

**Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 – Minimum Requirements Checklist**



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

This temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Temporary 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 online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificate 83964**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2024.**
- N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map. **(Attachment A)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment B)**
- Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. **(Attachment C)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature 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 D)**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

Application fee not enclosed/insufficient Map not included or incomplete
 Land Use Form not enclosed or incomplete
 Additional signature(s) required Part _____ is incomplete
 Other/Explanation _____
 Staff: _____ Phone: _____ Date: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- 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 temporary 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) to convey water to the new temporary place of use, 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 TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>1 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	2.70
5	Add entries on lines 1 through 4 above » » » » » » » » » » » Subtotal:	5	952.70
6	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 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » »	6	0
7	Subtract line 6 from line 5 » » » » » » » » » » » » Transfer Fee:	7	952.70

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
2	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » » Transfer Fee:	3	NA

*Example for Line 2a 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. Divide total authorized cfs by total acres in the water right (for C12345, $1.25 \text{ cfs} \div 100 \text{ ac}$); then multiply by the number of acres to be transferred to get the transfer cfs ($\times 45 \text{ ac} = 0.56 \text{ cfs}$).
2. 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$)
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).


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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Blake Hamalainen, Port of Portland			PHONE NO. 503.415.6566	ADDITIONAL CONTACT NO.
ADDRESS PO Box 3529				FAX NO.
CITY Portland	STATE OR	ZIP 97208	E-MAIL blake.hamalainen@portofportland.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				


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

AGENT/BUSINESS NAME Bruce Brody-Heine, GSI Water Solutions Inc			PHONE NO. 971.200.8519	ADDITIONAL CONTACT NO.
ADDRESS 147 SW Shevlin Hixon Dr, Suite 201				FAX NO.
CITY Bend	STATE OR	ZIP 97702	E-MAIL bbheine@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:
The application is requesting the use of water over 3 years during irrigation season to establish restoration plants. The total irrigated area of restoration plants is less than 1 acre.

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

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


 Applicant signature

Stan Jones Sr. Manager Mixed Media 4/27/22
 Print Name (and Title if applicable) 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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

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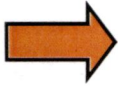
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

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	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Multnomah County	ADDRESS 501 SE Hawthorne Blvd	
CITY Portland	STATE OR	ZIP 97214

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

Part 5 of 5 – Water Right Information

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

Water Right Certificate # 83964

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Description of Water Delivery System

System capacity: 2.08 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Historically, water was delivered to the place of use using temporary delivery systems. The water right was leased in-stream commencing March 1, 2018 (IL-1639). The in-stream lease was terminated in April 2022.**

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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	N	2	E	11	N W	S W	2	2630 feet North and 5280 feet West from SE corner, Section 11
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1	N	2	E	14	SE	NE	1	2349 feet South and 300 feet West from NE corner, Section 14
3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1	N	2	E	12	NE	S W	100	1700 feet North and 870 feet West from S quarter corner, Section 12
4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1	N	3	E	17	NE	N W	100	1070 feet North and 1495 feet East from NW corner, Section 17

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

- Place of Use (POU) Appropriation/Well (POA)
- Point of Diversion (POD) Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

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

- Place of Use (POU) Point of Appropriation/Well (POA)
- Character of Use (USE) Additional Point of Appropriation (APOA)
- Point of Diversion (POD) Additional Point of Diversion (APOD)

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

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

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Table 2. Description of Temporary Changes to Water Right Certificate # 83964

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
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	2	E	11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988
1	N	2	E	11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988
1	N	2	E	11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988
1	N	2	E	11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988
1	N	2	E	11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988
1	N	2	E	13	NW	NW			10.2	Irrigation	POD 1, 2	1988	POU/APOA	1	N	2	E	12	NE	SW	100		0.2	Irrigation	POD 3	1988
-	-	-	-	-	-	-	-	-	-	-	-	-	POU/APOA	1	N	3	E	17	NE	NW	100		0.3	Irrigation	POD 4	1988
-	-	-	-	-	-	-	-	-	-	-	-	-	NO CHANGE	1	N	2	E	13	NW	NW	100		9.7	Irrigation	POD 1, 2	1988
1	N	2	E	13	SW	NW			22.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	13	SW	NW			22.1	Irrigation	POD 1, 2	1988
1	N	2	E	14	NE	NE			20.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	NE	NE			20.1	Irrigation	POD 1, 2	1988
1	N	2	E	14	NW	NE			20.7	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	NW	NE			20.7	Irrigation	POD 1, 2	1988
1	N	2	E	14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988
1	N	2	E	14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988
TOTAL ACRES									166.5	TOTAL ACRES													166.5			



Additional remarks: The Applicant is proposing to temporarily move 0.5 acres, and add two additional points of diversion for temporary irrigation to establish restoration plants.

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For Place 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 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide: N/A

- Well log(s) 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 below for any well that does not have a well log. For a *proposed well(s) 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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Attachment A

Application Maps

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Attachment B

Evidence of Use Affidavit

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Application for Water Right Transfer Evidence of Use Affidavit

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

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

State of Oregon)
) ss
 County of MULTNOMAH)

I, CARRIE BUTLER, in my capacity as SENIOR CONSERVATION ECOLOGIST FOR THE PORT OF PORTLAND,
 mailing address PO BOX 3529, PORTLAND, OR 97208
 telephone number (503)928.1611, 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 # _____; **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: 1639 (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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3. The water right was used for: (e.g., crops, pasture, etc.): INSTREAM LEASE

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.

Handwritten: AFFIDAVIT

Carl Bate
Signature of Affiant

April 20, 2022
Date

Signed and sworn to (or affirmed) before me this 20th day of April, 2022.



Cinzia Corio-Holman
Notary Public for Oregon

My Commission Expires: May 30, 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. 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 checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

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In the Matter of Instream Lease Application) DETERMINATION and
IL-1639, Multnomah County) FINAL ORDER ON PROPOSED
) INSTREAM LEASE

Authority

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

Lessor

Port of Portland
PO Box 3529
Portland, OR 97208-3529
Dorothy.Sperry@portofportland.com

Findings of Fact

1. On November 1, 2017, the Port of Portland, filed an application to renew instream lease IL-1033, involving Certificate 83964 for instream use.
2. During the evaluation of the instream lease application, Department staff identified a change that should be made to the description of the protected instream point. Therefore, this lease is being assigned a new lease number to differentiate it from the original lease application. This lease application has been re-assigned lease number IL-1639.
3. The first right to be leased is as follows:

Certificate: 83964 in the name of PORT OF PORTLAND (perfected under Permit S-50680)
Use: IRRIGATION of 166.5 ACRES
Priority Date: JUNE 22, 1988
Rate: 2.08 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	2 E	WM	11	NE SW	5		18.1
1 N	2 E	WM	11	SW SW			2.2
1 N	2 E	WM	11	SE SW	5		27.3
1 N	2 E	WM	11	NW SE	4		4.1
1 N	2 E	WM	11	SW SE	4		26.0
1 N	2 E	WM	13	NW NW			10.2
1 N	2 E	WM	13	SW NW			22.1
1 N	2 E	WM	14	NE NE			20.1
1 N	2 E	WM	14	NW NE			20.7
1 N	2 E	WM	14	SW NE	2		1.9
1 N	2 E	WM	14	SE NE	1		13.8
Total							166.5

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4. Certificate 83964 does not specify the irrigation season; nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:
Columbia River, tributary of the Pacific Ocean

Instream Points: At the authorized points of diversion in Sections 11 and 14 (as described in Finding of Fact No. 3)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
83964	6/22/1988	0.86	416.25	March 1 through October 31

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
 - a. The instream water use begins at the recorded point of diversion;
 - b. The location of confluences with other streams downstream of the point of diversion.

- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
 - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right
 - e. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
9. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural flow.
 10. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
 11. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
 12. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
 13. The Lessor has requested the lease terminate on October 31, 2023. The lease has been submitted prior to the first day of the irrigation season. The lease may commence on March 1, 2018, being the first day of the irrigation season. However, a lease may only be for a period of 5 years; therefore, the lease shall terminate on October 31, 2022.
 14. The Lessor has requested the option of terminating the lease early with written notice to the Department.

Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.

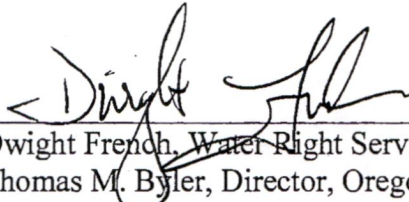
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3. The term of the lease will commence on March 1, 2018. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (March 1 through October 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 19th day of January, 2018.



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

Mailing date: JAN 25 2018

*This document was prepared by Teri Hranac.
If you have any questions, please call
503-986-0881.*

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Attachment C

Bargain and Sale Deed, Special Warranty Deed
Application for Temporary Transfer - Port of Portland

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Copy from Pioneer National Title
Insurance Co.

Government Island

BARGAIN AND SALE DEED

BOOK 708 Page 373

The State of Oregon, acting by and through its OREGON
STATE GAME COMMISSION, hereinafter called "Grantor", conveys to
THE PORT OF PORTLAND, a municipal corporation, hereinafter called
"Grantee", all that real property situated in Multnomah County,
State of Oregon, described as follows:

A tract of land located on the Island in the Columbia River
known as Government Island in Township 1 North, Range 2 East,
and Township 1 North, Range 3 East, Willamette Meridian,
County of Multnomah and State of Oregon, described as follows:

Parcel I

Government Lot 6, Section 4; Government Lot 1, Section 9,
Government Lots 1, 2, 3, 4, 5, 6, 7 and the Northeast-
quarter of the Southeast-quarter, Section 10; Government
Lots 2, 3, 4, 5 and the South one-half of Southwest-quarter
of Section 11; Government Lots 1, 2, 3, 4 and North one-
half of Northeast-quarter of Section 14; Government Lot
1, Section 15; together with all accretions.

Parcel II

Government Lots 5, 6, 7, 9 and the South one-half of the
Southwest-quarter of the Northwest-quarter of Section 13;
also that portion of Government Lot 3 lying East of a
line 20 rods West of the East Section line of Section
13; Government Lot 4, Section 13, together with all accre-
tions to said Section 13, EXCEPT one-half acre deeded
to School District No. 24 by deed recorded May 29, 1896,
Book 232, page 421.

Parcel III

Government Lot 7, Section 12; also beginning at a meander
post on the north side of lake which point is 12.50 chains
north of the corner of Sections 12 and 13, Township 1
North, Range 2 East, of the Willamette Meridian, and Sections
7 and 18, Township 1 North, Range 3 East, of the Willamette
Meridian; thence North 80° West, 20.50 chains; thence North
85° West 17 chains, thence South 40° West, 4 chains, thence

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INDEX 703 PAGE 360

North 85° West, 35 links to the East boundary line of Government Lot 6 of said Section 12; thence North along the East boundary line of said lot 6 to the Northeast corner of Lot 6; thence following the bank of the Columbia River westerly to point 3.43 chains East of the Northwest corner of Government Lot 5 of said Section 12; thence West 3.43 chains to the West line of said Section 12; thence South along the West line of said Section 12 to the Section corner of 11, 12, 13 and 14, Township 1 North, Range 2 East; thence South 30 chains, more or less, along the West line of Section 13, Township 1 North, Range 2 East, to a point 20 chains, more or less, West of the Southeast corner of the North 69 acres of West one-half of Northwest-quarter of said Section 13; thence East 20 chains, more or less, to the Southeast corner of said 69 acres; thence South 10 chains to the Northwest corner of Government Lot 6 in said Section 13; thence East to a point 20 rods West of the Northeast corner of Government Lot 4 of said Section 13; thence North 9.24 chains; thence South 38° East, 6.20 chains; thence North 20° East, 2.50 chains; thence North 20° West, 7.50 chains; thence South 40° East, 4 chains to the township line; thence North 25° West, 6.30 chains; thence South 80° East, 2.70 chains to meander corner on Township line; thence South 39° 30' East, 6.10 chains; thence North 69° East, 1.96 chains; thence North 32° West, 10.60 chains to the Township line; thence North along said Township line to the Northwest corner of Government Lot 5, Section 18, Township 1 North, Range 3 East; thence South 78° 45' East, 4.41 chains; thence South 53° 45' East, 2.90 chains; thence South 74° 15' East, 4.40 chains; thence North 66° East, 4.50 chains; thence South 82° East, 3.20 chains; thence South 72° 30' East, 8.0 chains; thence South 43° East, 2.30 chains; thence North 51° 30' East, 5.85 chains; thence South 87° East, 8.70 chains; thence North 9° East, 4.40 chains; thence North 29° 30' West, 8.10 chains; thence West 3.90 chains; thence North 42° 45' West, 10.50 chains; thence North 20° East, 1.80 chains; thence North 55° East, 5.49 chains; thence North 52° West, 8.40 chains; thence North 80° West, 11.70 chains; thence North 70° West, 6.30 chains; thence North 65° West, 7.80 chains to meander post on North side of lake in West boundary of Township and also point of beginning together with all accretions.

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Parcel IV

Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 10 and the South-east-quarter of the Northeast-quarter of Section 14, Township 1 North, Range 1 East, Government Lots 1, 2, 3, of Section 7, Township 1 North, Range 1 East, together with all accretions.

TOGETHER WITH any gaps, strips or parcels of land which may exist, as disclosed by survey or otherwise, between the respective boundaries of the above described four parcels of land, excepting, however, the school tract referred to in Parcel II.

The true and actual consideration for this transfer is the replacement by the Grantee of suitable property of equal or superior useful value to that transferred herein to carry out the statutory objectives and purposes of the Grantor.

IN WITNESS WHEREOF, the Grantor above named set their hands and seals this 2nd day of November, 1959.

OR. CON. STATE GAME COMMISSION
George L. Hibbard
J. Paul Tuttle
Joseph A. Smith
William H. Tuttle

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NOV 1959

STATE OF OREGON)
County of Multnomah) ss

BOOK 708 PAGE 362

BE IT REMEMBERED, that on this 21st day of November, 1969,
before me personally appeared George I. Hibbard

J. Pat Metke Joseph W. Smith
John P. Amacher James W. Whittaker

who are known to me to be the duly appointed, qualified and acting
Commissioners of the OREGON STATE GAME COMMISSION, and who executed
the within instrument, and acknowledged to me that they have executed
the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have set my hand and affixed my
seal the day and year last above written.

Allen T. Taylor
Notary Public for Oregon
My Commission expires
July 22, 1973



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After Recording, Return Document To:

Port of Portland
PO Box 3529
Portland OR 97208

Send Tax Statements To:
Port of Portland
PO Box 3529
Portland, OR 97208

Multnomah County Official Records	2019-085686
E Murray, Deputy Clerk	08/16/2019 10:49:34 AM
DEED-DEED Pgs=4 SIn=25 ATRA	\$97.00
\$20.00 \$11.00 \$6.00 \$60.00	

2019-072

SPECIAL WARRANTY DEED

CHICAGO TITLE 472517007395-50 COMM

METRO, a metropolitan service district established pursuant to Oregon law and the Metro Charter ("Grantor") conveys and specially warrants to the **PORT OF PORTLAND**, a port district of the state of Oregon ("Grantee"), certain real property comprised of the easterly portion of Government Island, located in the County of Multnomah, and State of Oregon, and legally described on the attached **Exhibit A** ("Property"); free of encumbrances created or suffered by Grantor, and further releases and quitclaims to Grantee all of Grantor's right, title, and interest in and to the riparian rights appurtenant to the Property associated with any waterways and rivers abutting or adjacent to the Property.

The true and actual consideration for this instrument is other real property rights given pursuant to a land exchange agreement.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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Portland OR 97208

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Port of Portland
PO Box 3529
Portland, OR 97208

2019-072

SPECIAL WARRANTY DEED

CHICAGO TITLE 472517007395-50 COMM

METRO, a metropolitan service district established pursuant to Oregon law and the Metro Charter ("Grantor") conveys and specially warrants to the **PORT OF PORTLAND**, a port district of the state of Oregon ("Grantee"), certain real property comprised of the easterly portion of Government Island, located in the County of Multnomah, and State of Oregon, and legally described on the attached **Exhibit A** ("Property"); free of encumbrances created or suffered by Grantor, and further releases and quitclaims to Grantee all of Grantor's right, title, and interest in and to the riparian rights appurtenant to the Property associated with any waterways and rivers abutting or adjacent to the Property.

The true and actual consideration for this instrument is other real property rights given pursuant to a land exchange agreement.

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Executed and delivered on this 15th day of August, 2019.

GRANTOR:

METRO

By: [Signature]

Name: Andrew Scott

Title: Interim Chief Operating Officer

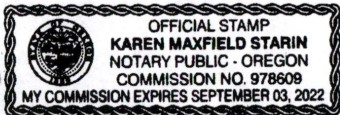
Acknowledgment of Grantor

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on August 15, 2019, by Andrew Scott, as Interim Chief Operating Officer of METRO, a metropolitan service district established pursuant to Oregon law and the Metro Charter

[Signature]

Notary Public of Oregon
My Commission expires: 9-3-2022



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APPROVAL AND ACCEPTANCE BY THE PORT OF PORTLAND

The Port of Portland hereby approves and accepts the foregoing conveyance.

Acknowledged and accepted by the Port of Portland this 15th day of August, 2019.

THE PORT OF PORTLAND

By: [Signature]

Print Name: Curtis Rosenkrantz

As Its: Executive Director

APPROVED FOR LEGAL SUFFICIENCY FOR THE PORT:

By: [Signature]
Counsel for The Port of Portland

State of OREGON
County of Multnomah

This instrument was acknowledged before me on August 15, 2019 by Kristen Leonard as Chief Public Affairs Officer of the Port of Portland, a port district of the State of Oregon.

[Signature]
Notary Public - State of Oregon

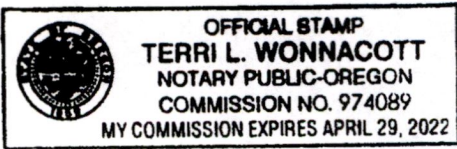


EXHIBIT "A"
Legal Description
Government Island Land Swap

Part of Sections 16, 17 and 18, Township 1 North, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the one-quarter corner between Sections 17 and 18; said township and range; thence South 20 chains along the West line of said Section 17 to the low water mark below the government meander line; thence North 80° East 30 chains; thence North 82°15' East 7.40 chains; thence North 89° East 24 chains; thence North 80° East 20.15 chains; thence North 86°30' East 10.50 chains; thence North 19°30' East 2.18 chains; thence North 2°30' East 3.30 chains; thence North 31°30' West 9.40 chains; thence North 41°30' West 3 chains; thence North 59° West 5.50 chains to the meander corner between Sections 16 and 17, said township and range; thence North 63°30' West 24.55 chains; thence North 73°30' West 22 chains; thence North 78°30' West 38.05 chains to the meander corner between Sections 17 and 18, said township and range; thence South along the West line of said Section 17 to the point of beginning.

ALSO beginning at the one-quarter corner between said Sections 17 and 18; thence West 20 chains to the Northwest corner of Government Lot 9 of said Section 18; thence South 24 chains along the West line of said Lot 9 to the Hood Canal on the Southerly shore of Government Island; thence North 82°30' East 5.60 chains; thence North 80° East 15 chains to the meander corner between Sections 17 and 18, said township and range; thence North to the place of beginning.

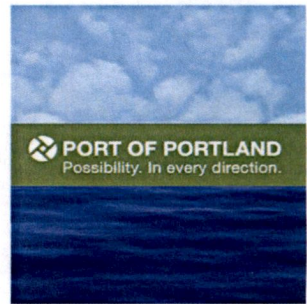
EXCEPTING THEREFROM that portion thereof lying within Section 16, of said township and range.

ALSO EXCEPTING THEREFROM any portion now or previously lying outside the boundaries of the State of Oregon or claims to be outside the boundaries of the State of Oregon.

FURTHER EXCEPTING THEREFROM any portion thereof lying below the line of high water of the Columbia River.

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Exhibit A
Page 1 of 1
13894



April 14, 2022

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Application for Water Right Temporary Transfer (Port of Portland)

Dear Lisa,

Enclosed is an application for a water right temporary transfer for the Port of Portland's Government Island project being submitted on behalf of the Port of Portland (Port). Also enclosed is a check for the application fee in the amount of \$952.70.

This temporary transfer application requests water use for temporary irrigation to establish restoration plants. The application requests to temporarily move 0.5 acres of the place of certificate's place of use to the restoration sites and addition of 2 points of diversion (POD). Irrigation of these restoration sites will be completed by pulling water from the Columbia River from these additional PODs using temporary pumping and piping systems with proper fish screens installed in the river each time a watering application is needed. This temporary transfer application is requesting the use of water over 3 years during the irrigation season to establish the restoration plants.

GSI Water Solutions, Inc., is an authorized agent for the Port and should be copied on all correspondence associated with this limited license application. Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Carrie Butler

Carrie Butler
Senior Conservation Ecologist
Port of Portland

Enclosures: Application for Water Right Temporary Transfer
Check in the amount of \$952.70

Cc: Blake Hamalainen, Port of Portland
Bruce Brody-Heine, GSI Water Solutions, Inc.

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