

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



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 permits
with priority dates of July 9, 1987, or later.**

This COBU is for a permit with a priority date of April 30, 1993; the \$230 fee is included.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

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>

Go to "Resources for Water Right Examiners (CWRE)" Page
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/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.

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>

**SECTION 1
GENERAL INFORMATION**

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1. File Information:

| | | |
|---------------------------------|----------------------------|---------------------------------|
| APPLICATION # S-73365 | PERMIT # S-51982 | PERMIT AMENDMENT # T- |
|---------------------------------|----------------------------|---------------------------------|

2. Property Owner (current owner information):

| | | | | |
|---|--------------------|----------------------------------|--|--|
| APPLICANT/BUSINESS NAME AGC Properties, LLC; ATTN: Mark Bigej | | PHONE NO. 503-726-1162 | ADDITIONAL CONTACT NO. | |
| ADDRESS 1220 N Pacific Highway | | | | |
| CITY Woodburn | STATE OR | ZIP 97071 | E-MAIL MBigej@als-gardencenter.com | |

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

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

| | | | | |
|---|--------------------|---------------------|--|--|
| PERMIT HOLDER OF RECORD AGC Properties, LLC; ATTN: Mark Bigej | | | | |
| ADDRESS 1220 N Pacific Highway | | | | |
| CITY Woodburn | STATE OR | ZIP 97071 | | |

| | | | | |
|------------------------------------|-------|-----|--|--|
| ADDITIONAL PERMIT HOLDER OF RECORD | | | | |
| ADDRESS | | | | |
| CITY | STATE | ZIP | | |

4. Date of Site Inspection:

4/15/2021

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

| NAME | DATE | ASSOCIATION WITH THE PROJECT |
|---------------------|---------------------------------------|--|
| Mark Bigej | 11/21/2016 4/15/2020 | Chief Operations Officer, Al's Garden & Home |
| Darrel Smith | 10/27/2020 2/9/2021 | Senior Project Manager, Metropolitan Land Group, LLC (property manager for previous property owner) |

6. County:

Washington

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

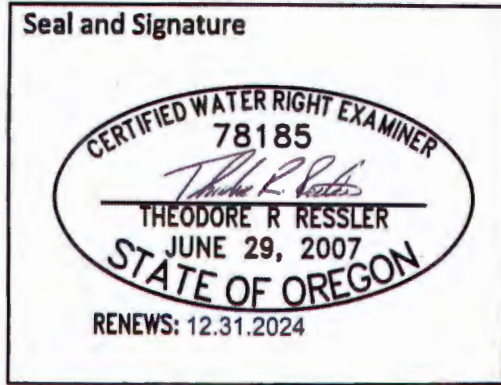
| | | | | |
|-----------------|-------|-----|--|--|
| OWNER OF RECORD | | | | |
| ADDRESS | | | | |
| CITY | STATE | ZIP | | |

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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



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

Permit Holder of Record Signature or Acknowledgement

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

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

| SIGNATURE | PRINT OR TYPE NAME | TITLE | DATE |
|-----------|--------------------|-------|---------|
| | Mark Bigej | COO | 12/5/24 |

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SECTION 3
CLAIM DESCRIPTION

1. Point of diversion name or number:

| |
|---|
| POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP) |
| Tualatin River POD |

2. Point of diversion source and tributary:

| POD NAME OR NUMBER | SOURCE | TRIBUTARY |
|---------------------------|-----------------------|-------------------------|
| Tualatin River POD | Tualatin River | Willamette River |

3. Developed use(s), period of use, and rate for each use:

| POD NAME OR NUMBER | USES | IF IRRIGATION, LIST CROP TYPE | SEASON OR MONTHS WHEN WATER WAS USED | ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF) |
|-------------------------------------|------------------------------------|-------------------------------------|--|--|
| Tualatin River POD | IR and AG (Nursery Use) | Container nursery plants | 11/1 to 4/30 | 0.73 cfs (326 gpm) |
| Total Quantity of Water Used | | | | 0.73 cfs (326 gpm) |

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the place of use:

Water is diverted from the Tualatin River using a trailer mounted, 20 HP centrifugal pump. The 6-inch aluminum suction pipe is equipped with a self-cleaning fish screen (Clemons, Model CW 400, rated to 500 gpm). The quantity of water diverted is measured by an in-line, totalizing flow meter that is mounted with the pumping equipment on the trailer. The diverted water is delivered from the diversion pump to a 6-inch buried PVC mainline that conveys the water to the place of use, where water is applied for nursery uses by a combination of sprinkler and drip equipment.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

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

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

Place of Use. The permittee has developed and beneficially used water on 8.0 of the 49.7 acres authorized under the permit.

Rate of Use. Although less acres of nursery operations have been developed, the developed rate of use (0.73 cfs on 8.0 acres) is within the rate limit allowed by the permit for the acres of nursery operations developed: the maximum allowable rate for nursery operations on 8.0 acres is 1.2 cfs (0.15 cfs/ac × 8.0 acres = 1.2 cfs).

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6. Claim Summary:

| POD NAME OR # | MAXIMUM RATE AUTHORIZED | CALCULATED THEORETICAL RATE BASED ON SYSTEM | AMOUNT OF WATER MEASURED | USE | # OF ACRES ALLOWED | # OF ACRES DEVELOPED |
|--------------------|-------------------------|---|--------------------------|-------------------------|--------------------|----------------------|
| Tualatin River POD | 1.0 cfs | 0.81 cfs | 0.73 cfs | IR and AG (Nursery Use) | 49.7 | 8.0 |

**SECTION 4
SYSTEM DESCRIPTION**

Are there multiple PODs? **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. Place of Use

1. Is the right for municipal use? **NO**

If "YES" the table below may be deleted.

| TWP | RNG | MER | SEC | QQ | GLOT | DLC | USE | IF IRRIGATION, # PRIMARY ACRES | IF IRRIGATION, # SUPPLEMENTAL ACRES |
|------------------------------|-----|-----|-----|------|------|-----|--------|--------------------------------|-------------------------------------|
| 2S | 1W | WM | 18 | SENE | | 42 | IR, AG | 6.4 | -- |
| 2S | 1W | WM | 18 | NESE | | | IR, AG | 1.6 | -- |
| Total Acres Irrigated | | | | | | | | 8.0 | N/A |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Glot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Glot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used? **YES**

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

| MANUFACTURER | MODEL | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE) | INTAKE SIZE | DISCHARGE SIZE |
|--------------|-------|---------------|--|-------------|----------------|
| Berkeley | L3821 | Not available | Centrifugal | 4-inch | 3-inch |

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3. Motor Information:

| MANUFACTURER | HORSEPOWER |
|--------------|------------|
| Century | 20 |

4. Theoretical Pump Capacity:

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|-----------------|--------------------------|--------------------------------|----------------------------|
| 20 | 60 ^A | 10 | 0 ^B | 0.81 cfs (365 gpm) |

Notes

^A Pressure measured on discharge side of diversion pump

^B The lift downstream of the pump is a component of the pressure measured at the pump discharge.

5. Provide pump calculations:

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

Conversion factor:

$$\text{Centrifugal Pumps, 75\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.75)}{(62.4 \text{ lb/cu ft})} = 6.61 \text{ ft}^4/\text{sec/Hp}$$

$$Q_{\text{pump}} = \frac{(20)(6.61)}{[10 + (60 \times 2.54)]} = 0.81 \text{ cfs} = 365 \text{ gpm}$$

Note: minor frictional losses upstream of the pressure gauge (suction pipe, pump, fittings, etc.) accounted for by the 2.54 ft H2O/psi conversion factor (versus 2.31 ft H2O/psi).

6. 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) |
|-----------------------|----------------------|---------------------------|----------------------------|
| 755.503 AF | 755.512 AF | 9 minutes | 0.73 cfs (326 gpm) |

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

| MAINLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|--------|--------------|------------------------|
| 6-inch | 210 | PVC | Buried |
| 3-inch | 1320 | PVC | Buried |

9. Lateral or Handline Information:

| LATERAL OR HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|--------------------------|---------------|--------------|-------------------------|
| Varies by zone | Not available | PVC | Buried and above ground |

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10. Sprinkler Information:

| SIZE | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|---|---------------|------------------------|----------------------------|---------------------|------------------------------|
| Rainbird impact (Maxi-Bird ½-inch, blue 08 nozzle) | 25 | 2.8 gpm | Not available | Varies by zone | Varies by zone |
| Netafim micro-spray | 25 | 13.2 gph | Not available | Varies by zone | Varies by zone |
| Robert spray sticks | 25 | 7.2 gph | Not available | Varies by zone | Varies by zone |
| Rainbird popup (1800 SAM, Seal-O-Matic, 15-ft U-Series) | 25 | 3.3 gpm | Not available | Varies by zone | Varies by zone |
| Rainbird Impact (Maxi-Bird ½-inch, blue 08 nozzle) | | | | | |

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

| SIZE | OPERATING PSI | EMITTER OUTPUT (GPM) | TOTAL NUMBER OF EMITTERS | MAXIMUM NUMBER USED | TOTAL EMITTER OUTPUT (CFS) |
|----------------|---------------|----------------------|--------------------------|---------------------|----------------------------|
| Netafim | 25 | 0.5 gph | Not available | Varies by zone | Varies by zone |

12. Drip Tape Information:

| DRIPPER SPACING IN INCHES | GPM PER 100 FEET | TOTAL LENGTH OF TAPE | MAXIMUM LENGTH OF TAPE USED | TOTAL TAPE OUTPUT (CFS) | ADDITIONAL INFORMATION |
|------------------------------------|------------------|----------------------|-----------------------------|-------------------------|------------------------|
| N/A – drip tape is not used | | | | | |

13. Pivot Information:

| MANUFACTURER | MAXIMUM WETTED RADIUS | OPERATING PSI | TOTAL PIVOT OUTPUT (GPM) | TOTAL PIVOT OUTPUT (CFS) |
|----------------------------------|-----------------------|---------------|--------------------------|--------------------------|
| N/A – pivots are not used | | | | |

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

YES

Bulge in System / Reservoir

YES

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

| MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.) | CAPACITY (IN GALLONS) | ABOVE GROUND OR BURIED |
|---|----------------------------|------------------------|
| Steel (pressure tank) | 4 @ 80 gallons each | Above ground |

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3. Bulge in System / Reservoir:

| RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP) | APPROXIMATE DAM HEIGHT | APPROXIMATE CAPACITY (IN ACRE FEET) |
|---|------------------------|-------------------------------------|
| Reservoir 1 (constructed under Permit R-8279) | 0 (excavated) | 4.8 AF |

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

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

E. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

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

F. Additional notes or comments related to the system:

**SECTION 5
CONDITIONS**

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

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

| | DATE FROM PERMIT | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS |
|-----------------------------------|------------------|--------------------|---|
| ISSUANCE DATE | 2/23/1996 | | |
| BEGIN CONSTRUCTION (A) | 2/23/1997 | Prior to 2/23/1997 | Began construction of the water system |
| COMPLETE CONSTRUCTION (B) | 10/1/2021 | 4/15/2021 | Water system completed as documented in this COBU |
| COMPLETE APPLICATION OF WATER (C) | 10/1/2021 | 4/15/2021 | Full beneficial use of water as documented in this COBU |

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

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

YES (see Attachment 2)

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

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a. Did the Extension Final Order require the submittal of Progress Reports? **YES**

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

b. Were the Progress Reports submitted? **YES**

If the reports have not been submitted, attach a copy of the reports if available.

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or 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 |
|--------------------|--------------|-------------|----------------------------|---------------------------|----------------|
| Tualatin River POD | McCrometer | 07-05586-06 | Working | 755.512 AF (4/15/2021) | 2007 |

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 |
|--------------------|------------------------|
| Prior to 1997 | Unknown |
| 2018 (replacement) | Hillsboro Pump Service |

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

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

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

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

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

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

- Has the ODFW approval been previously submitted? **YES (see Attachment 3)**

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

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

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

6. By-pass Devices:

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

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

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

b. Have by-pass devices been installed? **NO**

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

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

| DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM. | IF INSTALLED (DATE) | IF INSTALLED, BY WHOM |
|--|------------------------|-----------------------|
| No by-pass device is necessary because there is a direct diversion of water from the source by a bankside pump. The intake of the pump is equipped with a fish screen as documented in Item #5 of this Section. | N/A | N/A |

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7. Other conditions required by permit, permit amendment 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. Was submittal of a water management and conservation plan required? **NO**
- d. 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):

**SECTION 6
ATTACHMENTS**

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

| ATTACHMENT NAME | DESCRIPTION |
|---------------------|--------------------------------|
| Attachment 1 | Maps |
| Attachment 2 | Water Right Information |
| Attachment 3 | Fish Screening |

**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 poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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

The point of diversion, visible system components, and the place of use were visited during the site inspection. The extent of the place of use was obtained from a field survey completed during the site inspection and an aerial photo dated 2018 (GoogleEarth). The map was created using Geographic Information System (GIS) software and spatial datasets obtained from the United States Bureau of Land Management, the United States Geological Survey, Oregon Water Resources Department, and Washington County. Additional data and information specific to the property associated with the water right and the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water user.

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Map Checklist

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

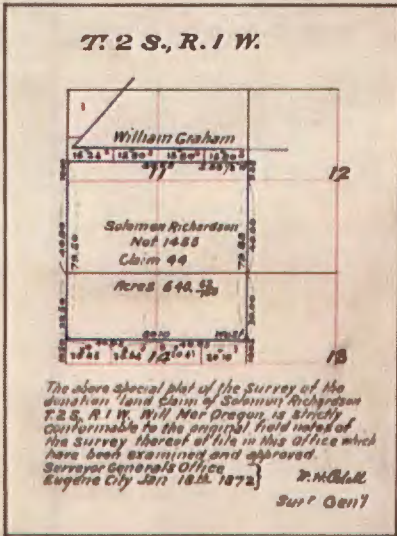
- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government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

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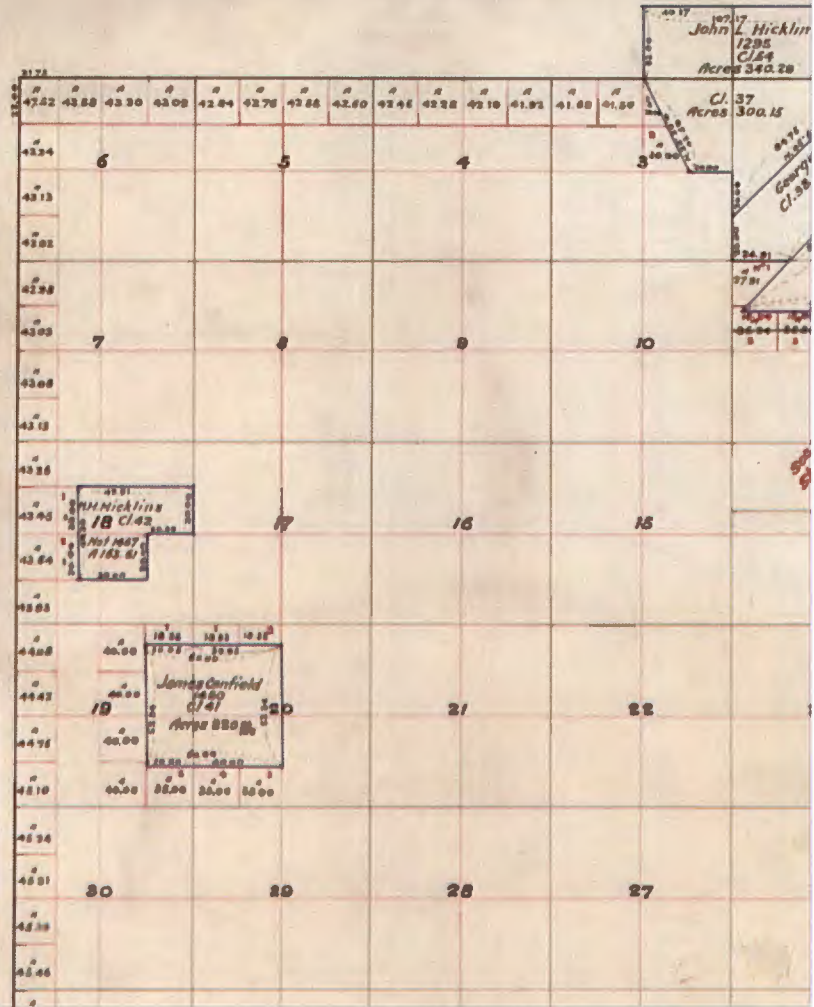
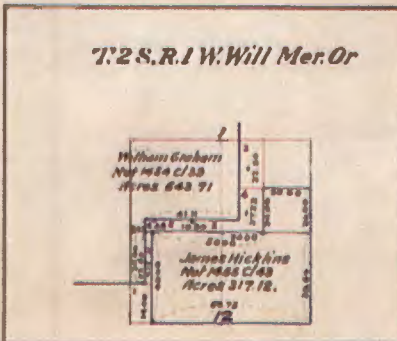
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Attachment 1
Maps

Township N^o 2 South Range N^o 1 West Willamette Mer



Aggregate Area of public lands 20850.46
Private Surveys 2329.65



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Attachment 2
Water Right Information



Oregon

Jina Kotek, Governor

Water Resources Department

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

October 18, 2024

First American Title Insurance Company
Attn: Christina Brusco
9755 SW Barnes Rd STE 460
Portland, OR 97225

Reference: Application S-73365, Permit S-51982

The assignment from MF Beef Bend, LLC to AGC Properties, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show AGC Properties, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 144017 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2021, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #144017

cc: MF Beef Bend, LLC; Attn: John O'Neil – 17933 NW Evergreen Place, Suite 300, Beaverton, OR 97006

AGC Properties, LLC; Attn: Mark Bigej - 1220 N Pacific Hwy, Woodburn, OR 97071
Data Center, OWRD (cover letter & request)
File

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Salem, OR



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

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, MF Beef Bend, LLC Attn: John O'Neil

(Name of Current Holder of Record)

17933 NW Evergreen Place, Suite 300

Beaverton OR 97006

503-597-7100

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

- Checkboxes for assigning interest: all my interest, a portion, or a portion of my interest.

Application # S-73365; Permit # S-51982; Transfer #

Limited License #; Groundwater Statement #

as filed in the office of the Water Resources Director, to:

AGC Properties, LLC Attn: Mark Blgej

(Name of New Owner)

1220 N Pacific Highway

Woodburn OR 97071

503-726-1162

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 25th day of June, 2024.

Signature of Current Holder of Record

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 144017 For Director by Mary F. Bjork. Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.

Received DEC 20 2024 OWRD

Received by OWRD SEP 26 2024 Salem, OR

Assign - Approve 10-18-2024 MFB



Oregon

Kate Brown, 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.wrd.state.or.us

November 17, 2015

MF Beef Bend LLC
17933 NW Evergreen Pkwy Suite 300
Beaverton, OR 97006

Reference: Application S-73365, Permit S-51982

The assignment from Fisher Farms LLC to MF Beef Bend LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show MF Beef Bend LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 118040 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 1999, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancellation proceedings being started.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Received by OWRD

SEP 26 2024

Salem, OR

Enclosure:

cc: Watermaster #18
FISHER FARMS LLC
Data Center
Hydrographics
File

Received by OWRD

OCT 16 2024

Salem, OR

Received

DEC 20 2024

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**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-51982, Water Right Application S-73365) FINAL ORDER
in the name of MF Beef Bend LLC)

Permit Information

| | |
|-------------------|---|
| Application: | S-73365 |
| Permit: | S-51982 |
| Basin: | 2 – Lower Willamette / Watermaster District 18 |
| Date of Priority: | April 30, 1993 |
| Source of Water: | Tualatin River, a tributary of the Willamette River |
| Purpose of Use: | Agricultural use and irrigation for nursery operations on 49.7 Acres |
| Maximum Rate: | 1.0 cubic foot per second (cfs) |

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

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.

Application History

Permit S-51982 was issued by the Department on February 23, 1996. The permit called for actual construction work to begin by February 23, 1997, completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On December 30, 2015, MF Beef Bend LLC submitted to the Department an Application for Extension of Time for Permit S-51982. In accordance with OAR 690-315-0050(2), on February 16, 2016, the

Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 1998 to October 1, 2021 and the time to apply water to full beneficial use from October 1, 1999 to October 1, 2021. The protest period closed April 1, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated February 16, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions.

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **December 30, 2020**. *A form is enclosed with this Final Order.*

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

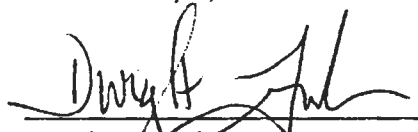
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-73365, Permit S-51982, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 1998 to October 1, 2021. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999 to October 1, 2021.

DATED: May 6, 2016



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Received
DEC 20 2024
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STATE OF OREGON

COUNTY OF WASHINGTON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FISHER FARMS
9650 SW HARDEBECK RD.
GASTON, OREGON 97119

PHONE: (503) 985-7561

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73365

SOURCE OF WATER: TUALATIN RIVER, A TRIBUTARY OF THE WILLAMETTE RIVER

PURPOSE OR USE: AGRICULTURAL USE AND IRRIGATION FOR NURSERY OPERATIONS ON 49.7 ACRES

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH APRIL 30

RATE OF USE: 1.0 CUBIC FOOT PER SECOND

DATE OF PRIORITY: APRIL 30, 1993

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 18, T2S, R1W, W.M.; 900 FEET SOUTH & 650 FEET WEST FROM THE CENTER 1/4 CORNER, SECTION 18

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 36.4 ACRES
NE 1/4 SE 1/4 13.3 ACRES
SECTION 18
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.

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Application S-73365 Water Resources Department

PERMIT 51982

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

Application S-73365 Water Resources Department

Received PERMIT 51982

DEC 20 2024

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By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued February 23, 1996



Water Resources Department
for Martha O. Pagel
Director

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Application S-73365 Water Resources Department
Basin 02 Volume 19 & 19A Tualatin River & Misc.

PERMIT 51982
District 18

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Attachment 3
Fish Screening



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6200

Fax (503) 947-6203

www.dfw.state.or.us

November 6, 2018

Sean Keys
MF Beef Bend, LLC
17933 NW Evergreen Pkwy, Ste 300
Beaverton, OR 97006



Dear Mr. Keys,

Thank you for participating in the State of Oregon's fish screening tax credit incentive program. This program allows qualified applicants to receive a state tax credit pursuant to ORS 315.138 for 50% of your net certified costs of a screen installation up to a maximum of \$5,000.

The Final Certificate for this project (S-02-0467) installed in the Tualatin River was issued August 3, 2018. This letter serves as documentation of that certificate. Your net certified costs for this project are \$6,233.89. This entitles you to a potential state tax credit of **\$3,116.95**.

Your tax advisor or the Oregon Department of Revenue can assist you in incorporating this tax credit into your tax filing.

Sincerely,

Alan Ritchey
Program Manager
Fish Screening & Passage Program

Received
DEC 20 2024
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December 16, 2024

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

Subject: Claim of Beneficial Use for Permit S-51982 (Application S-73365)

Mr. Clark:

On behalf of the permit holder, please find enclosed Claim of Beneficial Use (COBU) report for Permit S-51982 accompanied by a check in the amount of \$230 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-701-4535 with questions about the enclosed COBU.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Enclosures:
Claim of Beneficial Use for Permit S-51982
Check # 82976 in the amount of \$230

Cc: Mark Bigej – AGC Properties, LLC

Received
DEC 20 2024
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