Loan No.:	717611053,717611139
Recording Date:	November 18, 2015
Recording No:	201518175

Affects: The herein described Land and other land.

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by:	K. A. Farms Berger Inc
Recording Date:	June 12, 2017
Recording No:	201709306

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by:	K. A. Berger Farms, Inc.,an Oregon corporation et al
Recording Date:	July 25, 2019
Recording No:	201910057

4. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Lease Subordination Agreement
Lessor: K. A. Berger Farms, Inc., an Oregon corporation; Berger Seed company, LLC, an Oregon limited liability company et al.
Lessee: Berger International LLC, an Oregon limited liability company
Recording Date: November 18, 2015
Recording No: 201518182

An agreement recorded November 18, 2015 at Recording No.: 201518182 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: November 18, 2015
Recording No: 201518175

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Deborah Clark
5035353743
Deborah.Clark@titlegroup.fntg.com

EXHIBIT "A"

Legal Description

PARCEL 1:

A part of the Miriam Payne Donation Land Claim No. 73 and the Jacob Hampton Donation Land Claim No. 71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone on the South line of Claim No. 73 and 16.47 chains East of the Southwest corner of said Claim; thence North 00°8' West, 33.19 chains to a stone in the center of the County Road; thence South 89°23' East along the center of said road, 22.24 chains to a stone; thence South 1°03' West, 45.83 chains to the Northeast corner of a 16.92 acre tract conveyed by L.A. Courtemache et al. to Merl C. Brown and wife by deed recorded May 31, 1944 in Book 124, Page 423, Deed Records; thence West along the North line of said Brown tract, 21.38 chains to the Northwest corner of said Brown tract; thence North 00°16' East, 12.88 chains to the place of beginning.

PARCEL 2:

Part of the Aaron Lynch Donation Land Claim, Notification No. 2381 in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at an iron shaft 1-1/4 inches by 18 inches set at a point 4.70 chains East of the corner of Sections 27, 28, 33 and 34 in said Township and Range; thence North 00°24' West, 24.90 chains; thence South 89°58' West, 24.112 chains; thence South 25.00 chains to the South line of said Claim; thence East 24.98 chains to the place of beginning.

PARCEL 3:

Part of the Miriam Payne Donation Land Claim No. 73 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone at the Southwest corner of the said Donation Land Claim and running thence East 16.48 chains to a stone; thence North 33.19 chains to a point in County Road 30 feet North of a stone set for witness corner; thence North 89-1/4° West 16.61 chains to a stone set in County Road on the West line of said Donation Land Claim; thence South 33.40 chains to the place of beginning.

PARCEL 4:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of the land conveyed by David Lynch and wife to J. F. Spencer by deed dated November 3, 1879 and recorded in Volume "S" at Page 408, Deed Records of Yamhill County, Oregon; thence running North 30.00 chains to the land conveyed by Aaron Lynch and wife to Hathaway Yocum by deed dated December 17, 1868 and recorded in Volume "I", Page 202 of the Deed Records of Yamhill County, Oregon; thence West 40.00 chains; thence South 30.00 chains; thence East 40.00 chains to the place of beginning.

EXCEPTING THEREFROM those portions conveyed to State of Oregon, by and through its Department of Transportation.

PARCEL 5:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, and part of the Jacob Hampton Donation Land Claim No. 71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

EXHIBIT "A"

Legal Description

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Beginning at a point 29.83 chains West of the Southeast corner of the George F. Hibler Donation Land Claim, Notification No. 2372, Claim No. 50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 32.50 chains to an iron pin in the County Road; thence North 89 1/4° West 65.2 links to a rock; thence North 75 links to a rock from which an oak bears North 41° West 104 links; thence West 28.71 chains to the Southeast corner of "Frost" lands; thence North 25° East 10.51 chains to a post from which an oak bears South 75° East 18 links; thence North 7° West, 2 chains; thence North 38°30' West 2.51 chains to an oak on the North bank of Deer Creek; thence North 67° East 4.12 chains; thence North 16.50 chains to a stone set on the South line of said George F. Hibler Donation Land Claim; thence East 21.92 chains to the place of beginning.

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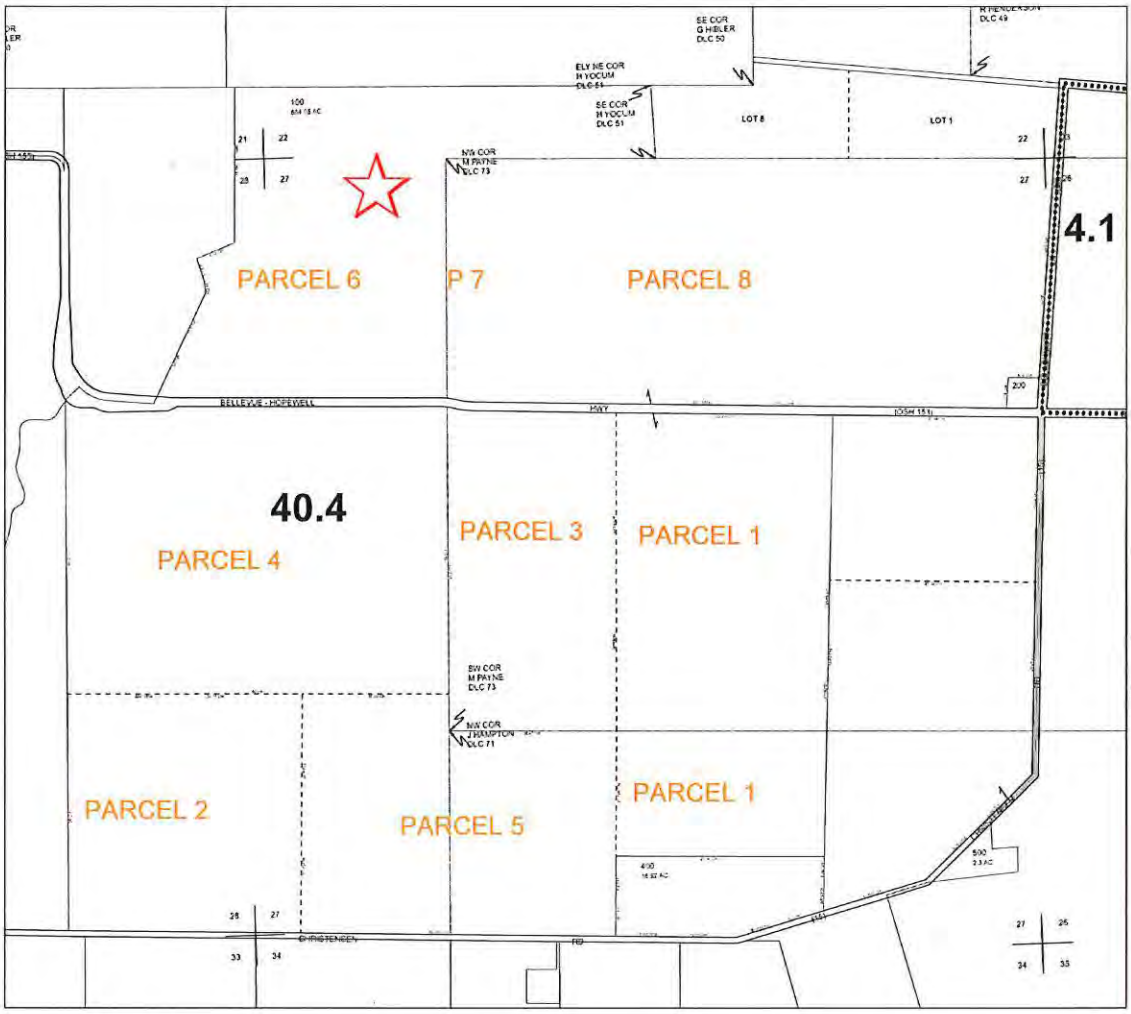
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IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



N

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

SMITH Tamera L * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Friday, September 11, 2020 9:01 AM
To: SMITH Tamera L * WRD
Cc: Howard, Elizabeth E.; 'Annelisa Zander'
Subject: T-13448 Berger Farms Response to DPD [IWOV-pdx.FID4526071]
Attachments: OWRD re Water Right Transfer Application T-13448 - Draft Preliminary Determination Response 2020-09-10.pdf

Good Morning Tamera,

Thank you for sending us the DPD for application T-13448 yesterday. We appreciate you working to complete the DPD this week.

Please find attached to this email Berger Farms' response to the DPD. Please let us know if you have any questions regarding our response. A copy of our response will also follow by U.S. mail.

We hope you and your loved ones are also staying safe and healthy.
Lindsay

Lindsay M. Thane
Associate
Direct: 503-796-2059
lthane@schwabe.com

Schwabe Williamson & Wyatt
Please visit our COVID-19 Resource page



NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

RECEIVED

DEC 03 2020

OWRD

3qw 0.
0.

00 "EXHIBIT A"

News-Register

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611 NE Third Street • (503) 472-5114 • www.NewsRegister.com
PO Box 727

AFFIDAVIT OF PUBLICATION

STATE OF OREGON } ss.
County of Yamhill

I, Roxanne Crafton
being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **Water Rights Services Support - Public Notice Water Right Transfer T-13448- - November 10, 17, 2020**
Subscribed and sworn before me this **11/24/2020 .**

Roxanne Crafton

Connie Janene Crafton

Notary Public for Oregon
My Commission Expires 08/12/2023

OFFICIAL STAMP
CONNIE JANENE CRAFTON
NOTARY PUBLIC - OREGON
COMMISSION NO. 990349
MY COMMISSION EXPIRES AUGUST 12, 2023

PUBLIC NOTICE
Notice of Preliminary Determination for

Water Right Transfer T-13448
T-13448 filed by K.A. Berger Farms, Inc., Attn: Rebecca Berger, PO Box 1359, Hillsboro, OR 97123, proposes an additional point of appropriation under Certificate 22691.The right allows the use of 1.35 cubic feet per second from the South Yamhill River in Sects. 22, 23, 27, and 28, T5S, R5W, WM for irrigation in Sects. 14, 15, 22, 23, 27, and 28, T5S, R5W, WM. The applicant proposes an additional point of diversion in Sec. 28, T5S, R5W, WM. 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, 11/17/2020. Call (503) 986-0815 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

NR Published November 10, 17, 2020

TS

Oregon
Kate Brown, Governor

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

NOVEMBER 19, 2020

VIA E-MAIL

BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO, OR 97123

SUBJECT: Water Right Transfer Application T-13448

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13448. 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 Yamhill Valley News-Register 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 tamera.l.smith@oregon.gov or 503-986-0864 if I may be of assistance.

Sincerely,

Transfer Caseworker
Transfer and Conservation Section

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13448, Yamhill County	)))	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF AN ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

K.A. BERGER FARMS INC.
ATTN: REBECCA BERGER
P.O. BOX 1359
HILLSBORO, OR 97123

Findings of Fact

1. On May 22, 2020, K.A. BERGER FARMS INC., ATTN: REBECCA BERGER filed an application for an additional point of diversion under Certificate 22691. The Department assigned the application number T-13448.

2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On September 10, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2020, 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.

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

Certificate:	22691 in the name of BELLEVUE FARMS INC. (perfected under Permit S-20147)
Use:	IRRIGATION of 106.23 ACRES
Priority Date:	MARCH 19, 1951

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 notice of this preliminary determination.

Rate: 0.27 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.

Source: DEER CREEK, a tributary of SOUTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
5 S	5 W	WM	22	SE NE	3	
5 S	5 W	WM	22	SE SW		51
5 S	5 W	WM	23	SW NW		49
5 S	5 W	WM	27	NW NW		
5 S	5 W	WM	28	NW SE		

Authorized Place of Use:

	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Diversion
5 S	5 W	WM	27	SW NW			19.60	1, 3, 4, 5, AND 6
5 S	5 W	WM	27	NW SW			28.90	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	SE NE			29.50	1, 3, 4, 5, AND 6
5 S	5 W	WM	28	NE SE			28.23	1, 3, 4, 5, AND 6
						TOTAL	106.23	

5. Certificate 22691 does not describe the location of the points of diversion, however information is available from the applicant, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distance
5 S	5 W	WM	22	SE SW		51	POD 4 – 110 FEET NORTH AND 1930 FEET EAST FROM THE SW CORNER OF SECTION 22
5 S	5 W	WM	22	SE NE	3		POD 5 – 1940 FEET SOUTH AND 960 FEET WEST FROM THE NE CORNER OF SECTION 22
5 S	5 W	WM	23	SW NW		49	POD 6 – 2180 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 23
5 S	5 W	WM	27	NW NW			POD 3 – 260 FEET SOUTH AND 890 FEET EAST FROM THE NW CORNER OF SECTION 27
5 S	5 W	WM	28	NW SE			POD 1 – 1990 FEET NORTH AND 1810 FEET WEST FROM THE SE CORNER OF SECTION 28

6. Transfer Application T-13448 proposes an additional point of diversion upstream as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	28	SE NE	POD 2 – 1690 FEET SOUTH AND 1420 FEET WEST FROM THE NE CORNER OF SECTION 28

7. The distances from the authorized points of diversion to the additional point of diversion is as follows:

Distance from Authorized Point of Diversion in Miles (mi.)				
POD 1	POD 3	POD 4	POD 5	POD 6
0.4 mi.	0.6 mi.	0.8 mi.	2.2 mi.	2.5 mi.

8. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. 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.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13448.

11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

13. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion proposed in Transfer Application T-13448 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13448 is approved, the final order will include the following:

1. *The additional point of diversion proposed in Transfer Application T-13448 is approved.*

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 22691 and any related decree.*

3. *Water right Certificate 22691 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*

4. *The quantity of water diverted at the additional point of diversion, (POD 2), together with that diverted at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6), shall not exceed the quantity of water lawfully available at the original points of diversion, (POD 1, POD 3, POD 4, POD 5, AND POD 6).*

5. *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.*

   b. *The water user shall maintain the meters or measuring devices in good working order.*

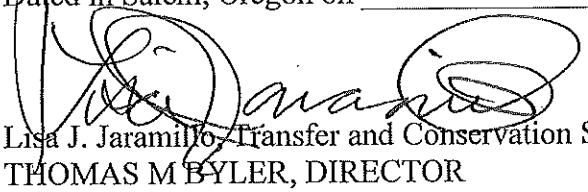
   c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

6. *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.*

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2021****. 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.*

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

Dated in Salem, Oregon on NOV 18 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty Service Members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free number.

SMITH Tamera L * WRD

From: BUCHHOLZ Sheila L * WRD
Sent: Tuesday, October 06, 2020 1:01 PM
To: SMITH Tamera L * WRD
Cc: MARTIN Duff A * WRD
Subject: PD RA T-13448

Hello Tamera,

This RA is complete. The total time from Data techs was 3 HRS 15 mins.

Thanks!

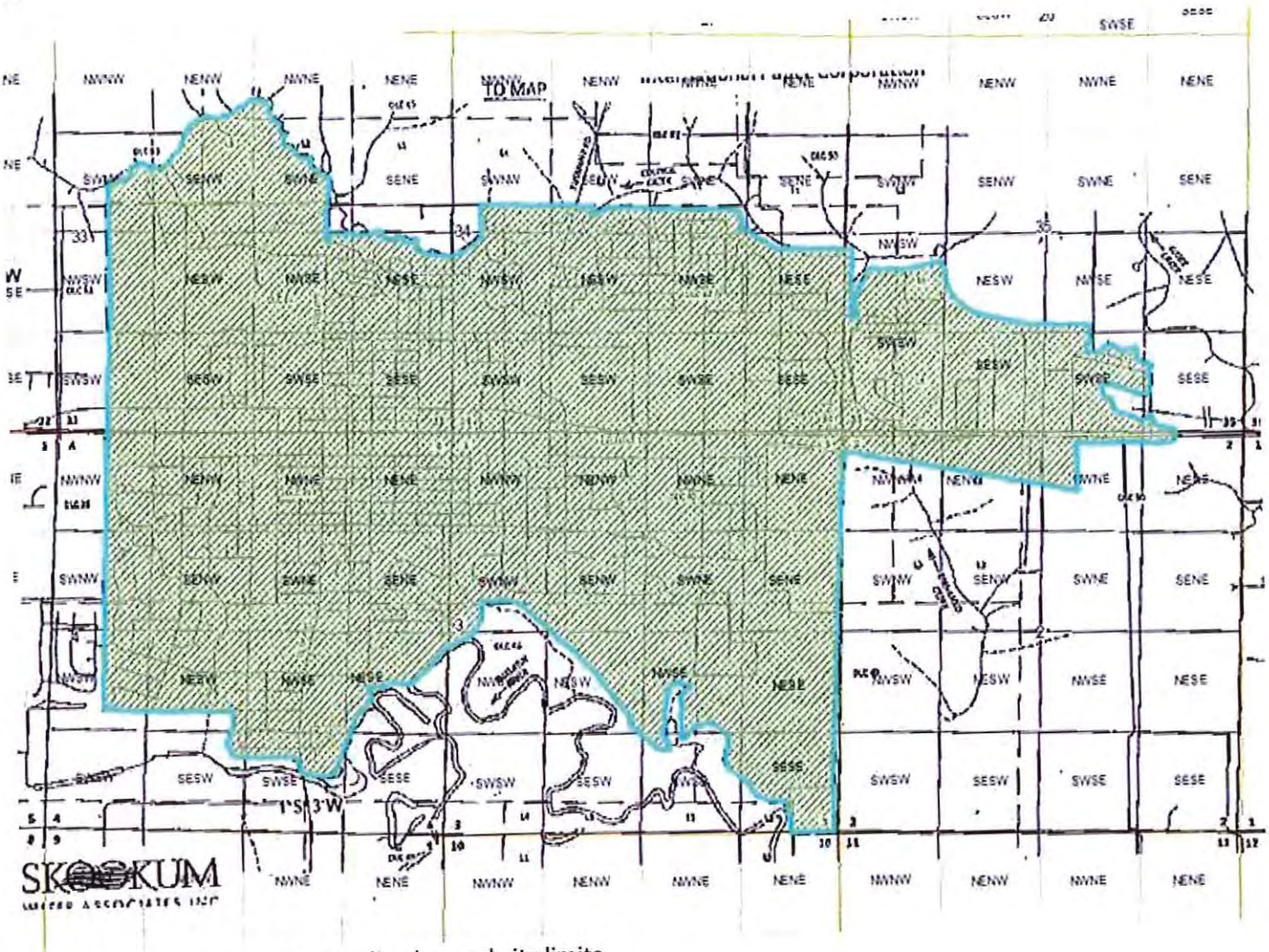
Sheila Buchholz
Data Technician 1
725 Summer St. NE, Suite A | Salem, Oregon 97301
Email: Sheila.L.Buchholz@oregon.gov





OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



POU as mapped currently extending beyond city limits

Thank you and Best Wishes,

Chloe Elliott
Data Tech 1
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301



OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form

(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-13448 Date of review: 7/8/20

A. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on _____*[stream]*, tributary to _____, because.
(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. *(OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)*

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

Please return all 3 pages to: Transfers Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should ***NOT*** *be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain:* _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within **two** years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]

Signature

Jason Brandt
Printed Name

(541) 464-2182
Phone

SW Hydro Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant

(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-13448

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Hilary Doulos

Address: 3561 Klindt Dr

City/State/Zip: The Dalles, OR 97058

Phone: (541) 296-8026

☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Highway

City/State/Zip: Roseburg, OR 97470

Phone: (541) 464-2182

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132766

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

INVOICE # _____

RECEIVED FROM: K.A. Berger Farms, Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13448

CASH: ☐ CHECK:# ☒ 1463 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 1,268.82

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	4/7/24	$
0412	OTHER:	(IDENTIFY) Reimbursement Authority K11261.21	$ 1,268.82

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:

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

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	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: 132766 DATED: 6-15-2020 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-261-21

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and K.A. Berger Farms Inc.; Rebecca Berger, hereafter Applicant, hereafter known together as the parties.

OWRD Information		Applicant's Information		Applicant's Representative	
Contact:	**Kelly Starnes**	Name:	K.A. Berger Farms Inc.	Name:	Schwabe, Williamson & Wyatt
Title:	Transfer Advisor	Contact:	Rebecca Berger	Contact:	Elizabeth Howard
Address:	725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address:	P.O. Box 1359 Hillsboro, OR 97123	Address:	1211 SW Fifth Ave, Suite 1900 Portland, OR 97204
Phone:	503 986-0886	Phone:	(503) 209-5449	Phone:	(503) 796-2093
Fax:	503 986-0901	Fax:		Fax:	
Email:	patrick.k.starnes@oregon.gov	Email:	annelisa@bergerseed.com	Email:	ehoward@schwabe.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application. (Application Number: T-13448)**

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.

2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

4. **Consideration.**

    a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **$1,268.82**. Applicant agrees to pay the full amount of **$1,268.82** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.

    b. The costs stated in this Agreement do not include the statutory application processing and filing fees.

5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

6. **Indemnity**. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.

8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

9. **Duration of Estimate.** The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.

10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.

11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.

12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Rebecca Burgu for K A Bergen Farms — Name/Title — 6/11/2020 — Date

For OWRD: Dwight French – Administrator — 6.24.2020 — Date

Mail signed Agreement to:

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SKOOKUM
WATER ASSOCIATES INC

May 22, 2020
Project No. 10145.001

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Via UPS Delivery

Application for a Permanent Transfer
Water Right Certificate 22691
Yamhill County, Oregon

To Whom It May Concern,

Skookum Water Associates Inc. is filing this Application for a Permanent Water Right Transfer on behalf of K.A. Berger Farms Inc. The intent of this application is to add POD 2 to Certificate 22691. The five PODs authorized in the certificate will be retained.

The application documents include a $1,160 Berger International LLC check (No. 14660) payable to the Oregon Water Resources Department, an Application for Permanent Water Right Transfer and supporting map, a Completed Evidence of Use Affidavit and supporting PGE invoices, and a Land Use Information Form signed by a Yamhill County planner. In addition, we have included a Transfer Reimbursement Authority Estimate Application and the related $125 check (No. 14661).

Please note that some of the documents have a May 1, 2020 date by the Department. This application includes information previously submitted for an Historic Change in POD that was returned to Berger Farms because the right is in the name of a business, not an individual as required by rule.

Ms. Elizabeth Howard of Schwabe, Williamson & Wyatt will be the Agent for KA Berger Farms Inc. Please contact her at (503) 796-2093 or EHoward@schwabe.com should you have any questions.

Thank you for your assistance.

Sincerely,

SKOOKUM WATER ASSOCIATES INC.

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Steven R. Bruce, RG, CWRE
Principal

Enclosures

cc. Rebecca Berger; KA Berger Farms Inc. (via email)
Elizabeth Howard; Schwabe Williamson & Wyatt (via email)

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132559

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

INVOICE # _____

RECEIVED FROM: Berger International LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13448

CASH: ☐ CHECK # ☑ 14660 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 116.00

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

4611 0

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 1,160.00		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	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

RECEIVED
OVER THE COUNTER

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 132559 DATED: 5/22/202 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

OREGON WATER RESOURCES DEPARTMENT
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.

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

☒ Part 1 – Completed Minimum Requirements Checklist.

☒ Part 2 – Completed Transfer Application Map Checklist.

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☒ 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: Certificate 22691**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

☒ Completed Transfer Application Map.

☒ Completed Evidence of Use Affidavit and supporting documentation.

☐ ☒ 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.

☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

☐ ☒ 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):

___ Application fee not enclosed/insufficient
___ Land Use Form not enclosed or incomplete
___ Additional signature(s) required
___ Map not included or incomplete
___ Evidence of Use Form not enclosed or incomplete
___ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0___ Date: ____/____/____

13448 -

Part 2 of 5 – Transfer Application Map

Your transfer application <u>will be returned</u> 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.

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☒ Permanent quality printed with dark ink on good quality paper.

☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.

☒ A north arrow, a legend, and scale.

☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.

☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.

☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.

☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.

☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.

☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.

☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.

☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 5 – Fee Worksheet

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

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
K.A. Berger Farms Inc. Attn: Rebecca Berger			(503) 209-5449	
ADDRESS				FAX NO.
P.O. Box 1359				
CITY	STATE	ZIP	E-MAIL	
Hillsboro	OR	97123	Annelisa@bergerseed.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.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Elizabeth Howard Schwabe, Williamson & Wyatt			(503) 796-2093	
ADDRESS				FAX NO.
PacWest Center 1211 SW Fifth Avenue, Suite 1900				
CITY	STATE	ZIP	E-MAIL	
Portland	OR	97204	Ehoward@schwabe.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:
We are requesting approval to add POD 2 to 106.23 acres of Water Right Certificate 22691 to facilitate our farming operations.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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: Yamhill Valley NewsRegister.

- 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	Print Name (and Title if applicable)	Date
Rebecca Berger	Rebecca Berger, President	5/18/2020

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.

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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 **NA**			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: _____

☐ 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.)**

IRRIGATION DISTRICT NAME **NA**	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.

ENTITY NAME **NA**	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 **Yamhill County Department of Planning and Development**	ADDRESS **525 NE 4TH STREET**	
CITY **MCMINNVILLE**	STATE **OR**	ZIP **97128**

13448

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 # 22691

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Description of Water Delivery System

System capacity: **4.05** cubic feet per second (cfs) **OR**

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time 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.

The 533.23 acres of water right are irrigated using three 50-hp centrifugal pumps and two Echo 125 travelers with booster pumps. The following describes where the pumps and travelers have been used in the last 5 years and the related system capacities.

POD 1

POD 1 will be retained and is not intended to be changed by this application.

POD 2 – This POD is proposed to be added to the water right by this application. The system capacity is 1.35 cfs as follows:

Water is diverted from the POD using a portable 50-hp centrifugal Berkeley pump rated for 650 gpm. The lift from the river to the pump is approximately 10 feet and the system pressure is reported to be 90 psi. The WRD online calculator for CWREs indicates the pump produces 1.38 cfs (approximately 619 gpm).

The application map indicates the locations of buried and above-ground mainlines and their diameters. Water is applied using an Echo 125 traveler with a Cornell booster pump. The traveler has 1,400 feet of 4-inch-diameter hose and a 1.1 inch nozzle on a big gun. The delivery rate for the nozzle is reported to be 605 gpm (approximately 1.35 cfs) at 74 psi.

POD 3

POD 3 will be retained and is not intended to be changed by this application.

POD 4 – POD 4 will be retained and is not intended to be changed by this application. The system capacity is 1.35 cfs based on the following:

Water is diverted from the POD using a portable 50-hp centrifugal Berkeley pump rated for 650 gpm. The lift from the river to the pump is approximately 10 feet and the system pressure is reported to be 90 psi. The WRD online calculator for CWREs indicates the pump produces 1.38 cfs (approximately 619 gpm).

The application map indicates the locations of buried and above-ground mainlines and their diameters. Water is applied using an Echo 125 traveler with a Cornell booster pump. The traveler has 1,400 feet of 4-inch-diameter hose and a 1.1 inch nozzle on a big gun. The delivery rate for the nozzle is reported to be 605 gpm (approximately 1.35 cfs) at 74 psi.

POD 5 – POD 5 will be retained and is not intended to be changed by this application. The

system capacity is 1.35 cfs based on the following:

Water is diverted from the POD using a portable 50-hp centrifugal Cornell pump rated for 750 gpm. The lift from the river to the pump is approximately 10 feet and the system pressure is reported to be 90 psi. The WRD online calculator for CWREs indicates the pump produces 1.38 cfs (approximately 619 gpm).

The application map indicates the locations of buried and above-ground mainlines and their diameters. Water is applied using an Echo 125 traveler with a Cornell booster pump. The traveler has 1,400 feet of 4-inch-diameter hose and a 1.1 inch nozzle on a big gun. The delivery rate for the nozzle is reported to be 605 gpm (approximately 1.35 cfs) at 74 psi.

POD 6

POD 6 will be retained and is not intended to be changed by this application.

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)
POD 1	☒ Authorized ☐ Proposed	--	5	S	5	W	28	NW	SE	1100	1990 ft North and 1810 ft West of SE corner Section 28
POD 2	☐ Authorized ☒ Proposed	--	5	S	5	W	28	SE	NE	100	1690 ft South and 1420 ft West from NE corner Section 28
POD 3	☒ Authorized ☐ Proposed	--	5	S	5	W	27	NW	NW	100	260 ft South and 890 ft East from NW corner Section 27
POD 4	☒ Authorized ☐ Proposed	--	5	S	5	W	22	SE	SW	DLC 51	110 ft North and 1930 ft East from SW corner Section 22
POD 5	☒ Authorized ☐ Proposed	--	5	S	5	W	22	SE	NE	L3	1940 ft South and 960 ft West from NE corner Section 22
POD 6	☒ Authorized ☐ Proposed	--	5	S	5	W	23	SW	NW	DLC 49	2180 ft South and 270 ft East from NW corner Section 23

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

- ☐ Place of Use (POU)
- ☐ Character of Use (USE)
- ☐ Point of Diversion (POD)
- ☒ Additional Point of Diversion (APOD)
- ☐ Surface Water POD to Ground Water POA (SW/GW)
- ☐ Supplemental Use to Primary Use (S to P)
- ☐ Point of Appropriation/Well (POA)
- ☐ Additional Point of Appropriation (APOA)
- ☐ Substitution (SUB)
- ☐ Government Action POD (GOV)

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

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☐ 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 # 22691

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**
5	S	5	W	27	SW	NW	100	--	19.6	Irrigation	PODs 1, 3, 4, 5 & 6	3/19/1951	APOD	5	S	5	W	27	SW	NW	100	--	19.6	No Change	PODs 1, 2, 3, 4, 5 & 6	3/19/1951
5	S	5	W	27	NW	SW	100	--	28.9	Irrigation	PODs 1, 3, 4, 5 & 6	3/19/1951	APOD	5	S	5	W	27	NW	SW	100	--	28.9	No Change	PODs 1, 2, 3, 4, 5 & 6	3/19/1951
5	S	5	W	28	SE	NE	100	--	29.5	Irrigation	PODs 1, 3, 4, 5 & 6	3/19/1951	APOD	5	S	5	W	28	SE	NE	100	--	29.5	No Change	PODs 1, 2, 3, 4, 5 & 6	3/19/1951
5	S	5	W	28	NE	SE	100	--	28.23	Irrigation	PODs 1, 3, 4, 5 & 6	3/19/1951	APOD	5	S	5	W	28	NE	SE	100	--	28.23	No Change	PODs 1, 2, 3, 4, 5 & 6	3/19/1951
TOTAL ACRES:									106.23					TOTAL ACRES:									106.23			

Additional remarks:

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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: **NA.**

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)

Ground water supplemental Permit or Certificate # **NA;**
Surface water primary Certificate # **NA.**

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # **NA**

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

☐ 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

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
NA										

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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 YAMHILL)

I, DEREK BERGER, in my capacity as Farm Manager,

mailing address P.O. BOX 1359 HILLSBORO, OR 97123

telephone number (503)209-5846, being first duly sworn depose and say:

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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 # 22691; **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)

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.): TALL FESCUE, RED CLOVER, HEMP & HAZELNUTS

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.

Derek Bugni
Signature of Affiant

4/24/20
Date

Signed and sworn to (or affirmed) before me this 24 day of April, 2020.

OFFICIAL STAMP
BRIAN ALEXANDER MORALES
NOTARY PUBLIC - OREGON
COMMISSION NO. 996962
MY COMMISSION EXPIRES MARCH 09, 2024

Notary Public for Oregon

My Commission Expires: March 09, 2024

Supporting Documents	Examples
☐ 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
☒ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☐ Aerial photos containing sufficient detail to establish location and date of photograph	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. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Land Use Information Form

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

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Applicant(s): K.A. Berger Farms Inc. Attn: Rebecca Berger

Mailing Address: P.O. Box 1359

City: Hillsboro State: OR Zip Code: 97123 Daytime Phone: (503) 209-5449

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:
See					____	☐ Diverted ☐ Conveyed ☐ Used	
Attached					____	☐ Diverted ☐ Conveyed ☐ Used	
Form					____	☐ Diverted ☐ Conveyed ☐ Used	
					____	☐ Diverted ☐ Conveyed ☐ Used	

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

Yamhill County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Deer Creek

Estimated quantity of water needed: 0.27 ☒ 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 _____

Briefly describe:

We are applying to the Oregon Water Resources Department for approval of an historic point of diversion used to Irrigate 106.23 acres of our farm.

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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ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: K.A. Berger Farms Inc.

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
5 S	5 W	27	SW NW	100	EF-80(AFLH)	☐Diverted ☒Conveyed ☒Used	Irrigation
5 S	5 W	27	NW SW	100		☐Diverted ☒Conveyed ☒Used	Irrigation
5 S	5 W	28	SE NE	100		☒Diverted ☒Conveyed ☒Used	Irrigation
5 S	5 W	28	SE NE	100		☐Diverted ☒Conveyed ☒Used	Irrigation
5 S	5 W	28	NE SE	100		☐Diverted ☒Conveyed ☒Used	Irrigation

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

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Name: Stephanie Armstrong Title: Associate Planner

Signature: [signature] Phone: 503.434.7516 Date: 4/21/20

Government Entity: Yamhill County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

This Is To Certify, That BELLEVUE FARMS INC.

of P. O. Box 89, McMinnville, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Deer Creek a tributary of South Yamhill River for the purpose of irrigation under Permit No. 20147 of the State Engineer, 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 March 19, 1951;

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 1.35 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 3 ($SE\frac{1}{4}NE\frac{1}{4}$), Section 22; $SE\frac{1}{4}SW\frac{1}{4}$, as projected within Yokum DLC #51, Section 22; $SW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49, Section 23; $NW\frac{1}{4}NW\frac{1}{4}$, Section 27; $NW\frac{1}{4}SE\frac{1}{4}$, Section 28; Township 5 South, Range 5 West, W. M.

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 2½ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 1.35 cfs,

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:

6.0 acres in the $SW\frac{1}{4}SW\frac{1}{4}$, as projected within S. Holman DLC #43
1.1 acres in the $SE\frac{1}{4}SW\frac{1}{4}$, as projected within S. Holman DLC #43
Section 14
2.9 acres in the $SE\frac{1}{4}SE\frac{1}{4}$, as projected within S. Holman DLC #43
Section 15
16.0 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, as projected within Henderson DLC #49
1.2 acres in Lot 4 ($NE\frac{1}{4}NE\frac{1}{4}$)
10.0 acres in Lot 6 ($SW\frac{1}{4}NE\frac{1}{4}$)
20.9 acres in Lot 3 ($SE\frac{1}{4}NE\frac{1}{4}$)
9.3 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, as projected within Henderson DLC #49
0.4 acres in the $SE\frac{1}{4}SW\frac{1}{4}$, as projected within H. Yocum DLC #51
16.0 acres in the $NE\frac{1}{4}SE\frac{1}{4}$, as projected within Henderson DLC #49
24.0 acres in Lot 2 ($NE\frac{1}{4}SE\frac{1}{4}$)
20.0 acres in Lot 7 ($NW\frac{1}{4}SE\frac{1}{4}$)
26.6 acres in Lot 8 ($SW\frac{1}{4}SE\frac{1}{4}$)
30.5 acres in Lot 1 ($SE\frac{1}{4}SE\frac{1}{4}$)
9.5 acres in the $SE\frac{1}{4}SE\frac{1}{4}$, as projected within Henderson DLC #49
Section 22
1.0 acres in the $NE\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
34.8 acres in the $NW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
7.2 acres in the $SW\frac{1}{4}NW\frac{1}{4}$, as projected within Henderson DLC #49
25.9 acres in the $NW\frac{1}{4}SW\frac{1}{4}$, as projected within Henderson DLC #49
14.4 acres in the $SW\frac{1}{4}SW\frac{1}{4}$, as projected within Henderson DLC #49
Section 23
39.7 acres in the $NE\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
37.6 acres in the $NW\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
13.5 acres in the $SW\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
13.1 acres in the $SE\frac{1}{4}NE\frac{1}{4}$, as projected within Mirram Payne DLC #73
Section 27

(cont'd on next page)

32.9 acres in the $NE\frac{1}{4}NW\frac{1}{4}$, as projected within Mirram Payne DLC #73
19.6 acres in the $SW\frac{1}{4}NW\frac{1}{4}$
12.5 acres in the $SE\frac{1}{4}NW\frac{1}{4}$, as projected within Mirram Payne DLC #73
28.9 acres in the $NW\frac{1}{4}SW\frac{1}{4}$

Section 27

29.5 acres in the $SE\frac{1}{4}NE\frac{1}{4}$
28.23 acres in the $NE\frac{1}{4}SE\frac{1}{4}$

Section 28
Township 5 South, Range 5 West, W. M.

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 State Engineer, affixed

this 12th *day of* June , *19* 57.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 16 , *page* 22691.

Berger International POD PGE Meter Acct Numbers

PGE	POD1	POD2	POD3	POD4	POD5	POD6
Meter#	N/A	31022917	N/A	31022853	31036811	N/A
Account#	N/A	5852980000	N/A	2471601000	3883200000	N/A
Company Name	N/A	Berger Seed Company	N/A	Berger Seed Company	Berger Seed Company	N/A
Service Address Line 1	N/A	129 RR 3 Box	N/A	16720 SW Bellevue Hwy	19000 SW Delashmutt Ln	N/A
Service Address Line 2	N/A	McMinnville, OR 97128	N/A	McMinnville, OR 97128	McMinnville, OR 97128	N/A

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(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	38.11
Payments	38.11 CR
Balance Forward	0.00
Current Charges	212.91

Service Address:
BERGER SEED COMPANY
129 RR 3 BOX
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$212.91**
Due date for current bill **07/05/19**

This month's charges (Turn over for details)

Meter # 31022917AB, Schedule 47

Energy Charges (934 kWh)	208.91
Adjustments	2.65 CR
	206.26
Total Taxes and Fees	**6.65**
Current Energy Charges	**212.91**

Thank you for your payment.

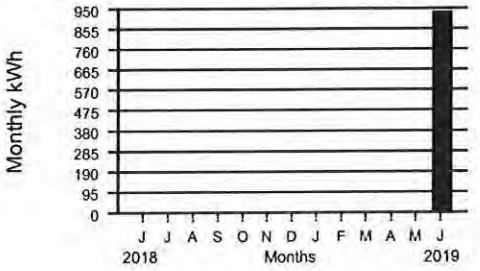
Your energy use

Meter # 31022917AB
Schedule 47

Service Period	Meter Reading
06/18/19	36979
05/16/19	36045
33 days of service	934 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jun 2019	61	934	212.91
Jun 2018	57	0	36.05

***Temperature source: McMinnville Municipal Airport**



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Please detach and return this portion with your payment.

[redacted]
12 **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **07/05/19**
Amount Due: **$212.91**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
PortlandGeneral.com

PGE

[redacted]

Details of this month's charges

Meter # 31022917AB, Schedule 47, SPID 4490296710

Basic Charge	37.00
Energy Use Charge (934.000 kWh x $0.07094)	66.26
Demand Charge (19.000 KW x $0.00)	0.00
Transmission Charge (934.000 kWh x $0.00213)	1.99
Distribution Charge (934.000 kWh x $0.11099)	103.66
Subtotal - Energy Charges	**208.91**
102 RPA Exchange Credit (934.000 kWh x $-0.0085)	7.94 CR
105 Regulatory Adjustments (934.000 kWh x $0.00014)	0.13
109 Energy Efficiency Funding Adj (934.000 kWh x $0.00629)	5.87
110 Energy Efficiency Customer Svc (934.000 kWh x $0.0001)	0.09
112 Customer Engagement Transformation Adjustment (934.000 kWh x $0.0005)	0.47
123 Decoupling Adjustment (934.000 kWh x $0.00021)	0.20
132 Federal Tax Reform Credit (934.000 kWh x $-0.00272)	2.54 CR
135 Demand Response (934.000 kWh x $0.00048)	0.45
136 Community Solar Start-Up Cost Recovery (339.636 kWh x $0.00007)	0.02
137 Solar Payment Option Cost Recov (934.000 kWh x $0.00053)	0.50
143 Spent Fuel Adjustment (934.000 kWh x $-0.00018)	0.17 CR
145 Boardman Decommissioning Adj (934.000 kWh x $0.00029)	0.27
Subtotal - Adjusting Schedules	**2.65** CR
	206.26
Low Income Assistance	0.64
Public Purpose Charge (3%)	6.01
Subtotal - Taxes and Fees	**6.65**
Current Energy Charges	**212.91**

*Your Federal Columbia Benefits are supplied by Bonneville Power Administration (BPA).

Need help? We're here for you

Online: PortlandGeneral.com
Phone:

- **Customer Service:** 800-542-8818
- **Outages and downed lines:** 800-544-1795
- **Oregon Relay:** (deaf, hard-of-hearing, blind-deaf, speech-disabled): 711

Choose your way to pay

- **Online**:** PortlandGeneral.com
- **Automated phone system**:** 800-542-8818
- **Western Union® locations (fee)**
- **PGE Community Offices:**
  (Open Mon.-Fri., 9 a.m.-5 p.m.)
  Gresham: 335 NE Roberts Ave.
  Hillsboro: 2567 SE Tualatin-Valley Hwy.
  SE Portland: 4000 SE 82nd Ave., Suite 1600
  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
- **Mail:** (include bill stub)
  P.O. Box 4438
  Portland, OR 97208-4438

**24-hour options

Paying by check: You are authorizing PGE to convert your check to an electronic debit.

Late payment: A late payment charge of 2.0% may be applied to past-due bills. If you're struggling to pay your bill, call us at 800-542-8818, or visit PortlandGeneral.com. Energy assistance may also be available by calling 211.

Fraud alert: Beware of calls, texts or people at your door demanding immediate payment. All PGE employees carry photo identification. Call us to check.

Adjustments: Approved by the Oregon Public Utility Commission, adjustments are separate from your basic energy charges and often change. For details, call customer service.

Public Purpose Charge: The Public Purpose Charge funds energy-efficiency and renewable power programs as well as energy conservation assistance to schools and low-income residents. Energy Trust of Oregon, Oregon Housing and Community Services Dept. and various education service districts administer the money.

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Thank you. We appreciate your business.

Need to stop or move service? Go online to PortlandGeneral.com/StartStopMove or call us at 800-542-8818.

Update your mailing or email address online at PortlandGeneral.com/MyAccount or call us at 800-542-8818.

Get this bill online. Our Paperless Bill is simple, secure and sustainable. Sign up at PortlandGeneral.com/Paperless.

Join us to support Oregon Energy Fund, a statewide charitable organization that provides energy assistance to thousands of Oregonians in times of financial crisis. To give a neighbor a helping hand, visit OregonEnergyFund.org.

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(503)228-6322 or 1-800-542-8818
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Account # [redacted]

Previous Amount Due	212.91
Payments	212.91 CR
Balance Forward	0.00
Current Charges	136.57

Service Address:
BERGER SEED COMPANY
129 RR 3 BOX
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$136.57**
Due date for current bill **08/05/19**

This month's charges (Turn over for details)

Meter # 31022917AB, Schedule 47

Energy Charges (526 kWh)	133.81
Adjustments	1.47 CR
	132.34
Total Taxes and Fees	4.23
Current Energy Charges	136.57

Thank you for your payment.

Your energy use

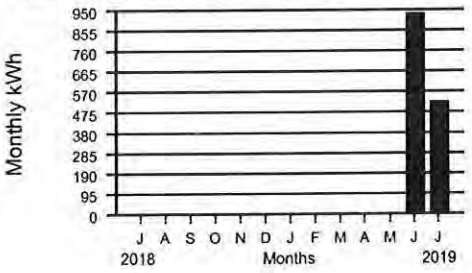
Meter # 31022917AB
Schedule 47

Service Period	Meter Reading
07/18/19	37505
06/18/19	36979
30 days of service	526 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jul 2019	64	526	136.57
Jul 2018	N/A	0	36.05

*Temperature source: McMinnville Municipal Airport



Please detach and return this portion with your payment.

[redacted]
12 Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **08/05/19**
Amount Due: **$136.57**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
portlandgeneral.com

PGE

[redacted]
13448

Details of this month's charges

Meter # 31022917AB, Schedule 47, SPID 4490296710

Basic Charge	37.00	
Energy Use Charge (526.000 kWh x $0.07094)	37.31	
Demand Charge (19.000 KW x $0.00)	0.00	
Transmission Charge (526.000 kWh x $0.00213)	1.12	
Distribution Charge (526.000 kWh x $0.11099)	58.38	
Subtotal - Energy Charges	**133.81**	
102 RPA Exchange Credit (526.000 kWh x $-0.0085)	4.47	CR
105 Regulatory Adjustments (526.000 kWh x $0.00014)	0.07	
109 Energy Efficiency Funding Adj (526.000 kWh x $0.00629)	3.31	
110 Energy Efficiency Customer Svc (526.000 kWh x $0.0001)	0.05	
112 Customer Engagement Transformation Adjustment (526.000 kWh x $0.0005)	0.26	
123 Decoupling Adjustment (526.000 kWh x $0.00021)	0.11	
132 Federal Tax Reform Credit (526.000 kWh x $-0.00272)	1.43	CR
135 Demand Response (526.000 kWh x $0.00048)	0.25	
136 Community Solar Start-Up Cost Recovery (526.000 kWh x $0.00007)	0.04	
137 Solar Payment Option Cost Recov (526.000 kWh x $0.00053)	0.28	
143 Spent Fuel Adjustment (526.000 kWh x $-0.00018)	0.09	CR
145 Boardman Decommissioning Adj (526.000 kWh x $0.00029)	0.15	
Subtotal - Adjusting Schedules	**1.47**	CR
	132.34	
Low Income Assistance	0.36	
Public Purpose Charge (3%)	3.87	
Subtotal - Taxes and Fees	**4.23**	
Current Energy Charges	**136.57**	

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Online: portlandgeneral.com
Phone:

- **Customer Service:** 800-542-8818
- **Outages and downed lines:** 800-544-1795
- **Oregon Relay:** (deaf, hard-of-hearing, blind-deaf, speech-disabled): 711

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  SE Portland: 4000 SE 82nd Ave., Suite 1600
  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
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  P.O. Box 4438
  Portland, OR 97208-4438

**24-hour options

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Adjustments: Approved by the Oregon Public Utility Commission, adjustments are separate from your basic energy charges and often change. For details, call customer service.

Public Purpose Charge: The Public Purpose Charge funds energy-efficiency and renewable power programs as well as energy conservation assistance to schools and low-income residents. Energy Trust of Oregon, Oregon Housing and Community Services Dept. and various education service districts administer the money.

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(503)228-6322 or 1-800-542-8818
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Account # [redacted]

Previous Amount Due	136.57
Payments	136.57 CR
Balance Forward	0.00
Current Charges	210.14

Service Address:
BERGER SEED COMPANY
129 RR 3 BOX
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$210.14**
Due date for current bill **09/04/19**

This month's charges (Turn over for details)

Meter # 31022917AB, Schedule 47

Energy Charges (919 kWh)	206.15
Adjustments	2.57 CR
	203.58
Total Taxes and Fees	**6.56**
Current Energy Charges	**210.14**

Thank you for your payment.

Your energy use

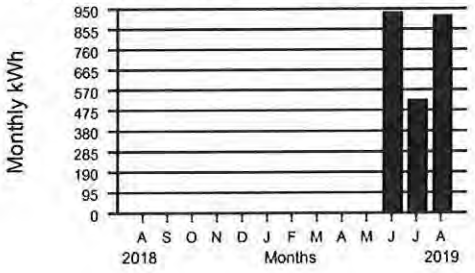
Meter # 31022917AB
Schedule 47

Service Period	Meter Reading
08/16/19	38424
07/18/19	37505
29 days of service	919 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2019	68	919	210.14
Aug 2018	N/A	0	36.05

*Temperature source: McMinnville Municipal Airport



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[redacted]
12 **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

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Due Date: **09/04/19**
Amount Due: **$210.14**

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
portlandgeneral.com

PGE

[redacted]

Details of this month's charges

Meter # 31022917AB, Schedule 47, SPID 4490296710

Basic Charge	37.00
Energy Use Charge (919.000 kWh x $0.07094)	65.19
Demand Charge (19.000 KW x $0.00)	0.00
Transmission Charge (919.000 kWh x $0.00213)	1.96
Distribution Charge (919.000 kWh x $0.11099)	102.00
Subtotal - Energy Charges	**206.15**
102 RPA Exchange Credit (919.000 kWh x $-0.0085)	7.81 CR
105 Regulatory Adjustments (919.000 kWh x $0.00014)	0.13
109 Energy Efficiency Funding Adj (919.000 kWh x $0.00629)	5.78
110 Energy Efficiency Customer Svc (919.000 kWh x $0.0001)	0.09
112 Customer Engagement Transformation Adjustment (919.000 kWh x $0.0005)	0.46
123 Decoupling Adjustment (919.000 kWh x $0.00021)	0.19
132 Federal Tax Reform Credit (919.000 kWh x $-0.00272)	2.50 CR
135 Demand Response (919.000 kWh x $0.00048)	0.44
136 Community Solar Start-Up Cost Recovery (919.000 kWh x $0.00007)	0.06
137 Solar Payment Option Cost Recov (919.000 kWh x $0.00053)	0.49
143 Spent Fuel Adjustment (919.000 kWh x $-0.00018)	0.17 CR
145 Boardman Decommissioning Adj (919.000 kWh x $0.00029)	0.27
Subtotal - Adjusting Schedules	**2.57 CR**
	203.58
Low Income Assistance	0.63
Public Purpose Charge (3%)	5.93
Subtotal - Taxes and Fees	**6.56**
Current Energy Charges	**210.14**

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  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
- **Mail:** (include bill stub)
  P.O. Box 4438
  Portland, OR 97208-4438

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(503)228-6322 or 1-800-542-8818
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Account # [redacted]

Previous Amount Due	210.14
Payments	210.14 CR
Balance Forward	0.00
Current Charges	247.77

Service Address:
BERGER SEED COMPANY
129 RR 3 BOX
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$247.77**
Due date for current bill **10/03/19**

This month's charges (Turn over for details)

Meter # 31022917AB, Schedule 47

Energy Charges (1141 kWh)	243.19
Adjustments	3.19 CR
	240.00
Total Taxes and Fees	**7.77**
Current Energy Charges	**247.77**

Thank you for your payment.

Your energy use

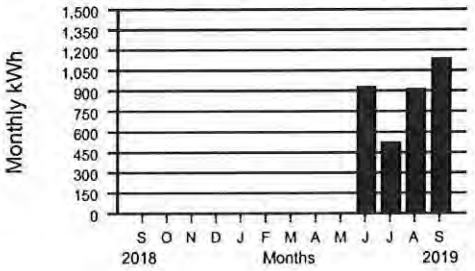
Meter # 31022917AB
Schedule 47

Service Period	Meter Reading
09/17/19	39565
08/16/19	38424
32 days of service	1141 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Sep 2019	66	1141	247.77
Sep 2018	63	0	36.05

*Temperature source: McMinnville Municipal Airport



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12 [redacted] **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **10/03/19**
Amount Due: **$247.77**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
portlandgeneral.com

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[redacted]

13448

Details of this month's charges

Meter # 31022917AB, Schedule 47, SPID 4490296710

Basic Charge	37.00	
Energy Use Charge (1,141.000 kWh x $0.07094)	80.94	
Demand Charge (19.000 KW x $0.00)	0.00	
Transmission Charge (1,141.000 kWh x $0.00213)	2.43	
Distribution Charge (950.000 kWh x $0.11099)	105.44	
Distribution Charge (191.000 kWh x $0.09099)	17.38	
Subtotal - Energy Charges	**243.19**	
102 RPA Exchange Credit (1,141.000 kWh x $-0.0085)	9.70	CR
105 Regulatory Adjustments (1,141.000 kWh x $0.00014)	0.16	
109 Energy Efficiency Funding Adj (1,141.000 kWh x $0.00629)	7.18	
110 Energy Efficiency Customer Svc (1,141.000 kWh x $0.0001)	0.11	
112 Customer Engagement Transformation Adjustment (1,141.000 kWh x $0.0005)	0.57	
123 Decoupling Adjustment (1,141.000 kWh x $0.00021)	0.24	
132 Federal Tax Reform Credit (1,141.000 kWh x $-0.00272)	3.10	CR
135 Demand Response (1,141.000 kWh x $0.00048)	0.55	
136 Community Solar Start-Up Cost Recovery (1,141.000 kWh x $0.00007)	0.08	
137 Solar Payment Option Cost Recov (1,141.000 kWh x $0.00053)	0.60	
143 Spent Fuel Adjustment (1,141.000 kWh x $-0.00018)	0.21	CR
145 Boardman Decommissioning Adj (1,141.000 kWh x $0.00029)	0.33	
Subtotal - Adjusting Schedules	**3.19**	CR
	240.00	
Low Income Assistance	0.79	
Public Purpose Charge (3%)	6.98	
Subtotal - Taxes and Fees	**7.77**	
Current Energy Charges	**247.77**	

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  SE Portland: 4000 SE 82nd Ave., Suite 1600
  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
- **Mail:** (include bill stub)
  P.O. Box 4438
  Portland, OR 97208-4438

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(503)228-6322 or 1-800-542-8818
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Account # [redacted]

Balance Forward	0.00
Current Charges	1,105.13

Service Address:
BERGER SEED COMPANY
16720 SW BELLEVUE HWY
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$1,105.13**
Due date for current bill **06/04/19**

This month's charges (Turn over for details)

Meter # 31022853AB, Schedule 49

Energy Charges (7625 kWh)	1,101.16
Adjustments	32.33 CR
	1,068.83
Total Taxes and Fees	**36.30**
Current Energy Charges	**1,105.13**

Your energy use

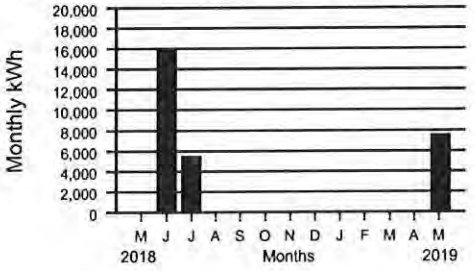
Meter # 31022853AB
Schedule 49

Service Period	Meter Reading
05/16/19	37555
04/17/19	29930
29 days of service	7625 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
May 2019	N/A	7625	1,105.13
May 2018	56	0	36.05

***Temperature source: McMinnville Municipal Airport**



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12 [redacted]
Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **06/04/19**
Amount Due: **$1,105.13**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
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PGE

[redacted]

13448 - --

Details of this month's charges

Meter # 31022853AB, Schedule 49, SPID 1970113739

Basic Charge	45.00
Energy Use Charge (7,625.000 kWh x $0.07068)	538.94
Demand Charge (36.000 KW x $0.00)	0.00
Transmission Charge (7,625.000 kWh x $0.00212)	16.17
Distribution Charge (1,800.000 kWh x $0.08099)	145.78
Distribution Charge (5,825.000 kWh x $0.06099)	355.27
Subtotal - Energy Charges	**1,101.16**
102 RPA Exchange Credit (7,625.000 kWh x $-0.0085)	64.81 CR
105 Regulatory Adjustments (7,625.000 kWh x $0.00014)	1.07
109 Energy Efficiency Funding Adj (7,625.000 kWh x $0.0045)	34.31
110 Energy Efficiency Customer Svc (7,625.000 kWh x $0.00007)	0.53
112 Customer Engagement Transformation Adjustment (7,625.000 kWh x $0.00015)	1.14
123 Decoupling Adjustment (7,625.000 kWh x $0.00021)	1.60
132 Federal Tax Reform Credit (7,625.000 kWh x $-0.00191)	14.56 CR
135 Demand Response (7,625.000 kWh x $0.00048)	3.66
137 Solar Payment Option Cost Recov (7,625.000 kWh x $0.00051)	3.89
143 Spent Fuel Adjustment (7,625.000 kWh x $-0.00018)	1.37 CR
145 Boardman Decommissioning Adj (7,625.000 kWh x $0.00029)	2.21
Subtotal - Adjusting Schedules	**32.33** CR
	1,068.83
Low Income Assistance	5.26
Public Purpose Charge (3%)	31.04
Subtotal - Taxes and Fees	**36.30**
Current Energy Charges	**1,105.13**

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Phone:

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- **Outages and downed lines:** 800-544-1795
- **Oregon Relay:** (deaf, hard-of-hearing, blind-deaf, speech-disabled): 711

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  Woodburn: 2079 Progress Way
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  Portland, OR 97208-4438

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(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	1,105.13
Payments	1,105.13 CR
Balance Forward	0.00
Current Charges	950.89

Service Address:
BERGER SEED COMPANY
16720 SW BELLEVUE HWY
MCMINNVILLE, OR 97128-8854

Cycle: 12

AMOUNT DUE **$950.89**
Due date for current bill **07/05/19**

This month's charges (Turn over for details)

Meter # 31022853AB, Schedule 49

Energy Charges (6465 kWh)	946.96
Adjustments	27.25 CR
	919.71
Total Taxes and Fees	**31.18**
Current Energy Charges	**950.89**

Thank you for your payment.

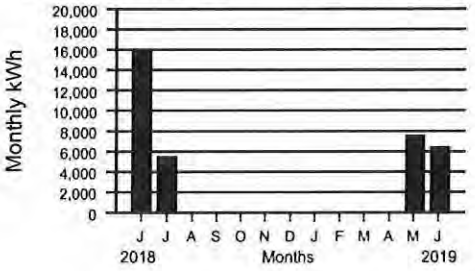
Your energy use

Meter # 31022853AB
Schedule 49

Service Period	Meter Reading
06/18/19	44020
05/16/19	37555
33 days of service	6465 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jun 2019	61	6465	950.89
Jun 2018	57	15995	2,735.32

***Temperature source: McMinnville Municipal Airport**



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12 [redacted] **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **07/05/19**
Amount Due: **$950.89**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
PortlandGeneral.com

PGE

[redacted]

Details of this month's charges

Meter # 31022853AB, Schedule 49, SPID 1970113739

Basic Charge	45.00	
Energy Use Charge (6,465.000 kWh x $0.07068)	456.95	
Demand Charge (37.000 KW x $0.00)	0.00	
Transmission Charge (6,465.000 kWh x $0.00212)	13.71	
Distribution Charge (1,850.000 kWh x $0.08099)	149.83	
Distribution Charge (4,615.000 kWh x $0.06099)	281.47	
Subtotal - Energy Charges	**946.96**	
102 RPA Exchange Credit (6,465.000 kWh x $-0.0085)	54.95	CR
105 Regulatory Adjustments (6,465.000 kWh x $0.00014)	0.91	
109 Energy Efficiency Funding Adj (6,465.000 kWh x $0.0045)	29.09	
110 Energy Efficiency Customer Svc (6,465.000 kWh x $0.00007)	0.45	
112 Customer Engagement Transformation Adjustment (6,465.000 kWh x $0.00015)	0.97	
123 Decoupling Adjustment (6,465.000 kWh x $0.00021)	1.36	
132 Federal Tax Reform Credit (6,465.000 kWh x $-0.00191)	12.35	CR
135 Demand Response (6,465.000 kWh x $0.00048)	3.10	
136 Community Solar Start-Up Cost Recovery (2,350.909 kWh x $0.00007)	0.16	
137 Solar Payment Option Cost Recov (6,465.000 kWh x $0.00051)	3.30	
143 Spent Fuel Adjustment (6,465.000 kWh x $-0.00018)	1.16	CR
145 Boardman Decommissioning Adj (6,465.000 kWh x $0.00029)	1.87	
Subtotal - Adjusting Schedules	**27.25**	CR
	919.71	
Low Income Assistance	4.46	
Public Purpose Charge (3%)	26.72	
Subtotal - Taxes and Fees	**31.18**	
Current Energy Charges	**950.89**	

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  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
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  Portland, OR 97208-4438

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(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # [redacted]

Previous Amount Due	950.89
Payments	950.89 CR
Balance Forward	0.00
Current Charges	520.89

Service Address:
BERGER SEED COMPANY
16720 SW BELLEVUE HWY
MCMINNVILLE, OR 97128-8854

Cycle: 12

AMOUNT DUE **$520.89**
Due date for current bill **08/05/19**

This month's charges (Turn over for details)

Meter # 31022853AB, Schedule 49

Energy Charges (3263 kWh)	517.56
Adjustments	13.60 CR
	503.96
Total Taxes and Fees	**16.93**
Current Energy Charges	**520.89**

Thank you for your payment.

Your energy use

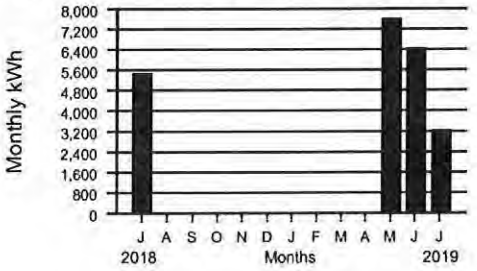
Meter # 31022853AB
Schedule 49

Service Period	Meter Reading
07/18/19	47283
06/18/19	44020
30 days of service	3263 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jul 2019	64	3263	520.89
Jul 2018	N/A	5486	826.86

***Temperature source: McMinnville Municipal Airport**



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12 [redacted] **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

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SALEM, OREGON

Due Date: **08/05/19**
Amount Due: **$520.89**

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
portlandgeneral.com

PGE

[redacted]

13448

Details of this month's charges

Meter # 31022853AB, Schedule 49, SPID 1970113739

Basic Charge	45.00	
Energy Use Charge (3,263.000 kWh x $0.07068)	230.63	
Demand Charge (36.000 KW x $0.00)	0.00	
Transmission Charge (3,263.000 kWh x $0.00212)	6.92	
Distribution Charge (1,800.000 kWh x $0.08099)	145.78	
Distribution Charge (1,463.000 kWh x $0.06099)	89.23	
Subtotal - Energy Charges	**517.56**	
102 RPA Exchange Credit (3,263.000 kWh x $-0.0085)	27.74	CR
105 Regulatory Adjustments (3,263.000 kWh x $0.00014)	0.46	
109 Energy Efficiency Funding Adj (3,263.000 kWh x $0.0045)	14.68	
110 Energy Efficiency Customer Svc (3,263.000 kWh x $0.00007)	0.23	
112 Customer Engagement Transformation Adjustment (3,263.000 kWh x $0.00015)	0.49	
123 Decoupling Adjustment (3,263.000 kWh x $0.00021)	0.69	
132 Federal Tax Reform Credit (3,263.000 kWh x $-0.00191)	6.23	CR
135 Demand Response (3,263.000 kWh x $0.00048)	1.57	
136 Community Solar Start-Up Cost Recovery (3,263.000 kWh x $0.00007)	0.23	
137 Solar Payment Option Cost Recov (3,263.000 kWh x $0.00051)	1.66	
143 Spent Fuel Adjustment (3,263.000 kWh x $-0.00018)	0.59	CR
145 Boardman Decommissioning Adj (3,263.000 kWh x $0.00029)	0.95	
Subtotal - Adjusting Schedules	**13.60**	CR
	503.96	
Low Income Assistance	2.25	
Public Purpose Charge (3%)	14.68	
Subtotal - Taxes and Fees	**16.93**	
Current Energy Charges	**520.89**	

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Phone:

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  Woodburn: 2079 Progress Way
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13448 -

(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # [redacted]

Previous Amount Due	520.89
Payments	520.89 CR
Balance Forward	0.00
Current Charges	341.10

Service Address:
BERGER SEED COMPANY
16720 SW BELLEVUE HWY
MCMINNVILLE, OR 97128-8854

Cycle: 12

AMOUNT DUE **$341.10**
Due date for current bill **09/04/19**

This month's charges (Turn over for details)

Meter # 31022853AB, Schedule 49

Energy Charges (1968 kWh)	338.30
Adjustments	8.20 CR
	330.10
Total Taxes and Fees	**11.00**
Current Energy Charges	**341.10**

Thank you for your payment.

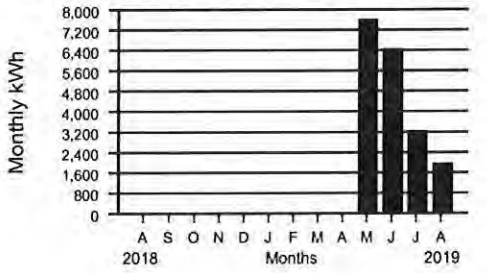
Your energy use

Meter # 31022853AB
Schedule 49

Service Period	Meter Reading
08/16/19	49251
07/18/19	47283
29 days of service	1968 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2019	68	1968	341.10
Aug 2018	N/A	22	44.66

***Temperature source: McMinnville Municipal Airport**



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12 [redacted] **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **09/04/19**
Amount Due: **$341.10**

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SALEM, OREGON

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
portlandgeneral.com

PGE

[redacted]

13448 -

Details of this month's charges

Meter # 31022853AB, Schedule 49, SPID 1970113739

Basic Charge	45.00	
Energy Use Charge (1,968.000 kWh x $0.07068)	139.10	
Demand Charge (30.000 KW x $0.00)	0.00	
Transmission Charge (1,968.000 kWh x $0.00212)	4.17	
Distribution Charge (1,500.000 kWh x $0.08099)	121.49	
Distribution Charge (468.000 kWh x $0.06099)	28.54	
Subtotal - Energy Charges	**338.30**	
102 RPA Exchange Credit (1,968.000 kWh x $-0.0085)	16.73	CR
105 Regulatory Adjustments (1,968.000 kWh x $0.00014)	0.28	
109 Energy Efficiency Funding Adj (1,968.000 kWh x $0.0045)	8.86	
110 Energy Efficiency Customer Svc (1,968.000 kWh x $0.00007)	0.14	
112 Customer Engagement Transformation Adjustment (1,968.000 kWh x $0.00015)	0.30	
123 Decoupling Adjustment (1,968.000 kWh x $0.00021)	0.41	
132 Federal Tax Reform Credit (1,968.000 kWh x $-0.00191)	3.76	CR
135 Demand Response (1,968.000 kWh x $0.00048)	0.94	
136 Community Solar Start-Up Cost Recovery (1,968.000 kWh x $0.00007)	0.14	
137 Solar Payment Option Cost Recov (1,968.000 kWh x $0.00051)	1.00	
143 Spent Fuel Adjustment (1,968.000 kWh x $-0.00018)	0.35	CR
145 Boardman Decommissioning Adj (1,968.000 kWh x $0.00029)	0.57	
Subtotal - Adjusting Schedules	**8.20**	CR
	330.10	
Low Income Assistance	1.36	
Public Purpose Charge (3%)	9.64	
Subtotal - Taxes and Fees	**11.00**	
Current Energy Charges	**341.10**	

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  P.O. Box 4438
  Portland, OR 97208-4438

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SALEM, OREGON

(503)228-6322 or 1-800-542-8818
portlandgeneral.com

Account # [redacted]

Previous Amount Due	341.10
Payments	341.10 CR
Balance Forward	0.00
Current Charges	227.32

Service Address:
BERGER SEED COMPANY
16720 SW BELLEVUE HWY
MCMINNVILLE, OR 97128-8854

Cycle: 12

AMOUNT DUE **$227.32**
Due date for current bill **10/03/19**

This month's charges (Turn over for details)

Meter # 31022853AB, Schedule 49

Energy Charges (1170 kWh)	224.94
Adjustments	4.87 CR
	220.07
Total Taxes and Fees	**7.25**
Current Energy Charges	**227.32**

Thank you for your payment.

Your energy use

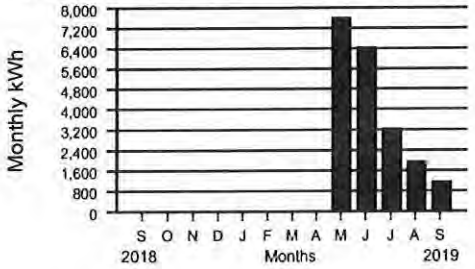
Meter # 31022853AB
Schedule 49

Service Period	Meter Reading
09/17/19	50421
08/16/19	49251
32 days of service	1170 kWh

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Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Sep 2019	66	1170	227.32
Sep 2018	63	0	41.20

*Temperature source: McMinnville Municipal Airport



Please detach and return this portion with your payment.

12 [redacted]
Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **10/03/19**
Amount Due: **$227.32**

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BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
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PGE

[redacted]

13448

Details of this month's charges

Meter # 31022853AB, Schedule 49, SPID 1970113739

Basic Charge	45.00	
Energy Use Charge (1,170.000 kWh x $0.07068)	82.70	
Demand Charge (30.000 KW x $0.00)	0.00	
Transmission Charge (1,170.000 kWh x $0.00212)	2.48	
Distribution Charge (1,170.000 kWh x $0.08099)	94.76	
Subtotal - Energy Charges	**224.94**	
102 RPA Exchange Credit (1,170.000 kWh x $-0.0085)	9.95	CR
105 Regulatory Adjustments (1,170.000 kWh x $0.00014)	0.16	
109 Energy Efficiency Funding Adj (1,170.000 kWh x $0.0045)	5.27	
110 Energy Efficiency Customer Svc (1,170.000 kWh x $0.00007)	0.08	
112 Customer Engagement Transformation Adjustment (1,170.000 kWh x $0.00015)	0.18	
123 Decoupling Adjustment (1,170.000 kWh x $0.00021)	0.25	
132 Federal Tax Reform Credit (1,170.000 kWh x $-0.00191)	2.23	CR
135 Demand Response (1,170.000 kWh x $0.00048)	0.56	
136 Community Solar Start-Up Cost Recovery (1,170.000 kWh x $0.00007)	0.08	
137 Solar Payment Option Cost Recov (1,170.000 kWh x $0.00051)	0.60	
143 Spent Fuel Adjustment (1,170.000 kWh x $-0.00018)	0.21	CR
145 Boardman Decommissioning Adj (1,170.000 kWh x $0.00029)	0.34	
Subtotal - Adjusting Schedules	**4.87**	**CR**
	220.07	
Low Income Assistance	0.81	
Public Purpose Charge (3%)	6.44	
Subtotal - Taxes and Fees	**7.25**	
Current Energy Charges	**227.32**	

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13448 -

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	41.20
Payments	41.20 CR
Balance Forward	0.00
Current Charges	2,132.59

Service Address:
BERGER SEED COMPANY
19000 SW DELASHMUTT LN
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$2,132.59**
Due date for current bill **07/03/18**

This month's charges (Turn over for details)

Meter # 31036811AB, Schedule 49

Energy Charges (15040 kWh)	2,095.46
Adjustments	32.63 CR
	2,062.83
Total Taxes and Fees	**69.76**
Current Energy Charges	**2,132.59**

Thank you for your payment.

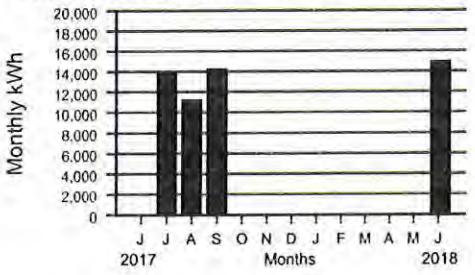
Your energy use

Meter # 31036811AB
Schedule 49
Meter Multiplier 80

Service Period	Meter Reading
06/15/18	684
05/16/18	496
30 days of service	15040 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jun 2018	N/A	15040	2,132.59
Jun 2017	63	0	N/A

***Temperature source: McMinnville Municipal Airport**



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12 [redacted]
Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **07/03/18**
Amount Due: **$2,132.59**

RECEIVED
MAY 01 2020
OWRD
SALEM, OREGON

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
PortlandGeneral.com

PGE

[redacted]

13410

Details of this month's charges

Meter # 31036811AB, Schedule 49, SPID 8920230717

Basic Charge	40.00	
Energy Use Charge (15,040.000 kWh x $0.06993)	1,051.75	
Demand Charge (38.000 KW x $0.00)	0.00	
Transmission Charge (15,040.000 kWh x $0.00182)	27.37	
Distribution Charge (1,900.000 kWh x $0.08239)	156.54	
Distribution Charge (13,140.000 kWh x $0.06239)	819.80	
Subtotal - Energy Charges	**2,095.46**	
102 RPA Exchange Credit (15,040.000 kWh x $-0.00834)	125.43	CR
105 Regulatory Adjustments (15,040.000 kWh x $-0.00026)	3.91	CR
109 Energy Efficiency Funding Adj (15,040.000 kWh x $0.00555)	83.47	
110 Energy Efficiency Customer Svc (15,040.000 kWh x $0.00006)	0.90	
112 Customer Engagement Transformation Adjustment (15,040.000 kWh x $0.00015)	2.26	
123 Decoupling Adjustment (15,040.000 kWh x $-0.00008)	1.20	CR
135 Demand Response (15,040.000 kWh x $0.00015)	2.26	
137 Solar Payment Option Cost Recov (15,040.000 kWh x $0.00051)	7.67	
143 Spent Fuel Adjustment (15,040.000 kWh x $-0.0002)	3.01	CR
145 Boardman Decommissioning Adj (15,040.000 kWh x $0.00029)	4.36	
Subtotal - Adjusting Schedules	**32.63**	CR
	2,062.83	
Low Income Assistance	10.38	
Public Purpose Charge (3%)	59.38	
Subtotal - Taxes and Fees	**69.76**	
Current Energy Charges	**2,132.59**	

*Your Federal Columbia Benefits are supplied by Bonneville Power Administration (BPA).

Need help? We're here for you

Online: PortlandGeneral.com
Phone:

- **Customer Service:** 800-542-8818
- **Outages and downed lines:** 800-544-1795
- **Oregon Relay:** (deaf, hard-of-hearing, blind-deaf, speech-disabled): 711

Choose your way to pay

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  SE Portland: 4000 SE 82nd Ave., Suite 1600
  Salem: 3304 Lancaster Dr. NE
  Woodburn: 2079 Progress Way
- **Mail:** (include bill stub)
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  Portland, OR 97208-4438

**24-hour options

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Public Purpose Charge: The Public Purpose Charge funds energy-efficiency and renewable power programs as well as energy conservation assistance to schools and low-income residents. Energy Trust of Oregon, Oregon Housing and Community Services Dept. and various education service districts administer the money.

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13448 - MAY 01 2020
OWRD
SALEM, OREGON

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	2,132.59
Payments	2,132.59 CR
Balance Forward	0.00
Current Charges	1,533.23

Service Address:
BERGER SEED COMPANY
19000 SW DELASHMUTT LN
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$1,533.23**
Due date for current bill **08/02/18**

This month's charges (Turn over for details)

Meter # 31036811AB, Schedule 49

Energy Charges (10640 kWh)	1,506.25
Adjustments	23.08 CR
	1,483.17
Total Taxes and Fees	**50.06**
Current Energy Charges	**1,533.23**

Your new account number is listed on the upper right corner of this bill. If you pay through your bank's online system, please share your new number with them. If you pay another way, no action is needed. PortlandGeneral.com/upgrade.

Thank you for your payment.

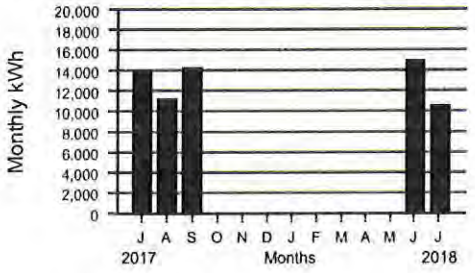
Your energy use

Meter # 31036811AB
Schedule 49
Meter Multiplier 80

Service Period	Meter Reading
07/17/18	817
06/15/18	684
32 days of service	10640 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Jul 2018	N/A	10640	1,533.23
Jul 2017	68	14080	1,882.68

*Temperature source: McMinnville Municipal Airport



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Please detach and return this portion with your payment.

12 [redacted]
Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **08/02/18**
Amount Due: **$1,533.23**

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MAY 01 2020
OWRD
SALEM, OREGON

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
PortlandGeneral.com

PGE

[redacted]

13448

Details of this month's charges

Meter # 31036811AB, Schedule 49, SPID 8920230717

Basic Charge	40.00
Energy Use Charge (10,640.000 kWh x $0.06993)	744.06
Demand Charge (39.000 KW x $0.00)	0.00
Transmission Charge (10,640.000 kWh x $0.00182)	19.36
Distribution Charge (1,950.000 kWh x $0.08239)	160.66
Distribution Charge (8,690.000 kWh x $0.06239)	542.17
Subtotal - Energy Charges	**1,506.25**
102 RPA Exchange Credit (10,640.000 kWh x $-0.00834)	88.74 CR
105 Regulatory Adjustments (10,640.000 kWh x $-0.00026)	2.77 CR
109 Energy Efficiency Funding Adj (10,640.000 kWh x $0.00555)	59.05
110 Energy Efficiency Customer Svc (10,640.000 kWh x $0.00006)	0.64
112 Customer Engagement Transformation Adjustment (10,640.000 kWh x $0.00015)	1.60
123 Decoupling Adjustment (10,640.000 kWh x $-0.00008)	0.85 CR
135 Demand Response (10,640.000 kWh x $0.00015)	1.60
137 Solar Payment Option Cost Recov (10,640.000 kWh x $0.00051)	5.43
143 Spent Fuel Adjustment (10,640.000 kWh x $-0.0002)	2.13 CR
145 Boardman Decommissioning Adj (10,640.000 kWh x $0.00029)	3.09
Subtotal - Adjusting Schedules	**23.08 CR**
	1,483.17
Low Income Assistance	7.34
Public Purpose Charge (3%)	42.72
Subtotal - Taxes and Fees	**50.06**
Current Energy Charges	**1,533.23**

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  Woodburn: 2079 Progress Way
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  Portland, OR 97208-4438

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RECEIVED
MAY 01 2020
13448
SALEM, OREGON

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	1,533.23
Payments	1,533.23 CR
Balance Forward	0.00
Current Charges	1,140.24

Service Address:
BERGER SEED COMPANY
19000 SW DELASHMUTT LN
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$1,140.24**
Due date for current bill **09/04/18**

This month's charges (Turn over for details)

Meter # 31036811AB, Schedule 49

Energy Charges (7760 kWh)	1,119.93
Adjustments	16.84 CR
	1,103.09
Total Taxes and Fees	**37.15**
Current Energy Charges	**1,140.24**

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PortlandGeneral.com/upgrade.

Thank you for your payment.

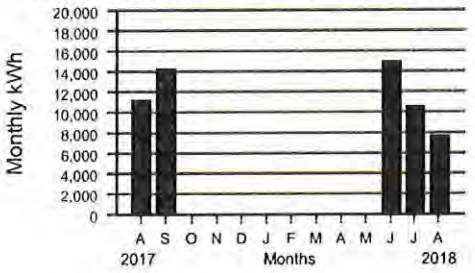
Your energy use

Meter # 31036811AB
Schedule 49
Meter Multiplier 80

Service Period	Meter Reading
08/16/18	914
07/17/18	817
30 days of service	7760 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Aug 2018	N/A	7760	1,140.24
Aug 2017	70	11280	1,517.02

***Temperature source: McMinnville Municipal Airport**



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Please detach and return this portion with your payment.

12 [redacted]
Account Number

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **09/04/18**
Amount Due: **$1,140.24**

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SALEM, OREGON

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

Questions? Call 1-800-542-8818 or
PortlandGeneral.com

PGE

[redacted]

13448

Details of this month's charges

Meter # 31036811AB, Schedule 49, SPID 8920230717

Basic Charge	40.00	
Energy Use Charge (7,760.000 kWh x $0.06993)	542.66	
Demand Charge (39.000 KW x $0.00)	0.00	
Transmission Charge (7,760.000 kWh x $0.00182)	14.12	
Distribution Charge (1,950.000 kWh x $0.08239)	160.66	
Distribution Charge (5,810.000 kWh x $0.06239)	362.49	
Subtotal - Energy Charges	**1,119.93**	
102 RPA Exchange Credit (7,760.000 kWh x $-0.00834)	64.72	CR
105 Regulatory Adjustments (7,760.000 kWh x $-0.00026)	2.02	CR
109 Energy Efficiency Funding Adj (7,760.000 kWh x $0.00555)	43.07	
110 Energy Efficiency Customer Svc (7,760.000 kWh x $0.00006)	0.47	
112 Customer Engagement Transformation Adjustment (7,760.000 kWh x $0.00015)	1.16	
123 Decoupling Adjustment (7,760.000 kWh x $-0.00008)	0.62	CR
135 Demand Response (7,760.000 kWh x $0.00015)	1.16	
137 Solar Payment Option Cost Recov (7,760.000 kWh x $0.00051)	3.96	
143 Spent Fuel Adjustment (7,760.000 kWh x $-0.0002)	1.55	CR
145 Boardman Decommissioning Adj (7,760.000 kWh x $0.00029)	2.25	
Subtotal - Adjusting Schedules	**16.84**	CR
	1,103.09	
Low Income Assistance	5.35	
Public Purpose Charge (3%)	31.80	
Subtotal - Taxes and Fees	**37.15**	
Current Energy Charges	**1,140.24**	

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  Woodburn: 2079 Progress Way
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  P.O. Box 4438
  Portland, OR 97208-4438

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MAY 01 2020
SALEM, OREGON

13448

(503)228-6322 or 1-800-542-8818
PortlandGeneral.com

Account # [redacted]

Previous Amount Due	1,140.24
Payments	1,140.24 CR
Balance Forward	0.00
Current Charges	2,231.86

Service Address:
BERGER SEED COMPANY
19000 SW DELASHMUTT LN
MCMINNVILLE, OR 97128

Cycle: 12

AMOUNT DUE **$2,231.86**
Due date for current bill **10/03/18**

This month's charges (Turn over for details)

Meter # 31036811AB, Schedule 49

Energy Charges (15760 kWh)	2,193.05
Adjustments	34.20 CR
	2,158.85
Total Taxes and Fees	**73.01**
Current Energy Charges	**2,231.86**

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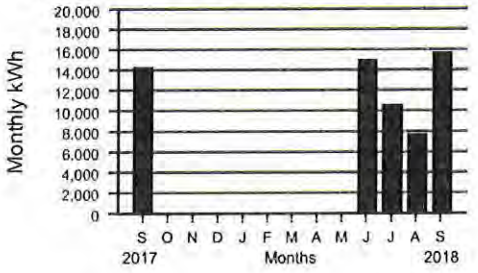
Your energy use

Meter # 31036811AB
Schedule 49
Meter Multiplier 80

Service Period	Meter Reading
09/17/18	1111
08/16/18	914
32 days of service	15760 kWh

Period Ending	Avg Daily Temperature*	Monthly kWh	Monthly Cost
Sep 2018	N/A	15760	2,231.86
Sep 2017	65	14320	1,907.14

***Temperature source: McMinnville Municipal Airport**



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MAY 22 2020
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Please detach and return this portion with your payment.

[redacted]
12 **Account Number**

P.O. Box 4438
Portland, OR 97208-4438

Due Date: **10/03/18**
Amount Due: **$2,231.86**

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MAY 01 2020
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SALEM, OREGON

BERGER SEED COMPANY
PO BOX 1359
HILLSBORO OR 97123-1359

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PGE

[redacted]

Details of this month's charges

Meter # 31036811AB, Schedule 49, SPID 8920230717

Basic Charge	40.00	
Energy Use Charge (15,760.000 kWh x $0.06993)	1,102.10	
Demand Charge (39.000 KW x $0.00)	0.00	
Transmission Charge (15,760.000 kWh x $0.00182)	28.68	
Distribution Charge (1,950.000 kWh x $0.08239)	160.66	
Distribution Charge (13,810.000 kWh x $0.06239)	861.61	
Subtotal - Energy Charges	**2,193.05**	
102 RPA Exchange Credit (15,760.000 kWh x $-0.00834)	131.44	CR
105 Regulatory Adjustments (15,760.000 kWh x $-0.00026)	4.10	CR
109 Energy Efficiency Funding Adj (15,760.000 kWh x $0.00555)	87.47	
110 Energy Efficiency Customer Svc (15,760.000 kWh x $0.00006)	0.95	
112 Customer Engagement Transformation Adjustment (15,760.000 kWh x $0.00015)	2.36	
123 Decoupling Adjustment (15,760.000 kWh x $-0.00008)	1.26	CR
135 Demand Response (15,760.000 kWh x $0.00015)	2.36	
137 Solar Payment Option Cost Recov (15,760.000 kWh x $0.00051)	8.04	
143 Spent Fuel Adjustment (15,760.000 kWh x $-0.0002)	3.15	CR
145 Boardman Decommissioning Adj (15,760.000 kWh x $0.00029)	4.57	
Subtotal - Adjusting Schedules	**34.20**	**CR**
	2,158.85	
Low Income Assistance	10.87	
Public Purpose Charge (3%)	62.14	
Subtotal - Taxes and Fees	**73.01**	
Current Energy Charges	**2,231.86**	

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13448

STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 132560

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

INVOICE # _____

RECEIVED FROM: Berger International LLC

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13448

CASH: ☐ CHECK:# ☑ 1466 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	47124	$
0412	OTHER:	(IDENTIFY) R 11261-21 Reimbursement Authority	$ 125.00

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:

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

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	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

RECEIVED
OVER THE COUNTER

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $ _____

RECEIPT: 132560 DATED: 5/22/2000 BY: _____

Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

OREGON WATER RESOURCES DEPARTMENT

TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable $125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. ***There is a non-refundable application fee of $125.00 per request.***

TYPE	FILE NUMBER
Transfer Application	Transfer Number T-13448

	Applicant Information	Applicant's Representative/Contact
Name:	**K.A. Berger Farms Inc. Attn: Rebecca Berger**	**Elizabeth Howard Schwabe**
Address:	**P.O. Box 1359**	**1211 SW Fifth Avenue, Suite 1900**
	Hillsboro, OR 97123	**Portland, OR 97204**
Phone:	**(503) 209-5449**	**(503) 796-2093**
Fax:		
E-Mail Address:	**Annelisa@bergerseed.com**	**Ehoward@schwabe.com**

I understand the following:

- That upon receipt of my non-refundable application fee of **$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

  Oregon Water Resources Department
  Transfer Reimbursement Authority Program
  725 Summer St. NE, Suite A
  Salem, OR 97301-1271

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MAY 22 2020
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I certify that I am the *(check one)*:

☒ Applicant ☐ Applicant's Representative ☐ Other *(Please specify)* _____

Name: **Rebecca Berger**

Signature: Rebecca Berger

OWRD USE ONLY: Reimbursement Authority Number: R11-261-21

Oregon
Kate Brown, Governor

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

June 9, 2020

K A BERGER FARMS INC.
ATTN: REBECCA BERGER
PO BOX 1359
HILLSBORO, OR 97123

Reference: Application T- 13448

On May 22, 2020, we received your water right Transfer application. The application was accompanied by $1160.00. Our receipt number 132559 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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 from the new point of diversion 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. #22 *(via email)*
Yamhill County Planning
Elizabeth Howard, Agent

Enclosure

Regular Permanent Water Right Transfer Application Checklist

Checked by RB **Date** 5.29.2020

(If OK, check box to left; if not, fill in the blank)

Certs & acres involved: 22691
Changes: APOD
cfs involved: 1.35
Source: _____

☑ 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: 2 1160

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?
If no, whose signature is missing? _____.

☑ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
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.

fee APOA

should be APOD

OREGON
WATER RESOURCES DEPARTMENT

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MAY 22 2020
OWRD
Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: K.A. Berger Farms Inc.
P.O. Box 1359 Hillsboro, OR 97123

Transaction Type: Transfer App

Fees Received: $ 1160.00

☐ Cash ☒ Check: **Check No.** 14660

Name(s) on Check: Berger International LLC

Address on Check: Po Box 1359
Hillsboro, OR 97123

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: Cory 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.

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
MAY 22 2020
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: L. A. Berger Farms Inc.
P.O. Box 1359 Hillsboro, OR 97123

Transaction Type: Transfer RA

Fees Received: $ 125.00

☐ Cash ☒ Check: **Check No.** 14661,

Name(s) on Check: Berger International LLC

Address on Check: PO Box 1359
Hillsboro, OR 97123

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.

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Sincerely,
OWRD Customer Service Staff

Submission received by: Cory Middleton
(Name of OWRD staff)

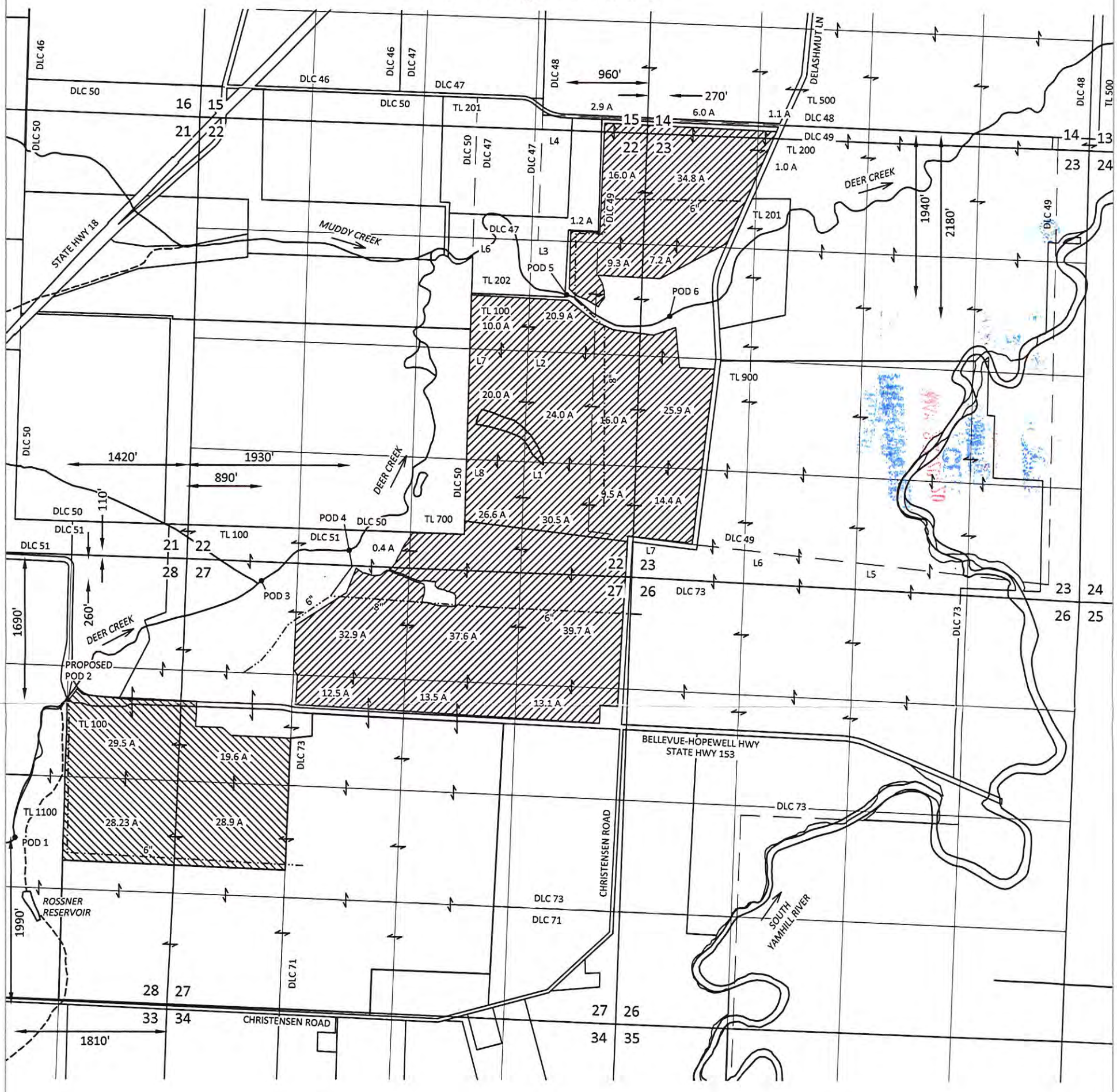
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13448 -

Sections 14, 15, 21, 22, 23, 27 & 28, T5S, R5W, W.M., Yamhill County, Oregon

TRANSFER APPLICATION MAP
Certificate 22691
K.A. Berger Farms Inc.



CERTIFIED WATER RIGHT EXAMINER
439
Steven R Bruce
STEVEN R. BRUCE
JUNE 13, 1997
STATE OF OREGON
Expires 12/31/2021

EXPLANATION

427.0 ACRES OF IRRIGATION FROM PODS 3, 4 AND 5 UNCHANGED
PRIORITY: 3/19/1951

106.23 ACRES OF IRRIGATION FROM POD 2
PRIORITY: 3/19/1951

POINT OF DIVERSION (POD)

NOTE: POD 1 IS NOT CHANGING AND CAN BE USED TO IRRIGATE THE SAME ACRES AS POD 2

RECEIVED
MAY 22 2020
OWRD

N

SCALE
660 0 660 1320
1 INCH = 1320 FEET

May 18, 2020

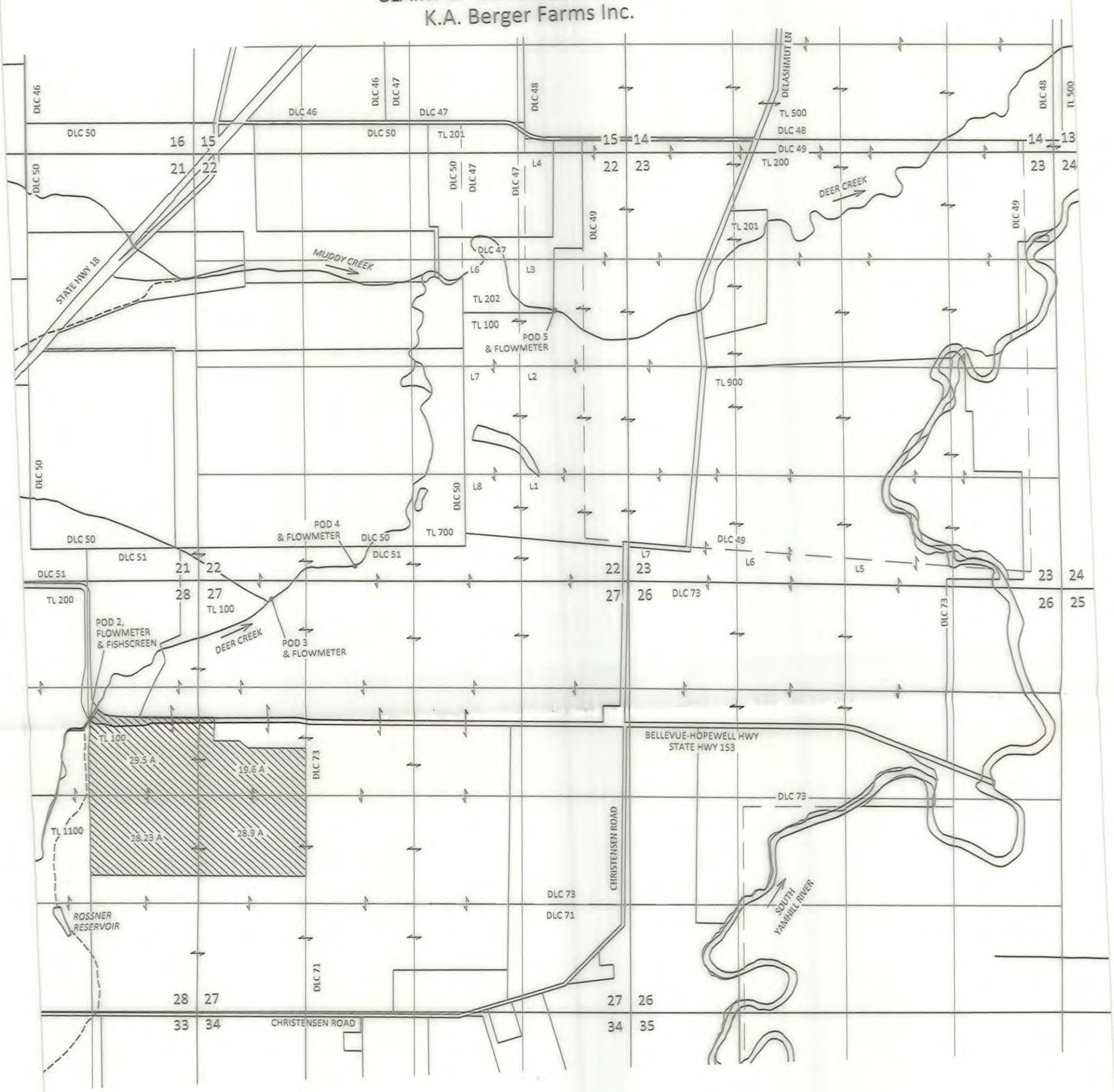
This map is not intended to provide legal dimensions or locations of property ownership lines

Figure 1

SKOOKUM
WATER ASSOCIATES INC
1626 VICTORIAN WAY
EUGENE, OR 97401
(503) 319-8926

Sections 22, 27 & 28, T5S, R5W, W.M.,
Yamhill County, Oregon

Transfer T-13448
CLAIM OF BENEFICIAL USE MAP
K.A. Berger Farms Inc.



EXPLANATION

PLACE OF USE
IRRIGATION - 106.23 ACRES
PRIORITY: 3/19/1951

POINT OF DIVERSION (POD)

CERTIFIED WATER RIGHT EXAMINER
439
STEVEN R. BRUCE
JUNE 13, 1997
STATE OF OREGON
Expires 12/31/2023

RECEIVED
JAN 23 2023
OWRD

Site Inspection Conducted
12/12/2022

N

SCALE
660 0 660 1320
1 INCH = 1320 FEET

December 28, 2022

This map is not intended to provide legal dimensions or locations of property ownership lines

POD 2 LOCATION: 1690 FT S AND 1420 FT W FROM NE CORNER OF SECTION 28, T5S, R5W, W.M.

POD 3 LOCATION: 260 FT S AND 890 FT E FROM NW CORNER OF SECTION 27, T5S, R5W, W.M.

POD 4 LOCATION: 110 FT N AND 1930 FT E FROM SW CORNER OF SECTION 22, T5S, R5W, W.M.

POD 5 LOCATION: 1940 FT S AND 960 FT W FROM NE CORNER OF SECTION 22, T5S, R5W, W.M.

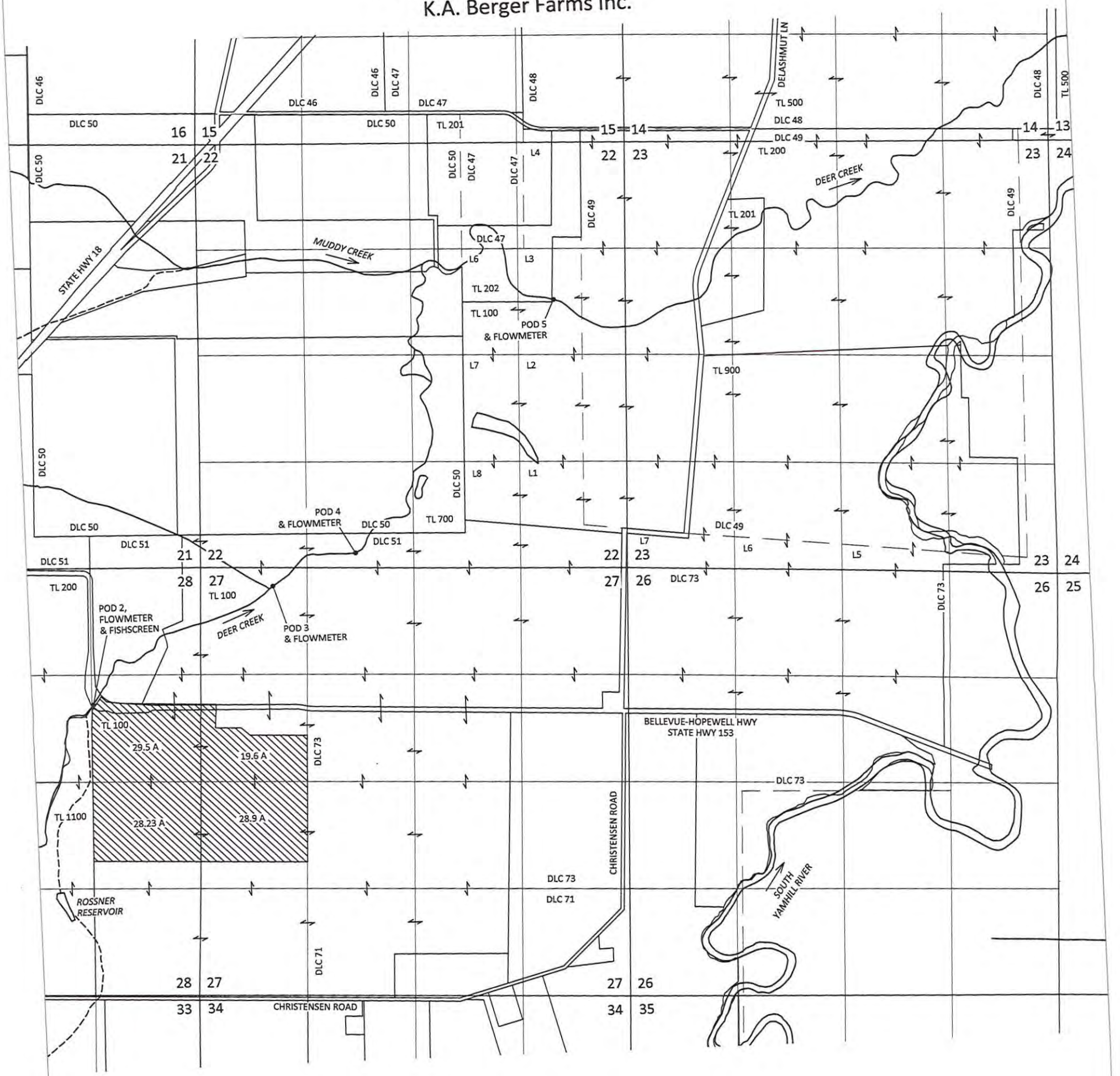
KPFF 1700014.75

SKOOKUM
WATER ASSOCIATES INC
1626 VICTORIAN WAY
EUGENE, OR 97401
(503) 319-8926

Figure 1

Sections 22, 27 & 28, T5S, R5W, W.M.,
Yamhill County, Oregon

Transfer T-13448
CLAIM OF BENEFICIAL USE MAP
K.A. Berger Farms Inc.



EXPLANATION

PLACE OF USE
IRRIGATION - 106.23 ACRES
PRIORITY: 3/19/1951

POINT OF DIVERSION (POD)

Site Inspection Conducted
12/12/2022

N

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