

Application for Permanent Water Right Transfer



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

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.

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.
- Part 4 – Completed Applicant Information and Signature. *WAIIVED, SEE ATTACHED EMAIL*
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** 95393

Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

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.

(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"/> Evidence of Use Form not enclosed or incomplete |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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°).

Part 3 of 5 – Fee Worksheet

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) | | | |
|--|--|---|---------|
| 1 | Base Fee (includes one type of change to one water right for up to 1 cfs) | 1 | \$1,360 |
| 2 | Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i> | 2 | 0 |
| 3 | Multiply line 2b by \$1090 and enter » Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter » | 3 | 0 |
| 4 | Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter » | 4 | \$480 |
| 5 | Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 » | 5 | 0 |
| 6 | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal: | | \$1840 |
| 7 | Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » | 7 | 0 |
| 8 | Subtract line 7 from line 6 » Transfer Fee: | 8 | \$1840 |

FEE WAIVED SEE ATTACHED EMAILS

*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land.** The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

| FEE WORKSHEET for SUBSTITUTION | | | |
|--------------------------------|---|---|----------|
| 1 | Base Fee (includes change to one well) | 1 | \$990.00 |
| 2 | Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$480 and enter » | 2 | |
| 3 | Add entries on lines 1 through 2 above » » » » » » Fee for Substitution: | 3 | |

Part 4 of 5 – Applicant Information and Signature

Applicant Information

| | | | |
|---|---------------------|----------------------------------|--|
| APPLICANT/BUSINESS NAME JEFFREY A. LYONS | | PHONE NO. 541-954-4276 | ADDITIONAL CONTACT NO. |
| ADDRESS P.O. BOX 146 | | FAX NO. | |
| CITY EAST BURKE | STATE VT. | ZIP 05832 | E-MAIL MYPLUMBERJEFF@GMAIL.COM |
| <p>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.</p> | | | |

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

| | | | |
|---|---------------------|----------------------------------|---|
| AGENT/BUSINESS NAME STEVEN I. RECCA/EGR ASSOCIATES | | PHONE NO. 541-688-8322 | ADDITIONAL CONTACT NO. 541-913-1304 |
| ADDRESS 2535 B PRAIRIE ROAD | | FAX NO. 541-688-8087 | |
| CITY EUGENE | STATE OR. | ZIP 97402 | E-MAIL STEVE RECCA @ EGR ASSOC.COM |
| <p>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.</p> | | | |

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

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.

PLEASE SEE INCLOSED EMAIL FROM JUSTIN IVERSON AND GROUNDWATER REVIEW FOR T. 13350

13844 **==**

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: _____.
- 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).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



[Handwritten Signature]
Applicant signature

JEFFREY A. LYONS
Print Name (and Title if applicable)

10/8/21
Date

Applicant 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.*

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

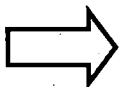
| | | | | |
|--|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | | FAX NO. |
| CITY | STATE | ZIP | E-MAIL | 13844 |
| Describe any special ownership circumstances: | | | | |
| The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner | | | | |

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 LANE COUNTY | ADDRESS 3050 N. DELTA HWY | |
| CITY EUGENE | STATE OR. | ZIP 97408 |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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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 # _____

Description of Water Delivery System

System capacity: ~~0.075~~ ^{0.075} cubic feet per second (cfs) OR
300 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. **SUBMERSIBLE PUMP IN WELL IS USED TO**

WELL PUMP WATER TO TWO 120 GALLON PRESSURE TANKS PLUMBED IN PARALLEL LOCATED IN POA HOUSE. UNDERGROUND 2" PVC PIPE DELIVERS WATER TO DRIP EMITTERS OR SURFACE DRIP TAPE.

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 | * | 16 S | 4 W | 36 | SW NW | TL 401 DLC 42 | 994 FEET SE FROM THE NE CORNER W ½ OF THE G. MAIN IN DLC 42 |
| POA 1 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed | LANE 57154 | 16 S | 4 W | 36 | SW NW | TL 400 DLC 42 | 619 FEET SE FROM THE NE CORNER W ½ OF THE G. MAIN IN DLC 42 |
| | <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 type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input checked="" 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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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 21006 → 95393

List the change proposed for the acreage in each ¼ ¼. 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.

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| 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 Changes (see "CODES" from previous page) | PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made. | | | | | | | | | | | | | |
|--|-----|-----|-----|---------|----------------------|------------|---|---|------------------|------------------|---|---|--------------|-----|---------|----------------------|------|--------------------|--|------------------|-----------|------------|------------|--------|------|
| Twp | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acre | Type of USE listed on Certificate | POD(s) or POA(s) (name or number from Table 1) | Priority Date | Twp | | Rng | Sec | ¼ ¼ | Tax Lot | Gvt Lot or DLC | Acre | 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 | |
| | | | | | | | | | | | | | | 2 | S | 9 | E | 2 | SW NW | 500 | | 5.0 | | POD #6 | 1901 |
| 16 | S | 4 | W | 36 | SW NW | 400 401 | DLC 42 | 11.2 | IRRIGATION | POD1 | 1951 | SW/GW | 16 | S | 4 | W | 36 | SW NW | 400 | DLC 42 | 5.65 | IRRIGATION | POA1 | 1951 | |
| | | | | | | | | | | | | | | 16 | S | 4 | W | 36 | SW NW | 401 | DLC 42 | 5.55 | IRRIGATION | POD1 | 1951 |
| 16 | S | 4 | W | 36 | SE NW | 401 | DLC 42 | 4.0 | IRRIGATION | POD1 | 1951 | | 16 | S | 4 | W | 36 | SE NW | 401 | DLC 42 | 4.0 | IRRIGATION | POD1 | 1951 | |
| 16 | S | 4 | W | 36 | NW SW | 401 | DLC 42 | 0.6 | IRRIGATION | POD1 | 1951 | | 16 | S | 4 | W | 36 | NW SW | 401 | DLC 42 | 0.6 | IRRIGATION | POD1 | 1951 | |
| 16 | S | 4 | W | 36 | NE SW | 401 | DLC 42 | 0.5 | IRRIGATION | POD1 | 1951 | | 16 | S | 4 | W | 36 | NE SW | 401 | DLC 42 | 0.5 | IRRIGATION | POD1 | 1951 | |
| TOTAL ACRES: | | | | | | 16.3 | | | | | | | TOTAL ACRES: | | | | | | 16.3 | | | | | | |

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: _____.



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 # _____.

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 |
|---|------------------------------------|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

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RECEIVED

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STATE OF OREGON WATER RESOURCES DEPT WATER SUPPLY WELL REPORT SALEM, OREGON

LANE 57154

WELL I.D. # 02247 START CARD # 11846a

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number 1739 Name Jeff Lyons Address 355 Bushnell Ln City Eugene State OR Zip 97404

(2) TYPE OF WORK: [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Other

(4) PROPOSED USE: [X] Domestic [] Community [] Industrial [] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 58 ft. Explosives used [] Yes [X] No Type Amount

HOLE SEAL table with columns for Diameter, From, To, Material, From, To, Sacks or pounds. Includes entries for 10" 0' 19' Bentonite and 6" 19' 58' 8 Sacks.

How was seal placed: Method [] A [] B [] C [] D [] E [X] Other Placed @ 1 Sack per 5 min rate

(6) CASING/LINER table with columns for Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes entry for Casing 6" 12' 58' 250.

Final location of shoe(s) None

(7) PERFORATIONS/SCREENS table with columns for From, To, Slot size, Number, Diameter, Tubing size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. [] Pump [] Bailor [X] Air [] Flowing Artesian. Yield gallons 40 GPM, Drawdowns, Drill stem at 58', Time 1 hr.

Temperature of water 55° Depth Artesian Flow Found. Was a water analysis done? [] Yes [] No By whom. Did any strata contain water not suitable for intended use? [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other.

(9) LOCATION OF WELL by legal description: County Lane Latitude Longitude Township 11as N of Range 04W E of WM. Section 31a NW 1/4 SW 1/4 Tax Lot 400 Lot Block Subdivision Street Address of Well (or nearest address) Hillman

(10) STATIC WATER LEVEL: 11' ft. below land surface. Date 6-23-99 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 46'

Table with columns: From, To, Estimated Flow Rate, SWL. Entry: 46' to 58', 40 GPM, 11'.

(12) WELL LOG: Ground Elevation

Well Log table with columns: Material, From, To, SWL. Includes entries for Topsoil, Brown Sandy Clay, Cemented Gravel, Sand & Gravel, Cemented Gravel, Sand & Gravel.

Date started 6-23-99 Completed 6-23-99

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed [Signature] WWC Number 1411 Date

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Donald J. Forging WWC Number 751 Date 6-28-99

Fee Email
Fees waived because
prior transfer was
denied by mistake.
DWF

Sarah Liljefelt

From: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Sent: Thursday, September 16, 2021 3:48 PM
To: Sarah Liljefelt
Subject: RE: Two similar transfers with different GW reviews

Follow Up Flag: Copied to Worldox (SLO Clients New Format\1571\00\EMAIL\P0547871.MSG)

Sarah,

I'm glad we were able to get this figured out.

I don't have the authority to reconsider the order as it is outside of the timeframes but I can either refund the fees paid previously or waive the fees for a replacement application – which would be better for your client because the fees went up about 17% this past July 1. In order to waive fees for an application not submitted yet I need to know when the application gets placed in the mail so I can alert our front counter staff to be on the lookout for a transfer from Mr. Lyon (Willamette Basin) so that it doesn't get returned for lack of fees.

One thing that would help is if Mr. Lyon would include a copy of this email (might as well include the whole string) so these underlined notes can be seen. Have him handwrite "FEE WAIVER DOCUMENTATION" on the top.

Let me know if you still have questions.

Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



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From: Sarah Liljefelt <s.liljefelt@water-law.com>
Sent: Thursday, September 16, 2021 2:02 PM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Subject: RE: Two similar transfers with different GW reviews

Dwight,

Given the conclusion below that Mr. Lyon's previous application was assessed against the wrong, farther source of water, is there any way for OWRD to reconsider its decision denying his transfer? I know it's outside the window for him to ask for reconsideration, but I thought I'd ask if OWRD could reconsider on its own accord given the circumstances. Maybe the later-discovered information due to the subsequent application could give cause?

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Otherwise, is there the possibility of waiving Mr. Lyon's application fee for a new application? He has very meager means and can't afford to pay the application fee a second time. He'd likely be resubmitting the application on his own without our assistance given the cost.

Thanks for your consideration.
Sarah

Sarah R. Liljefelt
Shareholder & Portland Managing Attorney
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd.
Portland, Oregon 97212
P: (503) 281-4100 | F: (877) 600-4971

From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Thursday, September 16, 2021 12:31 PM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; Sarah Liljefelt <s.liljefelt@water-law.com>
Cc: EASTMAN Jeana M * WRD <Jeana.M.Eastman@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; SCANDELLA Benjamin P * WRD <Benjamin.P.Scandella@oregon.gov>; THOMA Michael J * WRD <Michael.J.Thoma@oregon.gov>; MCCORD Mike L * WRD <Mike.L.Mccord@oregon.gov>
Subject: RE: Two similar transfers with different GW reviews

Sarah and Dwight,
Thanks for your patience as we reviewed the two transfers noted below. The difference in the outcome of the two technical reviews was due to a difference in the stream for which we evaluated "similarity", the Willamette River in T-13350 (large width, deeply incised, bed often scoured by high flows) vs a slough of the Willamette in T-13033 (narrow, shallowly incised, low energy fine-grained material in the bed). After review of the original certificate and claim materials, as well as historic topo maps, it appears that the original right is for a channel of the Willamette River (which has become a slough given channelization of the Willamette since the time of the original cert). As such, the Willamette R. in its current configuration is the appropriate water body for which we should assess similarity as per OAR 690-380-2130, and if an application similar to that for T-13033 was resubmitted we'd likely make a finding similar to that for T-13350.
Regards,

Justin Iverson, RG
GROUNDWATER SECTION MANAGER
Oregon Water Resources Department
Cell: 503-302-9728

From: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Sent: Wednesday, September 1, 2021 10:56 AM
To: SCANDELLA Benjamin P * WRD <Benjamin.P.Scandella@oregon.gov>; THOMA Michael J * WRD <Michael.J.Thoma@oregon.gov>
Cc: Sarah Liljefelt <s.liljefelt@water-law.com>; EASTMAN Jeana M * WRD <Jeana.M.Eastman@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Subject: Two similar transfers with different GW reviews

Hi Gentlemen,
Please review the GW reviews for T-13033 (Steve Recca) and T-13350 (Leatheberry and Radecki). Both transfers were to change a SW POD to a GW POA. The first was reviewed by Ben (denied) and the second one by Mike (approved). These two transfers had similar requests and the wells are in close proximity

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but the G reviews produced different results. I don't doubt that there is a good reason for the different conclusions but the attorney for T-13033 (Sara Liljefelt) would like to understand why there is a difference. Her client is interested in reapplying if a new application can be approved similar to how T-13350 was approved.

Unless you want to have an internal conversation first, if you can reply all that would be great. Jeana is cc'd because I know she is interested in these lands and associated water uses.

Thank you,
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



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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 LANE) ss

I, JEFFREY A. LYONS, in my capacity as PROPERTY OWNER

mailing address P.O. Box 146 EAST BURKE VT. 05832

telephone number (541) 954-4216, 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

2. I attest that:

Water was used during the previous five years on the entire place of use for Certificate # 95393; 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) |
|---------------|----------|---|-------|---|------------|-----|------|--------------------|-----------------------|
| 21066 | 16 | S | 4 | W | WILLAMETTE | 36 | SWNW | TAX LOT 400 DLC A2 | 5.65 |
| 95393 | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

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)

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(continues on reverse side)

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

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.

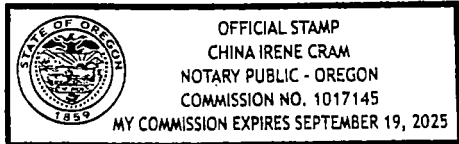


 Signature of Affiant

10/8/21

 Date

Signed and sworn to (or affirmed) before me this 8th day of October, 2021.



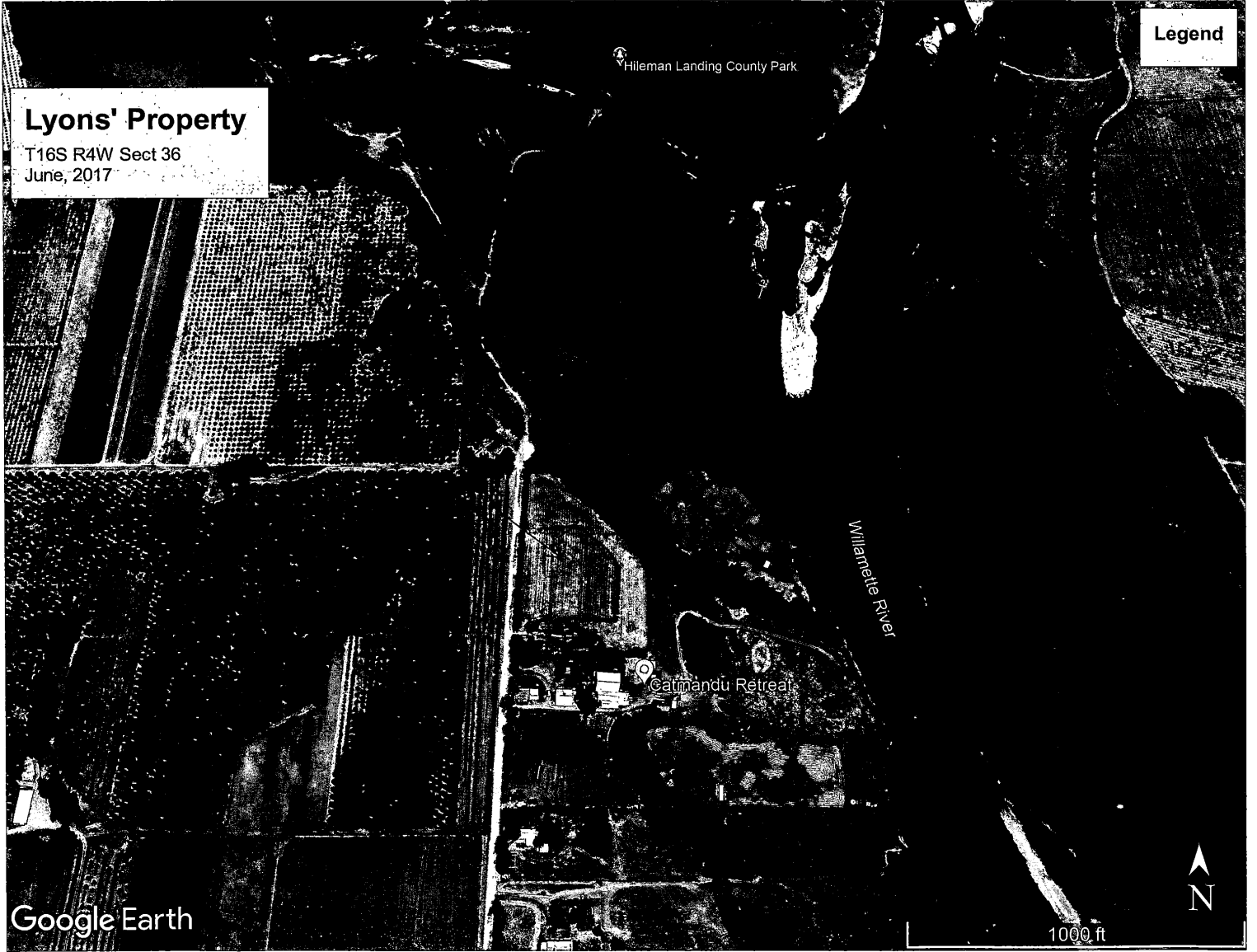
China Irene Cram

 Notary Public for Oregon

My Commission Expires: 9/19/2025

| 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 | <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.terraserver.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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Lyons' Property

T16S R4W Sect 36
June, 2017

Legend

Hileman Landing County Park

Millanette River

Catmandu Retreat

Google Earth

1000 ft





Lyons' Property

T16S R4W Sect 36
July, 2018

Legend

Hileman Landing County Park

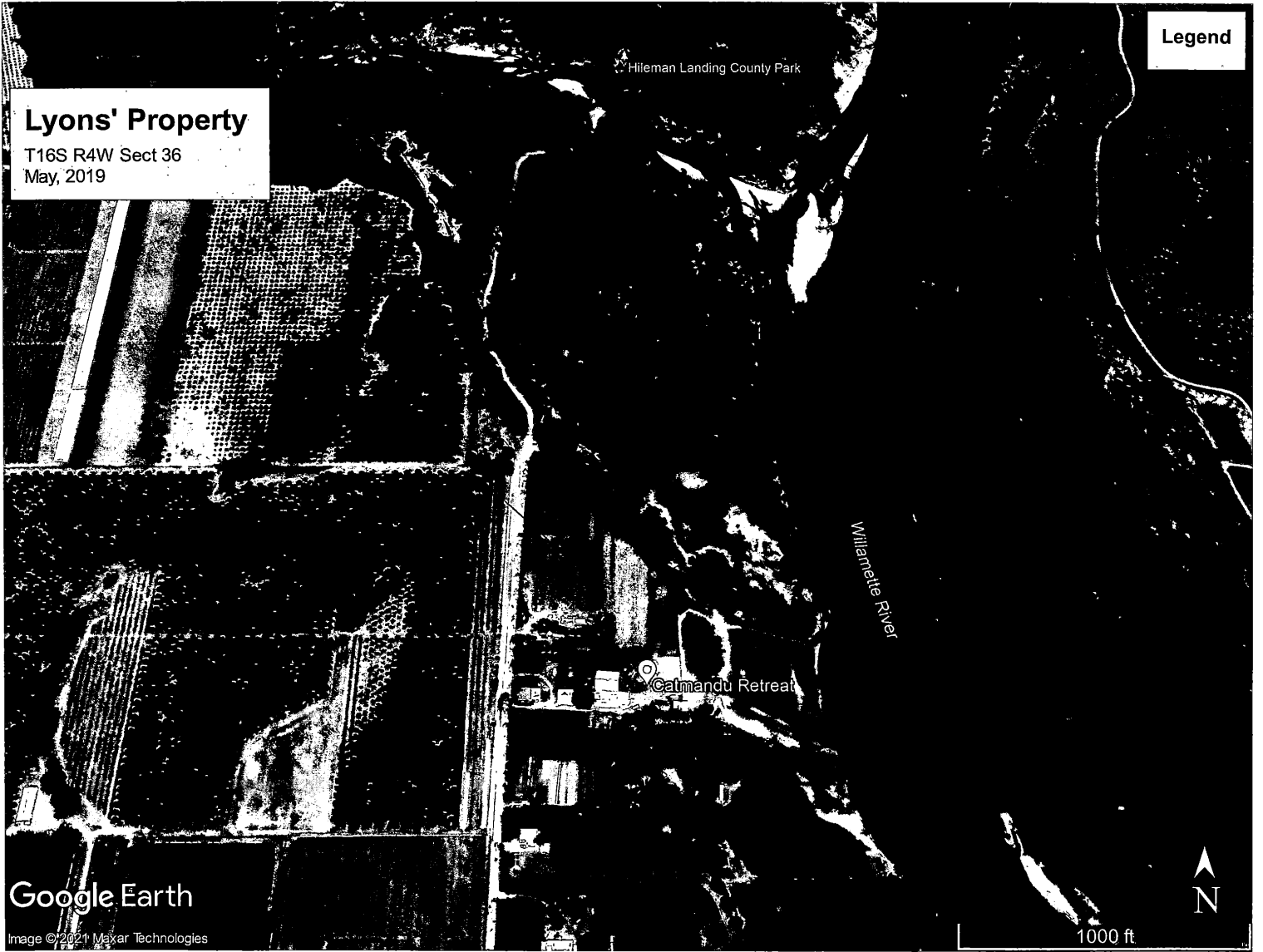
Willamette River

Catmandu Retreat

Google Earth

1000 ft





Lyons' Property

T16S R4W Sect 36
May, 2019

Hileman Landing County Park

Legend

Willamette River

Calmandu Retreat

Google Earth

Image © 2021 Maxar Technologies



1000 ft

Legend

Lyons' Property

T16S R4W Sect 36
July, 2019

3700 FT

Willamette River

Catmandu Retreat

Google Earth

Image © 2021 Maxar Technologies

500 ft



Legend

Lyons' Property
T16S R4W Sect.36
October, 2019

13844

Willamette River

Catmandu Retreat

Google Earth

Image © 2021 Maxar Technologies



700 ft