

Regular

T-13844

Name Jeffrey LyonsAddress PO Box 1410
East Burke VT 05832Change in SW/GWDate Filed 10/14/2021Initial notice date 10/19/2021

DPD issued date

PD issued date 8/8/2022PD notice date 8/9/2022Date of FO 10/4/2022 Vol 125 Page 833-37C-Date 10/1/2026COBU due date 10/1/2026

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream SlaughTrib. of Willamette riverUse Impoundment County lane

Quantity of water (CFS) No. of Acres

Name of ditch

App# 525702 Per # 520251 Cert # 95393 PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Date	FEES PAID	
	Amount	Receipt #

Date	FEES REFUNDED	
	Amount	Receipt #

Assignments:

Irrigation District

Agent Steven Recca 262 + associates

CWRE

CC's list lane county☐ - Oversized map - Location



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 4, 2022

JEFFREY A. LYONS
PO BOX 146
EAST BURKE, VT 05832

REFERENCE: Transfer Application T-13844

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 only 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: Lanaya F. Blakely, Watermaster Dist. # 2 (via email)
Lane County Planning
Steven I. Recca, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING OF A CHANGE
T-13844, Lane County	)	FROM A SURFACE WATER POINT OF
	)	DIVERSION TO A GROUNDWATER POINT
	)	OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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. Additional findings and conditions are required for surface water point of diversion to groundwater point of appropriation transfers pursuant to ORS 540.531 and OAR 690-380-2130.

Applicant

JEFFREY A. LYONS
PO BOX 146
EAST BURKE, VT 05832

Findings of Fact

1. On October 14, 2021, JEFFREY A. LYONS filed an application to change from a surface water point of diversion to a groundwater point of appropriation under Certificate 95393. The Department assigned the application number T-13844.
2. Notice of the application for transfer was published on October 19, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 24, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13844 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 24, 2022, for the applicant to respond. The 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.

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.

4. On July 11, 2022, the agent for the applicant requested the completion date of October 1, 2025 because of equipment supply chain issues, recent medical procedures, residing out of state, and the costs to complete the change. The Department granted the longer time for completion per OAR 690-380-5140 (3).
5. On August 8, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13844 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 August 9, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The right to be transferred is as follows:

Certificate: 95393 in the name of CHRIS S. CHRISTIANSON (perfected under Permit S-20251)

Use: IRRIGATION of 5.7 ACRES

Priority Date: MARCH 12, 1951

Rate: 0.076 CUBIC FOOT 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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: A SLOUGH, which is a channel of WILLAMETTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
16 S	4 W	WM	36	SW NW	42

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
16 S	4 W	WM	36	SW NW	42	5.7

7. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 95393 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	994 FEET SOUTH 21° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

8. Transfer Application T-13844 proposes to change from a surface water point of diversion to a well located approximately 500 feet NW of the original point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	619 FEET SOUTH 3° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

Transfer Review Criteria [OAR 690-380-4010(2)]

9. 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.
10. 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-13844.
11. The proposed well meets the requirements of ORS 540.531. Estimated stream depletion to the Willamette River, using a range of aquifer parameter values likely representative of the aquifer material the proposed groundwater POD is producing from, is likely to be greater than 50% of the pumping rate after 10 days of pumping. Therefore, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130
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.

Conclusions of Law

The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000.

Now, therefore, it is ORDERED:

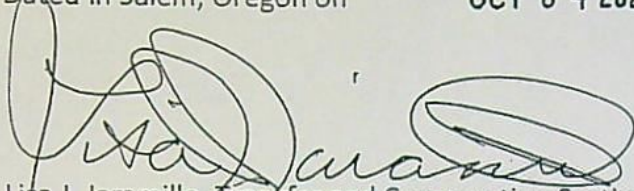
1. The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95393 and any related decree.
3. Water right Certificate 95393 is cancelled.

4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of diversion.
5. The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.
6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
7. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing groundwater right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.
8. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
9. 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 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.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.

11. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

OCT 0 4 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: OCT 0 5 2022

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13844

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Applicant: JEFFREY A. LYONS PO BOX 146 EAST BURKE, VT 05832 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A STEVEN I. RECCA 2535 B PRAIRIE RD EUGENE, OR 97402 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Lane County Planning And Zoning Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S25706	S20251	95993	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: October 14, 2021	Proposed Action(s): POINT OF DIVERSION, SURFACE WATER TO GROUND WATER	
Fees Pd: 0	WM District: 2	ODFW District:
Initial Public Notice: October 19, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>6/14/22</i> Initials: <i>Scott</i>	Date: <i>6/15/2022</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>6/22/22</i> Initials: <i>PKS</i>	Date: <i>6/24/22</i> Initials: <i>Scott</i>	CW Sent: <i>6/24/22</i>	N/A
PD	Date: <i>7/27/22</i> Initials: <i>Scott</i>	Date: <i>7/27/22</i> Initials: <i>DP</i>	Date: _____ Initials: _____	Date: <i>8/2/22</i> Initials: <i>PKS</i>	Date: <i>8/3/22</i> Initials: <i>Scott</i>	Date: <i>8/3/22</i>	Date: <i>8/8/2022</i>
FO	Date: <i>9/1/22</i> Initials: <i>Scott</i>	Date: <i>9/7/22</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>9/26/22</i> Initials: <i>PKS</i>	Date: <i>9/30/22</i> Initials: <i>Scott</i>	Date: <i>9/30/22</i>	Date: <i>10/4/2022</i>

Special Issues:

SURFACE TO GROUND

Special Order Volume: Vol. *125* Pages *833-37*

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

JEFFREY LYONS
PO BOX 146
EAST BURKE, VT 05832

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEFFREY LYONS
PO BOX 146
EAST BURKE, VT 05832



9590 9402 6816 1074 5422 91

2. Article Number (Transfer from service label)

7021 0950 0000 7384 1980

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☒ Addressee

B. Received by (Printed Name)

JEFFREY A. LYONS

C. Date of Delivery

8/17/22

D. Is delivery address different from item 1?

☐ Yes

☒ No

delivery address below.

RECEIVED

AUG 22 2022

OWRD

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery
(30)



Oregon

Kate Brown, Governor

August 8, 2022

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

VIA CERTIFIED MAIL AND E-MAIL

Applicant

JEFFREY A. LYONS

PO BOX 146

EAST BURKE, VT 05832

SUBJECT: Water Right Transfer Application T-13844

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13844. 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, 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 Department's notice.

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 contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13844
Lanaya F. Blakely, District 2 Watermaster (via e-mail)
Sarah R. Liljefelt, Agent for the applicant (via e-mail)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13844, Lane County	)	PROPOSING APPROVAL OF CHANGE
	)	FROM A SURFACE WATER POINT OF
	)	DIVERSION TO A GROUNDWATER POINT
	)	OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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. Additional findings and conditions are required for surface water point of diversion to groundwater point of appropriation transfers pursuant to ORS 540.531 and OAR 690-380-2130.

Applicant

JEFFREY A. LYONS
PO BOX 146
EAST BURKE, VT 05832

Findings of Fact

1. On October 14, 2021, JEFFREY A. LYONS filed an application to change from a surface water point of diversion to a groundwater point of appropriation under Certificate 95393. The Department assigned the application number T-13844.
2. Notice of the application for transfer was published on October 19, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 24, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13844 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 24, 2022, for the applicant to respond. The 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.

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.
--

4. On July 11, 2022, the agent for the applicant requested the completion date of October 1, 2025 because of equipment supply chain issues, recent medical procedures, residing out of state, and the costs to complete the change. The Department granted the longer time for completion per OAR 690-380-5140 (3).

5. The right to be transferred is as follows:

Certificate: 95393 in the name of CHRIS S. CHRISTIANSON (perfected under Permit S-20251)
Use: IRRIGATION of 5.7 ACRES
Priority Date: MARCH 12, 1951
Rate: 0.076 CUBIC FOOT 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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: A SLOUGH, which is a channel of WILLAMETTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
16 S	4 W	WM	36	SW NW	42

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
16 S	4 W	WM	36	SW NW	42	5.7

6. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 95393 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	994 FEET SOUTH 21° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

7. Transfer Application T-13844 proposes to change from a surface water point of diversion to a well located approximately 500 feet NW of the original point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	619 FEET SOUTH 3° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

Transfer Review Criteria [OAR 690-380-4010(2)]

8. 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.
9. 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-13844.
10. The proposed well meets the requirements of ORS 540.531. Estimated stream depletion to the Willamette River, using a range of aquifer parameter values likely representative of the aquifer material the proposed groundwater POD is producing from, is likely to be greater than 50% of the pumping rate after 10 days of pumping. Therefore, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13844 is approved, the final order will include the following:

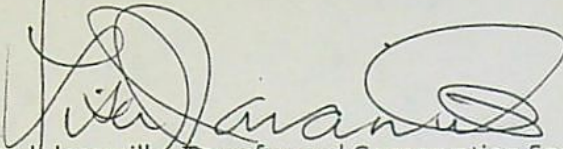
1. *The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 95393 and any related decree.*
3. *Water right Certificate 95393 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.*

6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing groundwater right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
8. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
9. *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 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.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.*

11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

AUG 08 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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 <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

GREW Scott A * WRD

From: Sarah R. Liljefelt <SLiljefelt@dunncarney.com>
Sent: Monday, July 11, 2022 3:37 PM
To: GREW Scott A * WRD
Cc: 'jeff lyons'
Subject: RE: Trio Request - Lane County (Transfer T-13844)

Scott,

I checked in with Jeff about this application.

Regarding any errors in the DPD, we were not certain whether you meant to reference Certificate 21006 in Paragraph 4, or whether that should be Certificate 95393, so we're just bringing that to your attention.

Jeff agrees to the proposed action and conditions, but asks that the deadline in the DPD be moved to 10/1/25 in the PD. The reasons are: equipment supply chain issues, recent medical procedures, residing out of state, and the costs to complete the change.

Please let me know if anything further is needed to issue the PD.

Thank you,
Sarah

Sarah R. Liljefelt
sliljefelt@dunncarney.com
Direct 503.306.5321

From: Sarah R. Liljefelt
Sent: Monday, July 11, 2022 12:39 PM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: jeff lyons <myplumberjeff@gmail.com>; steverecca@egrassoc.com
Subject: RE: Trio Request - Lane County (Transfer T-13844)

Scott,

Thanks for confirming.

I believe that Jeff included Mr. Recca because he prepared Jeff's original application, and Jeff copied his original application to resubmit it when Dwight gave the green light for him to do so (due to the error in the Ground Water Review for Jeff's original application). Thus, I do not believe Mr. Recca is currently working as Jeff's agent for this application, and his inclusion on the application was only due to copying the original application nearly word for word.

Jeff authorized me to assist him with the application.

I still need to follow up with Jeff about the ability to request additional time, and will respond about the conditions once I have the chance to do so.

Thank You,
Sarah

Sarah R. Liljefelt
sliljefelt@dunncarney.com

GREW Scott A * WRD

From: Sarah R. Liljefelt <SLiljefelt@dunncarney.com>
Sent: Monday, July 11, 2022 11:52 AM
To: GREW Scott A * WRD
Cc: jeff lyons
Subject: FW: Trio Request - Lane County (Transfer T-13844)
Attachments: 16-04-36-00-00400.pdf

Scott,

I am forwarding what the title company provided us for the ownership report.

I note that your letter outlined that the ownership report should show the title company prepared the report and the date it was prepared.

Will this forwarded email in conjunction with the attached report satisfy that requirement? This shows the date and that it is from the title company. Please let us know if anything further is needed for the ownership report, and, if so, we will follow up with the title company.

Thank You,
Sarah

Sarah R. Liljefelt
sliljefelt@dunncarney.com
Direct 503.306.5321

From: OR-FNT-Eugene Customer Service <EugeneCustomerService@fnf.com>
Sent: Monday, July 11, 2022 11:24 AM
To: Sarah R. Liljefelt <SLiljefelt@dunncarney.com>
Subject: Trio Request - Lane County

This message was sent securely using Zix

Good morning,

Attached is your requested information. Please let us know if you have any questions.

Thank you!

Justin McQuiddy
Customer Service
Fidelity National Title

Received by OWRD

JUL 11 2022

Salem, OR

****Be aware! Online banking fraud is on the rise. If you receive an email containing WIRE TRANSFER INSTRUCTIONS call your escrow officer immediately to verify the information prior to sending funds.****
Any information contained in this email or attachments is considered reliable, but is not guaranteed.

Safeguarding the health and safety of our customers and employees is our top priority. We continue to follow guidelines issued by the CDC, WHO, and other state agencies related to safety protocols and virus protection. Our teams remain in service and will continue to handle our customers' transactional requests with expertise and dedication. Please note that



Fidelity National Title

LANE COUNTY PROPERTY PROFILE INFORMATION

Parcel #: 0056505

Tax Lot: 1604360000400

Owner: Lyons, Jeffrey A

CoOwner:

Site: 221 Hileman Ln

Eugene OR 97404

Mail: PO Box 1437

Longmont CO 80502

Zoning: County-E30 - Exclusive Farm Use (30 Acre Minimum)

Std Land Use: CMOB - Mobile Home Parks, Trailers

Legal: Map Lot: 1604360000400, TRS: T16 R04 S36 Q00, Lot: TL 00400

Twn/Rng/Sec: T:16S R:04W S:36 Q: QQ:

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Salem, OR

ASSESSMENT & TAX INFORMATION

Market Total: \$402,232.00

Market Land: \$349,049.00

Market Impr: \$53,183.00

Assessment Year: 2021

Assessed Total: \$230,937.00

Exemption:

Taxes: \$2,918.47

Levy Code: 00440

Levy Rate: 12.6375

PROPERTY CHARACTERISTICS

Year Built: 1978

Eff Year Built: 1978

Bedrooms:

Bathrooms: 2

of Stories:

Total SqFt: 1,152 SqFt

Floor 1 SqFt:

Floor 2 SqFt:

Basement SqFt:

Lot size: 5.65 Acres (246,114 SqFt)

Garage SqFt:

Garage Type:

AC:

Pool:

Heat Source: Forced hot air

Fireplace:

Bldg Condition:

Neighborhood: 434500

Lot: TL 00400

Block:

Plat/Subdiv:

School Dist: 4J - Eugene School District

Census: 2002 - 002302

Recreation:

SALE & LOAN INFORMATION

Sale Date: 05/21/2010

Sale Amount:

Document #: 2011-019627

Deed Type: Deed

Loan


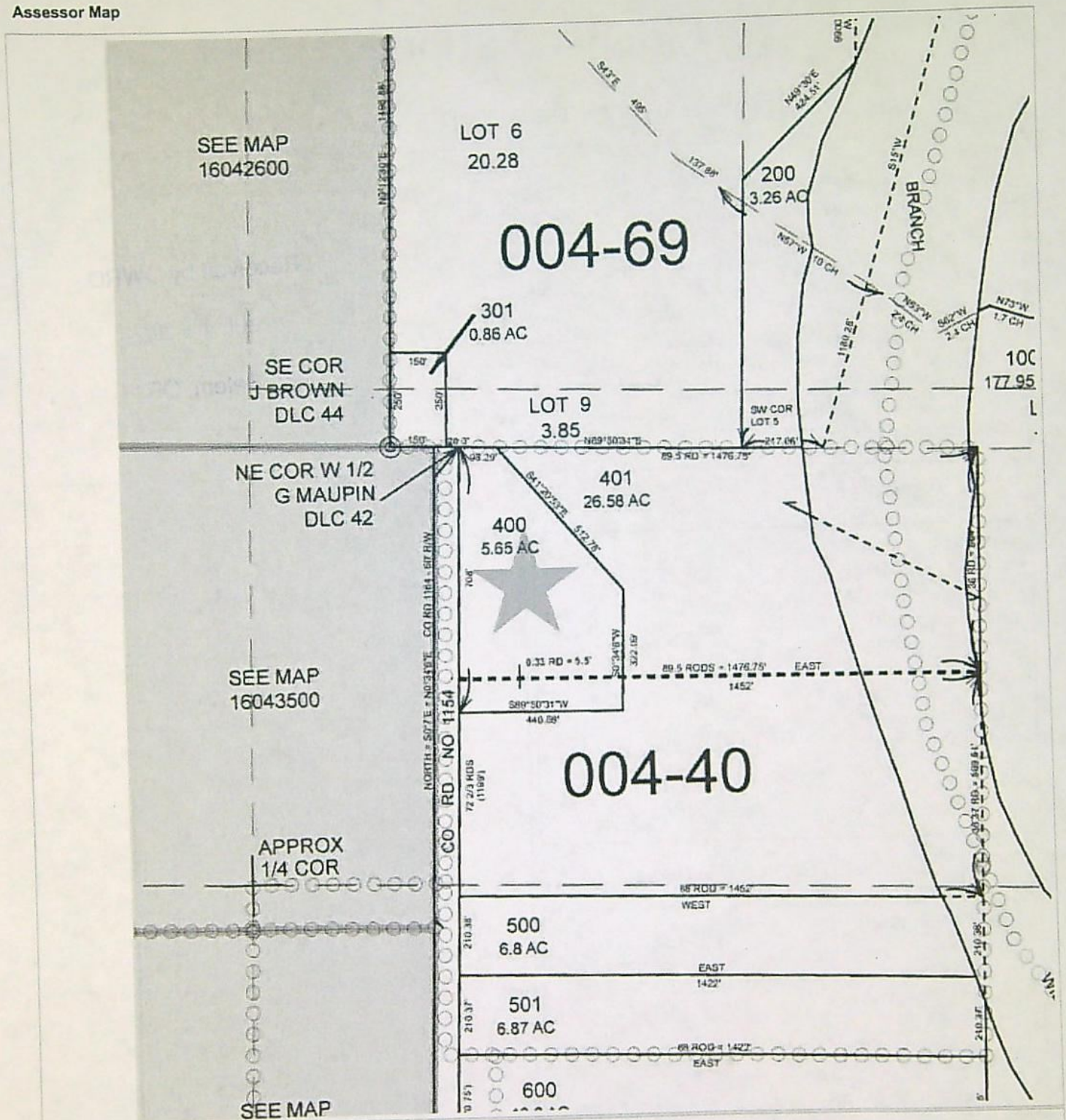
Amount:

Lender:

Loan Type:

Interest Type:

Title Co:

 **Fidelity National Title**

Parcel ID: 0056505

Site Address: 221 Hileman Ln

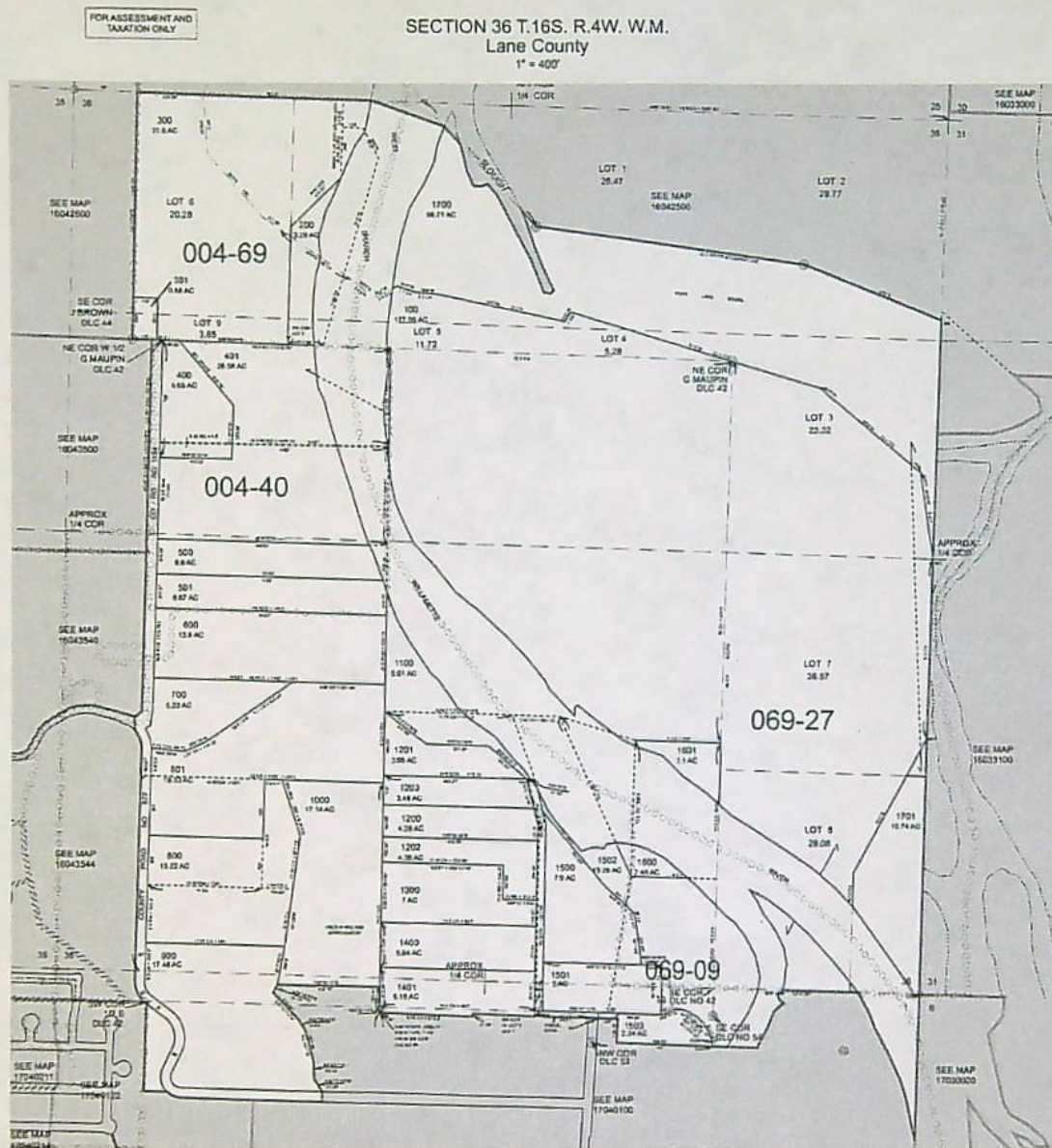
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Salem, OR

Full Assessor Map



16043600

2013-06-11 08:51

CANCELLED

16043600



Fidelity National Title

Parcel ID: 0056505

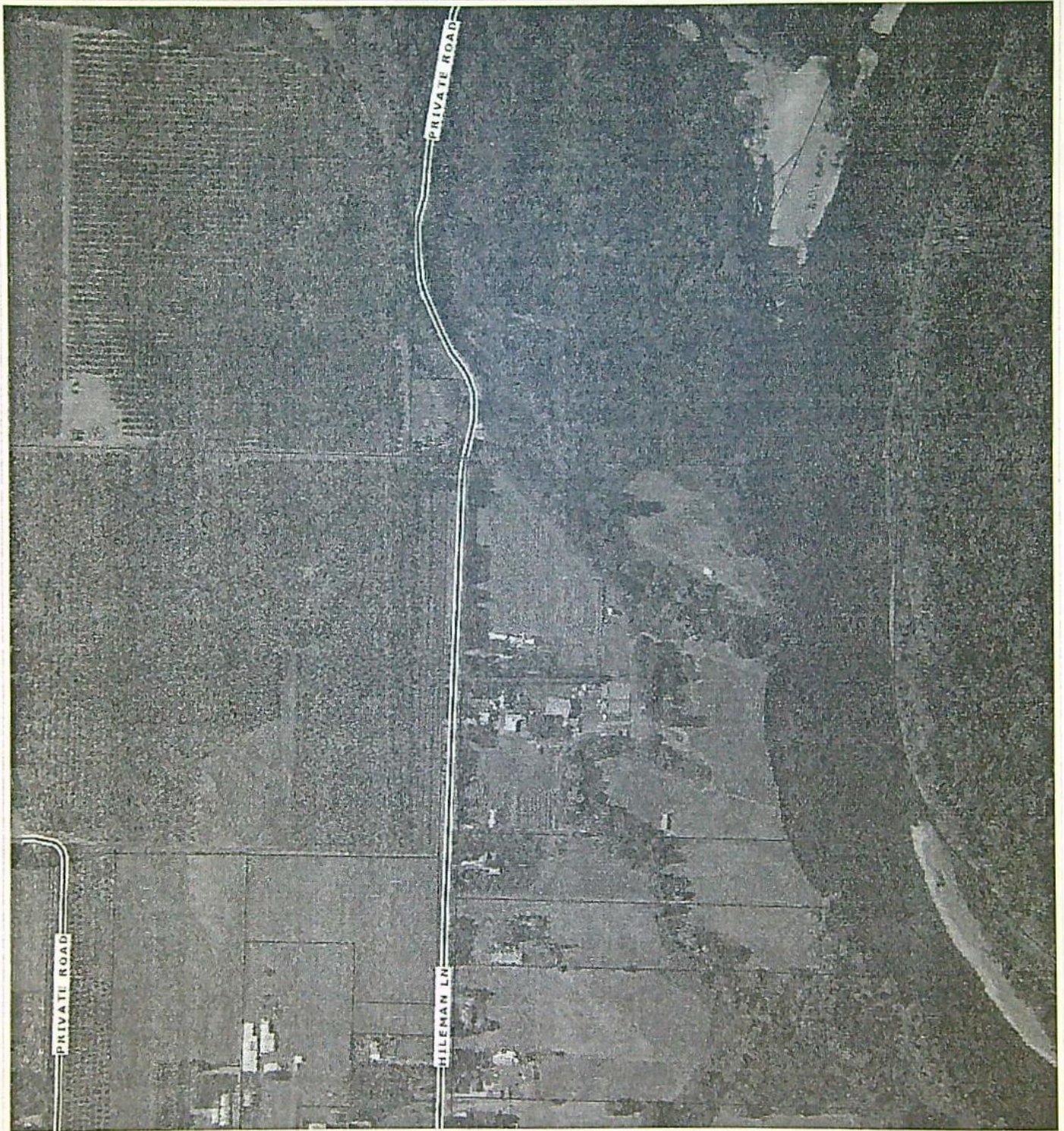
Site Address: 221 Hileman Ln

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Aerial Map



Fidelity National Title

Parcel ID: 0056505

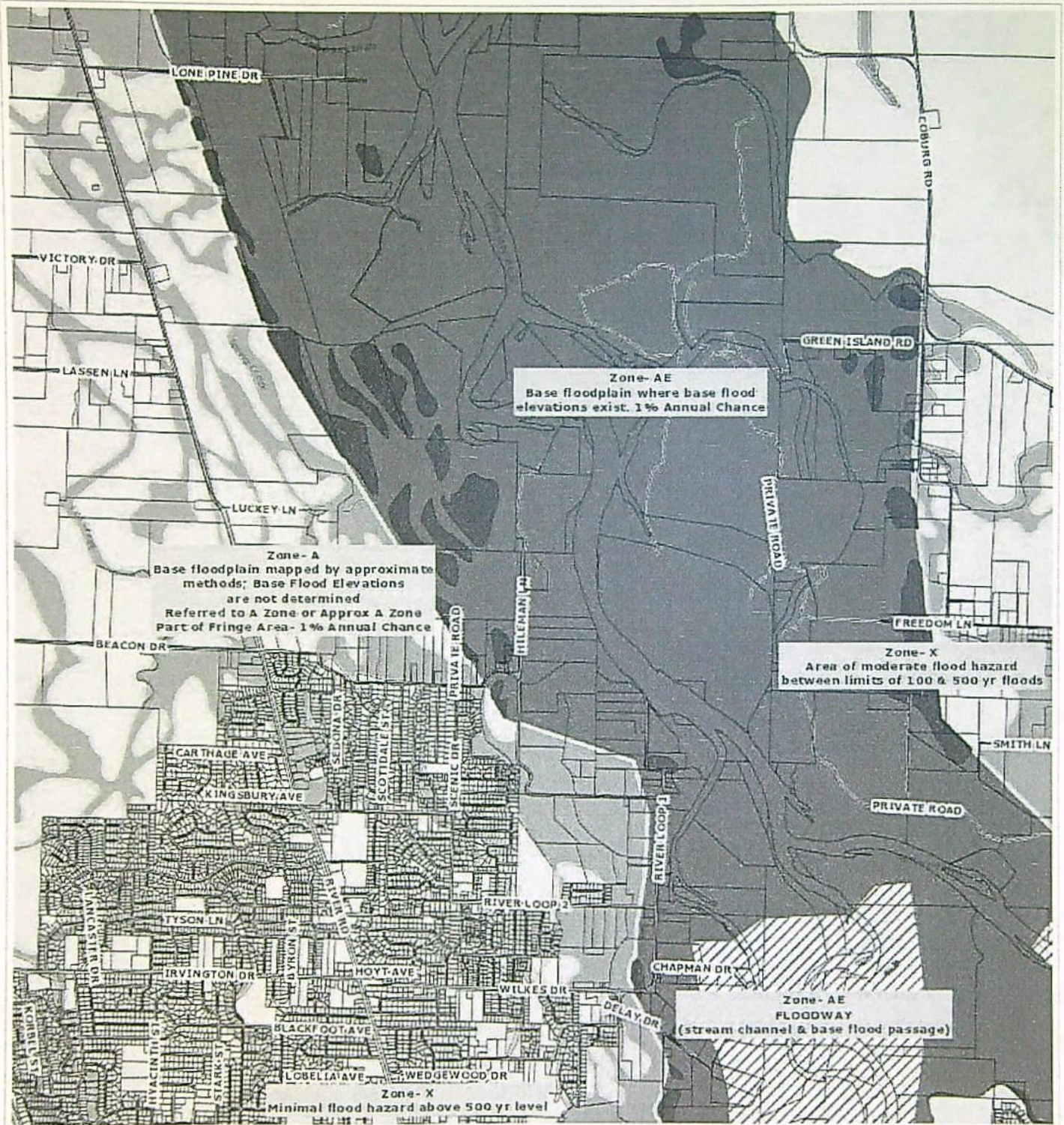
Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Salem, OR

Flood Map



Fidelity National Title

Parcel ID: 0056505

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Salem, OR

Detailed Property Report

Address 221 Hileman Ln Eugene, OR 97404-1128
Map & Taxlot# 16-04-36-00-00400
SIC N/A
Tax Account# 0056505

Property Owner 1
Lyons Jeffrey A
PO Box 1437
Longmont, CO 80502
Tax account acreage 5.65
Mapped taxlot acreage[†] 5.64

[†] Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Maps

Map & Taxlot # 16-04-36-00-00400



Business Information

Improvements

Dwelling 1 / Building Type » Manufactured structure

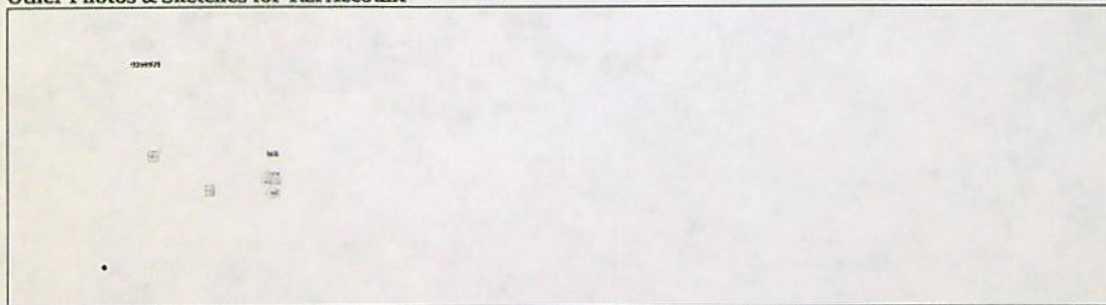
Assessor Photo Assessor Sketch
image not available image not available

Inspection Date 01/30/2019 Effective Year Built 1978
Year Built 1978 LOIS Number L134683
Make data not available Length 48
Model data not available Width 24
Plate # 2020-046925 Quality 5-
Serial # 244894422

Square Footage

Garage data not available Carport data not available
Paved Patio data not available Driveway data not available

Other Photos & Sketches for Tax Account



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Site Address Information

221 Hileman Ln
Eugene, OR 97404-1128

House #
Street Name

221
Hileman

Suffix
Street Type

N/A
Ln

Pre-directional
Unit type / #

N/A
N/A

Mail City	Eugene	State	OR	Zip Code	97404
Zip + 4	1128				

Land Use 1150 Mobile Home - Not In Mobile Home Park
USPS Carrier Route C002

General Taxlot Characteristics

Geographic Coordinates

X 4232006 Y 910803 (State Plane X,Y)
Latitude 44.1360 Longitude -123.1256

Zoning

Zoning Jurisdiction Lane County

Lane County

Parent Zone E30 Exclusive Farm Use (30 acre minimum)

Land Use

General Land Use

Code	Description
data not available	data not available

Detailed Land Use

Code	Description
data not available	data not available

Taxlot Characteristics

Incorporated City Limits	none
Urban Growth Boundary	none
Year Annexed	N/A
Annexation #	N/A
Approximate Taxlot Acreage	5.64
Approx Taxlot Sq Footage	245,678
Plan Designation	Agriculture
Eugene Neighborhood	N/A
Metro Area Nodal Dev Area	No
Septic	Yes
Well	Yes
Landscaping Quality	Average
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

Service Providers

Fire Protection Provider Santa Clara Rural Fire Protection District
Ambulance Provider Eugene Springfield Fire
Ambulance District WC
Ambulance Service Area West/Central
LTD Service Area? Yes
LTD Ride Source? Yes

Environmental Data

FEMA Flood Hazard Zone

Code Description

AE Areas of 100-year flood, base flood elevations determined.

FIRM Map Number 41039C0640F
Community Number 039C
Post-FIRM Date data not available
Panel Printed? Yes

Soils

Soil Map Unit#	Soil Type Description	% of Taxlot	Ag Class	Hydric %
26	Chehalis Silty Clay Loam, Occasionally Flooded	93%	2	0
48	Fluvents, Nearly Level	7%	7	89

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Schools

	Code	Name
School District	4J	Eugene
Elementary School	504	Awbrey Park
Middle School	520	Madison
High School	536	North Eugene

Political Districts

Election Precinct	733	State Representative District 13	Emerald PUD Board Zone	4
City Council Ward	N/A	State Representative	Heceta PUD Board Zone	N/A
City Councilor	N/A	State Senate District	Central Lincoln PUD Board Zone	N/A
County Commissioner District 1 (West Lane)		State Senator	Soil Water Cons. Dist/Zone	Upper Willamette / 2
County Commissioner	Jay Bozievich		Creswell Water Control District	No
EWEB Commissioner	N/A			
LCC Board Zone	1			
Lane ESD Board Zone	1			

Census Information

The information provided below is only a small sampling of the information available from the US Census Bureau. The links at the end of each section below will take you to source tables at American Fact Finder, with additional details. Those links will take you to the most current estimates, but estimates for several

previous years will also be available.

To view more Census detail about this tract, visit [Census Reporter](#).

Demographic Characteristics	Tract 2302		City Limits		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total Population	4,688	+/-313	*See below	*See below	363,471	*****	4,025,127	*****
Percent age 5 and Under	4.5%	+/-2.1	*See below	*See below	5.0%	*****	5.8%	+/-0.1
Percent Age 18 and Over	77.0%	+/-2.7	*See below	*See below	81.0%	*****	78.5%	+/-0.1
Percent Age 65 and Over	15.8%	+/-2.0	*See below	*See below	17.7%	+/-0.1	16.3%	+/-0.1
Median Age	39.7	+/-3.1	*See below	*See below	39.4	+/-0.2	39.2	+/-0.2

For a complete breakdown of population by age, gender, race, ethnicity and more, visit [American Fact Finder](#).

Housing Characteristics	Tract 2302		City Limits		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied Housing Units	1,641	+/-80	*See below	*See below	148,752	+/-787	1,571,631	+/-4,213
Vacant Housing Units	154	+/-74	*See below	*See below	11,688	+/-774	161,410	+/-3,975
Percent Owner Occupied Housing Units	78.1%	+/-5.9	*See below	*See below	58.8%	+/-0.7	61.7%	+/-0.3
Percent Renter Occupied Housing Units	21.9%	+/-5.9	*See below	*See below	41.2%	+/-0.7	38.3%	+/-0.3
Homeowner Vacancy Rate	1.5%	+/-2.4	*See below	*See below	1.3%	+/-0.3	1.5%	+/-0.1
Rental Vacancy Rate	0.0%	+/-8.1	*See below	*See below	3.9%	+/-0.7	3.7%	+/-0.2
Median House Value (dollars)	226,900	+/-11,724	*See below	*See below	232,800	+/-2,334	265,700	+/-1,159
Median Monthly Mortgage (dollars)	1,430	+/-76	*See below	*See below	1,454	+/-16	1,594	+/-6
Median Monthly Rent (dollars)	1,131	+/-53	*See below	*See below	921	+/-11	988	+/-4

For a complete breakdown of housing by tenure, number of bedrooms, year built and more, visit [American Fact Finder](#).

Economic Characteristics	Tract 2302		City Limits		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Median Household Income (dollars)	(X)	(X)	*See below	*See below	(X)	(X)	(X)	(X)
Unemployment Rate	(X)	(X)	*See below	*See below	(X)	(X)	(X)	(X)
Poverty Rate	12.8%	+/-5.9	*See below	*See below	18.8%	+/-0.7	14.9%	+/-0.3

For a complete breakdown of incomes, poverty, employment, commute patterns and more, visit [American Fact Finder](#).

Social Characteristics	Tract 2302		City Limits		Lane County		Oregon	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Percent Bachelor Degree or Higher	22.7%	+/-4.0	*See below	*See below	29.6%	+/-0.6	32.3%	+/-0.2
Percent High School Graduate or Higher	94.1%	+/-2.8	*See below	*See below	91.5%	+/-0.5	90.2%	+/-0.2

For a complete breakdown of educational attainment, school enrollment, marital status, ancestry and more, visit [American Fact Finder](#).

* Outside city limits. Census data are not available.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '*****' entry in the margin of error column indicates that the estimate is controlled, and a margin of error is not provided.

Liens

Building Permits

Land Use Applications

Petitions

Tax Statements & Tax Receipts

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Salem, OR

Account#: 0056505

View tax statement(s) for:

2021
2020

Tax Receipts

Receipt Date	Amount Received	Tax	Discount	Interest	Applied Amount
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Data source: Lane County Assessment and Taxation

Owner/Taxpayer

Owners

Owner
Lyons Jeffrey A

Address
PO Box 1437

City/State/Zip
Longmont, CO 80502

Taxpayer

Party Name Lyons Jeffrey A	Address PO Box 1437	City/State/Zip Longmont, CO 80502
--------------------------------------	-------------------------------	---

Data source: Lane County Assessment and Taxation

Account Status

Status Active Account Current Tax Year

Account Status none
Remarks Potential Additional Tax; 2002 Postponed Farm Tax \$ 6,294.21
Special Assessment Program N/A

Data source: Lane County Assessment and Taxation

General Tax Account Information

Tax Account Acreage 5.65
Fire Acres N/A
Property Class 409 - Tract, manufactured structure
Statistical Class 190 - MS on real property
Neighborhood 434500 - North Eugene Rural Typical
Category Land and Improvements

Data source: Lane County Assessment and Taxation

Township-Range-Section / Subdivision Data

Subdivision Type	N/A	Subdivision Name	N/A	Subdivision Number	N/A
Phase	N/A	Lot/Tract/Unit #	TL 00400	Recording Number	N/A

Data source: Lane County Assessment and Taxation

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

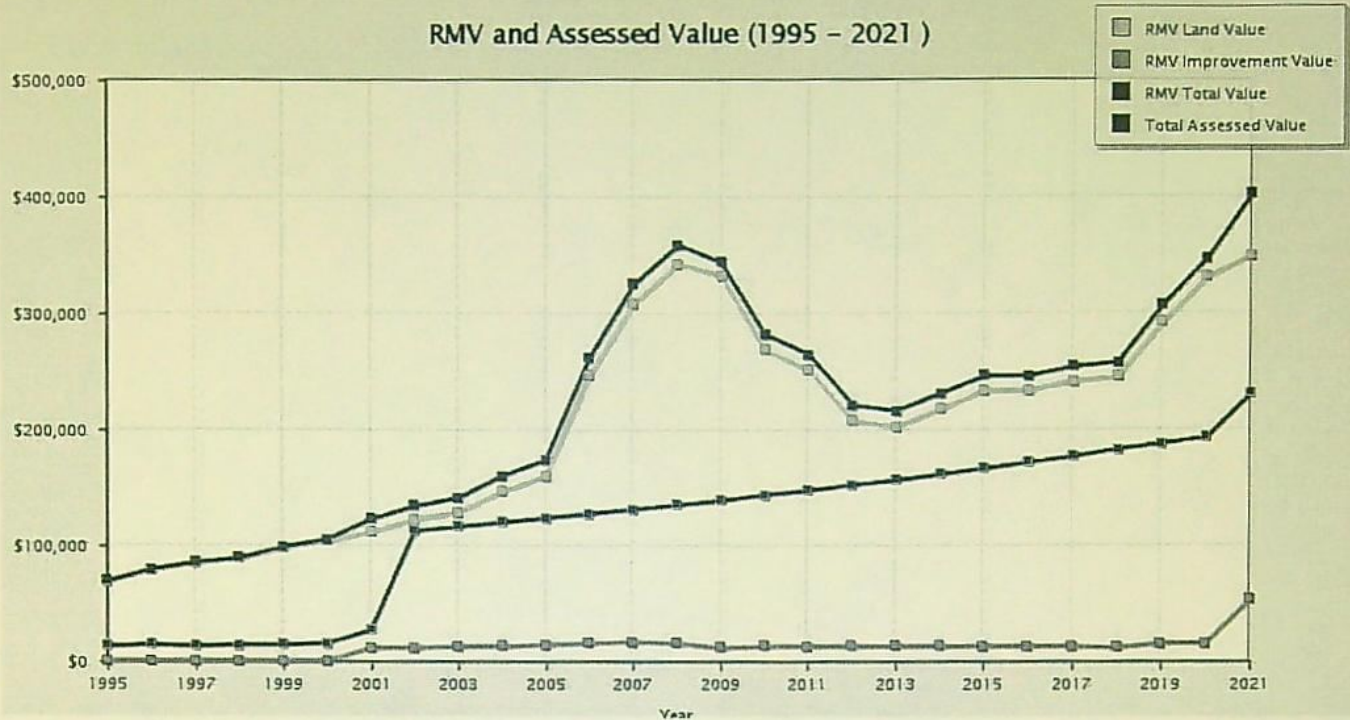
Year	Real Market Value (RMV)			Total Assessed Value	Tax
	Land	Improvement	Total		
2021	\$349,049	\$53,183	\$402,232	\$230,937	\$2,918.47
2020	\$331,036	\$15,250	\$346,286	\$193,653	\$2,565.40
2019	\$292,169	\$15,210	\$307,379	\$188,013	\$2,470.55
2018	\$245,751	\$12,320	\$258,071	\$182,537	\$2,273.64
2017	\$241,851	\$12,540	\$254,391	\$177,220	\$2,188.42
2016	\$234,082	\$12,750	\$246,832	\$172,058	\$2,129.49
2015	\$234,082	\$12,970	\$247,052	\$167,047	\$2,080.54
2014	\$218,555	\$13,185	\$231,740	\$162,182	\$1,974.24
2013	\$203,090	\$13,405	\$216,495	\$157,458	\$1,980.26
2012	\$208,228	\$13,615	\$221,843	\$152,872	\$1,800.82
2011	\$252,196	\$13,005	\$265,201	\$148,419	\$1,774.23
2010	\$269,467	\$13,170	\$282,637	\$144,096	\$1,721.75
2009	\$332,676	\$12,310	\$344,986	\$139,899	\$1,684.19
2008	\$342,966	\$16,200	\$359,166	\$135,824	\$1,554.11
2007	\$308,979	\$16,700	\$325,679	\$131,868	\$1,499.10
2006	\$247,184	\$15,760	\$262,944	\$128,027	\$1,491.31
2005	\$160,510	\$13,820	\$174,330	\$124,298	\$1,417.35
2004	\$147,258	\$13,290	\$160,548	\$120,678	\$1,289.05
2003	\$129,174	\$12,660	\$141,834	\$117,163	\$1,183.25
2002	\$123,024	\$11,510	\$134,534	\$113,750	\$1,184.99
2001	\$112,012	\$11,660	\$123,672	\$27,107	\$ 245.90
2000	\$104,842	\$330	\$105,172	\$15,383	\$ 148.62
1999	\$98,580	\$280	\$98,860	\$14,900	\$ 144.22
1998	\$89,610	\$300	\$89,910	\$13,822	\$ 135.12
1997	\$85,340	\$300	\$85,640	\$13,419	\$ 136.23
1996	\$79,020	\$300	\$79,320	\$14,540	\$ 131.75
1995	\$69,320	\$300	\$69,620	\$13,530	\$ 125.00

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Salem, OR

RMV and Assessed Value (1995 - 2021)



Current Year Assessed Value \$230,937
 Less Exemption Amount * N/A
 Taxable Value **\$230,937**
 * Frozen Assessed Value

Data source: Lane County Assessment and Taxation

Tax Code Area & Taxing Districts

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Tax Code Area (Levy Code) for current tax year 00440

Taxing Districts for TCA 00440

Emerald Peoples Utility District
 Eugene School District 4J
 Lane Community College
 Lane County
 Lane Education Service District
 River Road Water Control Subdistrict 1
 Santa Clara Rural Fire Protection Dist
 Upper Willamette Soil & Water

JUL 11 2022

Salem, OR

****NOTE** Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The **Billing Rate Document** may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

Sales & Ownership Changes

Sale Date	Sale Price	Doc #	Image	Analysis Code	Multiple Accts?	Grantor(s)	Grantee(s)
05/21/2010	\$0	2011-19627		8	Yes	Lyons Sydney Andrea	Lyons Jeffrey A
09/11/2008	\$0	2008-51436		8	No	Lyons Jeffrey A	Lyons Sydney Andrea
06/25/1999	\$129,900	1999-83866		R	No	Monroe Michael W & Lanita K	Lyons Jeffrey A
06/11/1998	\$120,000	1998-45899		R	data not available	Bupp, Martha M	data not available

Data source: Lane County Assessment and Taxation

Log Off



SYDNEY ANDREA LYONS
1142 FRONTIER DRIVE
LONGMONT, CO 80501
Grantor's Name and Address
JEFFREY A. LYONS
P.O. BOX 1188
LYONS, CO 80540
Grantee's Name and Address

After recording, return to (Name, Address, Zip):

JEFFREY A. LYONS
P.O. BOX 1188
LYONS, CO 80540

Until requested otherwise, send all tax statements to (Name, Address, Zip):

JEFFREY A. LYONS
P.O. BOX ~~1188~~ 42094
LYONS, CO ~~80540~~ EUGENE, OR 97404

STATE OF OREGON,

Lane County Clerk
Lane County Deeds and Records

2011-019627



\$47.00

01218785201100196270020021

04/25/2011 11:29:12 AM

RPR-DEED Cnt=1 Stn=15 CASHIER 06

\$10.00 \$11.00 \$16.00 \$10.00

NAME

TITLE

By _____, Deputy.

BARGAIN AND SALE DEED - STATUTORY FORM

SYDNEY ANDREA LYONS

Grantor,

conveys to JEFFREY A. LYONS

Grantee,

the following real property situated in LANE County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ _____ (Here, comply with the requirements of ORS 93.030.)

*OTHER THAN MONEY

DATED May 21, 2010

if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.920, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

SYDNEY ANDREA LYONS

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JUL 11 2022

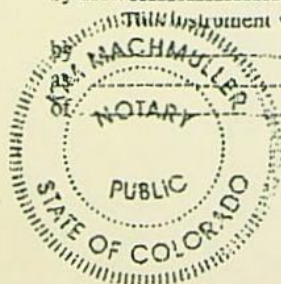
Salem, OR

STATE OF COLORADO, COUNTY OF BOULDER ss.

This instrument was acknowledged before me on May 21, 2010

by SYDNEY ANDREA LYONS

This instrument was acknowledged before me on _____



Notary Public for Oregon Colorado

My commission expires 9/23/2012

EXHIBIT "A"

Beginning at a point, said point being North 89°50'31" East 30.00 feet from the Northeast corner of the West one-half of the Garrett Maupin Donation Land Claim No. 42, Township 16 South, Range 4 West, Willamette Meridian, said point also being on the Easterly right-of-way line of the Hileman Lane County Road as relocated by the Lane County Highway Department in 1961; thence run North 89°50'31" East 98.29 feet to a point marked by a 5/8 inch iron rod; thence South 41°20'53" East 512.78 feet to a point marked by a 5/8 inch iron rod; thence South 0°34'06" West 322.09 feet to a point marked by a 5/8 inch iron rod; thence South 89°50'31" West 440.88 feet to a point marked by a 5/8 inch iron rod on the Easterly right-of-way line of said Hileman Lane; thence along said right-of-way line North 0°34'06" East 708.00 feet to the point of beginning, in Lane County, Oregon.

Received by OWRD

JUL 11 2022

Salem, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 24, 2022

VIA E-MAIL

Applicant

JEFFREY A. LYONS

PO BOX 146

EAST BURKE, VT 05832

Reference: Water Right Transfer Application T-13844

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13844. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by **July 24, 2022**.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing by July 24, 2022** with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must be:
 - i. Prepared within 3 months of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Prepared within 3 months of recording of a water right conveyance agreement; **OR**
 - iii. Have a prepared date showing ownership at the time a water right conveyance agreement was recorded.

If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.

IMPORTANT: In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

Conditions to your water right...

The Watermaster has required a water measurement device at the new appropriation point prior to appropriation of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) device.

Please note the proposed date by which all conditions must be met: October 1, 2023. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive the items listed above by July 24, 2022, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-13844
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)
Steven I. Recca, Agent for the applicant (*via e-mail*)

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application
T-13844, Lane County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF CHANGE
FROM A SURFACE WATER POINT OF
DIVERSION TO A GROUNDWATER POINT
OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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. Additional findings and conditions are required for surface water point of diversion to groundwater point of appropriation transfers pursuant to ORS 540.531 and OAR 690-380-2130.

Applicant

JEFFREY A. LYONS
PO BOX 146
EAST BURKE, VT 05832

Findings of Fact

1. On October 14, 2021, JEFFREY A. LYONS filed an application to change from a surface water point of diversion to a groundwater point of appropriation under Certificate 95393. The Department assigned the application number T-13844.
2. Notice of the application for transfer was published on October 19, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate:	95393 in the name of CHRIS S. CHRISTIANSON (perfected under Permit S-20251)
Use:	IRRIGATION of 5.7 ACRES
Priority Date:	MARCH 12, 1951
Rate:	0.076 CUBIC FOOT 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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: A SLOUGH, which is a channel of WILLAMETTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
16 S	4 W	WM	36	SW NW	42

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
16 S	4 W	WM	36	SW NW	42	5.7

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 21006 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	994 FEET SOUTH 21° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

5. Transfer Application T-13033 proposes to change from a surface water point of diversion to a well located approximately 500 feet NW of the original point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	619 FEET SOUTH 3° EAST FROM THE NE CORNER OF THE W1/2 OF G. MAUPIN DLC 42

Transfer Review Criteria [OAR 690-380-4010(2)]

6. 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.
7. 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-13844.
8. The proposed well meets the requirements of ORS 540.531. Estimated stream depletion to the Willamette River, using a range of aquifer parameter values likely representative of the aquifer material the proposed groundwater POD is producing from, is likely to be greater than 50% of the pumping rate after 10 days of pumping. Therefore, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130

9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13844 is approved, the final order will include the following:

1. *The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13844 are approved.*
2. *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 95393 and any related decree.*
3. *Water right Certificate 95393 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.*
6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing groundwater right due to use of the well, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
8. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*

9. *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 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.*
10. *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.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13844



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Lanaya Blakely

District: 2

Address: 125 East 8th Ave

City/State/Zip: Eugene, OR 97401

Phone: 541-682-3620

Email: Lanaya.F.Blakely@Oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

 Watermaster signature

 District

 Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

**Notice of Preliminary Determination for
Water Right Transfer T-13844**

T-13844 filed by Jeffrey A. Lyons, PO Box 146, East Burke, VT 05832, proposes a change from a surface water point of diversion to a groundwater point of appropriation under Certificate 95393. The right allows the use of 0.076 CUBIC FOOT PER SECOND from a slough in Sec. 36, T16S, R4W, WM for irrigation in Sec. 36, T16S, R4W, WM. The applicant proposes a change from a surface water point of diversion to a groundwater point of appropriation. 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 protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 979-9931 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Peer Review
OK
6/22/22

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13844

GW Reviewer M. Thoma

Date Review Completed: 06/10/2022

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13844

Applicant Name: Jeffrey Lyons

Proposed Changes: ☐ POA ☐ APOA ☒ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): M. Thoma

Date of Review: 6/10/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 6/10/22

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: The application proposes to transfer the POD under Certificate 95393 (formerly Cert. 21006) from the original surface water POD, which is a slough of the Willamette River, to a groundwater POD, well LANE0057154. For the purposes of this review, the slough is considered to be part of the Willamette River and not a separate surface water source. The application proposes to serve only 5.65 acres of the original 16.3 acres full acreage with this transfer. An earlier transfer (T-13350) changed the POA for 10.6 acres of the original POU.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☐ No Comments: This is a SW-GW transfer – see Item 6 below
3. a) Is there more than one **groundwater** source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: The proposed change would move appropriation under this right to a well. Pumping from this well will reduce pressure in the surrounding aquifer and may affect other nearby wells. There are approximately 9 wells in the two nearest quarter-quarters.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: A drawdown interference analysis using a range of hydraulic parameter values representative of the aquifer material present shows that interference at 100 ft (a likely minimum distance a well would be from the groundwater POD) will likely be less than 1 ft after 244 days while pumping at the full rate. The full modeled rate of 0.03 cfs was determined by dividing the original rate (0.08 cfs) by the relative proportion of the POU acres affected by this transfer ($5.7 / 16.3 = 0.35$). This level of hydraulic interference would not cause substantial or undue interference to nearby groundwater users.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes ☐ No Comments: The proposed change is from a surface water POD to a groundwater POD which will disperse the interference with the original nearby surface water source (Willamette River) but there is a small likelihood that appropriation from the new groundwater POD will affect other nearby surface water sources such as Spring Creek

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Spring Creek

☒ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: Spring Creek is approximately 3500 ft from the proposed groundwater POD. Given this distance, likely aquifer parameter values, the small width of Spring Creek, and the proximity of the proposed groundwater POD to the Willamette River, it is very likely that interference to Spring Creek will be minimal to negligible.

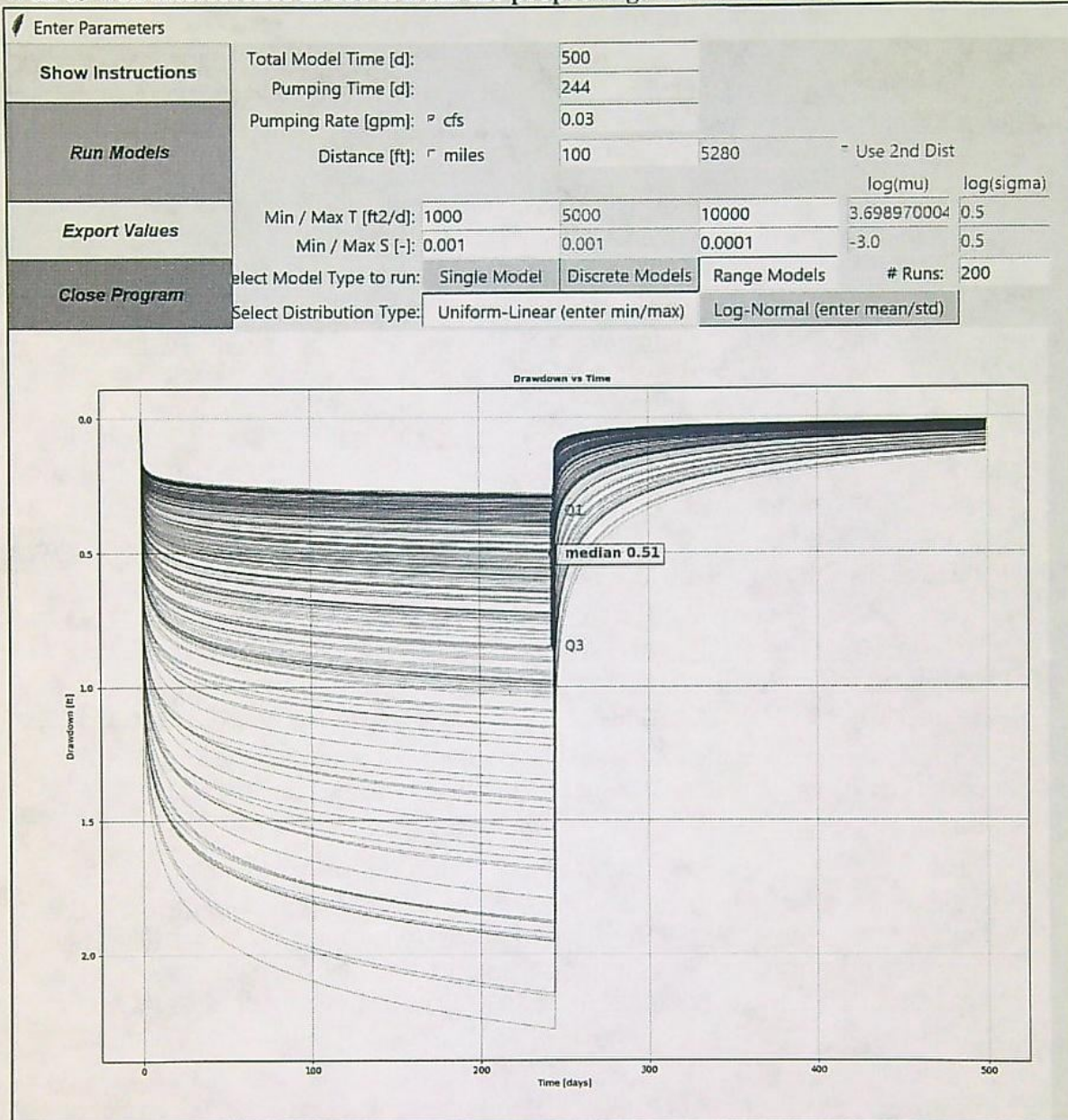
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☒ Yes ☐ No Comments: Estimated stream depletion to the Willamette River, using a range of aquifer parameter values likely representative of the aquifer material the proposed groundwater POD is producing from, is likely to be greater than 50% of the pumping rate after 10 days of pumping. Therefore, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130.

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

Well-to-well interference at 100 ft from the proposed groundwater POD



Stream-Depletion model results

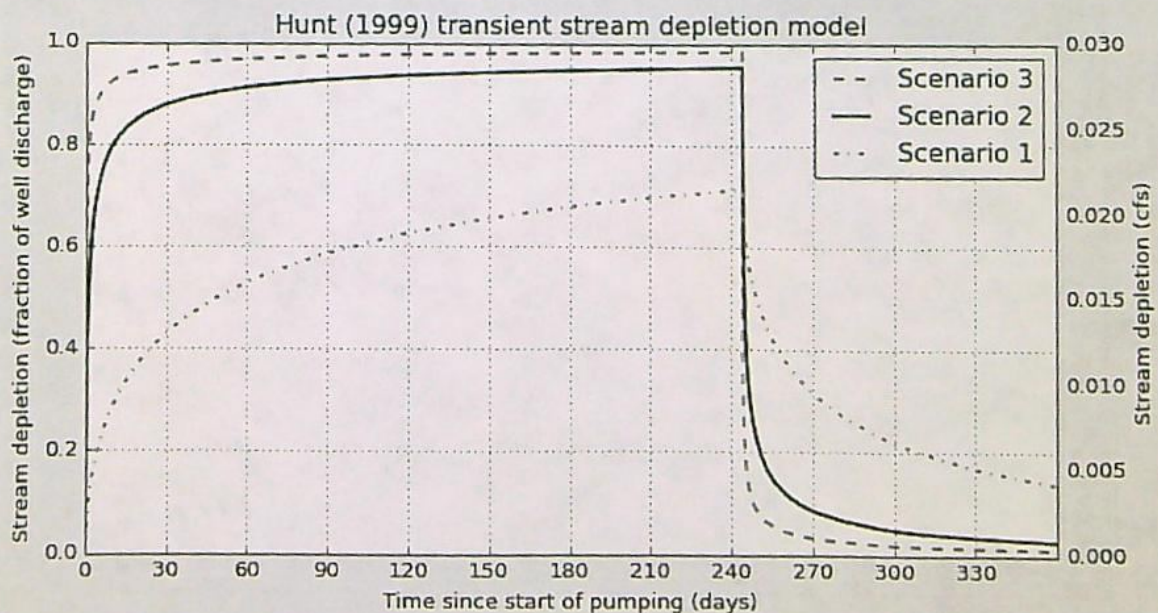
PyHunt stream depletion analysis tool

Application type:	T
Application number:	13844
Well number:	1
Stream Number:	1
Pumping rate (cfs):	0.03
Pumping duration (days):	244.0
Pumping start month number (3=March)	3.0

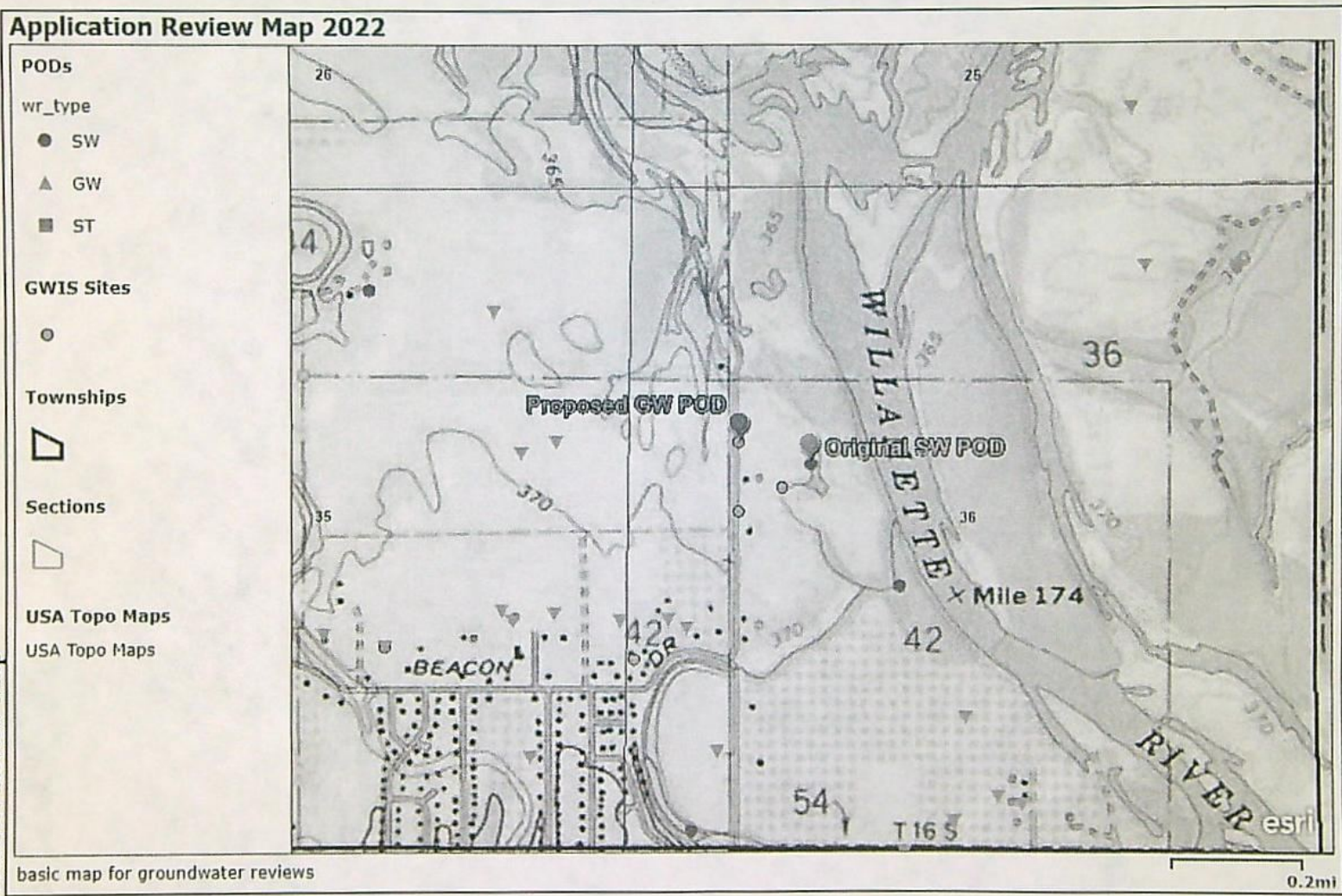
Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	1000	1000	1000	ft
Aquifer transmissivity	T	10000	5000	1000	ft ² /day
Aquifer storativity	S	0.001	0.0005	0.0001	-
Aquitard vertical hydraulic conductivity	Kva	0.01	0.05	0.1	ft/day
Not used		1	1	1	
Aquitard thickness below stream	babs	5	5	5	ft
Not used		1	1	1	
Stream width	ws	370	370	370	ft

Stream depletion for Scenario 2:

Days	10	330	360	30	60	90	120	150	180	210	240	270	300
Depletion (%)	80	3	3	88	91	93	94	94	95	95	95	9	5
Depletion (cfs)	0.02	0.00	0.00	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.00	0.00



Transfer Review Map



Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13844

Review Due Date: 11/18/2021

Applicant Name: Jeffrey Lyons

Proposed Changes: ☐ POU ☒ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Lanaya Blakely

Date of Review: 10/25/2021

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☐ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

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 point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☒ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

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.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

<input type="checkbox"/> Weir	<input type="checkbox"/> Submerged Orifice
<input type="checkbox"/> Parshall Flume	<input type="checkbox"/> Flow Restrictor
<input type="checkbox"/> Other: _____	

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13844



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Lanaya Blakely

District: 2

Address: 125 East 8th Ave

City/State/Zip: Eugene, OR 97401

Phone: 541-682-3620

Email: Lanaya.F.Blakely@Oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13844

GW Reviewer M. Thoma

Date Review Completed: 06/10/2022

Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13844

Applicant Name: Jeffrey Lyons

Proposed Changes: ☐ POA ☐ APOA ☒ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): M. Thoma

Date of Review: 6/10/2022

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 6/10/22

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: The application proposes to transfer the POD under Certificate 95393 (formerly Cert. 21006) from the original surface water POD, which is a slough of the Willamette River, to a groundwater POD, well LANE0057154. For the purposes of this review, the slough is considered to be part of the Willamette River and not a separate surface water source. The application proposes to serve only 5.65 acres of the original 16.3 acres full acreage with this transfer. An earlier transfer (T-13350) changed the POA for 10.6 acres of the original POU.

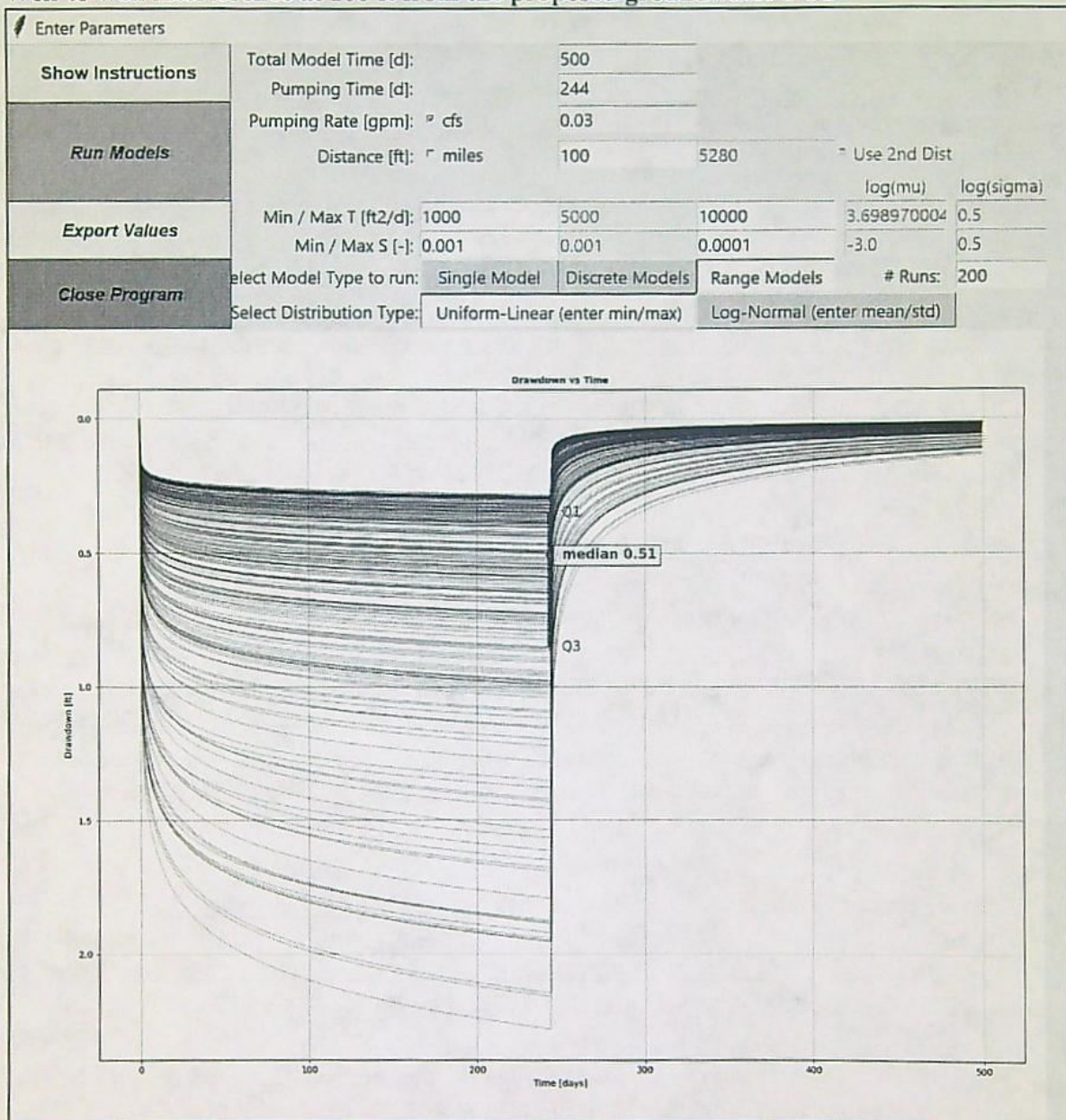
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☐ No Comments: This is a SW-GW transfer – see Item 6 below

3. a) Is there more than one **groundwater** source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: The proposed change would move appropriation under this right to a well. Pumping from this well will reduce pressure in the surrounding aquifer and may affect other nearby wells. There are approximately 9 wells in the two nearest quarter-quarters.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: A drawdown interference analysis using a range of hydraulic parameter values representative of the aquifer material present shows that interference at 100 ft (a likely minimum distance a well would be from the groundwater POD) will likely be less than 1 ft after 244 days while pumping at the full rate. The full modeled rate of 0.03 cfs was determined by dividing the original rate (0.08 cfs) by the relative proportion of the POU acres affected by this transfer ($5.7 / 16.3 = 0.35$). This level of hydraulic interference would not cause substantial or undue interference to nearby groundwater users.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☒ Yes ☐ No Comments: The proposed change is from a surface water POD to a groundwater POD which will disperse the interference with the original nearby surface water source (Willamette River) but there is a small likelihood that appropriation from the new groundwater POD will affect other nearby surface water sources such as Spring Creek
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: Spring Creek ☒ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: Spring Creek is approximately 3500 ft from the proposed groundwater POD. Given this distance, likely aquifer parameter values, the small width of Spring Creek, and the proximity of the proposed groundwater POD to the Willamette River, it is very likely that interference to Spring Creek will be minimal to negligible.
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☒ Yes ☐ No Comments: Estimated stream depletion to the Willamette River, using a range of aquifer parameter values likely representative of the aquifer material the proposed groundwater POD is producing from, is likely to be greater than 50% of the pumping rate after 10 days of pumping. Therefore, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130.
7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
8. Any additional comments: _____

Well-to-well interference at 100 ft from the proposed groundwater POD



Stream-Depletion model results

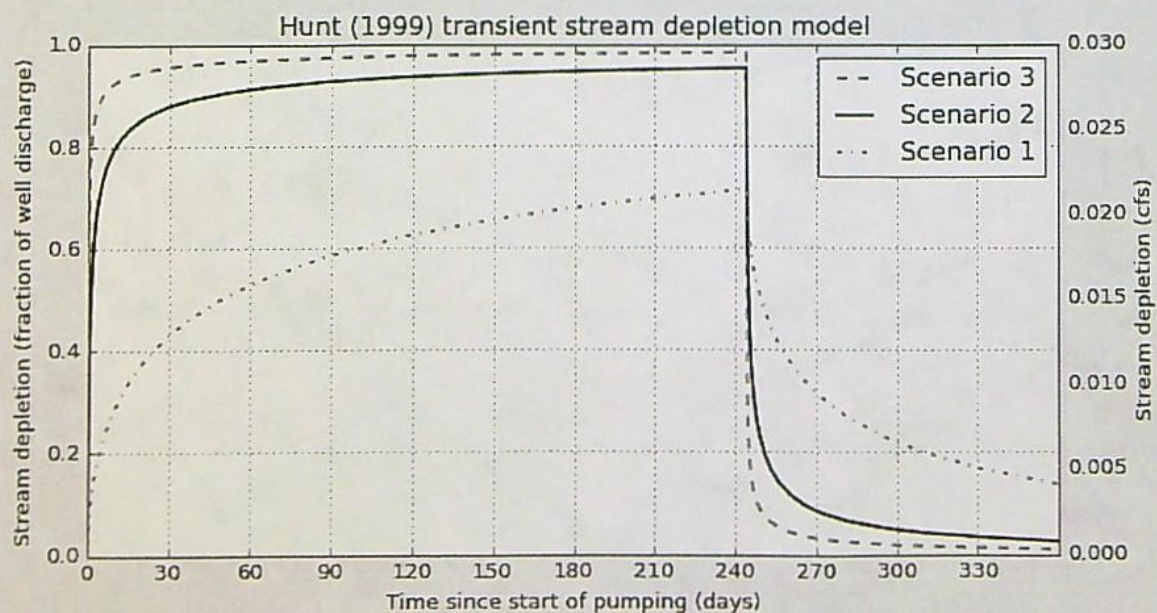
74 PyHunt stream depletion analysis tool

Application type:	T
Application number:	13844
Well number:	1
Stream Number:	1
Pumping rate (cfs):	0.03
Pumping duration (days):	244.0
Pumping start month number (3=March)	3.0

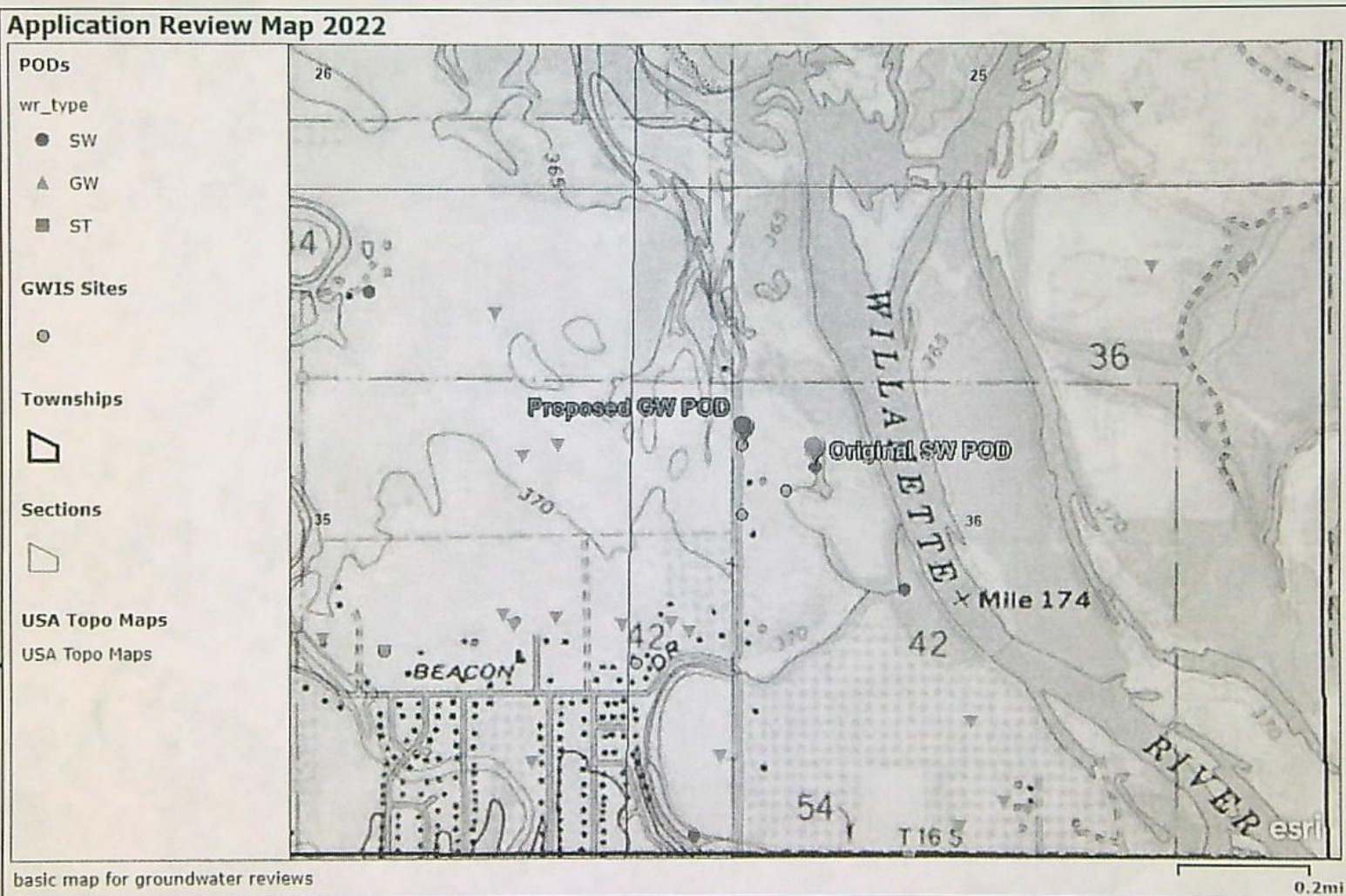
Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	1000	1000	1000	ft
Aquifer transmissivity	T	10000	5000	1000	ft ² /day
Aquifer storativity	S	0.001	0.0005	0.0001	-
Aquitard vertical hydraulic conductivity	Kva	0.01	0.05	0.1	ft/day
Not used		1	1	1	
Aquitard thickness below stream	babs	5	5	5	ft
Not used		1	1	1	
Stream width	ws	370	370	370	ft

Stream depletion for Scenario 2:

Days	10	330	360	30	60	90	120	150	180	210	240	270	300
Depletion (%)	80	3	3	88	91	93	94	94	95	95	95	9	5
Depletion (cfs)	0.02	0.00	0.00	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.00	0.00



Transfer Review Map



GREW Scott A * WRD

From: STARNES Patrick K * WRD
Sent: Wednesday, April 13, 2022 3:53 PM
To: GREW Scott A * WRD
Subject: FW: T-13844

Here it is, as promised! Although I think you said there was a copy already in the file.

Herry 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
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: FRENCH Dwight W * WRD <Dwight.W.FRENCH@water.oregon.gov>
Sent: Friday, April 08, 2022 5:14 PM
To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD
<Patrick.K.STARNES@water.oregon.gov>
Subject: RE: T-13844

One more thing: Please assign a T caseworker and pass this history along so they can expedite the file since the first one
should have been approved.

Mr Lyons expresses his gratitude to everyone who is helping take care of this.

Thank you,
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



OREGON
WATER
RESOURCES
DEPARTMENT

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

We're hiring! See the current list of jobs [here](#).

From: FRENCH Dwight W * WRD
Sent: Friday, April 8, 2022 5:13 PM
To: JARAMILLO Lisa J * WRD <Lisa.J.JARAMILLO@water.oregon.gov>; STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Subject: T-13844

Lisa: As discussed.

The applicant Jeff Lyons filed a SW -> GW transfer file T-13033. GW found it didn't meet the criteria and it was denied. About the same time the FO was issued a neighbor filed T-13350 to do the same thing on a nearby well and it was approved. Lyon's attorney Sara Lilifeldt called me and asked if we could explain why one was approved and one wasn't. I checked with the GW reviewer who said Mr. Lyon's application should have been approved. I'm not saying it was a mistake but it might have been.

Anyway, Mr. Lyons filed a new application T-13844 and I waived the fees. That was mid October '21. Since his first file should have been approved I was hoping that this new one wouldn't take as long but it appears it is in the GW section awaiting review. Please pass this along and point out that there are two prior files that should help reduce the time it will take to prepare a review for this file.

Thanks,
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



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

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER DENYING A CHANGE
T-13033, Lane County	)	FROM A SURFACE WATER POINT OF
	)	DIVERSION TO A GROUND WATER
	)	POINT OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

JEFFREY A. LYONS
PO BOX 229
LYONS, CO 87540

Findings of Fact

1. On September 25, 2018, JEFFREY A. LYONS filed an application to change from a surface water point of diversion to a ground water point of appropriation under Certificate 21006. The Department assigned the application number T-13033.
2. Notice of the application for transfer was published on October 2, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 21, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13033 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 20, 2018, for the applicant to respond. No response was received.
4. On January 22, 2019, the Department issued a Preliminary Determination proposing to deny Transfer T-13033 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's

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.

weekly notice on January 22, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The portion of the right to be transferred is as follows:

Certificate: 21006 in the name of CHRIS S. CHRISTIANSON (perfected under Permit S-20251)
Use: IRRIGATION of 5.65 ACRES
Priority Date: MARCH 12, 1951
Rate: 0.08 CUBIC FOOT 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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: A SLOUGH WHICH IS A CHANNEL OF WILLAMETTE RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
16 S	4 W	WM	36	SW NW	42

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
16 S	4 W	WM	36	SW NW	42	5.65

6. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 21006 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	4 W	WM	36	SW NW	994 FEET SOUTH 21° EAST FROM THE NE CORNER OF W1/2 OF THE G. MAUPIN DLC 42

7. Transfer Application T-13033 proposes to change from a surface water point of diversion to a well located approximately 503 feet NW from the original point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
16 S	4 W	WM	36	SW NW	42	619 FEET SOUTH 3° EAST FROM THE NE CORNER OF W1/2 OF THE G. MAUPIN DLC 42

Transfer Review Criteria [OAR 690-380-4010(2)]

8. Water has been used within the last five years.
9. 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-13033.

10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. On November 6, 2018, the Department's Groundwater section determined the proposed transfer does not satisfy the criteria for similarity under ORS 540.531(9)(b). The Groundwater Section used the Hunt (1999) analytical stream depletion model to estimate the similarity requirement. Using aquifer parameter values derived from both nearby pumping tests (LANE 8377) and literature values (Conlon and others, 2005; Freeze and Cherry, 1979), estimated depletion of the Willamette River slough after 10 days of continuous pumping was much less than 50%, due largely to the relatively great distance between Well 1 [proposed ground water point of appropriation] and the slough. Thus, LANE 57154 does NOT affect the surface water source similarly.

Conclusions of Law

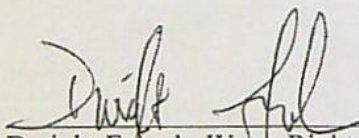
The application to change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13033 is not consistent with the requirements of ORS 540.531(2)(C) and OAR 690-380-2130 (2)(c), because the proposed ground water point of appropriation does not affect the surface water source similarly.

Now, therefore, it is ORDERED:

1. Transfer Application T-13033 is denied for failure to meet the requirements under ORS 540.531(2)(C) and OAR 690-380-2130 (2)(c).

MAR 12 2019

Dated at Salem, Oregon this _____,


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 19, 2021

JEFFREY A. LYONS
PO BOX 146
EAST BURKE, VT 05832

Reference: Application T-13844

On October 14, 2021, OWRD received your water right Permanent Transfer Application.

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 or as the original POD.

This application may 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 for the new use 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.

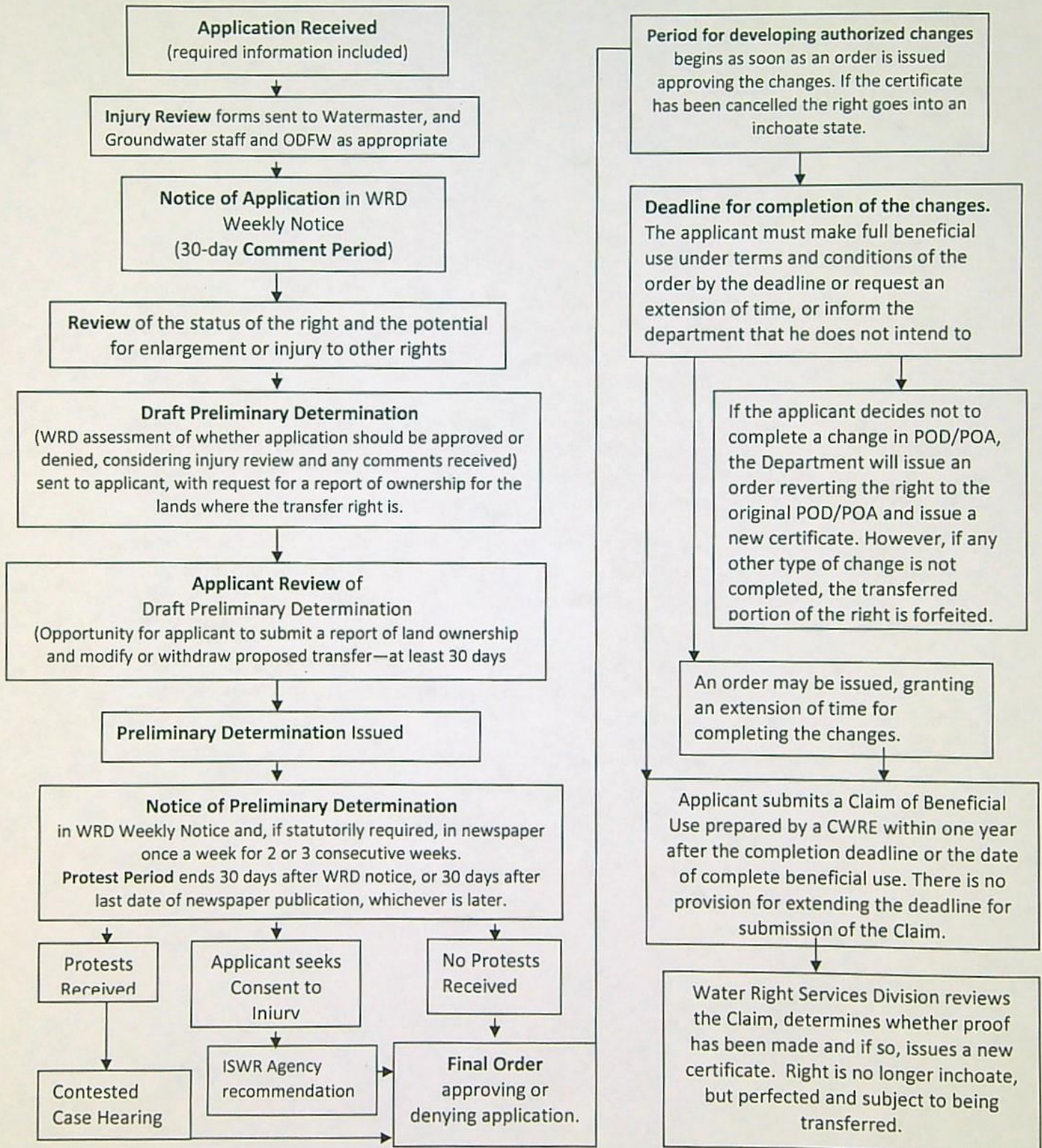
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #2, Lanaya F. Blakely (*via email*)
Lane County Planning Division
Steven I. Recca, Agent

Enclosure

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

OAR 690 Division 380



Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.

- ☒ Part 4 – Completed Applicant Information and Signature. **WAIVED, SEE ATTACHED EMAIL**
- ☒ Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: 95393

Please include a separate Part 5 for each water right. (See instructions on page 6)

NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

THE WINNER SEE ATTACHED EMAILS

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*).

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME JEFFREY A. LYONS		PHONE NO. 541-954-4276	ADDITIONAL CONTACT NO.
ADDRESS P.O. Box 146		FAX NO.	
CITY EAST BURKE	STATE VT.	ZIP 05832	E-MAIL MYPLUMBERJEFF@gmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME STEVEN L. RECCA/EGR ASSOCIATES		PHONE NO. 541-688-8322	ADDITIONAL CONTACT NO. 541-913-1304
ADDRESS 2535 B PRAIRIE ROAD		FAX NO. 541-688-8087	
CITY EUGENE	STATE OR.	ZIP 97402	E-MAIL STEVE.RECCA@EGRASSOC.COM
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

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

Check One Box

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

PLEASE SEE INCLOSED EMAIL FROM JUSTIN IVERSON
AND GROUNDWATER REVIEW FOR T. 13350

13844

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: _____.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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

Applicant signature

JEFFREY A. LYONS
Print Name (and Title if applicable)

10/8/21
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

Check the following boxes that apply:

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

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

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

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

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

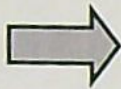
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	13844
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME LANE COUNTY	ADDRESS 3050 N. DELTA HWY	
CITY EUGENE	STATE OR.	ZIP 97408

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

13844

Part 5 of 5 – Water Right Information

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

CERTIFICATE # _____

Description of Water Delivery System

System capacity: 0.075 cubic feet per second (cfs) OR

300 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. SUBMERSIBLE PUMP IN WELL IS USED TO PUMP WATER TO TWO 120 GALLON PRESSURE TANKS PLUMBED IN PARALLEL LOCATED IN POA HOUSE. UNDERGROUND 2" PVC PIPE DELIVERS WATER TO DRIP EMITTERS OR SURFACE DRIP TAPE.

WELL PUMP WATER TO TWO 120 GALLON PRESSURE TANKS PLUMBED IN PARALLEL LOCATED IN POA HOUSE. UNDERGROUND 2" PVC PIPE DELIVERS WATER TO DRIP EMITTERS OR SURFACE DRIP TAPE.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	*	16 S	4 W	36	SW NW	TL 401 DLC 42	99.4 FEET SE FROM THE NE CORNER W 1/2 OF THE G. MAIN IN DLC 42
POA1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	LANE 57154	16 S	4 W	36	SW NW	TL 400 DLC 42	61.9 FEET SE FROM THE NE CORNER W 1/2 OF THE G. MAIN IN DLC 42
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 21006 → 95393

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.

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.													
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
															2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
16	S	4	W	36	SW	NW	400 401	DLC 42	11.2	IRRIGATION	POD1		1951	SW/GW	16	S	4	W	36	SW	NW	400 401	DLC 42	5.65	IRRIGATION	POA1	1951
															16	S	4	W	36	SW	NW	401	DLC 42	5.55	IRRIGATION	POD1	1951
16	S	4	W	36	SE	NW	401	DLC 42	4.0	IRRIGATION	POD1		1951		16	S	4	W	36	SE	NW	401	DLC 42	4.0	IRRIGATION	POD1	1951
16	S	4	W	36	NW	SW	401	DLC 42	0.6	IRRIGATION	POD1		1951		16	S	4	W	36	NW	SW	401	DLC 42	0.6	IRRIGATION	POD1	1951
16	S	4	W	36	NE	SW	401	DLC 42	0.5	IRRIGATION	POD1		1951		16	S	4	W	36	NE	SW	401	DLC 42	0.5	IRRIGATION	POD1	1951
TOTAL ACRES:									16.3	TOTAL ACRES:															16.3		

Additional remarks:_____.

For Place of Use or Character of Use Changes

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

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



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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

Fee Email ✖
Fees waived because
prior transfer was
denied by mistake.
DWF

Sarah Liljefelt

From: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Sent: Thursday, September 16, 2021 3:48 PM
To: Sarah Liljefelt
Subject: RE: Two similar transfers with different GW reviews

Follow Up Flag: Copied to Worldox (SLO Clients New Format\1571\00\EMAIL\PO547871.MSG)

Sarah,

I'm glad we were able to get this figured out.

I don't have the authority to reconsider the order as it is outside of the timeframes but I can either refund the fees paid previously or waive the fees for a replacement application – which would be better for your client because the fees went up about 17% this past July 1. In order to waive fees for an application not submitted yet I need to know when the application gets placed in the mail so I can alert our front counter staff to be on the lookout for a transfer from Mr. Lyon (Willamette Basin) so that it doesn't get returned for lack of fees.

One thing that would help is if Mr. Lyon would include a copy of this email (might as well include the whole string) so these underlined notes can be seen. Have him handwrite "FEE WAIVER DOCUMENTATION" on the top.

Let me know if you still have questions.

Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



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From: Sarah Liljefelt <s.liljefelt@water-law.com>
Sent: Thursday, September 16, 2021 2:02 PM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Subject: RE: Two similar transfers with different GW reviews

Dwight,

Given the conclusion below that Mr. Lyon's previous application was assessed against the wrong, farther source of water, is there any way for OWRD to reconsider its decision denying his transfer? I know it's outside the window for him to ask for reconsideration, but I thought I'd ask if OWRD could reconsider on its own accord given the circumstances. Maybe the later-discovered information due to the subsequent application could give cause?

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Otherwise, is there the possibility of waiving Mr. Lyon's application fee for a new application? He has very meager means and can't afford to pay the application fee a second time. He'd likely be resubmitting the application on his own without our assistance given the cost.

Thanks for your consideration.
Sarah

Sarah R. Liljefelt
Shareholder & Portland Managing Attorney
Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Blvd.
Portland, Oregon 97212
P: (503) 281-4100 | F: (877) 600-4971

From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Thursday, September 16, 2021 12:31 PM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; Sarah Liljefelt <s.liljefelt@water-law.com>
Cc: EASTMAN Jeana M * WRD <Jeana.M.Eastman@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; SCANDELLA Benjamin P * WRD <Benjamin.P.Scandella@oregon.gov>; THOMA Michael J * WRD <Michael.J.Thoma@oregon.gov>; MCCORD Mike L * WRD <Mike.L.Mccord@oregon.gov>
Subject: RE: Two similar transfers with different GW reviews

Sarah and Dwight,
Thanks for your patience as we reviewed the two transfers noted below. The difference in the outcome of the two technical reviews was due to a difference in the stream for which we evaluated "similarity", the Willamette River in T-13350 (large width, deeply incised, bed often scoured by high flows) vs a slough of the Willamette in T-13033 (narrow, shallowly incised, low energy fine-grained material in the bed). After review of the original certificate and claim materials, as well as historic topo maps, it appears that the original right is for a channel of the Willamette River (which has become a slough given channelization of the Willamette since the time of the original cert). As such, the Willamette R. in its current configuration is the appropriate water body for which we should assess similarity as per OAR 690-380-2130, and if an application similar to that for T-13033 was resubmitted we'd likely make a finding similar to that for T-13350.

Regards,

Justin Iverson, RG
GROUNDWATER SECTION MANAGER
Oregon Water Resources Department
Cell: 503-302-9728

From: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Sent: Wednesday, September 1, 2021 10:56 AM
To: SCANDELLA Benjamin P * WRD <Benjamin.P.Scandella@oregon.gov>; THOMA Michael J * WRD <Michael.J.Thoma@oregon.gov>
Cc: Sarah Liljefelt <s.liljefelt@water-law.com>; EASTMAN Jeana M * WRD <Jeana.M.Eastman@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Subject: Two similar transfers with different GW reviews

Hi Gentlemen,

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Please review the GW reviews for T-13033 (Steve Recca) and T-13350 (Leatheberry and Radecki). Both transfers were to change a SW POD to a GW POA. The first was reviewed by Ben (denied) and the second one by Mike (approved). These two transfers had similar requests and the wells are in close proximity

but the G reviews produced different results. I don't doubt that there is a good reason for the different conclusions but the attorney for T-13033 (Sara Liljefelt) would like to understand why there is a difference. Her client is interested in reapplying if a new application can be approved similar to how T-13350 was approved.

Unless you want to have an internal conversation first, if you can reply all that would be great. Jeana is cc'd because I know she is interested in these lands and associated water uses.

Thank you,

Dwight

Dwight French

Water Right Services Division Administrator

Oregon Water Resources Department

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-871-7292 (work cell)



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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of LANE) ss

I, JOFFREY A. LYONS, in my capacity as PROPERTY OWNER

mailing address P.O. Box 146 EAST BURKE VT. 05832

telephone number (541) 954-4276, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 95393; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
<u>21006</u>	<u>16</u>	<u>S</u>	<u>4</u>	<u>W</u>	<u>WILLAMETTE</u>	<u>36</u>	<u>SWNW</u>	<u>TAX LOT 400 DLC A2</u>	<u>5.65</u>
<u>95393</u>									

OR

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

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(continues on reverse side)

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

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.

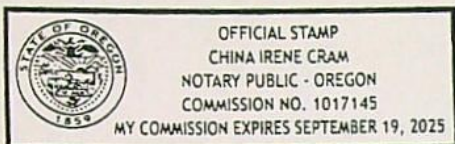


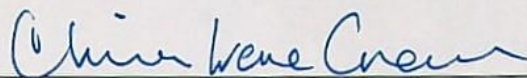
Signature of Affiant

10/8/21

Date

Signed and sworn to (or affirmed) before me this 8th day of October, 2021.





Notary Public for Oregon

My Commission Expires: 9/19/2025

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Lyons' Property

T16S R4W Sect 36
June, 2017

Hileman Landing County Park

Legend

Willamette River

Catmandu Retreat

Google Earth

1000 ft

N



Lyons' Property

T16S R4W Sect 36
July, 2018

Legend

Hileman Landing County Park

Willamette River

Catmandu Retreat

Google Earth

1000 ft

N

Lyons' Property

T16S R4W Sect 36
May, 2019

Legend

Hileman Landing County Park

Willamette River

Catmandu Retreat

Google Earth

Image © 2021 Maxar Technologies

1000 ft

N



Legend

Lyons' Property

T16S R4W Sect 36
July, 2019

T16S R4W

Willamette River

Catmandu Retreat

Google Earth

Image © 2021 Maxar Technologies

500 ft



Legend

Lyons' Property

T16S R4W Sect 36
October, 2019

13844

Willamette River

Catmandu Retreat

Google Earth

Image © 2021 Maxar Technologies

700 ft





LAND MANAGEMENT DIVISION

Date Received:

10-8-2021 JWB

TYPE I APPLICATION
Zoning Determination Application

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only: FILE # 509 PA21-05892

FEE: \$143 — JWB

Applicant (print name):

JEFFREY A. LYONS

Mailing address:

P.O. Box 146 EAST BURKE VT. 05832

Phone:

541 954 4276

Email:

MYPLUMBERJEFF@GMAIL.COM

Applicant Signature:

[Handwritten signature]

PROPERTY LOCATION

16 04 36 00 00400

Assessor's Map and Tax Lot

221 HILEMAN LN. EUGENE OR. 97404

Site address

The Zoning Determination Application (ZD) is the form used when a customer needs a written response from the Planning Program, including State permit sign-offs. It is intended to assist customers who have a question that can not be answered in 10 minutes by the Planner at the front desk.

In the space below, write the question/request you have for the Planner. Attach additional pages if necessary.

WATER RIGHTS TRANSFER

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

Applicant(s): JEFFREY A. LYONS

Mailing Address: P.O. Box 146

City: EAST BURKE

State: VT.

Zip Code: 05832

Daytime Phone: 541.954.4276

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>165</u>	<u>4W</u>	<u>36</u>	<u>SWNW</u>	<u>400/401</u>	<u>EFU 40</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
			<u>SESW</u>	<u>401</u>		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
			<u>NWSW</u>	<u>401</u>		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
			<u>NESE</u>	<u>401</u>		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>

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

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water
 ☒ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: .076 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

MOVE FROM SURFACE WATER TO GROUND WATER

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Lane Code 16.212(3) - 1.1 Farm Use
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Water Use / irrigation permitted outright in EFV Zone (LC 16.212)

Name: JARED BAUDER Title: Associate Planner

Signature: *J. Bauder* Phone: 541-682-6949 Date: 10-8-2021

Government Entity: LANE COUNTY

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



RECEIVED

OCT 14 2021

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Jeffrey ~~Lee~~ Lyons
PO Box 146, East Burke, VT, 05832

Transaction Type: Transfer (95393)

Fees Received: \$ fees waived (see email attached)

☐ Cash

☐ Check:

Check No. _____

Name(s) on Check: _____

Address on Check: _____

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

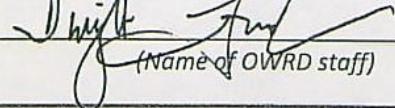
If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: 
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

Permanent Transfer

Completion Checklist

Check the Certificate(s) in W

Transfer # T-13844

Checked by: <u>Joan</u>	Ty Pr Ma	Supplemental to Primary	POU	POD	APOD
Date: <u>10/18/21</u>					
Fee Received: <u>WAIVED</u>		<u>Surface to Ground</u>	USE	POA	APOA
Calculated Fee: <u>See Dwight's email</u>		How many rights to be Transferred?			
		Certificate # <u>21006</u>			
Additional Observations: <u>This application was previously denied T-13033; However Groundwater re-reviewed</u>					

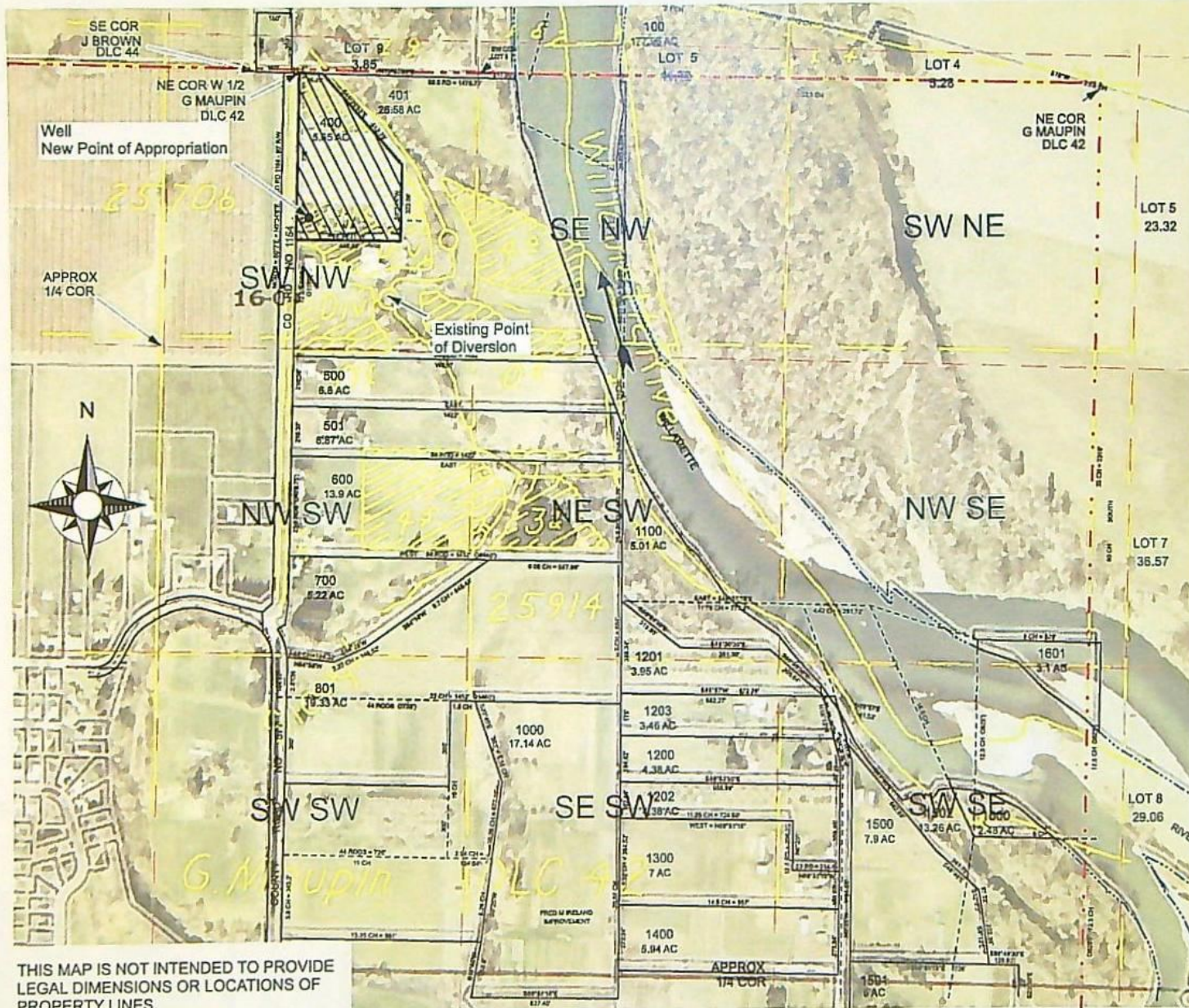
If OK and complete, check box to the left; if NOT, fill in.

- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
- ☐ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
- ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No _____
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☐ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.
- OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

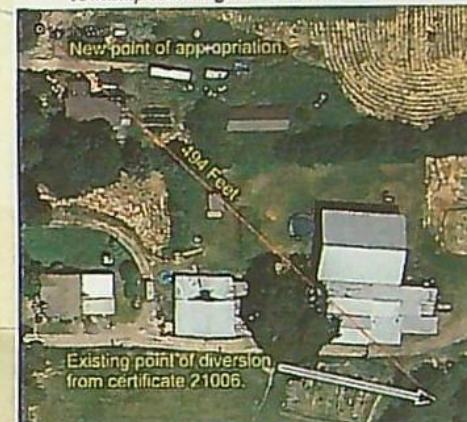
Actions taken: Dwight Approved Application Date: 10/18/21

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: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> 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? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> 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? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »				
5			5	0	
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:		6	0	
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7» »				
7			7	0	
8	Subtract line 7 from line 6 » » » » » » » » » » Transfer Fee:		8		



Transfer Application Map for a Portion of
 Certificate #21006 Lane County Tax Lot
 16-04-36-00-00400
 5.65 Acres of Tax Lot 400 in the SW 1/4 NW 1/4 of
 Township 16S Range 4W Section 36, DLC 42



RECEIVED
 SEP 25 2018

OWRD



Portion of Claim Map
 for Certificate #21006.

Portion of Water Right
 Subject to Transfer
 Drip Irrigation by Handline

Section and 1/4
 Section Lines

DLC Boundaries



EXPIRATION DATE: 12/31/18

Existing Point of Diversion
 994 Feet South 21° east from
 the NE Corner W 1/2 of the
 G. Maupin DLC 42

New Point of Appropriation
 619 Feet South 3° east from
 the NE Corner W 1/2 of the
 G. Maupin DLC 42

400 0 400 800
 Map Scale 1 Inch = 400 Feet

EGR & Associates, Inc.
 Engineers, Geologists, and Surveyors

25700 Prairie Road
 Eugene, Oregon 97402

(541) 628-8322
 Fax (541) 628-8081

THIS MAP IS NOT INTENDED TO PROVIDE
 LEGAL DIMENSIONS OR LOCATIONS OF
 PROPERTY LINES.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13350

GW Reviewer M. Thoma

Date Review Completed: 09/21/2020

Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13350

Applicant Name: Shaundele Leatherberry

Proposed Changes: ☐ POA ☐ APOA ☒ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): M. Thoma

Date of Review: 09/21/2020

Date Reviewed by GW Mgr. and Returned to WRSD: JT 9/25/2020

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

-
- Basic description of the changes proposed in this transfer: The applicant proposes to change the POD on Cert. 21006 for 10.6 acres from a surface water POD on Spring Creek (a small tributary or slough of the Willamette River) to two (2) groundwater POAs which are existing wells LANE0008366 and LANE0050657. Both wells are shallow (32 ft and 62 ft) and producing from "sand and gravel". They are located < 20 ft and 350 ft from Spring Creek.
 - Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☐ No Comments: This is a SW-GW transfer – see Item 6 below
 - a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: The nearest permitted groundwater POAs are located approximately 1000 ft from proposed POA #2; there are approximately 40 permitted POAs within 1 mile of the proposed POAs. The change proposed in this application will increase interference with existing permitted POAs but the wells will also be considerably influenced by the proximity to the Willamette River which will buffer any interference to nearby permitted POAs.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: _____

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The proposed change is from a surface water POD to groundwater POAs which will disperse the interference with nearby surface water sources.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

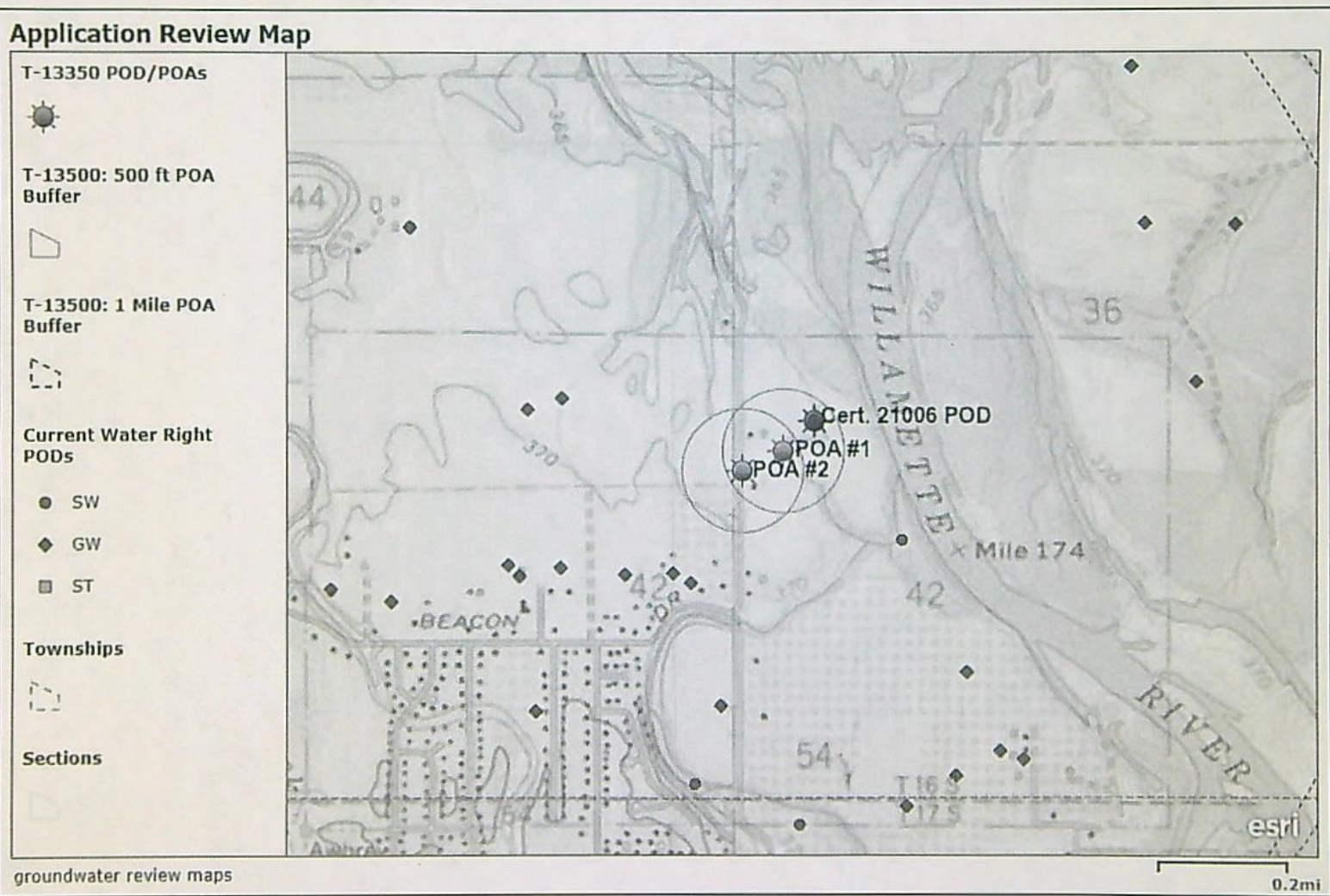
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☒ Yes ☐ No Comments: Given the distance between the proposed POAs and surface water, and the hydraulic properties of the shallow aquifer system the POAs are producing from, modeling suggests that the impact to surface water will likely exceed 50% of the pumping rate after 10 days of continuous pumping. The model results below are for POA #2, which is the farther of the two POAs, and encompass a range of hydrologic parameter values. Pumping from the closer POA (POA #1) will have a larger impact and higher stream-depletion than POA #2. Based on the modeled results, there is a preponderance of evidence that the proposed change will affect surface water similarly, as defined in OAR 690-380-2130.

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

Transfer Review Map



Modeled Stream-Depletion from POA #2 to the Willamette River

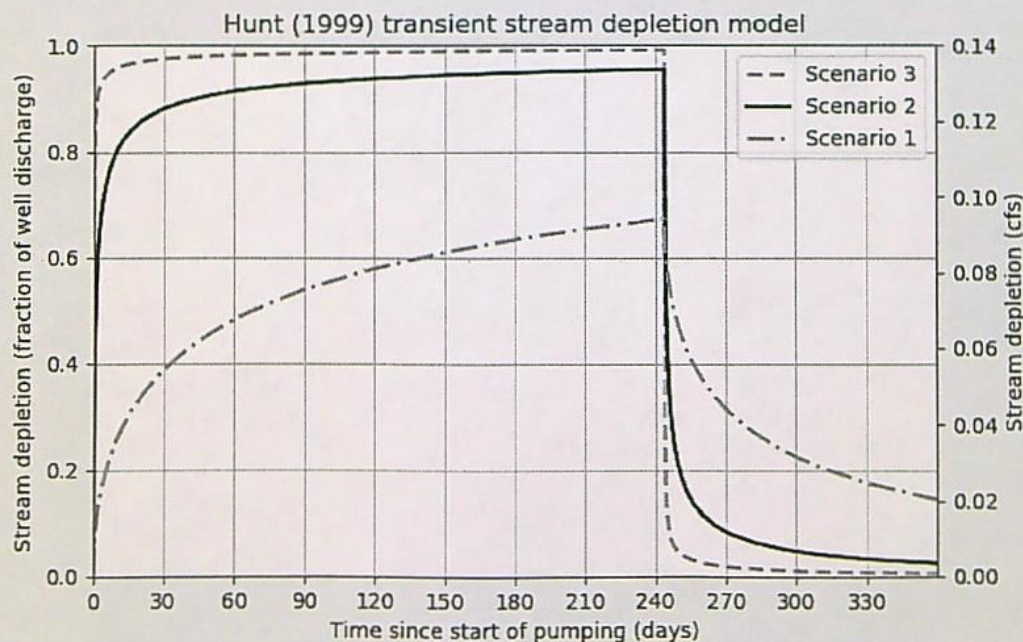
74 PyHunt stream depletion analysis tool

Application type:	T
Application number:	13350
Well number:	1
Stream Number:	1
Pumping rate (cfs):	0.14
Pumping duration (days):	244
Pumping start month number (3=March)	3.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	350	350	350	ft
Aquifer transmissivity	T	10000	5000	1000	ft ² /day
Aquifer storativity	S	0.001	0.0005	0.0001	-
Aquitard vertical hydraulic conductivity	Kva	0.01	0.05	0.1	ft/day
Not used		1	1	1	
Aquitard thickness below stream	babs	5	5	5	ft
Not used		1	1	1	
Stream width	ws	300	300	300	ft

Stream depletion for Scenario 2:

Days	10	330	360	30	60	90	120	150	180	210	240	270	300
Depletion (%)	80	3	3	88	91	93	94	94	95	95	95	8	5
Depletion (cfs)	0.11	0.00	0.00	0.12	0.13	0.13	0.13	0.13	0.13	0.13	0.13	0.01	0.01



Groundwater Transfer Review Summary Form

Transfer/PA # T- 13933

GW Reviewer Ben Scardella, Dennis Arbusti Date Review Completed: 11/6/18

Summary of Enlargement (Same Source) Review:

☒ The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled.

Summary of Well Construction Assessment:

☐ The proposed POA does not have a well log.

☐ The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13033

Applicant Name: Jeffrey A. Lyons

Proposed Changes: ☐ POA ☒ APOA ☒ SW→GW ☒ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Benjamin Scandella, Dennis Orlowski

Date of Review: 11/6/18

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: This proposed SW-GW transfer pertains to **certificate 21006**, which is for primary irrigation of 16.3 acres using surface water from a single POD on a slough of the Willamette River at a maximum withdrawal rate of 0.218 cfs (~98 gpm), subject to seasonal rate and duty limitations.

This transfer proposes to **change the surface water POD, for 5.65 of the 16.3 acres on the certificate, to a groundwater POA**, the existing well LANE 57154. The maximum rate transferred is 0.0705 cfs (31.6 gpm). Since the original POD will be retained for the remaining 10.65 acres, this transfer proposes both APOA and SW→GW changes.

The location of the existing POD and proposed POA is approximately 2 miles north of Santa Clara, Oregon.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☒ No Comments: The source authorized by certificate 21006 is **surface water** from a slough of the Willamette River, whereas the source for the proposed APOAs is **groundwater** obtained from Holocene floodplain and channel alluvium deposited by the Willamette River system (Conlon and others, 2005; Woodward and others, 1998).

OAR 690-380-2130 (2) establishes criteria by which OWRD may allow a transfer of a surface water POD to a groundwater POA, including the following:

- a) The criteria in OAR 690-380-5000 are met (i.e., general transfer considerations);
b) **Hydraulic connection:** the new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface source; and

- c) **Similarity:** the proposed change in point of diversion will affect the surface water source similarly* to the authorized point of diversion specified in the water use subject to transfer; and
- d) **Proximity:** the withdrawal of groundwater at the new point of diversion is located within 500 feet of the surface water source and, when the surface water source is a stream, is also located within 1000 feet upstream or downstream of the original point of diversion as specified in the water use subject to transfer; or
- e) If the distance requirements in subsection (2)(d) of this rule are not met, the holder of a water use subject to transfer shall submit to the Department evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the new point of diversion will meet the criteria set forth in subsections (2)(a) to (c) of this rule.

(*Similarly means that the use of groundwater at the new point of diversion affects the surface water source specified in the permit or certificated or decreed water right and would result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping).

The proposed transfer is evaluated on these criteria as follows:

Hydraulic connection: YES. The proposed APOA is located approximately 500' from the slough of the Willamette River and is completed into the sand and gravel of the shallow alluvial aquifer system. Estimated groundwater elevations range from 360-365' msl, which is coincident with the 365' elevation of the Willamette River, which is assumed to reflect the water level in the slough. This fact indicates hydraulic connection between the aquifer system and the Willamette River slough.

Similarity: NO. The Hunt (1999) analytical stream depletion model was used to estimate the similarity requirement. Using aquifer parameter values derived from both nearby pumping tests (LANE 8377) and literature values (Conlon and others, 2005; Freeze and Cherry, 1979), estimated depletion of the Willamette River slough after 10 days of continuous pumping was much less than 50%, due largely to the relatively great distance between Well 1 and the slough. Thus, LANE 57154 does NOT affect the surface water source similarly.

Proximity: YES. The proposed APOA is located approximately 500' from the slough of the Willamette River.

Because the proposed APOA will not affect the slough of the Willamette River similarly to the authorized POD, this transfer may not be allowed under OAR 690-380-2130 (2).

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☒ Yes ☐ No The existing PODs are on the Willamette River slough, and the proposed APOA obtains water from the alluvial aquifer system. The analysis in section 2 shows that the proposed APOA will not develop the same source as certificate 21006.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): If this SW-GW transfer is approved, then 32% of the existing right will be transferred from the slough of the Willamette River to the Willamette aquifer system.

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☒ Yes ☐ No Comments: Pumping from the proposed APOA will interfere with exempt well LANE 71604, which is located 640' NW of the proposed APOA location. Another well, LANE 8375, is listed as existing within the same quarter-quarter as LANE 57154, but no more detailed location information is available. Therefore, interference with LANE 71604 is assumed to represent the worst-case scenario for interference with another groundwater right.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☒ No If yes, explain: The Theis drawdown model was used to estimate interference at a distance of 640', assuming constant pumping at the maximum rate for 100 days, long enough to meet the annual volume limitation. Aquifer parameter values were derived from both nearby pumping tests (LANE 8377) and literature values (Conlon and others, 2005; Freeze and Cherry, 1979) and are consistent with those used for estimating stream depletion. Model results suggest that excess drawdown should be limited to less than 0.5' (see model parameters and results below), which is small relative to the available drawdown of nearly 30', according to the LANE 71604 well log from 2012.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☒ Yes ☐ No Comments: The proposed APOA is hydraulically connected with Spring Creek, 3,550' to the West, and closer to it than the authorized POD. Therefore, pumping from the well will increase interference with Spring Creek.

While the proposed APOA is hydraulically connected with the Willamette Slough, transferring the POD from a surface diversion to a groundwater POA can only decrease the amount of water obtained from it. The well is also likely hydraulically connected with the Willamette River, but it is unlikely that moving the POA would increase the interference with the Willamette, given the likely strong connection between the Willamette River and its slough.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

6. Stream: Spring Creek ☒ Minimal ☐ Significant

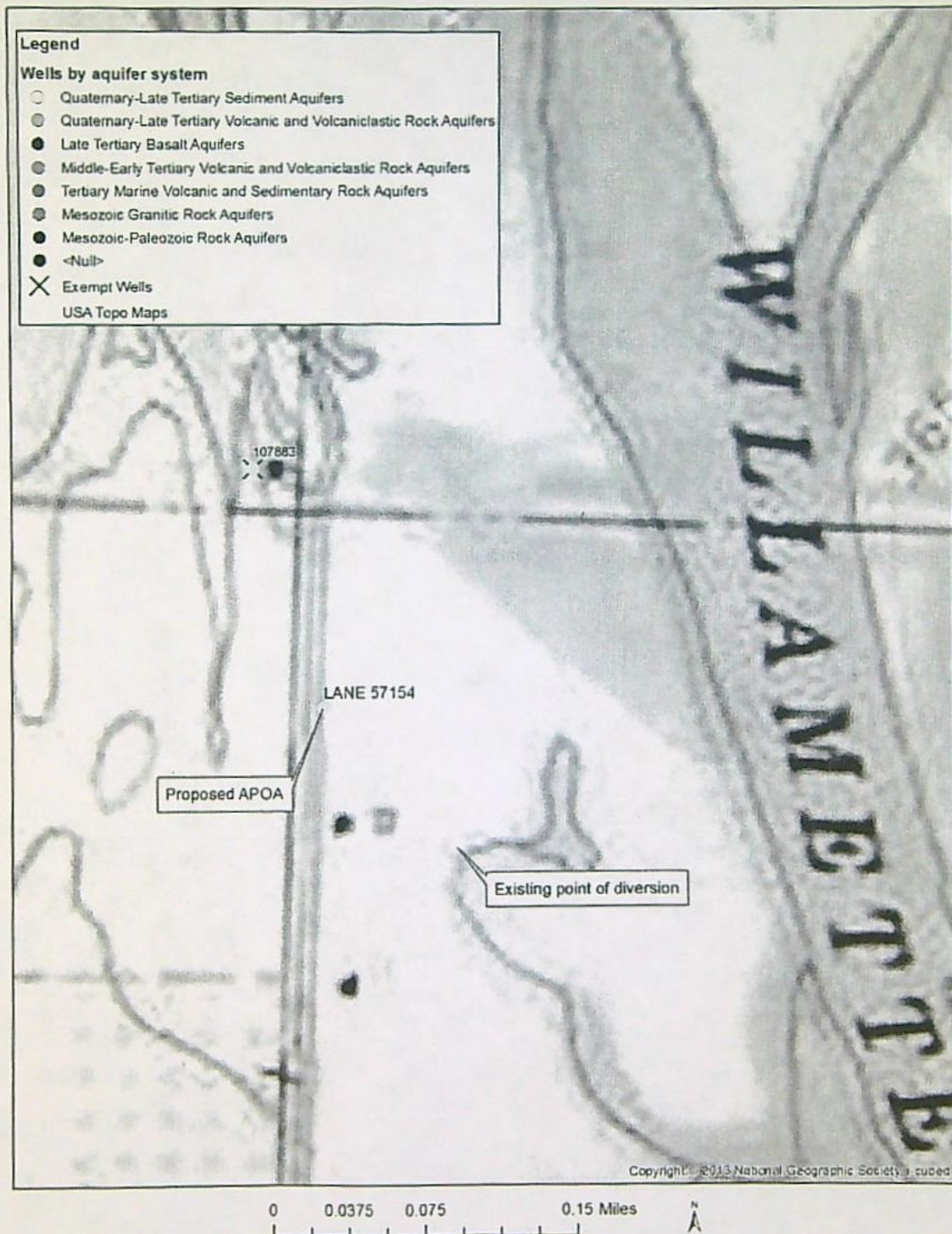
Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: While Spring Creek may be somewhat wider than the Willamette slough, making it more susceptible to depletion, this factor is offset by the fact that the distance between the proposed APOA and Spring Creek is much greater than the distance to the Authorized POD on the Willamette slough. Therefore, the expected stream depletion is expected to be less than 1% of the pumping rate (see model results below). Even using the likely parameter values that yield the greatest possible stream depletion (Scenario 3), the depletion at 30 days is still less than 25%, such that the proposed change would not have triggered a finding of potential for substantial interference with Spring Creek under initial review.

7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

8. Any additional comments: _____

T-13033: Lyons, T16S / R4W, S36



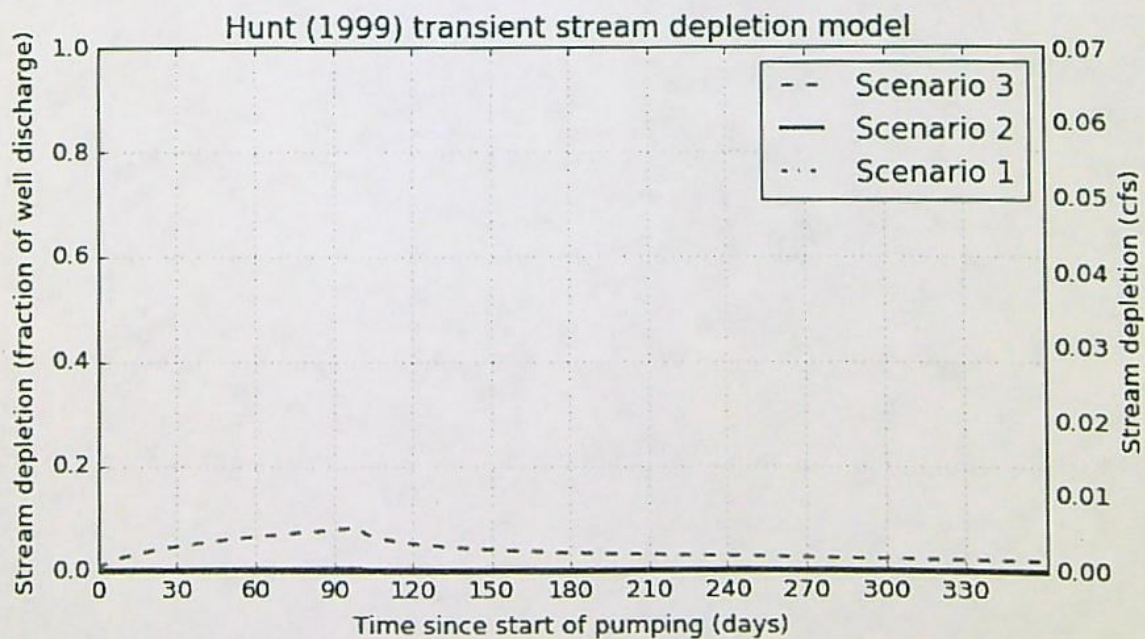
Modeling of depletion of the slough of the Willamette River, to evaluate similarity.

Application type:	T
Application number:	13033
Well number:	1
Stream Number:	1
Pumping rate (cfs):	0.0705
Pumping duration (days):	100

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	500.0	500.0	500.0	ft
Aquifer transmissivity	T	100000.0	30000.0	10000.0	ft ² /day
Aquifer storativity	S	0.01	0.005	0.001	-
Aquitard vertical hydraulic conductivity	Kva	0.001	0.005	0.01	ft/day
Not used		3.0	2.0	1.0	
Aquitard thickness below stream	babs	3.0	2.0	1.0	ft
Not used		0.2	0.15	0.1	
Stream width	ws	1.0	3.0	5.0	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	0	0	0	0	0	0	0	0	0	0	0	0	0
Depletion (cfs)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00



Theis Drawdown modeling parameters and results

Theis Time-Drawdown Worksheet

v 3.00

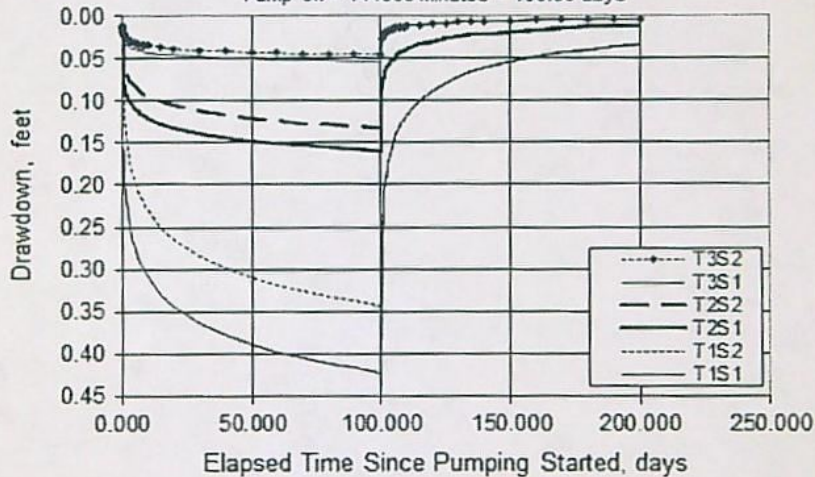
Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992 Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		100		d	
Radial distance from pumped well	r		640.00		ft	Q conversions
Pumping rate	Q		32.0		gpm	32.00 gpm
Hydraulic conductivity	K	250	750	2,500	ft/day	0.07 cfs
Aquifer thickness	b		40		ft	4.28 cfm
Storativity	S 1		0.00100			6,160.43 cfd
	S 2		0.00500			0.14 at/d
Transmissivity Conversions	T ft ² /pd	10,000	30,000	100,000	ft ² /day	
	T ft ² /pm	6.9444	20.8333	69.4444	ft ² /min	
	T gpd/ft	74,800	224,400	748,000	gpd/ft	

Theis Drawdown and Recovery at $r = 640$ ft From Pumping Well

Pump on = 144000 minutes = 100.00 days



Modeling of stream depletion of Spring Creek by the APOA.

Application type:	T
Application number:	13033
Well number:	1
Stream Number:	2
Pumping rate (cfs):	0.0705
Pumping duration (days):	100.0

Parameter	Symbol	Scenario 1	Scenario 2	Scenario 3	Units
Distance from well to stream	a	3550.0	3550.0	3550.0	ft
Aquifer transmissivity	T	100000.0	30000.0	10000.0	ft ² /day
Aquifer storativity	S	0.01	0.005	0.001	-
Aquitard vertical hydraulic conductivity	Kva	0.001	0.005	0.01	ft/day
Not used		3.0	2.0	1.0	
Aquitard thickness below stream	babs	3.0	2.0	1.0	ft
Not used		0.2	0.15	0.1	
Stream width	ws	3.0	5.0	10.0	ft

Stream depletion for Scenario 2:

Days	10	30	60	90	120	150	180	210	240	270	300	330	360
Depletion (%)	0	0	0	0	0	0	0	0	0	0	0	0	0
Depletion (cfs)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

