

T-13610

GR MOD

T-13610

Name Jose GarciaAddress PO Box 571
Aurora Oregon 97007Change in APDADate Filed 2/4/2021Initial notice date 2/23/2021

DPD issued date

PD issued date 8/20/2024PD notice date 8/27/2024

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of N Sanham river, cold creekUse Irrigation County Marion

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# GR 471 Per # _____ Cert # GR-453 PR Date 12/31/1989

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 #
<u>2-4-2021</u>	<u>\$1,250.00</u>	<u>134453</u>
<u>9-18-24</u>	<u>\$480.00</u>	<u>143836</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

Irrigation District _____

Agent Lyle Misbach misbachl@aks-eng.com

CWRE _____

CC's list Marion County☐ - Oversized map - Location _____

7022 3330 0000 2912 2875

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

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|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **134453**

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

INVOICE # _____

RECEIVED FROM: Jose Garcia Construction LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-13610

CASH: ☐ CHECK: # 6775 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 1,250.00

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	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ <u>1,250.00</u>	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
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 \$ _____

RECEIPT: **134453**

DATED: 2-4-2021 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 143836

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Jose Garcia
BY: Construction LLC

APPLICATION
PERMIT
TRANSFER T-13610

CASH: ☐ CHECK: # 1080 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 480.00

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

47235

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

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER \$ 0202 \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

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

0223 OTHER (IDENTIFY) Protest

\$480.00

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY)

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

TREASURY OTHER / RDX

FUND _____ TITLE RECEIVED
OBJ. CODE _____ VENDOR # OVER THE COUNTER
DESCRIPTION _____ \$

RECEIPT: 143836

DATED: 9-18-24 BY: [Signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 143836

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Jose Garcia
BY: Construction LLC

APPLICATION
PERMIT
TRANSFER T-13610

CASH: ☐ CHECK: # 1080 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 480.00

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OTHER (IDENTIFY)

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HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE RECEIVED
OBJ. CODE _____ VENDOR # OVER THE COUNTER
DESCRIPTION _____ \$

RECEIPT: 143836

DATED: 9-18-24 BY: [Signature]

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

Received by OWRD

SEP 18 2024

Salem, OR

Jose Garcia

Po Box 571

Aurora, OR 97002

971-216-9372

09/18/2024

Protest denial letter for application T-13610.

Property location: 9290 Santiam Loop Se Aumsville, OR 97325

Dear Oregon Water Resource Department,

I Jose Garcia would like to protest the application denial T-13610. I would like to apologize for the delay in completing the required tasks to move forward with the water application. My reason for the delay was dealing with a financial hardship and I did not have the money to move forward. I am now in a better financial position and would like to move forward with the application. Please consider my position with the application.

Sincerely,

Jose Garcia



Received by OWRD

SEP 18 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address:

Jose Garcia
9290 Sanham loop SE. Aumsville OR 97325

Transaction Type:

Protest

Fees Received: \$

480.00

☐ Cash

☒ Check;

Check No.

1080

Name(s) on Check:

Jose Garcia Construction LLC

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 Lowman

(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.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Received by OWRD

SEP 18 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address:

Jose Garcia
9290 Santham loop SE. Aumsville OR 97325

Transaction Type:

Protest

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480.00

☐ Cash

☒ Check:

Check No.

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Name(s) on Check:

Jose Garcia Construction

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Sincerely,

OWRD Customer Service Staff

Submission received by:

Corie Lowman

(Name of OWRD staff)

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- Date-stamp all pages. (NOTE: Do not stamp check.)
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Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

August 20, 2024

VIA CERTIFIED MAIL AND E-MAIL

JOSE GARCIA
PO BOX 571
AURORA, OR 97002

SUBJECT: Water Right Transfer Application T-13610

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-13610. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov, if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13610
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)
Lyle Misbach, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING DENIAL OF RECOGNITION
T-13610, Marion County)	OF AN ADDITIONAL POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

JOSE GARCIA
PO BOX 571
AURORA, OR 97002

Findings of Fact

1. On February 4, 2021, JOSE GARCIA, filed a groundwater registration modification application for an additional point of appropriation under Registration Application GR-471 (Certificate of Registration GR-453). The Department assigned the application number T-13610.
2. On February 4, 2021, Registration Application GR-471 (Certificate of Registration GR-453) was partially assigned from Alfred, Carl, and Lucile Hofmann to Jose Garcia.
3. Notice of the application for groundwater registration modification was published on February 23, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. Groundwater Registration Modification T-13610 is an incomplete application because the location information provided for the proposed additional point of appropriation was not provided, which has prevented the Department from completing the review of the

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

application to ensure the proposed additional point of appropriation, if approved, would not result in injury to other existing water rights, enlargement of the right, or that the proposed point of appropriation would develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).

5. On May 25, 2023, and September 26, 2023, the Department contacted the applicant's agent by phone and email regarding deficiencies as described above in Finding of Fact No. 4. A deadline of June 25, 2023, was originally set for the applicant to provide amended application information. The applicant did not respond to either request for amended information.
6. On June 13, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-13610. The draft Preliminary Determination cover letter provided a deadline of July 13, 2024, for the applicant to respond and submit the required information.
7. As of August 16, 2024, the applicant has not responded to the draft Preliminary Determination.
8. The groundwater registration to be modified is as follows:

Registration: Application GR-471 (Certificate of Registration GR-453), in the name of ALFRED, CARL, AND LUCILE HOFMANN (*partially assigned to JOSE GARCIA*)

Use: IRRIGATION of 20.0 ACRES

Tentative

Priority Date: 1941

Quantity: 200 GALLONS PER MINUTE; 36 ACRE FEET PER YEAR

Source: PUMP WELL #1

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	1 W	WM	19	SW SW	PUMP WELL #1 - NORTH 30 DEGREES 6 MINUTES WEST, 10.986 CHAINS FROM THE SW CORNER OF SECTION 10

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	2 W	WM	19	SW SW	20.0

9. Groundwater Registration Modification Application T-13610 proposes an additional point of appropriation, however the location information provided is incomplete and the distance from the original point of appropriation cannot be determined. The location information provided by the applicant is as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	2 W	WM	19	SW SW	NO INFORMATION PROVIDED BY APPLICANT

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1) and 690-380-2110(2)]

10. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
11. Due to the deficiencies listed above in Finding of Fact No. 4, a determination could not be made that the proposed additional point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2). If the deficiencies are resolved, a review will be done to determine if the proposed additional point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation as required by OAR 690-380-2110(2).
12. Due to the deficiencies listed above in Finding of Fact No. 4, an enlargement determination could not be made. If the deficiencies are resolved, a review will be done to determine if the proposed change would result in enlargement of the water right.
13. Due to the deficiencies listed above in Finding of Fact No. 4, an injury determination could not be made. If the deficiencies are resolved, a review will be done to determine if the proposed change would result in injury to other existing water rights.
14. The application is incomplete due to the deficiencies listed above in Finding of Fact No. 4. Therefore, all other application requirements are not met.

Determination and Proposed Action

The additional point of appropriation proposed in Groundwater Registration Modification T-13610 appears to be **NOT** consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be denied.

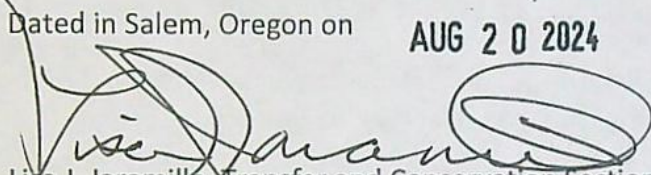
If the issues identified in Finding of Fact No. 4 above are resolved and Groundwater Registration Modification Application T-13610 is approved, the final order will include the following:

1. *The modification to Registration Application GR-471 (Certificate of Registration GR-453) proposed in Groundwater Registration Modification Application T-13610 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *The use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Registration Application GR-471 (Certificate of Registration GR-453) and any related decree.*

3. *Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The combined quantity of water diverted at the proposed additional point of appropriation, together with that diverted at the original point of appropriation (Pump Well #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well #1).*

Dated in Salem, Oregon on

AUG 20 2024


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document you may reach me at 503-979-3129 or arla.l.davis@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-382-0900, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0800, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the groundwater registration application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0900, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-382-0900]. and include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the

Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-382-0900(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-382-0100(8) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0900, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-382-0900. In accordance with OAR 690-382-1100, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the

relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266

DAVIS Arla L * WRD

From: DAVIS Arla L * WRD
Sent: Thursday, June 13, 2024 12:51 PM
To: jrgarci2@gmail.com
Cc: WACKER Gregory J * WRD; Lyle Misbach
Subject: Issuance for Draft Preliminary Determination for GR-Mod T-13610 for Jose Garcia - ACTION REQUIRED!
Attachments: T-13610 DPD cov.pdf; T-13610 DPD .pdf

This correspondence has also been sent to the applicant by regular mail.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

June 13, 2024

VIA E-MAIL

Applicant

JOSE GARCIA
PO BOX 571
AURORA, OR 97002

SUBJECT: Groundwater Registration Modification T-13610

Please find enclosed a draft of our Preliminary Determination regarding Groundwater Registration Modification Application T-13610. The document reflects the Department's conclusion that, based on the information currently available, the Groundwater Registration Modification Application will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the application due to the following:

1. The application map does not meet the requirements of OAR 690-382-0400(11);
2. There is insufficient location information for the proposed additional point of appropriation, and the Department is not able to complete a review of the application, therefore the application is incomplete.
3. The Land Use Form provided with the application is incomplete and is not approved by a planning official.

The identified issues may be resolved by providing the following:

1. A revised application page 6 (Table 1) with the correct information provided of the proposed additional point of appropriation with the following required elements:
 - a. The measured distance and accurate location information for the proposed additional point of appropriation.
2. A revised application map with the correct information provided of the proposed additional point of appropriation with the following required elements:

- a. The measured distance and accurate location information for the proposed additional point of appropriation.
3. A completed Land Use Form approved by the appropriate planning official.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the Groundwater Registration Modification application.

If you wish to proceed with your application, you must submit the following:

1. Provide an amended Table 1, an amended map and a complete and signed Land Use Form by July 13, 2024, that contains the information described above or a written statement that indicates you wish to protest a Preliminary Determination to deny the modification.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
 - a) Must be prepared by a title company;
 - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
 - c) Must:
 - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
 - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
 - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
 - d) Must include a list of owners at the time the report was generated; **AND**
 - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:
https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf
6. Notice of this transfer may need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please provide the name of the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there may be more than ¼ mile between the new and the authorized points of appropriation, the Department may publish notice of the modification in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs) for processing.

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

1. The amended application materials and information described above that resolves the issues that we have identified or a written request (e-mail is acceptable) that we proceed with processing of the application; and
2. The Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report; and
3. The name of the newspaper you wish the Department to use for publication of the notice of the Preliminary Determination.

If we do not receive the items listed above by July 13, 2024, a Preliminary Determination will be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis
Groundwater Registration Modification Specialist
Transfer and Conservation Section

cc: GR Modification application file T-13610
Gregory J. Wacker, District 16 Watermaster (via e-mail)
Lyle Misbach, agent for the applicant (via e-mail)

enc

Arla L. Davis

She/Her/Hers
Water Rights Transfer Specialist
Transfer and Conservation Section
725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule: Mon-Th – 6:00 a.m. to 4:30 p.m.

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13610

GW Reviewer Stacey Garrison/Travis Brown Date Review Completed: 9/25/2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-13610

Applicant Name: Jose Garcia

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

Reviewer(s): Stacey Garrison/Travis Brown

Date of Review: 9/25/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTL 2/15/24

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

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

-
1. Basic description of the changes proposed in this transfer: _____
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☐ Yes ☐ No Comments: _____
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☐ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
 4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☐ No Comments: _____
b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☐ No If yes, explain: _____
 5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☐ No Comments: _____

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

Stream: _____

☐ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

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

☐ Yes ☐ No Comments: _____

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

8. Any additional comments: _____

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13610

Review Due Date: 3/19/2021

Applicant Name: Jose Garcia

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

Reviewer(s): G. Wacker

Date of Review: 3/19/2021

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) **OR** at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

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

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

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

☐ 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

DAVIS Arla L * WRD

From: DAVIS Arla L * WRD
Sent: Thursday, May 25, 2023 1:18 PM
To: misbachl@aks-eng.com
Cc: BAUSTIAN Julie C * WRD; WILKE Laura K * WRD; STARNES Patrick K * WRD
Subject: GR Mod Application T-13610

Good Afternoon Lyle,

Thank you so much for talking with me this morning. As we discussed, a measured distance is required on the proposed well location in order for the Department to move forward with an approval of this application, otherwise we will have to deny the application as incomplete. As discussed, I am setting a deadline of 30 days, being June 25, 2023, for the applicant to respond with an updated application page or a letter withdrawing the application if the applicant is no longer interested in completing a modification to the right. Please let me know if there are any questions or concerns.

Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

NOTE: The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

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

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ 1250.
(\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- ☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) or the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

Staff:

503-986-0

Date: 01 / 20 / 2021

Joe Davis

1-20-2021
13610 TACS

Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☒ 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 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 appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes hachuring, 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 registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- ☐ ☒ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including 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 appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☐ ☒ N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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OWRD TACS

Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Jose Garcia			PHONE NO. 971-216-9372	ADDITIONAL CONTACT NO.
ADDRESS PO Box 571			FAX NO.	
CITY Aurora	STATE OR	ZIP 97002	E-MAIL jrgarci2@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

APPLICANT/BUSINESS NAME Lyle Misbach, PE, AKS Engineering & Forestry, LLC			PHONE NO. 503-400-6028	ADDITIONAL CONTACT NO.
ADDRESS 3700 River Road N, Suite 1			FAX NO.	
CITY Keizer	STATE OR	ZIP 97303	E-mail MisbachL@aks-eng.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this modification; and why:
To drill my own well and use it as part of the existing GR-471 Claim.

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

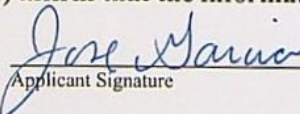
☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

- ☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
- ☐ I (we) affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: _____

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


Applicant Signature

Jose Garcia

Print Name (and Title if applicable)

1-20-2021
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the Groundwater registration has been conveyed.*

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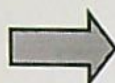
Check the appropriate box, if applicable:

- ☐ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract 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 or used.

ENTITY NAME Marion County	ADDRESS PO Box 14500	
CITY Salem	STATE OR	ZIP 97309

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

13610 -

Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

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

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	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)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	9/1W-19N(1)	9	S	1	W	19	SW	SW		N.30°06'E.10.986ch.frSW
	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	new	9	S	2	W	19	SW	SW	01900	tbd
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

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

- ☐ Place of Use (POU)
☐ Character of Use (USE)

☐ Point of Appropriation (well) (POA)
☒ Additional Point of Appropriation (APOA)

Will all of the proposed changes affect the entire Groundwater registration?

- ☒ **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 registration to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

Table 2. Description of Modifications to Registration GR-471 (Certificate # GR-453)

List only the part of the registration that will be modified. For the acreage in each ¼ ¼, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration 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	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	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		
9	S	1	W 19 SW SW			20	Irrigation	POD #1	1941	APOA	9	S	1	W 19 SW SW	02000		10	Irrigation	POD #1	1941		
											9	S	1	W 19 SW SW	01900		10	Irrigation	POD #3	2020		
TOTAL ACRES												TOTAL ACRES						20				

Additional remarks: _____.

For a modification in place of use or character of use:

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FEB 04 2021

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

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:

OWRD



Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

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

- ☒ Well log(s) are attached for each well 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/)

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your modification 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
tbd	No		25 +/-	8" +/-	tbd	10' +/-	last 10'	12' +/-	gravel	est. 200 gpm

0

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MAY 3 1957
STATE ENGINEER
SALES OREGON

Registration Statement

REGISTRATION NO. CR 471
CERTIFICATE NO. CR 453
Well No. 1 East side of

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 768, Oregon Laws 1955.)

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FEB 04 2021

OWRD

TO THE STATE ENGINEER OF OREGON:

I, Alfred, Carl and Lucile Hofmann
of Route 3, Box 103 Aumsville County of Marion

State of Oregon, do hereby make application for a certificate of registration as evidence
of a right to appropriate ground water.

1. Source from which water is withdrawn is new well #1
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: 4 miles southwest of Starion, Oregon
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) N 30° 06' West 10,936 chains from the S. W. Cor. Sec. 10 T. 3 S. R. 1 W. W.
(Give distance and bearing to corner of section or other legal subdivision)

being within W. 1/2 of S. W. 1/4 of Sec. 19, Twp. 2 S, Rge. 1 W
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town, or city:

in Lot _____, Block _____ of _____
(Name of plat or addition)

County of _____
(If within city or town, give name)

3. Construction Work was begun on 1941; was completed on 1941
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on 1941
(Date)

since which time the water has been used continuously
(Continuously or Intermittently)

from 1941 to October 1
(Date) (Date)

4. Quantity of water claimed and used is 200 gallons per minute; 3 acre
feet per year.

5. Purpose or Purposes for which water is used irrigation of row crops
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 24 feet. Type drilled
(Dug or drilled)

diameter 5 inches. Elevation of ground at well site 355 feet, mean sea level.
(As near as known)

Depth to water table 12 feet.

7. Capacity of Well: 200 g.p.m. with _____ feet drawdown.

_____ g.p.m. with _____ feet drawdown.

Date of test _____

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

13610

FEB 04 2021

OWRD

8	inch diameter	from	0	to	24	feet
	inch diameter	from		to		feet
	inch diameter	from		to		feet
	inch diameter	from		to		feet

Describe and show depth of shoe, plug, adapter, liner or other details:

3/4" x 6" from 14 to 21
(Number per foot and size of perforations, or describe screen)

from to

from to

from to

from to

[illegible]

GR - 453A

13610

OWRD

Position of water bearing stratum with reference to portal of tunnel

13610 - 453 E

Township 2 S. Range 1 W. N.M.
North



Locate well and acreage of irrigated land on plat.
Scale: 2" = 1 Mile

RECEIVED

FEB 04 2021

OWRD

STATE OF OREGON

County of

Marion

ss.

I, Alfred Hoffman, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Alfred Hoffman
(Signature of Registrant)

Subscribed and sworn to before me this 13th day of May, 1927

My commission expires 8/21/58

Harry Beebe
(Notary Public)

(SEAL)

See Page GR-453 G for
CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 13th day of May, 1927, at Portland, Oregon, and has been duly recorded in said office in Book No. 106 of Registration Statements on page 10.
Construction shall be completed by 1928 and the water completely applied to beneficial use by 1928.

Witness my hand this 13th day of May, 1927.

(State Engineer)

13610

By

(Deputy)

GR - 453 C



Oregon
Kate Brown, Governor

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

February 17, 2021

JOSE GARCIA
PO BOX 571
AURORA, OR 97002

Reference: Application T- 13610

On February 4, 2021, we received your water right Transfer application. The application was accompanied by \$1250.00. Our receipt number 134453 is enclosed.

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

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

You may not use water for the new use, in the new place of use or from the new point of appropriation until a final order approving recognition of the groundwater registration modification application has been issued by the Department. If the land is sold before the modification is approved, the buyer's consent to the modification will be required unless a recorded deed or other legal document clearly established that the groundwater registration was not conveyed in the sale.

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

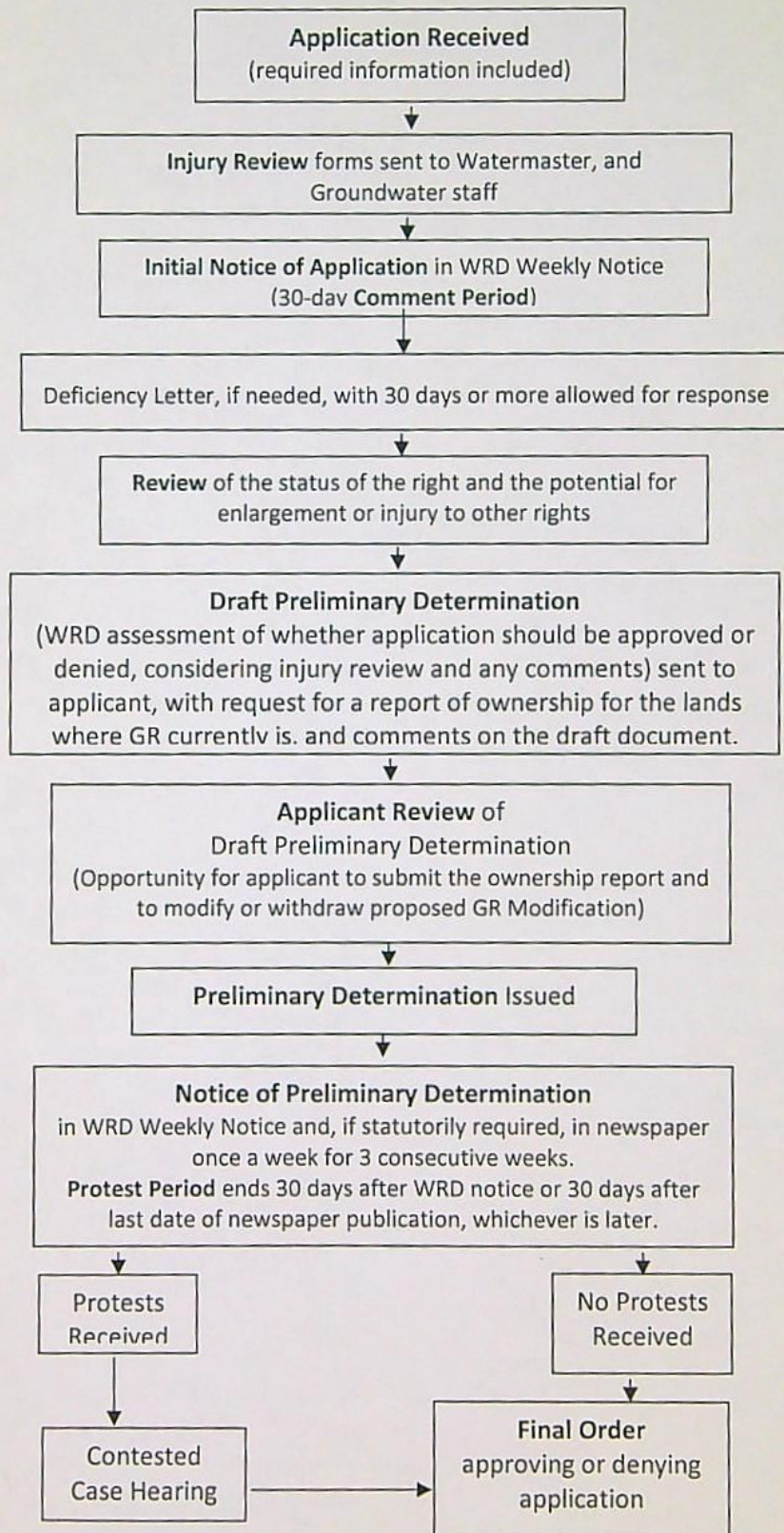
If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #16 (via email)
Marion County
Lyle Misbach, Agent

Enclosure

Groundwater Registration Modification Process

OAR 690 Division 382



WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13610

Transfer Specialist:

Transfer Type: GR Modification Transfer

Applicant: JOSE GARCIA PO BOX 571 AURORA, OR 97002 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A LYLE MISBACH 3700 RIVER ROAD N SUITE 1 KEIZER, OR 97303 Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Marion County Clerk Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	GR-471		GR-453	<input type="checkbox"/> Yes <input 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: February 4, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1250.00	WM District: 16	ODFW District:
Initial Public Notice: February 23, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

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MAY 3 1957
STATE ENGINEER
SALEM, OREGON

Registration Statement

REGISTRATION NO. GR-491
CERTIFICATE NO. GR 453

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 708, Oregon Laws 1955.)

Well No. 2
West side of track

RECEIVED

FEB 04 2021

TO THE STATE ENGINEER OF OREGON:

OWRD

I, Alfred, Carl and Lucile Hofmann

of Route 1, Box 102, Sunsville County of Marion

State of Oregon, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is Pump well #2

(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: 4 miles SW of Stanton, Oregon

(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) N. 51° 33' West 12.3 chains from S. E. Cor. of Sec. 24, T. 9 S. R. 2 W. 1.

(Give distance and bearing to corner of section or other legal subdivision)

being within SE 1/4 of SE 1/4

(Smallest legal subdivision)

of Sec. 24

Twp. 9 S

Rge. 2 W

(N. or S.)

(E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot _____, Block _____ of _____

(Name of plat or addition)

County of _____

(If within city or town, give name)

3. Construction Work was begun on 1939

(Date)

; was completed on 1939

(Date)

and the ground water claimed was first used for the purposes set out below on 1939

(Date)

since which time the water has been used continuously

(Continuously or intermittently)

from March 15 to October 1

(Date)

(Date)

4. Quantity of water claimed and used is 272

gallons per minute; 2 acre

feet per year.

5. Purpose or Purposes for which water is used irrigation of row crops

(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 26 feet; Type dug and drilled

(Dug or drilled)

13' 24" concrete tile

diameter 24 inches; Elevation of ground at well site 230

(As near as known)

feet, mean sea level.

Depth to water table 11 feet.

7. Capacity of Well: 272 g.p.m. with _____ feet drawdown.

_____ g.p.m. with _____ feet drawdown.

Date of test March 15, 1939

If Flowing Well: Measured discharge _____ g.p.m. on _____

(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____

(Date)

Water is controlled by _____

(Cap, valve, etc.)

GR - 453 D

13610 -

FEB 04 2021

OWRE

2 1/2	inch diameter	from	0	to	18	feet
3	inch diameter	from	18	to	23	feet
	inch diameter	from		to		feet
	inch diameter	from		to		feet

Describe and show depth of shoe, plug, adapter, liner or other details:

(Number per foot and size of perforations, or describe screen)

 $3/4^{\circ} \times 6^{\circ}$

from _____ to _____
from 16 to 24
from _____ to _____
from _____ to _____

[illegible]

GR - 453 E

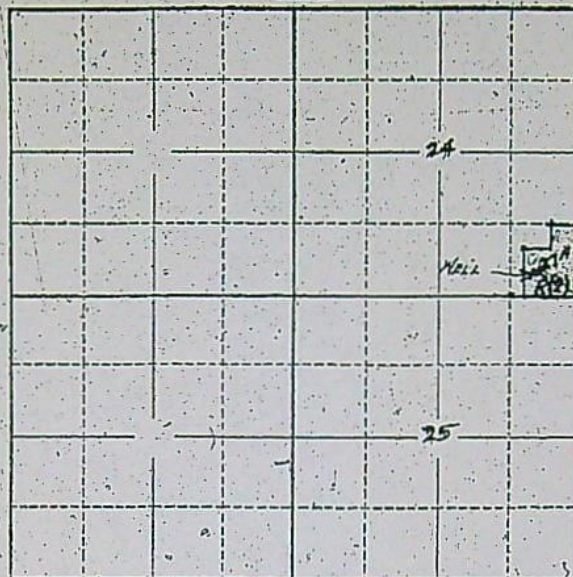
13610-

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FEB 04 2021

OWRD

Township 9³ Range 2^W W.M.
North



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of Marion } ss.

I, Alfred Hoffman, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Alfred Hoffman
(Signature of Registrant)

Subscribed and sworn to before me this 1st day of May, 1957.

My commission expires 8/2/58

Marion R. Bee
(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON } ss.
County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 3rd day of May, 1957, at 8:00 o'clock A. M. and has been duly recorded in said office in Book No. 3 of Registration Statements on page GR-453 C.

~~Construction shall be completed by X-X-X-X-X-X-X-X-X-X, and the well completely applied to beneficial use by X-X-X-X-X-X-X-X-X-X 12-X-X-X~~


Witness my hand this 26th day of June, 1957.

Lewis A. Stanley
(State Engineer)

By _____ (Deputy)

13671-0453 G

Fidelity National Title # 60221705511

RECORDING REQUESTED BY:
 **Fidelity National Title**
Company of Oregon

500 Liberty St. SE, Ste 200
Salem, OR 97301

GRANTOR'S NAME:
Tong Yang and Pa Nhia Thao

AFTER RECORDING RETURN TO:
Order No.: 60221705511-SK
Jose Robert Garcia
9312 Santiam Loop SE
Aumsville, OR 97325

SEND TAX STATEMENTS TO:
Jose Robert Garcia
9312 Santiam Loop SE
Aumsville, OR 97325

APN: R34934
Map: 091W19 01900
9312 Santiam Loop SE, Aumsville, OR 97325

REEL 4051 PAGE 438
MARION COUNTY
BILL BURGESS, COUNTY CLERK
03-02-2018 02:53 pm.
Control Number 497548 \$
51.00
Instrument 2018 00010169

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FEB 04 2021

OWRD

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Tong Yang and Pa Nhia Thao, Grantor, conveys and warrants to Jose Robert Garcia, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

A tract of land situated in Section 19, Township 9 South, Range 1 West of the Willamette Meridian, in the County of Marion, State of Oregon, more particularly described as follows:

Commencing 55 rods North of the Southwest corner of Section 19 in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence East 80 rods; thence North 25 rods; thence West 80 rods; thence South 25 rods to the place of beginning, situated in Marion County, Oregon.

EXCEPTING THEREFROM the following described property:

Beginning at a point on the Easterly right-of-way line of County Road 945 in Section 19, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, which place of beginning is 80 rods North, along the Section line, and 54.72 feet North 89°54' East from the Southwest corner of said Section 19; running thence North 89°54' East 357.05 feet, along the Section Subdivision line; thence South 0°07'45" West 122.00 feet, on a line parallel to the Easterly right-of-way line of said county road; thence South 89°54' West 357.05 feet to said Easterly right-of-way line; thence North 0°07'45" East 122.00 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00). (See ORS 93.030).

Subject to:

- I. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
- II. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and/or highways.

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.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 3-2-18

Tong Yang

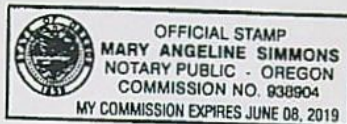
Pa Nhia Thao

State of OR
County of Marion

This instrument was acknowledged before me on 3/2/18 by Tong Yang and Pa Nhia Thao.

Mary Angeline Simmons
Notary Public - State of Oregon

My Commission Expires: 8/2/19



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FEB 04 2021

OWRD

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FEB 04 2021

OWRD

REEL: 4051

PAGE: 438

March 02, 2018, 02:53 pm.

CONTROL #: 497548

State of Oregon
County of Marion

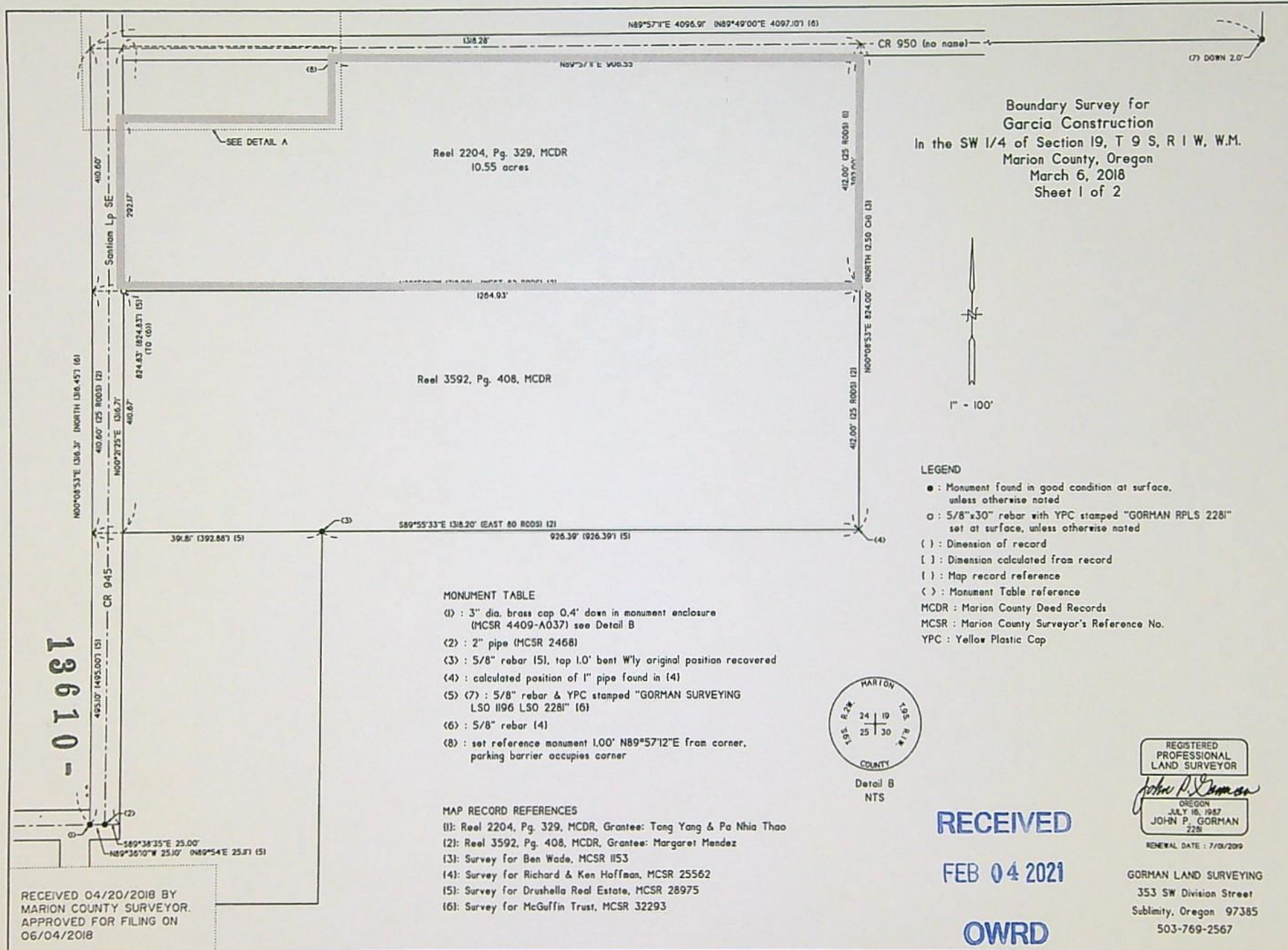
I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 51.00

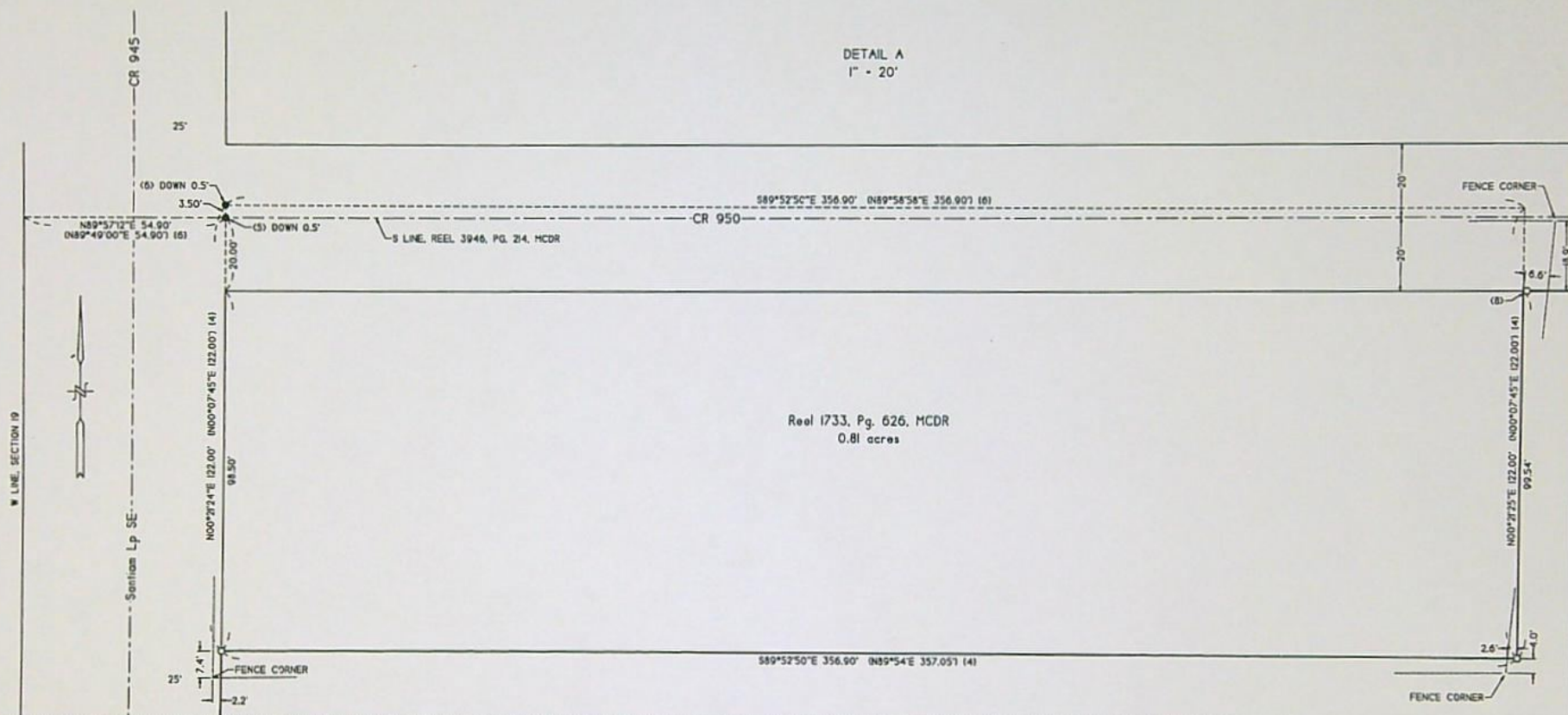
BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

13610 -



DETAIL A
1" = 20'



NARRATIVE

The purpose of this survey is to locate and mark the boundaries of property described in Reel 2204, Pg. 329, Deed Records for Marion County, Oregon.

Measured bearings and distances are grid values based on the Oregon Coordinate Reference System, Salem Zone (NAD83/CORS96) Epoch 2010.

The most northerly line of the subject property is coincident with the south line of CR 950 which is 20' southerly from and parallel with the line defined by (5) and (7). The east R/W line of CR 945 is defined by (5) and a tangent point 25' east of (2). The record distance, from MCSR 28975, was projected from (6) southerly on the said east R/W line to locate the intersection of the south line of Reel 3592, Page 408, said deed records, with the said east R/W line. The record distance, from MCSR 28975, was projected easterly from (3), on a line defined by (3) and the said intersection, to locate (4).

For the purpose of this survey, the record distance from MCSR 32293 was projected westerly from (5) to locate the intersection of the south line of property described in Reel 3946, Pg. 214, said deed records, with the west line of Section 19. The west line of Section 19 is defined by (1) and the said section line intersection. The east line of the subject property is coincident with a line projecting northerly from (4) parallel with the said west line of Section 19.

Comparison of the deeds recorded in said Reel 2204, Pg. 329 and said Reel 3592, Pg. 408 indicates that the properties described therein are the north and south halves, respectively, of a 50 rod by 80 rod parcel that was originally surveyed in MCSR 1153. The line common to the said properties is defined by the midpoints of the east and west lines of the said 50 rod by 80 rod parcel, as located for the purpose of this survey.

The position of the rebar which originally defined the northeast corner of Reel 1733, Pg. 626, MCDR, was calculated from information shown in MCSR 32293, based on (6) and the bearing of the line defined by (5) and (7). The record distance from MCSR 25562 was projected southerly from (6), on the east R/W line of CR 945, to locate the southwest corner of said Reel 1733, Pg. 626. The same record distance was projected southerly, parallel with the said R/W line, from the said calculated northeast corner to locate the southeast corner of said Reel 1733, Pg. 626.

Boundary Survey for
Garcia Construction
the SW 1/4 of Section 19, T 9 S, R 1 W, W.M.
Marion County, Oregon
March 6, 2018
Sheet 2 of 2

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FEB 04 2021
OWRD

RECEIVED 04/20/2018 BY
MARION COUNTY SURVEYOR.
APPROVED FOR FILING ON
06/04/2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John P. Gorman
OREGON
JULY 18, 1987
JOHN P. GORMAN
2281

RENEWAL DATE: 7/31/2019

GORMAN LAND SURVEYING
353 SW Division Street
Sublimity, Oregon 97385
503-769-2567

Land Use Information Form



Oregon Water
Resources
Department

RECEIVED

FEB 04 2021

OWRD

NOTE TO APPLICANTS

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

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer,

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



Oregon Water
Resources

RECEIVED

FEB 04 2021

OWRD

Applicant(s): Jose Garcia

Mailing Address: PO Box 571

City: Aurora

State: Oregon Zip Code: 97002

Daytime Phone: 971-216-9372

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>9S</u>	<u>2W</u>	<u>19</u>	_____	<u>01900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farm use</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<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:

Marion 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) _____

Estimated quantity of water needed: _____ ☐ 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:

Property, per DWR Registration No. GR 471, currently has rights to at least a portion of the existing claim of 200 gpm from the well designated as pump well #1. The current owner of said well is reluctant to allow connection. Applicant would like to drill a new well and transfer/confer a portion of said rights in GR 471 to a new well, to be on the applicant's property.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ 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: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: _____

Groundwater Registration Modification (GR Mod) Application Checklist

Checked by Jon

Date 2-9-21

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

- ☒ 1. Is the name of the GR Mod applicant(s) the same as the GR claim holder(s) of record?

If not, one of the following must be included with the application:

- ☐ a) A written statement from the GR claim holder, consenting to the proposed GR Mod Application (if the GR claim holder(s) of record is the current property owner), **OR**.
- ☐ b) A concurrent "Request for Assignment" to move the GR claim into the GR Mod applicant's name must be submitted (if the GR Mod applicant(s) is the current property owner), **OR**
- ☐ c) A concurrent "Request for Assignment" to move the GR claim into the name of a third party (who now owns the property) must be submitted, **and** the third party will need to provide a written statement consenting to the proposed GR Mod Application.

If not, what is missing? _____

- ☒ 2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? _____

- ☒ 3. Are fees included and correct?

If not, the correct fee would be: _____, so the amount missing is: _____

- If application proposes ONLY a change in place of use = \$875.00
- If application proposes any other change or combination of changes = \$1,250.00

- ☒ 4. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?

If not, whose signature is missing? _____

- ☒ 5. If all #1-#4 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, or #4 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.

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