

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

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For questions, please call (503) 986-0900, and ask for Transfer Section.

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

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- 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: **Fee enclosed in amount of \$1,840.**
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 91731 (Attachment A)**
 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. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) **The City of Mosier has legal access to the property on which the proposed Well 5 will be located. (Attachment D)**
- 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. **(Attachment E)**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **(Attachment F)**
- 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°).

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Mosier, ATTN: Colleen Coleman			PHONE NO. 541-478-3505	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 456, 208 Washington Street				FAX NO.
CITY Mosier	STATE OR	ZIP 97040	E-MAIL <u>jgrim@johngrimassociates.com</u>	
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 GSI Water Solutions, Inc. ATTN: Zach Pike-Urlacher			PHONE NO. 541-753-0933	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Boulevard, Suite 240				FAX NO.
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL <u>zpikeurlacher@gsiws.com</u>	
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:
The City of Mosier is proposing to remove a point of appropriation (Well 3) and add a new point of appropriation (Well 5) to Certificate 91731.
 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.

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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: **Columbia Gorge News**.
- 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.



Colleen Coleman
Applicant signature

Colleen Coleman, City Manager
Print Name (and Title if applicable)

01/04/2022
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 **The City of Mosier has legal access to the property on which the proposed Well 5 will be located.** *

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. **David and Quin Clarkson (owners of the property on which the City of Mosier is proposing to build Well 5) have granted the City of Mosier access to the property. The City has both a temporary easement for construction, and perpetual and exclusive utility easement for the proposed Well 5. The documents are included in Attachment D.*

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

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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 N/A	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 N/A	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 Wasco County	ADDRESS 2705 East 2nd Street	
CITY The Dalles	STATE OR	ZIP 97058

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

CERTIFICATE # 91731

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Description of Water Delivery System

System capacity: 0.67 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. Water is currently pumped from Well 4 using a 30hp submersible turbine pump with a 25hp pump end, conveyed via 6 inch water main to a ground-based concrete holding tank, and distributed throughout the service area via a piped distribution system. Well 3 was decommissioned in 2014 (see Attachment F) and is being removed from this Certificate.

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		Tax Lot, DLC, or Gov't Ilot	Measured Distances (from a recognized survey corner)
Well 4	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	WASC 51497	2	N	11	E	12	NW	NE	400	1222 feet South and 1398 feet West from NE Corner, Section 12	
Well 3	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	WASC 2765	2	N	11	E	12	SW	NE	200	220 feet North and 1335 feet West from E1/4 Corner, Section 12	
Well 5	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		2	N	11	E	12	NW	NE	400	1170 feet South and 1360 feet West from the NE Corner, Section 12	

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.

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 # 91731

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.

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	Acres	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	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	
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901	
										APOA	See Attachment A							Municipal	Well 4, Well 5	5/20/1971	
TOTAL ACRES:											TOTAL ACRES:						N/A				

Additional remarks: _____.


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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 **N/A – Certificate 91731 is for municipal use so "layering" does not apply.**

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) -N/A

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

For a change from Supplemental Irrigation Use to Primary Irrigation Use -N/A

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.
(See Attachment F)

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.	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 (G or gpm) - If less than full rate of water right
Well 4 (WASC 51497)	Yes	L-66330	498ft	8in	+1.5-285ft	0-285ft	435-475ft	Artesian	Priest Rapids Basalt	
Well 5	No	-	468ft	8in	0-268ft	0-268ft	405-445ft	Artesian	Priest Rapids Basalt	

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Attachment A

Certificate 91731

Application for a Permanent Water Right Transfer - City of Mosier

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STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF MOSIER
PO BOX 456
MOSIER OR 97040

confirms the right to the use of water perfected under the terms of Permit G-5410. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-5524

SOURCE OF WATER: MOSIER WELL 3 AND WELL 4 IN MOSIER CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND (CFS), BEING LIMITED TO 0.53 CFS FROM MOSIER WELL 3, AND 0.67 CFS FROM WELL 4

DATE OF PRIORITY: MAY 20, 1971

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	11 E	WM	12	NW NE	WELL 4 - 1222 FEET SOUTH AND 1398 FEET WEST FROM NE CORNER, SECTION 12
2 N	11 E	WM	12	SW NE	MOSIER WELL 3 - 220 FEET NORTH AND 1335 FEET WEST FROM E1/4 CORNER, SECTION 12

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
2 N	11 E	WM	1	SW NE
2 N	11 E	WM	1	SE NW
2 N	11 E	WM	1	NE SW
2 N	11 E	WM	1	NW SW
2 N	11 E	WM	1	SW SW
2 N	11 E	WM	1	SE SW
2 N	11 E	WM	1	NW SE
2 N	11 E	WM	1	SW SE
2 N	11 E	WM	2	NE SE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
2 N	11 E	WM	2	NW SE
2 N	11 E	WM	2	SW SE
2 N	11 E	WM	2	SE SE

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

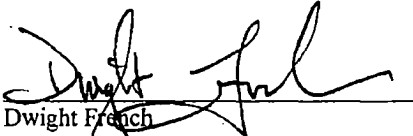
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted, and shall keep a complete record of the amount of groundwater withdrawn.

The combined quantity of water diverted at the new point of appropriation (Well 4), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued SEP 23 2016



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

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Attachment B

Application Map

Application for a Permanent Water Right Transfer – City of Mosier

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Attachment C

Evidence of Use Affidavit

Application for a Permanent Water Right Transfer – City of Mosier

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.

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State of Oregon)
) ss
 County of WASCO

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I, COLLEEN COLEMAN, in my capacity as CITY MANAGER,
 mailing address P.O. BOX 456, 208 WASHINGTON STREET, MOSIER, OR, 97040
 telephone number (541) 478-3505, 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 # 91731; 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)

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

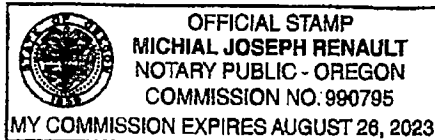
Alan P. Blue

Signature of Affiant

1/10/2022

Date

Signed and sworn to (or affirmed) before me this 10th day of January, 2022.



Michial Joseph Renault

Notary Public for Oregon

My Commission Expires: August 28 2023

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 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.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number
<input checked="" type="checkbox"/> 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).	Certificate 97040 is a water right held by a city for reasonable and usual municipal purposes. (Certificate is included in Attachment A.)

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Attachment D

Affidavit of Consent

Application for a Permanent Water Right Transfer – City of Mosier

After recording, return to:
City Recorder
City of Mosier
P.O. Box 456
Mosier, OR 97040

Wasco County Official Records 2021-001152
DEED-ESMT
Cnt=1 SIn=1 WASCO COUNTY 03/16/2021 10:54 AM
\$65.00 \$11.00 \$60.00 \$10.00 \$19.00 \$165.00

00103993202100011520130135

I, Lisa Gambée County Clerk for Wasco County,
Oregon, certify that the instrument identified
herein was recorded in the Clerk records.



Space above this line for Recorder's use

TEMPORARY CONSTRUCTION EASEMENT

David and Quin Clarkson (together, "Grantor"), for good and valuable consideration, grant to the City of Mosier, an Oregon municipal corporation ("Grantee"), and to its licensees, successors, and assigns, a temporary construction easement to perform construction activities related to the City of Mosier municipal water system.

- 1. Grant of Temporary Construction Easement.** Grantor owns real property located in the North half of the Northeast quarter of Section 12, Township 2 North, Range 11 East of the Willamette Meridian, Wasco County, State of Oregon as described in **Exhibit A of Appendix 1** attached hereto ("Grantor's Property"). Grantor hereby grants to Grantee a temporary construction easement ("TCE") on, over, under, and across a portion of Grantor's Property, which portion of real property is described in **Exhibit B of Appendix 1** and depicted in **Exhibit C of Appendix 1**, each attached hereto and incorporated herein by this reference (the "TCE Area").
- 2. Purpose.** Grantee has identified the TCE Area as potentially suitable for a new potable well to serve as an emergency backup water supply source for its municipal water system. Grantee will need to perform certain construction, testing, and other due diligence activities to determine whether the TCE Area will meet Grantee's water system needs. The purpose for this TCE is to provide for the construction, testing, and due diligence activities on Grantor's Property as required for Grantee to make a determination of suitability for Grantee's water system needs.
- 3. Use of the TCE Area.** Grantee shall have the right to enter upon and use the TCE Area for the purpose of performing the construction, testing, and due diligence activities generally described herein, including but not limited to: well drilling, well testing, surveying, field work, construction of access and drilling pads, construction of temporary erosion control measures, storage and placement of construction equipment and materials, and other work that is necessary to the drilling of the well (the "Construction Activities"). Grantor desires to protect certain trees in the TCE Area; Grantee shall prepare a site plan, subject to Grantor's reasonable approval, which designates trees to be protected, and Grantee shall not remove the protected trees. Grantee shall have the right to remove vegetation, non-protected trees, and other obstructions in the TCE Area as needed to perform the Construction Activities and pursuant to the approved site plan. Grantee shall propose a schedule for the Construction Activities, including the days and times of day when the Construction Activities may be conducted on Grantor's Property, which schedule will be subject to Grantor's reasonable consent. Grantor shall use the TCE only for the purposes and as provided for herein.
- 4. Compensation.** As full and complete consideration for the rights and interests provided herein, Grantee shall pay to Grantor the amount of five thousand dollars (\$5,000), which compensation shall be due and payable upon execution of this TCE.

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5. **Restoration of the TCE Area.** If, in Grantee's sole opinion, the well that is constructed under the terms of this TCE meets Grantee's water quality and quantity needs, and if Grantee decides to use the TCE Area for the new potable well to serve as an emergency backup water supply source for its municipal water system, Grantee shall notify Grantor, the TCE Area shall not be restored, and the Parties shall enter into a permanent easement agreement as provided for under the terms of the *Agreement for Conveyance of Easement Interests* dated February 4, 2021 attached hereto as **Appendix 1** and incorporated herein by this reference. If, in Grantee's sole opinion, the well that is constructed under the terms of this TCE does not meet Grantee's water quality and quantity needs, Grantee shall notify Grantor and shall promptly restore the TCE Area to a condition as near to its original condition as of the Effective Date as is reasonably practicable. The Parties acknowledge and agree that due to the purposes for and the use of the TCE, the TCE Area will not be restored to the same condition as existed in the TCE Area prior to Grantee's commencement of the Construction Activities, and that certain damage and disturbance to the land will remain. Grantee shall cause the well to be decommissioned in accordance with Oregon State law. Grantee shall perform restoration of the TCE Area as soon as practicable. In the event that Grantee decides to not construct and operate a municipal well in the TCE Area, Grantee shall have no further obligation to Grantor, and Grantor shall have no further right or claim against Grantee, following the restoration provided for herein.
6. **Effective Date and Duration.** This TCE shall take effect on January 1, 2021 (the "Effective Date"). This TCE shall automatically terminate upon the earlier occurrence of: (a) the Parties' execution and recording of the permanent easement agreement and the restrictive covenant as provided in Appendix 1; (b) Grantee's written notification to Grantor that Grantee has determined the TCE Area will not meet Grantee's needs and restoration of the TCE Area has been completed as provided herein; or (c) three (3) years from the Effective Date.
7. **Indemnification.** Grantee shall indemnify, defend, and hold harmless Grantor from any and all claims, loss, liability, or damage, incurred or sustained by Grantor that arise out of the use or exercise of the TCE Area by Grantee or Grantee's agents, employees, or independent contractors, except for claims, loss, liability, or damage arising out of the negligence or willful misconduct of Grantor or Grantor's agents, invitees, employees, or licensees.
8. **Grantor's Covenants and Restrictions for Grantor's Use of the TCE Area.** Grantor hereby covenants that they are the owners in fee simple; that the TCE Area is free of all liens and encumbrances; that they have good and legal right to grant the TCE rights and interests provided herein; and that they will pay all taxes and assessments due and owing on Grantor's Property and the TCE Area. Grantor shall erect no barriers that would restrict or preclude Grantee from use of the TCE Area for the purposes herein described. For safety reasons, access to the TCE Area shall be limited to only approved engineering and construction personnel as authorized by Grantee while this TCE remains in effect. Grantor shall only access the TCE Area as authorized by Grantee and only when accompanied by engineering or construction personnel as approved by Grantee.
9. **Time is of the Essence.** Time is of the essence regarding the terms of this TCE. If Grantor or Grantee violate any of the terms, covenants, or conditions of this TCE, or fail to perform any of their obligations included in this TCE in a timely manner, the non-defaulting Party or Parties shall have the right to declare a default by written notice and seek available legal or equitable remedies in the Circuit Court of the State for Oregon in Wasco County.
10. **Binding Effect.** This TCE and the rights and obligations therewith shall run with the land and shall be binding upon, and will inure to the benefit of, Grantor and Grantee, and their respective heirs, legal representatives, successors, and assigns. This TCE shall not be assignable by Grantee.

The Parties have executed this Agreement, effective as of the Effective Date.

(Signatures on next page)

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FOR THE CLARKSONS:

FOR THE CITY OF MOSIER:

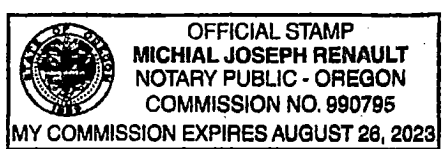
By: [Signature] Date: 3/4/21
David Clarkson

By: [Signature] Date: 3/4/21

By: [Signature] Date: 3/4/21
Quin Clarkson

STATE OF OREGON)
) ss
COUNTY OF Wasco)

I certify that I know or have satisfactory evidence that **David and Quin Clarkson** are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute this instrument and acknowledge it to be the free and voluntary act of such parties for the uses and purpose mentioned in this instrument.

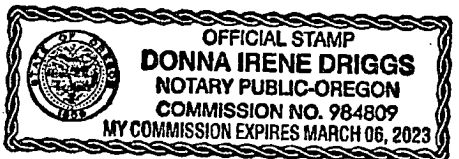


[Signature]
Notary Public for Oregon
My Commission Expires: Aug 26, 2023

STATE OF OREGON)
) ss
COUNTY OF Hood River)

[Signature] 2/16/21

I certify that I know or have satisfactory evidence that **Colleen Coleman** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute this instrument as the City Manager for the City of Mosier and acknowledge it to be the free and voluntary act of such party for the uses and purpose mentioned in this instrument.



[Signature]
Notary Public for Oregon
My Commission Expires: March 6, 2023

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AGREEMENT FOR CONVEYANCE OF EASEMENT INTERESTS

This Agreement for Conveyance of Easement Interests (this "Agreement") is effective the 4th day of February, 2021 (the "Effective Date"), by and between David and Quin Clarkson (together, the "Clarksons") and the City of Mosier, an Oregon municipal corporation (the "City").

RECITALS

- A. The Clarksons own fee simple title to certain real property of approximately 6.5 acres located in unincorporated Wasco County near the corporate limits of the City of Mosier, which property is more particularly described in Exhibit A attached hereto (the "Clarkson Property").
- B. The City owns and operates a municipal water system, including wells, reservoirs, and a water distribution system. As part of its municipal water system, the City owns and operates an existing well on the Clarkson Property.
- C. The City has a need for a new potable well to serve as an emergency backup water supply source for its municipal water system and has identified a portion of the Clarkson Property that may be suitable for the location of a well for such purpose, which portion of the Clarkson Property is more particularly described in Exhibit B and depicted in Exhibit C attached hereto (the "Well No. 5 Site" or the "Easement Area").
- D. Certain construction and testing, will need to be performed on the Clarkson Property, and government approvals will need to be obtained, in advance of the City's ability to determine the suitability of the Well No. 5 Site for the City's needs.
- E. The Clarksons desire to convey to the City, and the City desires to purchase from the Clarksons, temporary easement interests over the Clarkson Property in order for the City to conduct the necessary construction, testing, and other due diligence activities on the Clarkson Property to determine whether the Well No. 5 Site will meet the City's water system needs.
- F. If the City determines that the Well No. 5 Site is suitable to meet the City's needs, and that a well in the Easement Area would provide sufficient quality and quantity of water to meet the City's water system requirements, and provided that the City is able to acquire the necessary regulatory and other approvals, then the City wishes to purchase from the Clarksons, and the Clarksons wish to convey to the City, a permanent easement over, under, upon, through, and across the Property of an area sufficient to protect the wellhead and connect utilities to the Well No. 5 Site and together with the right of ingress and egress and in accordance with the terms and conditions of this Agreement.

Based on the foregoing Recitals, and for valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

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AGREEMENT

1. Temporary Construction Easement.

1.1 Conveyance of Temporary Construction Easement. The Clarksons shall grant the City a temporary access and construction easement ("Temporary Easement") upon the Easement Area, which shall extend from the public right-of-way at Mosier Creek Road to the Well No. 5 Site upon the Clarkson Property as more particularly described and depicted in Exhibits B and C. The purpose for the Temporary Easement will be to access and use the Easement Area to conduct testing and undergo construction of a municipal water well.

1.2 Compensation for Temporary Construction Easement. The City shall pay to the Clarksons the amount of five thousand dollars (\$5,000) as the entire compensation for the Temporary Easement, which amount shall be payable upon execution by the Parties of a temporary easement agreement.

1.3 Terms of Temporary Construction Easement. The temporary easement agreement shall contain the following terms and conditions:

1.3.1 Restoration of Easement Area. If, in the City's sole opinion, the well that is constructed under the terms of the Temporary Easement does not satisfy the City's water quality and quantity needs, the City shall notify the Clarksons and shall promptly restore the Easement Area to a condition as near to its original condition as of the Effective Date as is reasonably practicable. The well will be decommissioned in accordance with Oregon State law. The City shall perform the restoration as soon as practicable. In the event that the City decides to not construct and operate a municipal well on the Clarkson Property, the City shall have no further obligation to the Clarksons, and the Clarkson shall have no further right or claim against the City following the restoration provided for in this provision.

1.3.2 Construction Activities. The Parties shall agree to a schedule for construction activities, including the days and times of day when construction activities will be conducted on the Property.

1.3.3 Indemnification. The City shall indemnify, defend, and hold harmless the Clarksons from any and all claims, loss, liability, or damage in connection with any entry on the Property by the City or the City's agents, employees, or independent contractors.

2. Permanent Easement.

2.1 Conveyance of Permanent Easement. Provided that all of the covenants and conditions of this Agreement are met, each an independent condition precedent to the City's purchase of permanent easement interests, the City agrees to purchase from the Clarksons, and the Clarksons agree to convey to the City, a perpetual and exclusive access and utility easement on, across, and under the Easement Area, including the right to ingress and egress therefrom, the purpose of which will be to construct, place, maintain, operate, repair, and replace a potable water well and associated facilities, including but not limited to utility lines and connections (the

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“Easement”). The Easement shall burden the Clarkson Property. If any covenant or condition of this Agreement is not met, the City shall so notify the Clarksons and except for any continuing obligations as herein described, neither Party shall have any remaining rights or obligations to the other Party under this Agreement and this Agreement shall become null and void.

2.2 Compensation for Permanent Easement. The City shall pay to the Clarksons the amount of thirty-five thousand dollars (\$35,000) as the entire monetary compensation for the Easement, which amount shall be payable upon the recording of a permanent access and utility easement agreement executed by the Parties. As additional compensation, the City shall install a water level monitoring sensor for the private well on the Clarkson Property.

2.3 Terms of Permanent Easement Agreement. If a permanent access and utility easement agreement is entered into by the Parties, the agreement shall incorporate the following terms and conditions:

2.3.1 Prior to constructing permanent improvements in the Easement Area, the City shall prepare and submit to the Clarksons design drawings of the improvements for the Clarksons’ review and approval, including the City’s proposal for site grading, site landscaping, site restoration, erosion control, building design, and fencing.

2.3.2 In the event that any Party determines that state law imposes more limitations or greater restrictions than what the Parties have agreed upon, the Parties shall reopen negotiations in an effort to accommodate those requirements.

2.3.3 The City shall indemnify, defend, and hold harmless the Clarksons from any and all claims, loss, liability, or damage in connection with any entry on the Property by the City or the City’s agents, employees, or independent contractors.

3. Conditions and Covenants. The City’s agreement to purchase permanent easement interests and enter into an access and utility easement as herein described is contingent upon the satisfaction of each of the following conditions:

3.1.1. Approvals by Mosier City Council. The Mosier City Council must take formal action to approve of the construction and operation of a municipal water well in the Easement Area, and to approve of the terms and conditions of the permanent access and utility easement agreement. Action by the Mosier City Council shall be made in its sole discretion.

3.1.2. Approvals by Wasco County; Land Use and Development Approvals. The City must be satisfied with and have received all final land use and development approvals from Wasco County and all other applicable governmental authorities, after all appeal periods, as may be required for the City’s intended use of the Easement Area. The City must be satisfied with all conditions of approval, if any, that accompany the final land use and developments approvals. Upon execution of this Agreement, the Clarksons hereby appoint the City as the Clarksons’ agent and authorized representative to make and progress, on the Clarksons’ behalf, any and all land use and regulatory requests, and to make applications and requests to government entities and agencies so that the City may make use of the Property for its intended

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use. The Clarksons' agree to cooperate with the City, Wasco County, and any other government entity or agency in the City's submittal of all land use and development requests and applications for approval. The City shall pay the costs for land use and development applications and requests as may be required by Wasco County for the City's intended activities on the Property.

3.1.3. Approvals by State of Oregon. The City must obtain approval by the Oregon Health Authority and the Oregon Water Resources Department as required for the construction and operation of a municipal well on the Property.

3.1.4. Approvals by the Federal Government. The City must obtain approval by the U.S. Department of Agriculture as required for the construction and operation of a municipal well by the City on the Property.

3.1.5. Reports & Assessments. The City must be satisfied as to the suitability of the Property for its intended use, including satisfaction with the quantity and quality of water available on the Property; the encumbrances, if any, that burden the Property; and the taxes and liabilities due and payable on the Property at the time of the execution of the permanent easement agreement. To this end, the City may obtain, at the City's expense, a preliminary title report or other title documents showing the condition of title to the Property, together with copies of all exceptions listed therein, and the Clarksons shall cooperate with the City's requests for such reports. Upon request by the City, the Clarksons shall provide all other relevant reports, including any environmental assessments and inspections that are in its possession and pertaining to the Property. The City shall conduct a survey for the location of the Clarkson Property and of the Property boundaries and shall provide to the Clarksons a copy of the final survey. Costs of the survey shall be paid for by the City.

3.1.6. Restrictive Covenant. The Clarksons shall record a restrictive covenant upon the Clarkson Property, covering a circular area extending out for a radius of approximately 50 to 100 feet from the well location (the "Sanitary Control Area"), more particularly described in attached **Exhibit D**. The restrictive covenant shall provide that for so long as the well is used for municipal water purposes, the following shall be precluded from the Sanitary Control Area:

any potential source of contamination, such as septic tanks, septic drainfields, sewer lines, underground or above-ground storage tanks of any kind, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

The restrictive covenant shall be recorded in a form approved by the City. No additional compensation shall be paid to the Clarksons for the fulfillment of this condition.

4. Representations and Warranties.

4.1 The Clarksons' Representations and Warranties. The Clarksons represent and warrant to the City as follows:

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4.1.1. The Clarkson Property will remain in substantially the same condition as its present condition (except for any damages caused by the City) at the time of execution of the permanent access and utility easement agreement or at the time of the City's notification that it will not purchase the permanent easement interests as specified herein.

4.1.2. The Clarksons have received no written notice of any liens to be assessed against the Clarkson Property or any notices relating to condemnation of any portion of the Clarkson Property.

4.1.3. The Clarksons have received no written notice from any governmental agency of any violation of any statute, law, ordinance, or deed restriction, rule, or regulation with respect to the Clarkson Property.

4.1.4. To the best of the Clarksons' knowledge, the Clarkson Property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or wastes contained on or under the Clarkson Property and the Clarkson Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials or wastes have been or may have been located or deposited.

4.1.5. The Clarksons are fully authorized to enter into and perform their obligations under this Agreement and any other agreement or instrument necessary to consummate the transactions contemplated by this Agreement.

4.2 City's Representations and Warranties. The City represents and warrants to the Clarksons as follows:

4.2.1. Neither the City's execution of this Agreement nor its performance of the obligations hereunder will violate, constitute a default under, or breach of, any agreement between the City and any third party by which City is bound.

4.2.2. The City is fully authorized to enter into and perform its obligations under this Agreement and any other agreement or instrument necessary to consummate the transactions contemplated by this Agreement.

4.3 No suit, action, or other proceeding will have been threatened or instituted against the City or the Clarksons to restrain, enjoin, or otherwise prevent the consummation of this Agreement or the transactions contemplated by this Agreement.

5. Binding Effect & Restriction on Assignment. This Agreement is binding on and shall inure to the benefit of the Clarksons, the City, and their respective heirs, legal representatives, successors, and assigns. Neither Party may assign its rights under this Agreement without the other Party's prior written consent, which consent shall not be unreasonably withheld.

6. Attorney Fees. In the event legal action is instituted to enforce any term of this Agreement, the prevailing party shall recover from the losing party all reasonable attorneys' fees incurred in such action as set by the trial court and, in the event of appeal, as set by the appellate courts.

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7. **Entire Agreement.** This Agreement sets forth the entire understanding of the Parties with respect to the subject matter contained herein. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the Parties regarding the Easement Area. This Agreement may not be modified or amended except by a written agreement executed by both Parties. This Agreement is intended to be superseded and replaced by the future recorded agreements conveying easement interests herein referenced.

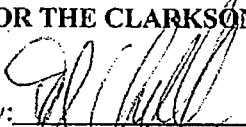
8. **Applicable Law.** This Agreement shall be construed, applied, and enforced in accordance with the laws of the State of Oregon. In the event that any part of this Agreement is held to be invalid or unenforceable by any court or administrative agency of competent jurisdiction, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

9. **Acceptance.** This Agreement shall be null and void unless accepted by the Clarksons, as evidenced by the Clarksons' execution of it, on or before March 1, 2021.

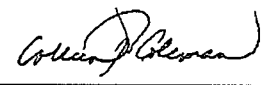
The Parties have executed this Agreement, effective as of the Effective Date.

FOR THE CLARKSONS:

FOR THE CITY OF MOSIER:

By: 
David Clarkson

Date: 1/12/2021

By: 
Date: 2/4/2021

By: 
Quin Clarkson

Date: 1/12/2021

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EXHIBIT A

Tract of Land Description:

A tract of land being a portion of that land described in Personal Representatives Deed, Wasco County Deed Records, Instrument No. 914249.

To wit:

That portion of the following described tract of land that is located in the North half of the Northeast quarter of Section 12, Township 2 North, Range 11 East of the Willamette Meridian, County of Wasco and State of Oregon, more particularly described as follows:

From the Northwest corner of the Northeast quarter of Section 12, Township 2 North, Range 11 East of the Willamette Meridian, run East 9.45 chains; thence South 15° East 3.89 chains; thence South 34° East 9 chains; to the beginning point of the tract described herein; from said point of beginning run thence South 56° West 9 chains; thence South 34° East 5.66 chains; thence easterly to a point on the bank of Mosier Creek which point is South 34° East 9.57 chains from the point of beginning; thence North 34° West 9.57 chains to the point of beginning.

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EXHIBIT B

Easement Tract:

Commencing at the Southwesterly corner of the tract of land described in Exhibit A; thence North $79^{\circ}26'15''$ East, along the South line of said tract, 504.21 feet, more or less, to the point of intersection of said South line and the Easterly "As Traveled" right of way of Mosier Creek Road, said point being the Point of Beginning; thence following the Easterly "As Traveled" right-of-way of said Mosier Creek Road the next four (4) courses:

- 1) thence North $16^{\circ}42'27''$ East, 5.80 feet to the beginning of a non-tangential curve;
- 2) thence along said non-tangent curve turning to the left through a center angle of $31^{\circ}55'41''$, having a radius of 271.87 feet, and whose long chord, which bears North $01^{\circ}05'02''$ East, a chord distance of 149.54 feet to a point of intersection with a non-tangential line.
- 3) thence North $19^{\circ}15'40''$ West, 56.48 feet;
- 4) thence North $24^{\circ}39'07''$ West, 36.18 feet;

thence North $65^{\circ}20'53''$ East, 20.97 feet more or less to a point on the easterly line of said tract;
thence South $34^{\circ}02'41''$ East, 270.00 feet, along said Easterly line to the Southeasterly corner of said tract; thence South $79^{\circ}26'15''$ West a distance of 143.43 feet, back to the Point of Beginning;

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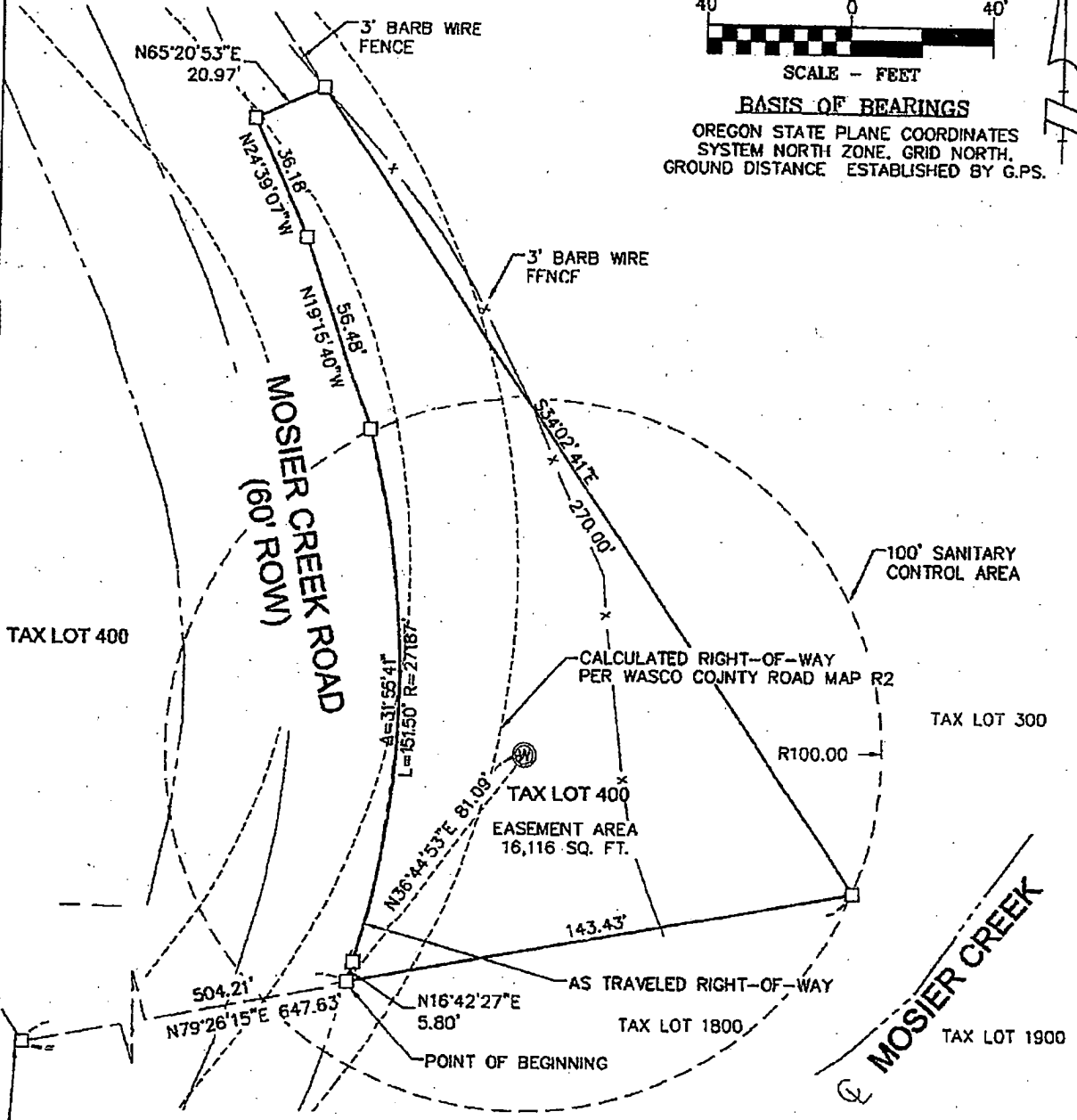
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EXHIBIT "C"



BASIS OF BEARINGS
 OREGON STATE PLANE COORDINATES
 SYSTEM NORTH ZONE, GRID NORTH,
 GROUND DISTANCE ESTABLISHED BY G.P.S.



POINT OF COMMENCEMENT
 SW CORNER OF
 PRD INSTRUMENT NO.
 914249

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

James M. Klein

OREGON
 JULY 12, 2005
JAMES M. KLEIN
 59002

Expires 6-30-2021

EASEMENT EXHIBIT
 IN SECTION 12, T. 2N., R. 11E., W.M.
 WASCO COUNTY, STATE OF OREGON



Klein & Associates, Inc.
 ENGINEERING SURVEYING PLANNING
 1411 13th Street • Hood River, OR 97031
 TEL: 541-385-3322 • FAX: 541-385-2115

PROJECT:	181102
FILE NO.:	181102_MOSIER_CREEK
DRAWN:	
LAYOUT:	CKB
SURVEYED:	KA
DESIGN:	CK
DRAFT:	CK
APPROVE:	CK
DATE:	12/18/2020
SHEET:	1 OF 2 SHEETS

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EXHIBIT D

RESTRICTIVE COVENANT LEGAL DESCRIPTION

A tract of land, being a circular-shaped parcel of land 100 (one hundred) feet in radius, situated in a portion of that land described in **Exhibit A**.

Said 100-foot diameter parcel of land, being a portion of the tract of land described in **Exhibit A** and is within a distance of 100 feet from the center of a certain existing water well casing presently in place upon said tract. Said center of well casing is more particularly described as follows:

Commencing at the southwesterly corner of the above-described tract of land; thence North 79°26'15" East, along the south line of said tract, 504.21 feet, more or less, to the point of intersection of said South line and the Easterly "as traveled" right-of-way of Mosier Creek Road; thence North 36°44'53" East, 81.09 feet, more or less, to the center of an existing well casing. Said center of well casing bears North 73°52'03" East, 566.49 feet from said Southwesterly corner of said tract.

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Attachment E

Land Use Information Form

Application for a Permanent Water Right Transfer – City of Mosier

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Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form

Applicant(s): City of Mosier, ATTN: Colleen Coleman

Mailing Address: P.O. Box 456, 208 Washington Street

City: Mosier

State: OR

Zip Code: 97040

Daytime Phone: 541-478-3505

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>2N</u>	<u>11E</u>	<u>12</u>	<u>NWNE</u>	<u>400</u>	<u>EFU 40+</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Municipal</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	_____

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

Wasco County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.67
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

The City of Mosier is proposing to add an additional point of appropriation (Well 5) to Certificate 91731.



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

See bottom of Page 3. →

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OWRD

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Subject to Standards Review (Administrative Decision)	Section 3.210 – Exclusive Farm Use (A-1) Zone Section 3.214 - Uses Permitted Subject to Standards/Type II Review L. Utility facilities "necessary" for public service	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

The Planning Department has worked with applicant regarding a pending land use application.

Name: Daniel Dougherty Title: Senior Planner

Signature:  Digitally signed by Daniel Dougherty
DN: cn=Daniel Dougherty, o=Planning Department, ou=Wasco County,
email=dougherty@wasco.or.us, c=US
Date: 2022.01.25 11:00:41 -0800 Phone: 541-506-2568 Date: 05JAN2022

Government Entity: Wasco County Planning

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RECEIVED

Well 3 - WASC 2765
Well 3 - WASC 52071 (Abandonment)
Well 4 - WASC 51497

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OWRD

Attachment F

Well Logs

Application for a Permanent Water Right Transfer – City of Mosier

Phone: 771-2355

2/11E-1290

R. J. Strasser Drilling Co.

8110 S. E. Sunset Lane
Portland, Oregon 97206

October 10, 1971

Log of City of Mosier well no. 3

RECEIVED
OCT 13 1971

STATE ENGINEER
SALEM, OREGON

top soil	0 - 1
brown clay	1 - 5
sandy clay and boulders	5 - 10
broken brown basalt	10 - 24
medium hard grey basalt	24 - 30
hard grey basalt	30 - 86
broken grey basalt	86 - 87
hard light grey basalt	87 - 176
medium hard brown basalt	176 - 188
medium hard grey basalt	188 - 193
brown cinders	193 - 224
packed grey sand	224 - 255
blue clay	255 - 266
dark grey basalt	266 - 285
broken grey basalt	285 - 286
hard grey basalt	286 - 304
broken grey basalt	304 - 315
hard grey basalt	315 - 320
porous grey basalt	320 - 338
medium hard grey basalt	338 - 340

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FEB 03 2022

OWRD

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # L 66328

START CARD # 1019968

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

(1) LAND OWNER
Name CITY OF MOSIER
Address P.O. BOX 456
City MOSIER State OR Zip 97040
Well Number 3

(2) TYPE OF WORK
New Well
Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
Rotary Air Rotary Mud Cable Auger Cable Mud
Other

(4) PROPOSED USE
Domestic Community Industrial Irrigation
Thermal Injection Livestock Other

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

Table with columns: BORE HOLE Diameter, From, To, Material, SEAL From, To, Sacks or Pounds

How was seal placed: Method A B C D E
Other
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER
Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded
Casing:
Liner:

Drive Shoe used Inside Outside None
Final location of shoe(s)

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Table with columns: From, To, Slot Size, Number, Diameter, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour
Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time

Temperature of water Depth Artesian Flow Found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL (legal description)
County WASCO
Tax Lot 350 Lot
Township 2 N Range 11 E WM
Section 12 SW 1/4 NE 1/4

Lat " or (degrees or decimal)
Long " or (degrees or decimal)

Street Address of Well (or nearest address)
1024 MOSIER CREEK ROAD, MOSIER, OR, 97040

(10) STATIC WATER LEVEL
ft. below land surface. Date
ft. below land surface. Date
Artesian pressure lb. per square inch Date

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

Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG
Ground Elevation
Material From To SWL
SEE ATTACHED REPORT
RECEIVED BY OWRD
RECEIVED BY OWR
AUG 19 2013
SEP 23 2013
SALEM, OR
SALEM, OR
Date Started 06-05-13 Completed 07-08-13

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.

WWC Number Date

Signed

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.

WWC Number 1934 Date 07-15-13

Signed

WASC 52071

Person Pump & Well Drilling, Inc.

1015 E. Broadway
Goldendale, Wa 98620
Office (509) 773-4085
Fax (509) 241-0975

Website: www.personpumpanddrilling.com Email: personpumpanddrilling@gorge.net

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MOSIER WELL #3 ABANDONMENT

OWRD

06-05-13-06-12-13

14 psi on well head, pumped 4,000 gallons mud and n-seal down hole. Pressure rose to 350 psi. Found leaking welds, back pressure off to 250-300 psi.

06-13-13

High pressure pumping, well will only take 3-3.5 gpm.

06-14-13

Hooked up 300 cf bottle of nitrogen to well head, set pressure at 80 psi (184.8) ft.

06-27-13

Un-hooked nitrogen and opened well head, swl 70' at rising-topped with water, no flow, ran tremmie to bottom and pump approximately 6 cf Neat Cement Grout. Pump broke.

06-30-13

Ran tremmie again 383'-top of cement, pumped 40.5 cf Neat Cement Grout.

07-03-13

Found top of cement 190'-redrilled hole to top of riser pipe 237'6" blew hole dry. Perforated 8" casing 6 rows 6 perfs per foot 1"x.25". Hole completely dry up to somewhere between 160' and 180', hit water. Approximately 100gpm. 8" pipe perforated, top of rise to 160' and surface to 20'.

07-06-13

Swl 58' 4", ran tremmie to top of riser and flanged up well head.

07-08-13

Pumped 6 yds cement grout @ 300 psi forcing cement out the lower parts up the annulus to the surface. Tremmie pipe cemented in at 120', full of cement, broke off and left in-place.

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AUG 19 2013

SALEM, OR

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 6630 66330
START CARD # 175038

(1) LAND OWNER
Owner Well I.D. 4
First Name Last Name
Company CITY OF MOSIER
Address PO BOX 465
City MOSIER State OR Zip 97040

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

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

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

(5) BORE HOLE CONSTRUCTION
Special Standard [] Attach copy
Depth of Completed Well 498 ft.

Table with columns: Dia, From, To, Material, From, To, Amt, lbs. Rows include Bentonite Chips and Cement.

How was seal placed: Method [] A [X] B [X] C [] D [] E
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [] Yes Type Amount

(6) CASING/LINER
Table with columns: Casing, Liner, Dia, From, To, Gauge, Stl, Plstc, Wld, Thrd.

Shoe [] Inside [] Outside [] Other Location of shoe(s)
Temp casing [] Yes Dia From To

(7) PERFORATIONS/SCREENS
Perforations Method factory cut
Screens Type Material

Table with columns: Perf/ Screen, Casing/ Liner, Dia, From, To, Scrn/slot width, Slot length, # of slots, Tele/ pipe size.

(8) WELL TESTS: Minimum testing time is 1 hour
Pump [] Bailer [] Air [X] Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Temperature 59 °F Lab analysis [X] Yes By Mark Yinger & Assoc.
Water quality concerns? [] Yes (describe below)
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County WASCO Twp 2 N N/S Range 11 E E/W WM
Sec 12 NE 1/4 of the NE 1/4 Tax Lot 400
Tax Map Number Lot
Lat ° 0 ' " or DMS or DD
Long ° 0 ' " or DMS or DD
[] Street address of well [] Nearest address
951 MOSIER CREEK RD

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Predeepening
Completed Well
Flowing Artesian? [X] Dry Hole? []

WATER BEARING ZONES
Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft).

(11) WELL LOG
Ground Elevation
Material From To
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OWIRD

Date Started 07-10-2006 Completed 08-04-2006

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.
License Number Date
Password: (if filing electronically)
Signed

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above.
License Number 1293 Date 08-21-2006
Password: (if filing electronically) *****
Signed [Signature]
Contact Info (optional) Person Pump & Well Drilling 509-773-4085

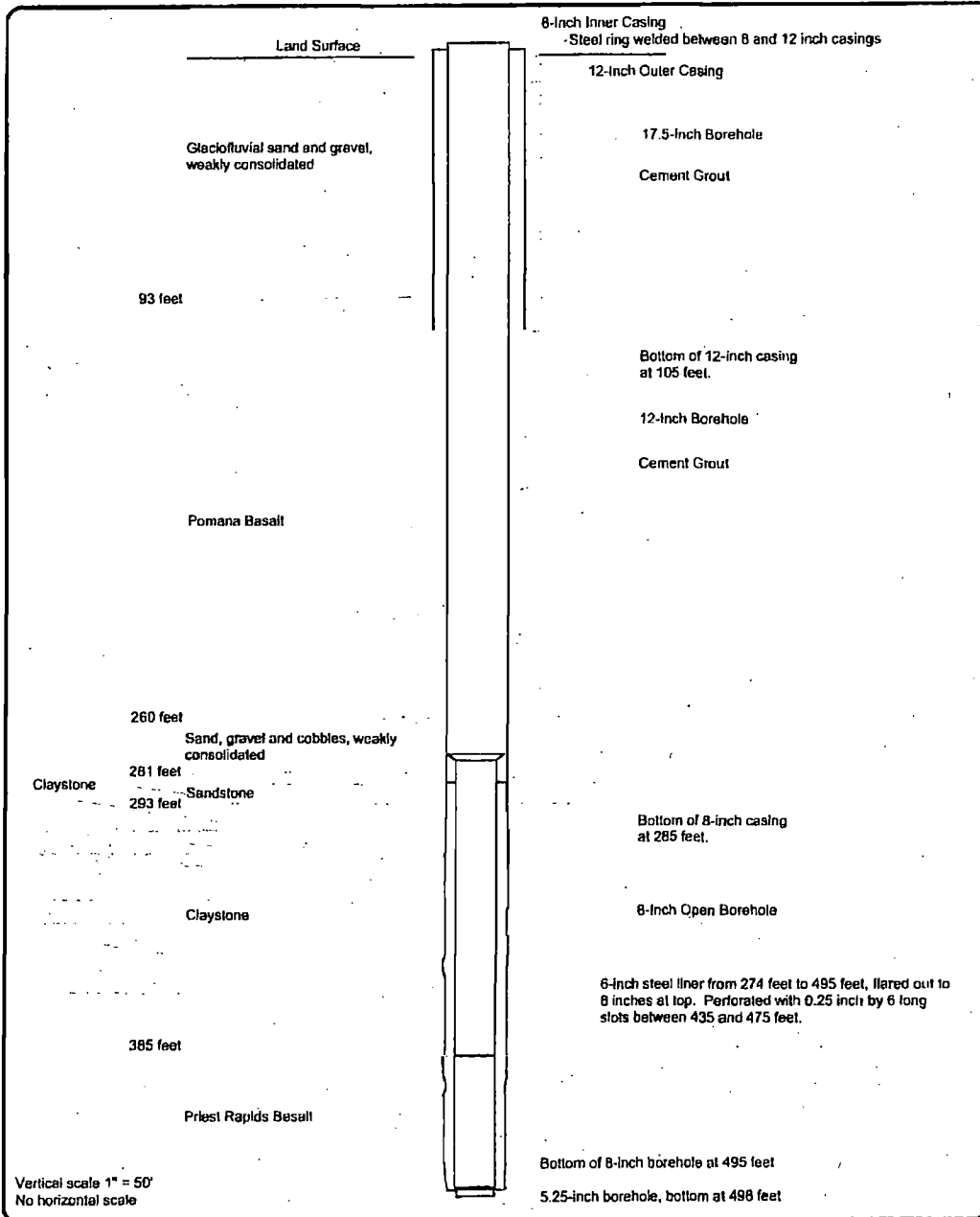
WASC 51497

WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. # ~~16630~~ 606330

START CARD # 175038

Map of well



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OWRD

Ground water & Environmental Consultants
Mark Yinger Associates
4866 Baseline Road, Parkdale OR, 97041 - 541-362-6015

City of Mosier Water Improvement Project
Well #4 As-Built

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AUG 28 2006

WATER RESOURCES DEPT
SALEM, OREGON

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FEB 03 2022

OWRD



January 13, 2022

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

RE: Transfer Application for Certificate 91731 in the name of City of Mosier

Dear Kelly:

The City of Mosier is the holder of water right Certificate 91731, which authorizes the appropriation of 0.67 cfs of groundwater for municipal use. The City is filing the enclosed transfer application to remove a current point of appropriation authorized by the Certificate (Well 3) and add a new point of appropriation (Well 5).

Also enclosed is a check for the required processing fee of \$1,840.

Please contact me if you have any questions or concerns. My phone number is 541-753-0933.

Sincerely,

A handwritten signature in black ink that reads "Zach Pike-Urlacher". The signature is written in a cursive, somewhat stylized script.

Zach Pike-Urlacher
Water Resources Analyst

Enclosures: Water Right Transfer Application
Check for application fee in the amount of \$1,840