

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 83267**
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):

- | | |
|--|--|
| ☐ 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- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
 - ☒ Permanent quality printed with dark ink on good quality paper.
 - ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
 - ☒ A north arrow, a legend, and scale.
 - ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
 - ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
 - ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
 - ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
 - ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
 - ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☒ ☐ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)					
1	Base Fee (includes one type of change to one water right for up to 1 cfs)		1	\$1,360	
	Types of change proposed: ☒ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u> 2 (2a) </u> Subtract 1 from the number in line 2a = <u> 1 (2b) </u> If only one change, this will be 0				
2	Multiply line 2b by \$1090 and enter »		2	\$1,090	
	Number of water rights included in transfer <u> 1 (3a) </u> Subtract 1 from the number in 3a above: <u> 0 (3b) </u> If only one water right this will be 0				
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? ☒ No: enter 0 ☐ Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (4b)				
4	Add line 4a to line 4b and enter »		4	0	
	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 below*): <u> 0.03 (5a) </u> Subtract 1.0 from the number in 5a above: <u> -0.07 (5b) </u> 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		
	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?				
7	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »		7	0	
8	Subtract line 7 from line 6 » Transfer Fee:		8	\$2,450	

***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	NA

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Seaside Retreat, LLC Attn: Kyle Patterson			PHONE NO. (415) 722-9840	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 393				FAX NO.
CITY CANNON BEACH	STATE OR	ZIP 97110	E-MAIL JACKSONPATTERSON@MAC.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 Lindsay Thane/Schwabe, Williamson & Wyatt			PHONE NO. (503) 796-2059	ADDITIONAL CONTACT NO.
ADDRESS PacWest Center 1211 SW Fifth Avenue, Suite 1900				FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL lthane@schwabe.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:

We are requesting a correction to the place of use described in Certificate 83267 and the addition of a POD.

Certificate 83267 was issued for an historical change in the POD under T-9947. Certificate 83267, and Certificate 21645, which was superseded by Certificate 83267, incorrectly described the place of use as the NW SW of Section 7. The NW SW of Section 7 cannot be the place of use because it is located within the Pacific Ocean and the beach abutting the ocean. A review of the May 12, 2005 Water Right Transfer Map prepared by HLB & Associates, Inc. in preparing this application shows the place of use should have been described as the NE SW, and likely, the SE SW of Section 7. To correct this place of use error, we are requesting that the place of use include the NE SW and SE SW to encompass taxlots 1900 and 1902, and an additional downstream POD.

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: _____.
- 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.


Applicant signature

Steven N. Berger, Trustee for Sheryl Whiteman
Trust A, a sole member of Seaside Retreat, LLC
Print Name (and Title if applicable)

4.12.23
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME NA			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: ☐ Applicant ☐ Receiving Landowner				

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

IRRIGATION DISTRICT NAME 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 CLATSOP COUNTY LAND USE PLANNING	ADDRESS 800 Exchange Street, Suite 100	
CITY Astoria	STATE OR	ZIP 97103

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 additional rows to tables within the form.

CERTIFICATE # 83267

Description of Water Delivery System

System capacity: 0.03 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is diverted from Red Rock Creek using a vertically placed 12-inch-diameter perforated ABS culvert located upstream of an approximately 4-foot-tall impoundment dam. The culvert contains a 4-inch-diameter perforated PVC standpipe connected to approximately 400 feet of 2-inch-diameter ABS pipe. Water in the pipe gravity flows to two water treatment tanks with a combined capacity of 1,500 gallons. The elevation difference from the POD to the tanks is estimated to be 20 feet.

Water in the tanks is treated and then forwarded for domestic use using a ½ or ¾-hp submersible pump connected to approximately 160 feet of 1-inch-diameter pipe. Water gravity flowed into the tanks that is not used is returned to a drainage connected to the creek.

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)
Authorized POD	☒ Authorized ☐ Proposed	--	4	N	10	W	7	NE	SW	3	979 ft S & 1064 ft W from Center ¼ Corner of Sec. 7
Proposed POD	☐ Authorized ☒ Proposed	--	4	N	10	W	7	NE	SW	3	1240 ft S & 1290 ft W from Center ¼ Corner of Sec. 7

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.

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 # 83267

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
4	N	10	W 7 NW* SW	1900	3	--	Domestic Use	Authorized POD	7/26/ 1946	POU/APOD	4	N	10	W 7 NE SW	1900 & 1902	3	--	No Change	Author- ized POD & Proposed POD	7/26/ 1946		
										POU/APOD	4	N	10	W 7 SE SW	1900 & 1902	4	--	No Change	Author- ized POD & Proposed POD	7/26/ 1946		
TOTAL ACRES:						--					TOTAL ACRES:						--					

Additional remarks: * Certificate 83267, issued for an historical change in POD, describes the incorrect quarter-quarter section (NW SW) for the place of use. The NW SW of Section 7 cannot be the place of use because it is located within the Pacific Ocean and the beach abutting the ocean. A review of the HLB & Associates, Inc. May 12, 2005 Water Right Transfer Map associated with T-9947 in preparing this application shows the place of use should have been described as the NE SW, and likely, the SE SW of Section 7. To correct this place of use error, we are requesting that the place of use include the NE SW and SE SW to encompass taxlots 1900 and 1902

This application also proposes to add a POD to the right.

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: NA.

 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 # NA;

Surface water primary Certificate # NA

Identify the primary certificate to be cancelled. Certificate # NA

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
NA										

Land Use Information Form



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Salem, Oregon 97301-1266
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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.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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Applicant(s): Steven N. Berger, Engelman Berger, PC, Trustee for Seaside Retreat, LLC

Mailing Address: 2800 North Central Avenue, Suite 1200

City: Phoenix

State: AZ

Zip Code: 85004

Daytime Phone: (602) 222-4976

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:
4 N	10 W	7	NE SW	1900 & 1902		☒ Diverted ☒ Conveyed ☒ Used	Residential
4 N	10 W	7	SE SW	1900 & 1902		☐ Diverted ☒ Conveyed ☒ Used	Residential

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

Clatsop 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) Red Rock Creek

Estimated quantity of water needed: 0.03 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 3 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

We are requesting a correction to the place of use described in Water Right Certificate 83267 and the addition of a POD.

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. →

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): **LANDUC SECTION 4.2300 - COASTAL RESIDENTIAL ZONE (CR)**
- ☐ 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.

**41007GB01900, ZONED COASTAL RESIDENTIAL (CR),
ALSO KNOWN AS 80704 HWY 101.**

Name: JASON POLLACK Title: PLANNER

Signature: JPollack Phone: ⁵⁰³⁻325-8611 Date: 4/20/23

Government Entity: CLATSOP COUNTY, LAND USE

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: _____

23-000164

Revised 2/8/2010

#134149285

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 CLATSOP

I, KYLE PATTERSON, in my capacity as AGENT FOR SEASIDE RETREAT, LLC,

mailing address P.O. BOX 393 CANNON BEACH, OREGON 97110

telephone number (415)739-2383, 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 # 83267; **OR**

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

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

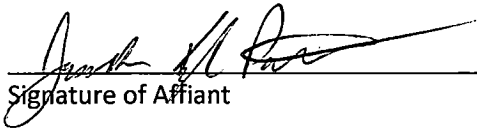
OR

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

(continues on reverse side)

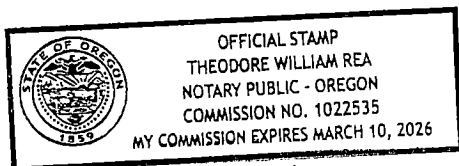
3. The water right was used for: (e.g., crops, pasture, etc.): DOMESTIC PURPOSES

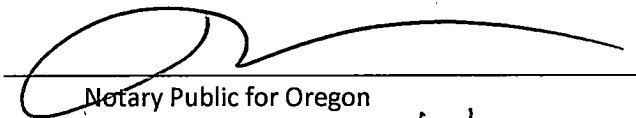
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

4/21/23
Date

Signed and sworn to (or affirmed) before me this 21 day of Apri, 2023.




Notary Public for Oregon
My Commission Expires: 3/10/2026

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 *Attached to this affidavit are Pacific Power Co. invoices for October-November 2021 and October-November 2022. Power is used to operate a pump to deliver water to Seaside Retreat for its domestic uses. These power records are an example of Seaside Retreat's power expenses related to its water use under this water right throughout the year. Also attached are invoices from Thomas Merrell Construction and Environmental Services from 2019 through December 2022 related to operation of the domestic water delivery system.	● 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

16515 01 MB 0.482 65-0
SEASIDE RETREAT, LLC
PO BOX 15890
PHOENIX AZ 85060-5890



Questions: Call
1-888-221-7070
24 hours a day,
7 days a week
pacificpower.net



BILLING DATE: **Nov 23, 2021**

ACCOUNT NUMBER: [REDACTED]

DUE DATE: Dec 13, 2021

AMOUNT DUE: \$606.23



Your Balance With Us

Previous Account Balance	438.83
Payments/Credits	-438.83
New Charges	+606.23
Current Account Balance	\$606.23

Payments Received

DATE	DESCRIPTION	AMOUNT
Nov 5, 2021	Payment Received - Thank You	438.83
Total Payments		\$438.83

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

80704 Highway 101 Cannon Beach OR
Oregon Residential Service Schedule 4

METER NUMBER	SERVICE PERIOD From To	ELAPSED DAYS	METER READINGS Previous Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
80095190	Oct 21, 2021 Nov 22, 2021	32	2709 2844	40.0	5,400 kwh

Next scheduled read date: 12-23. Date may vary due to scheduling or weather.

NEW CHARGES - 11/21	UNITS	COST PER UNIT	CHARGE
Basic Charge - Single Phase			9.50
Delivery Charge	5,400 kwh	0.0462600	249.80
Supply Energy Charge Block 1 for 32 day(s)	1,052 kwh	0.0492400	51.80
Supply Energy Charge Block 2 for 32 day(s)	4,348 kwh	0.0613200	266.62
Federal Tax Act Adjustment	5,400 kwh	-0.0006300	-3.40
Oregon Corp Activities Tax Adj		0.0054000	3.10
Public Purpose		0.0300000	17.32
Energy Conservation Charge	5,400 kwh	0.0038200	20.63
Low Income Assistance			0.69
B P A Columbia River Benefits for 32 day(s)	1,052 kwh	-0.0093400	-9.83
Total New Charges			606.23

Wildfire safety & preparedness

Safety is a community effort that takes all of us working together. As we're taking steps to continue to mitigate wildfire risks by strengthening our system, pruning more trees and partnering with state and local agencies on emergency preparedness, it's also important for you to update your contact information and sign up for alerts with us.

See reverse

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS
EDGE FIRST ↑

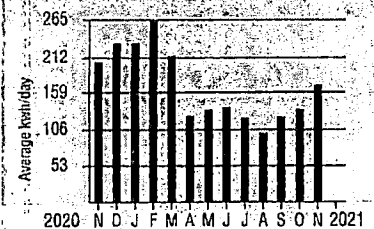


PO BOX 400
PORTLAND OR 97207

PACIFIC POWER
PO BOX 26000
PORTLAND OR 97256-0001



Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING:	NOV 2021	NOV 2020
Avg. Daily Temp.	49	46
Total kwh	5400	6160
Avg. kwh per Day	169	205
Cost per Day	\$18.94	\$24.55

Please consider helping your neighbors in need of energy assistance by using the enclosed envelope. Donations may be tax deductible. Pacific Power contributes \$2 for every \$1 donated, allowing your contribution to go even further.

Manage your account with ease

Popular billing options include Auto Pay, Equal Pay and choice of due dates. You can even earn a credit each month when you sign up for paperless billing. See details and enroll at pacific-power.net/billoptions

Late Payment Charge for Oregon
A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ **Change of Mailing Address or Phone?**
Check here & provide information on back.

Account Number: [REDACTED]

Date Due: **Dec 13, 2021**

AMOUNT DUE: \$606.23

Please enter the amount enclosed.

SEASIDE RETREAT, LLC
PO BOX 15890
PHOENIX AZ 85060-5890

H [REDACTED]



16754 01 MB 0.515 70-0
SEASIDE RETREAT, LLC
PO BOX 15890
PHOENIX AZ 85060-5890



Questions: Call
1-888-221-7070
24 hours a day,
7 days a week
pacificpower.net



BILLING DATE: **Nov 23, 2022**
ACCOUNT NUMBER: **[REDACTED]**
DUE DATE: **Dec 13, 2022**
AMOUNT DUE: **\$963.03**



ACCOUNT PAST DUE

Our records indicate that your account is past due. If the past due amount has been paid, please remember that this bill also contains New Charges.

Your Balance With Us

Previous Account Balance	356.31
Payments/Credits	0.00
Past Due Amount	356.31
New Charges	+606.72
Current Account Balance	\$963.03

You Must Act Now to Avoid Shut-Off!

- Your Electric Service Past Due Amount of **\$356.31** must be received by **Dec 13, 2022** to avoid shut-off.

Remember: Your New Charges of \$606.72 are still due by Dec 13, 2022.

Payments Received

No payments have been received since your last billing statement.

Detailed Account Activity

ITEM 1 - ELECTRIC SERVICE

80704 Highway 101 Cannon Beach OR
Oregon Residential Service Schedule 4

METER NUMBER	SERVICE PERIOD From	To	ELAPSED DAYS	METER READINGS Previous	Current	METER MULTIPLIER	AMOUNT USED THIS MONTH
80095190	Oct 21, 2022	Nov 22, 2022	32	4130	4266	40.0	5,440 kwh

Next scheduled read date: 12-23. Date may vary due to scheduling or weather.

NEW CHARGES - 11/22	UNITS	COST PER UNIT	CHARGE
Basic Charge - Single Phase			9.50
Delivery Charge			
for 18 day(s)	3,060 kwh	0.0477000	145.96
for 14 day(s)	2,380 kwh	0.0462500	110.08
Supply Energy Charge Block 1 for 32 day(s)	1,052 kwh	0.0480900	50.59
Supply Energy Charge Block 2 for 32 day(s)	4,388 kwh	0.0598000	262.40
Federal Tax Act Adjustment	5,440 kwh	-0.0006300	-3.43
Oregon Corp Activities Tax Adj		0.0054000	3.11

See reverse

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.



ACCOUNT PAST DUE

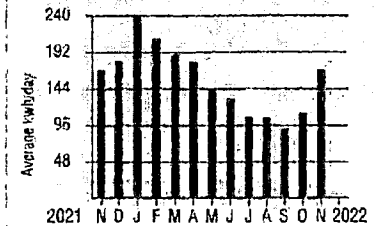


PO BOX 400
PORTLAND OR 97207

PACIFIC POWER
PO BOX 26000
PORTLAND OR 97256-0001



Historical Data - ITEM 1



Your Average Daily kwh Usage by Month

PERIOD ENDING	NOV 2022	NOV 2021
Avg. Daily Temp.	46	49
Total kwh	5440	5400
Avg. kwh per Day	170	169
Cost per Day	\$18.74	\$18.94

Manage your account with ease

Popular billing options include Auto Pay, Equal Pay and choice of due dates. You can even earn a credit each month when you sign up for paperless billing. See details and enroll at pacificpower.net/billoptions

Looking for other ways to pay?

Visit pacificpower.net/pay for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

Change of Mailing Address or Phone?

Check here & provide information on back.

Account Number: **[REDACTED]**
Date Due: **Dec 13, 2022**

AMOUNT DUE: **\$963.03**

Please enter the amount enclosed.

SEASIDE RETREAT, LLC
PO BOX 15890
PHOENIX AZ 85060-5890

H



Thomas Merrell
Construction and Environmental Services

31976 East Ocean Road
Arch Cape, OR 97102
503-739-2383
thomasmerrell@gmail.com
CCB # 0116393

Billing Address:
Jinx Patterson
C/O Chassity Burks, Seaside Retreat
P.O Box 15890
Phoenix AZ, 85060

Date Completed: 12-2019

New Customer: ☒ Yes ☐ No

TERMS Upon receipt

DATE	Description of Work	Hours	Cost
9/10/19	Check intake, Pump House, Tank	1.5	65.00 hr
9/19/19	Check water system	1.5	
10/10/19	Check water system	1.5	
10/31/19	Check water system	1.5	
11/15/19	Check water system	1.5	
12/1/19	Check water system	1.5	
12/13/19	Check water system	1.5	
	Please make check out to Thomas Merrell		\$ 682.50

Thomas Merrell
Construction and Environmental Services

31976 East Ocean Road
Arch Cape, OR 97102
503-739-2383
thomasmerrell@gmail.com
CCB # 0116393

Billing Address:
Jinx Patterson
C/O Chassity Burks, Seaside Retreat
P.O Box 15890
Phoenix AZ, 85060

Date Completed: 10-2020

New Customer: ☒ X Yes ☐ No

TERMS Upon receipt

DATE	Description of Work	Hours	Cost
9-11-2020	Drain and clean wet well in building, flush intake.	8	65.00
9-12-2020	Flush intake	2	
9-16-2020	Still issues with water quality, flush intake.	2	
9-21-2020	Met with County compliance inspector.	2	
10-2-2020	Met with Always pure pilot testing and water quality. Helper \$110.00	2	
	Please make check out to Thomas Merrell		\$1,150.00

Thomas Merrell
Construction and Environmental Services

31976 East Ocean Road
Arch Cape, OR 97102
503-739-2383
thomasmerrell@gmail.com
CCB # 0116393

Billing Address:
Jinx Patterson
C/O Chassity Burks, Seaside Retreat
P.O Box 15890
Phoenix AZ, 85060

Date Completed: 7-1-2022

New Customer: ___ Yes ___X___ No

TERMS Upon receipt

DATE	Description of Work	Hours	Cost
8-6-2021	Water checks January-July 2022 Filters and supplies	45	3,150.00 325.00
	Please make check out to Thomas Merrell		\$ 3,475.00

Thomas Merrell
Construction and Environmental Services

31976 East Ocean Road

Arch Cape, OR 97102

503-739-2383

thomasmerrell@gmail.com

CCB # 0116393

Billing Address:

Jinx Patterson

C/O Chassity Burks, Seaside Retreat

P.O Box 15890

Phoenix AZ, 85060

Date Completed: 1-1-2023

New Customer: ☐ Yes ☒ No

TERMS Upon receipt

DATE	Description of Work	Hours	Cost
	Water checks and system repairs June-December 2022		70.00
6-27	Replaced filters	2	
6-28	Flush water intake	3	
7-6	Clean screen, check system	2.5	
7-16	Check intake and system	2	
8-5	Clean screen check system	2.5	
9-16	Clean screen, flush intake line, check system	3.5	
10-12	Check intake and system	2	
11-17	Clean silt out of intake, disconnect line pull intake		
	Flush, check lines, flush pipe at filter building.		
	Replace filters.	8	
11-28	Clean silt out of intake, pull intake flush line.	5.5	
12-5	Clean silt out of intake, pull intake flush line.	5.5	
12-31	Silt, pull intake, flush and repair lines, check treatment.	8	
		44.5	
	Please make check out to Thomas Merrell		\$3,115.00