

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

Organization

NAME K.A. BERGER FARMS INC. ATTN: REBECCA BERGER		PHONE (503) 209-5449	FAX
ADDRESS P.O. BOX 1359			CELL
CITY HILLSBORO	STATE OR	ZIP 97123	E-MAIL * becky@bergerseed.com

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

AGENT / BUSINESS NAME ELIZABETH HOWARD SCHWABE, WILLIAMSON & WYATT		PHONE (503) 796-2093	FAX
ADDRESS 1211 SW FIFTH AVENUE, SUITE 1900			CELL
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL * EHOWARD@SCHWABE.COM

Note: Attach multiple copies as needed

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


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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

	Rebecca Berger, President	11/9/2020
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

Oregon Department of Transportation, 455 Airport Road SE, Salem, OR 97301 (permit for pipeline under Bellevue-Hopewell Highway 153)

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

SECTION 3: SOURCE OF WATER

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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):

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Source 1: Berger Reservoir Constructed Under Application R-88742, Permit R-15431	Tributary to: Deer Creek
TRSQQ of POD: 1820 feet North and 1860 Feet West from the SE Corner Section 22, T5S, R5W, Section 22	

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).
Application R-88742, Permit R-15431

B. Applications to Use Stored Water

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

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

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

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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 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 NA The use is for 25.0 AF of water stored in a reservoir authorized by the Department under Application R-88742, Permit R-15431

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:

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Statewide - OAR 690-033-0330 thru -0340

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

Yes No NA The use is for 25.0 AF of water stored in a reservoir authorized by the Department under Application R-88742, Permit R-15431

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
Berger Reservoir	Primary Irrigation	March 1 through October 31	<input type="checkbox"/> cfs <input type="checkbox"/> gpm 25.0 <input checked="" type="checkbox"/> af

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

Primary: 295.0 Acres Supplemental: None Acres

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

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 25.0 acre-feet each year, with the place of use rotating each year within the requested place of use.

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): hp to be determined; centrifugal
- Other means (describe): _____

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

Water will be pumped from the POD using an intake placed in the reservoir. The water will be forwarded by a pipeline to the place of use. A permit has been secured from Oregon Department of Transportation for the permanent installation of a pipeline under the Bellevue-Hopewell Highway. The pipeline will include a flowmeter.

B. Application Method

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

Water will be applied using drip lines, wheel lines, low pressure sprinklers, high pressure sprinklers, linear irrigation equipment and/or hand lines, depending on the crop.

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 stored water will be used to promote the growth of crops needing minimal irrigation such as grass seed, small grains and red clover. For example, applying several inches of irrigation water to grass seed for approximately 2 weeks in the Willamette Valley during the irrigation season significantly increases crop yields. Given the limited volume of water stored in the reservoir, crops will be rotated selectively so that

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approximately 1/5th of the place of use will need to be irrigated each year so that the full place of use is irrigated once every 5 years. Areas that will not be irrigated in a specific year will be fallowed or be used to grow crops that do not need to be irrigated. See additional information in the Section 10 Remarks.

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: Not applicable. Water is already stored in the reservoir.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation:
The reservoir is located off-channel so no riparian or streamside areas exist.
- 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: Not applicable.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Water will be applied to the place of use at agronomic rates, and the duty to be applied will typically be well under 1 acre-foot/acre.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
A permit from the Oregon Department of Transportation to install a pipe under the Bellevue-Hopewell Highway has been obtained.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: As soon as a permit is issued.
 b) Date construction will be completed: 5 years after permit issuance
 c) Date beneficial water use will begin: March 1, 2021

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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 NA	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*). Our experience in farming this area for decades indicates 2 or 3 inches of water would significantly improve the yields of the crops we now typically grow without irrigation. Without irrigation water, we must plant the crops at times when it is forecasted that there will be a sufficient quantity of spring or fall rain.

As indicated in Section 6c, we plan to rotate the irrigation around the proposed place of use and irrigate a specific area at least once every 4 to 5 years. This rotation will be compatible with our farming practices because we regularly rotate crops to maintain and enhance the health of our fields.

Using a 4 to 5-year cycle for irrigation, the area selected for irrigation each year could receive 4 to 5 inches/acre of water as indicated by the calculations below. We believe this plan is conservative and sustainable because it provides more than the 2 to 3 inches of irrigation described above that our crops typically need to experience beneficial growth. In addition, we recognize that in some years the reservoir may not completely fill and we may end up with less than the indicated inches being available for irrigation that year. Furthermore, we could irrigate more than the projected acres in a year if the crop demand is less than 4 to 5 inches, recognizing that the maximum amount of water that could be used in any year is 25.0 acre-feet.

4-Year Rotations

295.0 acres/4 = 73.75 acres/year 25.0 AF/73.75 acres = 0.34 feet, which is approximately 4 inches

5-Year Rotations

295.0 acres/5 = 59.0 acres/year 25.0 AF/59.0 acres = 0.42 feet, which is approximately 5 inches

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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: \$ 1746.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form
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Land Use Information Form



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

Applicant

NAME K.A. BERGER FARMS INC. ATTN: REBECCA BERGER			PHONE (HM)		
PHONE (WK) (503)209-5449		CELL		FAX	
ADDRESS P.O. BOX 1359					
CITY HILLSBORO		STATE OR	ZIP 97123	E-MAIL* BECKY@BERGERSEED.COM	

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:
See						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
Attached						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
List						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Yamhill 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: 25.0
 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 will be diverted from an existing reservoir to irrigate crops needing limited irrigation such as grass seed.

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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ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: K.A. Berger Farms Inc.

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
5 S	5 W	22	NW SE	100		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
5 S	5 W	22	SW SE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
5 S	5 W	27	NW NE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
5 S	5 W	27	SW NE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	SW NW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	SE NW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	NE SW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
5 S	5 W	27	NW SW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	SW SW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	SE SW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	NW SE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	27	SW SE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	28	NE SE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5 S	5 W	28	SE SE	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation

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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.

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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): YCZO 402.02(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.

NAME <u>Desiree Lundeen</u>	TITLE: <u>Assistant Farmer</u>
SIGNATURE 	PHONE: <u>(503) 434-7516</u>
GOVERNMENT ENTITY <u>Yamhill County</u>	DATE: <u>11/6/2020</u>

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

Receipt for Request for Land Use Information

Applicant name: K.A. Berger Farms Inc.

City or County: Yamhill County Staff contact: Desiree Lundeen

Signature: Phone: (503) 434-7516 Date: 11/03/2020

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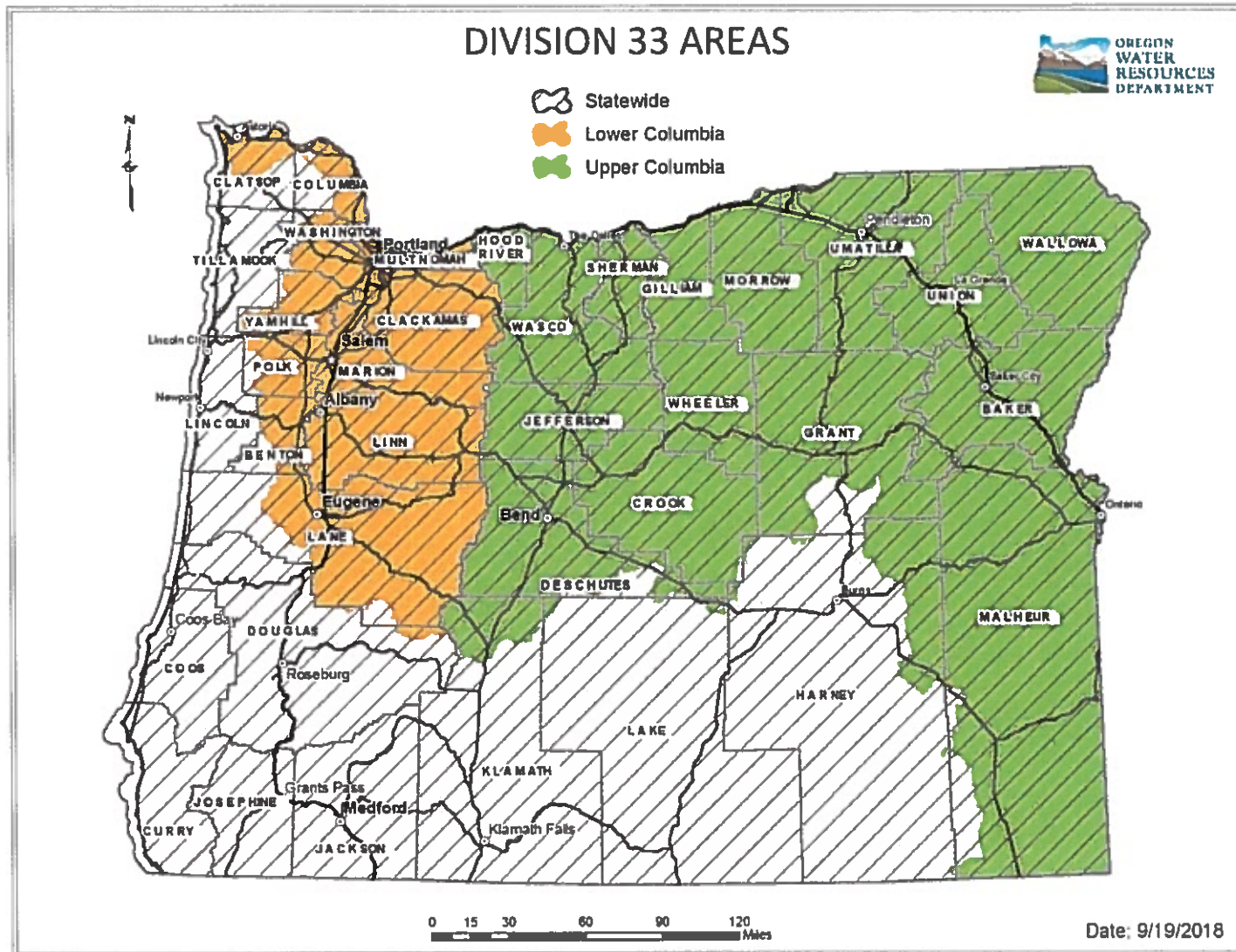
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Figure 1: Map of Division 33 Areas



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/

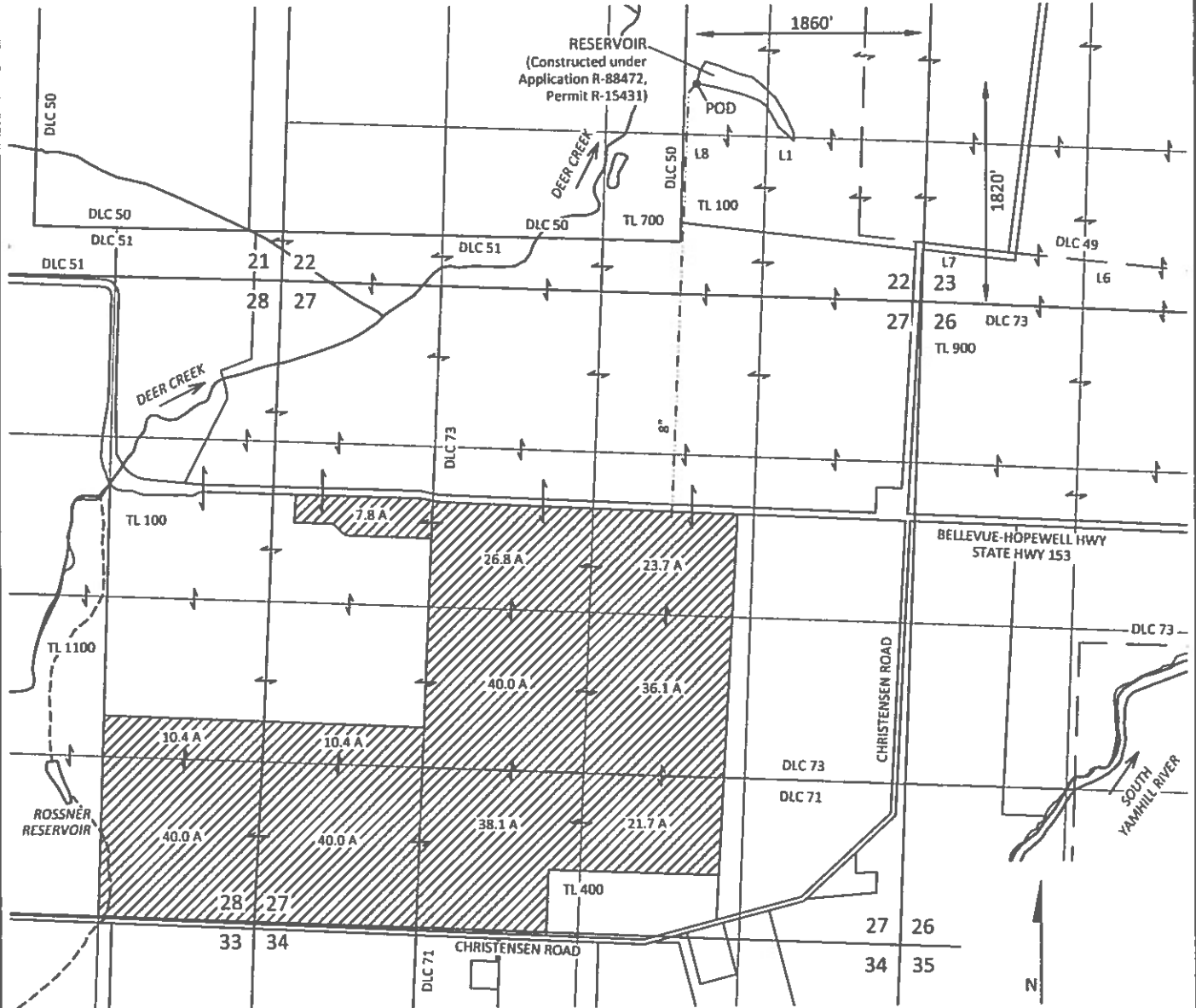
Sections 22, 27 & 28, T5S, R5W, W.M.,
Yamhill County, Oregon

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APPLICATION TO USE STORED WATER
K.A. Berger Farms Inc.

OWRD



EXPLANATION



PROPOSED PLACE OF USE
IRRIGATION - 295.0 ACRES



POINT OF DIVERSION (POD)



PIPE

SCALE



1 INCH = 1320 FEET

October 30, 2020

This map is not intended to
provide legal dimensions or
locations of property
ownership lines

Figure 1



111 SW Fifth Ave., Suite 2400
Portland, OR 97204
O: 503.227.3251
F: 503.274.4681
www.kpff.com

KPFF Job No. 1700014.75

STATE OF OREGON
 COUNTY OF YAMHILL
 PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

K A BERGER FARMS INC.
 PO BOX 1359
 HILLSBORO OR 97123

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88742

SOURCE OF WATER: RUNOFF, TRIBUTARY TO DEER CREEK

STORAGE FACILITY: BERGER RESERVOIR

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 9.9 FEET

MAXIMUM VOLUME: 25.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: SEPTEMBER 17, 2019

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	22	NW SE	1880 FEET NORTH AND 1850 FEET WEST FROM SE CORNER, SECTION 22

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
5 S	5 W	WM	22	NE SE
5 S	5 W	WM	22	NW SE
5 S	5 W	WM	22	SE SE

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1. Water Use Measurement, Recording, and Reporting Condition:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.

- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8” for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
 3. The permittee shall pass all live flow outside the storage season described above.
 4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
 5. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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5. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
6. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
7. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
8. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
9. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued MAR 10 2020



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

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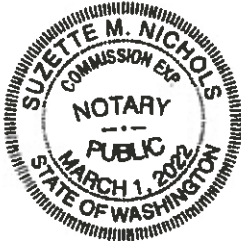
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215010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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.

person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: October 31, 2019


Notary Public in and for the State of
Washington, residing at Clark County
My appointment expires 3-1-22



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EXHIBIT A

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Yamhill,
STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:**

PARCEL 1:

A part of the Miriam Payne Donation Land Claim #73 and the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at a stone on the South line of Claim #73 and 16.47 chains East of the Southwest corner of said Claim; thence North 00°8' West, 33.19 chains to a stone in the center of the County Road; thence South 89°23' East along the center of said road, 22.24 chains to a stone; thence South 1°03' West, 45.88 chains to the Northeast corner of a 16.92 acre tract conveyed by L.A. Courtemache et al. to Merl C. Brown and wife by deed recorded May 31, 1944 in Book 124, Page 423, Deed Record; thence West along the North line of said Brown tract, 21.38 chains to the Northwest corner of said Brown tract; thence North 16' East, 12.88 chains to the place of beginning.

PARCEL 2:

Part of the Aaron Lynch Donation Land Claim, Notification #2381 in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at an iron shaft 1 1/4 inches by 18 inches set at a point 4.70 chains East of the corner to Sections 27, 28, 33 and 34 in said Township and Range; thence North 24' West, 24.90 chains; thence South 89°58' West, 24.112 chains; thence South 25.00 chains to the South line of said Claim; thence East 24.98 chains to the place of beginning.

PARCEL 3:

Part of the Miriam Payne Donation Land Claim #73 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as: Beginning at a stone at the Southwest corner of said Donation Land Claim and running thence East 16.48 chains to a stone; thence North 33.19 chains to a point in County Road 30 feet North of a stone set for witness corner; thence North 89 1/4° West 16.61 chains to a stone set in County Road on the West line of said Donation Land Claim; thence South 33.40 chains to the place of beginning .

PARCEL 4:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at the Northeast corner of the land conveyed by David Lynch and wife to J. F. Spencer by Deed dated November 3, 1879 and recorded in Volume "S", Page 408, Deed Records of Yamhill County, Oregon; thence running North 30.00 chains to the land conveyed by Aaron Lynch and wife to Hathaway Yocum by deed dated December 17, 1868 and recorded in Volume "I", Page 202 of the Deed Records of Yamhill County, Oregon; thence West 40.00 chains; thence South 30.00 chains; thence East 40.00 chains to the place of beginning.

EXCEPT that portion conveyed to State of Oregon, by and through its Department of Transportation on January 15th, 1986 in Film Volume 201, Page 1568 and that portion conveyed to State of Oregon, by and through its Department of Transportation on December 21, 1986 in Film Volume 210, Page 156.

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PARCEL 5:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, and part of the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at an iron shaft 1 1/4 inches by 18 inches set 4.70 chains East of the corner to Sections 27, 28, 33 and 34 and on the South line of the Aaron Lynch Donation Land Claim; thence East along the South line of the said Lynch Donation Land Claim, and along the Section line between said Sections 27 and 34 above named, 32.083 chains to an iron rod 1/2 inch by 36 inches from which an oak 18 inches in diameter bears North 37°30' West 25 links distant; thence running North 20' East 21.126 chains to a stone set on the North line of the said Jacob Hampton Donation Land Claim and set for the Northeast corner of a certain 34 acre tract described in deed recorded at Page 105 of Book 43 of Deed Records for said Yamhill County, Oregon; thence South 89°54' West with the North line of said Hampton Donation Land Claim, 16.466 chains to a stone set for the Northwest corner of said Hampton Claim; thence North 22' West 3.80 chains to a stone set for the Northeast corner of that certain 100 acre tract described in deed recorded on Page 105, Book 43, Record of Deeds for said Yamhill County, Oregon; thence South 89°58' West along the true North line, of said 100 acre tract, 15.88 chains to an iron rod 1 inch by 36 inches in ground; thence South 24' East 24.90 chains to the place of beginning.

PARCEL 6:

Beginning at a point 29.83 chains West of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 32.50 chains to an iron pin in the County Road; thence North 89 1/4° West 65.2 links to a rock; thence North 75 links to a rock from which an oak bears North 41° West 104 links; thence West 28.71 chains to the Southeast corner of "Frost" Lands; thence North 25° East 10.51 chains to a post from which an oak bears South 75° East 18 links; thence North 7° West, 2 Chains; thence North 38°30' West 2.51 chains to an oak on the North bank of Deer Creek; thence North 67° East 4.12 chains; thence North 16.50 chains to a stone set on the South line of said George F. Hibler Donation Land Claim; thence East 21.92 chains to the place of beginning.

PARCEL 7:

Beginning at a point on the South line of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, 30.40 chains West of the Southeast corner of said Donation Land Claim, which is the Northwest corner of a 10 acre tract conveyed to E. P. Casey by Freeman L. Jones by deed recorded July 1, 1910 in Book 58, Page 474, Deed Records; thence South 32.50 chains to an iron pipe in County Road; thence South 89°05' East, 3.105 chains; thence North 32.25 chains to the South line of said Donation Land Claim; thence West 3.105 chains to the place of beginning.

PARCEL 8:

Beginning at the Southeast corner of the George F. Hibler Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, from which an oak 12 inches in diameter bears North 63° West 39.2 links distant; thence North 2.08 chains to the South line of Gunning

roadway; thence South 87° East along the South line of said roadway, 30.10 chains to the center of the County Road; thence South 2° West along the center of said roadway, 30.60 chains to the Northeast corner of School Lot; thence North 89°15' West, 3.16 chains to the Northwest corner of the School Lot; thence South 2° West, 3.16 chains to the center of County Road; thence North 89°15' West, 52.425 chains to the Southeast corner of the 10 acre tract heretofore sold to Ed Casey and Lilly Casey, his wife by deed recorded in Book 58, Page 474, Deed Records; thence North along the East line of said Casey tract, 32.50 chains to the Northeast corner of said Casey tract; thence East 26.725 chains to the place of beginning.

PARCEL 9:

Beginning at in point 2.49 chains North of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said beginning point being the Southwest corner of that certain tract conveyed by John J. Henderson to William Goffrier by deed recorded July 13, 1900 in Book 40, Page 55, Deed Records; thence South 87° East along the South line of said Wm. Goffrier's lands, 29.60 chains to the center of the County Road; thence South 2 1/4° West, 35 feet; thence North 87° West on a line parallel with said Goffrier's South line, 29.60 chains to the East line of said Donation Land Claim; thence North 35 feet to the place of beginning.

PARCEL 10:

Part of the Robert Henderson Donation Land Claim #49 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at the Northwest corner of said Donation Land Claim; thence running South 89°15' East along the road now there, 32.85 chains to the intersection of County Road running Southerly through said Donation Land Claim; thence South 21 1/2° West along the County Road last named, 34.85 chains; thence South and following along said road, 21 1/2° East, 9.08 chains; thence South 5 1/2° West following along said road 34.20 chains to the South line of said Donation Land Claim; thence North 84°45' West along the South line of said Claim, 19.38 chains to the Southwest corner of said Claim; thence North 74.70 chains along the West line of said Claim to the place of beginning.

PARCEL 11:

The Davis Boyce Donation Land Claim, Notification #6988, being Lot 1, Section 15 and Lots 1, 2, 3, 4, 5, 6, 7 and 8, Section 22, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon

EXCEPT 59.59 acre tract conveyed by John J. Henderson to Lewis K. Wallace by deed recorded August 28, 1869 in Book "I", Page 391, Deed Records;

ALSO EXCEPT a 30.59 acre tract conveyed by J. J. Henderson et ux. to Josephine Jones by deed recorded May 24, 1875 in Book "O", Page 217, Deed Records.

PARCEL 12:

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Being a part of the Robert Henderson Donation Land Claim #49, Notification #2383 in Section 23, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a point on the Westerly side of the re-located Stufield Bridge Section of Market Road #28, said point being 30 feet from and at right angles to center line Station #122+87.7 and said point being 40.06 chains South and 60.38 chains West from the Northeast corner of said Henderson Claim; thence North 24°08' West along the center of an old road now abandoned, 282.8 feet to angle; thence North 15°30' West 236.0 feet to angle; thence North 21°30' East, 315.0 feet to the Westerly margin of New location; thence Southerly following Westerly margin of New Location 30 feet from center line of an 8° curve with central angle of 27°06' for 139.4 feet to point 30 feet from and at right angles to center line Station 1 16+45/4; thence South 5°36' East, 642.3 feet to the place of beginning.

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APPLICATION AND PERMIT TO OCCUPY OR
PERFORM OPERATIONS UPON A STATE HIGHWAY
See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER
03M 45929

CLASS	KEY#
-------	------

GENERAL LOCATION Highway Name and Route Number: <u>SW Bellevue Hwy 153</u> Highway Number: <u>153</u> County: <u>Yumbull</u>		PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN) <input type="checkbox"/> POLE LINE TYPE <input type="checkbox"/> BURIED CABLE TYPE <input checked="" type="checkbox"/> PIPE LINE TYPE <u>Farm Irrigation</u> <input type="checkbox"/> NON-COMMERCIAL SIGN AS DESCRIBED BELOW <input type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW <u>65252287</u>	
BETWEEN OR NEAR LANDMARKS HWY REFERENCE MAP: <u>1000 West of SW Delashmuth LN</u> DESIGNATED FREEWAY IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR ODOT USE ONLY BOND REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE OAR 734-055-0035(2) AMOUNT OF BOND: <u>\$1,000</u> INSURANCE REQUIRED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERENCE OAR 734-055-0035(1) SPECIFIED COMP DATE: <u>3-1-2021</u>	
APPLICANT NAME AND ADDRESS <u>PR Miller Inc</u> <u>KH Berger Farms</u> <u>17765 Manning Rd</u> <u>16720 SW Bellevue Rd</u> <u>Harborside OR 97052</u> <u>Manningville OR 97124</u> Contractor Owner			

DETAIL LOCATION OF FACILITY (For more space attach additional sheets)

MILE POINT TO	MILE POINT	ENGINEERS STATION TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM CENTER OF PAVT	RAW LINE	BURIED CABLE OR PIPE DEPTH/VERT.	SIZE AND KIND	SPAN LENGTH
<u>2.00</u>	<u>2.10</u>			<u>90° crossing</u>	<u>4m</u>	<u>4m</u>	<u>48" min</u>	<u>12" Steel</u>	

DESCRIPTION OF DESIRED USE
Underground Bore for Irrigation Line. Minimum of 48" cover under Hwy.

SPECIAL PROVISIONS (FOR ODOT USE ONLY)

- TRAFFIC CONTROL REQUIRED: YES (OAR 734-055-0025(6)) NO
- OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED: YES (OAR 734-055-0100(2)) NO (OAR 734-055-0100(1))
- AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE Nick AT PHONE NO.: 503-996-2876 OR EMAIL OR FAX THIS PAGE TO THE DISTRICT OFFICE AT: _____ SPECIFY TIME AND DATE WORK IS TO OCCUR.
- A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.
- ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987. CALL BEFORE YOU DIG 1-800-332-2344

COMMENTS (FOR ODOT USE ONLY) ATTACHED SPECIAL PROVISIONS
Traffic Control
ATTACHED GENERAL PROVISIONS
Standards

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE <u>X</u>	TITLE	DATE
APPLICANT SIGNATURE <u>X</u> <u>Keb Miller</u>	APPLICATION DATE <u>Oct 19 2020</u>	TITLE <u>Press</u>
TELEPHONE NO. <u>503 999-1141</u>	DISTRICT MANAGER OR REPRESENTATIVE <u>X</u> <u>[Signature]</u>	APPROVAL DATE <u>10/21/2020</u>

When this application is approved by the Department, the applicant is expected to, accept and approve the terms and provisions contained and attached and the terms of Oregon Administrative Rules Chapter 734 Division 55 which is by this reference made a part of this permit.

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Effective Date: October 12th, 2020

Oregon Department of Transportation



PERMIT PERFORMANCE BOND

BOND NO

68252287

KNOW ALL MEN BY THESE PRESENTS, That we, KA Berger Farms Inc

an individual corporation, whose address is: PO Box 1359, Hillsboro, OR 97123

as Principal, and the WESTERN SURETY COMPANY Company, licensed to do

business in the State of Oregon, as surety, are held and firmly bound unto the Department of Transportation, in

the sum of One Thousand and 00/100 (\$1,000.00)

which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH WHEREAS, the Principal is under permit no. TBD from the Department of Transportation, to Direction boring to run pipe for irrigation water under a state highway

upon the 193 highway, between/at/near 16720 SW Belevue Hwy, McMinnville, OR

and in connection therewith must furnish a bond to the Department of Transportation.

NOW THEREFORE, if the Principal herein shall restore said highway right of way or property under the jurisdiction of the Department of Transportation to a condition required by the Department of Transportation as specified in the permit under which the work is being performed, then this obligation is to be void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, the said Principal has hereunto set the Principal's hand and seal, and the surety has caused these presents to be signed by its duly authorized officers and its corporate seal to be hereto affixed this 12th day of October 2020

KA Berger Farms Inc (PRINCIPAL)

BY Rebecca L. Berger

WESTERN SURETY COMPANY (SURETY)

BY Paul T. Brufiat, Vice President

ADDRESS Sioux Falls, SD 57117-5077

TELEPHONE (605) 336-0850

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SPECIAL PROVISIONS

FOR PIPELINE, BURIED CABLE AND MISCELLANEOUS PERMITS

OWRD

Applicant:	R&R Miller/KA Berger Farms	Route:	153	MP:	2.00-2.10
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ALL CHECKED (☒) PROVISIONS APPLY

- ☒ 1. All equipment shall be parked off the right-of-way or in areas acceptable to the District Manager or representative.
- ☒ 2. If a highway sign is impacted during construction contact Steve Barner, ODOT Sign Coordinator at 503-986-2890, cell 503-931-0986 before end of workday.
- ☒ 3. The Oregon Department of Transportation (ODOT) has the responsibility to manage physical custody of "personal property" that appears to have been abandoned within the ODOT right of way. "Personal property" for this purpose includes items that are reasonably recognized as belonging to individual persons and that have apparent utility. This may include books, photographs, personal documents such as identification and social security cards, camping equipment, bicycles, clothing, or miscellaneous junk (as defined in ORS 377.605). If during construction personal property is found and needs to be removed from the work area, ODOT must be contacted (refer to the contact listed on page one of this permit). ODOT will follow state guidelines to notify, schedule and remove the personal property that may appear to be forfeited, voluntarily abandoned and/or unclaimed. This process may take 14-30 days.
- ☒ 4. Any damage to ADA facilities within the ODOT right of way MUST be replaced to the current ODOT and ADA standards including a 7.5% design running slope and 1.5% design cross slope. If upon post construction inspection it is found that the running slope exceeds 8.3% or cross slope exceeds 2.0% the applicant will be required to remove and reconstruct the driveway, sidewalk or curb to standards.
- ☒ 5. A minimum cover of 48" is required for all high impact utilities (i.e. electrical, gas, buried cable and vaults).
- ☒ 6. Encasement of pressurized PVC water/sewer carrier pipe(s) under pavement is required. Casing shall be Ductile-iron or steel pipe with welded joints OR Applicant shall provide proof that encasement of the facility is unnecessary to maintaining the structural integrity of the roadway (documentation submitted shall be stamped by a registered Structural Engineer). The annular space between the carrier pipe and casing is to be filled with cement slurry (see attached drawing RD308).
- ☒ 7. All Local Agency or Consultant inspectors must be licensed and certified for electrical installations. Certification is a requirement for inspection of electrical installations on the State Highway System or installations ODOT will maintain by agreement. Electrical installations include, but are not limited to, traffic signals, illumination, variable message signs, road and weather information systems, video camera systems, and other intelligent transportation systems. ODOT certified electricians must be notified of any work being accomplished on ODOT controlled electrical installations.
- ☒ 8. Working within city limits: If working within city limits the "Local Government Official Signature" (At the bottom of application form 734-3457) is required.
- ☒ 9. All Borings under state highway must have a minimum of 48" of overlay. All PVC will be encased in a metal pipe.
- ☒ 10. The District Manager reserves the right to administer and/or amend requirements that in his/her opinion are necessary for public safety and/or betterment of the highway system.
- ☒ 11. Curb and Sidewalk removal and replacement:
 Gutter Bar Cuts shall be full depth cuts.
 Joints shall be pinned to new sidewalk and curb per ODOT Standards.
 Ramps and sidewalks to be constructed/repared in full panel sections (seem to seam) and meet ODOT and City Standards. If the panel is partially removed, cracked or damaged in any way, panel is to be completely removed prior to replacement.
 Sidewalk to be constructed/repared as per Oregon Standard Drawing RD720. 4" minimum aggregate base

required.

Ramp to be constructed/repared as per ODOT Standard Drawing RD725. 4" minimum aggregate base required.

If construction does not adhere to Oregon Standard Drawings, Drawings must be submitted for ODOT approval.

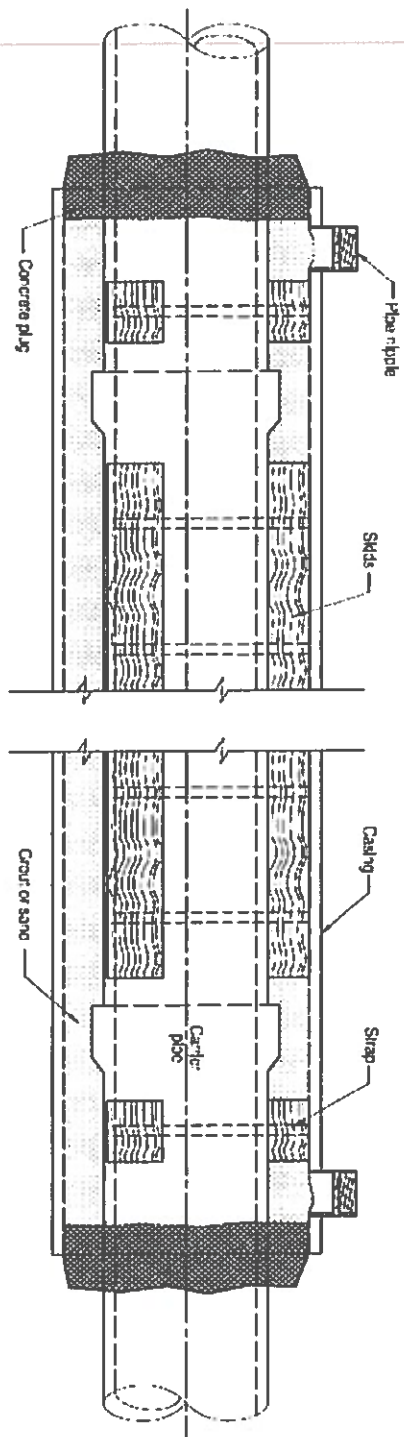
12. When construction activities block or interfere with normal pedestrian routing, provide safe passage for pedestrians either through the construction, or rerouted around the construction, utilizing ODOT Standard Drawing TM844 and the requirements of the 2015 Oregon Standard Specifications for Construction (Brown Book), page 141, subsection 00220.02, 8th bulleted item with reference to the subsequent bulleted items. When construction activities block or interfere with shoulders or bike Lanes, install a 48 inch "BICYCLES ON ROADWAY " sign in advance of each shoulder or bike lane closure

13. Applicant shall install the new driveways, sidewalk, curb, pedestrian ramps, truncated domes and turning spaces, according to current ODOT and ADA standards including a 7.5% design running slope, 1.5% design cross slope, and ramp wings at <10% slope. If upon post construction inspection it is found that the running slope exceeds 8.3% or cross slope exceeds 2.0%, or ramp wings exceed 10% the applicant will be required to remove and reconstruct the facility to meet standards

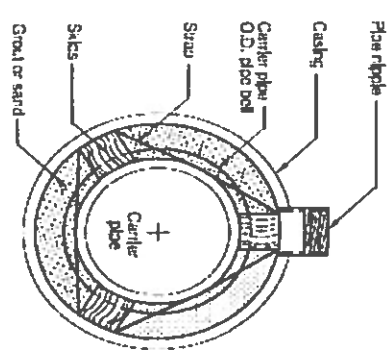
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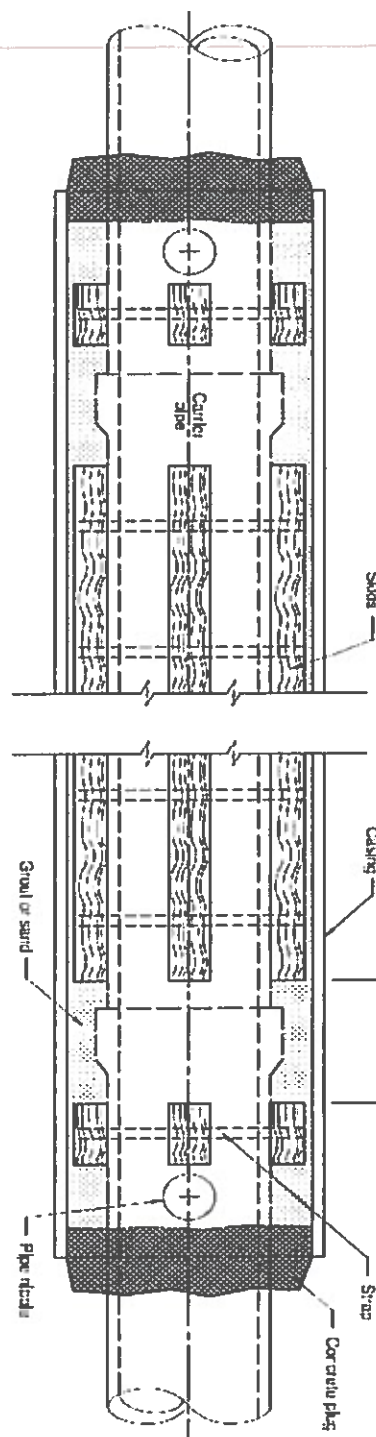
OWRD



ELEVATION



END VIEW



PLAN

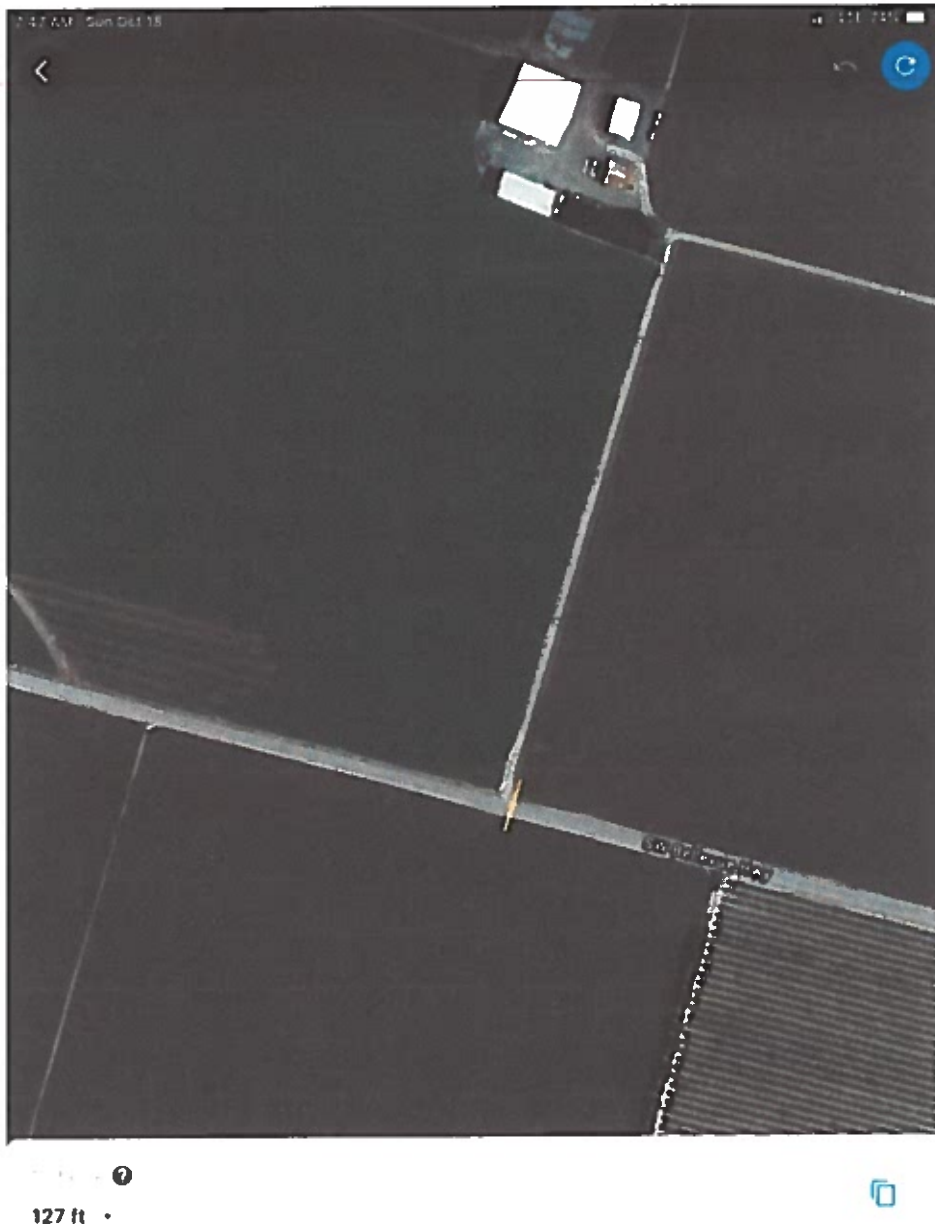
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- GENERAL NOTES FOR ALL DETAILS:**
1. Type, size, and location(s) of casing carrier pipe skirts, straps, pipe nipples, etc. are as required by the Engineer to meet site conditions.
 2. Plug ends of casing with commercial grade concrete.
 3. Block carrier pipe down or flood to resist flotation when filling annular space.
 4. Provide steel nipple at top of casing at each end of casing, for filling and venting filling operation. Size to accommodate volume of fluid or gas and site conditions (2" diameter minimum).
 5. Straw pressure treated wood or manufactured solids to place 3 skirts per pipe section. Skirts to support full length of pipe except bell.
 6. See Std. Dwg. RD308 for tracer wire details (When required).

The selection and use of this Standard Drawing, while designed in accordance with generally accepted engineering principles and practices, is the sole responsibility of the user and should not be used without consulting a Registered Professional Engineer.

DATE: 07-28-2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 OREGON STANDARD DRAWINGS
 BORE CASING DETAIL
 2015

03MI 45929



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