

T-13994

Temporary

T-13994

Name Port of Portland  
Bjale Hamalainen  
 Address PO Box 3529  
Portland OR 97208

Change in POD APD  
 Date Filed 5/2/2022  
 Initial notice date 5/10/2022  
 DPD issued date \_\_\_\_\_  
 PD issued date \_\_\_\_\_  
 PD notice date \_\_\_\_\_  
 Date of FO \_\_\_\_\_ Vol \_\_\_\_\_ Page \_\_\_\_\_

C-Date \_\_\_\_\_  
 COBU due date \_\_\_\_\_  
 COBU Received date \_\_\_\_\_  
 Certificate issued \_\_\_\_\_

Assignments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Bruce Brady-Heine GSI Water Solutions

CWRE \_\_\_\_\_  
 CC's list Multnomah County

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Columbia river

Trib. of Pacific Ocean

Use Irrigation County Multnomah

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# 5191446 Per # 550080 Cert # 839164 PR Date 1/22/98

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt #
5-2-2022	\$ 952.70	138006

FEES REFUNDED		
Date	Amount	Receipt #

☐ - 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 19, 2022

BLAKE HAMALAINEN  
PO BOX 3529  
PORTLAND, OR 97208

REFERENCE: District Temporary Transfer Application T-13994

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

The temporary change shall be effective at the **beginning of the 2022 irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2022 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at [Joan.M.Smith@oregon.gov](mailto:Joan.M.Smith@oregon.gov).

Sincerely,

Julie C. Baustian  
Water Rights Services Support  
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)  
Multnomah County  
Bruce Brody-heine, Agent

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-13994, Multnomah County	)	CHANGES IN PLACE OF USE AND AN
	)	ADDITIONAL POINT OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

PORT OF PORTLAND  
BLAKE HAMALAINEN  
PO BOX 3529  
PORTLAND, OR 97208

**Findings of Fact**

1. On May 2, 2022, PORT OF PORTLAND, BLAKE HAMALAINEN filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 83964 for a period of 3 years. The Department assigned the application number T-13994.
2. Notice of the application for transfer was published on May 10, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.



3. The right to be temporarily transferred is as follows:

**Certificate:** 83964 in the name of PORT OF PORTLAND (perfected under Permit S-50680)

**Use:** IRRIGATION of 166.5 ACRES

**Priority Date:** JUNE 22, 1988

**Rate:** 2.08 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** COLUMBIA RIVER, a tributary of PACIFIC OCEAN

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 N	2 E	WM	11	NE SW	5	18.1
1 N	2 E	WM	11	SW SW		2.2
1 N	2 E	WM	11	SE SW	5	27.3
1 N	2 E	WM	11	NW SE	4	4.1
1 N	2 E	WM	11	SW SE	4	26.0
1 N	2 E	WM	13	NW NW		10.2
1 N	2 E	WM	13	SE SW		22.1
1 N	2 E	WM	14	NE NE		20.1
1 N	2 E	WM	14	NW NE		20.7
1 N	2 E	WM	14	SW NE	2	1.9
1 N	2 E	WM	14	SE NE	1	13.8
Total:						166.5

4. Certificate 83964 provides a description of the points of diversion; however, the applicant assigned the points of diversion numbers to differentiate the points as described below:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	POD 1 - 2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	POD 2 - 2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14



5. Temporary Transfer Application T-13994 proposes to temporarily change the place of use of the right for 0.5 acres to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	POU change	POD #
1 N	2 E	WM	11	NE SW	5	18.1		1 & 2
1 N	2 E	WM	11	SW SW		2.2		1 & 2
1 N	2 E	WM	11	NW SE	4	4.1		1 & 2
1 N	2 E	WM	11	SW SE	4	26.0		1 & 2
1 N	2 E	WM	11	SE SE	5	27.3		1 & 2
1 N	2 E	WM	12	NE SW			0.20	3
1 N	2 E	WM	13	NW NW		9.7		4
1 N	2 E	WM	13	SW NW		22.1		1 & 2
1 N	2 E	WM	14	NE NE		20.1		1 & 2
1 N	2 E	WM	14	NW NE		20.7		1 & 2
1 N	2 E	WM	14	SW NE	2	1.9		1 & 2
1 N	2 E	WM	14	SE NE	21	13.8		1 & 2
1 N	3 E	WM	17	NE NW			0.30	1 & 2
Totals:						166.0	0.50	

6. Additional points of diversion are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13994 proposes an additional point of diversion approximately between 0.77 and 1.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
1 N	2 E	WM	12	NE SW	100	POD 3 - 1700 FEET NORTH AND 870 FEET WEST FROM THE S1/4 CORNER OF SECTION 12
1 N	3 E	WM	17	NE NW	100	POD 4 - 1070 FEET NORTH AND 1495 FEET EAST FROM THE NW CORNER OF SECTION 17

#### *Temporary Transfer Review Criteria*

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.



### Conclusions of Law

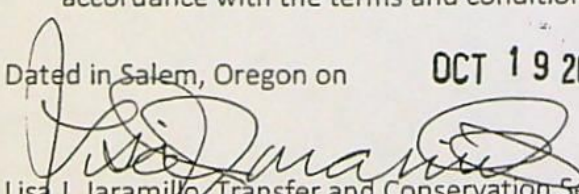
The temporary changes in place of use and additional points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13994 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13994 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2022, 2023, and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes causes injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificate 83964 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83964.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 83964 shall continue to be in accordance with the terms and conditions of Certificate 83964.

Dated in Salem, Oregon on

OCT 19 2022

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

Mailing Date:

OCT 20 2022



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13994

Transfer Specialist: *Jean*

Transfer Type: Temporary Transfer

<b>Applicant:</b> BLAKE HAMALAINEN / <i>Port of Portland</i> PO BOX 3529 PORTLAND, OR 97208 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A BRUCE BRODY-HEINE 147 SW SHEVLIN HIXON DR STE 201 BEND, OR 97702 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Multnomah County Planning Department Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <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"/>	S69646	S50680	83964	<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: May 2, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 952.70	WM District: 20	ODFW District:
Initial Public Notice: 05/10/2022	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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: <i>9/27/22</i> Initials: <i>Jean</i>	Date: <i>9/27/22</i> Initials: <i>JD</i>	Date: _____ Initials: _____	Date: <i>10/11/22</i> Initials: <i>PVS</i>	Date: _____ Initials: <i>Jean</i>	Date: <i>10/13/22</i>	Date: <i>10/19/2022</i>

Special Issues: *POW / APD*

Special Order Volume: Vol. *125* Pages *932-35*



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

In the Matter of Instream Lease IL-1639                     )  
Multnomah County   )     **FINAL ORDER TERMINATING  
INSTREAM LEASE**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Port of Portland  
PO Box 3529  
Portland, OR 97208-3529  
[Dorothy.Sperry@portofportland.com](mailto:Dorothy.Sperry@portofportland.com)

**Findings of Fact**

1. On November 1, 2017, the Port of Portland, filed an application to renew instream lease IL-1033, involving Certificate 83964 for instream use, the Department re-assigned the lease number IL-1639 to differentiate from original application.
2. The lease application requested to protect water instream for five years, terminating on October 31, 2022. A Final Order approving this lease was issued by the Department on January 19, 2018, as evidenced by Special Order Volume 107, Page 496.
3. The final order contained a condition allowing the Lessor and the Lessee to terminate the lease in any year of the lease, prior to the lease being exercised that season, with written notification to the Department.
4. On April 5, 2022, the Department received a request from the agent GSI Water Solutions, Inc. on behalf of the Port of Portland to terminate the lease prior to the 2022 instream use period.
3. The lease was exercised during the 2018, 2019, 2020, and 2021 water use period ending on October 31, 2021.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.



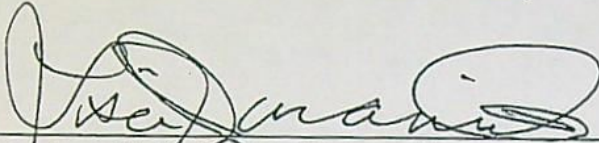
## Conclusions of Law

The Department concludes that terminating the lease in advance of the 2022 instream use period is consistent with OAR 690-077.

Now, therefore it is ORDERED:

The Instream Lease described herein is TERMINATED and no longer in effect.

Dated at Salem, Oregon this day APR 15 2022.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
Thomas M. Byler, Director, Oregon Water Resources Department

Mailing date: APR 18 2022

*This document was prepared by Stacy  
Phillips. If you have any questions,  
please call 503-986-0898.*



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Instream Lease Application	)	DETERMINATION and
IL-1639, Multnomah County	)	FINAL ORDER ON PROPOSED
	)	INSTREAM LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Port of Portland  
PO Box 3529  
Portland, OR 97208-3529  
[Dorothy.Sperry@portofportland.com](mailto:Dorothy.Sperry@portofportland.com)

**Findings of Fact**

1. On November 1, 2017, the Port of Portland, filed an application to renew instream lease IL-1033, involving Certificate 83964 for instream use.
2. During the evaluation of the instream lease application, Department staff identified a change that should be made to the description of the protected instream point. Therefore, this lease is being assigned a new lease number to differentiate it from the original lease application. This lease application has been re-assigned lease number IL-1639.
3. The first right to be leased is as follows:

<b>Certificate:</b>	83964 in the name of PORT OF PORTLAND (perfected under Permit S-50680)
<b>Use:</b>	IRRIGATION of 166.5 ACRES
<b>Priority Date:</b>	JUNE 22, 1988
<b>Rate:</b>	2.08 CUBIC FEET PER SECOND
<b>Limit/Duty:</b>	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
<b>Source:</b>	COLUMBIA RIVER, tributary to the PACIFIC OCEAN

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.



**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	2 E	WM	11	NE SW	5		18.1
1 N	2 E	WM	11	SW SW			2.2
1 N	2 E	WM	11	SE SW	5		27.3
1 N	2 E	WM	11	NW SE	4		4.1
1 N	2 E	WM	11	SW SE	4		26.0
1 N	2 E	WM	13	NW NW			10.2
1 N	2 E	WM	13	SW NW			22.1
1 N	2 E	WM	14	NE NE			20.1
1 N	2 E	WM	14	NW NE			20.7
1 N	2 E	WM	14	SW NE	2		1.9
1 N	2 E	WM	14	SE NE	1		13.8
Total							166.5

4. Certificate 83964 does not specify the irrigation season; nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:  
Columbia River, tributary of the Pacific Ocean

**Instream Points:** At the authorized points of diversion in Sections 11 and 14 (as described in Finding of Fact No. 3)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
83964	6/22/1988	0.86	416.25	March 1 through October 31

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.



- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right
  - e. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
- 9. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural flow.
  - 10. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
  - 11. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
  - 12. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
  - 13. The Lessor has requested the lease terminate on October 31, 2023. The lease has been submitted prior to the first day of the irrigation season. The lease may commence on March 1, 2018, being the first day of the irrigation season. However, a lease may only be for a period of 5 years; therefore, the lease shall terminate on October 31, 2022.
  - 14. The Lessor has requested the option of terminating the lease early with written notice to the Department.

#### **Conclusions of Law**

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

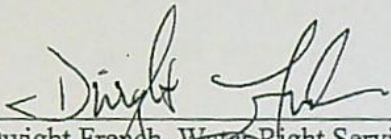
#### **Now, therefore it is ORDERED:**

- 1. The Lease as described herein is APPROVED.
- 2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.



3. The term of the lease will commence on March 1, 2018. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (March 1 through October 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 19<sup>th</sup> day of January, 2018.

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

Mailing date: JAN 25 2018

This document was prepared by Teri Hranac.  
If you have any questions, please call  
503-986-0881.



## 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](http://www.oregon.gov/OWRD)

Transfer Application: T-13994

Review Due Date: 06/03/2022

Applicant Name: Port of Portland

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

Reviewer(s): Amy Landvoigt

Date of Review: 09/07/2022

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:

Channel losses not expected.

☐ 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:

☐ Weir  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T-

☐

In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

**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





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 4, 2022

PORT OF PORTLAND  
BLAKE HAMALAINEN  
PO BOX 3529  
PORTLAND, OR 97208

Reference: Application T-13994

On May 2, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$952.70. Our receipt number 138006 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion/appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

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

Cc: Watermaster Dist. #20, Amy J. Landvoigt (via email)  
Multnomah County  
Bruce Brody-heine, Agent

Enclosure



Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
TT app 115,051	4/13/2022	0019893	952.70			952.70
Oregon Water Resources Department						
Key Bank 8460 - GSI Water	3	00245	952.70			952.70
		TOTAL	952.70			952.70

RECEIVED

MAY 02 2022

OWRD

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**  
 725 Summer St. N.E. Ste. A  
 SALEM, OR 97301-4172  
 (503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **138006**

INVOICE # \_\_\_\_\_

RECEIVED FROM: GSI Water Solutions, Inc.

BY: \_\_\_\_\_

CASH: ☐ CHECK # 24587 OTHER: (IDENTIFY) ☐

APPLICATION	
PERMIT	
TRANSFER	<u>1-13994</u>

TOTAL REC'D \$ 952.70**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT****MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

**WATER RIGHTS:**

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$

0205 TRANSFER \$ 952.70**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD#	
0210 MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
 OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
 DESCRIPTION \_\_\_\_\_

RECEIVED  
 OVER THE COUNTER

RECEIPT: **138006**DATED: 5-2-2022 BY: Mindy Cools



Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist



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

This temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

RECEIVED

MAY 02 2022

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary 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 online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificate 83964**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2024.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map. **(Attachment A)**
- ☒ Completed Evidence of Use Affidavit and supporting documentation. **(Attachment B)**
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. **(Attachment C)**
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment D)**
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

- ☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
- ☐ Land Use Form not enclosed or incomplete
- ☐ Additional signature(s) required ☐ Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

13994



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ 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 temporary 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) to convey water to the new temporary place of use, 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 TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>1 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	2.70
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	952.70
6	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 5 by 0.5 and enter on line 6 »	6	0
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	7	952.70

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): _____ (2a) Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » » <b>Transfer Fee:</b>	3	NA

1. Divide total authorized cfs by total acres in the water right (for C12345,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

OWRD



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>Blake Hamalainen, Port of Portland</b>			PHONE NO. <b>503.415.6566</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 3529</b>			FAX NO.	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97208</b>	E-MAIL <b>blake.hamalainen@portofportland.com</b>	
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.				

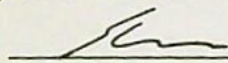
**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Bruce Brody-Heine, GSI Water Solutions Inc</b>			PHONE NO. <b>971.200.8519</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>147 SW Shevlin Hixon Dr, Suite 201</b>			FAX NO.	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97702</b>	E-MAIL <b>bbheine@gsiws.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application and why:  
**The application is requesting the use of water over 3 years during irrigation season to establish restoration plants. The total irrigated area of restoration plants is less than 1 acre.**

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

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

 Applicant signature	<b>Stan Jones Sr. Manager Mixed Media</b> Print Name (and Title if applicable)	<b>4/27/22</b> 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 landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

RECEIVED

MAY 02 2022

13994



☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME <b>N/A</b>	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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME <b>Multnomah County</b>	ADDRESS <b>501 SE Hawthorne Blvd</b>	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97214</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

MAY 12 2022  
13994

OWRD

TACS



## 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 rows to tables within the form.

Water Right Certificate # **83964**

### Description of Water Delivery System

System capacity: **2.08** cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

RECEIVED

MAY 02 2022

OWRD

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. **Historically, water was delivered to the place of use using temporary delivery systems. The water right was leased in-stream commencing March 1, 2018 (IL-1639). The in-stream lease was terminated in April 2022.**

**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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1 N	2 E	11	N W S W	2	2630 feet North and 5280 feet West from SE corner, Section 11
2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		1 N	2 E	14	SE NE	1	2349 feet South and 300 feet West from NE corner, Section 14
3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1 N	2 E	12	NE S W	100	1700 feet North and 870 feet West from S quarter corner, Section 12
4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		1 N	3 E	17	NE N W	100	1070 feet North and 1495 feet East from NW corner, Section 17

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

- ☒ Place of Use (POU)
 ☐ Appropriation/Well (POA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Appropriation (APOA)
- ☒ Additional Point of Diversion (APOD)

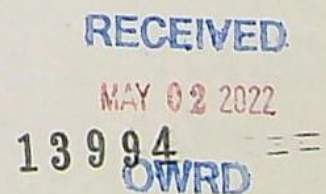
Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
- ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
- ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)



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

- ☐ Yes      Complete only the Proposed ("to" 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.





**Table 2. Description of Temporary Changes to Water Right Certificate # 83964**

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
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E 2	SW	NW	500		5.0		POD #6	1901
1	N	2	E 11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988
1	N	2	E 11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988
1	N	2	E 11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988
1	N	2	E 11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988
1	N	2	E 11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988
1	N	2	E 13	NW	NW			10.2	Irrigation	POD 1, 2	1988	POU/APOA	1	N	2	E 12	NE	SW	100		0.2	Irrigation	POD 3	1988
-	-	-	-	-	-	-	-	-	-	-	-	POU/APOA	1	N	3	E 17	NE	NW	100		0.3	Irrigation	POD 4	1988
-	-	-	-	-	-	-	-	-	-	-	-	NO CHANGE	1	N	2	E 13	NW	NW	100		9.7	Irrigation	POD 1, 2	1988
1	N	2	E 13	SW	NW			22.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 13	SW	NW			22.1	Irrigation	POD 1, 2	1988
1	N	2	E 14	NE	NE			20.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 14	NE	NE			20.1	Irrigation	POD 1, 2	1988
1	N	2	E 14	NW	NE			20.7	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 14	NW	NE			20.7	Irrigation	POD 1, 2	1988
1	N	2	E 14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988
1	N	2	E 14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E 14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988
TOTAL ACRES						166.5								TOTAL ACRES						166.5				



Additional remarks: The Applicant is proposing to temporarily move 0.5 acres, and add two additional points of diversion for temporary irrigation to establish restoration plants.

RECEIVED  
MAY 02 2022  
13994  
OWRP



**For Place 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 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide: N/A

- ☐ Well log(s) 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](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 below for any well that does not have a well log. For a *proposed well(s) 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

**RECEIVED**

MAY 02 2022

13994

**OWRD**



Table 2. Description of Temporary Changes to Water Right Certificate # 83964

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	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
1	N	2	E	11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	NE	SW	100	5	18.1	Irrigation	POD 1, 2	1988
1	N	2	E	11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SW	SW	100		2.2	Irrigation	POD 1, 2	1988
1	N	2	E	11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SE	SE	100	5	27.3	Irrigation	POD 1, 2	1988
1	N	2	E	11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	NW	SE	100	4	4.1	Irrigation	POD 1, 2	1988
1	N	2	E	11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	11	SW	SE	100	4	26.0	Irrigation	POD 1, 2	1988
1	N	2	E	13	NW	NW			10.2	Irrigation	POD 1, 2	1988	POU/APOA	1	N	2	E	12	NE	SW	100		0.2	Irrigation	POD 3	1988
-	-	-	-	-	-	-	-	-	-	-	-	-	POU/APOA	1	N	3	E	17	NE	NW	100		0.3	Irrigation	POD 4	1988
-	-	-	-	-	-	-	-	-	-	-	-	-	NO CHANGE	1	N	2	E	13	NW	NW	100		9.7	Irrigation	POD 1, 2	1988
1	N	2	E	13	SW	NW			22.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	13	SW	NW			22.1	Irrigation	POD 1, 2	1988
1	N	2	E	14	NE	NE			20.1	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	NE	NE			20.1	Irrigation	POD 1, 2	1988
1	N	2	E	14	NW	NE			20.7	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	NW	NE			20.7	Irrigation	POD 1, 2	1988
1	N	2	E	14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	SW	NE		2	1.9	Irrigation	POD 1, 2	1988
1	N	2	E	14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988	NO CHANGE	1	N	2	E	14	SE	NE		1	13.8	Irrigation	POD 1, 2	1988
TOTAL ACRES									166.5	TOTAL ACRES											166.5					

Revised 7/1/2021

Temporary Transfer Application - Page 8 of 11

RECEIVED  
TACS  
MAY 02 2022



## Attachment A

Application Maps

---

Application for Temporary Transfer – Port of Portland

RECEIVED

MAY 02 2022

13994

OWRD



RECEIVED

MAY 02 2022

OWRD

## Attachment B

Evidence of Use Affidavit

---

Application for Temporary Transfer - Port of Portland

13994



# Application for Water Right Transfer Evidence of Use Affidavit

**ORIGINAL**



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

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

State of Oregon )  
 ) ss  
County of MULTNOMAH

I, CARRIE BUTLER, in my capacity as SENIOR CONSERVATION ECOLOGIST FOR THE PORT OF PORTLAND,

mailing address PO BOX 3529, PORTLAND, OR 97208

telephone number (503)928.1611, 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 # \_\_\_\_\_; OR

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

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

OR

☐ Confirming Certificate # \_\_\_\_\_ has been issued within the past five years; OR

☒ Part or all of the water right was leased instream at some time within the last five years. The  
instream lease number is: 1639 (Note: If the entire right proposed for  
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use  
would be rebutted under ORS 540.610(2) is attached.

☐ Water has been used at the actual current point of diversion or appropriation for more than  
10 years for Certificate # \_\_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

13994

**RECEIVED**  
MAY 02 2022



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

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.

Carl Bate  
Signature of Affiant

April 20, 2022  
Date

Signed and sworn to (or affirmed) before me this 20th day of April, 2022.



Cinzia Maria Corio-Holman

Notary Public for Oregon

My Commission Expires: May 30, 2023

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 <b>confirming</b> 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"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul>
<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"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a>
<input checked="" type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



RECEIVED

MAY 02 2022

OWRD

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Instream Lease Application )  
IL-1639, Multnomah County ) DETERMINATION and  
FINAL ORDER ON PROPOSED  
INSTREAM LEASE

**Authority**

Oregon Revised Statute (ORS) 537.348 establishes the process in which a water right holder may submit a request to lease an existing water right for instream purposes. Oregon Administrative Rule (OAR) Chapter 690, Division 077 implements the statutes and provides the Department's procedures and criteria for evaluating instream lease applications.

**Lessor**

Port of Portland  
PO Box 3529  
Portland, OR 97208-3529  
[Dorothy.Sperry@portofportland.com](mailto:Dorothy.Sperry@portofportland.com)

**Findings of Fact**

1. On November 1, 2017, the Port of Portland, filed an application to renew instream lease IL-1033, involving Certificate 83964 for instream use.
2. During the evaluation of the instream lease application, Department staff identified a change that should be made to the description of the protected instream point. Therefore, this lease is being assigned a new lease number to differentiate it from the original lease application. This lease application has been re-assigned lease number IL-1639.
3. The first right to be leased is as follows:

**Certificate:** 83964 in the name of PORT OF PORTLAND (perfected under Permit S-50680)  
**Use:** IRRIGATION of 166.5 ACRES  
**Priority Date:** JUNE 22, 1988  
**Rate:** 2.08 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** COLUMBIA RIVER, tributary to the PACIFIC OCEAN

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.



**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	2 E	WM	11	NE SW	5		18.1
1 N	2 E	WM	11	SW SW			2.2
1 N	2 E	WM	11	SE SW	5		27.3
1 N	2 E	WM	11	NW SE	4		4.1
1 N	2 E	WM	11	SW SE	4		26.0
1 N	2 E	WM	13	NW NW			10.2
1 N	2 E	WM	13	SW NW			22.1
1 N	2 E	WM	14	NE NE			20.1
1 N	2 E	WM	14	NW NE			20.7
1 N	2 E	WM	14	SW NE	2		1.9
1 N	2 E	WM	14	SE NE	1		13.8
Total							166.5

RECEIVED

MAY 02 2022

OWRD

4. Certificate 83964 does not specify the irrigation season; nor is an irrigation season specified by Basin Program or Decree. For the purposes of instream leasing, an irrigation season of March 1 through October 31, consistent with OAR 690-250, shall be used to establish when water may be protected instream.
5. The lease application includes the information required under OAR 690-077-0076(3). The Department provided notice of the lease application pursuant to OAR 690-077-0077(1). No comments were received.
6. The instream use has been modified from the lease application to prevent injury and enlargement and is as follows:  
Columbia River, tributary of the Pacific Ocean

**Instream Points:** At the authorized points of diversion in Sections 11 and 14 (as described in Finding of Fact No. 3)

Certificate	Priority Date	Instream Rate (CFS)	Instream Volume (AF)	Period Protected Instream
83964	6/22/1988	0.86	416.25	March 1 through October 31

7. The amount and timing of the proposed instream flow is allowable within the limits and use of the original water right.
8. The protection of flows at the authorized point of diversion is appropriate, considering:
  - a. The instream water use begins at the recorded point of diversion;
  - b. The location of confluences with other streams downstream of the point of diversion.



- c. There are no known areas of natural loss of streamflow to the river bed downstream from the point of diversion; and
  - d. Any return flows resulting from the exercise of the existing water right would re-enter the river downstream of the point of the instream water right
  - e. The total monthly quantities of water to be protected under the existing and proposed instream rights at the point will provide for a beneficial purpose.
9. The total monthly quantities of water to be protected instream under existing and proposed instream rights at the point do not exceed the estimated average natural flow.
  10. If approved, this instream lease is not reasonably expected to significantly affect land use as prescribed by ORS 197.180, OAR Chapter 660, Divisions 30 and 31, and OAR Chapter 690, Division 5.
  11. Based upon review of the application, information provided by the Department's Watermaster, and other available information, the Department finds that the lease will not result in injury or enlargement. The order approving this instream lease may be modified or revoked under OAR 690-077-0077 if the Department later finds that the lease is causing injury to any existing water right or enlargement of the original right.
  12. If a right which has been leased is later proposed to be leased again, transferred and/or reviewed under an allocation of conserved water, a new injury review shall be required. For example, instream transfers will be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380 and Division 077. Approval of this lease does not establish a precedent for approval of any future transactions.
  13. The Lessor has requested the lease terminate on October 31, 2023. The lease has been submitted prior to the first day of the irrigation season. The lease may commence on March 1, 2018, being the first day of the irrigation season. However, a lease may only be for a period of 5 years; therefore, the lease shall terminate on October 31, 2022.
  14. The Lessor has requested the option of terminating the lease early with written notice to the Department.

### Conclusions of Law

The Department concludes that the lease will not result in injury or enlargement, OAR 690-077-0077. The lease conforms to the applicable provisions of OAR 690-077-0015.

### Now, therefore it is ORDERED:

1. The Lease as described herein is APPROVED.
2. During each year of the term of the lease, the former place of use will no longer receive water as part of these rights, any supplemental rights, or any other layered irrigation water rights, including ground water registrations and permits.

RECEIVED

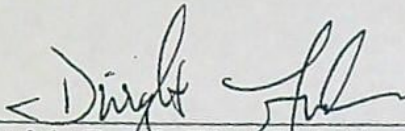
MAY 02 2022

OWRD



3. The term of the lease will commence on March 1, 2018. For multiyear leases, the lessor *shall* have the option of terminating the lease any time each year with written notice to the Department. However, if the termination request is received less than 30-days prior to the instream use period (March 1 through October 31) or after the water rights' original period of allowed use has begun, the Department may issue an order terminating the lease but use of water may not be allowed until the following calendar year, unless the Director determines that enlargement would not occur.

Dated at Salem, Oregon this 19<sup>th</sup> day of January, 2018.

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

Mailing date: JAN 25 2018

This document was prepared by Teri Hranac.  
If you have any questions, please call  
503-986-0881.

RECEIVED

MAY 02 2022

13994

OWRD



## Attachment C

Bargain and Sale Deed, Special Warranty Deed  
Application for Temporary Transfer - Port of Portland

---

RECEIVED

13994

MAY 02 2022

OWRD



Copy from Pioneer National Title  
Insurance Co.

Government Island

BARGAIN AND SALE DEED

BOOK 708 PAGE 373

The State of Oregon, acting by and through its OREGON  
STATE GAME COMMISSION, hereinafter called "Grantor", conveys to  
THE PORT OF PORTLAND, a municipal corporation, hereinafter called  
"Grantee", all that real property situated in Multnomah County,  
State of Oregon, described as follows:

A tract of land located on the Island in the Columbia River  
known as Government Island in Township 1 North, Range 2 East,  
and Township 1 North, Range 3 East, Willamette Meridian,  
County of Multnomah and State of Oregon, described as follows:

Parcel I

Government Lot 6, Section 4, Government Lot 1, Section 9,  
Government Lots 1, 2, 3, 4, 5, 6, 7 and the Northeast-  
quarter of the Southeast-quarter, Section 10, Government  
Lots 2, 3, 4, 5 and the South one-half of Southwest-quarter  
of Section 11; Government Lots 1, 2, 3, 4 and North one-  
half of Northeast-quarter of Section 14, Government Lot  
1, Section 15; together with all accretions.

Parcel II

Government Lots 5, 6, 7, 9 and the South one-half of the  
Southwest-quarter of the Northwest-quarter of Section 13,  
also that portion of Government Lot 1 lying East of a  
line 20 rods West of the East Section line of Section  
13; Government Lot 4, Section 13, together with all accre-  
tions to said Section 13, EXCEPT one-half acre deeded  
to School District No. 24 by deed recorded May 29, 1896,  
Book 232, page 421.

Parcel III

Government Lot 7, Section 12; also beginning at a meander  
post on the north side of Lake which point is 12.50 chains  
north of the corner of Sections 12 and 13, Township 1  
North, Range 2 East, of the Willamette Meridian, and Sections  
7 and 18, Township 1 North, Range 3 East, of the Willamette  
Meridian; thence North 80° West, 20.00 chains; thence North  
85° West 17 chains, thence South 40° West, 4 chains, thence

13994

RECEIVED

MAY 02 2022

OWRD

16358  
4



700 360

North 85° West, 35 links to the East boundary line of Government Lot 6 of said Section 12; thence North along the East boundary line of said Lot 6 to the Northeast corner of Lot 6; thence following the bank of the Columbia River westerly to point 3.43 chains East of the Northwest corner of Government Lot 5 of said Section 12, thence West 3.43 chains to the West line of said Section 12; thence South along the West line of said Section 12 to the Section corner of 11, 12, 13 and 14, Township 1 North, Range 2 East; thence South 30 chains, more or less, along the West line of Section 13, Township 1 North, Range 2 East, to a point 20 chains, more or less, West of the Southeast corner of the North 69 acres of West one-half of Northwest-quarter of said Section 13; thence East 20 chains, more or less, to the Southeast corner of said 69 acres; thence South 10 chains to the Northwest corner of Government Lot 6 in said Section 13, thence East to a point 20 rods West of the Northeast corner of Government Lot 4 of said Section 13; thence North 9.24 chains; thence South 38° East, 6.20 chains; thence North 20° East, 2.50 chains; thence North 20° West, 7.50 chains; thence South 40° East, 4 chains to the township line; thence North 25° West, 6.30 chains; thence South 80° East, 2.70 chains to meander corner on Township line; thence South 39° 30' East, 6.10 chains; thence North 69° East, 1.96 chains; thence North 32° West, 10.60 chains to the Township line; thence North along said Township line to the Northwest corner of Government Lot 5, Section 18, Township 1 North, Range 3 East; thence South 78° 45' East, 4.41 chains; thence South 53° 45' East, 2.90 chains; thence South 74° 15' East, 4.40 chains; thence North 66° East, 4.50 chains; thence South 82° East, 3.20 chains; thence South 72° 10' East, 8.0 chains; thence South 43° East, 2.30 chains; thence North 51° 30' East, 5.85 chains; thence South 87° East, 8.70 chains; thence North 9° East, 4.40 chains; thence North 29° 30' West, 8.10 chains; thence West 3.40 chains; thence North 42° 45' West, 10.50 chains; thence North 20° East, 1.80 chains; thence North 55° East, 5.49 chains; thence North 52° West, 8.40 chains; thence North 80° West, 11.70 chains; thence North 70° West, 6.50 chains; thence North 68° West, 7.40 chains to meander post on North side of lake in West boundary of Township and also point of beginning together with all accretions.

46258

-2-

13994

RECEIVED

MAY 02 2022

OWRD

NOV 1939



Parcel IV

Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and the Southeast-quarter of the Northeast-quarter of Section 14, Township 1 North, Range 1 East, Government Lots 1, 2, 3, of Section 7, Township 1 North, Range 1 East, together with all accretions.

TOGETHER WITH any gaps, strips or parcels of land which may exist, as disclosed by survey or otherwise, between the respective boundaries of the above described four parcels of land, excepting, however, the school tract referred to in Parcel II.

The true and actual consideration for this transfer is the replacement by the Grantee of suitable property of equal or superior useful value to that transferred herein to carry out the statutory objectives and purposes of the Grantor.

IN WITNESS WHEREOF, the Grantor above named set their hands and seals this 21 day of November, 1969.

ORIGON STATE GAME COMMISSION

*George L. Hibbard*  
*Paul F. Fether*  
*James A. Smith*  
*William H. Smith*  
*William H. Smith*

46356

-3-

NOV 1969

13994

RECEIVED

MAY 02 2022

OWRD



STATE OF OREGON )  
County of Multnomah ) ss

BOOK 703 PAGE 362

BE IT REMEMBERED, that on this 21<sup>st</sup> day of November, 1969,  
before me personally appeared George I. Hibbard

J. Pat Netke

Joseph W. Smith

John P. Amacher

James W. Whittaker

who are known to me to be the duly appointed, qualified and acting  
Commissioners of the OREGON STATE GAME COMMISSION, and who executed  
the within instrument, and acknowledged to me that they have executed  
the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have set my hand and affixed my  
seal the day and year last above written.

Allan T. Taylor  
Notary Public for Oregon  
My Commission expires  
July 22, 1973

16358

-4-

13994

RECEIVED

MAY 02 2022

OWRD

OV 1969



After Recording, Return Document To:

Port of Portland  
PO Box 3529  
Portland OR 97208

Send Tax Statements To:  
Port of Portland  
PO Box 3529  
Portland, OR 97208

Multnomah County Official Records  
E Murray, Deputy Clerk

2019-085686

08/16/2019 10:49:34 AM

DEED-DEED Pgs=4 SIn=25 ATRA  
\$20.00 \$11.00 \$6.00 \$60.00

\$97.00

2019-072

### SPECIAL WARRANTY DEED

**METRO**, a metropolitan service district established pursuant to Oregon law and the Metro Charter ("Grantor") conveys and specially warrants to the **PORT OF PORTLAND**, a port district of the state of Oregon ("Grantee"), certain real property comprised of the easterly portion of Government Island, located in the County of Multnomah, and State of Oregon, and legally described on the attached **Exhibit A** ("Property"); free of encumbrances created or suffered by Grantor, and further releases and quitclaims to Grantee all of Grantor's right, title, and interest in and to the riparian rights appurtenant to the Property associated with any waterways and rivers abutting or adjacent to the Property.

The true and actual consideration for this instrument is other real property rights given pursuant to a land exchange agreement.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 30.930, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

1 -Special Warranty Deed

13994  
R-2019-0355  
v - 5.0 L5

RECEIVED

MAY 02 2022

OWRD

CHICAGO TITLE 472517007395-50 CASH



**After Recording, Return Document To:**

Port of Portland  
PO Box 3529  
Portland OR 97208

**Send Tax Statements To:**

Port of Portland  
PO Box 3529  
Portland, OR 97208

2019-072

**SPECIAL WARRANTY DEED**

**METRO**, a metropolitan service district established pursuant to Oregon law and the Metro Charter ("Grantor") conveys and specially warrants to the **PORT OF PORTLAND**, a port district of the state of Oregon ("Grantee"), certain real property comprised of the easterly portion of Government Island, located in the County of Multnomah, and State of Oregon, and legally described on the attached **Exhibit A** ("Property"); free of encumbrances created or suffered by Grantor, and further releases and quitclaims to Grantee all of Grantor's right, title, and interest in and to the riparian rights appurtenant to the Property associated with any waterways and rivers abutting or adjacent to the Property.

The true and actual consideration for this instrument is other real property rights given pursuant to a land exchange agreement.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 30.930, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

13994

RECEIVED

MAY 02 2022

OWRD

CHICAGO TITLE 472517007395-50 COMH



OWRD

MAY 02 2022

RECEIVED

Executed and delivered on this 15th day of August, 2019.

GRANTOR:

METRO

By: [Signature]

Name: Andrew Scott

Title: Interim Chief Operating Officer

Acknowledgment of Grantor

STATE OF OREGON     )  
                                  ) ss.  
County of Multnomah    )

This instrument was acknowledged before me on August 15, 2019, by Andrew Scott, as Interim Chief Operating Officer of METRO, a metropolitan service district established pursuant to Oregon law and the Metro Charter

[Signature]

Notary Public of Oregon  
My Commission expires: 9-3-2022



13994



**APPROVAL AND ACCEPTANCE BY THE PORT OF PORTLAND**

The Port of Portland hereby approves and accepts the foregoing conveyance.

Acknowledged and accepted by the Port of Portland this 15<sup>th</sup> day of August, 2019.

**THE PORT OF PORTLAND**

By: [Signature]  
For Print Name: Curtis Robinson  
As Its: Executive Director

**APPROVED FOR LEGAL SUFFICIENCY FOR THE PORT:**

By: [Signature]  
Counsel for The Port of Portland

State of OREGON  
County of Multnomah

This instrument was acknowledged before me on August 15, 2019 by Kristen Leonard as Chief Public Affairs Officer of the Port of Portland, a port district of the State of Oregon.

[Signature]  
Notary Public - State of Oregon





**EXHIBIT "A"**  
Legal Description  
Government Island Land Swap

Part of Sections 16, 17 and 18, Township 1 North, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the one-quarter corner between Sections 17 and 18; said township and range; thence South 20 chains along the West line of said Section 17 to the low water mark below the government meander line; thence North 80° East 30 chains; thence North 82°15' East 7.40 chains; thence North 89° East 24 chains; thence North 80° East 20.15 chains; thence North 86°30' East 10.50 chains; thence North 19°30' East 2.18 chains; thence North 2°30' East 3.30 chains; thence North 31°30' West 9.40 chains; thence North 41°30' West 3 chains; thence North 59° West 5.50 chains to the meander corner between Sections 16 and 17, said township and range; thence North 63°30' West 24.55 chains; thence North 73°30' West 22 chains; thence North 78°30' West 38.05 chains to the meander corner between Sections 17 and 18, said township and range; thence South along the West line of said Section 17 to the point of beginning.

ALSO beginning at the one-quarter corner between said Sections 17 and 18; thence West 20 chains to the Northwest corner of Government Lot 9 of said Section 18; thence South 24 chains along the West line of said Lot 9 to the Hood Canal on the Southerly shore of Government Island; thence North 82°30' East 5.60 chains; thence North 80° East 15 chains to the meander corner between Sections 17 and 18, said township and range; thence North to the place of beginning.

EXCEPTING THEREFROM that portion thereof lying within Section 16, of said township and range.

ALSO EXCEPTING THEREFROM any portion now or previously lying outside the boundaries of the State of Oregon or claims to be outside the boundaries of the State of Oregon.

FURTHER EXCEPTING THEREFROM any portion thereof lying below the line of high water of the Columbia River.

RECEIVED

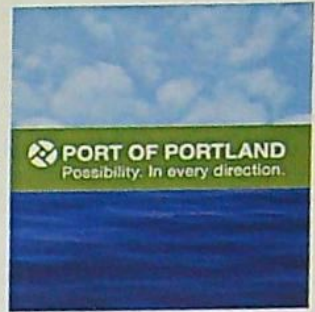
MAY 02 2022

OWRD

Exhibit A

13894 Page 1 of 1





April 14, 2022

Lisa Jaramillo  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for Water Right Temporary Transfer (Port of Portland)

Dear Lisa,

Enclosed is an application for a water right temporary transfer for the Port of Portland's Government Island project being submitted on behalf of the Port of Portland (Port). Also enclosed is a check for the application fee in the amount of \$952.70.

This temporary transfer application requests water use for temporary irrigation to establish restoration plants. The application requests to temporarily move 0.5 acres of the place of certificate's place of use to the restoration sites and addition of 2 points of diversion (POD). Irrigation of these restoration sites will be completed by pulling water from the Columbia River from these additional PODs using temporary pumping and piping systems with proper fish screens installed in the river each time a watering application is needed. This temporary transfer application is requesting the use of water over 3 years during the irrigation season to establish the restoration plants.

GSI Water Solutions, Inc., is an authorized agent for the Port and should be copied on all correspondence associated with this limited license application. Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

*Carrie Butler*

Carrie Butler  
Senior Conservation Ecologist  
Port of Portland

Enclosures: Application for Water Right Temporary Transfer  
Check in the amount of \$952.70

Cc: Blake Hamalainen, Port of Portland  
Bruce Brody-Heine, GSI Water Solutions, Inc.

RECEIVED

MAY 02 2022

OWRD

13994





#### LEGEND

- Proposed Point of Diversion (POD)
- Proposed Place of Use (POU)
- Tax Lot
- Watercourse
- Waterbody

## Limited License Application for the Proposed Point of Diversion 1 and Place of Use

Multnomah County  
Township 1 North, Range 2 East (W.M.)  
Section 12

RECEIVED

MAY 02 2022

OWRD

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: April 1, 2022

Data Sources: BLM, ESRI, OWRD, USGS, METRO, Tetra Tech (2019)

#### LOCATION DESCRIPTION

##### Proposed POD 1

Located 1700 feet North and 870 feet West from the S 1/4 corner of Section 12, Township 1 North, Range 2 East (W.M.)

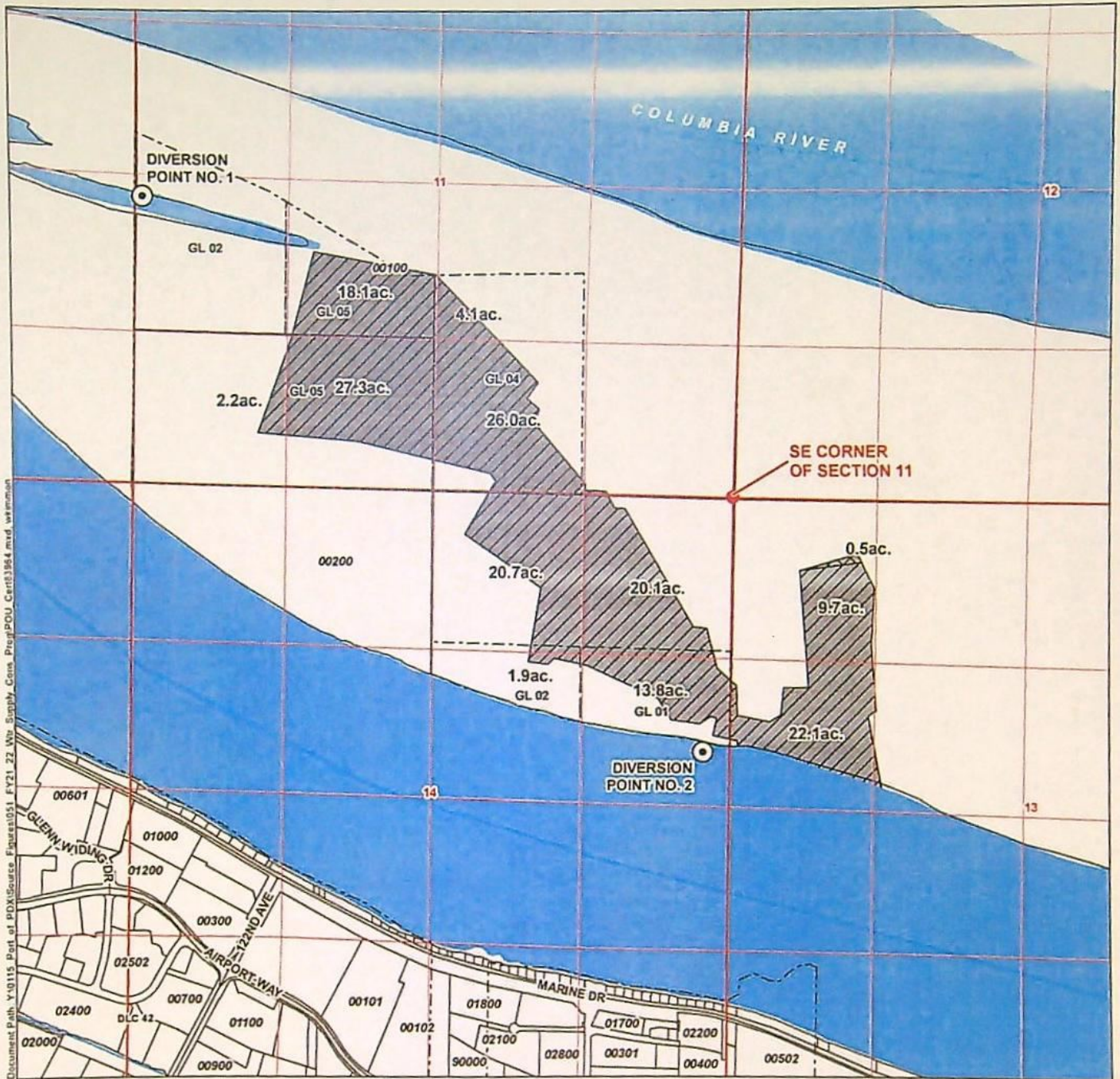
13994



0 200 400  
1 inch = 400 feet



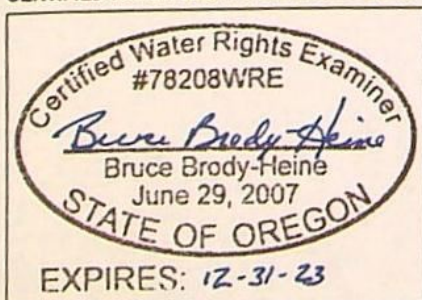




#### LEGEND

- |                          |                     |
|--------------------------|---------------------|
| Point of Diversion (POD) | Tax Lot             |
| Place of Use (POU)       | Government Lot (GL) |
| Remaining                | Major Road          |
| Proposed FROM Land       | Railroad            |
|                          | Watercourse         |
|                          | Waterbody           |

#### CERTIFIED WATER RIGHTS EXAMINER STAMP



RECEIVED

MAY 02 2022

OWRD

#### LOCATION DESCRIPTION

**DIVERSION POINT NO. 1**  
Located 2,630 feet North and 5,280 feet West from the SE corner of Section 11, Township 1 North, Range 2 East (W.M.)

#### LOCATION DESCRIPTION

**DIVERSION POINT NO. 2**  
Located 2,349 feet South and 300 feet West from the NE corner of Section 14, Township 1 North, Range 2 East (W.M.)

## Temporary Transfer Application Map

Certificate 83964

Authorized PODs and Place of Use - From Lands

Port of Portland Multnomah County

Township 1 North, Range 2 East (W.M.)

#### DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines

Date: April 12, 2022

Data Sources: BLM, ESRI, OWRD, USGS

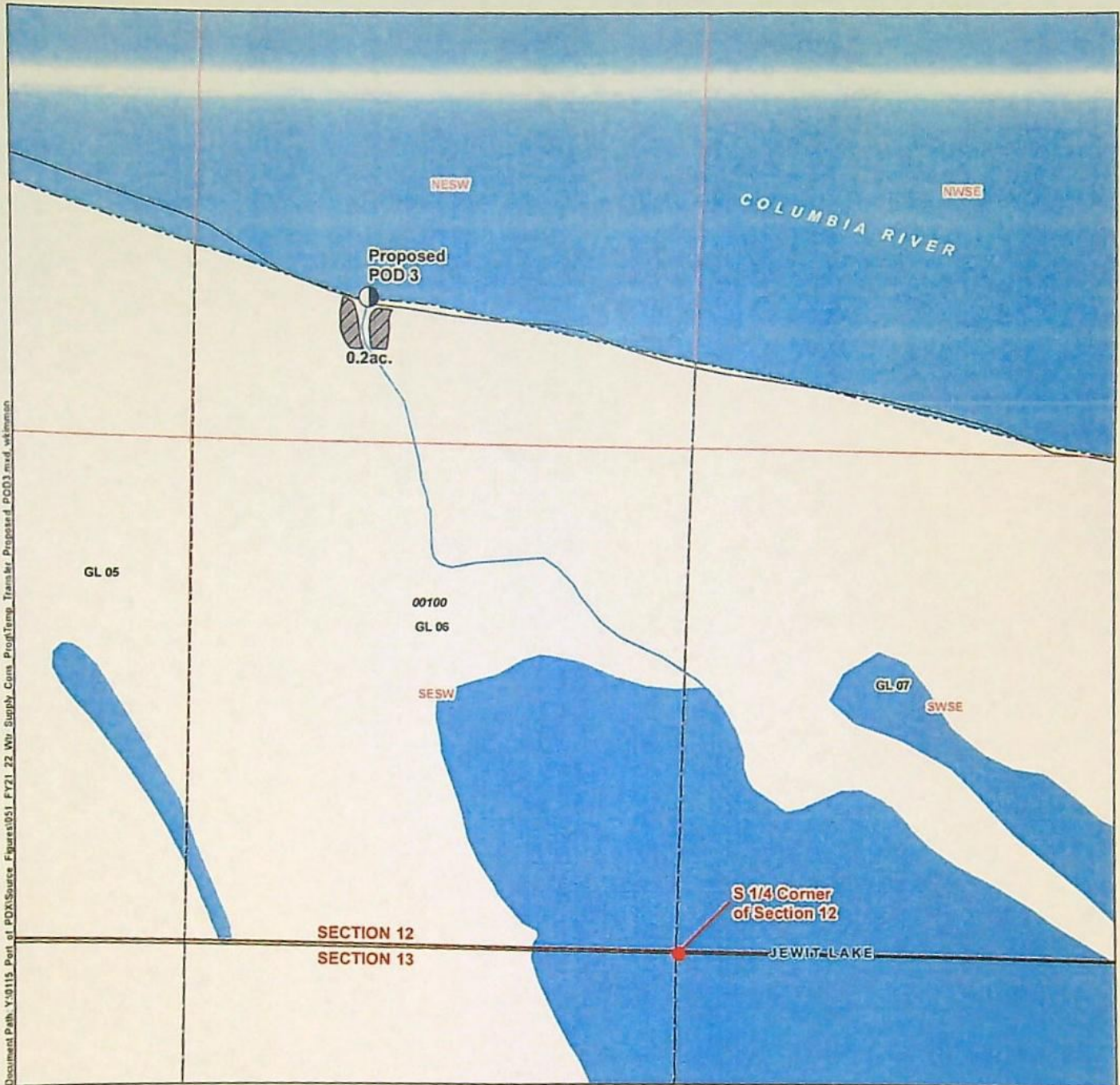
13994



0 660 1,320  
1 inch = 1,320 feet

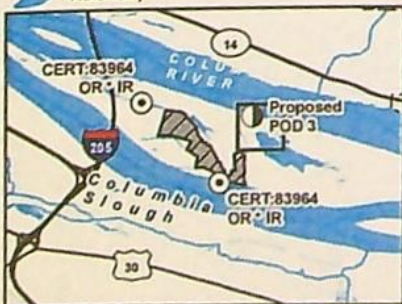






#### LEGEND

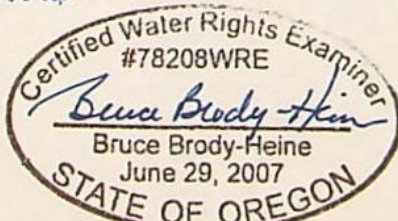
- Proposed Point of Diversion (POD)
- Point of Diversion (POD)
- Proposed To Land
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody



**RECEIVED**

MAY 02 2022

**OWRD**



EXPIRES: 12-31-23

#### LOCATION DESCRIPTION

Proposed POD 3  
Located 1700 feet North and 870 feet West from the  
S 1/4 corner of Section 12, Township 1 North, Range 2 East (W.M.)

### Temporary Transfer Application Map Certificate 83964 Proposed POD #3 and Place of Use – To Lands

Port of Portland Multnomah County  
Township 1 North, Range 2 East (W.M.)  
Section 12

#### DISCLAIMER

This map was prepared for the purpose of  
identifying the location of a water right only and  
it is not intended to provide legal dimensions  
or location of property ownership lines.

Date: April 12, 2022

Data Sources: BLM, ESRI, OWRD, USGS,  
METRO, Tetra Tech (2019)

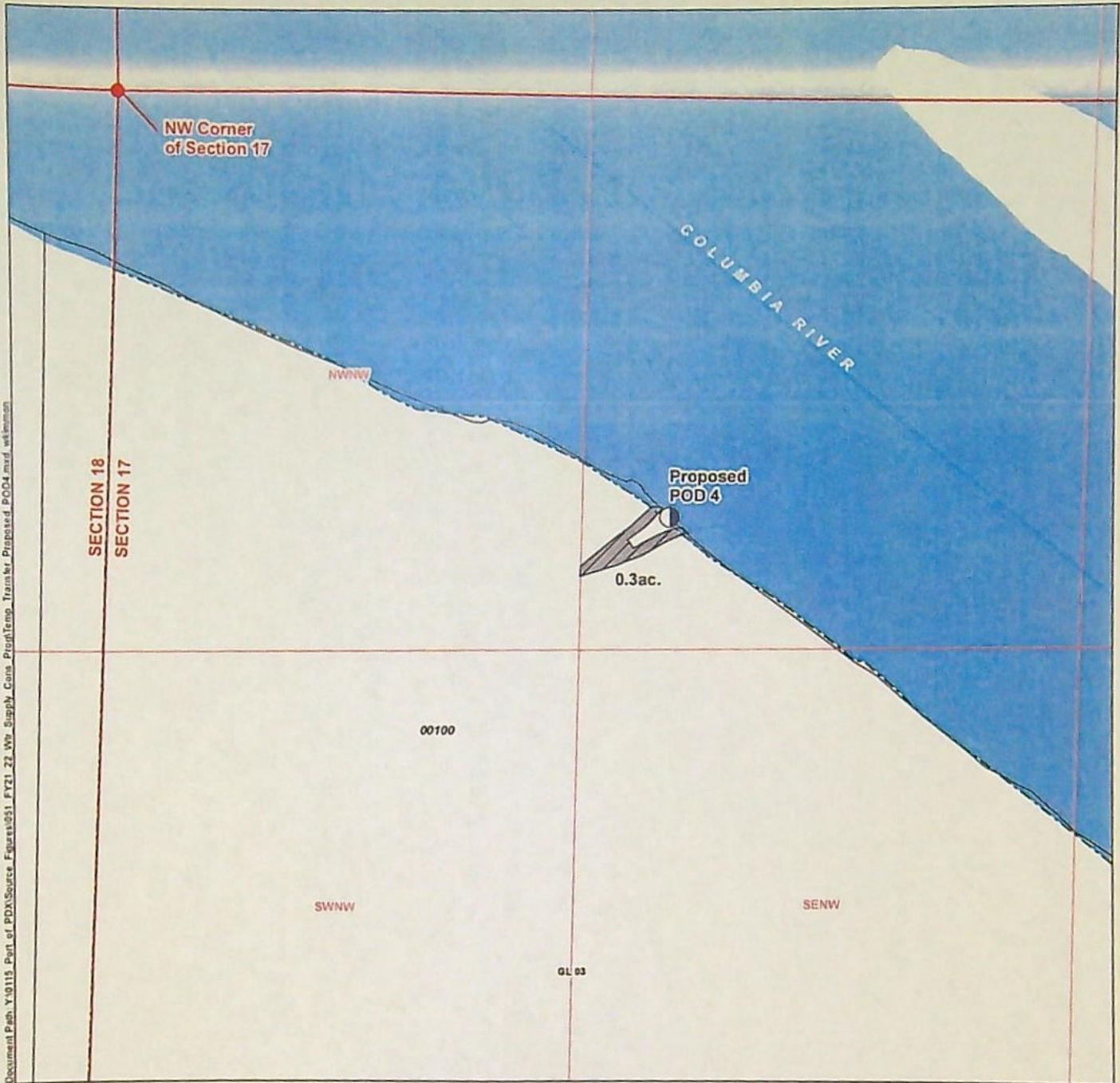
13994



0 200 400  
1 inch = 400 feet







#### LEGEND

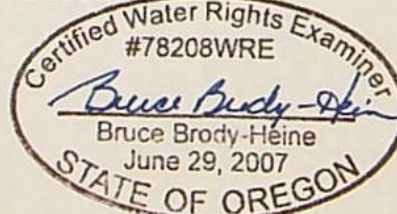
- Proposed Irrigation Point of Diversion (POD)
- Point of Diversion (POD)
- Proposed Place of Use (POU)
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody



**RECEIVED**

MAY 02 2022

**OWRD**



EXPIRES: 12-31-23

#### LOCATION DESCRIPTION

Proposed POD #4  
Located 1,070 feet North and 1,495 feet East from the  
NW corner of Section 17, Township 1 North, Range 3 East (W.M.)

### Temporary Transfer Application Map Certificate 83964 Proposed POD #4 and Place of Use – To Lands

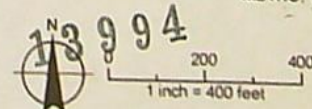
Port of Portland Multnomah County  
Township 1 North, Range 3 East (W.M.)  
Section 17

#### DISCLAIMER

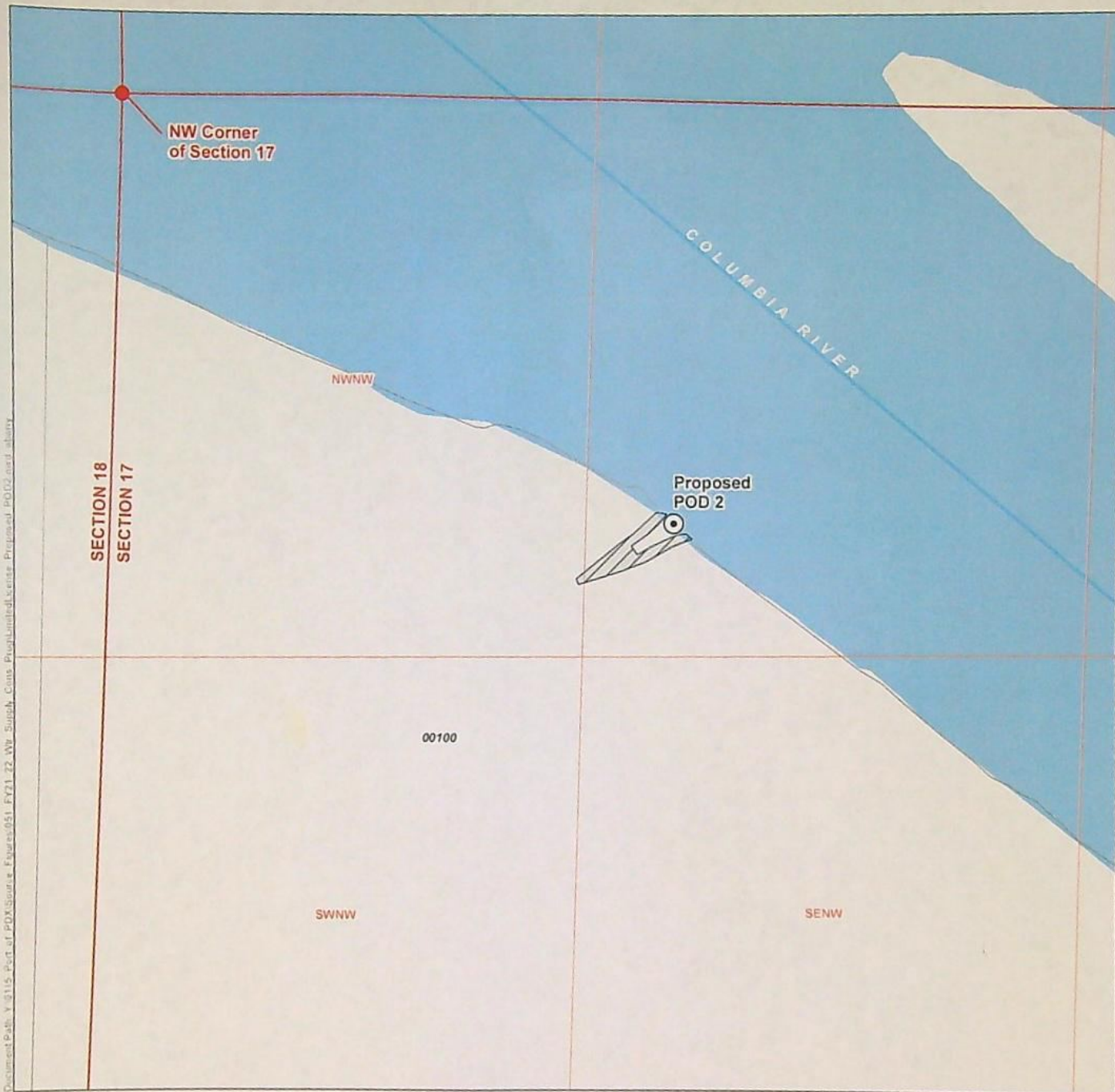
This map was prepared for the purpose of  
identifying the location of a water right only and  
it is not intended to provide legal dimensions  
or location of property ownership lines.

Date: April 12, 2022

Data Sources: BLM, ESRI, OWRD, USGS,  
METRO, Tetra Tech (2019)












Limited License Application for the  
Proposed Point of Diversion 2  
and Place of Use

Multnomah County  
Township 1 North, Range 3 East (W.M.)  
Section 17

### LEGEND

-  Proposed Irrigation Point of Diversion (POD)  
 Proposed Place of Use (POU)  
 Tax Lot  
 Watercourse  
 Waterbody

13994

RECEIVED

MAY 02 2022

OWRD

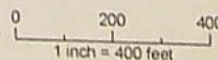
### LOCATION DESCRIPTION

**Proposed POD 2**  
Located 1,070 feet North and 1,495 feet East from the  
NW corner of Section 17, Township 1 North, Range 3 East (W.M.)

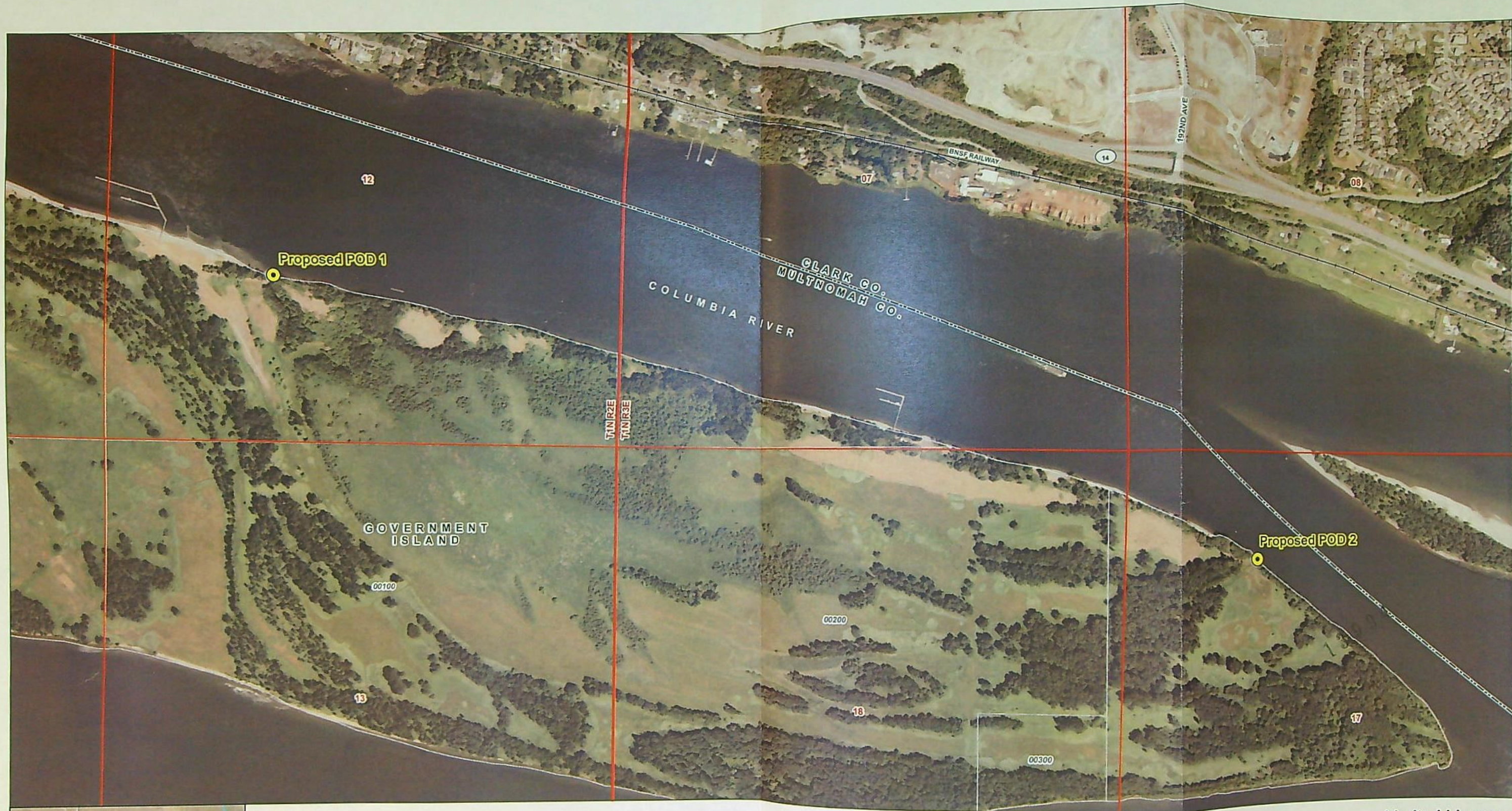
## DISCLAIMER

**DISCLAIMER**  
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: April 1, 2022  
Data Sources: BLM, ESRI, OWRD, USGS,  
METRO, Tetra Tech (2019)







# LEGEND

- Proposed Point of Diversion (POD)
- Tax Lot
- Railroad
- Major Road
- Waterbody

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

RECEIVED

MAY 02 2022

OWRD

## Limited License Overview Map

Multnomah County

Township 1 North, Range 3 East (W.M.)

Date: April 1, 2022  
Data Sources: BLM, ESRI, OWRD, USGS, METRO, COP Imagery (Summer 2021)

13994



0 500 1,000 1,500  
1 inch = 500 feet





## Attachment D

Land Use Information Form

Application for Temporary Transfer – Port of Portland

13994

RECEIVED

MAY 02 2022

OWRD



# Land Use Information Form



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

## NOTE TO APPLICANTS

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

### This form is NOT required if:

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

## NOTE TO LOCAL GOVERNMENTS

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

RECEIVED

MAY 02 2022

13994



# Land Use Information Form



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

Applicant: Port of Portland, Attn: Blake Hamalainen

First

Last

Mailing Address: PO Box 3529

Portland

City

OR

State

97208

Zip

Daytime Phone: 503.415.6566

## 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:
1 North	2 East	12	NE SW	00100	Open space/OS	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation for crop establishment
1 North	3 East	17	NE NW and NW NW	00100	Open space/OS	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation for crop establishment
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Multnomah County

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond    ☐ Ground Water    ☐ Surface Water (name) Columbia River

Estimated quantity of water needed: 150 ☐ 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:

This application is for a temporary water use to irrigate crops on Government Island. The Port is requesting access to Columbia River water to establish the crops for which no further water will be needed once established.

**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. →

RECEIVED

13994 MAY 02 2022

OWRD

WR / FS



RECEIVED

MAY 02 2022

OWRD

## 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): MCC 39.4070(E) Uses to conserve soil water.
- ☐ 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.

Name: Lisa Estrin Title: Senior Planner

Signature: *Lisa Estrin* Digitally signed by Lisa Estrin Phone: 503-988-0167 Date: 4/29/22

Government Entity: Multnomah County Land Use Planning

**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: 13094





RECEIVED

MAY 02 2022

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Port of Portland; Blake Hgmalainen  
P.O. box 3529, Portland OR 97208

Transaction Type: temporary or Drought transfer

Fees Received: \$ 952.70

☐ Cash

☒ Check:

Check No. 24587

Name(s) on Check: GSI Water Solutions

Address on Check: 55 SW Yamhill St. Suite 300  
Portland OR 97204

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:

Conie Lounien

(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.



Oregon Water Resources Department  
Transfer Fee Calculation for Temporary Transfer

[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

Today's Date: Monday, May 2, 2022	<b>Fee Calculation</b>
Base Fee (includes temporary change to one water right for up to 1 cfs) Fill in information below— Check each box that applies.	\$950.00
Enter total number of water rights included in transfer. <input type="text" value="1"/>	\$0.00
<input type="checkbox"/> Check this box if you propose to change the place of use for a NON-irrigation use.	
<input checked="" type="checkbox"/> Check this box if you propose to change the place of use for an irrigation use.	
Enter the number of acres in the footprint of the place of use to be transferred. <input type="text" value="0.5"/> (If a supplemental certificate also covers the same land as an included primary right, count the acreage only once.)	\$1.35
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	\$951.35
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
<input type="checkbox"/> Check the box if you are submitting the application and map in a Department-approved digital format.	
Transfer Fee:	\$951.35
<input type="button" value="Return to Edit"/> <input type="button" value="Clear"/>	

1.35



Regular Temporary Water Right Transfer Application Checklist

Checked by \_\_\_\_\_

Date \_\_\_\_\_

T-13994

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- ☒ 2. Are fees included and correct?  
If not, the correct fee would be: 952.70, so the amount missing is: 0 over 1.35
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?  
If not; which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application 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.