

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
 - Part 2 – Completed Transfer Application Map Checklist.
 - Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
 - Part 4 – Completed Applicant Information and Signature.
 - Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** Permit 522798 (tax lot 2100)
 Please include a separate Part 5 for each water right. (See instructions on page 6)
- Attachments:**
- Completed Transfer Application Map.
 - Completed Evidence of Use Affidavit and supporting documentation.
 - N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
 - N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
 - N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
 - N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
 - N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

Cert 24351 *JA*

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Part _____ is incomplete
<input type="checkbox"/> Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32’15.5”) or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 4 of 5 – Applicant Information and Signature

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Applicant Information

APPLICANT/BUSINESS NAME <i>Don Atwood</i>		PHONE NO. <i>503-327-9163</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>605 SE 26th Ave</i>			FAX NO.
CITY <i>Hillsboro</i>	STATE <i>OR</i>	ZIP <i>97123</i>	E-MAIL <i>donatwood@pplhoo.com</i>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:

water right POD originally was for land owned by one person, now POD is on one land and my water right is across others land.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

SEE ATTACHED explaining item

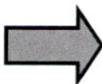
Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: *Oregonian*
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



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Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

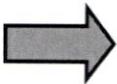
Describe any special ownership circumstances here: SEE Attached history explanation

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <i>Tillamook County</i>	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

[Signature]
Applicant signature

Don Atwood
Print Name (and Title if applicable)

5-22-2019
Date

Applicant signature

[Signature]
Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: _____.



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

For water right cert 24351 (permit 22798) completed in 1954, applicant and land owner Dean Ross was granted water rights from hatchery creek for multiple parcels he owned and specifically four tax lots, including tax lot 2100. The POD is a single source of water for all tax lots owned by him which was reasonable as he owned properties and could easily transport the water to each location and maintain the pipes as needed.

In May 2019 my family purchased tax lot 2100 which has this water right and is included as part of CERT 24351 (permit 22798) but access to the POD is upstream and will become difficult as the land ownership is now split between multiple families and the access to delivery pipes for improvements and repairs would now require legal easements across other land owners' lots.

Hatchery creek runs directly through my tax lot (2100) through the NW current of my lot and just downstream a bit from the current POD. I'm requesting permission to add a POD to be able to access that water directly on my land vs the current POD upstream. This is the same creek, the same water right, and the same intended usage but just directly on my lot to avoid the complexity of transporting the water via pipes across other owner's land.

The intended use and consumption will remain the same, it will be used for a small single-family residence as it was originally.

If you have any questions, please call me or email anytime.

Don Atwood

503-327-9163

donatwood@yahoo.com

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing in the document: Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

1 3 2 3 1

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 22798 AA

Description of Water Delivery System

System capacity: .02 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

24351

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD 1 <i>Hatchman Creek</i>	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1005	8	000	7-SW SE		1773.7 from SE corner of sec 7 T15 R8W W1
POD-2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		15	08	18	NW NE	2100	at NE corner of sec 18 834 1/2 1702 (w/...)
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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For water right cert 24351 (permit 22798) completed in 1954, applicant and land owner Dean Ross was granted water rights from hatchery creek for multiple parcels he owned and specifically four tax lots, including tax lot 2100. The POD is a single source of water for all tax lots owned by him which was reasonable as he owned properties and could easily transport the water efficiently to each location and maintained the pipes as needed.

In May 2019 my family purchased tax lot 2100 which has this water right and is included as part of CERT 24351 (permit 22798) but access to the POD is upstream and will become difficult as the land ownership is now split between multiple families and the access to delivery pipes for improvements and repairs would now require legal easements across other land owners' lots.

Hatchery creek runs directly though my tax lot (2100) through the NW corner of my lot and just downstream a bit from the current POD (same water just slightly downstream). I'm requesting permission to add a POD to be able to access that water directly on my land vs. the current shared POD upstream. This is the same creek, the same water right, and the same intended usage but just directly on my lot to avoid the complexity of transporting the water via pipes across other owner's land.

The intended use and consumption will remain the same, it will be used for a small single-family residence as it was originally.

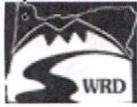
If you have any questions, please call me or email anytime.

Don Atwood

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donatwood@yahoo.com

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Oregon Water Resources Department Water Right Research Query

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- [Contact Us](#)

Cert:24351 OR *

POD Description

ROSS DEAN
RT 1 BOX 202
TILLAMOOK, OR 97141

Name: POD 1 - HATCHERY CREEK > WILSON RIVER
T-R-S-QQ: 1.00S-8.00W-7-SW SE
Location NONE GIVEN
Description:

POD Uses (Click to Collapse...)

DOMESTIC (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
2/4/1954	0.02	0.02					1/1	12/31	

Search Criteria

- Type of Water Right:**
- Ground Water
 - Surface Water
 - Storage

Distance from Stream(ft.):

Include Supplemental

Day in Year Month: 6 Day: 1

Priority Date 2/4/1954

Comparison Type Junior

Direction Upstream

Use Category (select All /None):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Agriculture | <input checked="" type="checkbox"/> Domestic |
| <input checked="" type="checkbox"/> Fish | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Irrigation | <input checked="" type="checkbox"/> Instream |
| <input checked="" type="checkbox"/> Livestock | <input checked="" type="checkbox"/> Mining |
| <input checked="" type="checkbox"/> Miscellaneous | <input checked="" type="checkbox"/> Municipal |
| <input checked="" type="checkbox"/> Power | <input checked="" type="checkbox"/> Recreational |
| <input checked="" type="checkbox"/> Storage | <input checked="" type="checkbox"/> Wildlife |

Search

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Contact Information (Click to Collapse...)

▼ Current contact information

OWNER:
▶ ROSS DEAN
RT 1 BOX 202
TILLAMOOK, OR 97141

Water Right Information (Click to Collapse...)

Status: Non-Cancelled
County: Tillamook
File Folder Location: Salem
Watermaster District: 1

Scanned Documents (Click to Expand...)

Point(s) of Diversion (Click to Collapse...)

▶ **POD 1 - HATCHERY CREEK > WILSON RIVER**

Place(s) of Use (Click to Collapse...)

▶ **Use - DOMESTIC**
(Primary); Priority Date: 2/4/1954

Water Right Genealogy (Click to Collapse...)

---No genealogy records available for this water right, try the family link below instead.

[View Water Rights in same Family](#) [Report Errors with Water Right Data](#)

Processing History (Click to Collapse...)

- ▶ **Application: S 28997**
- ▶ **Permit: S 22798 document**
- ▼ **Certificate: 24351 document , paper map**
 - ▶ Signature: 10/10/1958
 - ▶ Type: Original
 - ▶ **View right with Web Mapping**
 - ▶ **View Places of Use from Water Rights in the Same Area**

[Add TRS grouping](#)

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To appropriate the Public Waters of the State of Oregon

I, John S. [unclear] (Name of applicant)
of Rt. 1, Box 202 Tillamook, Ore. (Address)

State of _____, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS.**

If the applicant is a corporation, give date and place of incorporation _____

1. The source of the proposed appropriation is Katebery Creek (Name of stream)
Wilson River, a tributary of _____

2. The amount of water which the applicant intends to apply to beneficial use is 0.20
cubic feet per second. (If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Domestic use for about 20 families
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 701.6 ft. N and 1773.7 ft. W from the SE
corner of Section 7, T 1 S, R 8 W, W.M. (N. or S.) (E. or W.)
(Section or subdivision)

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(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
being within the SW 1/4 SE 1/4 of Sec. 7, Tp. 1 S
(Give smallest legal subdivision) (N. or S.)
R. 8 W, W. M., in the county of Tillamook (E. or W.)

5. The Pipe to be 1200
(Main distribution pipe line) (Miles or feet)
in length, terminating in the SW 1/4 SE 1/4 of Sec. 18, Tp. 1 S
(Smallest legal subdivision) (N. or S.)

R. 8 W, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

22798

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating mile from headgate. At headgate: width on top (at water line) _____ feet; width on bottom _____ feet; depth of water _____ feet; grade _____ feet fall per one thousand feet.

(b) At _____ miles from headgate: width on top (at water line) _____ feet; width on bottom _____ feet; depth of water _____ feet. grade _____ feet fall per one thousand feet.

(c) Length of pipe, 1200 ft.; size at intake, 6 in.; size at 1000 ft from intake 6 in.; size at place of use 1 in.; difference in elevation between intake and place of use, 100 ft. Is grade uniform? no Estimated capacity _____ sec. ft.

8. Location of area to be irrigated, or place of use _____

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
18	8W	18	NE $\frac{1}{4}$ NE $\frac{1}{4}$	
About 20 homestead tracts located in this NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18.				
Water now being furnished to 9 homes, and more in prospect.				

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(If more space required, attach separate sheet)

(a) Character of soil _____

(b) Kind of crops raised _____

Power or Mining Purposes—

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9. (a) Total amount of power to be developed _____

WITNESS my hand this 30th day of April 1954

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Complete application of the water to the proposed use shall be made on or before October 1, 1957. hereafter be prosecuted with reasonable diligence and be completed or or before October 1, 1956. Actual construction work shall begin on or before April 30, 1955 and shall The priority date of this permit is February 4, 1954. and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

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If for irrigation, this appropriation shall be limited to _____ second or its equivalent for each acre irrigated of one cubic foot per

The use to which this water is to be applied is domestic

the stream, or its equivalent in case of rotation with other water users, from Hatchery Creek

use and shall not exceed 0.20 cubic feet per second measured at the point of diversion from

The right herein granted is limited to the amount of water which can be applied to beneficial

SUBJECT TO EXISTING RIGHTS and the following limitations and conditions: I have examined the foregoing application and do hereby grant the same,

STATE OF OREGON, County of Marion, ss.

PERMIT

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROSS R. DEAN

of Rt. 1, Box 202, Tillamook, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Hatchery Creek a tributary of Wilson River for the purpose of domestic use 4 families under Permit No. 22798 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 4, 1954,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW¹/₄ SE¹/₄, Section 7, Township 1 South, Range 8 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NW¹/₄ NE¹/₄
Section 18
Township 1 South, Range 8 West, W.M.

Land on which water is to be used is part of that described as follows:
Lot 9, 1 house; Lot 10, 1 house; Lots 12 and 13, 1 house; Lot 18, 1 house;
Reeher's Tracts.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 10th day of October, 1958.

LEWIS A. STANLEY
State Engineer

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Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
 County of Tillamook) ss

I, Don Atwood, in my capacity as Owner,
 mailing address 605 SE 26th Ave, Hillsboro OR 97123
 telephone number (503) 327-9143, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

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2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 24351; OR

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

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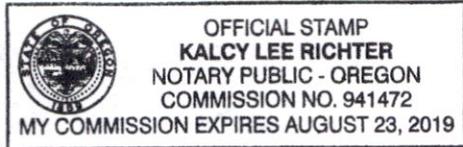
3. The water right was used for: (e.g., crops, pasture, etc.): _____

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant [Handwritten Signature]

Date 6/11/2019

Signed and sworn to (or affirmed) before me this 11 day of June, 2019.



[Handwritten Signature: Kalcy Lee Richter]
Notary Public for Oregon

My Commission Expires: Aug 23 2019

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <u>See Attached residential use photos.</u>	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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I have included six supporting pictures (with detailed) in addition to the notarized water use affidavit of "PERSON OBSERVATION" for this simple residential use land right. Although the primary structure was torn down a due to issues a few years ago, the property and water right has continuously been used and by landowner and extended family as it's a wonderful fishing location and the land owner lived directly across the road making it very easy to access the land daily. You will see from the included pictures; the landscape was well maintained using the water right and has two modern water spickets located on the top park like level and the second lower level where water was used for required fire management (burn piles 2-3x per year). The water was also used for drinking and fish preparation water much of the year during family events, and frequently for landscaping maintenance, including apple trees and a large grassed area. Since taking ownership, I personally have seeded the middle level seen in pic 1, next to spicket #2. The former owner actively used the water right as seen in the pictures and fully intended to rebuild a house before selling the property to me.

Picture #1: newly planted and watered grass seed from April 2019 using water spicket #2.

Picture #2: Improved water spicket #1 installed within the last 5 years on the top level with maintained / watered cut grass and trees and also used for burn pile fire protection.

Picture #3: Modern water spicket #2 on the middle level for maintained and watered grass and trees and fire prevention for 3x per year burn piles. (Notice the trimmed bush to maintain access to the water spicket.) This Spicket is on the lower level and was used to seasonal fish cleaning / cooking as well as drinking water while family was on the land fishing, celebrating, and/or doing weekly yard maintenance.

Picture #4: Picture of top level with weekly maintained / watered and cut grass and trees prior to my ownership (see for sale sign). This picture includes spicket #1 to the right of the utility pole. I have personally seen this spicket functioning.

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Picture #5 Another picture of top level with weekly maintained / watered and cut grass and trees. Notice the wetness in the picture from watering the new seed in the dead area near the highway. The wet area is within 10' of spicket #1.

Picture #6: Google maps image from 2015 showing green maintained grass and trimmed trees along highway 6. The non-treed areas have been steadily maintained monthly. All historic google images show the property has been watered and maintained.

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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.wrd.state.or.us

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

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Don Atwood
First Last
 Mailing Address: 605 SE 26th Ave, Hillsboro Oregon
Hillsboro OR 97123 Daytime Phone: 503-327-9163
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:
1S	08	18	A	2100		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	Residential
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<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:

application request to add a POD to the water rights so water can be pulled at the lot directly.

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 Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) hatchery creek

Estimated quantity of water needed: _____ 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:

permit S 22798 already has water rights but the POD is about 1/4 mile upstream, request is to add POD to current water right to divert on my land vs. across other families property. Same river, same ^{use} ~~use~~, just on my land vs. upstream a far distance.

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.

See bottom of Page 3. →

SEE ATTACHED details

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): TCUO 3.010 (2)(b)
- 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.

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Name: Trish Bushy Title: Land Use Planner I
 Signature: [Handwritten Signature] Phone: 505-872-3408 Date: 6/11/19
 Government Entity: Tulare County Department of Community Development

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: _____ 13231

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

For water right cert 24351 (permit 22798) completed in 1954, applicant and land owner Dean Ross was granted water rights from hatchery creek for multiple parcels he owned and specifically four tax lots, including tax lot 2100. The POD is a single source of water for all tax lots owned by him which was reasonable as he owned properties and could easily transport the water efficiently to each location and maintained the pipes as needed.

In May 2019 my family purchased tax lot 2100 which has this water right and is included as part of CERT 24351 (permit 22798) but access to the POD is upstream and will become difficult as the land ownership is now split between multiple families and the access to delivery pipes for improvements and repairs would now require legal easements across other land owners' lots.

Hatchery creek runs directly through my tax lot (2100) through the NW corner of my lot and just downstream a bit from the current POD (same water just slightly downstream). I'm requesting permission to add a POD to be able to access that water directly on my land vs. the current shared POD upstream. This is the same creek, the same water right, and the same intended usage but just directly on my lot to avoid the complexity of transporting the water via pipes across other owner's land.

The intended use and consumption will remain the same, it will be used for a small single-family residence as it was originally.

If you have any questions, please call me or email anytime.

Don Atwood

503-327-9163

donatwood@yahoo.com

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SMITH Tamera L * WRD

From: SMITH Tamera L * WRD
Sent: Wednesday, June 26, 2019 3:20 PM
To: 'Don Atwood'
Cc: COURCHANE Corey A * WRD
Subject: RE: Transfer application walk-in follow-up

Hi Don,

I received your voice mail, along with the email below. After conferring with Corey Courchane and Kelly Starnes, it is agreed that:

Domestic use could include fire safety or watering the lawn/landscape, if the water came from a structure (residence). It may be that the domestic use on Certificate 24351 is no longer valid as the structure on your lot was removed over five years ago.

690-300-0010 (14) "Domestic Wa
domestic animal consumption tha

hold purposes,
ory uses.

Again, it may be that your best be
specific to your locale.

ht have some advice

Feel free to contact Corey or Nikki

Thank you for your inquiry.

Best,
Tamera Smith

Cert 24351 is for
Domestic - no structure on
lot for several years
Evidence may not work as
by definition, no structure
exists for domestic use

From: Don Atwood <donatwood@
Sent: Wednesday, June 26, 2019 1.
To: SMITH Tamera L * WRD <Tame
Subject: Re: Transfer application w

A house was torn down 10 years ag
property. The lot still has two wate
valve off since I purchased the land

ing to maintain the
owner has switched a

Don

On Jun 26, 2019, at 12:11 PM, SMIT

Hello Don,

It was a pleasure meeting y

13231

I am a new case worker for the TACS Section of the Department. When you were in the office, I failed to realize that the reason the Evidence of Use didn't seem to make sense is that I hadn't thought to ask you if there is a structure present on the lot. If no structure exists on that lot, how has the water been used, domestically, in the last 5 years? Therein lies the burden of proof.

Regarding the other water right you mentioned that a neighbor is willing to share, if his is a domestic use, it's possibly only written for one house and/or for a very small amount of water, depending on how his water right is written, which might not be very applicable to transfer. However, without knowing the specifics of the right, I cannot speak to it.

You may be in a situation where you might need to look into drilling a well for exempt uses. Pages 8 and 9 in the aquabook delineate exempt uses for surface and ground water.

I apologize that I did not have all of this information for you when you dropped in earlier today.

If you have any questions, please let me know.

Kindest regards,

TAMERA SMITH | TRANSFER & CONSERVATION CASEWORKER

725 Summer St. NE, Suite A | Salem, Oregon 97301 | Phone: 503.986.0864

<image001.jpg>

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

SMITH Tamera L * WRD

From: Don Atwood <donatwood@yahoo.com>
Sent: Wednesday, June 26, 2019 3:41 PM
To: SMITH Tamera L * WRD
Cc: COURCHANE Corey A * WRD
Subject: Re: Transfer application walk-in follow-up

I think it's fine, let me check with the previous owner who did use it regularly and he even told me he used it for drinking water each summer down by the river without filtering it which is strange. I have pictures of the green landscaped yard and I'll Also get a statement from him.

Don

> On Jun 26, 2019, at 3:19 PM, SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov> wrote:
>
>

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Mailing List for PROPOSED Determination of Satisfactory Proof (DSP)

Transfer Application: T-10504

**Certificates: 77726 (Living Certificate)
77733 (Living Certificate)**

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Certificate Holder / Water User: (include copy of map)

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
82529 HIGHWAY 216
MAUPIN OR 97037

MANUEL AND KATHLEEN PINHEIRO
PO BOX 438
THE DALLES OR 97058

PAUL BRACE
2520 SEVENMILE HIGH ROAD
THE DALLES OR 97058

HERBERT SNODGRASS
PO BOX 325
MAUPIN OR 97037

Copies of DSP to be sent to:

1. Watermaster District #: 3
2. Sarah Henderson (Paper)
3. Ann Reece (email)
4. File

Other persons to receive copies: (include map):

CWRE:
LARRY TOLL
3775 CRATES WAY
THE DALLES OR 97058

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