

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- 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 45205**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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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 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	\$0
	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	\$0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	\$480
	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply		
5	5c by \$410, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,840
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		
7	If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$1,840

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Orchard Heights Water Association		PHONE NO. 503-428-8703	ADDITIONAL CONTACT NO. -
ADDRESS 4350 Orchard Heights Road NW		FAX NO. -	
CITY Salem	STATE OR	ZIP 97304	E-MAIL DSPAAD@YAHOO.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 Ted Ressler, RG, CWRE / Summit Water Resources LLC		PHONE NO. 503-701-4535	ADDITIONAL CONTACT NO. -
ADDRESS PO Box 11268		FAX NO. -	
CITY Portland	STATE OR	ZIP 97211	E-MAIL tressler@summitwr.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 Orchard Heights Water Association wishes to add a point of appropriation (Lafayette Well, POLK-1789) to Certificate 45205 to more efficiently use the authorized capacity of Certificate 45205 to reliably provide drinking water to the Association's customers.

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.

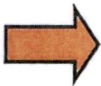
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By my signature below, I confirm that I understand:

- 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: Statesman Journal.
- 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.



Doug Priest
Applicant signature

Doug Priest
Print Name (and Title if applicable)

9-19-2022
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* **N/A – the applicant is a municipality as defined in ORS 540.510(3)(b); Certificate 45205 is used to supply municipal water through the Association's distribution system to the Association's customers.**

**If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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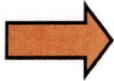
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Polk County	ADDRESS 850 Main Street	
CITY Dallas	STATE OR	ZIP 97338

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 45205

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Description of Water Delivery System

System capacity: **0.15** 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. **Existing water system infrastructure related to the beneficial use of water under Certificate 45205 includes two wells (Well #1 POLK-1786, Well #2 POLK-1787), two 25,000 gallon steel reservoirs, a booster pump, and 37,000 feet of piping to deliver municipal water through the Associations water distribution system to the Association's customers.**

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)
Well #1*	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	POLK-1786	7	S	3	W	18	SW	NW	601	South 3 degrees, 12 minutes East 2308 feet from the NW corner, Section 18
Well #2*	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	POLK-1787	7	S	3	W	18	SW	NW	601	South 5 degrees, 14 minutes East 2412 feet from the NW corner, Section 18
Lafayette Well	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	POLK-1789	7	S	3	W	18	SW	NW	600	North 62 degrees, 54 minutes east, 780 feet from W quarter corner of Section 18

Notes:

* Well No. 1 of Certificate 45205 is called "Well #2" by the Association. Well No. 2 of Certificate 45205 is called "Well #1" by the Association.

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

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

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

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

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

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

Table 2. Description of Changes to Water Right Certificate # 45205

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		
										APOA	7	S	3	W 17	NW	NE			No change	Well #1, Well #2, Lafayette Well	6/17/1970	
										APOA	7	S	3	W 17	ALL	NW			"			
										APOA	7	S	3	W 17	N1/2	SW			"			
										APOA	7	S	3	W 17	NE	SE			"			
										APOA	7	S	3	W 18	W1/2	NE			"			
										APOA	7	S	3	W 18	ALL	NW			"			
										APOA	7	S	3	W 18	N1/2	SW			"			
										APOA	7	S	3	W 18	SW	SW			"			
										APOA	7	S	3	W 18	N1/2	SE			"			
										APOA	7	S	4	W 13	N1/2	NE			"			
										APOA	7	S	4	W 13	N1/2	NW			"			
										APOA	7	S	4	W 13	NW	SW			"			
										APOA	7	S	4	W 13	S1/2	SW			"			
										APOA	7	S	4	W 13	S1/2	SE			"			
										APOA	7	S	4	W 14	NE	NE			"			
										APOA	7	S	4	W 14	NE	SE			"			
TOTAL ACRES:												TOTAL ACRES: NA										

Additional remarks: **The applicant is requesting to add an additional point of appropriation. No changes to the place of use or designated beneficial use are requested.**

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For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
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See Attachment 3 for Well Logs

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Attachment 1

Map

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Attachment 2
Water Right Information

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ORCHARD HEIGHTS WATER ASSOCIATION, INC.

of 320 Oregon Building, Salem, State of Oregon, 97301, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two wells

a tributary of Winslow Gulch for the purpose of quasi-municipal

under Permit No. G-4823 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 17, 1970 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.15 cubic foot per second, being 0.075 c.f.s. from each well

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, T. 7 S., R. 3 W., W. M., Well No. 1-South 5 degrees 14 minutes East 2412 feet; Well No. 2-South 3 degrees, 12 minutes East 2308 feet, both from the NW Corner, Section 18

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

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

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

- | | |
|-----------------------------------|-----------------------------------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| NW $\frac{1}{4}$ | NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | NW $\frac{1}{4}$ SW $\frac{1}{4}$ |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | S $\frac{1}{2}$ SW $\frac{1}{4}$ |
| Section 17 | S $\frac{1}{2}$ SE $\frac{1}{4}$ |
| W $\frac{1}{2}$ NE $\frac{1}{4}$ | Section 13 |
| NW $\frac{1}{4}$ | NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | Section 14 |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | T. 7 S., R. 4 W., W. M. |
| Section 18 | |
| T. 7 S., R. 3 W., W. M. | |

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. January 31, 1978

James E. Sexson

Water Resources Director

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Attachment 3
Well Logs

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STATE ENGINEER
Salem, Oregon

OBSERVATION WELL
Well Record

STATE WELL NO. 7/3W-18E(2)

COUNTY Polk

OHWA Well 1

APPLICATION NO.

OWNER: Orchard Heights Water Assoc.

MAILING ADDRESS:

Rt. 1, Box 135

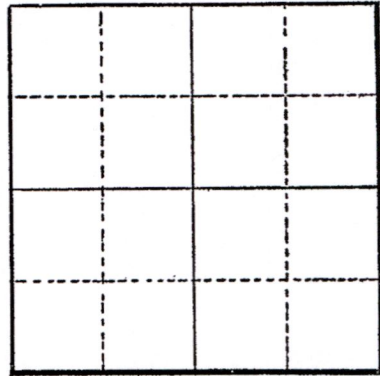
LOCATION OF WELL: Owner's No. #2

CITY AND STATE:

Salem, Oregon

SW 1/4 NW 1/4 Sec. 18 T. 7 S., R. 3 W., W.M.

Bearing and distance from section or subdivision corner 4 miles W. of the Center St. Bridge on Orchard Heights Rd.



Section 18

Altitude at well 600 ft.

TYPE OF WELL: Drilled Date Constructed 1952

Depth drilled 285' Depth cased 16 1/2'

CASING RECORD:
8 inch

FINISH:

AQUIFERS:

WATER LEVEL:
100 ft.

PUMPING EQUIPMENT: Type Berkeley 6 bowls H.P. 10
Capacity 40 G.P.M.

WELL TESTS:
Drawdown ft. after hours G.P.M.
Drawdown ft. after hours G.P.M.

USE OF WATER Domestic Temp. °F., 19

SOURCE OF INFORMATION Related registration statement

DRILLER or DIGGER

ADDITIONAL DATA:

Log Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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OBSERVATION WELL

STATE ENGINEER
Salem, Oregon

Well Record

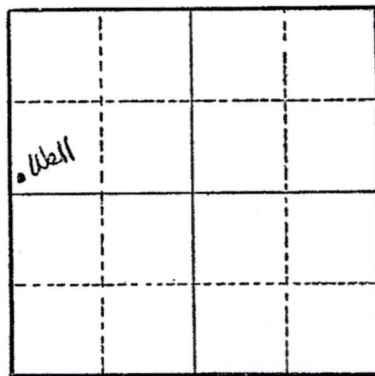
STATE WELL NO. 7/3W-18E(1)
COUNTY Polk
APPLICATION NO. 1787

OHWA Well 2

OWNER: Orchard Heights Water Association
MAILING ADDRESS: Rt. 1, Box 135

LOCATION OF WELL: Owner's No. #1
CITY AND STATE: Salem, Oregon

SW 1/4 NW 1/4 Sec. 18 T. 7 S., R. 3 W., W.M.
Bearing and distance from section or subdivision
corner 4 miles W. of Center St. bridge
on Orchard Heights Rd.



Section 18

Altitude at well 600 ft.

TYPE OF WELL: Drilled Date Constructed 1952

Depth drilled 187' Depth cased 65'

CASING RECORD:

8 inch from top to 65 ft.

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FINISH:

AQUIFERS:

WATER LEVEL:
100 ft.

PUMPING EQUIPMENT: Type Berkeley H.P. 7 1/2
Capacity 40 G.P.M.

WELL TESTS:
Drawdown ft. after hours G.P.M.
Drawdown ft. after hours G.P.M.

USE OF WATER Domestic Temp. °F., 19
SOURCE OF INFORMATION Related registration statement
DRILLER or DIGGER Studebaker Bros.

ADDITIONAL DATA:
Log Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

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WATER WELL REPORT

STATE OF OREGON

(Please type or print)

STATE ENGINEER
SALEM, ORE.

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date of well completion.

State Well No. **75/3W-18**

State Permit No. **6-6257**

(Do not write above this line)

OHWA Lafayette Well

(1) OWNER:

Name **William Staats**
Address **ORCHARD HEIGHTS RD. N.W. SALEM, ORE.**

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

CASING INSTALLED:

Threaded Welded
6" Diam. from **21** ft. to **79** ft. Gage **1250**
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? Yes No
Type of perforator used **FORCA**
Size of perforations **4** in. by **6** in.
28 perforations from **09** ft. to **79** ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
Yield gal./min. with ft. drawdown after hrs.
AIR " " " "
Water test **45** gal./min. with **40** ft. drawdown after **1** hrs.
Artesian flow g.p.m.
nature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used **CEMENT**
Well sealed from land surface to **40** ft.
Diameter of well bore to bottom of seal **9** in.
Diameter of well bore below seal **6** in.
Number of sacks of cement used in well seal **4** sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
Was a drive shoe used? Yes No Plugs Size: location ft.
Did any strata contain unusable water? Yes No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? Yes No Size of gravel: **3/4 round**
Gravel placed from **40** ft. to **79** ft.

(10) LOCATION OF WELL:

County **Polk** Driller's well number
Bearing and distance from section or subdivision corner
WELL NO. 1

(11) WATER LEVEL: Completed well.

Depth at which water was first found **60** ft.
Static level **40** ft. below land surface. Date **11-9-72**
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing **5**
Depth drilled **83** ft. Depth of completed well **83** ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
RED-CLAY	0	27	
TAN-DECOMPOSED Rock (Soft)	27	59	
BLACK-BASALT BOULDER	59	61	
BROWN-DECOMPOSED Rock (Soft)	61	70	
BROWN & BLACK-PARTLY DECOMPOSED TO SOLID BASALT	70	83	

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Work started **11-7-1972** Completed **11-9-1972**
Date well drilling machine moved off of well **11-9-1972**

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] **William West** Date **11-17, 1972**
(Drilling Machine Operator)
Drilling Machine Operator's License No. **188**

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name **William R. Miller & West** (Type or print)
Address **5945 Glasgow St. S.E. Salem**
[Signed] **William R. Miller** (Water Well Contractor)
Contractor's License No. **37** Date **11-17-1972**

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Attachment 4
Evidence of Use Affidavit

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of POLK)

I, DOUG PRIEST, in my capacity as BOARD MEMBER OF THE ORCHARD HEIGHTS WATER ASSOCIATION,
 mailing address 4350 ORCHARD HEIGHTS ROAD NW SALEM, OR 97304
 telephone number (503)589-2193, being first duly sworn depose and say:

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

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 45205; **OR**

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

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

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

(continues on reverse side)

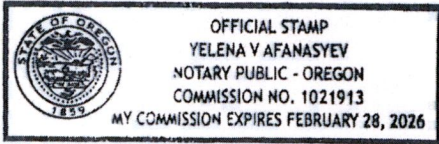
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3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USE
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
Signature of Affiant

9-22-2022
Date

State of Oregon, County of Marion
Signed and sworn to (or affirmed) before me this 22nd day of September 2022.



Yelena V. Afanasyev
Notary Public for Oregon

My Commission Expires: Feb. 28, 2026

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 checked="" type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers See attached production records from the Orchard Heights Water Association's 2020 Water System Master Plan	<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.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Well 1 & 2 Production Records - OHWA 2020 Water System Master Plan

A summary of the water consumed (in gallons) and lost for Years 2016-2018 was compiled and is shown below:

Table 4
2016-2018 Water Consumed In Gallons

Month/Year	Master Meter	Salem Pump Station	Total Production	Metered Sales	Unaccounted Water (Percent)	Number of Members
January, 2016	1,310,736	714,340	2,025,076	1,840,000	9.2%	175
February, 2016	869,205	18,700	887,905	161,000	N/A	176
March, 2016	1,001,434	166,056	1,167,490	1,540,000	N/A	176
April, 2016	1,053,174	47,124	1,100,298	933,000	15.3%	176
May, 2016	1,586,030	50,116	1,636,146	1,369,000	16.4%	177
June, 2016	1,783,976	636,548	2,420,524	2,090,000	13.7%	178
July, 2016	1,165,808	1,533,400	2,699,208	2,460,000	8.9%	178
August, 2016	1,369,138	1,564,068	2,933,206	2,436,000	17.0%	178
September, 2016	885,470	608,872	1,494,342	1,208,000	19.2%	178
October, 2016	760,888	769,296	1,530,184	593,000	N/A	178
November, 2016	713,200	51,612	764,812	556,000	27.4%	178
December, 2016	644,681	269,280	913,961	674,000	26.3%	179
2016 TOTALS	13,143,740	6,429,412	19,573,152	15,860,000	19.0%	N/A
January, 2017	887,960	0	887,960	638,000	28.2%	179
February, 2017	824,926	0	824,926	590,000	28.5%	179
March, 2017	907,868	0	907,868	669,000	28.4%	179
April, 2017	768,229	118,932	887,161	234,000	N/A	181
May, 2017	937,688	121,176	1,058,864	1,252,000	N/A	181
June, 2017	1,443,484	499,664	1,943,148	1,631,000	16.1%	181
July, 2017	N/A	N/A	N/A	N/A	N/A	N/A
August, 2017	3,340,761	1,849,056	5,189,817	4,380,000	15.7%	181
September, 2017	1,160,378	1,127,984	2,288,362	1,861,000	18.7%	181
October, 2017	994,341	103,224	1,097,565	904,000	17.7%	181
November, 2017	1,277,706	65,824	1,343,530	1,057,000	21.4%	182
December, 2017	838,294	138,380	976,674	807,000	17.4%	182
2017 TOTALS	13,381,635	4,024,240	17,405,875	14,023,000	19.5%	N/A
January, 2018	1,157,309	0	1,157,309	923,000	20.3%	182
February, 2018	1,040,491	0	1,040,491	815,000	21.7%	182
March, 2018	1,166,200	0	1,166,200	992,000	15.0%	182
April, 2018	1,153,400	0	1,153,400	939,000	18.6%	182
May, 2018	1,714,400	201,212	1,915,612	1,596,000	16.7%	182
June, 2018	1,320,681	586,432	1,907,113	1,630,000	14.6%	182
July, 2018	1,067,131	2,270,180	3,337,311	2,772,000	17.0%	182
August, 2018	1,268,088	1,641,860	2,909,948	2,566,000	11.9%	182
September, 2018	1,340,000	580,448	1,920,448	1,598,000	16.8%	182
October, 2018	1,115,667	307,428	1,423,095	1,188,000	16.6%	182
November, 2018	1,111,633	100,232	1,211,865	868,000	28.4%	182
December, 2018	1,188,500	54,604	1,243,104	893,000	28.2%	182
2018 TOTALS	14,643,500	5,742,396	20,385,896	16,780,000	17.7%	N/A

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Attachment 5
Land Use Information Form

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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

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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



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

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Applicant(s): Orchard Heights Water Association

Mailing Address: 4350 Orchard Heights Road NW

City: Salem

State: OR

Zip Code: 97304

Daytime Phone: 503-589-2193

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>7S</u>	<u>3W</u>	<u>18</u>	<u>SWNW</u>	<u>00600</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>Quasi-Municipal</u>

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

City of Salem, Polk 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 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 Orchard Heights Water Association (Association) wishes to add an existing well (Lafayette Well, POLK-1789) to an existing water right (Certificate 45205). The subject well (Lafayette Well, POLK-1789) is an existing, operational well that is already connected to the Association's system. This water right transaction is being completed so that the Association can more efficiently use the authorized capacity of Certificate 45205 to reliably provide drinking water to the Association's customers. The existing rate and volume authorized for use by the applicant under the water right (0.15 cfs) will not be modified by the proposed change and there will be no construction/development on the associated property resulting from the proposed change.



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.

14115

See bottom of Page 3. →

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): PCZO 127.020 (F) - Public Utilities
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<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.

Name: Sidney Mulder Title: Planning Manager
 Signature: [Signature] Phone: 503-623-9237 Date: 10-10-22
 Government Entity: Polk County

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: 14115