

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:** Permit **Permit S-53492**

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.

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Attachments:

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- ☒ 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°).

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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
2	Types of change proposed: ☐ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter »	2	NA
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in line 3a above: _____ (3b) <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »	3	NA
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 for the 1st 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) Add line 4a to line 4b and enter » » » » » » » » » » » » » » » » » »	4	NA
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 below*): _____ (5a) Subtract 1.0 from the number in line 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 \$410, then enter on line 5 »	5	NA
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	NA
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 » » » » » » » » » » » » » » » » » »	7	NA
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » Transfer Fee:	8	NA

*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, $1.25 \text{ cfs} \div 100 \text{ ac}$*); then multiply by the number of acres to be transferred to get the transfer cfs (*$\times 45 \text{ ac} = 0.56 \text{ cfs}$*).
 - 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, $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$*)
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	

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Arch Cape Domestic Water Supply District Matt Gardner, District Manager		PHONE NO. 503.436.2790	ADDITIONAL CONTACT NO.
ADDRESS 32065 E. SHINGLE MILL ROAD			FAX NO.
CITY ARCH CAPE	STATE OREGON	ZIP 97102	E-MAIL mattgardneracutil@gmail.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 BOATWRIGHT ENGINEERING, INC. JEANNE BOATWRIGHT		PHONE NO. 503.363.9225	ADDITIONAL CONTACT NO.
ADDRESS 2613 12TH STREET SE			FAX NO.
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL jeanne@boatwrightengr.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:
ODOT is planning a grading, drainage, structure, and paving project for Hwy 101 at Asbury Creek, with construction in 2025. The Arch Cape POD is from Asbury Creek east of Hwy 101. Asbury Creek is being regraded for Aquatic Passage which will lower the creek bed at the current passive intake structure. The POD is proposed to be moved upstream to place the intake at an elevation matching the existing one. If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

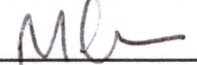
Check One Box

- ☒ 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: **Daily Astorian**
- 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

Matt Gardner, District Manager
Print Name (and Title if applicable)

6/10/24
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

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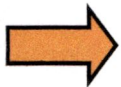
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances: Arch Cape holds an easement for the existing POD and is pursuing the acquisition of additional easement rights to include the location of the POD being proposed.				
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	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 CLATSOP COUNTY, COMMUNITY DEVELOPMENT, PLANNING	ADDRESS 800 EXCHANGE STREET, SUITE 100	
CITY ASTORIA	STATE OREGON	ZIP 97103

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 # Permit S-53492

Description of Water Delivery System

System capacity: **0.2** 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 intake structure on north side of Asbury Creek. 7.5 hp submersible pump w/fish screen, to a 4-inch pipeline to the 0.5 MG storage reservoir situated northeast of the terminus of Shark Creek Lane. Distribution through the community is via 4", 6" and 8" pipelines.**

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)
Asbury Creek West	☒ Authorized ☐ Proposed	NA	4 N	10 W	19	SE SW	----	865'* N & 1290' W OF SW ¼ COR, SEC 19
Asbury Creek East	☐ Authorized ☒ Proposed	NA	4 N	10 W	19	SE SW	----	955' N & 1040' W OF SW ¼ COR, SEC 19

* **Survey, and other map records, indicate that this measurement is closer to approximately 970'. See Additional remarks section under Table 2, below.**

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) |

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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.

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 # Permit S-53492

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			
										GOV	4	N	10	W	19	SW	NW	NA	----	NA	NA	Asbury Creek East	1993
										GOV	4	N	10	W	19	ALL	SW	NA	----	NA	NA	Asbury Creek East	1993
										GOV	4	N	10	W	30	ALL	NW	NA	----	NA	NA	Asbury Creek East	1993
										GOV	4	N	10	W	30	NE	SE	NA	----	NA	NA	Asbury Creek East	1993
										GOV	4	N	10	W	30	NW	SW	NA	----	NA	NA	Asbury Creek East	1993
											Per Permit - “PURPOSE OR USE: MUNICIPAL USE . . . WITHIN THE SERVICE AREA OF THE ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT”												
TOTAL ACRES:												TOTAL ACRES:						NA					

Additional remarks: Arch Cape Domestic Water Supply District is the current name of the entity. Past entity references include: Arch Cape Service District, Arch Cape Water Service District, and Arch Cape Water District.

The permit is for a total of 0.3 cfs. This Notification is being filed for: 0.2 cfs filed for incremental perfection on September 26, 2018; and, the remaining unperfected portion of 0.1 cfs.

The easement that covers the existing POD, and transmission piping to the public right-of-way to the north, was plotted. It indicates that the existing POD is in the range of 970 feet north of the south ¼ corner of Section 19, not 865 feet, as stated on the Approval for the earlier transfer T-7981. A document in the T-7981 file, prepared by ZTec Engineers, Inc. dated April 3, 1998, and stamped RECEIVED by WRD on Apr 21, 1998, includes the description of the Permanent Waterline Easement.

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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 # _____.

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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? Salem, OR

- ☐ 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

09907404

99 JUN 14 PM 2:53

B1015P361

REC'D BY: LORI DAVIDSON.

CLATSOP COUNTY CLERK *D.*\$55- *5* CK 2529

EXIST POD

AFTER RECORDING RETURN TO:
Tarlow, Jordan & Schrader
PO Box 230669
Portland OR 97281

This space provided for recorder's use.

UTILITY ACCESS EASEMENT

This Easement is made this 8th day of JUNE, 1999, by Kent Price and Florence Price ("Grantors") and Arch Cape Domestic Water Supply District and/or its successors or assigns ("Grantee").

Grantors are the present owners of fee title to that certain real property described in deed recorded September 25, 1985, in Book 882 at page 14, in the Clatsop County, Oregon Deed Records (the "Property").

Grantors for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant unto the Grantee and the public, a perpetual nonexclusive Permanent Easement described on Exhibit A incorporated herein (the "Permanent Easement") to enter upon and use the Permanent Easement for the purpose of installing and maintaining waterlines, well, pump station, valve box, telephone lines, power lines, cable, electricity and other underground utilities ("Utilities").

Grantors for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant unto the Grantee and the public, a perpetual nonexclusive Temporary Construction Easement described on Exhibit B incorporated herein (the "Temporary Easement") to enter upon and use the Property for the temporary purpose of installing the Utilities allowed by the Permanent Easement.

The Permanent Easement and the Temporary Easement are described on the map attached as Exhibit C incorporated herein.

Grantee shall have the right of reasonable access across adjacent property of Grantors for the purpose of access to the Easement.

Grantors shall not construct any permanent structure on the Permanent Easement, but may use the Permanent Easement for uses not inconsistent with the rights of Grantee or the public hereunder.

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The Permanent Easement and Temporary Easement shall be nonexclusive and Grantors reserve the right to grant to others easement rights in and to the easements, provided that such easement rights shall not substantially interfere with the easement rights granted hereunder.

GRANTORS

Kent Price
Kent Price
Florence Price
Florence Price

GRANTEE

Arch Cape Domestic Water Supply District

By: Thomas J. Merrell
Its: Manager

STATE OF OREGON, County of CLATSOP) ss.This instrument was acknowledged before me on JUNE 8, 1999, by Kent Price.

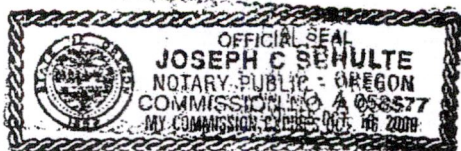
Suzanne Harris
NOTARY PUBLIC FOR OREGON
My Commission Expires 11-23-2001

STATE OF OREGON, County of CLATSOP) ss.This instrument was acknowledged before me on JUNE 8, 1999, by Florence Price.

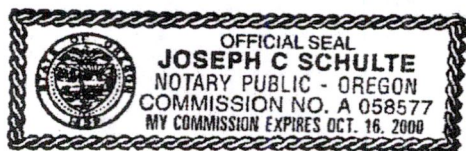
Suzanne Harris
NOTARY PUBLIC FOR OREGON
My Commission Expires 11-23-2001

STATE OF OREGON, County of CLATSOP) ss.

This instrument was acknowledged before me on 6/11, 1999, by Arch Cape Domestic Water Supply District. BY THOMAS MERRELL



Joseph C. Schulte
NOTARY PUBLIC FOR OREGON
My Commission Expires 10/16/00



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EXHIBIT 'A'**PERMANENT WATERLINE EASEMENT**

An easement for the purpose of installing and maintaining waterline facilities over and across a parcel of land located in the Southwest One-Quarter of Section 19, Township 4 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon. Said easement being located on that parcel of land conveyed to Kent H. Price and Florence Price and recorded September 25, 1985 in Book 882, Page 14, Clatsop County Deed records. Said easement being more particularly described as follows:

Commencing at the South One-Quarter corner of said Section 19; Thence North $89^{\circ} 03' 10''$ West along the South line of said Southwest One-Quarter of said Section 19, a distance of 1370.09 feet to a point; Thence North $02^{\circ} 17' 21''$ East a distance of 970.40 feet to the true point of beginning of the easement herein described. Said point of beginning being located on the easterly right-of-way line of the Oregon Coast Highway 101;

Thence continuing along said easterly right-of-way line, North $02^{\circ} 17' 21''$ East a distance of 126.00 feet to an angle point in said right-of-way line; thence continuing along said easterly right-of-way line, North $87^{\circ} 42' 39''$ West a distance of 20.00 feet to an angle point in said easterly right-of-way line; Thence continuing along said easterly right-of-way line, North $02^{\circ} 17' 21''$ East a distance of 244.75 feet to a point on the southerly right-of-way line of Maple Street; Thence South $89^{\circ} 04' 15''$ East, along said southerly right-of-way line, a distance of 15.01 feet to a point that is 15.00 feet easterly of, when measured at right angles, said easterly right-of-way line of said Oregon Coast Highway 101; Thence South $02^{\circ} 17' 21''$ West, parallel with and 15.00 feet easterly of, when measured at right angles, said easterly right-of-way line, a distance of 210.10 feet; Thence South $42^{\circ} 42' 39''$ East at 45° to said easterly right-of-way line, a distance of 28.28 feet; Thence South $02^{\circ} 17' 21''$ West, parallel with and 15.00 feet easterly of, when measured at right angles, said easterly right-of-way line, a distance of 71.00 feet; Thence South $87^{\circ} 42' 39''$ East, at right angles to said easterly right-of-way line, a distance of 30.00 feet; Thence South $19^{\circ} 48' 36''$ East a distance of 53.96 feet; Thence South $02^{\circ} 17' 21''$ West a distance of 20.00 feet; Thence North $87^{\circ} 42' 39''$ West a distance of 65.30 feet to the true point of beginning of the easement herein described.

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EXHIBIT 'B'**TEMPORARY CONSTRUCTION EASEMENT**

An easement for the purpose of installing a waterline over and across a parcel of land located in the Southwest One-Quarter of Section 19, Township 4 North, Range 10 West, of the Willamette Meridian, Clatsop County, Oregon. Said easement being a part of that parcel of land conveyed to Kent H. Price and Florence Price in that deed recorded September 25, 1995, in Book 882, Page 14, Clatsop County Deed records. Said easement being more particularly described as follows:

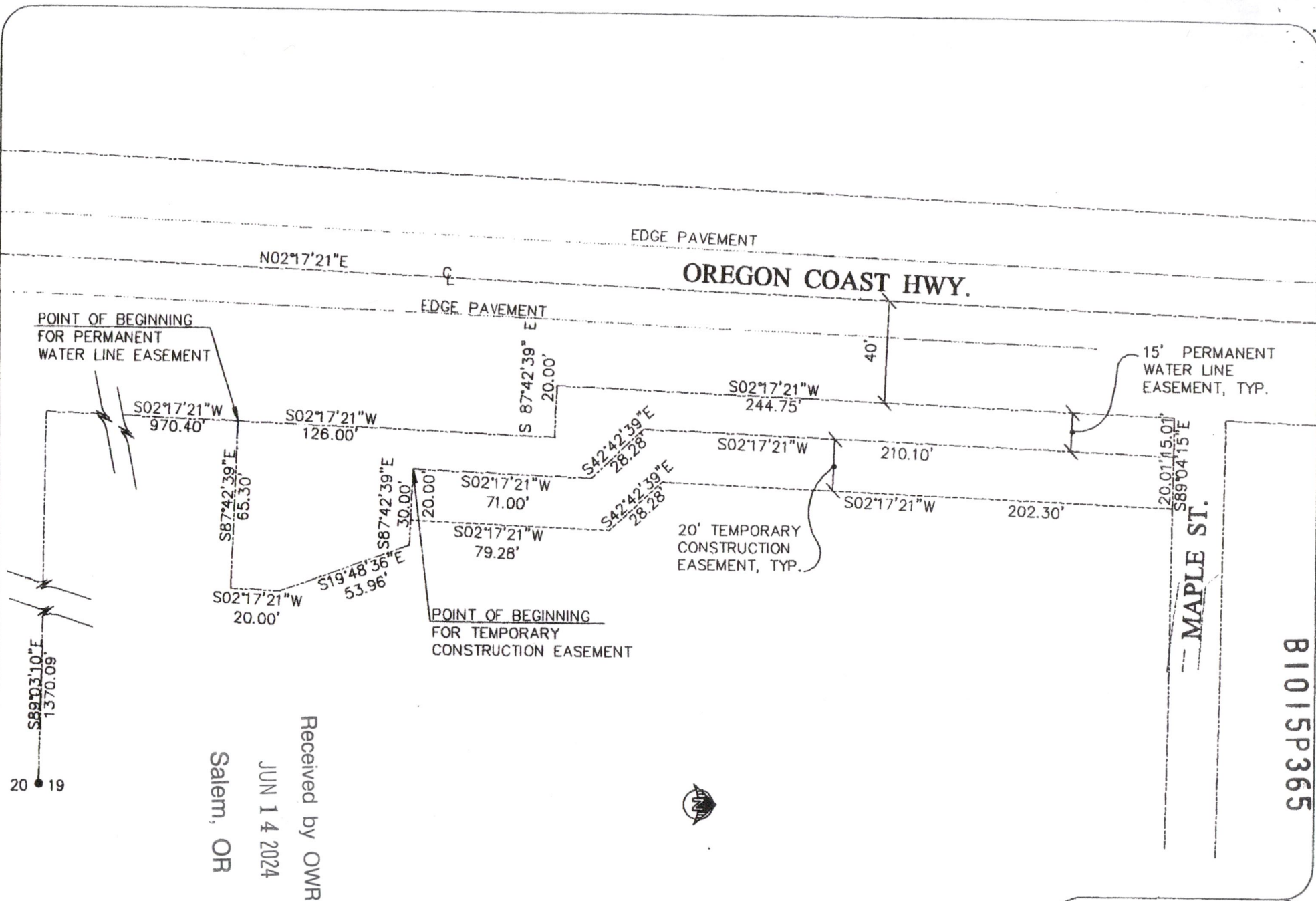
Commencing at the South One-Quarter corner of said Section 19; Thence North $89^{\circ} 03' 10''$ West along the South line of said Southwest One-Quarter of said Section 19, a distance of 1370.09 feet to a point; Thence North $02^{\circ} 17' 21''$ East a distance of 1020.40 feet to a point on the easterly right-of-way line of the Oregon Coast Highway 101; Thence South $87^{\circ} 42' 39''$ East, at right angles to said easterly right-of-way line, a distance of 15.00 feet to the true point of beginning of the easement herein described;

Thence North $02^{\circ} 17' 21''$ East, parallel with and 15.00 feet easterly of, when measured at right angles, said easterly right-of-way line, a distance of 71.00 feet; Thence North $42^{\circ} 42' 39''$ West a distance of 28.28 feet; Thence North $02^{\circ} 17' 21''$ East, parallel with and 15.00 feet easterly of, when measured at right angles, said easterly right-of-way line, a distance of 210.10 feet to a point on the southerly right-of-way line of Maple Street; Thence South $89^{\circ} 04' 15''$ East, along said southerly right-of-way line, a distance of 20.01 feet; Thence South $02^{\circ} 17' 21''$ West, parallel with and 35.00 feet easterly of, when measured at right angles, said easterly right-of-way line of said Oregon Coast Highway 101, a distance of 202.30 feet; Thence South $42^{\circ} 42' 39''$ East, at 45° to said easterly right-of-way line, a distance of 28.28 feet; Thence South $02^{\circ} 17' 21''$ West, parallel with and 35.00 feet easterly of, when measured at right angles, said easterly right-of-way line, a distance of 79.28 feet; Thence North $87^{\circ} 42' 39''$ West a distance of 20.00 feet to the true point of beginning of the easement herein described.

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EXHIBIT C WATER LINE EASEMENTS

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