

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Gert 89719**
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

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(For Staff Use Only)

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

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

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°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	\$1,360
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ 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>	RECEIVED NOV 03 2022 OWRD
2	Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	0
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in line 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 » ☒ Yes: enter \$480 »	\$480
5	Do you propose to change the place of use or character of use? ☒ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	\$1,840
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	0
8	Subtract line 7 from line 6 » Transfer Fee:	\$1,840

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	\$840.00
	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 \$410 and enter » » » » » » » » » » » » » »	2	NA
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	NA

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Adam Farley / Countryside Nursery			PHONE NO. 503 – 706 – 7913	ADDITIONAL CONTACT NO.
ADDRESS 23800 Airport Road NE				FAX NO.
CITY Aurora	STATE OR	ZIP 97002	E-MAIL	
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 SCHROEDER LAW OFFICES			PHONE NO. (503) 281 - 4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar E Chavez Blvd				FAX NO.
CITY Portland	STATE OR	ZIP 97212	E-MAIL SCHROEDER@WATER-LAW.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 intention of this transfer application is to add an additional point of appropriation to the existing certificate. This third well will be of similar construction to the existing two wells and will share production for nursery use under this water right.

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

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- 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: Canby Herald-Pioneer
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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



Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

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Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

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

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Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

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

Describe any special ownership circumstances here: **NA**

- ☐ 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 NA	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 NA	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 Clackamas County	ADDRESS 150 Beavercreek Road	
CITY Oregon City	STATE OR	ZIP 97045

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 # **89719**

Description of Water Delivery System

System capacity: **4.82*** cubic feet per second (cfs) **OR**

2,163* gallons per minute (gpm)

**Based on the claim of beneficial use application for Cert. 89719 submitted in 2000 and approved Jan 23, 2015.*

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use.

Water is pumped from two wells (Well 1 & 2) that are constructed to depths of 234 ft and 264 ft, respectively, within the Quaternary – Late Tertiary Sediment Aquifer. Well 1 historically had a 50 HP Ingersol turbine pump installed at 160 ft bgs, with a total lift of approx. 20 ft. Well 1 is being replaced due to the production of sand from the well. Well 2 historically had a 60 HP Peabody DKM turbine pump at 200 ft bgs, with a total lift of approx. 90 ft. These wells are capable of pumping water to a small detention pond at the southeast corner of the area of use, which also collects irrigation runoff. Water is then pumped from the detention pond into the primary irrigation system, which contains approx. 3,900 ft of 6", 2,300 ft of 4", and 1,600 ft of 2" mainline pipe. In addition, there are approx. 28,000 ft of 2-3" lateral lines in the container areas and approx. 4,000 ft of 2-3" lateral lines in the greenhouse areas. In total, there are approx. 250 sprinkler head units (11/64" Rainbird heads) that operate at 45 – 50 psi.

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 (CLAC 8800)	☒ Authorized ☐ Proposed	NO TAG	3	S	1	w	36	NW	SW	801	1,785 ft N and 895 ft E of the SW corner of Section 36
Well 2 (CLAC 8792)	☒ Authorized ☐ Proposed	NO TAG	3	S	1	w	36	SW	SW	801	320 ft N and 1,050 ft E of the SW corner of Section 36
Well 3	☐ Authorized ☒ Proposed	PROPOSED	3	S	1	w	36	NW	SW	801	Approx. 1,945 ft N and 190 ft E of the SW corner of Section 36

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

- | | |
|---|--|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water
POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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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 # ~~89719~~

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			
											3	S	1	W	36	NW	SW	801		47.5	Nursery Use	POA #1 (Well #1)	May 20, 1994
											3	S	1	W	36	SW	SW	801		47.5	Nursery Use	POA #2 (Well #2)	May 20, 1994
										APOA	3	S	1	W	36	NW	SW	801		47.5	Nursery Use	Well 3 (Proposed)	May 20, 1994
TOTAL ACRES:												TOTAL ACRES:						47.5	For nursery use				

Additional remarks: **The only proposed change in this transfer is the addition of the point named Well 3. The area of use for the additional POA will be the same 47.5 acres and for the same nursery use. The new well will share production of part of the certificated 3.0 cfs under this water right.**

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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:

Groundwater Registration GR-3102, Groundwater Certificate GR-2910

There is no proposed change to place or character of use.

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.

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~~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
Well 1 (CLAC 8800)	Yes	No Tag	234 ft	16" 6"	+2 – 244 ft +1 – 101 ft	0 – 40 ft	144 – 236 ft	68 ft	Troutdale Sand/Grav	1.0 cfs
Well 2 (CLAC 8792)	Yes	No Tag	264 ft	16" 10"	+2.5 – 264 ft 192 – 264 ft	0 – 84 ft	207 – 249 ft	102 ft	Troutdale Sand/Grav	2.0 cfs
Well 3	No	-	~250 ft	12"	~0 – 250 ft	0 – 75 ft	~200 – 250 ft	-	"	

**Details of proposed new well are estimated based on the construction of the existing two wells. The new well is not expected to be deeper than the existing Well 2.*

Land Use Information Form



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

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.wrd.state.or.us

Applicant(s): Fairdale-Countryside Nurseries
Attn: Adam Farley

Mailing Address: 23800 Airport Road NE

City: Aurora State: OR Zip Code: 97002 Daytime Phone: _____

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:
3S	1W	36	NE SW	801	EFU	☐ Diverted	☒ Conveyed	☒ Used	EFU
3S	1W	36	NW SW	801	EFU	☒ Diverted	☒ Conveyed	☒ Used	EFU
3S	1W	36	SW SW	801	EFU	☒ Diverted	☒ Conveyed	☒ Used	EFU
3S	1W	36	SE SW	801	EFU	☐ Diverted	☒ Conveyed	☒ Used	EFU

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

Clackamas 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: 3.0 (not additional to Cert) ☒ 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 Nursery

Briefly describe:

This form is for a permanent transfer application to add two proposed well points to Certificate #89719, which currently has two points of appropriation (CLAC 8800, CLAC 8792). The proposed additional wells will share the production of the allowed 3.0 cfs under the certificate.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Andrew Yaden Title: Planner I

Signature:  Phone: 503-742-4578 Date: 02/11/2021

Government Entity: Clackamas 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: _____

Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of (CLACKAMAS)) ss

I, Adam Farley, in my capacity as Owner/operator,

mailing address 23800 AIRPORT ROAD NE, AURORA, OR 97002

telephone number 503-678-0511 being first duly sworn depose and say:
503-706-7911 (cell)

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 # 89719; **OR**

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

Certificate #89719	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)

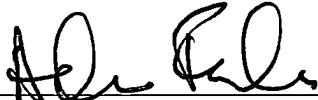
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3. The water right was used for: (e.g., crops, pasture, etc.): NURSERY USES

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.



Signature of Affiant


3/27/2022
Date

Signed and sworn to (or affirmed) before me this ____ day of _____, 2021.

Notary Public for Oregon

My Commission Expires: _____

Supporting Documents	Examples
☐ 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
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• 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
☒ Aerial photos containing sufficient detail to establish location and date of photograph	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. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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35/1W-3600

SEI #8719

0A10

2852 0

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"START CARD"

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

DEC - 4 1987

WATER RESOURCES DEPT.
SALEM, OREGON

This form must be completed, signed by both the owner (or authorized agent) and constructor, and the original delivered to the Water Resources Department prior to commencement of construction, alteration or abandonment of each well.

Owner's Name and
Mailing Address

Oki Nursery Co.

PO Box 115

Aurora, OR 97002

Proposed Commencement Date 12/2/87

Proposed Well Depth 250

Diameter 8

and Use:

☐ Domestic
☐ Thermal

☐ Community
☐ Injection

☐ Industrial
☐ Other
☒ Irrigation

Proposed Well Location:

County Clackamas

Township 35

(N or S)

Range 1W

(E or W)

Section 36

At least 2
of these
must be
provided

1. SW 1/4 of SW 1/4 of above section

2. street address of well location

23788 NE Airport Rd
Aurora OR 97002

3. tax lot number of well location

4. attach approved map with location identified.
(see reverse of this form for approved maps)

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks and septic drain fields.

X

Owner's Signature

X

Bonded Water Well Constructor

License No. 649

Company

Schneider Drilling Co.

Note: This is not a Water Right application. The owner is responsible for obtaining a Water Right through the Water Resources Department if required.

Form 537.762 1987

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CLAC 8792 XCW

35/1W-36cc

SEP 14 1987

WATER RESOURCES DEPT
SALEM, OREGON OKI Nursery
Well Log

0	2	Top soil
2	16	Clay, silty, brown, med
16	18	Clay, brown, soft
18	42	Sand, brown, coarse & pea gravel
42	48	Gravel 1/2" minus w/black sand, med-fine
48	56	Sand, black, med-fine
56	60	Sand, brown, med-fine
60	62	Clay, grey, med-soft
62	64	Sand, grey, med-fine
64	70	Clay, grey, med-soft
70	79	Sand, black & brown, med
79	84	Clay, grey, med-soft
84	92	Clay, grey, med-soft, little silty
92	96	Sand, black, fine
96	110	Clay, grey, soft, little silty
110	112	Clay, grey, sandy, little gravel 1"
112	121	Sand, multi-colored med, little pea gravel
121	129	Gravel 1" minus, little sand, med
129	140	Gravel 2" minus, med, black sand, cemented
140	150	Sand, black, med, little pea gravel
150	155	Clay, grey, sandy, med-soft
155	158	Clay, grey, med
158	167	Clay, blue-green, med
167	169	Clay, grey, little sand, med-soft
169	179	Sand, multi-colored, med
179	190	Clay, silty, grey, med, little wood
190	192	Sand, multi-colored, med-fine
192	197	Clay, grey, sandy, med
197	200	Sand, cemented, multi-colored
200	202	Clay, grey, med-soft
202	212	Gravel 2" minus, multi-colored, med, sand
212	214	Clay, grey, sandy, med-soft
214	226	Cemented gravel 1-1/2" minus, sand, med
226	234	Sand, multi-colored, med, little clay
234	238	Sand, multi-colored, med, clay & pea gravel, little wood
238	241	Sand, multi-colored, med-course & pea gravel
241	249	Sand, cemented & gravel 3/4" minus, w/wood
249	264	Clay, grey, med

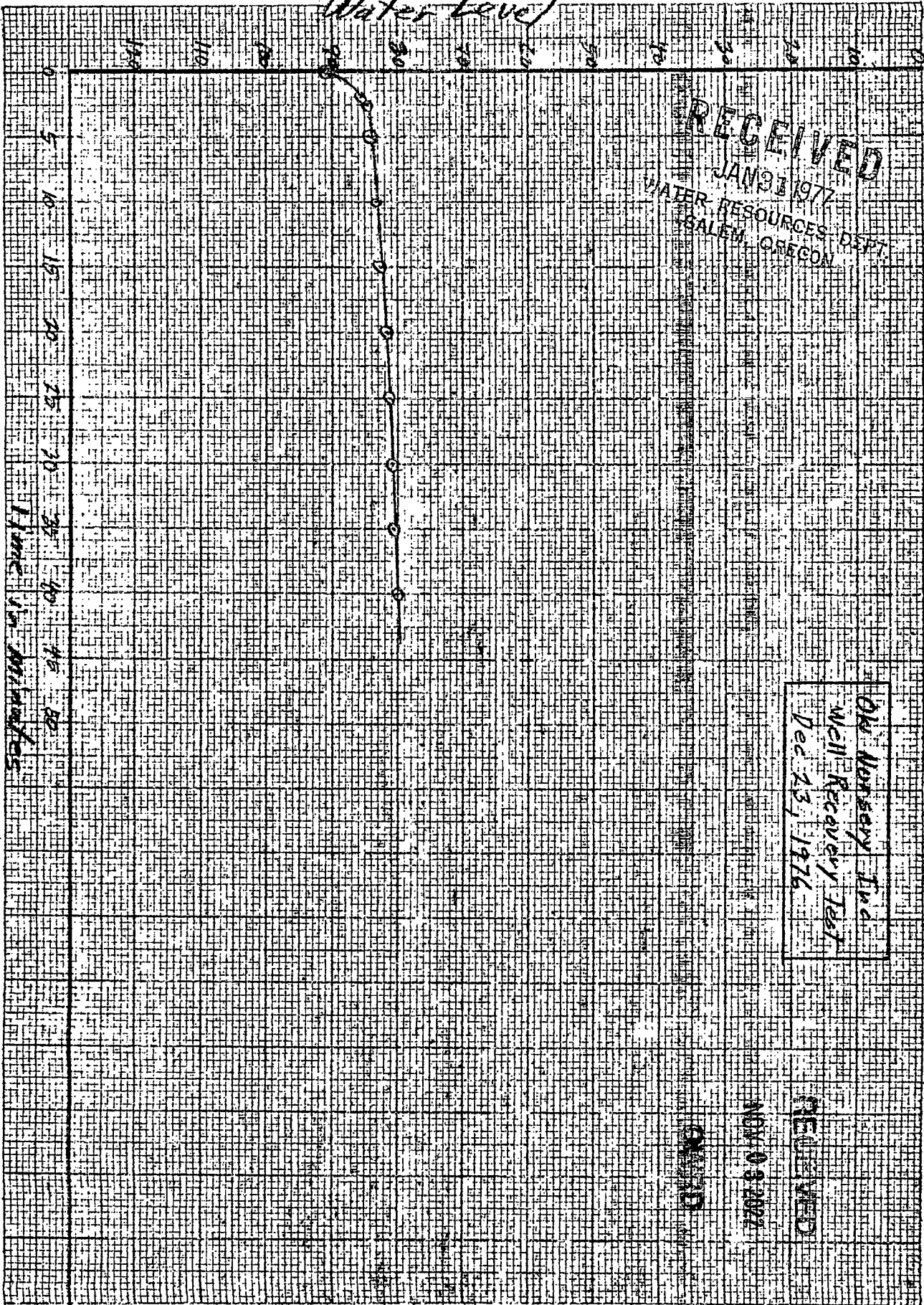
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Water Level



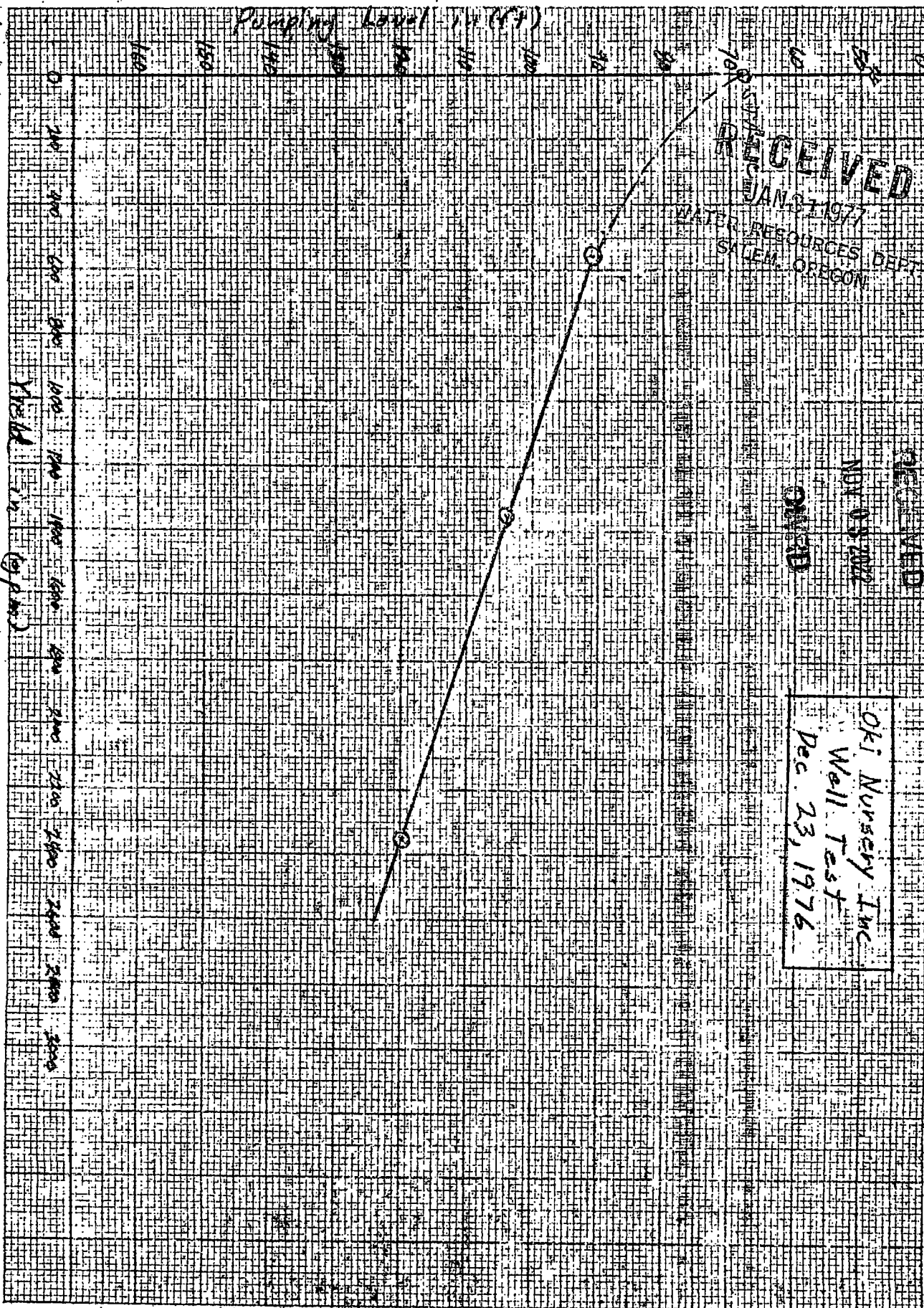
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JAN 31 1977
WATER RESOURCES DEPT.
SALEM, OREGON

Old Nursery Inc.
Well Recovery Test
Dec 13, 1976

RECEIVED
NOV 03 1976

ON 10

Pumping Level, ft (ft)



RECEIVED
JAN 8 1977

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

NOV 03 1976

ON-ED

OKI Nursery Inc
Well Test
Dec 23, 1976

Sacramento Nursery and Lumber

RECEIVED

JAN 1 1977

Material	From	TO
Top Soil	40	40
Clay, brown silty	41	41
Sand, brown medium	42	42
Sand, brown packed	43	43
Sandstone, brown & pieces of petrified wood	44	40
Sandstone, brown & lots of petrified wood	45	47
Sand, brown coarse	46	48
Clay, brown dry	48	50
Sand & sandstone, brown coarse	50	54
Clay, brown	54	56
Sand & silt, brown fine	56	59
Clay, brown	59	66
Clay & sandstone, light brown	66	72
Sand, dark brown packed	72	74
Sand, mixed light & medium brown	74	79
Clay, gray dry	79	81
Sand, dark brown medium	81	84
Sand, dark brown fine	84	86
Clay, gray dry	86	91
Sand, blue gray fine	91	94
Sand, dark blue gray medium	94	96
Clay, gray hard	96	99
Sand, dark blue gray fine	99	100
Sand, gray fine hard	100	115
Clay, gray sandy	115	118
Sand & clay layers	118	120
Sand, fine silty	120	130
Gravel, 1 1/2"	130	134 1/2
Clay, Gray soft	134 1/2	147
Silt, sandy fine	147	151
Silt, sandy coarser	151	152
Sand, fine	152	154
Gravel	154	154 3/4
Sand, gray fine	154 3/4	156
Gravel, to 2 1/2"	156	162 1/2
Sand, medium	162 1/2	168
Gravel, some small & sand mostly	168	174
Gravel, to 3"	174	181
Clay, gray shot	181	182
Gravel	182	191
Clay, gray	191	196
Clay, brown	196	200
Sand, brown fine	200	228
Clay, gray hard	228	230
Clay, brown hard sticky	230	234

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