

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 \$345 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Received by OWRD

FEB 26 2026

Enter the date the priority date of the permit:

11/10/2020

Salem, OR

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 503-986-0900.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

1. File Information:

APPLICATION # S-88895	PERMIT # S-55301	PERMIT AMENDMENT # T-
---------------------------------	----------------------------	---------------------------------

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME K.A. Berger Farms Inc.		PHONE NO. (503) 209-5449	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1359			
CITY Hillsboro	STATE OR	ZIP 97123	E-MAIL becky@bergerseed.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 K.A. Berger Farms Inc.		
ADDRESS PO Box 1359		
CITY Hillsboro	STATE OR	ZIP 97123

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

10/9/2025

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Derek Berger	10/9/2025	Farm Manager

6. County:

Yamhill

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

Received by OWRD

FEB 26 2026

Salem, OR

**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 William E. McGill		PHONE NO. (503) 510-3026	ADDITIONAL CONTACT NO. (503) 931-0210
ADDRESS 15333 Pletzer Rd. SE			
CITY Turner	STATE OR	ZIP 97392	E-MAIL willmcgill.surveying@gmail.com

Permit Holder(s) 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
<i>Rebecca Buga</i>	Rebecca Berger	owner	2/19/26

Received by OWRD

FEB 26 2026

Salem, OR

**SECTION 3
CLAIM DESCRIPTION**

1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Berger Reservoir

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Berger Reservoir	Berger Reservoir, constructed under permit R-15431	Deer Creek

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)
Berger Reservoir	Irrigation	Tall Fescue, Crimson Clover, Red Clover, Wheat	Mar. 1 – Oct. 31	24.3 AF
Total Quantity of Water Used				24.3 AF

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 pumped from the reservoir by a PTO pump powered by a 150 PTO HP John Deere 4630 tractor and delivered to the POU through 8" and 6" aluminum above ground mainline. Water is applied to the POU by big gun and hose reel.

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 NO

(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.")

Only 24.3 AF of the allowed 25.0 AF were developed in Berger Reservoir, so that is all that is available for irrigation.

Only 26.3 acres of the allowed 26.8 acres in the SENW of section 27 was developed.

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
Berger Reservoir	*	2.86 cfs	**	Irrigation	295.0	294.5

*Maximum volume authorized 25.0 AF. **System not running at time of site inspection.

**SECTION 3
CLAIM DESCRIPTION**

1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
Berger Reservoir

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
Berger Reservoir	Berger Reservoir, constructed under permit R-15431	Deer Creek

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)
Berger Reservoir	Irrigation	Tall Fescue, Crimson Clover, Red Clover, Wheat	Mar. 1 – Oct. 31	24.3 AF
Total Quantity of Water Used				24.3 AF

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 pumped from the reservoir by a PTO pump powered by a 150 PTO HP John Deere 4630 tractor and delivered to the POU through 8" and 6" aluminum above ground mainline. Water is applied to the POU by big gun and hose reel.

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 **NO**

(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.")

Only 24.3 AF of the allowed 25.0 AF were developed in Berger Reservoir, so that is all that is available for irrigation.

Only 26.3 acres of the allowed 26.8 acres in the SENW of section 27 was developed.

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
Berger Reservoir	*	2.86 cfs	**	Irrigation	295.0	294.5

***Maximum volume authorized 25.0 AF. **System not running at time of site inspection.**

Received by OWRD

FEB 26 2026

Salem, OR

SECTION 4 SYSTEM DESCRIPTION

Are there multiple PODs?

YES 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):

Received by OWRD

FEB 26 2026

Salem, OR

Berger Reservoir

A. Place of Use

1. Is the right for municipal use?

YES 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
5S	5W	WM	27	SWNE		73	Irrigation	23.7	
5S	5W	WM	27	SWNW			Irrigation	7.8	
5S	5W	WM	27	SENW		73	Irrigation	26.3	
5S	5W	WM	27	NESW		73	Irrigation	40.0	
5S	5W	WM	27	NWSW			Irrigation	10.4	
5S	5W	WM	27	SWSW			Irrigation	40.0	
5S	5W	WM	27	SESW		71	Irrigation	38.1	
5S	5W	WM	27	NWSE		73	Irrigation	36.1	
5S	5W	WM	27	SWSE		71	Irrigation	21.7	
5S	5W	WM	28	NESE			Irrigation	10.4	
5S	5W	WM	28	SESE			Irrigation	40.0	
Total Acres Irrigated								294.5	

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 NO

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
Caprari	MEC-D2/65A R 1:6, 28	54649/3	Centrifugal	3"	3"

FEB 26 2026

Salem, OR

3. Motor Information:

MANUFACTURER	HORSEPOWER
John Deere 4630 Tractor	150 PTO

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
150 PTO	120	14.3' max.	28' avg.	2.86

5. Provide pump calculations:

$$Q = (150 * 6.61) / (304.8 + 14.3 + 28) = 2.86 \text{ cfs}$$

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)
System not running at time of site inspection.			

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

7. Is the distribution system piped?
 YES NO

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

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	3,560'	Aluminum	Above Ground
6"	8,080'	Aluminum	Above Ground

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
N/A			

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
Nelson big gun: 0.9"-1.1" nozzle size	80	600	3	2	2.67

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)
N/A					

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					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A				

C. Storage

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

YES NO

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

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

YES NO
 YES NO

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Berger Reservoir	9.9'	24.3

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?

YES NO

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?

YES NO

F. Additional notes or comments related to the system:

Received by OWRD
 FEB 26 2026
 Salem, OR

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	2/12/2021		
BEGIN CONSTRUCTION (A)	2/12/2026	May 2021	Installed buried mainline under highway
COMPLETE CONSTRUCTION (B)	N/A	N/A	N/A
COMPLETE APPLICATION OF WATER (C)	2/12/2026	May 2023	Irrigated all acres being claimed

* 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 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? YES NO

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 NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Original Meter: Berger Reservoir	McCrometer	12-05744	Working	174285	May 2021
Current Meter: Berger Reservoir	McCrometer	22-03573-06	Working	47608	May 2022

Received by OWRD

FEB 26 2026

Salem, OR

4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? YES NO

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO*

*See attached ODFW letter.

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 NO

7. Other conditions required by some permits, permit amendment final orders, or extension final orders:

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

b. Was a fishway required? YES NO

c. Was submittal of a water management and conservation plan required? YES NO

d. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s) in the box below. If the condition required the approval of a plan, submit documentation that the plan was approved.

**SECTION 6
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
ODFW Letter	Waiver of fish screen and passage requirements.
Photos (x13)	Taken at 10/9/2025 site inspection

Received by OWRD

FEB 26 2026

Salem, OR

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.

Survey method used was aerial photo provided by Vantor Technologies.
Source Date: 7/9/2024

Map Checklist

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

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

Received by OWRD

FEB 26 2026

Salem, OR



Oregon

Kate Brown., Governor

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

February 4, 2021

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

RE: Permit S-55296

To whom it may concern,

This letter is in regards to fish screening and passage requirements set forth in the Oregon Water Resources Department Permit S-55296. This permit allocates water from Berger Reservoir, permit R-15431, which is located approximately 5.5 miles north east of Sheridan, OR.

The Oregon Department of Fish and Wildlife's NWWD Coast Range District fish biologist, Mr. Peter Stevens, has determined that this is an off-channel reservoir filled from runoff, and has no connectivity to stream or surface water. Fish screening and passage requirements are therefore waived, and this letter serves as an exemption from these requirements at this location.

If you have any questions in regards to this letter, please contact me at 541-296-8026

Sincerely,

Bryce Macnab

Fish Screen and Passage Coordinator

CC: Peter Stevens, ODFW



Received by OWRD
FEB 26 2026
Salem, OR

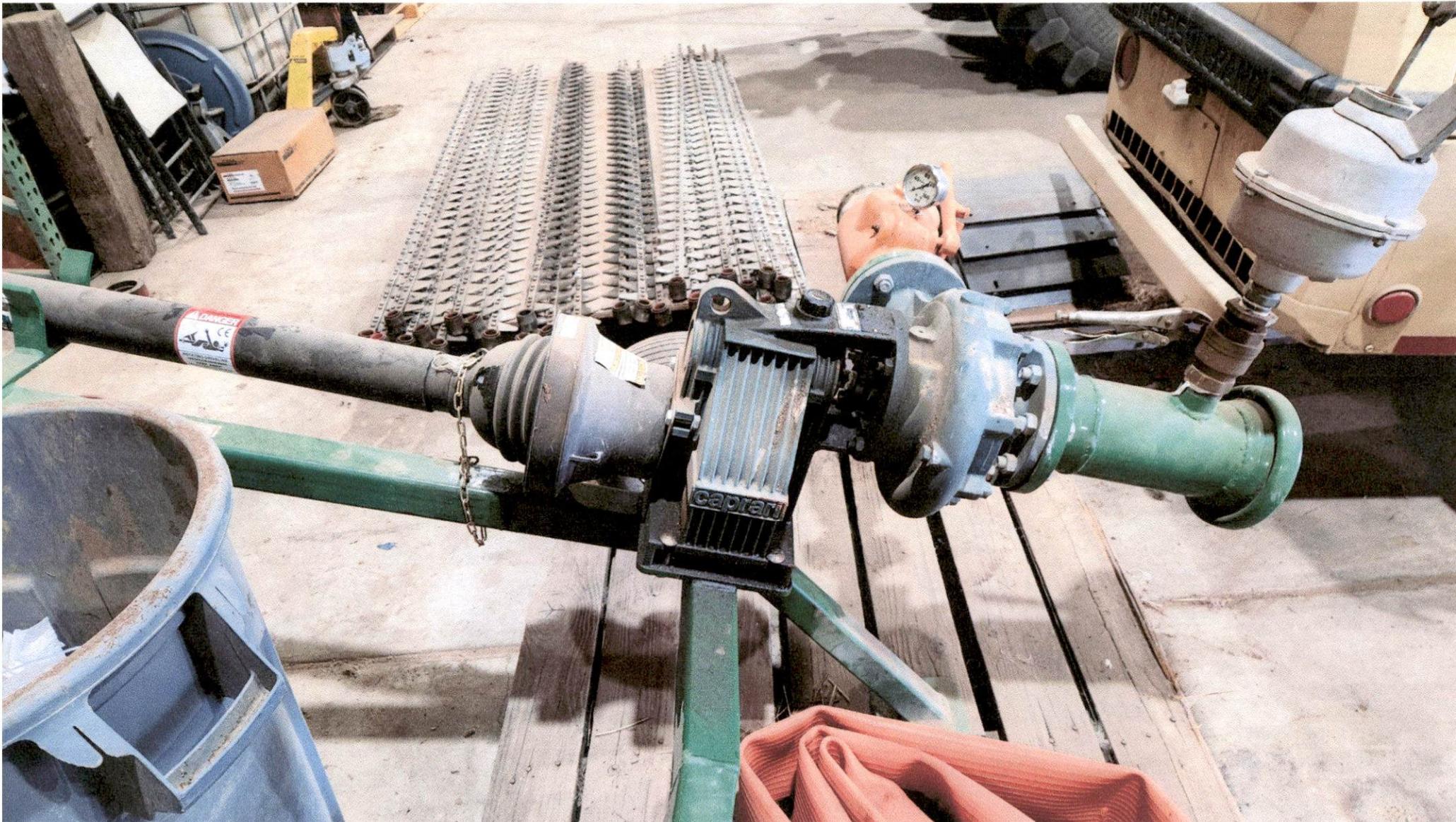


Received by OWRD

FEB 26 2026

Salem, OR

Pond / source from pump site - 10/9/25 - Berger Cobu



Received by OWRD

FEB 26 2026

Salem, OR

PTO pump - 10/9/25 - Berger CoBU

caprari Modena - ITALY 

TYPE MEC-D2/65A R.1:6,28

S/N 546497/3 02/19

RATIO n

Q Hmax

H MEIz

$\eta_{bap}\%$ 

 **WATER-REEL**
KIFCO

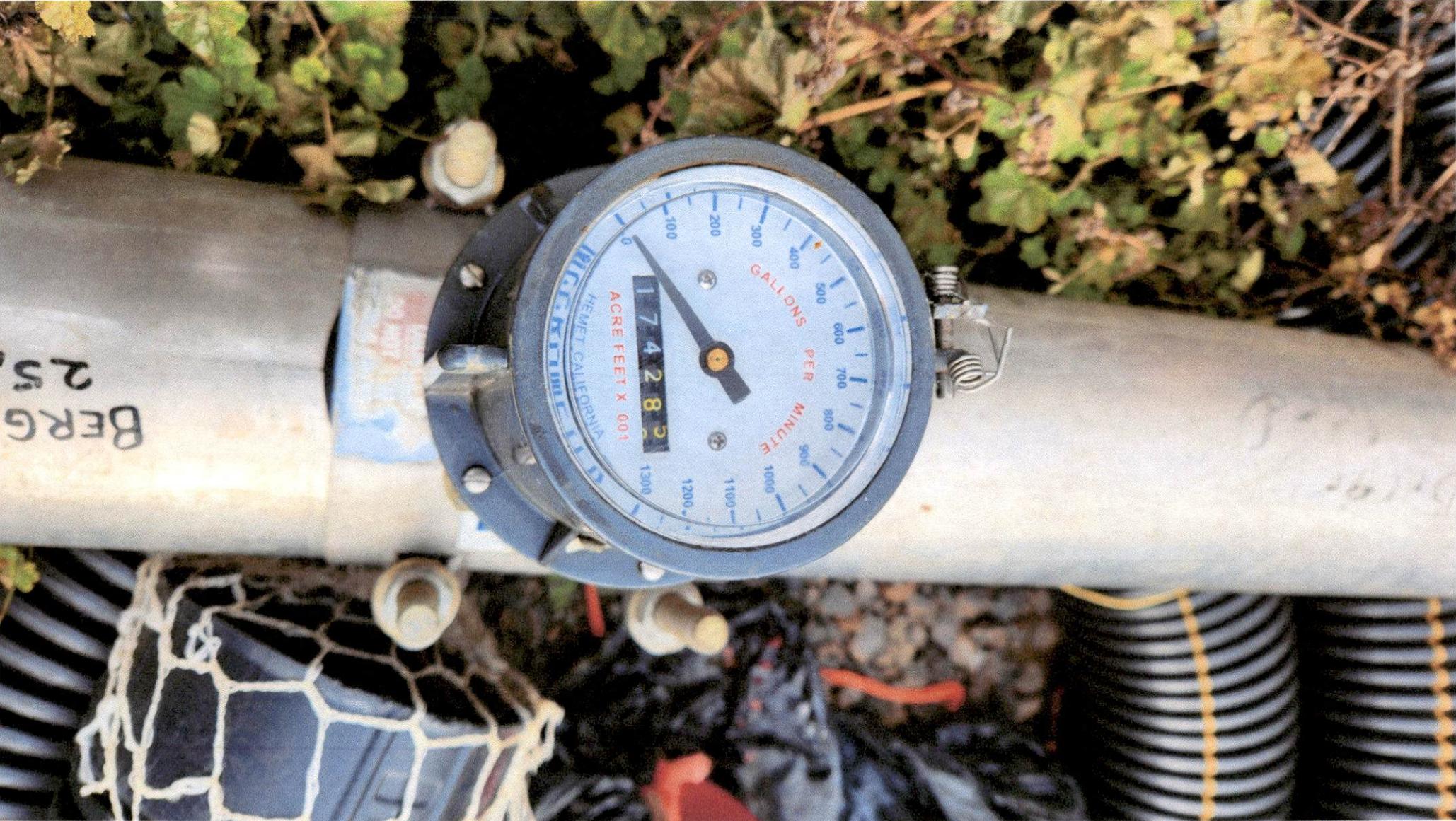
SERIAL NO. HAVANA IL 62644

540030 02/65

Received by OWRD
 FEB 26 2026
 Salem, OR

PTO pump tag - 10/9/25 - Berger COBU

Original flow meter - 10/9/25 - Berger Cobu



Received by OWRD

FEB 26 2026

Salem, OR

Original flow meter tag - 10/4/25 - Begec Cabin



Received by OWRD

FEB 26 2026

Salem, OR



Received by OWRD

FEB 26 2026

Salem, OR

Current Flow meter - 10/9/25 - Berger CABU



Received by OWRD

FEB 26 2026

Salem, OR

Current Flow meter cap - 10/9/25 - Berger COBU



Received by OWRD

FEB 26 2026

Salem OR

Mainline - 10/9/25 - Berge C@BU



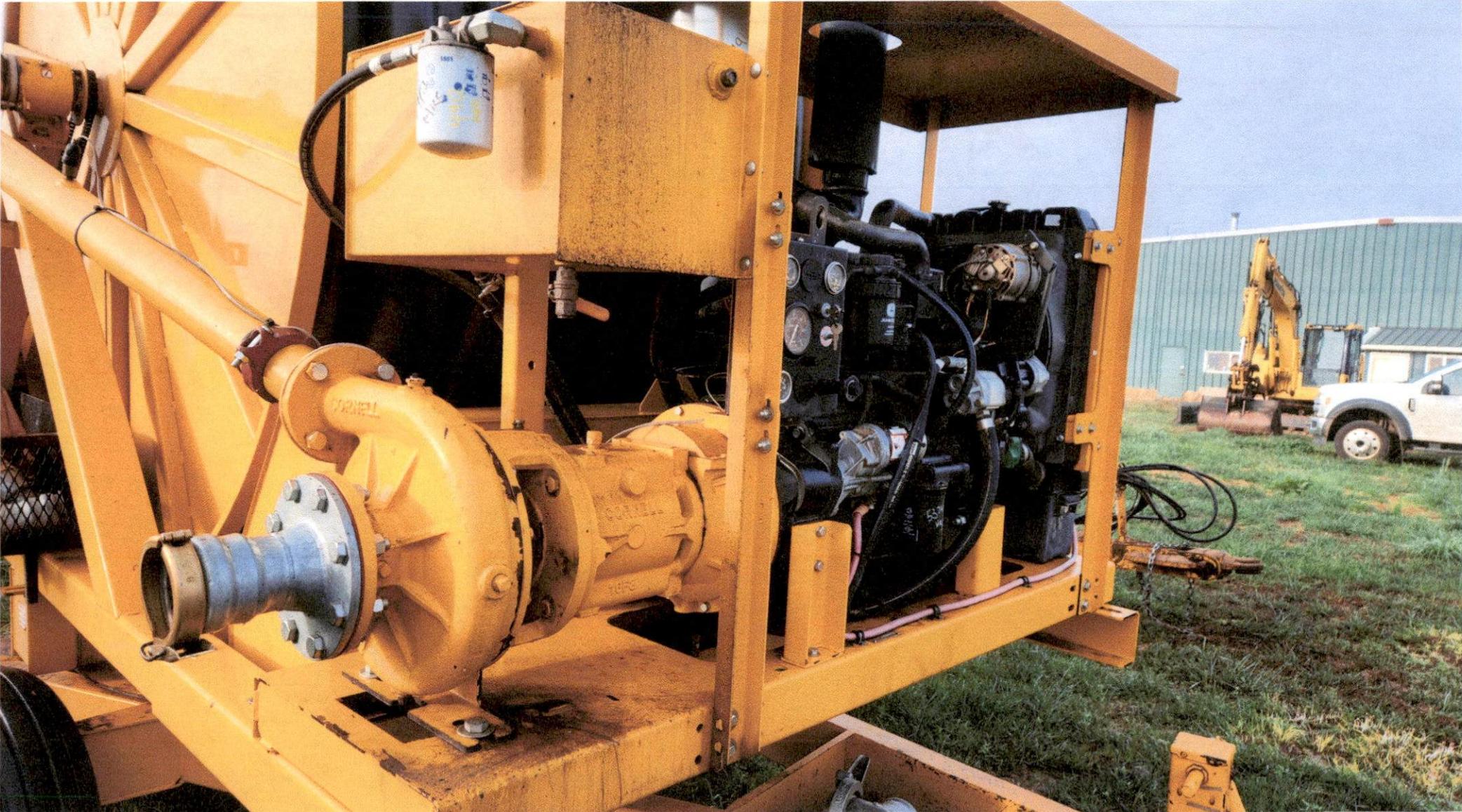


Received by OWRD

FEB 26 2026

Salem, OR

Traveler Reel - 10/9/25 - Berger-CoBU



Received by OWRD
FEB 26 2026
Salem, OR

Booster pump on reel - 10/9/25 - Berger CoBU

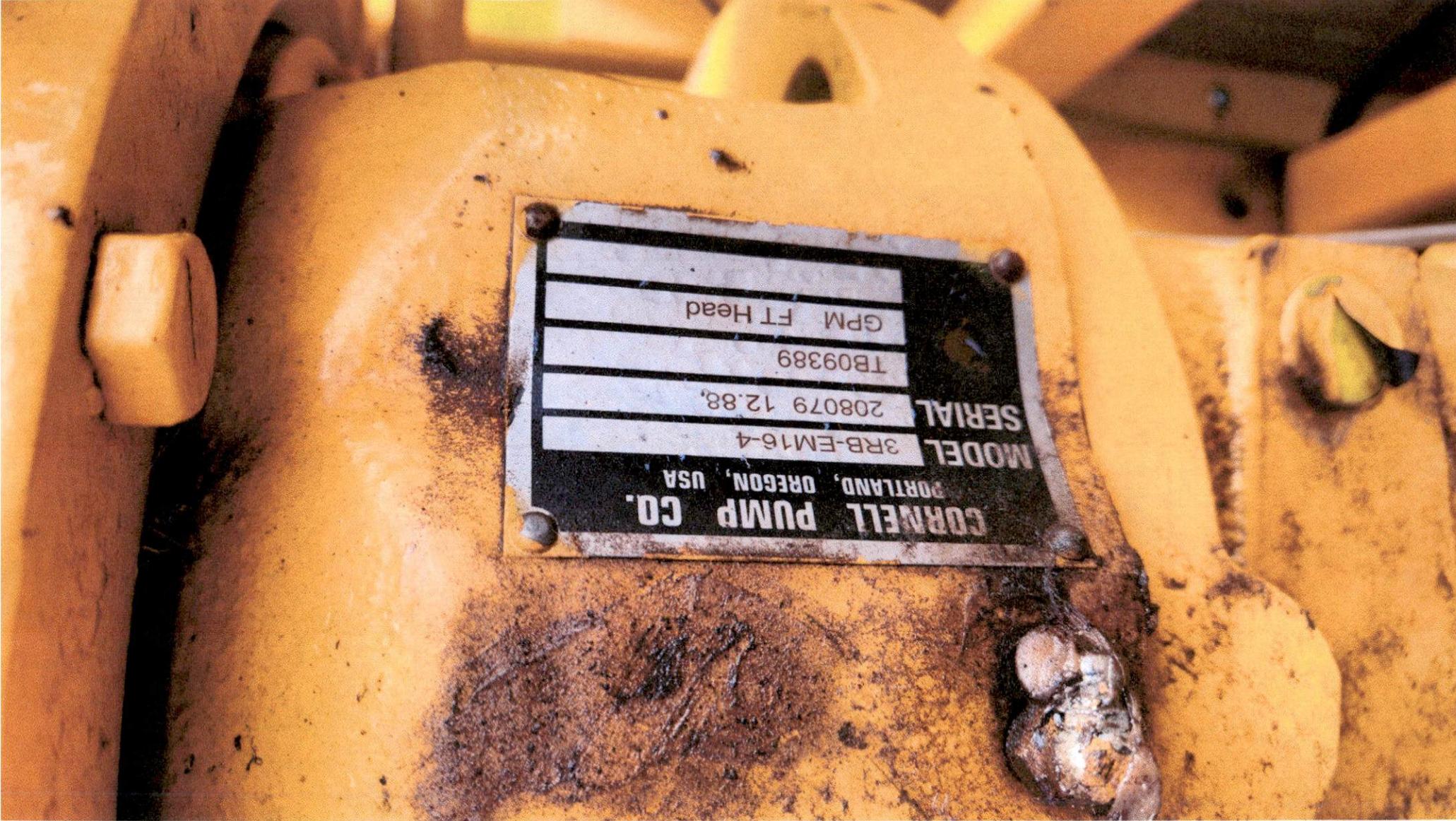
Booster pump tag - 10/4/25 - Berger cabin

Received by OWRD

FEB 26 2026

Salem, OR

CORNELL PUMP CO.
PORTLAND, OREGON, USA
MODEL 3RB-EM16-4
SERIAL 208079 12.88.
TB09389
GPM FT Head





Received by OWRD

FEB 26 2026

Salem, OR

Nelson Big Gun - 10/9/25 - Berger CoBU



Received by OWRD

FEB 26 2026

Salem, OR

Big gun nozzle 0.9-1.1" - 10/9/25 - Berger CoBU



Received by OWRD
JUL 26 2026
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: KA Berger Farms Inc.
PO Box 1359 Hillsboro OR 97123

Transaction Type: Claim

Fees Received: \$ 345.00

Cash Check: Check No. 2548
Name(s) on Check: Will McGill Surveying

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: Corie Lowrie
(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.