# Regular



Name Stry Shepherd  Office of Metro Attorney  Address LOO NE Grand Avenue  Portland, OR 97232  Gary. Shepherd Coregonmetro. gov  Change in DOA	Name of StreamA				Date 9.16.2021 9.17.2021 11.15.2021 6-4-2022	1409.85	Receip 13/046 13104 13671
Date Filed 9-110-2021	Use Irrigation		_County_ Multin	omah	_		
Initial notice date 10-5-7021			No. of Acres				
PD issued date 3-31-2027 PD issued date 7 7 2000 PD notice date 7 10 2000 Date of FO 10 41 2000 Vol 15 Page 858	App#		Cert # Cert #	PR Date PR Date	Date	FEES REFUN Amount	Receipt
	App#	Per # Per #					
C-Date							
Irrigation District							
Agent Adam Zucker - adam @ zuckerf	ingineering. con	n					
CWRE_CC's list City of Portland; Multhom	ah County						
Oversized map – Location							



Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

October 4, 2022

GARY SHEPHERD
OFFICE OF METRO ATTORNEY
600 NE GRAND AVE
PORTLAND, OR 97232

REFERENCE: Transfer Application T-13828

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed <u>only</u> upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.A.Grew@oregon.gov.

Sincerely,

Julie C. Baustian

Water Rights Services Support

Transfers and Conservation Section

cc:

Amy J. Landvoigt, Watermaster Dist. # 20 (via email)

City of Portland

Multnomah County Planning

Adam S Zucker, Agent

Enclosure

## BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-13828, Multnomah County	)	POINT OF APPROPRIATION

#### Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

#### Applicant

GARY SHEPHERD
OFFICE OF METRO ATTORNEY
600 NE GRAND AVE.
PORTLAND, OR 97232

#### Findings of Fact

- On September 16, 2021, GARY SHEPHERD, OFFICE OF METRO ATTORNEY, filed an application to change the point of appropriation under Certificate 91809. The Department assigned the application number T-13828.
- Notice of the application for transfer was published on October 5, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On December 14, 2021, the Department contacted the agent for the applicant requesting revisions of the measured distances listed in table 1 and of the quarter-quarter locations in table 2 of the transfer application.
- On December 21, 2021, the agent for the applicant sent a revised table 1, table 2, and corresponding map, which allowed the Department to proceed processing with the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

- On March 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13828 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 30, 2022, for the applicant to respond.
- On April 11, 2022, the applicant pointed out that the transfer is to replace Point of Appropriation (POA) #2 with POA #3, and provided a revised map to better illustrate the change.
- On April 20, 2022, applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 8. On July 7, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13828 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 12, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- The right to be transferred is as follows:

Certificate: 91809 in the name of METRO, ATTN: LYDIA NEILL (perfected under Permit

G-10490)

Use: IRRIGATION of 88.9 ACRES

Priority Date: MAY 1, 1985

Rate: 1.1 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: TWO WELLS IN THE WILLAMETTE BASIN

#### Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	2 E	WM	35	SW NE	POA NO. 1 (ORIGINAL) - 90 FEET NORTH AND 100 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 35
1 N	2 E	WM	36	SE NW	POA NO. 2 (ADDITIONAL) - 165 FEET NORTH AND 84 FEET EAST FROM THE CENTER W 1/16 OF SECTION 36

#### Authorized Place of Use:

	IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres		
1 N	2 E	WM	35	NE NE	14.0		
1 N	2 E	WM	35	NW NE	1.0		
1 N	2 E	WM	35	SW NE	16.3		
1 N	2 E	WM	35	SE NE	14.6		
1 N	2 E	WM	36	NE NW	7.4		
1 N	2 E	WM	36	NW NW	16.8		
1 N	2 E	WM	36	SW NW	13.8		
1 N	2 E	WM	36	SE NW	5.0		
				TOTAL	88.9		

 Transfer Application T-13828 proposes to move the authorized point of appropriation of Well #2 to:

Twp .	Rng	Mer	Sec	Q-Q	Measured Distances	Authorize Appropriation	Distance from d Points of n in Miles (mi.) et (ft.)	
			26	SE NW	5 SE NW	POA #3 – 140 FEET NORTH AND 1285 FEET WEST	POA #1	POA #2
1 N	2 E	WM	36			FROM THE CENTER QUARTER OF SECTION 36	0.75 mi.	77.7 ft.

#### Transfer Review Criteria (OAR 690-380-4010)

- 11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13828.
- 13. The proposed change would not result in enlargement of the right.
- 14. The proposed change would not result in injury to other water rights.
- 15. All other application requirements are met.

#### Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13828 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

#### Now, therefore, it is ORDERED:

- 1. The change in point of appropriation proposed in Transfer Application T-13828 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 91809, and any related decree.
- 3. Water right Certificate 91809 is cancelled.
- The quantity of water diverted at the new point of appropriation (POA #3), shall not exceed
  the quantity of water lawfully available at the original points of appropriation (POA #1 and
  POA #2).
- 5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2024. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- 8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

OCT 0 4 2022

Dated in Salem, Oregon on
Lisay. Jaramillo, Vansfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

OCT 0 5 2022

Special Order Volume 125, Page 84 \

Mailing date: \_

#### WATER RIGHT TRANSFER COVER SHEET

Transfer Specialist: Transfer: T- 13828 Transfer Type: Regular Transfer Applicant: Agent: N/A **GARY SHEPHERD** ADAM S ZUCKER 600 NE GRAND AVE **4014 SE ANKENY STREET** PORTLAND, OR 97232 PORTLAND, OR 97214 Email: When & mour engineering Email: Awa sheehardo on formet to home:

Irrigation District: N/A CWRE: N/A Email: Email: Affected Local Gov'ts: N/A Affected Tribal Gov't: N/A City Of Portland; Multnomah County UNAVAILABLE Email: Email: Current Landowner if other than Applicant: N/A Receiving Landowner: N/A Email: Email: Water Rights Affected File Marked Permit Certificate RR/CR Needed RR/CR Nos. App. File # or Decree Name 91809 Yes No G-11333 G-10490 Yes No Yes No **Key Dates & Initial Actions:** Proposed Action(s): POINT OF APPROPRIATION Rec'd: September 16, 2021 **ODFW District:** Fees Pd: 1840.00 WM District: 20 ODFW Review sent: Initial Public Notice: October 5, 2021 WM Review sent: 626 Laus GW Review sent: 11/3 N/A Acknowledgement Letter Sent 🗵 676 N/A BOR notified (date): County sent cc: of Ack Letter News \$ received: 10-1-2502 Request for news \$ sent: 6-21-2017 Newspaper quote requested: Affidavit of publication received: Last day of publication: Request to publish sent: NO name? Oversula see em 5/2. 7.25 Mi = NP -Changes Changes Signature Signature Made Peer Review Made Coordinator Bin Date Drafted Document Date: 3/21/22 Date: 3-31-22 Date: 3/30/22 Date: 42-22 CW Sent: Date: Initials: Initials: P(C) N/A Initials; 20th DPD Initials: Initials: Date: 5/10/22 Date: 512.22 Date: Date: 5 7 1 Date: Date: 5-2-7 Initials: 15 -Initials: PKS PD Initials: 1 Initials: Initials: \_ Date: 9/15/22 Date: 7-4-22 Date: 9/7/22 Date: Initials: PKS laitials: Initials: FO Initials: Kott Special Issues: Wywd 1-31-22 word T.I. Special Order Volume: Vol. 125 Pages 838 "In" Moved and the we" - do we add condition for this?.

Last Revised 10-29-18

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CHRISTMAS	ALLEY, OR 976	641		BEND, OR 9770	09		
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#### STATE OF OREGON

### WATER RESOURCES DEPARTMENT

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STATE OF OREGON  WATER RESOURCES DEPARTM 725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax)	MENT INVOICE #	00000
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JUN 0 9 2022 RECEIVED OWRD

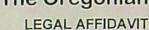
Attached is a check for \$409.85 (PCA #46118) for Newspaper Notice for Transfer T-13828 made out to Oregon Water Resources Department (or WRD)

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Bull Copy - Fiscal

• "for T-13828 NOTICE" written on front of check

Mail to: Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301-1266

Caseworker: TAMERA





AD#: 0010340650

State of Oregon,) ss

County of Multnomah)

Bradley Dion being duly sworn, deposes that he/she is principal clerk of Oregonian Media Group; that The Oregonian is a public newspaper published in the city of Portland, with general circulation in Oregon, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following

The Oregonian 07/09, 07/16/2022

Principal Clerk of the Publisher

OFFICIAL STAMP KIMBERLEE WRIGHT O'NEILL NOTARY PUBLIC-OREGON COMMISSION NO. 979329 MY COMMISSION EXPIRES SEPTEMBER 24, 2022

Sworn to and subscribed before me this 18th day of July 2022

**Notice of Preliminary Determination** for Water Right Transfer T-13828

Notary Public

tion.

T-13828 filed by Gary Shepherd, Of-fice of Metro Attorney, 600 NE Grand Avenue, Portland, OR 97232, proposes a change in point of appropria-tion under Certificate 91809. The right allows the use of 1.1 cubic feet per second from two wells in Sects. 35 and 36, T1N, R2E, WM for Irriga-tion in Sects. 35 and 36, T1N, R2E, WM. The applicant proposes to move the point of appropriation within Sec. 36, T1N, R2E, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, Jointly or severally, a protest or standing statement within 30 days after the last date of appropriate or the last date of the contractions. newspaper publication of this no-tice, 07/16/2022. Call (503) 979-9931 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determina-

RECEIVED JUL 26 2022 OWRD



JULY 7, 2022

VIA CERTIFIED MAIL AND E-MAIL

GARY SHEPHERD
OFFICE OF METRO ATTORNEY
600 NE GRAND AVE
PORTLAND, OR 97232

U.S. Postal Service™  CERTIFIED MAIL® RECEIPT  Domestic Mail Only	
Domestic Mail Only  For delivery information, visit our website at www.usps.com®.  OFFICIAL USE  Certified Mail Fee  \$  Extra Services & Fees (check box, add fee as appropriate)    Return Receipt (hardcopy) \$   Return Receipt (electronic) \$   Certified Mail Restricted Delivery \$   Adult Signature Required \$   Adult Signature Restricted Delivery \$   Postage  METRO  GARY SHEPHERD  600 NE GRAND AVE PORTLAND, OR 97232	THE REAL PROPERTY OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COL

SUBJEÇT: Water Right Transfer Application T-13828

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13828. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at <u>tamera.l.smith@water.oregon.gov</u> or 503-979-9607 may be of assistance.

Kindest regards,

Tamera Smith

Transfer Caseworker

Transfer and Conservation Section

cc: Transfer Application file T-13828

Amy J. Landvoigt, District 20 Watermaster (via e-mail)
Adam S. Zucker, Agent for the applicant (via e-mail)

encs

## OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13828, Multnomah County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF APPROPRIATION

#### Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

#### Applicant

GARY SHEPHERD
OFFICE OF METRO ATTORNEY
600 NE GRAND AVE.
PORTLAND, OR 97232

#### **Findings of Fact**

- On September 16, 2021, GARY SHEPHERD, OFFICE OF METRO ATTORNEY, filed an application to change the point of appropriation under Certificate 91809. The Department assigned the application number T-13828.
- 2. Notice of the application for transfer was published on October 5, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
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- On December 21, 2021, the agent for the applicant sent a revised table 1, table 2, and corresponding map, which allowed the Department to proceed processing with the transfer.
- 5. On March 31, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13828 to the applicant. The draft Preliminary

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

T-13828.ts Page 1 of 4

Determination cover letter set forth a deadline of April 30, 2022, for the applicant to respond.

- On April 11, 2022, the applicant pointed out that the transfer is to replace Point of Appropriation (POA) #2 with POA #3, and provided a revised map to better illustrate the change.
- 7. On April 20, 2022, applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
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G-10490)

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each year.

Source: TWO WELLS IN THE WILLAMETTE BASIN

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1 N	2 E	WM	36	SE NW	POA NO. 2 (ADDITIONAL) - 165 FEET NORTH AND 84 FEET EAST FROM THE CENTER W 1/16 OF SECTION 36

#### Authorized Place of Use:

		IRRIGAT	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 E	WM	35	NE NE	14.0
1 N	2 E	WM	35	NW NE	1.0
1 N	2 E	WM	35	SW NE	16.3
1 N	2 E	WM	35	SE NE	14.6
1 N	2 E	·WM	36	NE NW	7.4
1 N	2 E	WM	36	NW NW	16.8
1 N	2 E	WM	36	SW NW	13.8
1 N	2 E	WM	36	SE NW	5.0
				TOTAL	88.9

T-13828.ts Page 2 of 4

 Transfer Application T-13828 proposes to move the authorized point of appropriation of Well #2 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Authorize Appropriation	Distance from d Points of n in Miles (mi.) et (ft.)
1 N	2 E	WM	36	SE ANA	POA #3 – 140 FEET NORTH AND 1285 FEET WEST	POA #1	POA #2
TIN	2 6	VVIVI	36	SE NW	FROM THE CENTER QUARTER OF SECTION 36	0.75 mi.	77.7 ft.

#### Transfer Review Criteria (OAR 690-380-4010)

- 10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13828.
- 12. The proposed change would not result in enlargement of the right.
- 13. The proposed change would not result in injury to other water rights.
- 14. All other application requirements are met.

#### **Determination and Proposed Action**

The change in point of appropriation proposed in Transfer Application T-13828 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13828 is approved, the final order will include the following:

- The change in point of appropriation proposed in Transfer Application T-13828 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 91809, and any related decree.
- Water right Certificate 91809 is cancelled.
- The quantity of water diverted at the new point of appropriation (POA #3), shall not exceed the quantity of water lawfully available at the original points of appropriation (POA #1 and POA #2).

- 5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2023. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- 8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

Lisa J. Jaramillo Fransfer and Conservation Section Manager, for

THOMAS M BYLER, DIRECTOR

Oregon Water Resources Department

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-979-9607 or <a href="mailto:tamera.l.smith@water.oregon.gov">tamera.l.smith@water.oregon.gov</a>

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <a href="http://legalassistance.law.af.mil">http://legalassistance.law.af.mil</a>. The Oregon Military Department does not have a toll free number.

#### SMITH Tamera L \* WRD

From:

PHILLIPS Stacy H \* WRD

Sent:

Tuesday, May 24, 2022 11:46 AM

To:

SMITH Tamera L \* WRD

Subject:

RE: Newspaper Estimate for Transfer Application T-13828

Follow Up Flag:

Follow up

Flag Status:

Flagged

Hey T,

Sorry I didn't realize I had accidentally cc'd you on the email thread to the Oregonian. Please disregard the amount you saw.

The quote for legal notice T-13828 is \$409.85.

Thanks,

#### Stacy H. Phillips

Restoration Program Technician 725 Summer Street NE, Suite A, Salem, OR 97301 Office: 503-986-0898 | Work Cell: 503-979-9948



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: STARNES Patrick K \* WRD < Patrick.K.STARNES@water.oregon.gov>

Sent: Tuesday, May 24, 2022 9:15 AM

To: PHILLIPS Stacy H \* WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Cc: SMITH Tamera L \* WRD <Tamera.L.SMITH@water.oregon.gov>
Subject: Newspaper Estimate for Transfer Application T-13828

Hi Stacy -

Tamara will need a quote for the attached TRANSFER Application notice to run in the Oregonian. Run time is two weeks.

Thanks!

Kelly

Kelly Starnes, Transfer Program Analyst Oregon Water Resources Department 725 Summer St NE Suite A Salem OR 97301-1271

Cell phone: 503-979-3511

Fax: 503-986-0903

#### SMITH Tamera L \* WRD

From: Gary Shepherd < Gary.Shepherd@oregonmetro.gov>

Sent: Monday, May 2, 2022 9:17 AM

To: SMITH Tamera L \* WRD

Cc: Kathy Moon

Subject: RE: Transfer Application T-13828 Office of Metro Attorney

That sounds good. Please let us know the cost to do so and Kathy will arrange to reimburse your department. Gary

From: SMITH Tamera L \* WRD [mailto:Tamera.L.SMITH@water.oregon.gov]

Sent: Monday, May 2, 2022 9:15 AM

To: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>

Subject: [External sender] RE: Transfer Application T-13828 Office of Metro Attorney

CAUTION: This email originated from an External source. Do not open links or attachments unless you know the content is safe.

Hi Gary,

It appears that the Oregonian is regularly used in the Portland area.

-Tamera

From: Gary Shepherd < Gary. Shepherd@oregonmetro.gov >

Sent: Monday, May 2, 2022 8:53 AM

To: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov>

Cc: Kathy Moon < Kathy. Moon@oregonmetro.gov>

Subject: RE: Transfer Application T-13828 Office of Metro Attorney

Great - Is there a newspaper that you customarily publish this information in in the Portland metro region? I/We have no preference.

From: SMITH Tamera L \* WRD [mailto:Tamera.L.SMITH@water.oregon.gov]

Sent: Monday, May 2, 2022 8:47 AM

To: Gary Shepherd < Gary. Shepherd@oregonmetro.gov>

Cc: Kathy Moon < Kathy. Moon@oregonmetro.gov>; Adam Zucker < adam@zuckerengineering.com>

Subject: [External sender]RE: Transfer Application T-13828 Office of Metro Attorney

CAUTION: This email originated from an External source. Do not open links or attachments unless you know the content is safe.

Good morning Gary,

As part of the application, and as requested in the draft Preliminary Cover letter, the Department requests the name of the newspaper so that we can publish the notice when the Preliminary Determination goes out.

If you have any questions, please let me know.

Kindest regards, Tamera From: Gary Shepherd < Gary. Shepherd@oregonmetro.gov >

Sent: Monday, May 2, 2022 8:41 AM

To: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov>

Cc: Kathy Moon < Kathy. Moon@oregonmetro.gov>; Adam Zucker < adam@zuckerengineering.com>

Subject: FW: Transfer Application T-13828 Office of Metro Attorney

Tamera – good morning. Adam forward me your email question. Metro staff will be taking care of all the administrative stuff associated with this transfer.

Just let me know what you need from us, what we have to do, etc. and we will make it happen. Thanks. Gary

Gary Shepherd
Senior Assistant Attorney
Office of Metro Attorney
\*currently working remotely
503-806-1626 (cell)
gary.shepherd@oregonmetro.gov

600 NE Grand Avenue Portland, OR 97232 503-797-1600 (office - out currently)

Confidential Notice: This email may contain confidential or privileged information. If you receive this email in error, please do not read, disclose, copy, or distribute the email. Instead, please notify me immediately by replying to this message and by calling 503-797-1600. I also ask that you please delete the original message. Thank you.

From: Adam Zucker [mailto:adam@zuckerengineering.com]

Sent: Monday, May 2, 2022 8:31 AM

To: Gary Shepherd < Gary. Shepherd@oregonmetro.gov >

Subject: [External sender] FW: Transfer Application T-13828 Office of Metro Attorney

CAUTION: This email originated from an External source. Do not open links or attachments unless you know the content is safe.

Garv

Would you be able to respond to Tamera's question below?

Thanks Adam

Adam Zucker, PE CWRE



Portland, Oregon ph: 503.956.3473

#### **SMITH Tamera L\* WRD**

From:

Adam Zucker <adam@zuckerengineering.com>

Sent:

Tuesday, March 29, 2022 9:03 AM

To:

SMITH Tamera L \* WRD

Subject:

RE: Transfer Application T-13828 Office of Metro Attorney

Follow Up Flag: Flag Status: Follow up Flagged

#### Tamera

This is correct - we are naming it POA 3.

I guess I wasn't sure if it would cause more confusion to have two wells named POA 2, but I can also see that moving forward naming it POA 2 could make more sense.

Regardless we are proposing to name if POA 3

Best regards

Adam

Adam Zucker, PE CWRE



Zucker Engineering, LLC Portland, Oregon ph: 503.956.3473

From: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov>

Sent: Friday, March 18, 2022 9:46 AM

To: Adam Zucker <adam@zuckerengineering.com>

Subject: RE: Transfer Application T-13828 Office of Metro Attorney

Hi Adam,

I hope this email finds you well.

Can you verify that we are naming the proposed well "POA #3" (as written in T. 2 and on the map), and not "Proposed POA #2" (as written in T. 1)?

Thank you, Tamera

From: Adam Zucker <a draw="mailto:square;">adam@zuckerengineering.com</a>>

Sent: Tuesday, December 21, 2021 1:18 PM

To: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov >; gary.shepherd@oregonmetro.gov

Subject: RE: Transfer Application T-13828 Office of Metro Attorney

#### Tamera

Attached is a copy of the updated map and tables for your use. I will send the original hard copies to you soon as well as advise Metro to move forward with completing the Land Use Form.

#### SMITH Tamera L \* WRD

From:

Gary Shepherd < Gary. Shepherd@oregonmetro.gov>

Sent: To:

Monday, April 11, 2022 10:56 AM SMITH Tamera L \* WRD; Adam Zucker

Cc:

LANDVOIGT Amy J \* WRD

Subject: Attachments:

RE: T-13828 draft Preliminary Determination Glendoveer TransferApp\_Map-2ndRevision.pdf

Follow Up Flag:

Follow up

Flag Status: Flagged

Tamera – good morning. I wanted to provide a comment on the preliminary determination letter. First, thank for that. I may be reading something into it, but I just wanted to clarify and make sure that we are both on the same page with the request and final outcome Metro is seeking. If I am just making a mess of nothing, I apologize.

There is a finding and condition that references the new point of diversion being over ¼ mile from the existing point of diversion. That made me think the proposal was understood that Metro is seeking to replace POD #1. That would not be correct. The request is not replacing both existing POD #1 and POD #2 with POD#3. We are asking to replaced POD#2 with POD #3. POD#1 will remain undisturbed.

I have attached a map (prepared by Adam), that clarifies the proposal and desired outcome. Much appreciate the help. Gary

Gary Shepherd Senior Assistant Attorney Office of Metro Attorney \*currently working remotely 503-806-1626 (cell) gary.shepherd@oregonmetro.gov

600 NE Grand Avenue Portland, OR 97232 503-797-1600 (office - out currently)

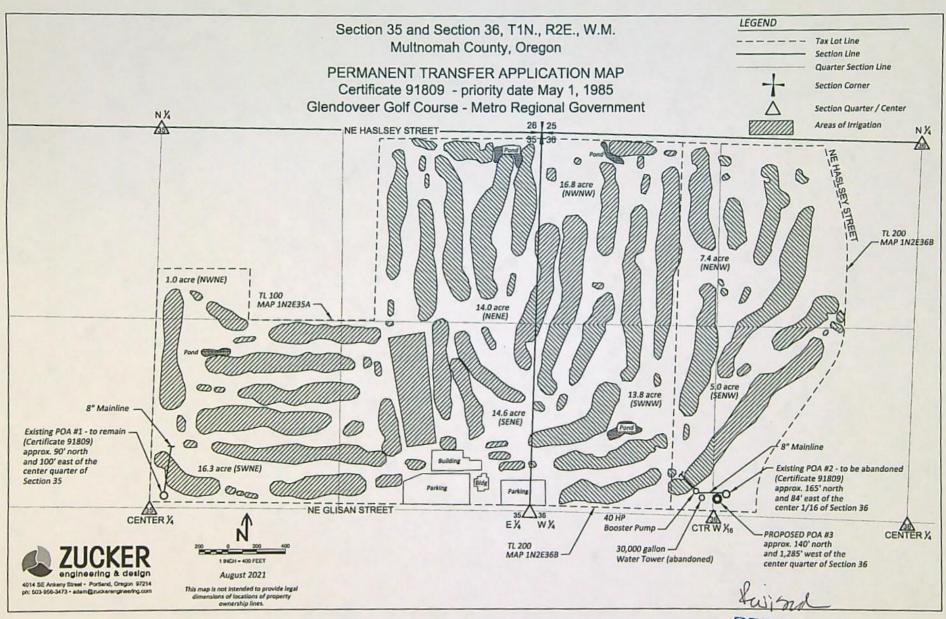
Confidential Notice: This email may contain confidential or privileged information. If you receive this email in error, please do not read, disclose, copy, or distribute the email. Instead, please notify me immediately by replying to this message and by calling 503-797-1600. I also ask that you please delete the original message. Thank you.

From: SMITH Tamera L \* WRD [mailto:Tamera.L.SMITH@water.oregon.gov]

Sent: Thursday, March 31, 2022 8:58 AM

To: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>; Adam Zucker <adam@zuckerengineering.com>

Cc: LANDVOIGT Amy J \* WRD < Amy.J.LANDVOIGT@water.oregon.gov> Subject: [External sender]T-13828 draft Preliminary Determination



RECEIVED

APR 1 1 2022

## 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

N. 111 A 1 1	(	Office of	First Metro Att	torney 60	0 NE Grand Ave.		Last		
Mailing Add Portlan	chronica		(	OR	97232		503-79	7-1600	
-	City			State	Zip	aytime Phon	e:	an constitution	
				State	2-17				
A. Land a	nd Loca	tion							
and/or used o	or develop	ed. Appli	cants for mur	nicipal use, o	where water will be dive				
Township	Range	Section	s for the tax-	Tax Lot #	ion requested below.  Plan Designation (e.g., Rural Residential/RR-5)		Water to be:	*	Proposed Lane
1N	2E	36	SE NW	200	Open Space	☐ Diverted	☐ Conveyed	N Used	irrigation
						Diverted	☐ Conveyed	☐ Used	for golf course
						Diverted	☐ Conveyed	Used	
						Diverted	☐ Conveyed	Used	
B. Descrip								(ED	PECEIN
Type of appl	Use or St	ore Water	₩ Water I	Right Transfe	r Permit		or Ground Wat		tion Modification
Limited				tion of Conse		nge of Water			
Source of wa				round Water					
Estimated qu			led:		X cubic feet per s		gallons per min		
ntended use		X Irriga ☐ Muni		Commercial Quasi-Munic	5-9/19/A/CV-98/A/CV-1/A		estic for		old(s)
Briefly descr						10 11 11	0 1	ır . · · · · · · · · ·	
					er application pend r the point of appro				
					right evidenced by				
					ling and needs to b				
PLEASE S	SEE AT	TACHE ne Land U	D NARRA' se Information	TIVE ANI	DEXHIBITS FOR I onot be completed while ge and include it with t	MORE INF	ORMATIC ease have a le	N. ocal gover	nment
Department.									
				See bott	om of Page 3. →				

Land Use Information Form - Page 2 of 3

WR/FS

## Land Use Information Form



#### 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:

1AN 207

- 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 <u>all</u> 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;
  - 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.

## 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 be	elow and provide the requested info	rmation	
☐ Land uses to be served by the proposed wat your comprehensive plan. Cite applicable o	er uses (including proposed construction) are a rdinance section(s):	allowed outrigh	t or are not regulated by
	umentation of applicable land-use approvals wo companying findings are sufficient.) If approve	hich have alrea	ndy been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lar	nd-Use Approval:
Multiple Land Use Reviews approved for this site through Mutnomah County	Allowed Conditional Use here through Portland Zoning Code 33.100.100	Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
Planning until 1984 then transfered to City of Portland permitting		☐ 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
	City Diagram		OWR
Name: Chris Caruso	Title: City Planner		
Signature: Chris Carnos	Phone: 503-865-6420		Date: 1/31/2022
Government Entity: City of Portland			
Note to local government representative: Ple sign the receipt, you will have 30 days from the Form or WRD may presume the land use associ	Water Resources Department's notice date to	return the com	pleted Land Use Information
	for Request for Land Use Informa	ation	
Applicant name: Metro			
City or County: Portland		: Chris Caruso	
Signature: Chris Caruso	Phone: 503-865-6420		Date: 1/31/2022
tevised 2/8/2010	Land Use Information Form - Page 3 of 3		WR/F

#### SMITH Tamera L \* WRD

From: Adam Zucker <adam@zuckerengineering.com>

Sent: Tuesday, December 21, 2021 1:18 PM

To: SMITH Tamera L \* WRD; gary.shepherd@oregonmetro.gov Subject: RE: Transfer Application T-13828 Office of Metro Attorney

Attachments: Glendoveer Table\_2-Rev.pdf; Glendoveer TransferApp\_Map-revised.pdf; Glendoveer

Table\_1-Rev.pdf

Follow Up Flag: Follow up Flag Status: Flagged

#### Tamera

Attached is a copy of the updated map and tables for your use. I will send the original hard copies to you soon as well as advise Metro to move forward with completing the Land Use Form.

Thank you Adam

Adam Zucker, PE CWRE



Zucker Engineering, LLC Portland, Oregon ph: 503.956.3473

From: SMITH Tamera L \* WRD < Tamera.L.SMITH@water.oregon.gov>

Sent: Tuesday, December 14, 2021 4:02 PM

To: Adam Zucker <adam@zuckerengineering.com>; gary.shepherd@oregonmetro.gov

Subject: Transfer Application T-13828 Office of Metro Attorney

Hi Adam,

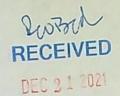
During my initial review of the application, I ran across a few items that look like they need some revision:

- T.2 acres TO/FROM are listed in the SE QQ instead of the Certificate NE QQ.
- 2. Description in T. 1 for measured distances POA #2 should match the description in the Cert.

Please email revisions for tables.

Kindest regards,

TAMERA SMITH PLEASE NOTE NEW EMAIL: tamera.l.smith@water.oregon.gov REIMBURSEMENT AUTHORITY (EXPEDITED PROGRAM) TRANSFER CASEWORKER 725 Summer St. NE, Suite A | Salem, Oregon 97301 | PLEASE NOTE NEW PHONE: 503-979-9607



#### Part 5 of 5 - Water Right Information

**OWRD** 

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 # 91809
Description of Wa	ter Delivery System
System capacity:	1.56 cubic feet per second (cfs) OR gallons per minute (gpm)
five years. Include and apply the wat powering Goulds	int water delivery system or the system that was in place at some time within the last information on the pumps, canals, pipelines, and sprinklers used to divert, convey, er at the authorized place of use. POA #1 (west well) is a 100 HP Turbine motor Pump model number 9RCHC-12 Stages, and POA #2 (east well is a 50 HP Turbine Byron Jackson Pump model number 10MO-L-8 Stages. POA #2 has a 40 HP
	ne water is distributed throughout the golf course through 8", 6", 4", and 2" PVC
water lines to Tor	o 690 Series sprinklers.

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)	Т	wp	F	Rng	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA #1	Authorized Proposed	1234	1	N	2	E	35	sw	NE	100	90' north and 100' east of center quarter of Section 35
POA #2	Authorized Proposed	114188	1	N	2	E	36	SE	NW	200	165' north and 84' west of the center 1/16 of Section 36
Proposed POA #2	☐ Authorized ☐ Proposed	N/A	1	N	2	E	36	SE	NW	200	140' north and 1,285 west of the center quarter of Section 36

osed A #2	☐ Authorized ☐ Proposed	N/A	1	N	2	E	36	SE	NW	200	of the center quarter of Section 36	
Check	all type(s) of ch	ange(s) pro	pose	d be	low	(cha	nge "	CODES	" are p	provide	ed in parentheses):	
	Place of Use	(POU)						Supple	menta	l Use t	o Primary Use (S to P)	
	Character of	Use (USE)					$\boxtimes$	Point o	of Appr	opriat	ion/Well (POA)	
	Point of Dive	rsion (POD)						Additio	onal Po	int of	Appropriation (APOA)	
	Additional Po	oint of Diver	sion	(APC	DD)			Substit	ution	(SUB)		
	Surface Water POA (SW/GW		roun	d Wa	iter			Govern	nment	Action	POD (GOV)	
Will all	of the propose	ed changes	affec	t the	ent	ire w	ater	right?				
∑ Yes	Complete on "CODES" liste									able 2	on the next page. Use	the
No	Complete all	of Table 2 t	o de	scrib	e the	e por	tion c	f the v	vater r	ight to	be changed.	
Revised 7	/1/2021	Permane	nt Tra	nsfer	Appl	icatio	n Form	- Page	8 of 10			TAC

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 # 91809

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.

	Т	he				at ap	pears	on th	e cer	tificate		POSED CHAI		Proposed	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES										3		
Tv	vp	Ri	Lis	st or			art or	Tax Lot	Gvt	he water Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Changes (see "CODES" from previous page)	Tv	vp	Ri	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	de. 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
				1	1										2	s	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	2	E		35	NE	NE	100		14.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	NE	NE	100		14.0	Irrigation	POA #1 POA #3	1985
1	N	2	E		35	NW	NE	100		1.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	NW	NE	100		1.0	Irrigation	POA #1 POA #3	1985
1	N	2	E		35	sw	NE	100		16.3	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	sw	NE	100		16.3	Irrigation	POA #1 POA #3	1985
1	N	2	E		35	SE	NE	100		14.6	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	SE	NE	100		14.6	Irrigation	POA #1 POA #3	1985
1	N	2	E		36	NE	NW	100		7.4	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	NE	NW	100		7.4	Irrigation	POA #1 POA #3	1985
1	N	2	E	: 3	36	NW	NW	100, 200		16.8	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	NW	NW	100, 200		16.8	Irrigation	POA #1 POA #3	1985
1	N	2	E	: 3	36	sw	NW	100, 200		13.8	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	sw	NW	100, 200		13.8	Irrigation	POA #1 POA #3	1985
1	N	2	E	3	36	SE	NW	100		5.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	SE	NW	100		5.0	Irrigation	POA #1 POA #3	1985
			1				TOT	TAL ACI	RES:												TO	TAL AC	RES:		0	whole	

Additional remarks: POA #3 will replace abandoned POA #2. Each POA will be used on all acreage that is irrigated.

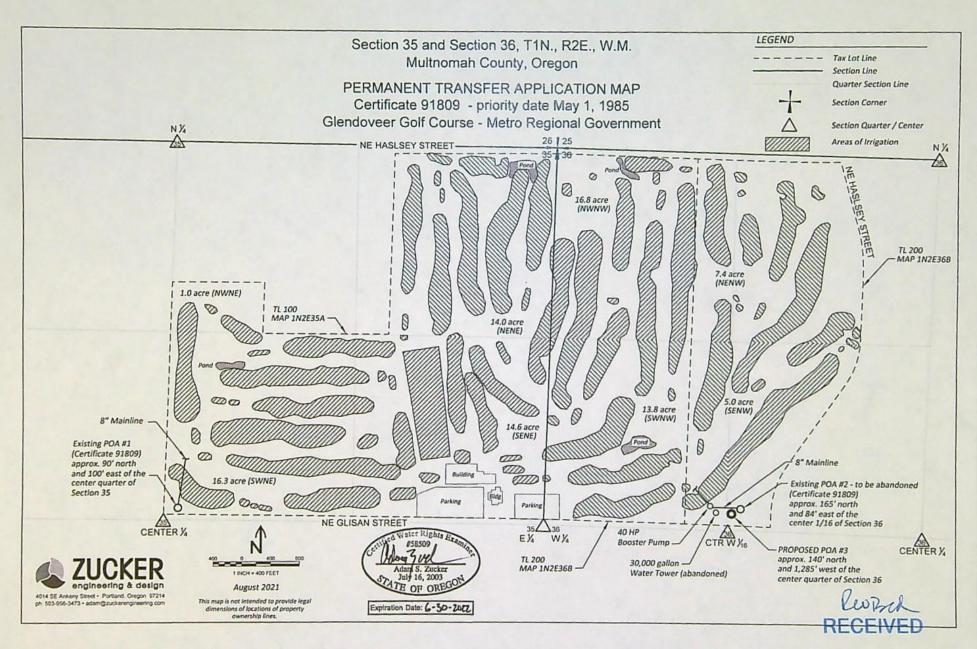
RECEIVED

Revised 7/1/2021

Permanent Transfer Application Form - Page 9 of 10

TACS







#### STATE OF OREGON

#### WATER RESOURCES DEPARTMENT

RECEIPT # 136423

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172 (503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

RECI	EIVED FRO	M: Metro					APPLICATION		
BY:					No.		PERMIT		
MACI	H: CI	UEOU II					TRANSFER	1-13808	3
FASI	]	HECK:# 27841.90	THER: (IDE	NTIFY)			TOTAL REC'D	s 1.840	n
	J	A					TOTAL NEOD	3/010	10
	1083	TREASURY	4170	WRD MI	SC CASH A	ACC	CT		
	0407	COPIES						\$	3
	-	OTHER: (IE	DENTIFY)					\$	
	0243 I/S L	ease 0244	Muni Water	Mgmt. Pla	n 02	245 (	Cons. Water		
				I Company of the last of the l	PERATING				
		MISCELLANEOUS			46110				1
	0407	COPY & TAPE FEE	s		10110			\$	
	0410	RESEARCH FEES						\$	3
	0408	MISC REVENUE:	IDENTIFY)					\$	
	TC162	DEPOSIT LIAB. (III						\$	
	0240	EXTENSION OF TIME						\$	
		WATER RIGHTS:			EXAM FEE	= 1		RECORD FEE	
	0201	SURFACE WATER			S		0202	\$	
	0203	GROUND WATER			\$		0204	\$	
	0205	TRANSFER			\$ 1840.	00			
		WELL CONSTRUC	TION		EXAM FEE	-		LICENSE FEE	
	0218	WELL DRILL CONS			\$		0219	\$	
		LANDOWNER'S PE					0220	\$	
		OTHER	(IDENTIE)	0					
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	0211	WELL CONST STAF	RTFEE		\$		CARD#		
	0210	MONITORING WEL	LS		\$		CARD#		
		OTHER	(IDENTIFY	)					
	0607	TREASURY	0467 H	HYDRO	ACTIVITY	L	IC NUMBER		
		POWER LICENSE F						\$	
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		HYDRO APPLICATION						\$	
-		TREASURY		THE	/ DDV	_			
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	OBJ. COD	E	VENDOR	#				F-	
	DESCRIPT	TION	-		-			\$	
_		THE RESERVE THE PERSON NAMED IN				-			_

DATED: 9-16-202 pt. Mindy Corden Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy | File, Buff Copy - Fiscal

RECEIPT: 136423

## Application for Permanent Water Right Transfer



OREGON 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 Se

		For questions, prease can (303) 360-0300, and ask for frantier section.	RECEIVE
heck all	litem	ns included with this application. (N/A = Not Applicable)	•
$\times$		Part 1 – Completed Minimum Requirements Checklist.	SEP 1 6 20
$\boxtimes$		Part 2 – Completed Transfer Application Map Checklist.	OWRD
₹		Part 3 – Application Fee, payable by check to the Oregon Water Resources De completed Fee Worksheet, page 3. Try the new online fee calculator at: <a href="http://apps.wrd.state.or.us/apps/misc/wrd">http://apps.wrd.state.or.us/apps/misc/wrd</a> fee calculator.	
◁		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about Water Rights to be Transferred: How many water be transferred? 1 List them here: 91809  Please include a separate Part 5 for each water right. (See instructions on NOTE: A separate transfer application is required for each water right un criteria in OAR 690-380-3220 are met.	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 laright is on.)	and the water
	N/A	Supplemental Form D – For water rights served by or issued in the name of an district. Complete when the transfer applicant is not the irrigation district.	irrigation
	N/A	Oregon Water Resources Department's Land Use Information Form with approsignature (or signed land use form receipt stub) from each local land use authorized is to be diverted, conveyed, and/or used. Not required if water is to be conveyed, and/or used only on federal lands or if all of the following apply: a) place of use only, b) no structural changes, c) the use of water is for irrigation the use is located within an irrigation district or an exclusive farm use zone.	ority in which diverted, a change in
	N/A	Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) of point(s) of appropriation.	or additional
	N/A	Geologist Report for a change from a surface water point of diversion to a groupoint of appropriation (well), if the proposed well is more than 500' from the source and more than 1000' upstream or downstream from the point of divers 690-380-2130 for requirements and applicability.	surface water
		(For Staff Use Only)	
	N	VE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):  Application for not enclosed (insufficient)  Application for not enclosed (insufficient)  Application for not enclosed (insufficient)	
		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 is incomplete ther/Explanation is incomplete	mplete
		taff:	
rised 7/1,	/20ZI	Permanent Transfer Application Form – Page 1 of 10	TACS

## Part 2 of 5 - Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are will be returned.

		sure that the transfer application map you submit includes all the required items and ne 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 <a href="http://apps.wrd.state.or.us/apps/wr/cwre-license-view/">http://apps.wrd.state.or.us/apps/wr/cwre-license-view/</a> . 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
$\boxtimes$		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.
$\boxtimes$		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.
$\boxtimes$		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.
X		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

'ED

	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:		REC	EIVED
	Place of Use Character of Use Point of Diversion/Appropriation  Number of above boxes checked = 1 (2a)		SEP	1 6 2021
2	Subtract 1 from the number in line 2a = 0 (2b) If only one change, this will be 0  Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » »	2	\$0 <b>O</b>	WRD
3	Number of water rights included in transfer 1 (3a) Subtract 1 from the number in 3a above: 0 (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »		\$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 <sup>st</sup> well to be added or changed 480 (4a)			
4	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	\$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 below*):			
6	5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » »	5	\$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 » » » » » » » » » » » » » » » » » »	7	0	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,840	

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

1. For irrigation calculate cfs for each water right involved as follows:

a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 cfs).

b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs

2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution(2a) Subtract 1 from the number in 2a above:(2b) If only one well this will be 0		
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

SEP 1 6 2021

#### Applicant Information

APPLICANT/BUSINESS NAME Gary Shepherd / Office		1	PHONE NO. 503-797-1600	ADDITIONAL CONTACT NO. 503-806-1626	OWRD
ADDRESS Metro / 600 NE Grand	Avenue			FAX NO.	
CITY Portland	STATE OR	ZIP 97232	E-MAIL gary.shepherd@or	regonmetro.gov	
BY PROVIDING AN E-MA			CEIVE ALL CORRESPONDENC		

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

544410
FAX NO.
MAIL dam@zuckerengineering.com

Explain in your own words what you propose to accomplish with this transfer application, and why:

During attempt to inspect and maintain the pump at POD #2, the pump was not able to be pulled from the well. The concern is that casing may be failing or if the pump is pulled out of the existing well casing with too much force, the well casing will be damage beyond repair. This proposed transfer application for a newly constructed and adjacent POD is being prepared, as needed, and as a contingency if the existing POD becomes no longer serviceable or becomes damaged.

#### **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
$\boxtimes$	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.

SEP 1 6 2021

9321		Gary Shepherd,	Office of Metro	Attornov	08/30/2021 OWR
Applicant signature				itle if applicable	
Applicant signature		Pri	nt Name (and T	tle if applicable	) Date
Is the applicant the sole owner of located? $\boxtimes$ Yes $\square$ No*	the land	on which the wa	ter right, or po	rtion thereof, pr	oposed for transfer is
*If NO, include signatures of all dee attach affidavits of consent (and m water right(s) were conveyed.					
Check the following boxes that ap	pply:				
The applicant is responsi sent to the applicant.	ble for co	mpletion of char	nge(s). Notices a	ind corresponde	ence should continue to be
The receiving landowner issued. Copies of notices					s) after the final order is
Both the receiving lando and correspondence sho					change(s). Copies of notices
At this time, are the lands in this	transfer a	application in the	process of bein	g sold? Yes	⊠ No
If YES, and you know who the below. If you do not know who at a later date.					
If a property sells, the certific unless a sale agreement or o https://www.oregon.gov/ow	ther docu	ment states other	erwise. For mor	e information se	
RECEIVING LANDOWNER NAME			PHONE NO.	ADDIT	TIONAL CONTACT NO.
ADDRESS				FAX N	0.
CITY	STATE	ZIP	E-MAIL		
Describe any special ownership c	ircumstar	nces:			
The confirming Certificate shall b	e issued i	n the name of:	Applicant [	Receiving Lan	downer

RRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP
Check here if water for any of the contract for stored water with a		
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP
corporation, or tribal governments		er will be diverted, conveyed or
CITY	ADDRESS 1120 SW 5 <sup>th</sup> Av	er will be diverted, conveyed or
City of Portland	within whose jurisdiction wat  ADDRESS  1120 SW 5 <sup>th</sup> Av	er will be diverted, conveyed or
ENTITY NAME  City of Portland	ADDRESS 1120 SW 5 <sup>th</sup> Av	er will be diverted, conveyed or
CORPORATION, OR TRIBAL GOVERNMENTS  ENTITY NAME  City of Portland  CITY  Portland	within whose jurisdiction wat  ADDRESS 1120 SW 5 <sup>th</sup> Av  STATE OR	er will be diverted, conveyed or e.  ZIP 97214
CORPORATION, OR TRIBAL GOVERNMENTS  ENTITY NAME  City of Portland  CITY  Portland  ENTITY NAME	ADDRESS 1120 SW 5 <sup>th</sup> AV STATE OR ADDRESS	er will be diverted, conveyed or e.  ZIP 97214

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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, expenses and paste additional Part 5s, or to add additional rows to tables within the form.

### CERTIFICATE # 91809

D	escri	ption	of	Water	Delivery	System	١
_			<b>.</b>	A A CI CCI	DCIIVCI	JUSECIII	

System capacity: 1.56 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. POA #1 (west well) is a 100 HP Turbine motor powering Goulds Pump model number 9RCHC-12 Stages, and POA #2 (east well is a 50 HP Turbine motor powering a Byron Jackson Pump model number 10MO-L-8 Stages. POA #2 has a 40 HP booster pump. The water is distributed throughout the golf course through 8", 6", 4", and 2" PVC water lines to Toro 690 Series sprinklers.

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)	T	wp	F	lng	Sec	74	x x		<b>44</b>		¼ ¼ O Go		Gov't Lot		Measured Distances (from a recognized survey corner)
POA #1	Authorized Proposed	1234	1	N	2	E	35	sw	NE	100	90' north and 100' east of center quarter of Section 35						
POA #2	Authorized Proposed	114188	1	N	2	E	36	SE	NW	200	165' north and 1,260 west of the center quarter of Section 36						
Proposed POA #3	Authorized Proposed	N/A	1	N	2	E	36	SE NW		200	140' north and 1,285 west of the center quarter of Section 36						

							Section 36	
heck	all type(s) of cha	nge(s) prop	osed belov	w (change	"CODES" are p	provided	d in parentheses):	
	Place of Use (P	OU)			Supplementa	al Use to	Primary Use (S to P	)
	Character of U	se (USE)			Point of Appr	ropriatio	on/Well (POA)	
	Point of Divers	ion (POD)			Additional Po	oint of A	ppropriation (APOA	)
	Additional Poir	nt of Diversi	on (APOD)		Substitution	(SUB)		
	Surface Water POA (SW/GW)	POD to Gro	und Water	r 🗆	Government	Action I	POD (GOV)	
Vill all	of the proposed	changes af	fect the er	ntire water	right?			
☑ Yes	Complete only "CODES" listed					able 2 o	n the next page. Use	th

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 # 91809

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.

	Т				hat a	opear	s on th	ne cer	tificate		DPOSED CHA		Proposed				The	listir			uld app	pear A	FTER	on" lands) PROPOSED	CHANGES	5
Tv	/p	Rr		Sec		part o	Tax Lot	Gvt	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Changes (see "CODES" from previous page)	Tw	/p	Ri	ng	Sec	74	×	Tax Lot	Gvt Lot or DLC	de. 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
1	N	2	E	35	NE	SE	100		14.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	NE	SE	100		14.0	Irrigation	POA #1 POA #3	1985
1	N	2	E	35	NW	SE	100		1.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	NW	SE	100		1.0	Irrigation	POA #1 POA #3	1985
1	N	2	E	35	sw	SE	100		16.3	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	sw	SE	100		16.3	Irrigation	POA #1 POA #3	1985
1	N	2	E	35	SE	SE	100		14.6	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	35	SE	SE	100		14.6	Irrigation	POA #1 POA #3	1985
1	N	2	E	36	NE	NW	100		7.4	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	NE	NW	100		7.4	Irrigation	POA #1 POA #3	1985
1	N	2	E	36	NW	NW	100, 200		16.8	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	NW	NW	100, 200		16.8	Irrigation	POA #1 POA #3	1985
1	N	2	E	36	sw	NW	100, 200		13.8	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	sw	NW	100, 200		13.8	Irrigation	POA #1 POA #3	1985
1	N	2	E	36	SE	NW	100		5.0	Irrigation	POA #1, POA #2	1985	POA	1	N	2	E	36	SE	NW	100		5.0	Irrigation	POA #1 POA #3	1985
						тот	TAL ACE	RES:		9										ТО	TAL ACI	RES:				

Additional remarks: POA #3 will replace abandoned POA #2. Each POA will be used on all acreage that is irrigated.

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Revised 7/1/2021

Permanent Transfer Application Form - Page 9 of 10

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Certificate # 91809

### For Place of Use or Character of Use Changes

### OWRD

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.

### For a change from Supplemental Irrigation Use to Primary Irrigation Use

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:

<a href="http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx">http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx</a>

### 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
POA #1	Yes	1234	500	5"	Unknown	0-65'	442-487	226	Sand & gravel	500 gpm
POA #2	Yes	114188	358	8"	Unknown	Unknown	Unknown	180	Gravel	500 gpm
POA #3	No		NA	NA	NA	NA	NA	NA	NA	NA

## Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in	WRIS		Transfer	#T-13	828	
Checked by- COM Date- 9 (22) 2)	Type of Change(s) Proposed:	Substitution	Supplemental to Primary	POU	POD	APOD
Fee Received: 1840.00	Mark the Proposed Changes	Gov Action	Surface to Ground	USE	POA	АРОА
Calculated Fee:			How many rights		nsferred	?
1840,00			Certificate # 9	1809		
Additional Observations:						
If OK and complete, check box to	o the left: if NOT fill in					
in Ok and complete, check box to	o the left, if NOT, illi in.					
1. Is applicant information	complete? Have all applic	ants listed at t	he ton of the na	age signs	ed at the	e bottom?
	hose signature is missing?		ne top of the pe	age signe		. Doctom.
/ / / / / / / / / / / / / / / / / / / /	nose signature is missing.					
2. Does applicant indicate to Name of the district:	he place of use is in <u>or</u> nea		district? Is a Fo	rm D inc	luded?	☑ N/A.
	s the applicant(s) complete planation of the reasons f ontact the applicant or ag	or transfer on	Part 4 of the ap			natch
4. Is there only one (1) wat	er right included in this tra	ansfer applicat	tion?			
	OAR 690-380-3220 for mo			No		
	pplication CANNOT be ac					
5. For multiple certificates separate completed Part	do each of the certificates	listed on App	lication Page 1	have the		
6. Is the map prepared and If no, what is missing?	signed by a CWRE? Does		requirements? Nap waiver inclu		Yes [	No
7. If a change in point of ap	propriation (POA), have t	he well logs be	een included? [	□ N/A.		
8. If a change in place of us Supplemental Form U?	The state of the s	ounty, have th	ne applicant(s) p	rovided	а	
9. If all boxes on this check Put this application intak	list are checked (with no r se completeness check sho			ed), ACC	EPT the	application
It should be return	eft are <b>NOT</b> checked, ther ned and the <b>deficiencies</b> list, unless the applicant or a	sted in the "st	aff" section at	the botto	om of	
A tions taken: M				Dat	e:	

## Permanent Transfer Application Intake Completion Checklist

	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 = (2a)		
	Subtract 1 from the number in line 2a = (2b) If only one change, this will be 0.		
2	Multiply line 2b by \$1,090 and enter » » » » » » » » » » » » » » » » » »	2	0
	Number of water rights included in transfer (3a)		
	Subtract 1 from the number in 3a above: (3b) 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, change from a surface water POD to a		
	well, or Substitute a Suppl GW right for a Primary SW right?		
	No: enter 0 » » » » » » » » » » » » » » » » » »		
	Yes = \$480 (4a)		
	If YES: enter the number of wells being proposed:(4b)		
	Subtract 1 from the number in line 4b = (4c) If only one well this will be 0.		
	Multiply line 4c by \$410 =(4d)		
4	Add lines 4a and 4d 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		
	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 <b>5b</b> is greater than 0, round up to the nearest whole number: (5c) and		
5	multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	0
	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 » » »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » »	7	0
Ö	Subtract line / from line o " " " " " " " " " " " " " " " " " "	8	

### **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 o	f Oregon		)						R	ECEIVE
County	of MULTNOMA	<u>+</u> )	,	SS					S	EP 16 202
	SHEPHERD, in m									OWRD
	one number ( <u>5</u>						and say:			
	I attest that:  Wate Certif	onal obser er was use ficate # <u>9:</u>	rvation ed during to 1809; OR	he pre	evious fiv	Professi e years o	onal experti n the <b>entire</b>	se place of use f	for	
	Certificate #	Townsh		nge	Mer	Sec	ne following	Gov't Lot or DLC	Acres (if applicable)	
OR										
		the water e number not leased ht is not s utted und en used a	right was ris:d, additional subject to f ler ORS 54 t the actual	leased (Note al evid forfeit 0.610	d instream : If the endence of ure and of (2) is atta	m at som ntire righ use is need documen ached. t of diver	e time withing the proposed for the tation that a sion or appr	n the last five or portion <u>not</u> lo presumption	eased instream.)	

(continues on reverse side)

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

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above

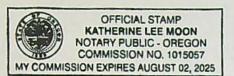
statements, my application will be considered incomplete.

Signature of Affiant

9/9/2/ RECEIVED

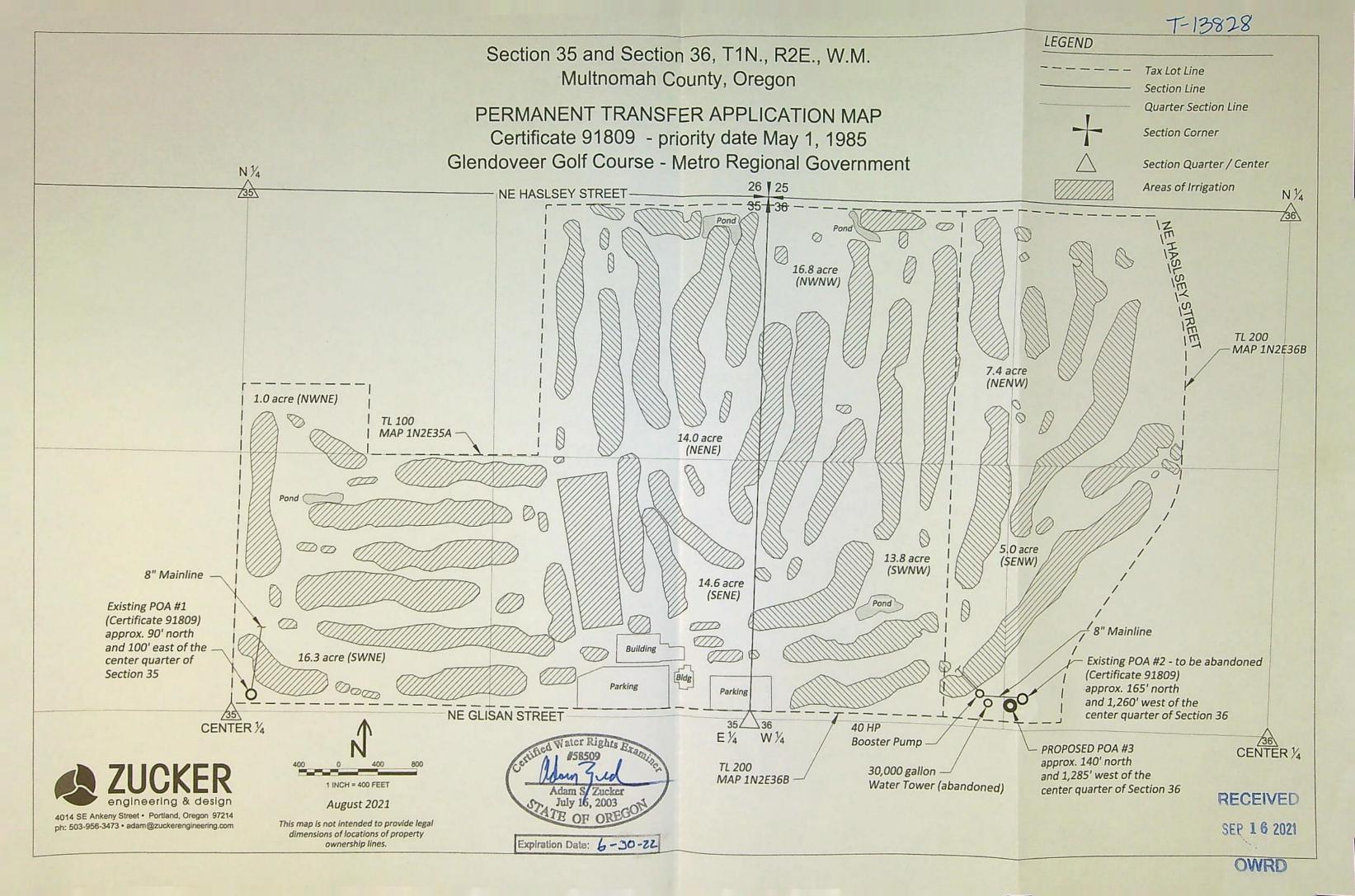
Date SEP 1 6 2021

Signed and sworn to (or affirmed) before me this 9th day of 5ept., 20 21.



My Commission Expires: 8/02/2025

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



### INSTRUCTIONS for editing the Application Form

OWRD

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please save the application form to your computer. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the Tools menu => click Unprotect Document;
   OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the Tools menu => click Protect Document;
   OR
- Using the Forms toolbar => click on the Protect/Unprotect icon.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

### Microsoft Word 2007

- Unlock the document by clicking the Review tab, then click Protect Document, then click
   Stop Protect
- To relock the document, click Editing Restrictions, then click Allow Only This Type of Editing, select Filling In Forms from the drop-down menu, then check Yes, Start Enforcing Protection.

### Microsoft Word 2010

- Unlock the document by clicking the Review tab; toggle the Restrict Editing icon at the upper right, then click Stop Protect at the bottom right. Then uncheck the "Allow only this type of editing in the document: Filling in forms" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the Editing Restrictions/Allow Only This Type of Editing/Filling In
  Forms box from the drop-down menu, then check Yes, Start Enforcing Protection. You do not need to
  assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, mark through any non-applicable information, insert/attach
  photocopied pages to document in the appropriate location, and manually amend page numbers as
  necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc.
   You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

### WATER WELL REPORT STATE OF OREGON



## KECEIVED

ÅPR 2 4 1984

State Well No.

IN/2E-35ac

WATER RESOURCES DEPT<sub>State Permit No.</sub>
SALEM, ORSGON

(1) OWNER:	(10) LOCATION OF WELL:		_	
Name MULTNOMAH COUNTY ORE.	County MULTNOMAH Driller's well	number	56	00
Address 2505 SE 11EH AVE	SW & NE & Section 3.5 T. /N	R 2	E	W.M.
City PORTLAND State ORE. 9720	Z_Tax Lot # Lot Blk	. Su	bdivision	
(2) TYPE OF WORK (check):	Address at well location:			
New Well   Deepening □ Reconditioning □ Abandon □			-	
If abandonment, describe material and procedure in Item 12.	(11) WATER LEVEL: Completed w			
(3) TYPE OF WELL: (4) PROPOSED USE (check):	Depth at which water was first found 357			ft.
	Static level 226 ft. below in			3/23/84
Rotary Air Driven Domestic Dindustrial Municipal Description Management Description Management Description Descrip	Artesian pressure Ibs. pe	r square i	nch. Date	
₩ithdrawal □ Reinjection □	(12) WELL LOG: Diameter of well below	asing	-	<u></u>
(5) CASING INSTALLED: Steel X' Plastic	Depth drilled 500 ft. Depth of c	ompleted	well S	60 ft.
Threaded Welded	Formation: Describe color, texture, grain size and stru thickness and nature of each stratum and aquifer penet			
O Diam from # 2 ft to 442 ft. Gauge 365	for each change of fermation. Report each change in p			
Diam from 400 ft to 410 ft. Gauge 259	and indicate principal water-bearing strata.			
ENER INSTALLED:	MATERIAL	From	To	SWL
"Diam from 487 ft to 500 ft. Gauge 1259	BROWN CLAY	0	4	
PERFORATIONS: Perforated?   Yes No	GRAVEL AND CLAY	4	22	
Type of perforator used	LOOSE GRAVEL	22	26	
Size of perforations in. by in.	CLAY AND GRAVEL	26	136	
perforations fromft. toft.	SAND GRAVEL AND CLAY	136	163	
perforations fromft. toft.	BROWN AND GREY CLAY	163	775	
perforations fromft. toft.	GREY SILTSTONE	175	198	
	BLUE CHREY CHRED CLAY	198	233	
(7) SCREENS: Well screen installed? Yes No	SAND GRAVEL ANDCIAY	233	258	
Manufacturer's Name UUF STAINLESS STEEL Model No.	GREY CLAY SOME GRAVEL	258	276	
E 50 1/1/2 1/07	CEMENTED GRAVEL	276	352	
	SAND CHRAVEL AND SILT	352	400	
Drawdown is amount water level is lowered	SAUD GRAVEL AND SILT	420	X87	
(8) WELL TESTS: below static level	GREEN CLAY	487	490	
y a pump test made? Yes \( \text{No If yes, by whom?} \)	GREY SHALE		SEQ	ECEIVE)
500 gal/min. with /33 ft. drawdown after 4 hrs.		-		LOLIVE
			0	D 1 6 202
r test gal/min. with drill stem at ft. hrs.			2	EP 16 202
Bailer test gal/min. with ft. drawdown after hrs.				7.
Ageian flow g.p.m.				OWRD
Depth artesian flow encountered ft.	Work started VAN 3 19 84 Complete	d MA	AK 2	-9 1984,
CONSTRUCTION: Special standards: Yes D No D	Date well drilling machine moved off of well	MAR	30	1984
Well seal—Material used CEMENT GROOT	Drilling Machine Operator's Certification:			Y B
Well sealed from land surface to 65	This well was constructed under my direct s			
Diameter of well bore to bottom of seal in.	and information reported above are true to my b			
Diameter of well bore below seal	[Signed] derus Jakus (Drilling/fachine Operator)	Date	4/2	3198.4
Number of sacks of cement used in well seal	Drilling Machine Operator's License No	7/1		
How was cement grout placed? GROUT WAS PUMPED	Water Well Contractor's Certification:	TO NOT THE		
BOTTOM UP AS CASING WAS REMOVED	This well was drilled under my jurisdiction	and th	a nonent	to torre to
	the best of my knowledge and belief.		is report	is true to
Was pump installed?	Name R.D. Strasser Drilling C			
Was a drive shoe used? Yes No Plugs Size: location ft. Did any strats contain unusable water? Yes No	Address 8110 S.E. Sunset Lane, P	ort1a	nd OR	97206
Type of Water? depth of strata	Address Off Office Idale, I			
Method of sealing strata off	[Signed] O oblest I mass	24		
Was well gravel packed? Yes □ No Size of gravel: No. 4. SAL	(Water Well Contract	00	22	876
Gravel placed from 39.7 it to 50.0 it	Contractor's License No. 10 Date Date	P.A.		, 190.7
Grand Parket			_	

WELL I.D. # L\_

SEP 1 6 2021

					Glendovec	r Galf Cau	vrc Well 2	LE-SAWRD			
(I) LAND OW		Well No	ımber		(9) LOCATION (	F WELL by leg	al description:				
Name 17 =							Longitu	ide			
		ad Ave.					ige 2E E	or W. WM.			
	and	State OK	Zip 9	7232	174						
(2) TYPE OF V		eration (repair/recondi	tion) 🗆 Abar	ndonment	Tax Lot 100 Lot Block Subdivision						
(3) DRILL ME					Street Address of Well (or neurest address)						
	Rotary Mud	Cable Auger			(10) STATIC WATER LEVEL:						
(4) PROPOSE	n Here.			=		below land surface.					
		dustrial Simigation	'n		(11) WATER BEA	lb. pe	r square inch Date				
☐ Thermal ☐		ivestock Other_			(II) WATER BEA	RING ZUNES:					
(5) BORE HO	LE CONSTRUC				Depth at which water	was first found					
		s No Depth of Co			From	To	Estimated Flow R	ate SWL			
	☐ Yes ☐ No Typ	- A	mount								
HOLE		SEAL									
Diameter From	To Materia	al From To	Sacks or pot	ands							
					(12) WELL LOG:						
How was scal place	ced: Method		IC UD	□E	Gro	ound Elevation					
Name and the state of the state	omft. to	ft. Materi	al		Mate	riel	From T	o SWL			
	mft. to		gravel		Details	out this w	ell are una				
(6) CASING/L							t this is the				
Diameter	From To G	auge Steel Plastic	Welded T	hreaded			25 which a				
Casing:	1-1-				a well wit	1 6" CASIA	a to a total	depth			
					of 260 fee	t. Howeve	r, informati	on in			
-							tos that the				
Liner:							nd may he				
Lauti.					12 casing	besied an	records to	zm s			
	☐ Inside ☐ Outsi	de 🗆 None			Hat HI	P SC-VIC	2725 We	gests			
Final location of s	Control Control Control Control Control			==			reconstruc				
(7) PERFORA	TIONS/SCREEN Method_				restand	by the we	Il lex riber	0 1			
Screens	Type		terlat		the repart	1/					
_ Scients	Slot	Tele/plp									
From To	size Number	Diameter size	Casing	Liner			the well de	1-rib-l			
-					IN USCS DE	and the same of th	CONTRACTOR OF THE PARTY OF THE	CACDI			
					358 fret de	c/ w/8" C	sing uses	ME EG.			
						4 feet blad		89.			
					Depth indice		-	agulter			
(8) WELL TES	TS: Minimum t	testing time is 1 h	our Flowi	ng	Date started	Co	mpleted				
☐ Pump	☐ Bailer	Air	Artesi								
Yield gal/min	Drawdown	Drill stem at	Ti	rue	SOURCE OF	DATA/INFO		1			
			- 11	hr.	61. T-115	17 71:5	Water ri.	917			
			-				+ 1. 84 fre				
					from the CE						
Temperature of wa		Depth Artesian Flow	Found		·	COTAC	01 3. 16.				
Was a water analys		s By whom			COMPILED	Y. V -1	, ,,	<u> </u>			
		ble for intended use?		little	COMPILED BY: Kerl C. Wozniek						
Depth of strata:		Colored Other			Ground	eter se	-Tien				
Depin of strata.					DATE: No	un 1	14 2012				
					TIMIT No	VEMBER	1,00015				

## RECEIVED

SEP 1 6 2021

## OWRD

2015

April 2015



# RECEIVED SEP 1 6 2021

## OWRD

2016

July 2016



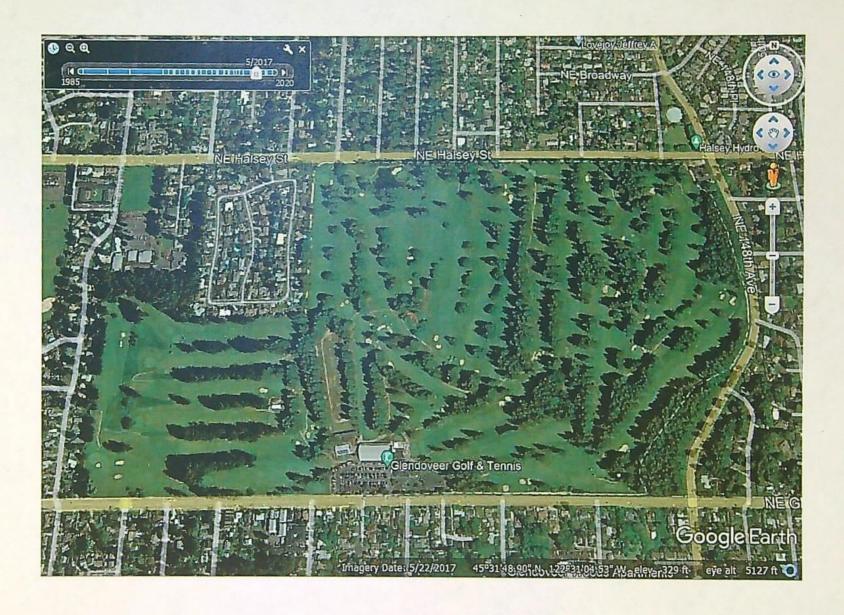
## RECEIVED

SEP 1 6 2021

## OWRD

2017

May 2017



# RECEIVED SEP 1 6 2021

## OWRD

2018

July 2018

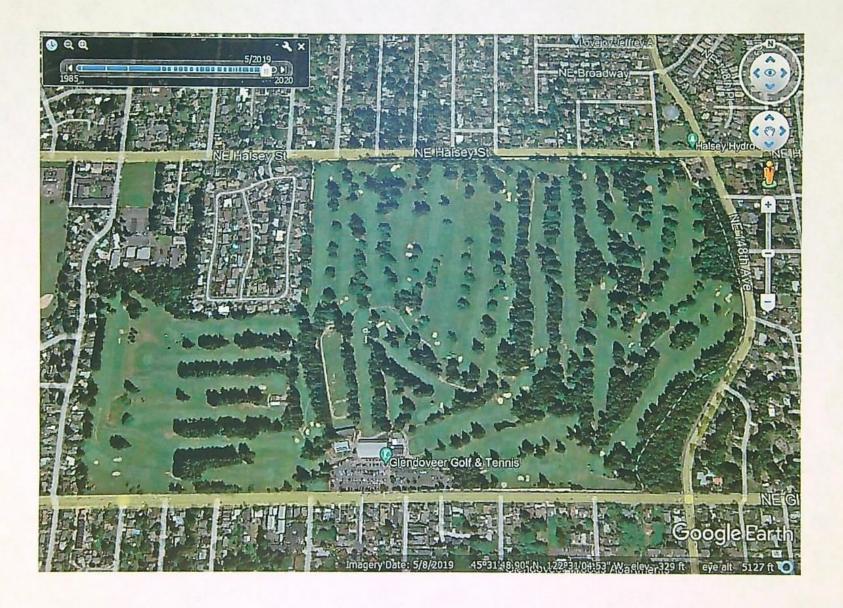




OWRD

2019

May 2019 Use: Irrigation



## RECEIVED

SEP 1 6 2021

## OWRD

2020

August 2020 Use: Irrigation





Water Resources Department

725 Summer St NE, Suite A Salem, OR 97301 (503) 986-0900 Fax (503) 986-0904

October 4, 2021

GARY SHEPHERD 600 NE GRAND AVE PORTLAND, OR 97232

Reference: Application T-13828

On September 16, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Our receipt number 136423 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application <u>may</u> require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #20, Amy J. Landvoigt (via email)
Adam S Zucker, Agent
City of Portland
Multnomah County

Enclosure



Water Resources Department

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Multnomah County

Enclosure

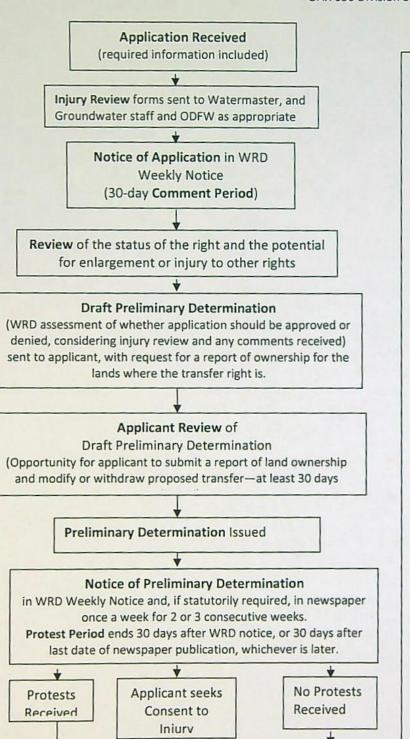
### Regular Transfer Process (including "Proving Up" on the changes)

OAR 690 Division 380

Final Order

approving or

denying application.



ISWR Agency

recommendation

Contested

Case Hearing

### Period for developing authorized changes

begins as soon as an order is issued approving the changes. If the certificate has been cancelled the right goes into an inchoate state.

### Deadline for completion of the changes.

The applicant must make full beneficial use under terms and conditions of the order by the deadline or request an extension of time, or inform the department that he does not intend to

If the applicant decides not to complete a change in POD/POA, the Department will issue an order reverting the right to the original POD/POA and issue a new certificate. However, if any other type of change is not completed, the transferred portion of the right is forfeited.

An order may be issued, granting an extension of time for completing the changes.

Applicant submits a Claim of Beneficial
Use prepared by a CWRE within one year
after the completion deadline or the date
of complete beneficial use. There is no
provision for extending the deadline for
submission of the Claim.

Water Right Services Division reviews the Claim, determines whether proof has been made and if so, issues a new certificate. Right is no longer inchoate, but perfected and subject to being transferred.

### STATE OF OREGON

### WATER RESOURCES DEPARTMENT

RECEIPT # 136426 725 Summer St. N.E. Ste. A

RECEIPT:

INVOICE #

	7	(503) 986-0900 / (50		WWOOL W	
RECEIVED FROM	m: Lucker	Engineer	nalls	APPLICATION	
BY:		0		PERMIT	
04011	ITOU .			TRANSFER	T-13828
CASH: CH	ECK:# 161 0	THER: (IDENTIFY)	I	TOTAL DECID	6 125 . 3
	Min			TOTAL REC'D	\$ 125.00
1083	TREASURY	4170 WRD M	ISC CASH AC	CCT	
0407	COPIES 47	124	R1132	25-23	\$
01/1-	7	DENTIFY) Trai	nsfrakein	MUSIMUST WHO	\$ 125.00
	ease 0244		1 / 1/2	S Cons. Water	
0240 113 26	0244	4270 WRD O			
	MISCELLANEOUS	TETO WILD OF	LIMINGA	001	
0407	COPY & TAPE FEE	S			\$
0410	RESEARCH FEES				S
0408	MISC REVENUE:	(IDENTIFY)			\$
TC162	DEPOSIT LIAB. (II				\$
0240	EXTENSION OF TH	ME			\$
	WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER		\$	0202	\$
0203	GROUND WATER		\$	0204	\$
0205	TRANSFER		\$		
	WELL CONSTRUC	TION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CONS	TRUCTOR	\$	0219	\$
	LANDOWNER'S PE	RMIT		0220	\$
	OTHER	(IDENTIFY)			
0536	TREASURY	0437 WELL C	ONST. STAR	T FEE	
0211	WELL CONST STAF	AT FEE	\$	CARD#	
0210	MONITORING WEL	LS	\$	CARD#	
	OTHER	(IDENTIFY)			
0607	TREASURY	0467 HYDRO	ACTIVITY	LIC NUMBER	
0233	POWER LICENSE F				\$
0231	HYDRO LICENSE F	AT THE RESERVE OF THE PARTY OF			\$
	HYDRO APPLICATI				\$
			/ DDV		
L	TREASURY	OTHER	HUX		
FUND		TITLE			
OBJ. CODE		VENDOR #			
DESCRIPT	ION			10	\$
		1		115	
RECEIPT: 1	36426	DATED: 2-/	1-1028	Up	

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



### OREGON WATER RESOURCES DEPARTMENT

## TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER	
	Transfer		Certificate
X	Application	Transfer Number T-13828	91809

	Applicant Information	Applicant's Representative/Contact  Adam Zucker – Zucker Engineering		
Name:	Gary Shepherd – Metro Regional Gov.			
Address:	600 NE Grand Avenue	4014 SE Ankeny Street		
	Portland, Oregon 97232	Portland, Oregon 97214		
Phone:	503-797-1600	503-956-3473		
Fax:				
E-Mail Address:	Gary.Shepherd@oregonMetro.gov	adam@zuckerengineering.com		

### I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the
  expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated
  cost in advance to initiate the expedited service.
- · An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- · Send completed Application and payment to:

Oregon Water Resources Department Transfer Reimbursement Authority Program 725 Summer St. NE, Suite A Salem, OR 97301-1271

I certify that I am the (check one):

Applicant X Applicant's Representative Other (Please specify)

RECEIVED SEP 17 2021

OWRD

Name: Adam Zucker

Signature:

9/15/21

OWRD USE ONLY: Reimbursement Authority Number: R11-325 -23

STATE OF OREGON

### WATER RESOURCES DEPARTMENT

	9	2	0	70	0
RECEIPT #	1	3	0	10	0

725 Summer St. N.E. Ste. A SALEM. OR 97301-4172

INVOICE # \_

	m	(503) 986-09007	(503) 986-0904 (fax)	)	
CEIVED FROM	1: Illetro			APPLICATION	
				PERMIT	1000
	ITOK II	THER ARENTIES		TRANSFER	T-12828
SH: CH	X 229007	THER: (IDENTIFY	,	TOTAL REC'D	\$ 869.16
1083	TREASURY	4170 WRD	MISC CASH A	CCT	
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0243 I/S Le	ase 0244	Muni Water Mgmt	. Plan 02	45 Cons. Water	
		4270 WRD	OPERATING A	ACCT	
	MISCELLANEOUS				
0407	COPY & TAPE FEE	S			\$
0410	RESEARCH FEES				S
0408	MISC REVENUE:	(IDENTIFY)	-		\$
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	WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER		\$	0202	\$
0203	GROUND WATER		\$	0204	S
0205	TRANSFER		\$		
	WELL CONSTRUC	CTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CON	STRUCTOR	\$	0219	\$
	LANDOWNER'S P	ERMIT		0220	\$
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Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Check Date: Nov/05/2021		Supplier	Number: 0000000369		Check No: 0000229007		
Yl. Nombon	Invoice Date	Voucher ID	Gross Amount	Discount Taken	Late Charge	Paid Amount	
Invoice Number	Oct/20/2021	00448551	869.16	0.00	0.00	869.16	

RECEIVED

NOV 0.8 2021

OWRD

Check Number	Date	Total Gross Amount	Total Discounts	Total Late Charge	Total Paid Amount
0000229007	Nov/05/2021	\$869.16	\$0.00	\$0.00	\$869.16

### - 5

# APPLICANT'S AGREEMENT

Contract Number: R11-325-23

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Metro Regional Gov.; Gary Shepherd, hereafter Applicant, hereafter known together as the parties.

**OWRD Information** Applicant's Representative Applicant's Information Contact: Kelly Starnes Name: Metro Regional Gov. Name: **Zucker Engineering** Title: Transfer Advisor Contact: Gary Shepherd Contact: Adam Zucker Address: 725 Summer Street, NE, Suite A 600 NE Grand Avenue 4014 SE Ankeny Street Address: Address: Salem, OR 97301-1266 Portland, OR 97232 Portland, OR 97214 Phone: 503 986-0886 (503) 797-1600 Phone: Phone: (503) 956-3473 Fax: 503 986-0901 Fax: Fax: Email: patrick.k.starnes@oregon.gov Fmail: Email: adam@zuckerengineering.com gary.shepherd@oregonmetro.gov

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-13828)

- Authority. The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any
  applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In
  making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions. Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

### 4. Consideration.

- a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$869.16. Applicant agrees to pay the full amount of \$869.16 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
- b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality. Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

- 7. Termination. Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
- 8. Funds Authorized and Available. By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
- 9. Duration of Estimate. The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
- 10. Completion Date. OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
  IMPORTANT: Due to COVID-19 and actions taken by the State of Oregon to facilitate teleworking as a tool to help prevent the spread of the disease, Department processes for Reimbursement Authority may be unavoidably delayed.
- 11. Captions. The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
- 12. Amendment and Merger. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
- 13. Signatures. All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant:

10/20/2021

Date

For OWRD:

wight French - Administrator

11/15/2021

Mail signed Agreement to:

Stacy Phillips
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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NOV 0.8 2021
OWRD

GARY SHEPHERD - METRO REGIONAL GOV	. RA R11-325-23 T-13828			
Front Desk Staff receipts received AA funds				
Transfer Support process Application				
Administrator signs AA				
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet				
NRS 2 completes initial review of file for deficiencies				
NRS 2 consults with Kelly and/or Lisa				
Watermaster completes review				
Groundwater completes review				
NRS 2 completes DPD, PN				
Transfer staff peer reviews DPD, PN, RR				
Transfer Analyst completes policy check at DPD stage				
NRS 2 sends DPD to app/agent by email and/or mail				
NRS 2 reviews report of ownership				
NRS 2 completes PD				
Transfer Staff peer reviews PD				
Transfer Analyst peer reviews PD				
Data Center reviews PD AND RR: (RR where applicable)				
Transfer Analyst completes peer review of PN review for newspaper noticing				
Transfer Support requests newspaper quote for PN publishing				
NRS 2 sends publishing fee request to applicant				
Transfer Support processes fee and newspaper publishing				
Transfer Support processes public notice (dept notice)				
Administrator signs PD				
NRS 2 completes FO				
Transfer Staff peer reviews FO				
Transfer Staff peer reviews FO				
Administrator signs FO				
Transfer Support issues FO, updates WRIS, copy to file, record markings, and sends hard copy				
NRS 1 closes out RA Contract				
	TOTAL ESTIMATE HOURS	17.01		
			TOTAL	-
			TOTAL	\$869.16