

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and

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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? 3 List them here: Certificates 16900, 22091, 27473**
 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.

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(For Staff Use Only)

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

Application fee not enclosed/insufficient _____

Map not included or incomplete _____

Land Use Form not enclosed or incomplete _____

Evidence of Use Form not enclosed or incomplete _____

Additional signature(s) required _____

Part _____ is incomplete _____

Other/Explanation _____

Part 2 of 5 – Transfer

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

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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°).

Applicant Information

APPLICANT/BUSINESS NAME Metro, a municipal corporation, by Gary Shepherd, Senior Asst. Attorney, Office of Metro Attorney			PHONE NO. 503-797-1600	ADDITIONAL CONTACT NO. 503-806-1626
ADDRESS 600 NE Grand Avenue				FAX NO.
CITY Portland	STATE OR	ZIP 97232	E-MAIL gary.shepherd@oregonmetro.gov	
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 Adam Zucker / Zucker Engineering & Design			PHONE NO. 503-956-3473	ADDITIONAL CONTACT NO.
ADDRESS 4014 SE Ankeny Street				FAX NO.
CITY Portland	STATE OR	ZIP 97214	E-MAIL adam@zuckerengineering.com	
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:

Metro is proposing to sell two lots and wants to maintain ownership of a portion of the most senior water rights associated with Certificate 16900, while maximizing the amount land within the two lots that can be irrigated. To achieve this goal, Metro is proposing to transfer the 10 acres from the authroized place of use from Certificate 27473 to lands within the two lots being sold. Metro is also proposing to transfer and consolodate the points of diversion associated with Certificate 16900, Certificate 22091, and Certificate 27473 to a single, downstream location along the Tualatin River.

Through separate applications, Metro is proposing an in-stream lease for a portion of the lands associated with Certificate 16900 and Certificate 93627 (formerly 47315) AND a partial cancellation of the supplementary irrigation rights associated with Certificate 93627 for the lands associated with Certificate 27473 being transferred.

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

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:

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- 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: _____.
- 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.




 Applicant signature GARY SHEPHERD 4/26/2021
 Print Name (and Title if applicable) Date
 SENIOR ASST. ATTORNEY/OFFICE OF
 METRO ATTORNEY
 Applicant signature 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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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: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

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Describe any special ownership circumstances here: _____

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- 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 Washington County Planning and Development Services Division	ADDRESS 155 N First Avenue		
CITY Hillsboro	STATE OR	ZIP 97124	

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

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 # 27473

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Description of Water Delivery System

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System capacity: 0.13 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. 40 hp pump with 6" aluminum pipe to Big Gun or Traveler

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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	4	W	25	SW	NE	100	1,280' noth and 2,500' west of East Corner of Section 25
POD #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	4	W	25	NW	NE	100	1,720' north of the center of Section 25
POD #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1	S	4	W	25	NW	NW	100	570' south and 120' east of the North Corner of Section 25
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- Place of Use (POU) Supplemental Use to Primary Use (S to P)
- Character of Use (USE) Point of Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD) Substitution (SUB)
- Surface Water POD to Ground Water POA (SW/GW) 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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Table 2. Description of Changes to Water Right Certificate # 27473

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List the change proposed for the acreage in each 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands)

The listing that appears on the certificate BEFORE PROPOSED CHANGES
List only that part or portion of the water right that will be changed.

PROPOSED (the "to" or "on" lands)

The listing as it would appear AFTER PROPOSED CHANGES
are made.

Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
EXAMPLE																									
2	S	9	E	15	NE	NW	100	15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0	POD #5	1901	
1	S	4	W	25	SW	NE	100	10.0	Irrigation	POD #1	1956	POU/POD	1	S	4	W	25	NE	NE	1100/1200	6.4	POD #2	1956		
														1	S	4	W	25	SE	NE	1200	3.0	POD #2	1956	
														1	S	4	W	30	NW	NW	1200	0.5	POD #2	1956	
														1	S	4	W	30	SW	NW	1200	0.1	POD #2	1956	
TOTAL ACRES:												10.0	TOTAL ACRES:												10.0

Additional remarks: _____

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: 93627.

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:

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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

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CERTIFICATE # 16900

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Description of Water Delivery System

System capacity: 0.275 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

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. 40 hp pump with 6" aluminum pipe to Big Gun or Traveler

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.)

Table with 9 columns: 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, 1/4 1/4, Tax Lot, DLC or Gov't Lot, Measured Distances (from a recognized survey corner). Rows include POD #2 and POD #3 with specific location details.

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

- Place of Use (POU)
Character of Use (USE)
Point of Diversion (POD)
Additional Point of Diversion (APOD)
Surface Water POD to Ground Water POA (SW/GW)
Supplemental Use to Primary Use (S to P)
Point of Appropriation/Well (POA)
Additional Point of Appropriation (APOA)
Substitution (SUB)
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 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 # _____

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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.

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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

Description of Water Delivery System

System capacity: 0.36 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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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. 40 hp pump with 6" aluminum pipe to Big Gun or Traveler

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
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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	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	S	4	W	25	SW	NE	100	1,280' N and 2,500' W of East Corner of Section 25
POD #3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1	S	4	W	25	NW	NE	100	570' S and 120' E of North Corner of Section 25
	<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):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- 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.
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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 # _____

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AND/OR

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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

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Application for Water Right



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)
) ss
 County of MULTNOMAH)

I, GARY SHEPHERD, in my capacity as SENIOR ASSISTANT ATTORNEY, OFFICE OF METRO ATTORNEY,
 mailing address 600 NE GRAND AVE., PORTLAND, OR 97232
 telephone number (503)797-1600, being first duly sworn depose and say:

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 OWRD

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

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 16900, 22091, AND 27473; **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)

13695 -

3. The water right was used for: (e.g., crops, pasture, etc.): CROPS: WHEAT, RED CLOVER FORAGE AND SEED

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.

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APR 29 2021

OWRD

[Handwritten Signature]

4/28/2021
Date

Signature of Affiant Senior Asst. Attorney
for Metro Office of Metro Attorney

Signed and sworn to (or affirmed) before me this 28th day of April, 2021.



[Handwritten Signature]
Notary Public for Oregon

My Commission Expires: 9/25/2022

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 <i>A see also statement of beneficial use attached</i>	<p>Multiple photos can be submitted to resolve different areas of a water right. 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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Flying V Ranch Inc.
2195 SW Golf Course Rd
Cornelius, OR 97113

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Re: Statement Supporting Beneficial Use

To whom it may concern:

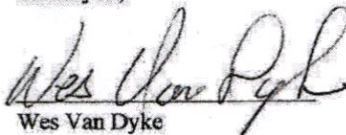
I, Wes Van Dyke, for the period from March 22, 2015 to December 31, 2020, leased Metro property known as Spring Hill Natural Area, located at 8527 SW Spring Hill Rd, Gaston, Washington County, Oregon pursuant to an executed lease agreement with Metro.

During those years I grew a combination of wheat, red clover forage, and red clover seed on the land.

To support crop production, I exercised and utilized water rights consistent with Certificate Nos. 16900, 22091, and 27473 which benefit the property.

If you have any further questions, please contact me at (503) 793-8525.

Thank you,

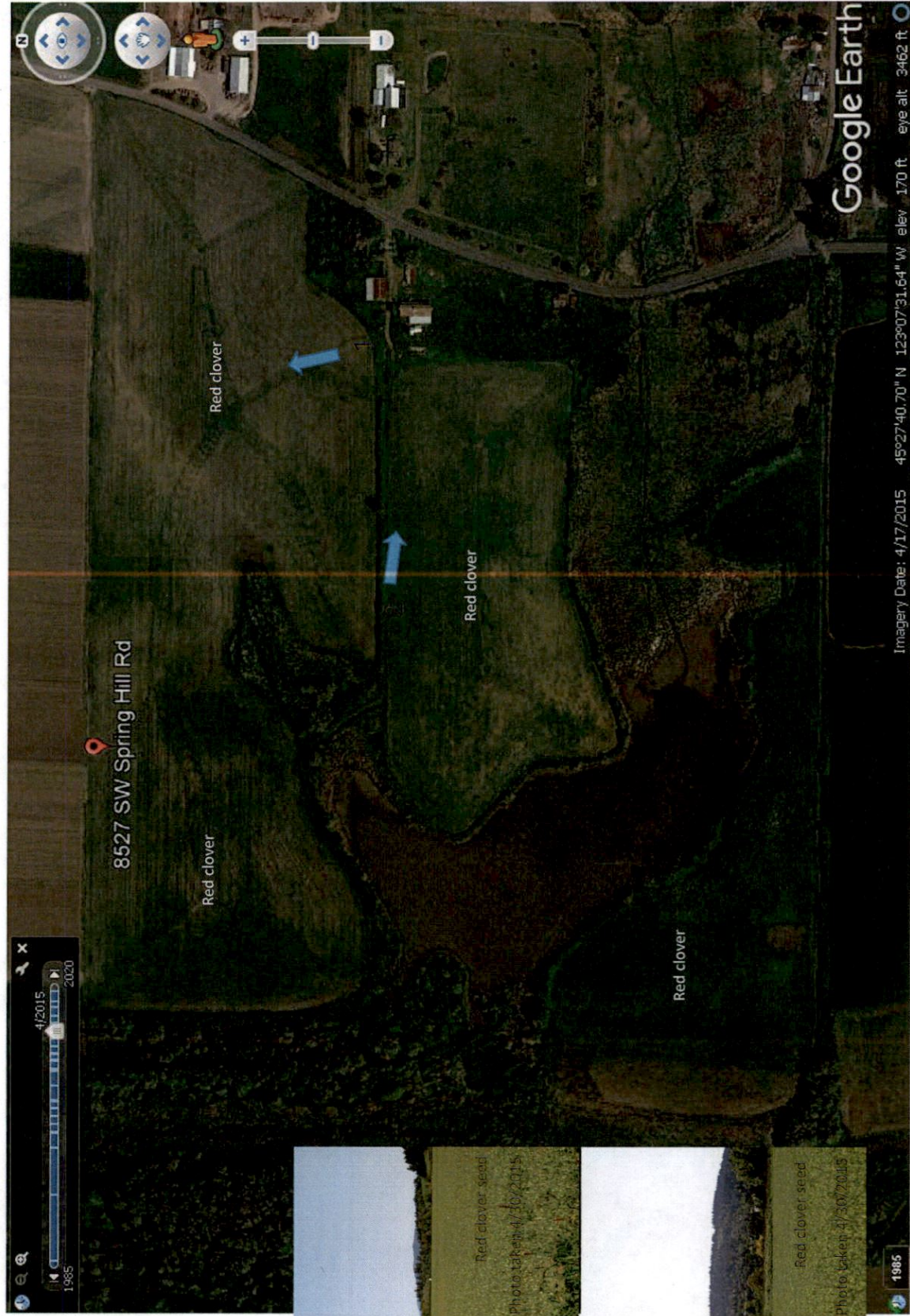
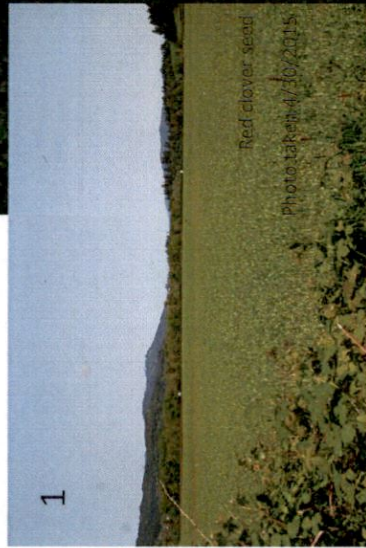

Wes Van Dyke

4-20-21
Date

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2015

Property purchased by Metro
3/22/2015
Lease in effect at the time of
purchase
Lessee: Wes Van Dyke
Crop: Red clover seed



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OWD

2016

Lessee: Wes Van Dyke
Crops: Red clover seed, wheat

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2017

Lessee: Wes Van Dyke
Crops: Red clover seed, wheat

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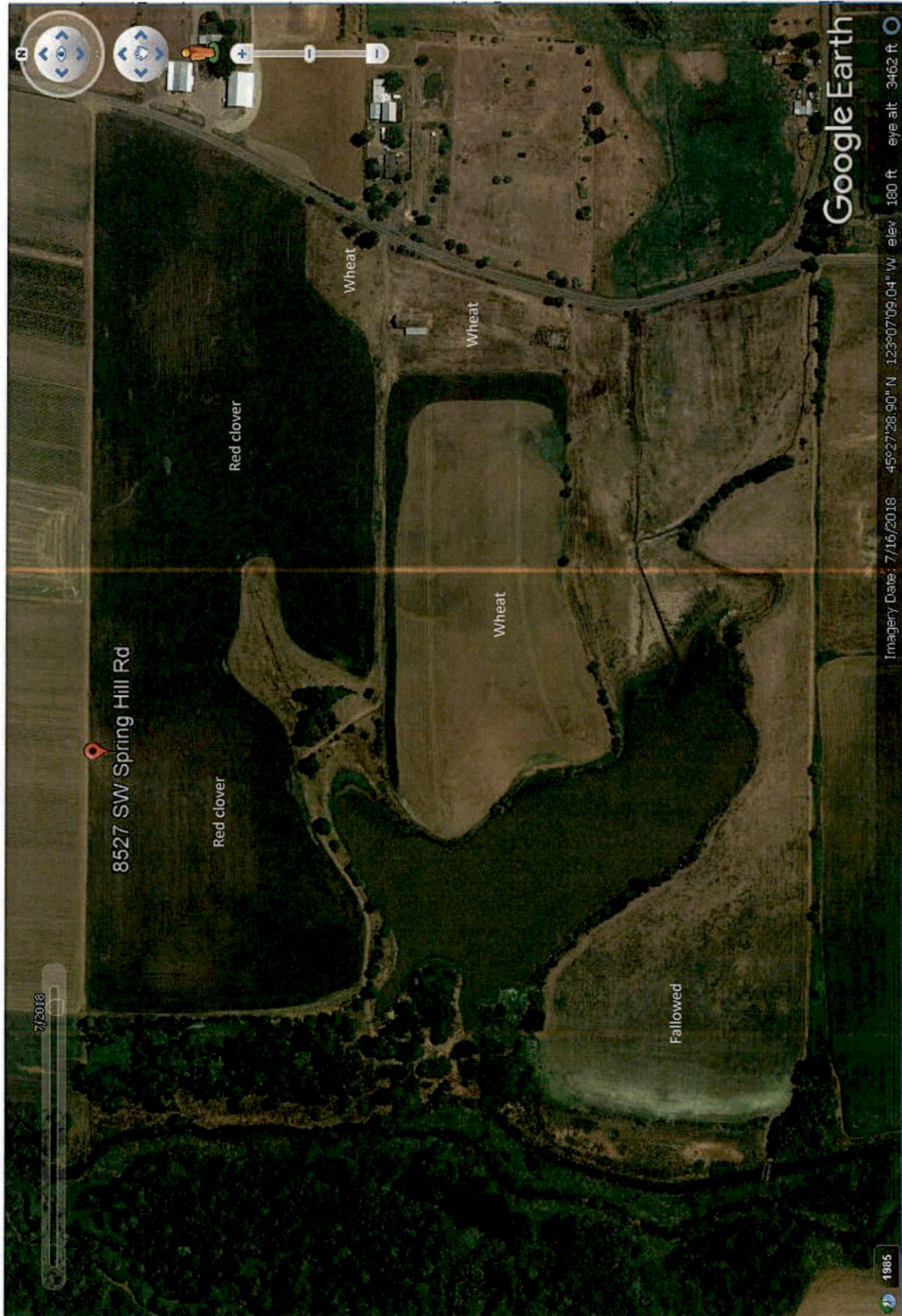
APR 29 2021

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2018

Lessee: Wes Van Dyke
Crops: Red clover seed, spring wheat

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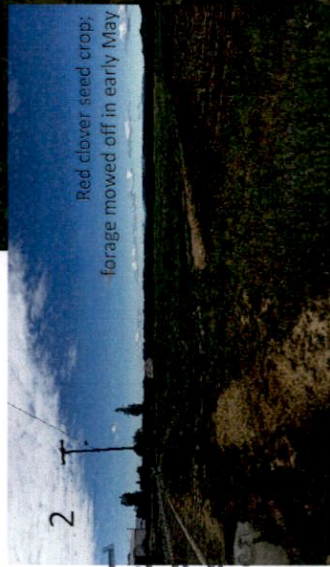
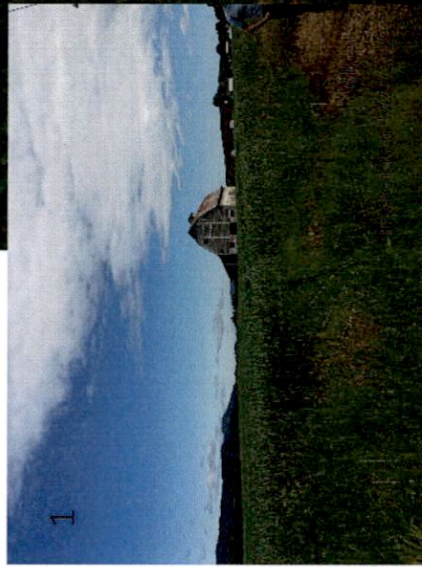
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APR 29 2021

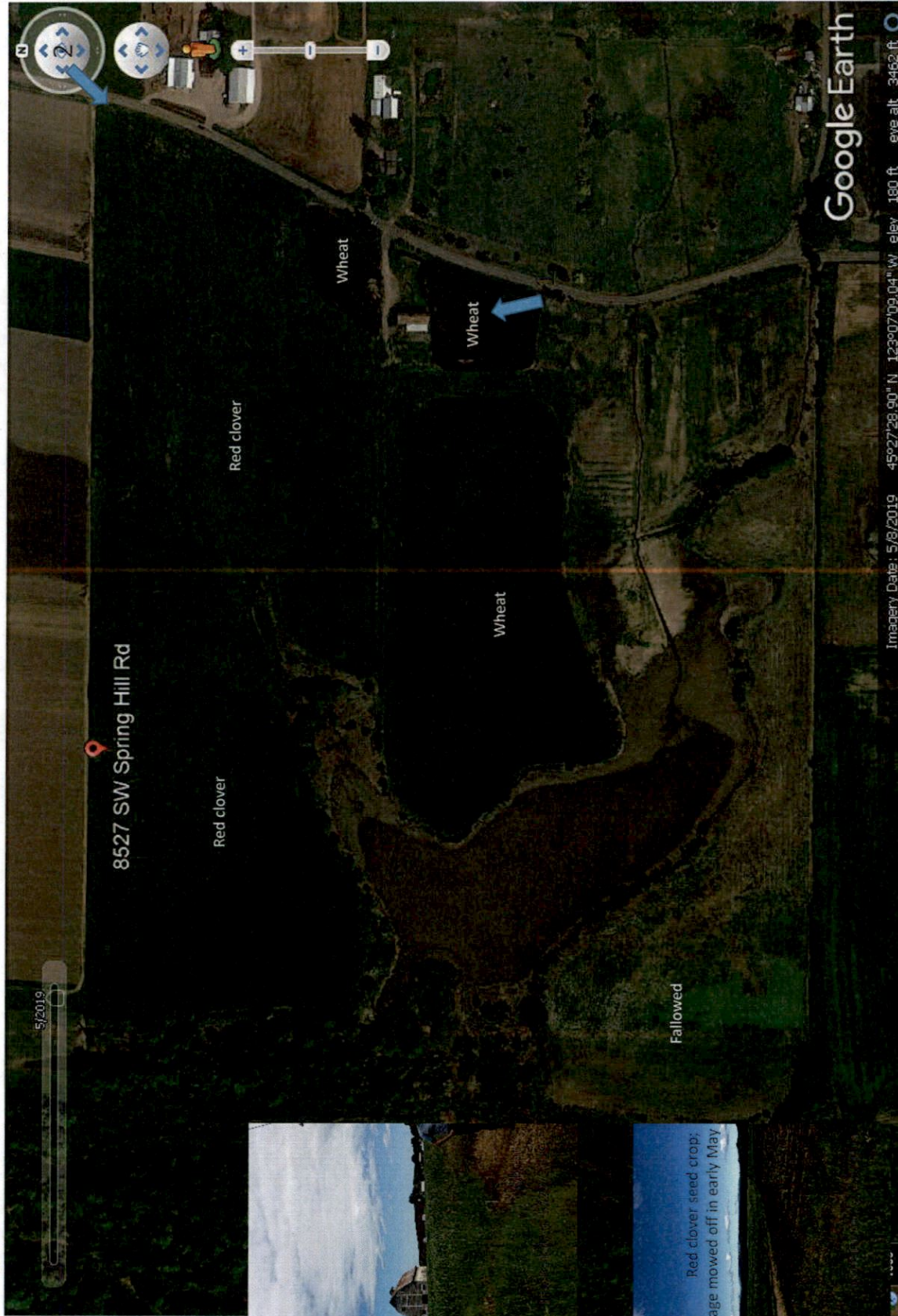
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2019

Lessee: Wes Van Dyke
Crops: Red clover seed, wheat



Red clover seed crop;
forage mowed off in early May



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OWDD

2020

Lessee: Wes Van Dyke
Crops: wheat

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APR 29 2021

OWRD

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION
OF A PORTION OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Multnomah County)

I/We (or authorized agent), Metro, a municipal corporation, by Gary Shepherd, Senior Assistant Attorney, Office of Metro Attorney, residing at 600 NE Grand Ave, Portland, OR, telephone number 503-797-1600, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 100, within the SW NE and SE NE 1/4, Section 25, Township 1S (N/S), Range 4W (E/W), of the Willamette Meridian, in Washington County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 93627 issued to Vernon H. Vandyke with a date of priority of July 11, 1967 and July 26, 1968.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) Supplemental Irrigation

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 14.7
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of N/A cubic foot per second
- From the water source (s) RESERVOIR located on a tributary of the TUALATIN RIVER

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the _____ 1/4, Section _____, Township _____ (N/S), Range _____ (E/W)
- Location Description (if given on the certificate) _____

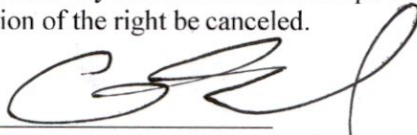
- The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (*if the right is located within a district or reclamation project, name it here:* _____)
- The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager Printed Name Date

- If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (*Signature of district manager on the line below documents consent of the district.*)

Signature of district manager Printed Name Date

- I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

for Metro  4/28/2021
Signature of legal owner as listed on deed, or authorized agent Date
*Gary Shepherd, Senior Asst. Attorney
Office of Metro Attorney*

Signature of legal co-owner as listed on deed Date
(If applicable)

Subscribed and Sworn to Before Me this 28th day of April, 2021.




Notary Public for Oregon

My Commission Expires 9/25/2022

PLEASE ATTACH A LEGIBLE COPY OF:

- A deed which lists landowners and includes a legal description of affected lands, and
- A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).**

CHICAGO TITLE 472514519531TO - CT50 - CM

Washington County, Oregon 2015-019754
D-DW
Stn=3 | REED 03/23/2015 11:10:36 AM
\$40.00 \$11.00 \$5.00 \$20.00 \$76.00
I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

AFTER RECORDING RETURN TO:
Metro
Office of the Metro Attorney
600 NE Grand Avenue
Portland, OR 97232

SEND TAX STATEMENTS TO:
Metro
Parks & Environmental Services
600 NE Grand Avenue
Portland, OR 97232

Escrow No: 472514519531TO-CT50

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Sherril Wissler and Gary Zurcher, each as to an undivided one-half interest, as tenants in common, Grantor, conveys and warrants to

Metro, an Oregon municipal corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

SEE LEGAL DESCRIPTION ATTACHED HERETO

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,875,000.00. (See ORS 93.030)

Subject to and excepting:

Exhibit B attached hereto and made a part thereof

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, 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. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, 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,

472514519531TO-CT50
Deed (Warranty-Statutory)

13695

CHICAGO TITLE 472514519531TO - CT50 - CM

AFTER RECORDING RETURN TO:
Metro
Office of the Metro Attorney
600 NE Grand Avenue
Portland, OR 97232

SEND TAX STATEMENTS TO:
Metro
Parks & Environmental Services
600 NE Grand Avenue
Portland, OR 97232

Escrow No: 472514519531TO-CT50

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472514519531TO-CT50
Deed (Warranty-Statutory)

13695 -

SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 3-20-15

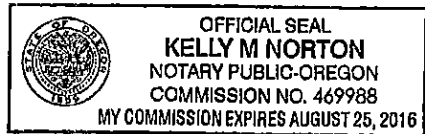
Sherril Wissler
Sherril Wissler
Gary Zurcher
Gary Zurcher

STATE OF OREGON
County of Multnomah

This instrument was acknowledged before me on 3-20-2015 by Sherril Wissler.

Kelly M Norton
Notary Public for Oregon

My Commission Expires: 08/25/2016

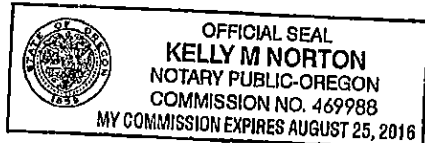


STATE OF OREGON
County of Multnomah

This instrument was acknowledged before me on 3-20-2015 by Gary Zurcher.

Kelly M Norton
Notary Public for Oregon

My Commission Expires: 08/25/16



This conveyance is approved as to form and content and accepted by Metro, an Oregon municipal corporation.

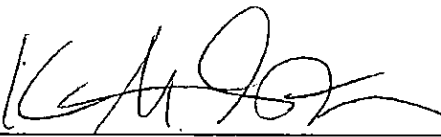
METRO

By: 
Scott Robinson, Deputy Chief Operating Officer

State of OREGON

County of MULTNOMAH

This instrument was acknowledged before me on March 20, 2015
by Scott Robinson as Deputy Chief Operating Officer of
Metro.


Notary Public - State of Oregon



LEGAL DESCRIPTION

PARCEL I:

A portion of Section 24, Township 1 South, Range 4 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as:

All that portion of the following described property lying West of Spring Hill Road (also known as the Old Lafayette Road):

Beginning at the quarter section corner on the East Boundary of Section 24, Township 1 South, Range 4 West of the Willamette Meridian; thence South 14.20 chains to a stone in the center of the county road; thence North 76°20' West, 5.64 chains to a stone in the center of the county road; thence South 75°52' West, 32.70 chains to the center of Tualatin River; thence up the same to the South line of said Section 24; thence West to the Southwest corner of said section; thence North to the division line between the North and South halves of the Joshua Dickson and wife Donation Land Claim; thence with said division line, West to the center of the O. & C. Railroad; thence with the same, Northeasterly to the North line of the South half of the Northwest quarter of said Section 24; thence East to the Northeast corner of said South half; thence North on the legal subdivision line to the center of the Tualatin River; thence down the center of said river to the South line of the R.S. Tupper Donation Land Claim; thence with the same, East to the Southeast corner of said claim; thence South easterly to the most Southern corner of the W.O. Gibson Donation Land Claim; thence North 66°45' East, 8.23 chains to the East line of said Section 24; thence South to the place of beginning.

EXCEPTING THEREFROM that portion thereof described in Deed to Donald George Schauer mann, et ux., by Deed recorded February 3, 1958 in Book 401, Page 703, Deed Records, described as follows:

Beginning at a stone in the center of County Road No. A-83, otherwise known as the Forest Grove and Lafayette Road, 6.60 chains South 43° East (Deed cites and 43° East) from the point of intersection of the center line of said county road with the legal subdivision line between the Northeast and Northwest quarter of Section 24, Township 1 South, Range 4 West of the Willamette Meridian, from the said beginning stone an oak 20 inches in diameter bears South 41°30' East 2.87 chains, an oak 5 inches in diameter bears North 75°50' West 34 links; and running thence South 30°45' West 2.60 chains; thence South 70° West 3.50 chains, more or less, to the above described division line; thence following the said line North to the center line of County Road No. A-83; thence following the center of said road South 43° East 6.60 chains to the place of beginning.

AND ALSO EXCEPTING THEREFROM that portion lying Westerly of the Tualatin River, as described in Parcel IV of Deed to Alfred C. Hutchinson, et ux., recorded December 30, 1980 as Fee No. 80-047536.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

PARCEL II:

All of Lots 2, 3 and 4, SPRING HILL FARM, in the County of Washington and State of Oregon.

TOGETHER WITH that portion of the dedicated roadway now vacated along the South line of Lots 3 and 4, all in SPRING HILL FARM, which inured thereto by vacation thereof pursuant to Ordinance No. 31 and recorded January 27, 1964 in Book 505, Page 165.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

PARCEL III:

A portion of Lots 8, 9, 10, 11, 12 and 13, SPRING HILL FARM, in Sections 19 and 30, Township 1 South, Range 3 West, and Sections 25 and 30, Township 1 South, Range 4 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the East line of Lot 8, SPRING HILL FARM, in the County of Washington and State of Oregon, said beginning point bears North 12°26' East 138.1 feet from the Southeast corner of said Lot 8, said point also being the Southeast corner of the tract described in Deed to Joseph T. Van Dyke, recorded November 1, 1978, as Fee No. 78-048252; and running thence South 12°26' West 138.1 feet to the Southeast corner of said Lot 8; thence along the East line of Lot 13, SPRING HILL FARM, South 25°40' West 510.5 feet to the Southeast corner of said Lot 13; thence along the South line of Lots 13, 12 and 11, SPRING HILL FARM North 89°36' West. 2613.1 feet to a stake on a line five feet Easterly from the Wapato Lake Drainage Ditch; thence following a line five feet Easterly from and parallel to said drainage ditch North 4°20' East 173.4 feet to a stake; thence North 6°11' West 311.0 feet to a stake; thence North 16°25' West 120.4 feet to a point on the line running parallel to and five feet Easterly from said drainage ditch, said point also being the Southwest corner of the aforesaid Joseph T. Van Dyke Tract; thence along the South line of said Van Dyke Tract South 89°36' East 2918.4 feet to the place of beginning.

TOGETHER WITH the West 2.57 acres of Lot 11, SPRING HILL FARM, in the County of Washington and State of Oregon.

ALSO TOGETHER WITH all of Lots 14, 15 and 16, SPRING HILL FARM, in the County of Washington and State of Oregon.

ALSO TOGETHER WITH that portion of the dedicated roadway now vacated along the South line of Lot 12 and 13, and along the North line of Lots 14 and a portion of 15, all in SPRING HILL FARM, which inured thereto by vacation thereof pursuant to Ordinance No. 1771 and recorded January 11, 1954 in Book 352, Page 235.

ALSO TOGETHER WITH that portion of the dedicated roadway now vacated along the East line of Lot 11, and along the North line of Lots 15 and 14, all in SPRING HILL FARM, which inured thereto by vacation thereof pursuant to Ordinance No. 31 and recorded January 27, 1964 in Book 505, Page 165.

FURTHER EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

April 27, 2021

Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266

To whom it may concern:

On behalf of the Metro Regional Government, I am submitting these applications associated with the water right Certificates 16900, 22091, 27473, and 93627 for the properties adjacent to SW Spring Hill Road in Gaston, Oregon. These applications include:

- A Permanent Transfer application for Certificates 16900, 22091, and 27473
- An Instream Lease application for Certificates 16900 and 93627
- A Partial Cancellation of supplementary rights associated with Certificate 93627

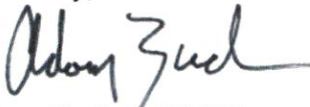
A summary of the work includes the following:

Metro is proposed to sell two lots and would like to maintain ownership of a portion of the most senior water rights associated with Certificate 16900, while maximizing the amount of land within the two lots that can be irrigated. To achieve this outcome, Metro is proposing to transfer the 10 acres from Certificate 27473 to lands within the tow lots being sold. Metro is also proposing to transfer and consolidate the points of diversion associated with Certificates 16900, 22091 and 27473 to a single, downstream along the Tualatin River.

Through separate application, Metro is proposing an instream lease for a portion of the lands associated with Certificate 16900 and 93627 (formerly 47315) and a partial cancellation of the supplementary irrigation rights associated with Certificate 93627 for the lands being transferred and leased.

If I can be of any assistance in this matter please do not hesitate to call me at 503-956-3473 or email me at adam@zuckerengineering.com.

Sincerely,



Adam Zucker, CWRE

Cc: Gary Shepherd, Metro Project Manager

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