

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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

Organization

NAME NEXGEN PLANT SCIENCE CENTER, LLC ATTN: KENNETH HIGNIGHT		PHONE (541) 967-8923	FAX
ADDRESS 33725 COLUMBUS STREET SE			CELL
CITY ALBANY	STATE OR	ZIP 97322	E-MAIL* KHIGNIGHT@NEXGENRESEARCH.NET

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

AGENT / BUSINESS NAME LINDSAY THANE AND SHONEE LANGFORD SCHWABE, WILLIAMSON & WYATT		PHONE 503-796-2059 503-540-4261	FAX
ADDRESS PACWEST CENTER 1211 SW FIFTH AVENUE, SUITE 1900			CELL
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL* LTHANE@SCHWABE.COM AND SLANGFORD@SCHWABE.COM

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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

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

[Signature]
Applicant Signature

George Yuhar Secretary
Print Name and Title if applicable

2/1/2023
Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

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

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Well 1	UNNAMED SEASONAL CREEK	830 FEET (APPROX.)	Less than 10 feet (approx.)
WELL 2	UNNAMED SEASONAL CREEK	830 FEET (APPROX.)	Less than 10 feet (approx.)

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

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 138.9 GPM (0.31 CFS) (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LINN 10407	<input type="checkbox"/>	8 INCH	+1 TO 98	86 TO 96	0 TO 18	13 BGS 8/27/1989	ALLUVIAL	98 FT		
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	--	<input type="checkbox"/>	8 INCH	+1 TO 100 +/-	85 TO 95 +/-	0 TO 20	--	ALLUVIAL	100 FT +/-		

- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
- ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
- *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

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Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 to October 31	2.5 AF/acre x 1.8 = 4.5
In-Ground Nursery	January 1 to December 31	2.5 AF/acre x 11.5 acres = 28.75

For irrigation use only:

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

Primary: 1.8 Acres Supplemental: NA Acres Nursery Use: 11.5 Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 4.5 AF for irrigation & less than 28.75 AF for in-ground nursery use

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **NA** (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): **NA**

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): Well 1: 7½-hp submersible Well 2: To be determined when drilled
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from existing Well 1 and proposed Well 2 on an as-needed basis. The water will be conveyed through underground pipelines.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Water will be applied using drip systems, low pressure in-ground sprinklers, and/or hand lines.

C. Conservation

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

We are developing drought-resistant turf and plants and expect to use less than 1.5 AF/acre of water at this research facility. These drought-resistant turf and plants can be sold commercially, furthering the efficient use of water by other water users. Because we are developing drought-resistant turf and plants, a key component of our work is to use minimal water on most of the proposed irrigation and nursery use areas in this application. We will install flowmeters to measure our water use. We will apply water at controlled agronomic rates as part of our research, thereby preventing runoff to surface drainages. No excavation will occur in riparian areas of the unnamed seasonal creek that crosses our property (see Remarks at the end of this application).

We also develop drought-resistant turf and plants in the greenhouses on the property. This groundwater right application does not request a water right for those uses because we collect water off the greenhouse roofs and use that water to water the plants in the greenhouses. Due to this conservation practice, we have minimized the amount of water that would otherwise be requested as part of this groundwater application.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: As soon as a permit is issued
- Date construction will be completed: 5 years after permit issuance.
- Date beneficial water use will begin: 5 years after permit issuance.

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SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Water will be applied at agronomic rates to avoid runoff of the water. We expect to use less than 1.5 AF/acre of water for both irrigation and nursery use at our facility.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: NA – no excavation or clearing of banks will occur.
- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: None

SECTION 9: WITHIN A DISTRICT

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name NA	Address	
City	State	Zip

SECTION 10: REMARKS

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

The requested 11.5 acres of nursery use will be for in-ground plants only. Having this use available year-round will provide water during times in the off-season when we start plants outdoors. In addition, the nursery use will also provide minor amounts of water for processing both the starts and harvested plants. We assume a rate of 1/80th cfs/acre and a duty of 2.5 AF/acre will apply to the nursery place of use as well as the 1.8 acres of irrigation based on authorizations issued for similar water rights in the Willamette basin.

The unnamed surface-water creek that crosses our property only conveys water during the winter and is part of the drainage network that allows farming of the low-lying valley floor that exists in this area.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

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

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$3,410
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - NA – well is inside POU Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

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

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4. Proposed Final Order Issued

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

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5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

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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.oregon.gov/OWRD

Applicant

NAME NEXGEN PLANT SCIENCE CENTER LLC ATTN: KENNETH HIGNIGHT		PHONE (HM)	
PHONE (WK) (541) 967-8923	CELL	FAX	
ADDRESS 33725 COLUMBUS STREET SE			
CITY ALBANY	STATE OR	ZIP 97322	E-MAIL* KHIGNIGHT@NEXGENRESEARCH.NET

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:
12 S	3 W	5	NE NE	100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	No Change
12 S	3 W	5	NW NE	100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	No Change

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

Linn County

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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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

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

Estimated quantity of water needed: 139 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

We are developing drought-resistance turf and plants at our facility. We are requesting Oregon Water Resources Department approval to irrigate turf and to develop in-ground nursery uses on 13.3 acres of our property.

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.

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): LCC 928.310(B)(1)

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

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

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

NAME <u>Alyssa Boles</u>	TITLE: <u>Planning Manager</u>
SIGNATURE <u>Alyssa Boles</u>	PHONE: <u>511-967-3816</u>
GOVERNMENT ENTITY <u>Linn County</u>	DATE: <u>2/6/23</u>

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
WATER WELL REPORT
 (as required by ORS 537.765)

WATER RESOURCES DEPT.
 SALEM, OREGON

LINN 12S/3W/5
 10407 (START CARD) # 11365

(1) **OWNER:** Well Number: _____
 Name Van der Have Oregon, Inc.
 Address P.O. Box 1496
 City Albany State OR. Zip 97321

(2) **TYPE OF WORK:**
 New Well Deepen Recondition Abandon

(3) **DRILL METHOD**
 Rotary Air Rotary Mud Cable
 Other _____

(4) **PROPOSED USE:**
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) **BORE HOLE CONSTRUCTION:**
 Special Construction approval Yes No Depth of Completed Well 105 ft.
 Yes No
 Explosives used Type _____ Amount _____

HOLE			SEAL			Amount
Diameter	From	To	Material	From	To	sacks or pounds
12"	0	18'	cement	0	18'	14 sacks
8"	18'	105'				

How was seal placed: Method A B C D E
 Other _____
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) **CASING/LINER:**

Diameter	From	To	Gauge	Steel		Plastic		Welded		Threaded	
				□	□	□	□	□	□	□	□
Casing: 8"	+12"	98'	.250	□	□	□	□	□	□	□	□
Liner:				□	□	□	□	□	□	□	□

Final location of shoe(s) 98'

(7) **PERFORATIONS/SCREENS:**
 Perforations Method Acetylene torch
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
86'	96'	3/8"	70	8"		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		x12"				<input type="checkbox"/>	<input type="checkbox"/>

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailer Air Flowing Artesian
 Yield gal/min 95 gpm Drawdown 11' Drill stem at _____ Time 1 hr.

Temperature of water _____ Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) **LOCATION OF WELL by legal description:**
 County Linn Latitude _____ Longitude _____
 Township 12 S N or S, Range 3 W E or W, WM.
 Section 5 Block 4 Subdivision _____
 Tax Lot 100 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____
33725 Columbus St. SE

(10) **STATIC WATER LEVEL:**
13' ft. below land surface. Date 8-27-89
 Artesian pressure _____ lb. per square inch. Date _____

(11) **WATER BEARING ZONES:**
 Depth at which water was first found 40'

From	To	Estimated Flow Rate	SWI
40'	57'	30 gpm	13
74'	105'	95 gpm	13

(12) **WELL LOG:** Ground elevation _____

Material	From	To	SWI
Top soil	0	2	
Brown clay	2	14	
Brown clay & gravel	14	34	
Brown clay	34	39	
Dirty gravel	39	46	13
Brown sand & gravel	46	57	
Brown clay	57	60	
Brown clay & gravel	60	73	
Dirty brown sand & gravel	73	77	
Brown sand & gravel	77	97	
Blue clay	97	105	

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Date started 8-19-89 Completed 8-27-89

(unbonded) **Water Well Constructor Certification:**
 I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 WWC Number _____
 Signed _____ Date _____

(bonded) **Water Well Constructor Certification:**
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 WWC Number 1378
 Signed [Signature] Date 8-29-89

NCS # 249982 -ORJ

First American Title # 0610-286 (ACW)

LINN COUNTY, OREGON
D-WD
Crt=1 Str=1 COUNTER
\$10.00 \$11.00 \$10.00

2006-24199

10/03/2006 11:41:26 AM

\$31.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



AFTER RECORDING RETURN TO:

Jeffrey S. Davis
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Avenue, Suites 1500-1900
Portland, Oregon 97204

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

Alan Muhl
DLF International Seeds
175 West H Street
Halsey, Oregon 97348

STATUTORY WARRANTY DEED

ADVANTA PACIFIC, LLC, a Delaware limited liability company ("Grantor"), conveys and warrants to DLF-TRIFOLIUM OREGON, LLC, an Oregon limited liability company (collectively, "Grantee"), the following described real property:

Real property in the County of Linn, State of Oregon, described as follows:

Beginning at a stone at the Northeast corner of Section 5, in Township 12 South, Range 3 West of the Willamette Meridian in Linn County, Oregon, and running thence West 160 rods to a stone in the center of a county road; thence South 20 rods; thence East 160 rods to the East line of said Section 5; thence North 20 rods to the place of beginning.

Excepting therefrom the portion of said land lying within the limits of Columbus Street.

The real property is free of encumbrances except:

Easement recorded September 27, 1984 in Volume 369, Page 0242, Microfilm Records No. 567499, in favor of Pacific Power & Light Company.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance consists of other property or value given or promised, which was either part or the whole consideration.

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DATED this 2nd day of October, 2006.

GRANTOR:

ADVANTA PACIFIC, LLC, a Delaware limited liability company

By: [Signature]

Name: Jim Simon

Title: Attorney in Fact

STATE OF Oregon)

) ss.

County of Linn)

This instrument was acknowledged before me this 2nd day of October, 2006,

by Jim Simon, as

Attorney in Fact of ADVANTA PACIFIC, LLC, a Delaware limited liability company, on behalf of the limited liability company.

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: April 26, 2008



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LINN County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

February 16, 2023 4:06:03 pm

Account # 222170
 Map # 12S03W0500 00100
 Code - Tax # 00808-222170

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name DLF TRIFOLIUM OREGON LLC

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of C/O NEX GEN TURF RESEARCH

Appraiser WILKINSON, MARK

Mailing Address 33725 COLUMBUS ST SE
 ALBANY, OR 97322

Prop Class 551 MA SA NH Unit
 RMV Class 401 02 00 005 21097-1

Situs Address(s)	Situs City
ID# 1 33725 COLUMBUS ST SE	ALBANY

Code Area		RMV	MAV	Value Summary		RMV Exception	CPR %
				AV			
00808	Land	484,170				Land	0
	Impr.	664,490				Impr.	34,280
Code Area Total		1,148,660	563,350	581,993			34,280
Grand Total		1,148,660	563,350	581,993			34,280

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV	
						TD%	LS	Size		
00808	1	<input checked="" type="checkbox"/>			Farm Use Zoned	107	A	14.16	2	264,420
00808	2	<input checked="" type="checkbox"/>			Farm Use Zoned	107	A	3.77	3	70,390
00808					LANDSCAPE - AVERAGE	100				5,000
00808					RURAL OSD - AVG	100				30,000
00808	4	<input checked="" type="checkbox"/>			Rural Site	107	A	1.84		34,360
00808	3	<input checked="" type="checkbox"/>			Tower Site	100	A	0.00		80,000
Grand Total								19.77		484,170

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
00808	207		314	COMMERCIAL GREENHOUS	112	0	0	
00808	206		318	GP SHED	112	400	6,450	
00808	208	2018	314	COMMERCIAL GREENHOUS	112	648	7,430	
00808	203	1996	328	MACHINE SHED	112	1,200	11,220	
00808	201	1986	329	METAL COMPONENT BUIL	112	8,262	192,750	
00808	202	1984	110	Residential Other Improvements	112	0	31,280	
00808	204	1996	317	GP BUILDING	112	2,280	39,830	
00808	205		317	GP BUILDING	112	3,360	79,290	
00808	209		520	Office -general	112	3,040	296,240	
Grand Total						19,190	664,490	

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

■ POT'L ADD'L TAX LIABILITY ADDED 2009	Amount	0.00	Tax	0.00
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Account # 222170

PP Account(s): 00808-730552

Appr Maint: 2022 - MAINTENANCE (CR - REMODEL), 2024 - MAINTENANCE (OUTBUILDING - NEW CONSTRUCTION), 2024 - MAINTENANCE (CR - REMODEL)

Comments: 11MX: CONVERSION CLEAN-UP. CELL TOWER SITE CHANGED TO NON-TRENDABLE AND ADJ RMV TO PRE-TREND VALUE. ALSO CLEANED UP LAND LINES. ADJUSTED MAV BECAUSE M5 VALUE DID NOT CONVERT CORRECTLY. 8-11 SG
2017: AREA REVIEW/TABLE OUT BUILDINGS. HOUSE IS STILL USED AS A BUSINESS. 2 BUILDINGS ON THE PROPERTY NOT PREVIOUSLY ADDED TO APPRAISAL. ADDED W/EXCEPTION. METAL COMPONENT BLDG 1997 ADDITION IS A MACHINE SHED. ALSO SEVERAL GREENHOUSES ON PROPERTY, THEY DO NOT APPEAR TO BE HEATED-NOT VALUED. 6/17 LT
18MX: Greenhouses were not started for 18'. 2/21/2018-JG
19MX: PERMIT FOR AG BLDG. SPOKE W/EMPLOYEE ON PROPERTY, THIS IS A HEATED GREENHOUSE. ALSO ADDED 3 UN-HEATED GREENHOUSE (NO VALUE) TO THE APPRAISAL AND A GP SHED AS RMV CHANGE ONLY. 1/19 LV
21MX: PLANS FOR 300 SF INTERIOR PARTITION FOR SEED LAB INSIDE EXISTING BUILDING. N/C TO VALUE. 1/2021 MW
22MX: Expansion of lab and loft storage area inside bldg #201 (EV). Updated depreciation on farm bldgs (RMV). Re-appraised res as office (RMV) 8/2022 MW

***** CAP NOTE - Type C *****

97MX: REVIEW RES VALUE FOR HBU; REMOVE RES VALUE IF COMMERCIAL VALUE HBU
VP 2/20/97 RES valuing procedures/values seem appropriate given zoning and location of property. Corrected error in office size. AIG 5/8/97
97MX2: adds 20x60 addition to east wall of the warehouse. AIG 5/8/97

***** CAP NOTE - Type F *****

93 MX: per inspection on 7/14/93 all ground is in research testing, no crops are sold for profit, Advanta sells seed in LARGE quantities only. Information confirmed by direct question of Lynn with Advanta Seeds 7/14/93 kr. ACCORDING TO KENNY KIGKNIGHT, SEED BREEDER, THE SEED IS EVENTUALLY SOLD AFTER TESTING IS COMPLETED. OF FARM USE. RTR

***** CAP NOTE - Type R *****

MX10:Ck for 64' communication tower 5/27/08 gb/Tower is here. Give to AS. 7/15/09 jdr
10MX: ADDED RMV TO LAND FOR COMPLETED CELL TOWER. 1-10 AS

***** CAP NOTE - Type X *****

'97 INDEX ERROR; UPDATED '98 &'98MAV(CODE 61); VOUCHER PROCESS PENDING FOR '97, 12/15/97 SQ.

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OREGON



WATER RESOURCES
DEPARTMENT

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: NexGen plant Science Center, LLC

33725 Columbus St. SE Albany, OR 97322

Transaction Type: Groundwater

Fees Received: \$ 3,410.⁰⁰

Cash

Check:

Check No.

481623

Name(s) on Check:

Central Garden and Pet

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:

Nick Reece

(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.

February 17, 2023

Lindsay Thane

Admitted in Oregon, Washington and
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

VIA OVERNIGHT DELIVERY - UPS

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

RE: Groundwater Application – NexGen Plant Science Center, LLC
Our File No.: 129629-213607

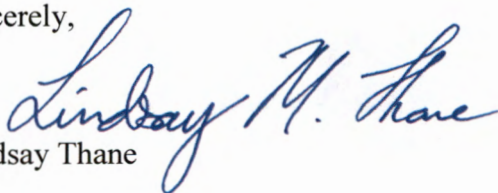
To Whom it May Concern:

Please find enclosed with this letter NexGen Plant Science Center, LLC's groundwater application. Accompanying the application is: an application fee check for \$3,410.00, an application map, a signed land use information form, and a deed for the property involved in this water right application.

Please note that the deed for the property is in the name of DLF Trifolium Oregon, LLC, which is a predecessor NexGen Plant Science Center, LLC. As you can see on the Oregon Secretary of State's website, in 2007, DLF Trifolium Oregon, LLC amended its articles of organization and changed its name to NexGen Seed Research, LLC. After subsequent entity name changes, NexGen Seed Research, LLC is now NexGen Plant Science Center, LLC. The deed recorded with Linn County simply has not been updated to reflect that DLF Trifolium Oregon, LLC is now NexGen Plant Science Center, LLC. However, as evidenced by Linn County Assessor's records, which are attached with the deed, real property assessments for the property are provided to NexGen.

Please let me know if you have any questions.

Sincerely,



Lindsay Thane

LTH:lmt

Enclosures

cc: Shonee Langford
George Yuhas
Kenneth Hignight

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