



# 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](http://www.wrd.state.or.us)

Dear Applicant:

The Oregon Water Resources Department received your application for a permit to use or store water. Your application has been assigned file number S-88767. Please refer to this number when contacting the Department. A description of the steps that must be followed when processing an application has been included on the reverse side of this letter.

The Department's goal is to process applications within statutory deadlines. As you can see, the first step in the process is for you to receive an Initial Review. Recently, surface water and reservoir applications have been receiving their Initial Reviews in approximately two to three months, whereas groundwater applications have been averaging approximately six to eight months.

Your application is subject to review and comment from other state agencies and interested parties.

**Please keep in mind that the filing of an application for a permit to use or store water does not allow you to use or store water. Water may be used or stored only after a permit is issued.**

I will be coordinating the processing of your application. If you have any questions, please contact me at [Elisabeth.A.Graham@oregon.gov](mailto:Elisabeth.A.Graham@oregon.gov) or 503-986-0808.

**NOTE: The Department of State Lands requests that all applicants requesting to store water complete the enclosed form and return it to the Department of State Lands at the address shown on the form. If you have any questions about the form or how your reservoir might affect wetlands, please contact the Department of State Lands.**

Sincerely,

Lisa Graham

Water Right Application Specialist

## Water-Use Permit Application Processing

### **1. Initial Review**

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An initial review containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$225. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### **2. Public Notice**

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at [www.wrd.state.or.us](http://www.wrd.state.or.us). The public comment period is 30 days from publication in the weekly notice.

### **3. Proposed Final Order Issued**

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the initial review report, the Department issues a proposed final order explaining the proposed decision to deny or approve the application. A proposed final order proposing approval of an application will include a draft permit.

### **4. Public Notice**

Within 7 days of issuing the proposed final order, the Department gives public notice in the weekly notice. Notice includes information about the application and the proposed final order. Protest must be received by the Department within 45 days after publication of the proposed final order in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants.

### **5. Final Order Issued**

If no protests are filed, the Department can issue a final order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitation or conditions that the Department deems appropriate. Protests are filed on approximately 10% of the proposed final orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

If no protest is filed and if the applicant does not request any administrative holds, the approximate total processing time is nine months for surface water and reservoir applications and 14 months for ground water applications.

### Processing of Applications for Alternate Reservoirs and the Use of Stored Water Exclusively

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to ensure that any person may submit detailed information requesting the Department deny an application based on injury to existing water rights or based on significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

The Department issues a Final Order within 180 days of the priority date (i.e., date of submission of the application). The Department recommends applicants not schedule excavation work or otherwise expend financial resources until an ODFW fish passage plan and the alternate reservoir application have been approved.



**Oregon Water Resources Department**  
**Stored Water Only Applications - Expedited Secondary**

- [Main](#)      [Help](#)
- [Return](#)      [Contact Us](#)

Today's Date: Friday, April 12, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	1.5	\$70.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,110.00

OWRD Fee Schedule

Fee Calculator Version: B20170117



Laura A. Schroeder  
Oregon, Idaho,  
Nevada, Washington & Utah

Therese A. Ure  
Oregon & Nevada

Sarah R. Liljefelt  
Oregon,  
California & Utah

William F. Schroeder  
(1928 - 2015)



Lindsay M. Thane  
Oregon, Washington & Montana

Jakob S. Wiley  
Oregon

Wyatt E. Rolfe  
Of Counsel  
Oregon & Washington

James Browitt  
Of Counsel  
Idaho & Washington

April 8, 2019

**VIA U.S. MAIL**

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

**RE: Apex BioSciences, LLC: Surface Water Application**

To Whom It May Concern:

Enclosed on behalf of Apex BioSciences, LLC, please find an Application for a Permit to Use Surface Water along with the required attachments, including a Land Use Information Form completed by Lane County.

Also enclosed is a check in the amount of \$1,110.00 constituting the application fee.

Upon submission of this application to the Oregon Water Resources Department, we will no longer be assisting with this application or acting as the agent for Apex BioSciences, LLC. Please contact Shan Umer at (949) 478-9577 if anything further is needed to accept this application.

Very truly yours,  
SCHROEDER LAW OFFICES, P.C.

Lindsay M. Thane  
Laura A. Schroeder

LMT:rsh

Enclosures

cc: Client  
Steve Bruce (*via email only*)

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1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com



# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME Apex BioSciences, LLC		PHONE (HM)	
PHONE (WK) (949) 478-9577	CELL	FAX	
ADDRESS 17207 Ventura Blvd., Suite 2			
CITY Encino	STATE CA	ZIP 91316	E-MAIL *

### Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

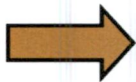
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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



Prashant Raj  
Applicant Signature

Prashant Raj, President  
Print Name and Title if applicable

09/07/2018  
Date

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For Department Use: App. Number: 5-88747

**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

N/A

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

1. T. 18S, R. 5W, Sec. 1, tax lot 106
2. N/A
3. T. 18S, R. 5W, Sec. 1, tax lots 101 and 106; T. 18S, R. 4W, Sec. 6, tax lot 106

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Unnamed Reservoir	Tributary to: Coyote Creek
TRSQQ of POD: T. 18S, R. 5W, Sec. 1, tax lot 106 NE NE	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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**B. Applications to Use Stored Water**

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Do you, or will you, own the reservoir(s) described in Section 3A above?

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- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your

For Department Use: App. Number: 5-88767



intent to file this application, which should have been mailed or delivered to the operator.)

If all sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
  - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

Is the POD located in an area where the Upper Columbia Rules apply?

- Yes  No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to

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determine if the proposed use complies with existing state and federal water quality standards.

- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

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

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

If yes, provide the following information (the information must be provided with the application to be considered complete).

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

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

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes  No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Unnamed Reservoir	Supplemental Irrigation	March 1 to October 31	1.5 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

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			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: \_\_\_\_\_ Acres      Supplemental: 53.4 Acres

If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): Groundwater Application G-18733 and Application G-18480, both of which are pending with OWRD, and to the extent either or both are approved, in whole or in part, this application is intended to be supplemental.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1.5 AF

- If the use is municipal or quasi-municipal, attach Form M
- If the use is domestic, indicate the number of households: \_\_\_\_\_
- If the use is mining, describe what is being mined and the method(s) of extraction: \_\_\_\_\_

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): Water will be pumped from the pond into a water supply line based upon
- the amount of water needed to feed the system and as may be determined necessary.

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

\_\_\_\_\_

Water from the pond will be pumped into a 3 inch water supply line that will then feed into the irrigation system. The irrigation system is anticipated to be made up of twenty or more zones. The irrigation zones will have ½ inch tubing with built-in emitters to distribute the water to the plants. The water supply lines may also feed overhead sprinklers that can irrigate crops.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Drip emitters and sprinklers

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The proposed source of water is off-channel stored water from runoff and precipitation, and is a small amount of water that will supplement the use of groundwater. The rate and duty of water proposed are standard for farm operations at the location (1/80 cfs/acre; 2.5 af/acre) and irrigation will be made using a drip irrigation system, with some sprinkler system, to meet irrigation needs without waste.

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**SECTION 7: RESOURCE PROTECTION**

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: N/A as the reservoir from which water will be used is off-channel

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: N/A

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: N/A

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe planned actions: N/A

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

N/A

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: Upon permit issuance
- b) Date construction will be completed: Within 5 years of permit issuance
- c) Date beneficial water use will begin: Within 5 years of permit issuance

**SECTION 9: WITHIN A DISTRICT**

- Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

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## Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (must be an original) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$1,110.00 \_\_\_\_\_  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Surface Water — Page 7

Rev. 06-18

# Water-Use Permit Application Processing

## 1. Completeness Determination

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

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

## 3. Public Notice

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

## 4. Proposed Final Order Issued

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

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

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

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# Land Use Information Form



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

## NOTE TO APPLICANTS

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

This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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# Land Use Information Form



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

Applicant: Apex BioSciences, LLC  
First Last

Mailing Address: 17207 Ventura Blvd., Suite 2

Encino CA 91316 Daytime Phone: 949-478-9577  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
18 S	5 W	1	NE NE	106	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
18 S	5 W	1	NE NE	101	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
18 S	4 W	6	NW NW	101	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

*Tax lot does not exist* →

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

Lane County

## B. Description of Proposed Use

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

- Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Groundwater Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

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

Estimated quantity of water needed: 1.5     cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

Water stored from a reservoir on the property will be used as supplemental irrigation on 53.4 acres.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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## For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Law Code 16.212(3)(a)

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

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

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

*LC 16.212(3)(a) Farm Use is permitted outright  
no structures are proposed or approved by this  
sign off*

Name: Buchel Serstev Title: Planner

Signature: *[Signature]* Phone: 541-682-6903 Date: 9/11/2018

Government Entity: Law County

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

*[Signature]*

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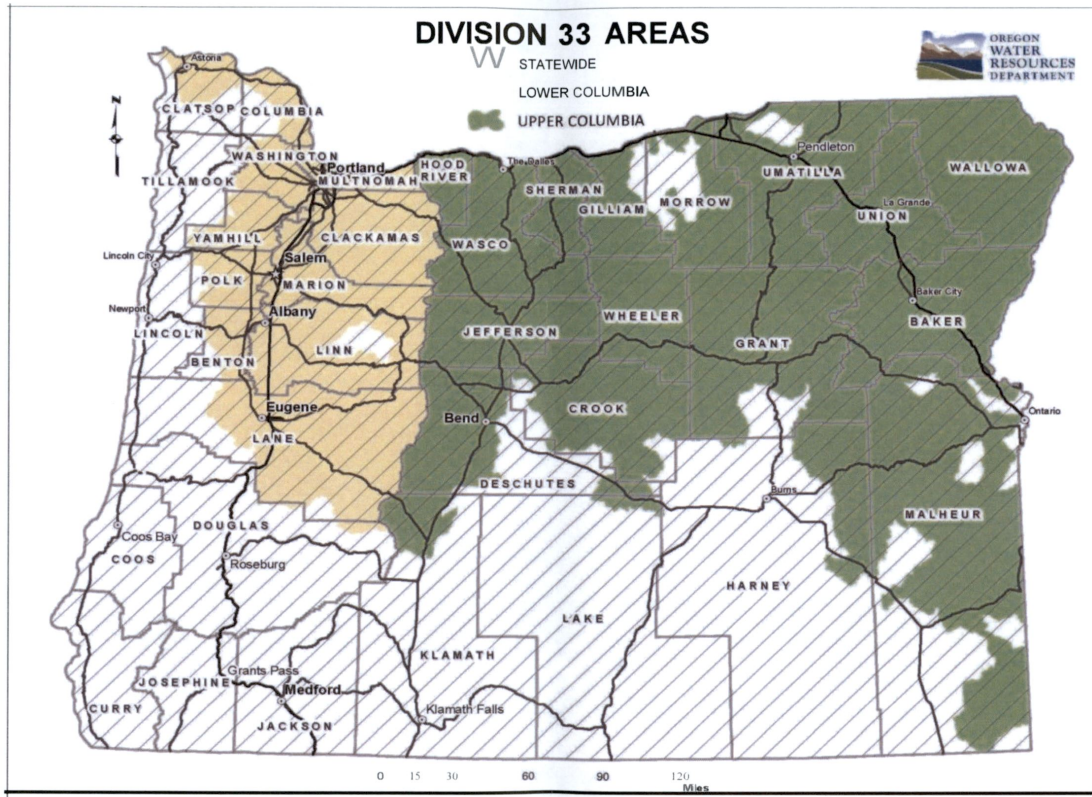
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Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: [https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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(P0409654; 1498.00 RSH)

AFTER RECORDING RETURN TO:  
CASCADE TITLE COMPANY  
811 WILLAMETTE ST, EUGENE, OR 97401



Lane County Clerk  
Lane County Deeds and Records

2018-037950



\$97.00

08/14/2018 02:49:33 PM

RPR-DEED Cnt=1 Stn=41 CASHIER 04  
\$15.00 \$11.00 \$61.00 \$10.00

TITLE NO. 0309055 *MM*  
ESCROW NO. EU18-1950  
TAX ACCT. NO. 849452  
MAP/TAX LOT NO. 18-05-01-00-00106 *REC*

**GRANTOR**

THE GRAHAM FAMILY TRUST, dated May 29, 2014 and CANTRELL FARMS, LLC

**GRANTEE**

APEX BIOSCIENCES, LLC  
17207 VENTURA BLVD., SUITE 2  
ENCINO, CA 91316

Until a change is requested  
all tax statements shall be  
sent to the following address:  
\*\*\*SAME AS GRANTEE\*\*\*

After recording return to:  
CASCADE TITLE CO.  
811 WILLAMETTE  
EUGENE, OR 97401

**WARRANTY DEED -- STATUTORY FORM**

**JORDAN GRAHAM AND HOLLY GRAHAM, Trustees under THE GRAHAM FAMILY TRUST, dated May 29, 2014 and CANTRELL FARMS, LLC, Grantor,**

conveys and warrants to

**APEX BIOSCIENCES, LLC, an Oregon Limited Liability Company, Grantee,**

the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The true consideration for this conveyance is \$1,250,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

Covenants, Conditions, Restrictions, Easements and Rights of Way of record, if any.

Dated this 6<sup>th</sup> day of Aug, 2018.

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THE GRAHAM FAMILY TRUST, dated May 29, 2014

CANTRELL FARMS, LLC

BY: [Signature]  
JORDAN GRAHAM, TRUSTEE

BY: [Signature]  
JORDAN JACOB GRAHAM, MEMBER

BY: [Signature]  
HOLLY GRAHAM, TRUSTEE

BY: [Signature]  
HOLLY ANNE GRAHAM, MEMBER

State of Oregon  
County of Lane

This instrument was acknowledged before me on Aug 6, 2018 by JORDAN GRAHAM AND HOLLY GRAHAM, Trustees under THE GRAHAM FAMILY TRUST, dated May 29, 2014 and JORDAN JACOB GRAHAM AND HOLLY ANNE GRAHAM, MEMBERS OF CANTRELL FARMS, LLC.



[Signature]  
(Notary Public for Oregon)  
My commission expires 8/17/21

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Exhibit A

PARCEL 1:

A parcel of land lying in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West and the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian, said parcel being more particularly described as follows: Beginning at the East 1/4 corner of said Section 1; thence North 0° 10' 57" East 1327.60 feet to a 5/8" iron rod; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence 89° 38' 05" West 323.47 feet to a 5/8" iron rod; thence South 89° 30' 22" West 567.06 feet to a point; thence North 1258.41 feet to a point; thence West 352.74 feet to a 5/8" iron rod; thence North 52° 50' 58" West 231.69 feet; thence North 289.76 feet to a point on the Southerly margin of County Road No. 323 (Cantrell Road); thence along said Southerly margin, North 89° 45' 45" East 537.41 feet; thence continuing along said Southerly margin, North 89° 49' 45" East 1082.64 feet to a 5/8" iron rod; thence continuing along said margin, South 89° 01' 53" East 446.06 feet to a 5/8" iron rod; thence leaving said Southerly margin, South 6° 15' 58" East 491.95 feet to a 5/8" iron rod; thence South 30° 00' 21" West 280.75 feet; thence South 43° 32' 03" West 527.18 feet to a 5/8" iron rod; thence South 0° 10' 57" West 86.07 feet to a 5/8" iron rod; thence South 44° 28' 59" West 73.24 feet to a 5/8" iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

LESS AND EXCEPT: A parcel of land lying in the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian and in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West of the Willamette Meridian, said parcel being more particularly described as follows: Commencing at the East 1/4 corner of said Section 1; and run thence North 0° 10' 57" East along the Easterly line of said Section 1327.60 feet; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence North 89° 38' 05" West 323.47 feet; thence North 0° 10' 57" East 325.00 feet; thence North 64° 45' 17" East 481.79 feet; thence North 43° 32' 03" East 600.89 feet; thence North 30° 00' 21" East 266.87 feet; thence North 06° 15' 58" West 485.93 feet to a point on the Southerly line of Cantrell Road; thence along said Southerly line South 89° 01' 53" East 30.24 feet; thence South 06° 15' 58" East 491.95 feet; thence South 30° 00' 21" West 280.25 feet; thence South 43° 32' 03" West 527.18 feet to a point on first said Easterly line of said Section 1; thence, along said line South 0° 10' 57" West 86.07 feet; thence South 44° 28' 59" West 73.24 feet; to a 5/8 inch iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

PARCEL 2:

A parcel of land lying in the Northwest 1/4 of Section 6, Township 18 South, Range 4 West of the Willamette Meridian and in the Northeast 1/4 of Section 1, Township 18 South, Range 5 West of the Willamette Meridian, said parcel being more particularly described as follows: Commencing at the East 1/4 corner of said Section 1; and run thence North 0° 10' 57" East along the Easterly line of said Section 1327.60 feet; thence North 89° 38' 05" West 186.75 feet to the true point of beginning; thence North 89° 38' 05" West 323.47 feet; thence North 0° 10' 57" East 325.00 feet; thence North 64° 45' 17" East 481.79 feet; thence North 43° 32' 03" East 600.89 feet; thence North 30° 00' 21" East 266.87 feet; thence North 06° 15' 58" West 485.93 feet to a point on the Southerly line of Cantrell Road; thence along said Southerly line South 89° 01' 53" East 30.24 feet; thence South 06° 15' 58" East 491.95 feet; thence South 30° 00' 21" West 280.25 feet; thence South 43° 32' 03" West 527.18 feet to a point on first said Easterly line of said Section 1; thence, along said line South 0° 10' 57" West 86.07 feet; thence South 44° 28' 59" West 73.24 feet; to a 5/8 inch iron rod; thence South 72° 20' 43" East 50.00 feet; thence South 17° 39' 17" West 60.00 feet; thence North 72° 20' 43" West 50.00 feet; thence South 17° 39' 17" West 391.61 feet to the true point of beginning, all in Lane County, Oregon.

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