CLAIM OF BENEFICIAL USE for Reservoir Permits by CWRE's (not self-certified)



O R E G O N Oregon Water Resources Department 725 Summer Street NE, Suite A

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 <u>permits</u> with priority dates of July 9, 1987, or later.

Claims received without the correct fee of \$200 will be returned.

This COBU is for a permit with a priority date of July 20, 1982; the \$230 fee is not applicable.

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

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 #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
R-61485	R-8453	

2.	Property	v Owner	(current owner	information)	١

APPLICANT/BUSINESS NAME		PHONE No.		ADDITIONAL CONTACT NO.
Daniel Arriola		541-404-2829		
Address		•		
PO Box 1200				
Сіту	STATE	ZIP	E-MAIL	
Bandon	OR	97411	Danielarriol	a533@yahoo.com

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

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

PERMIT HOLDER OF RECORD				
Daniel Arriola				
Address				
PO Box 1200				
CITY STATE ZIP				
Bandon	OR	97411		

Additional Permit Holder of Record			
NA .			
ADDRESS			
CITY	STATE	ZIP	

4. Date of Site Inspection:

10/19/2023, 10/23/2024

Received

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

OWRD

NAME	DATE	Association with the Project
Tony Arriola	10/19/2023, 10/23/2024	Arriola Cranberry Company
Daniel Arriola	10/23/2024	Arriola Cranberry Company
Alan Foster 10/18/2024 Former permit holder and landon		Former permit holder and landowner

6. County

Coos

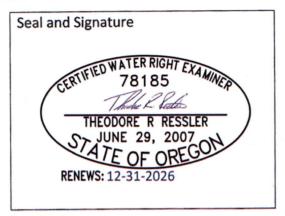
7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

Owner of Record N/A			
Address			
Сіту	STATE	ZIP	

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. 503-701-45	35	Additional Contact No.
ADDRESS Summit Water Resources, LLC, 4784 SE 17 th Avenue, Suite 111				
CITY STATE ZIP E-MAIL				
Portland	OR	97202 tressler@summitwr.com		ımmitwr.com

Permit Holder's of Record Signature or Acknowledgement

<u>Each</u> permit or 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
MAMANA	Daniel Arriola	Owner	1-8-25

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CLAIM DESCRIPTION

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	Source	TRIBUTARY
Reservoir 1	Abe's Creek	Davis Creek

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir 1	Storage for IS, TC, and CH	Fall to spring, or when water is otherwise available	3.6
Total Quantity of Water Stored 3.6			

Notes: IS = supplemental irrigation, TC = temperature control, CH = harvesting of cranberries

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

Water from Abe's Creek flows into Reservoir 1 where the water is impounded behind a dam.

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).

4. Variations:

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

YES

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

<u>Point of Diversion</u>. The location of the point of diversion has been re-described slightly from that stated on the permit to more accurately locate the water control structure (outlet) for the reservoir.

5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir 1	3.6	3.6

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SYSTEM DESCRIPTION

Are there multiple reservoirs?

YES

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

A. Reservoir Location

1. Is the reservoir on-channel?

YES

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	Measured Distances			
30S	15W	WM	11	NESW			Dam Outlet. Located 840 feet South and 105			
							feet West from the center of Section 11			

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

1. Is a pump used? NO

If "NO" items 2 through item 5 may be deleted.

6. Additional notes or comments related to the system:

Water is stored in Reservoir 1 under multiple water rights. In order of priority date, these include Certificate 50352 (5.0 AF), Permit R-8662 (0.6 AF), Permit R-8453 (3.6 AF), and Certificate 96651 (2.7 AF).

C. 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.

D. 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.

E. Reservoir

Revised 7/1/2021

1. Does the reservoir require the submittal of as-built plans and specifications?

NO

If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

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2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
N/A			

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and asbuilt plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
12 ft	8 ft	1.6	12.8 AF

Maximum depth, average depth, and surface area of reservoir as documented in claim of beneficial use for Permit R-12108, which also authorizes storage of water in this reservoir.

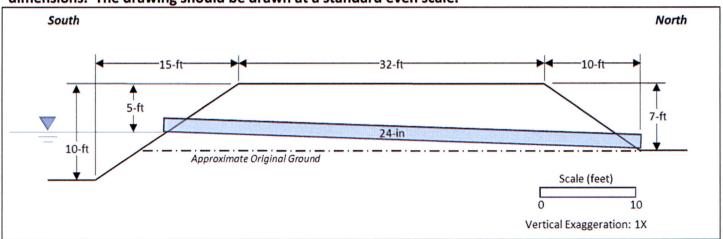
4. Provide reservoir volume calculations:

Surface Area × Average Depth = Volume 1.6 acres × 8 feet = 12.8 AF

5. Provide the following information concerning the physical characteristics of the dam:

CREST	DAM HEIGHT	DISTANCE	DISTANCE	WATER LEVEL AT	DOWN-STREAM	UP-STREAM
WIDTH (W)	AT CENTERLINE (H)	FROM DOWNSTREAM	FROM UPSTREAM	INSPECTION	SLOPE (H:V)	SLOPE (H:V)
		TOP OF DAM TO	TOP OF DAM			
		TOE (L)	TO UPSTREAM TOE (U)			
32 ft	7 ft	10 ft	15 ft	8 ft (average)	1.4:1	1.5:1

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



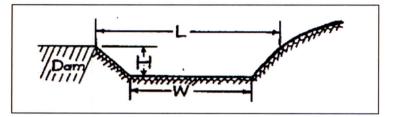
7. Describe the outlet works (size and type of the outlet conduit and location):

24 inch ABS overflow pipe installed near the middle of the dam. The upstream side of the outlet pipe is fitted with an inlet box with stop logs that is used to control the level of water in the reservoir.

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8. Describe the emergency spillway (dimensions and location):

Воттом width (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
None		



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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 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 extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	8/16/1982		
BEGIN CONSTRUCTION (A)	8/16/1983	Prior to 1983	The reservoir was an existing storage facility.
COMPLETE CONSTRUCTION (B)	10/1/1984	Prior to 1984	The reservoir was an existing storage facility.
COMPLETE APPLICATION OF WATER (C)	10/1/1984	Prior to 10/1/1984	Water stored in reservoir (see Attachment 3)

^{*} 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)?

NO

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?
NO

If "NO", items b 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. Outlet Pipe

a. Is the water user required to install a minimum 8"outlet pipe/conduit?

NO

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

6. Fish Screening

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

NO

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

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7. 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?					
If "NO", items b and c relating to this section may be deleted.					
8. 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 letter from an engineer required prior to storage of water?	NO				
d. Was submittal of a water management and conservation plan required?	NO				
e. 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	Supporting Documentation of Beneficial Use

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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 reservoir was visited during the site inspection. The location of the dam (point of diversion) and the extent of the reservoir pool were established using aerial photographs (August 16, 1982 and August 28, 1985). The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), Oregon Water Resources Department (OWRD), Oregon Geospatial Enterprise Office (OGEO), United States Geological Survey (USGS), and Coos County. Additional data and information specific to the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water user.

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

Application and permit number or transfer number

Map Checklist

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

North arrow

CWRE stamp and signature

Legend

 \boxtimes

X

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Attachment 1

Maps

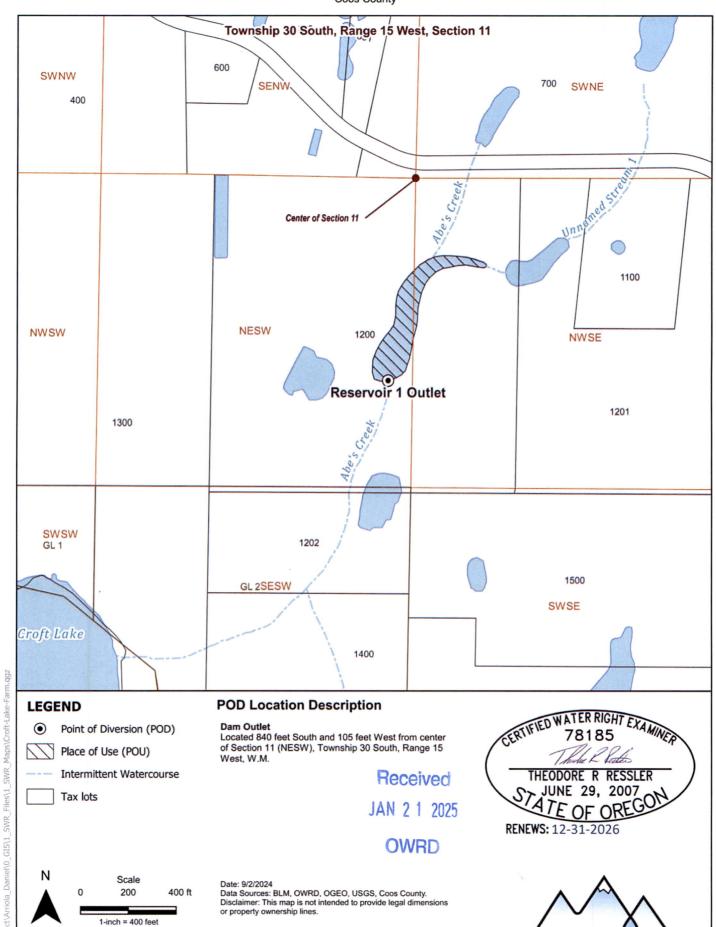
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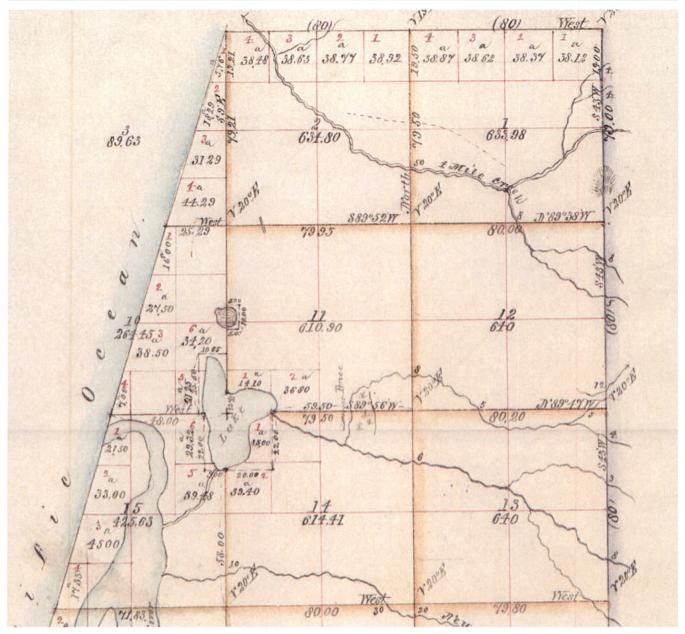
Daniel Arriola

Claim of Beneficial Use Permit R-8453, Application R-61485

A Water Right held by Daniel Arriola Coos County



https://www.blm.gov/or/landrecords/survey/yPlatView1 2.php?path=POR&name=t300s150w 003.jpg



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Attachment 2 Water Right Information

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Daniel Arriola



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

December 16, 2024

Geo-Logic Associates 2777 E. Guasti Rd STE 1 Ontario, CA 91761

Reference: Application R-61485, Permit R-8453

The assignment from Alan and Elizabeth Foster to Daniel Arriola has been recorded in the records of the Water Resources Department.

The Departments records will now show Daniel Arriola as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 144367 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.

Sincerely,

Mary F. Bjork

Water Rights Program Analyst

Water Right Services Division

Enclosure: Original Request and Receipt #144367

cc: Alan Foster - PO Box 512, Langlois, OR 97450

Elizabeth Foster – 1199 E 14th St, Coquille, OR 97423

Daniel Arriola - PO Box 1200, Bandon, OR 97411

Ted Ressler, Summit Water Resources, LLC – 4784 SE 17th Ave, Ste 111, Portland, OR 97202

Data Center, OWRD (cover letter & request)

File

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Request for Assignment



Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900

www.oregon.gov/owrd

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 m	ultiple rights, a sepa	rate form	and fee for e	ach right will b	e requir	ed.						
j, 1) Alan Foster 2) Elizabeth Foster												
Mama	of Current Holder of	Record)										
1) 10	30X 512	Langl	as or	97450	2) 🕢	1199 E	1417	St Coqu	ille	pr	974	23
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X	hereby assign <u>all my interest</u> in and to <u>the entire</u> application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)											
	hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)											
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Danie	el Arriola											
-	of New Owner)			***************************************	W. (C. (B) . (C. (C. (C. (C. (C. (C. (C. (C. (C. (***************************************	00000000000000000000000000000000000000	namanan arra. Ayuunaano, sivas oo				
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rew Or	is certifies assignment a	Department	effective							Rec	eive	t
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Fo Wa	r Director by Mary F. Bj ater Rights Division.	ork. Progran		alo	ng with	the recordi	ng fee of	\$120.			NRD	



COOS COUNTY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION R-61485 and do hereby grant the same SUBJECT TO EXISTING RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

This permit is issued to James C. and Marion M. McBee of 88869 Evers Road, Elmira, Oregon 97437, phone 935-7326, for the enlargement of a reservoir constructed under Permit R-6381 and storage of water from Abe's Creek to be appropriated under Application 61486, Permit 46813, for supplemental irrigation, temperature control and flood harvesting of cranberries.

The darm will be LOCATED in the: NE 1/4 SW 1/4 of Section 11, Township 30 South, Range 15 West, WM, in the County of Coos.

The maximum height will be 9.9 feet above the stream bed or ground surface at the centerline. The top width will be 12.0 feet, slope of upstream face 1.5:1, slope of downstream face 1.5:1, and height of dam above water line when full 2.0 feet.

The area submerged by the reservoir, when full, will be 1.5 acres, and the maximum depth of water will be 10.0 feet.

The location and dimensions of the spillway are: A half culvert 18 inches in diameter at center of dam. The distance between the crest of the dam and the crest of the spillway will be 30 inches

The dimension of the outlet or bypass: Two 18-inch C.M. pipes.

The structure is in the channel.

The dain will be earthfill construction.

The right hereunder shall be limited to the storage of 3.6 acre-feet, being 1.2 acre-feet for supplemental irrigation, 1.2 acre feet for temperature control and 1.2 acre-feet for flood harvesting.

The PRIORITY DATE of this permit is July 20, 1982.

Actual construction work shall begin on or before August 16, 1983 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

WITNESS my hand this 16th day of August, 1982.

/s/ JAMES E. SEXSON
WATER RESOURCES DIRECTOR

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MININGMED, See Mina. Rea., Vol. 8 Pope 203

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JAN 2 1 2025
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Attachment 3

Supporting Documentation of Beneficial Use

AFFIDAVIT ATTESTING TO USE OF WATER UNDER PERMIT R-8453 AND PERMIT S-46813

) SS	
County of Coos	
I, Alan Foster, in my capacity as owner and farm operator, mailing address	
P.U.BOX 512 Langlow OR 97450	
telephone number 34/-551-632/, being first duly sworn depose and say:	
 My knowledge of the use of the water under Permit R-8453 and Permit S-46813 is based on my personal observation and use of water under these water rights. 	
 The storage of water as described in the Claim of Beneficial Use for Permit R-8453 is representative of the water storage that was occurring in Reservoir 1 prior to October 1, 1984. 	
3. The use of water as described in the Claim of Beneficial Use for Permit S-46813 is representative of the water use that was occurring as part of the cranberry farming operations prior to October 1, 1985.	
4. Exhibit 1 accurately shows the location of Reservoir 1 prior to October 1, 1984 and the location where water was used as part of the cranberry farming operations prior to October 1, 1985.	
Received 1, 1983.	ed
Signature of Alliant Date Date	202
Signature of Affiant Date OWRI)
Signed and sworn to (or affirmed) before me this 18 day of October, 20 34.	
OFFICIAL STAMP	
VINCENTE ANGEL NUMES-NAVA NOTARY PUBLIC - OREGON COMMISSION NO. 1050694 MY COMMISSION EXPIRES AUGUST 12, 2028	

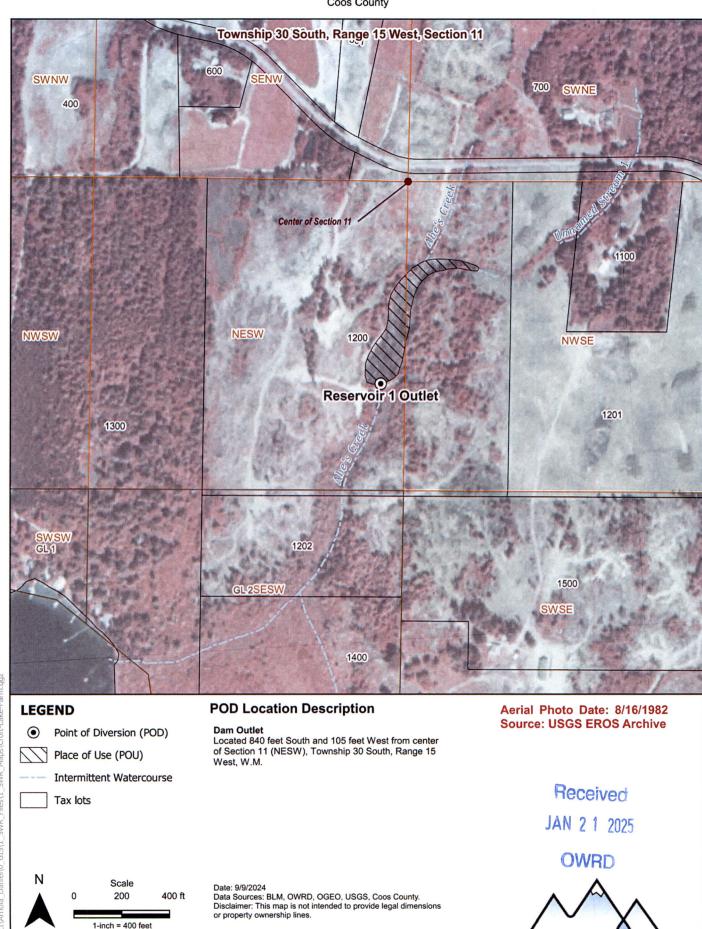
My Commission Expires: 8-12-28

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JAN 2 1 2025
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Exhibit 1 Location of Water Use

Claim of Beneficial Use Permit R-8453, Application R-61485

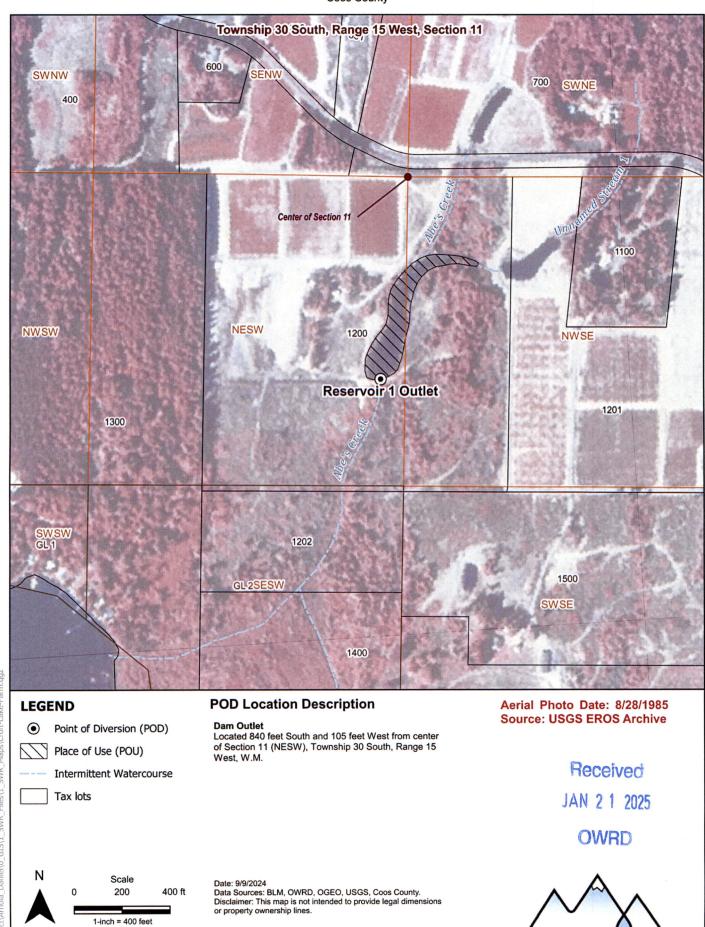
A Water Right held by Daniel Arriola Coos County



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Claim of Beneficial Use Permit R-8453, Application R-61485

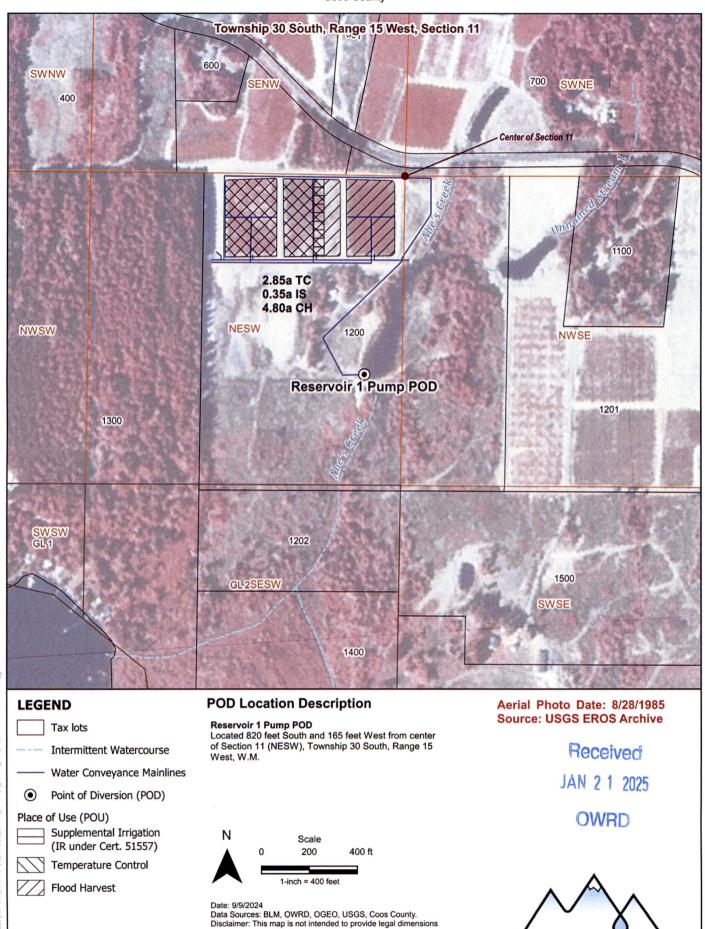
A Water Right held by Daniel Arriola Coos County



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Claim of Beneficial Use Permit S-46813, Application S-61486

A Water Right held by Daniel Arriola Coos County



or property ownership lines.

Project\Arriola Daniel\0 GIS\1 SWR Files\1 SWR Maps\Croft-Lak



January 15, 2025

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

Subject: Claim of Beneficial Use for Permit R-8453 (Application R-61485)

Mr. Clark:

On behalf of the permit holder, please find enclosed Claim of Beneficial Use (COBU) report for Permit R-8453. The permit has a priority date of July 20, 1982; therefore, no fee is required for the COBU. 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 R-8453

Cc:

Daniel Arriola

Tony Arriola

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JAN 2 1 2025
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