

Regular

T-14054

Name Erick & Jessica FinnellAddress 21975 Blaine Rd
Beaver Oregon 97108Change in PODDate Filed 7/26/2022Initial notice date 8/2/2022

DPD issued date

PD issued date 3/26/2024PD notice date 4/2/2024Date of FO 5/20/2024 Vol 131 Page 83-86

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Nestucca riverTrib. of Nestucca BayUse Domestic County Tillamook

Quantity of water (CFS) No. of Acres

Name of ditch

App# S46978 Per # S35148 Cert # 43689 PR Date

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>07/26/22</u>	<u>\$1,360.00</u>	<u>138748</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Erick & Jessica Finnell

CWRE

CC's list

☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

September 10, 2024

Erick & Jessica Finnell
21975 Blaine Rd
Beaver, OR 97108

RE: Transfer T-14054

Dear Transfer Holder,

On September 9, 2024, the Department received the Claim of Beneficial Use that you submitted for the above referenced file.

Enclosed, you will find a refund check in the amount of \$230.00. You are receiving this check because the right involved in the transfer has a priority date prior to July 9, 1987. Due to the priority date of the right, there was no fee required to submit the Claim.

If you have any additional questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist
Certificates

cc: file T-14054
Seth Isom Eades, CWRE

Enclosures:
Check (416)

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie
Transfer #: T-14054	
Date Received: 9/9/24	
CWRE Name: Seth Isom Eades	
Priority Date (s): 5/18/1970	

Fees Required:

- ☐ YES ☒ NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☐ NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App
or Transfer
Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION
CASH <input type="checkbox"/> CHECK # <input type="checkbox"/> OTHER (IDENTIFY) <input type="checkbox"/>	PERMIT
	TRANSFER
0000 TREASURY	TOTAL RECEIVED: \$
0407 COPIES	
0408 OTHER (IDENTIFY)	
0243 Instream Lease	0244 State Water Right Permit
0245 Other Water	
0000 TREASURY	0250 WRD OPERATING ADCT
0407 MISCELLANEOUS	
0408 COPY & TAPE FEES	
0409 RESEARCH FEES	
0408 MISC REVENUE (IDENTIFY)	
TC162 DEPOSIT LAB (IDENTIFY)	
0240 EXTENSION OF TIME	
0201 WATER RIGHTS	EXAM FEE
0202 SURFACE WATER	0203
0203 GROUND WATER	0204
0205 TRANSFER	
0210 WELL CONSTRUCTION	EXAM FEE
0211 WELL DRILL CONSTRUCTION	0212
0213 LANDOWNER'S PERMIT	0214
0215 OTHER (IDENTIFY)	
0000 TREASURY	0247 HYDROELECTRIC
0223 POWER LICENSE FEE (FWP/WRD)	0224
0225 HYDRO LICENSE FEE (FWP/WRD)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

☐ RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☐ Pump Test required (Priority Date on or after December 20, 1988)
- ☐ Pump Test submitted
- ☐ Pump Test not submitted

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POD Only**



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. **YES**

If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #
T-14054

Received
SEP 09 2024

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Erick & Jessica Finnell		PHONE NO. 503-812-0326	ADDITIONAL CONTACT NO.
ADDRESS 21975 Blaine Rd			
CITY Beaver	STATE OR	ZIP 97108	E-MAIL capow21@hotmail.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each*** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Erick & Jessica Finnell			
ADDRESS 21975 Blaine Rd			
CITY Beaver	STATE OR	ZIP 97108	

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4. Date of Site Inspection:

8/26/2024

SEP 09 2024

5. Person(s) interviewed and description of their association with the project:

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NAME	DATE	ASSOCIATION WITH THE PROJECT
Erick Finnell	8/26/2024	Owner & system installer

6. County:

Tillamook

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



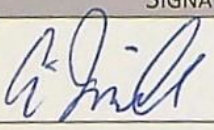
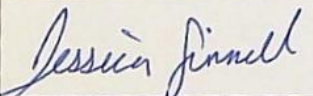
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CWRE NAME Seth Isom Eades		PHONE NO. (541) 267-2872	ADDITIONAL CONTACT NO. (541) 714-0540
ADDRESS 2318-B Pacific Ave			
CITY Forest Grove	STATE OR	ZIP 97116	E-MAIL seades@stuntzner.com

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Erick Finnell	Landowner	8/15/2024
	Jessica Finnell	Landowner	8/15/2024

SECTION 3 CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
#2	Surface water – Unnamed Stream tributary of Nestucca River

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, **NO** or extension final? If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
#2	< or = .005 CFS	.0297 CFS	NA

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SECTION 4
SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s?

NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Flowise	FJS07	AO15955	Turbine Pump	1-1/4"	1"

2. Motor Information

MANUFACTURER	HORSEPOWER
Century	3/4

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
3/4	65	6'7" or 79"	6' or 72"	.0297

4. Provide pump calculations:

Pump Capacity Calculation Sheet

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 0.75
Efficiency = 7.04
Lift = 12.58
PSI = 65

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Results Calculated

(hp)(efficiency) = 5.28
Head based on psi
= 165.1
Total dynamic head
= 177.7
(head + lift)

Pump Capacity = 0.0297 cubic feet per second

*Used OWRD pump capacity calculation sheet @
<https://www.oregon.gov/owrd/programs/waterrights/cobu/pages/calculations-and-calculators.aspx>

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA	NA	NA	NA

Reminder: For pump calculations use the reference information at the end of this document.

B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

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If "NO", items 2 through 4 relating to this section may be deleted.

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D. Additional notes or comments related to the system:

SECTION 5

CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	May 20, 2024	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2025	-ODFW approved fish screen installed on June 6, 2024 -Pump installed on July 12, 2024

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

If "NO", you may delete the following table.

3. Measurement Conditions:

- a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

NO

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department?

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NO

If "NO", item b relating to this section may be deleted.

5. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
6/5/2024	Erick Finnell (ODFW Fish Screen Approval Letter Dated, June 7, 2024, is attached)

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump** and the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NA**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?
-

NA

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If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed?
- b. Was a fishway required?
- c. Other conditions?

NO

NO

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

SECTION 6
ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
ODFW Fish Screen Letter	June 7, 2024 letter approving fish screening
Claim Map	Claim of Beneficial Use Map

SECTION 7
CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

ESRI ArcPro GIS was used to prepare attached map and conduct survey. Available State and County GIS layers and associated data was used to prepare map. GPS was used to confirm POD #2 location was consistent with transfer map location.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☐ Map on polyester film
- ☐ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☐ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☐ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation

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- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☐ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☐ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☐ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☐ Application and permit number or transfer number
- ☐ North arrow
- ☐ Legend
- ☐ CWRE stamp and signature

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SECTION 8
REFERENCE INFORMATION FOR CWRE USE
(Please DO NOT submit these pages.)

Additional information is available at:

<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page

MS Word Hints

To add rows to a table, click outside the table on the far right and hit enter.

Place cursor here and
hit return to add a row

To resolve page numbering issues, go to print preview. Page through the entire document (while in print preview), then print from print preview.

Common Calculations

The Department typically uses the following calculations to determine system capacities; many of which are available to download from the Department's Web Site.

Pumps:

$$Q \text{ Pump} = \frac{(\text{horsepower})(\text{pump efficiency})}{(\text{total head in feet})} = Q \text{ in cfs}$$

Efficiency factors:

NOTE: Pump efficiency factor for centrifugal pump (75%) = 6.61
Pump efficiency factor for turbine pump (80%) = 7.04

$$\text{Centrifugal Pump, 75\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.75)}{(62.4 \text{ lb/cu ft})} = 6.61 \text{ ft}^4/\text{sec/Hp}$$

$$\text{Turbine \& Submersible Pumps, 80\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4/\text{sec/Hp}$$

Total head is the sum of suction lift, pressure head, and discharge lift.

If the operating pressure is not measured, varying the assumed operational pressure in the above formulas until the calculated outputs are equal, or nearly so, will generally give the most correct theoretical capacity of the system.

Efficiencies have been assumed to be 75% for centrifugal pump installations and 80% for turbine or submersible pumps. See the list below of converted psi's to feet of head. These figures account for minor friction losses. If the system involves unusually long pipelines friction losses should be accounted for by using standard charts and formulas.

Refer to the conversion table below to compute PSI to head for pump pressure in feet.

$$[(\text{psi}/.433)(1.1)] = \text{head (in feet/psi)} = 2.54 \text{ feet head/psi}$$

PSI	HEAD	PSI	HEAD
25	63.5	55	139.7
30	76.2	60	152.4
35	88.9	65	165.1
40	101.6	70	177.8
45	114.3	75	190.5
50	127.0	80	203.2

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Ditches/Canals:

Manning's Formula:

$$v = \frac{1.486}{n} r^{2/3} s^{1/2}$$

v = mean velocity of flow in feet per second

r = hydraulic radius in feet

s = slope of the energy gradient

n = coefficient of roughness

Type of Conduit and Description Pipe	Coefficient of Roughness	
	Minimum	Maximum
Cast Iron, Coated	0.01	0.014
Cast Iron, Uncoated	0.011	0.015
Wrought Iron, Galvanized	0.013	0.017
Wrought Iron, Black	0.012	0.015
Steel, Riveted and Spiral	0.013	0.017
Corrugated	0.021	0.0255
Wood Stave	0.01	0.014
Neat Cement Surface	0.01	0.013
Concrete	0.01	0.017
Vitrified Sewer Pipe	0.01	0.017
Clay, Common Drainage Tile	0.011	0.017
Lined Channels		
Metal, Smooth Semicircular	0.011	0.015
Metal, Corrugated	0.0228	0.0244
Wood, Planed	0.01	0.015
Wood, Unplaned	0.011	0.015
Neat Cement-Lined	0.01	0.013
Concrete	0.012	0.018
Cement Rubble	0.017	0.03
Vegetated, Small Channels, Shallow Depths		
Bermuda Grass; Long - 13", Green	0.042	
Bermuda Grass; Long - 13", Dormant	0.035	
Bermuda Grass; Short - 3", Green	0.034	
Bermuda Grass; Short - 3", Dormant	0.034	
Unlined Channels		
Earth; Straight and Uniform	0.017	0.025
Dredged	0.025	0.033
Winding and Sluggish	0.0225	0.03
Stoney Bed, Weeds on Bank	0.025	0.04
Earth Bottom, Rubble Sides	0.028	0.035
Rock Cuts; Smooth and Uniform	0.025	0.035
Rock Cuts; Jagged and Irregular	0.035	0.045

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Gravity flow pipe systems

Hazen-William's Formula:

$$v = 1.31(c)(r^{0.63})(s^{0.54})$$

v = mean velocity of flow in feet per second

c = coefficient of roughness

r = hydraulic radius in feet

s = slope of energy gradient

Material	Coefficient of Roughness
Asbestos Cement	140
Brass	135
Brick sewer	100
Cast-Iron - new unlined (CIP)	130
Cast-Iron 10 years old	110
Cast-Iron 20 years old	95
Cast-Iron 30 years old	82
Cast-Iron 40 years old	74
Concrete	130
Copper	135
Ductile Iron Pipe (DIP)	140
Galvanized iron	120
Glass	140
Lead	135
Plastic	145
PVC, CPVC	150
Smooth Pipes	140
Steel new unlined	145
Steel	130
Steel riveted	110
Tin	130
Wood Stave	120

FINNELL CLAIM OF BENEFICIAL USE MAP T-14054

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CWRE Signature & Stamp



Source: Surface Water - Unnamed Stream Tributary of Nestucca River

POD#2 (45.27749,-123.80419)
-293' South and 150' West to closest PLSS corner
(S 1/16, Sec. 29 & 28)
-Irrigation Acres: NA
-ODFW approved fish screen @ POD#2 location
-No meters/measuring devices required by OWRD

Legend

- Domestic Use - Residence
- POD#2 & ODFW Fish Screen
- Pump & Pressure Tank
- Waterline
- Nearest PLSS Corner (S 1/16, Sec. 29 & 28)
- PLSS Quarter Quarters
- PLSS Sections
- PLSS Townships
- Ownership Taxlot
- Tillamook County 2021
- Stream
- Roads - TL replica
- STATUS, SURFACE
- Abandoned or vacated
- Blocked
- Paved
- Surfaced
- Unsurfaced
- Planned

Nearest PLSS Corner (S 1/16, Sec 29 and Sec 28)

FINNELL CLAIM OF BENEFICIAL USE MAP

Transfer # T-14054
NWSW, Section 28
T3S, R9E, W.M.,
Tillamook County, OR

0 100 200 400 Feet

SCALE: 1 INCH = 400 FEET (1:4800)



This map is not
intended to provide
legal dimensions or
locations of property
ownership lines



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
Fax (541) 296-7889
odfw.com

June 7, 2024

Attn. Erick Finnell
21975 Blaine Rd
Beaver, Or 97108

RE: Transfer T-14054

To whom it may concern,

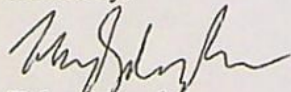
Oregon Department of Fish and Wildlife has reviewed the fish screen associated with your point of diversion on a unnamed tributary to the Nestucca River at 45.27749 by -123.80419, for Transfer T-14054. This site was inspected virtually with photos submitted by the landowner.

The fish screen that is in use at this point of diversion is a Flowmatic 4103E. This model of passive screen, when installed and maintained properly is capable of screening up to 0.02 cfs or 10 gpm, while protecting all age classes of native fish present from entrapment and impingement. ODFW concludes that this screen will meet ODFW fish screening criteria. A by-pass device is not required at this point of diversion as this is an end of pipe screen.

The approval is contingent on the following: the screen is installed prior to any withdraw of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If you have any questions regarding this letter, please contact me at 541-296-8026

Sincerely,

 6/7/2024
Toby Schuyler

NW Region Fish Screen and Passage Coordinator

Received
SEP 09 2024
OWRD

LOVRIEN Corie L * WRD

From: CLARK Gerald E * WRD
Sent: Thursday, July 25, 2024 10:36 AM
To: REECE Nick A * WRD; LOVRIEN Corie L * WRD
Subject: FW: CWRE Suggestion
Attachments: Screen approval letter.pdf

Nick or Corie,

Sorry to impose, but I was wondering if one of you could print out this email, along with the attached Fish Screen Approval Letter, and put it into file T-14054?

If you are not available to file this, could please put message and approval letter in my in-box?

Thanks in advance

Have a great day!

Gerry

Gerry Clark

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Thursday, July 25, 2024 9:32 AM
To: FINNELL Erick R * ODF <Erick.R.FINNELL@odf.oregon.gov>
Subject: RE: CWRE Suggestion

Erick,

Thanks for supplying the fish screen approval letter from ODFW. I have placed a copy of the approval in our electronic folder and will also place a copy in the physical file. Please provide this letter to the CWRE to attach to the Claim.

If you have any additional questions, please feel free to contact me.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: FINNELL Erick R * ODF <Erick.R.FINNELL@odf.oregon.gov>
Sent: Wednesday, July 24, 2024 2:46 PM

To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: RE: CWRE Suggestion

Gerry,

Attached is a scanned copy of the ODFW fish screen approval. Thanks again for all the help today. If I have any other questions I'll give you a call.

Thank you.



Erick Finnell | Stewardship Forester | Tues - Fri 6:00AM-4:30PM

Tillamook District | Oregon Department of Forestry
5005 3rd Street | Tillamook, OR 97141
Office: 503-815-7021
www.oregon.gov/odf

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, July 24, 2024 9:20 AM
To: FINNELL Erick R * ODF <Erick.R.FINNELL@odf.oregon.gov>
Subject: RE: CWRE Suggestion

Erick,

I should add that I more than happy to provide any guidance to a CWRE that takes on your project or is interested in taking it on.

Gerry

Gerry Clark
He/Him/His

Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, July 24, 2024 9:02 AM
To: FINNELL Erick R * ODF <Erick.R.FINNELL@odf.oregon.gov>
Subject: RE: CWRE Suggestion

Erick,

Here is a link to the Claim form that a CWRE would prepare to document the completion of the change that you may under the Transfer. We have a different forms for transfers than permits:

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

Essentially, the Claim for a change in point of diversion (pod) only, needs to document that the new pod was in place between the date that the transfer final order was issued (May 20, 2024) and the authorized completion date of October 1, 2025, information about the pod (pump information along with operating psi and elevation change between the source and the place of use) as well as theoretical calculations to demonstrate the developed rate of

the new pod, and how any required conditions were met. In the case of this order, you would need to document that you have timely installed a fish screen and provide evidence that ODFW has approved the screen.

I cannot easily put my fingers on a an example of a claim that we have recently received that would be similar to a change such as yours. I will do some thinking to see if one comes to mind.

I think that reviewing the form that I provided the link to will help in your understanding of the expectation for the Claim. If a CWRE follows the claim form and provides the information requested, we will end up with all if the information that we need.

Please do not hesitate to call to discuss this further.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: FINNELL Erick R * ODF <Erick.R.FINNELL@odf.oregon.gov>

Sent: Wednesday, July 24, 2024 8:44 AM

To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>

Subject: CWRE Suggestion

Gerald,

I recently had my POD transfer approved from your agency for my domestic water system. I just finished up the install of my new system and I'm currently working on getting a Claim of Beneficial Use for surface water claiming less than .01 CFS completed. I've reached out to a few CWRE's but none of them have completed a domestic surface water claim. I figured I would check with you to see if you knew of any CWRE's that have completed similar surface water claims of beneficial use. Do you possibly have any competed examples claims of beneficial use for surface water claiming less than .01 that I could see for reference?

One more thing. What's the typical turnaround time from when a claim is submitted to Salem to final approval from yourself?

Thank you.



Erick Finnell | Stewardship Forester | Tues - Fri 6:00AM-4:30PM

Tillamook District | Oregon Department of Forestry

5005 3rd Street | Tillamook, OR 97141

Office: 503-815-7021

www.oregon.gov/odf



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058
(541) 296-8026
Fax (541) 296-7889
odfw.com

June 7, 2024

Attn. Erick Finnell
21975 Blaine Rd
Beaver, Or 97108

RE: Transfer T-14054

To whom it may concern,

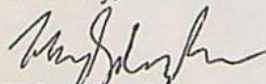
Oregon Department of Fish and Wildlife has reviewed the fish screen associated with your point of diversion on a unnamed tributary to the Nestucca River at 45.27749 by -123.80419, for Transfer T-14054. This site was inspected virtually with photos submitted by the landowner.

The fish screen that is in use at this point of diversion is a Flowmatic 4103E. This model of passive screen, when installed and maintained properly is capable of screening up to 0.02 cfs or 10 gpm, while protecting all age classes of native fish present from entrapment and impingement. ODFW concludes that this screen will meet ODFW fish screening criteria. A bypass device is not required at this point of diversion as this is an end of pipe screen.

The approval is contingent on the following: the screen is installed prior to any withdraw of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If you have any questions regarding this letter, please contact me at 541-296-8026

Sincerely,

 6/7/2024
Toby Schuyler

NW Region Fish Screen and Passage Coordinator



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

May 20, 2024

Erick & Jessica Finnel
21975 Blaine Rd.
Beaver, OR 97108

REFERENCE: Transfer Application T-14054

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at Dante.j.luongo@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Rights Services Support
Transfers and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)
Erick & Jessica Finnell, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-14054, Tillamook County)	APPROVING A CHANGE IN POINT OF
)	DIVERSION

Authority

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

Applicant

ERICK AND JESSICA FINNELL
21975 BLAINE RD
BEAVER, OR 97108

Findings of Fact

1. On July 26, 2022, ERICK AND JESSICA FINNELL filed an application to change the point of diversion under Certificate 43689. The Department assigned the application number T-14054.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14054 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 22, 2023, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

4. On March 26, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14054 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 2, 2024, and in the Tillamook Headlight Herald newspaper on April 2, 2024, and April 9, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 43689 in the name of KENNETH W CECIL; ELMER & MABEL LUNDBERG
(perfected under Permit S-35148)

Use: DOMESTIC USE FOR ONE FAMILY

Priority Date: MAY 18, 1970

Rate: 0.005 CUBIC FOOT PER SECOND

Source: AN UNNAMED STREAM, a tributary of NESTUCCA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	29	SE NE	POD #1 - 830 FEET NORTH AND 100 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

DOMESTIC USE FOR ONE FAMILY				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 W	WM	28	NW SW

6. Transfer Application T-14054 proposes to change the point of diversion approximately 2200 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	28	NW SW	POD #2 - LATITUDE: 45.27749, LONGITUDE: -123.80419

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14054.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water right.
14. All other application requirements are met.

Conclusions of Law

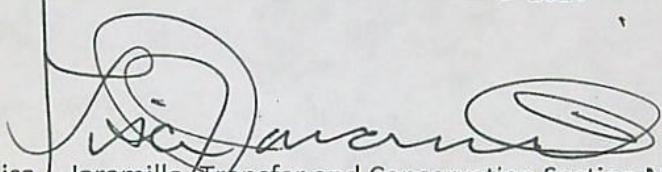
The change in point of diversion proposed in Transfer Application T-14054 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-14054 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 43689 and any related decree.
3. Water right Certificate 43689 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of diversion (POD #2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).
5. Water shall be acquired from the same source of surface water as the original point of diversion.
6. Water must be available from the original source of surface water as the original point of diversion.
7. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed fish screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

8. The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request the OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 20 2024**


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

Mailing Date: **MAY 21 2024**

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

KENNETH W. CECIL AND ELMER AND MABEL LUNDBERG
730 GARFIELD ST.
WOODBURN, OR 97071

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of NESTUCCA RIVER for the purpose of DOMESTIC USE FOR ONE FAMILY.

This right was perfected under Permit S-35148. The date of priority is MAY 18, 1970. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.005 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	29	SE NE	830 FEET NORTH AND 100 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

A description of the place of use to which this right is appurtenant is as follows:

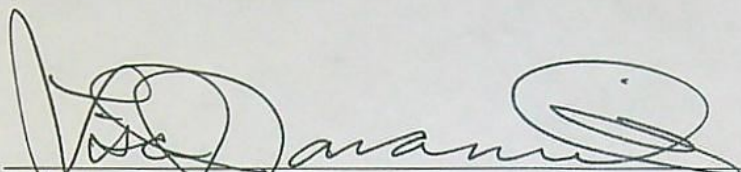
DOMESTIC USE FOR ONE FAMILY				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 W	WM	28	NW SW

This certificate describes that portion of water right Certificate 43689, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 20 2024, approving Transfer Application T-14054.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed MAY 20 2024.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14054

Transfer Specialist:

Transfer Type: Regular Transfer

Dante

Applicant: ERICK & JESSICA FINNELL 21975 BLAINE RD BEAVER, OR 97108 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A ERICK & JESSICA FINNELL 21975 BLAINE RD BEAVER, OR 97108 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 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"/>	S46978	S35148	43689	<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: July 26, 2022	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 1	ODFW District:
Initial Public Notice: August 2, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>3-2-23</u> Initials: <u>AL</u>	Date: <u>9-29-23</u> Initials: <u>PR</u>	Date: <u>9-30-23</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: <u>10-12-23</u> Initials: <u>AL</u>	Date: <u>1-30-24</u> Initials: <u>PR</u>	Date: <u>1-31-24</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: <u>Data R</u> Initials: <u>3-5-24</u>	Date: <u>3-11-24</u>	Date: <u>3/26/24</u>
FO	Date: <u>3-21-24</u> Initials: <u>AL</u>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: <u>4-4-24</u> Initials: <u>PR</u>	Date: <u>4-5-24</u> Initials: <u>AL</u>	Date: <u>5-15-24</u>	Date: <u>5/20/24</u>

2 items

Special Issues: _____

Special Order Volume: Vol. 131 Pages 83-86

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **142570**

INVOICE # _____

RECEIVED FROM: Erick Finnell
BY: Jessica Finnell

APPLICATION _____

PERMIT _____

TRANSFER T-14054

CASH: ☐ CHECK: # 404 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 167.40

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$ _____

0207 OTHER: (IDENTIFY) Newspaper Notice \$ 167.40

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 EXAM FEE \$ _____ 0204 RECORD FEE \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

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

LANDOWNER'S PERMIT 0220 LICENSE FEE \$ _____

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: **142570**

DATED 3-18-2024 BY: [Signature]

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

Attached is a check in the amount of \$167.40 (PCA #46118) for Newspaper Notice for Transfer T-14054 made out to Oregon Water Resources Department (or WRD)
• "for T-14054 NOTICE" written on front of check

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

Caseworker: Dante Luongo

Received

MAR 18 2024

OWRD

Received
APR 15 2024

OWRD

Affidavit of Publication

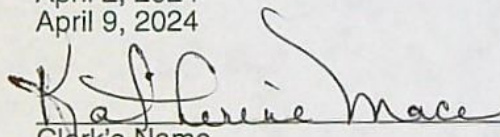
State of Oregon, County of Tillamook, -ss.

I, Katherine Mace, being first duly sworn, depose and say that I am a Clerk of the Headlight Herald, 1906 Second St., Tillamook, OR 97141 a Newspaper of general circulation as defined by ORS 193.010 and 193.020 state; that

HH24-070 Notice of Preliminary Determination for Water Right Transfer T-14054 T-14054 filed by Erick and Jessica Finnel 21975 Blaine Rd, Beaver, OR 97108 proposes a change in

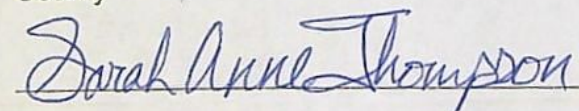
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 consecutive and successive week(s) in the following issue:

April 2, 2024
April 9, 2024

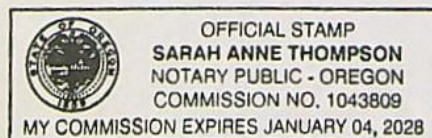

Clerk's Name

Subscribed and sworn to before me
this 11 day of April, 2024.

Tillamook
County



Notary Public for the state of Oregon
My commission expires 1-4-28



HH24-070
Notice of Preliminary Determination for
Water Right Transfer T-14054
T-14054 filed by Erick and Jessica Finnel 21975 Blaine Rd, Beaver, OR 97108 proposes a change in point of diversion under Certificate 43689. The right allows the use of 0.005 cubic foot per second from an unnamed stream in Sec. 29, T3S, R9W, WM for domestic use in Sec. 28. The applicant proposes to move the point of diversion to Sec. 28, T3S, R9W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000. Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 04/09/2024. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

The price for this notice was \$139.50



Oregon

Tina Kotek, Governor

March 21, 2024

VIA CERTIFIED MAIL AND E-MAIL

Applicant

ERICK & JESSICA FINNELL
21975 BLAINE RD
BEAVER, OR 97108

SUBJECT: Water Right Transfer Application T-14054

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14054. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

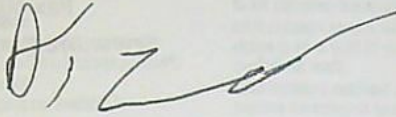
If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial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

Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

7018 0680 0002 0041 8931

Water Resources Department	
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 \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<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 \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a long horizontal flourish extending to the right.

Dante Luongo
Transfer Specialist
Transfer and Conservation Section

cc: T-14054
Nikki M. Hendricks, District 1 Watermaster (*via e-mail*)
Erick & Jessica Finnell, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14054, Tillamook County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF DIVERSION.

Authority

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

Applicant

ERICK AND JESSICA FINNELL
21975 BLAINE RD
BEAVER, OR 97108

Findings of Fact

1. On July 26, 2022, ERICK AND JESSICA FINNELL filed an application to change the point of diversion under Certificate 43689. The Department assigned the application number T-14054.
2. Notice of the application for transfer was published on August 2, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14054 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 22, 2023, for the applicants to respond. The applicant(s) requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

Certificate: 43689 in the name of KENNETH W CECIL; ELMER & MABEL LUNDBERG
(perfected under Permit S-35148)
Use: DOMESTIC USE FOR ONE FAMILY
Priority Date: MAY 18, 1970

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.

Rate: 0.005 CUBIC FOOT PER SECOND

Source: AN UNNAMED STREAM, a tributary of NESTUCCA RIVER

Authorized Point of Diversion:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	29	SE NE	830 FEET NORTH AND 100 FEET WEST FROM THE E1/4-CORNER OF SECTION 29

Authorized Place of Use:

DOMESTIC USE FOR ONE FAMILY					
Twsp	Rng	Mer	Sec	Q-Q	
3 S	9 W	WM	28	NW SW	

5. Transfer Application T-14054 proposes to change the point of diversion approximately 2200 feet downstream to:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	28	NW SW	LATITUDE: 45.27749, LONGITUDE: -123.80419

6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14054.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
11. The proposed change would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water right.

13. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion proposed in Transfer Application T-14054 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-14054 is approved, the final order will include the following:

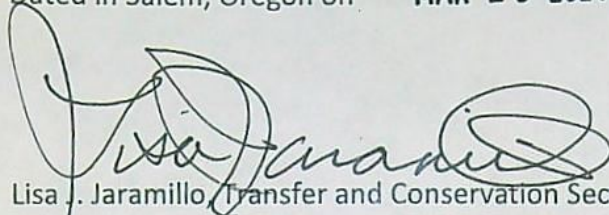
1. *The change in point of diversion proposed in Transfer Application T-14054 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 43689 and any related decree.*
3. *Water right Certificate 43689 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion (POD #2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD #1).*
5. *Water shall be acquired from the same source of surface water as the original point of diversion.*
6. *Water must be available from the original source of surface water as the original point of diversion.*
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed fish screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request the OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

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

Dated in Salem, Oregon on **MAR 26 2024**



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

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, 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, any person may file, jointly or severally, a protest expressing opposition or approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. 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 690-380-4020, 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 690-380-0100(9)]. The protest must 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 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) 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 690-380-4020, 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 690-380-4030. In accordance with OAR 690-380-4200, 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 after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050,

the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

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.



Oregon
Kate Brown, Governor

Water Resources Department

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

August 3, 2022

ERICK & JESSICA FINNELL
21975 BLAINE RD
BEAVER, OR 97108

Reference: Application T-14054

On July 26, 2022, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1360.00. Our receipt number 138748 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 or as the original POD.

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

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

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

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

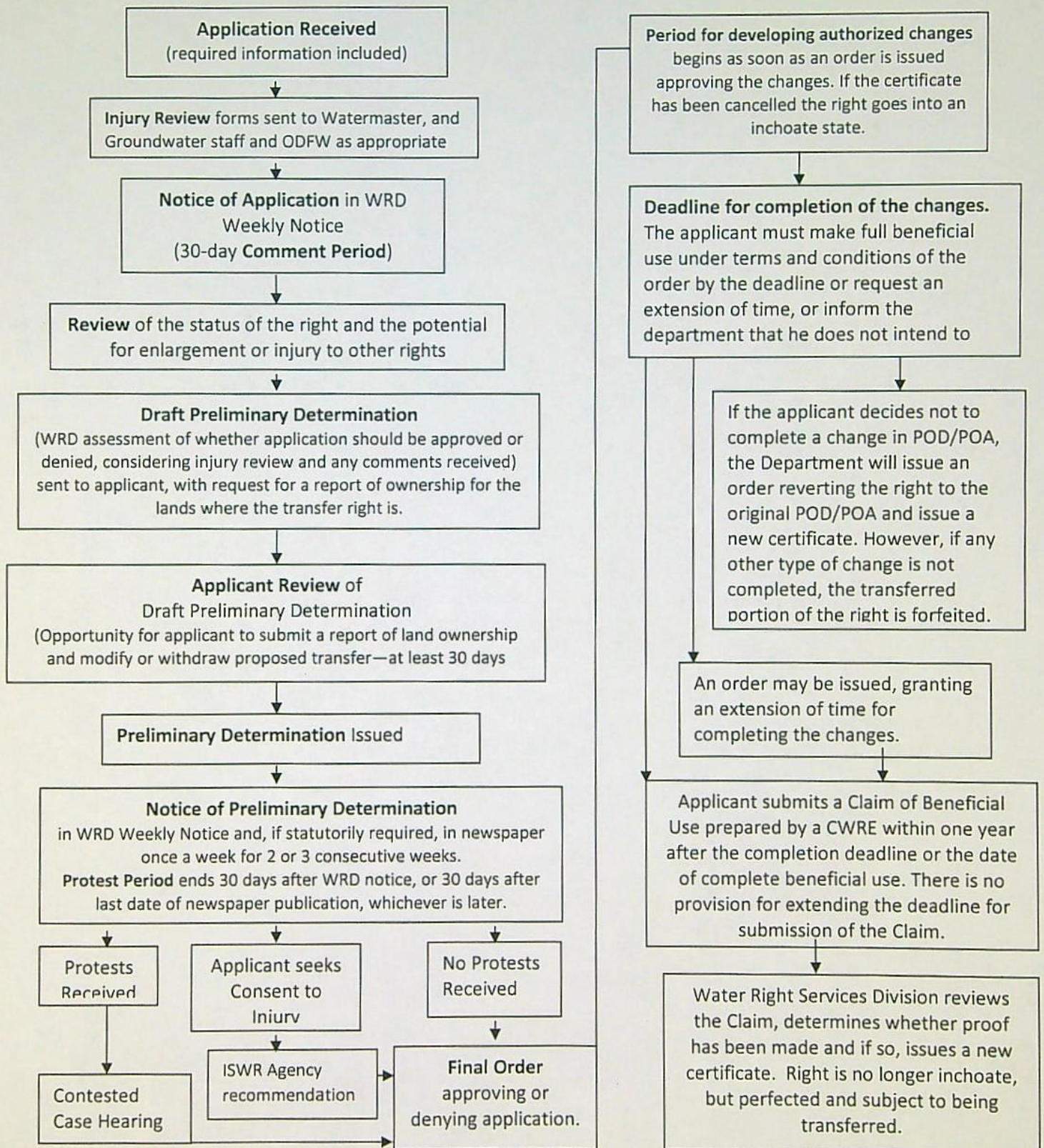
If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #1, Nikki M. Hendricks (*via email*)
Erick & Jessica Finnell, Agent

Enclosure

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

OAR 690 Division 380



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **138748**

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

INVOICE # _____

RECEIVED FROM: Erick Finnell;
BY: Jessica Finnell

APPLICATION	
PERMIT	
TRANSFER	<u>T-14054</u>

CASH: ☐ CHECK: # 374 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,360.00

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 46110

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	\$ <u>1,360.00</u>		
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION \$ _____

RECEIPT: **138748**

DATED: 07/24/22 BY: [Signature]

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

MAY 25 2022

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 43689**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

OWRD

Attachments:

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

↑ REQUIRED

(For Staff Use Only)

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

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

Other/Explanation _____

Staff: _____ 503- _____

Date: _____

RECEIVED

JUL 26 2022

OWRD

14054

RECEIVED

JUL 26 2022

RECEIVED

MAY 25 2022

Part 2 of 5 – Transfer Application Map

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

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

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

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)	
1	Base Fee (includes one type of change to one water right for up to 1 cfs) 1 \$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) If only one change, this will be 0
2	Multiply line 2b by \$1090 and enter » 2 \$0
	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in line 3a above: <u>0</u> (3b) If only one water right this will be 0
3	Multiply line 3b by \$610 and enter » 3 \$0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>0</u> (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 <u>0</u> (4b)
4	Add line 4a to line 4b and enter » 4 \$0
	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see below*): <u>0</u> (5a) Subtract 1.0 from the number in line 5a above: <u>0</u> (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: <u>0</u> (5c) and multiply 5c by \$410, then enter on line 5 »
5	Subtotal: 5 \$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal: 6 \$1,360
	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?
7	If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 » 7 \$0
8	Subtract line 7 from line 6 » Transfer Fee: 8 \$1,360

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

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	

...				
1	4	0	5	4

RECEIVED

RECEIVED

JUL 26 2022

MAY 25 2022

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Erick and Jessica Finnell		PHONE NO. 503-812-0326	ADDITIONAL CONTACT NO. 503-298-0182
ADDRESS 21975 Blaine Rd.		FAX NO. NA	
CITY Beaver	STATE OR	ZIP 97108	E-MAIL capow21@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Erick and Jessica Finnell		PHONE NO. 503-812-0326	ADDITIONAL CONTACT NO. 503-298-0182
ADDRESS 21975 Blaine Rd.		FAX NO. NA	
CITY Beaver,	STATE OR	ZIP 97108	E-MAIL capow21@hotmail.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

I am proposing to move our permanent water right diversion point downstream to install a new water system on our own private property for domestic use.

We currently share a water right certificate and water system with a neighboring home across the street. We are selling our home and the landowner saw and has stated he will deny water and the right to his property for maintenance to the new owners of our home. After eight weeks, he is unwilling to come to an agreement with us to resolve the dispute. We have been advised by an Oregon water rights attorney that while we have a solid case against him, moving our diversion point to our property and installing our own system will be less expensive and less stressful than litigation since we can't be promised or guaranteed to be awarded our attorney fees or cost of damages he has caused.

This stream is our only option to supply water to our home.

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

Check One Box

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

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By my signature below, I confirm that I understand:

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

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

Applicant signature

Erick Finnell

Print Name (and Title if applicable)

4/16/2022

Date

Applicant signature

Jessica Finnell

Print Name (and Title if applicable)

4/16/2022

Date

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

Check the following boxes that apply:

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

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

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

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

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

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

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 43689

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Description of Water Delivery System

System capacity: .01 (cfs) cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. see attachment #1

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	3 S	9 W	29	SE NE	TAX LOT 200	467' from nearest corner Survey @ 192° Bearing (see map)
POD #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	3 S	9 W	28	NW SW	TAX LOT 2500	243' from nearest corner Survey @ 204° Bearing (see map)
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

- ☐ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☒ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

Table 2. Description of Changes to Water Right Certificate # 43689

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15	NE NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E 1	NW NW	500	1	10.0	POD #5	1901	
												2	S	9	E 2	SW NW	500		5.0	POD #6	1901	
3	S	9	W 29	SE NE	200		NA	Domestic	# 1 (POD)	5/18/70	POD	3	S	9	W 28	NW SW	2500		NA	Domestic	# 2 (POD)	5/18/70
TOTAL ACRES:						NA					TOTAL ACRES:						NA					


Additional remarks: This is for Domestic use only. Acres NA per conversation with OWRD staff.

Certificate # 43689

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

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Attachment #1

Current Surface Water Spring System

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Water collection intake is located at the authorized POD in T3S, R9W, Section 29. Water is diverted from the stream through a pipe at the authorized POD and flows through the pipe to a large cement collection holding tank. The holding tank is located near the half-way point between the POD and where the waterline splits at a "Y" to each registered household. From the holding tank, the water flows down through approximately 2,300 feet of pipe to the Finnell household (Lundberg HO) located in T3S, R9W, Section 28.

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
County of Tillamook) ss

I, Diane Powers, in my capacity as close relative to Erick and Jessica Finnell
mailing address 21800 Blaine Rd. Beaver, OR 97108
telephone number (503) 298-0183, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 43689; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
43689	3	S	9	W		28	NW of SW	2500	1.0

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OR

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

(continues on reverse side)

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3. The water right was used for: (e.g., crops, pasture, etc.): domestic household, lawn, and garden
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Diane Grace Powers
Signature of Affiant

07-15-2022
Date



Signed and sworn to (or affirmed) before me this 15th day of July, 2022.

Jason Ornel

Notary Public for Oregon

Official

My Commission Expires: NA per ORS
194.255

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <div style="text-align: center;"> RECEIVED JUL 26 2022 OWRD </div>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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ATTACHMENT #2: EVIDENCE OF USE AFFIDAVIT

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Untitled Map

Aerial photo. Unnamed stream, location, and water system is all under the tree canopy.

Legend

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Nestucca River

Blaine Rd

Google Earth

800 ft





Tillamook County Department of Community Development
1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: Jessica Finnell Phone: (503) 298-0182

Address: 21975 Blaine Rd

City: Beaver State: OR Zip: 97108

Email: finnjess21@gmail.com

Property Owner

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Request: _____

Type I

- ☐ Beach and Dune Hazard Report Review
- ☐ Extension of Time Review
- ☐ Final Plat Approval
- ☐ Geologic Hazard Report Review
- ☒ Land Use Compatibility Statement
- ☐ Land Use Verification Letter
- ☐ Preliminary Plat Time Extension
- ☐ Replacement Dwelling in Resource Zone
- ☐ Review for Dwelling in Resource Zone

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Location:

Site Address: 21975 Blaine Rd Beaver, OR 97108

Map Number: 35 9W 28C 2500
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Jessica Finnell
Property Owner Signature (Required)

06-02-2022
Date

Applicant Signature

Date

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Attachment #3

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Proposed Surface Water System

Water collection intake would be located at proposed POD in T3S, R9W, Section 28, NW of SW. Intake pipe at the proposed POD will have an attached foot valve with screen. A check valve with a backflow preventer will be installed to prevent water backflow into the stream and ensure consistent pump priming. Water will be diverted at the proposed POD using a ¾ hp well jet pump. Diverted water will travel through approximately 75' of 1-1/4" water line to a 500 gallon above ground storage tank. The above ground storage tank will have an automatic float system installed to regulate automatic water drafting/pumping from proposed POD. From the storage tank, water will flow to a pressure tank. The pressure tank will push water through a series of filters to the existing home water pipes.

*If required by ODFW, a certified fish screen will be installed on the foot valve at the proposed POD.

*A small artificial removable water collection box may be installed at the proposed POD if ODFW and OWRD will allow it. This would not eliminate the ODFW certified fish screen if required.

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Attachment #3

Proposed Water System

-  = property boundary
-  = new waterline
-  = stream

Proposed POD/Water Intake

Red Line = 75' of 1-1/4" waterline

3/4 HP pump, holding tank, & pressure tank w/electronics

TAX LOT #
2500

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Google Earth

200 ft

Precision Pump, Inc.
PO Box 112
Banks, OR 97106
503-324-2361
www.precisionpump.net



Estimate

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ADDRESS

Eric Finnell
21975 Blaine Road
Beaver, OR 97108

ESTIMATE #	DATE	EXPIRATION DATE
9571	03/18/2022	04/18/2022

SALES REP
Tim Weaver

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DESCRIPTION	QTY
3/4 HP Goulds Shallow Well Jet Pump	2
1-1/4" Foot Valve	1
1-1/4" Check Valve	1
1-1/4" Brass or Stainless Steel Nipple	2
1-1/4" Union	2
1" Brass or Stainless Steel Nipple	2
1" Union	2
Hose Bib-Faucet	1
500 Gallon Vertical Storage Tank-48" X 72"	1
Non-Mercury Pump-Up Float	1
Non-Mercury Pump Down Float	1
Magnetic Contactor/Relay with Box and Cover	2
Symcom 1 PH up to 1.5 HP Pump Saver Plus Pump Protector with Enclosure	1
Bulkhead Storage Tank Adapter	1
1 1/4" Brass Ball Valve	1
1" Brass Ball Valve	3
Flex-Lite 90 Gallon Composite Pressure Tank-24.2" Diameter X 57" Height	1
Tank Package Including Brass Tee, Pressure Switch, Gauge, Relief Valve, Drain Valve, Union & nipples	1
Misc. Plumbing & Electrical	1
Storage System Installation	1
Electrical Permit	1

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We welcome any questions or concerns you may have. We appreciate the opportunity to quote this project!

TOTAL

\$6,050.00

Accepted By

Accepted Date

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STATE ENGINEER
SALEM, OREGON

ASSIGNED, See Misc. Rec., Vol. 5 Page 267

Permit No. 35148

ASSIGNED Vol 4, Page.

*APPLICATION FOR PERMIT

CERTIFICATE NO. 43689

To Appropriate the Public Waters of the State of Oregon

Joint Application..... John C. Thomas..... Ivan Lebold.....
(Name of applicant)

of Star Rt. Bx 26, Beaver, Ore. Star Rt. Bx 27, Beaver, Ore. 97108
(Mailing address)

State of Oregon do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

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1. The source of the proposed appropriation is unnamed stream
(Name of stream)

....., a tributary of Nestucca River
(Name of stream)

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2. The amount of water which the applicant intends to apply to beneficial use is 0.01

cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

**3. The use to which the water is to be applied is Domestic use
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

including irrigation lawns and gardens not exceeding $\frac{1}{2}$ acre per family

4. The point of diversion is located 770 ft. N and 130 ft. W from the $\frac{1}{4}$ corner
(N. or S.) (E. or W.)

corner of common to Sec. 28 & 29
(Section or subdivision)

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(If preferable, give distance and bearing to section corner)

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(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of Sec. 29 Tp. 3S
(Give smallest legal subdivision) (N. or S.)

R. 9 W., W. M., in the county of Tillamook
(E. or W.)

5. The to be
(Main ditch, canal or pipe line) (Miles or feet)

in length, terminating in the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 28 Tp. 3S
(Smallest legal subdivision) (N. or S.)

R. 9 W., W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

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Diversion Works—

6. (a) Height of dam 6' feet, length on top 16' feet, length at bottom

18' feet; material to be used and character of construction soil and rock
(Loose rock, concrete, masonry, etc.)

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 2300' ft.; size at intake, 2 in.; size at 1100 ft. from intake 1 in.; size at place of use 1 in.; difference in elevation between intake and place of use, 75 ft. Is grade uniform? No Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
3S	9W	28	S.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$	Domestic 1 family
3S	9W	28	N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$	Domestic 1 family

(If more space required, attach separate sheet)

(a) Character of soil Silt loam

(b) Kind of crops raised Gardens

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(Head)

10. (a) To supply the city of

..... County, having a present population of

(Name of)

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied 2

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....

12. Construction work will begin on or before constructed summer of 1957

13. Construction work will be completed on or before completed

14. The water will be completely applied to the proposed use on or before

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John C. Thomas
 (Signature of applicant)
Juan Lebold

Remarks:

..... Use of water under certificate 12401 has been abandoned

..... See file no. 16722

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STATE OF OREGON, }
 County of Marion, } ss.

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This is to certify that I have examined the foregoing application, together with the accompanying
 maps and data, and return the same for
 14054

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PERMIT

STATE OF OREGON,

County of Marion,

ss. OWRD

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.01 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from unnamed stream

The use to which this water is to be applied is domestic use for 2 (two) families.

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

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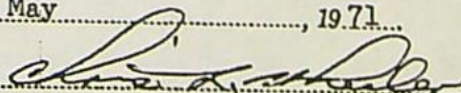
and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is May 18, 1970

Actual construction work shall begin on or before May 26, 1972 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1973.

Complete application of the water to the proposed use shall be made on or before October 1, 1974.

WITNESS my hand this 26th day of May, 1971



STATE ENGINEER

STATE OF OREGON

COUNTY OF

TILLAMOOK

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MAY 25 2022

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

KENNETH W. CECIL AND
ELMER AND MABEL LUNDBERG

OWRD

of 730 Garfield St., Woodburn, State of Oregon, 97071, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of an unnamed stream

a tributary of Nastucca River
domestic use for two families

for the purpose of

under Permit No. 35148 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 18, 1970 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NE 1/4, Section 29, T. 3 S., R. 9 W., W. M., 830 feet North and 100 feet West from the Ek Corner of Section 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ----- of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NW 1/4 SW 1/4
Section 28
T. 3 S., R. 9 W., W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 30, 1976

James E. Sexson

Water Resources Director

14054

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MAY 25 2022

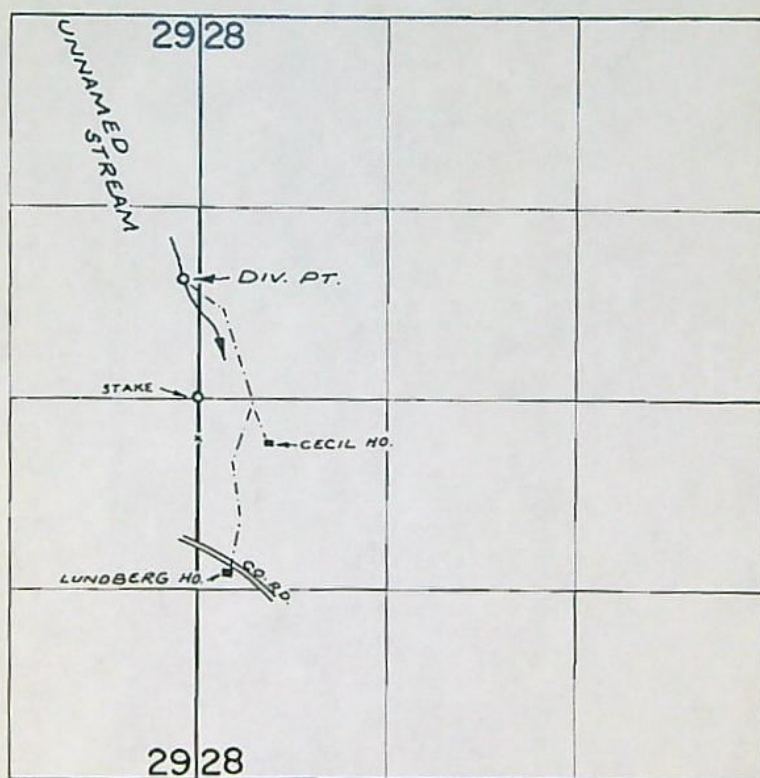
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T.3S.R.9W.W.M.



DIV. PT. LOC: 830' N. & 100' W. FROM E $\frac{1}{4}$ COR. SEC. 29

FINAL PROOF SURVEY
UNDER

Application No. 46978 Permit No. 3548
IN NAME OF
KENNETH W. CECIL &
ELMER & MABEL LUNDBERG

Surveyed SEPT. 13, 1974, by R. MUCKEN

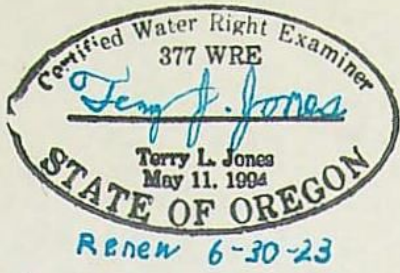
14054

FINNELL POD TRANSFER APPLICATION MAP

CWRE STAMP & ORIGINAL SIGNATURE

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11765 Hwy-101 South; Tillamook, OR 97141

AUTHORIZED POD

- POD #1 (45.28297, -123.80519)
- Priority Date: 5/18/1970
- Acres = NA
- Type = Domestic
- 467' from closest survey corner @ 192 degree bearing

PROPOSED POD

- POD #2 (45.27749, -123.80419)
- Priority Date: 5/18/1970
- Acres = NA
- Type = Domestic
- 243' from closest survey corner @ 204 degree bearing

PROPOSED NEW WATER SYSTEM

- 1-1/4" foot valve with screen, check valve with backflow preventer
- 3/4 hp shallow well jet pump
- Approximately 75' of 1-1/4" water line
- *See Attachment #3 for more details on water system specifications

Legend

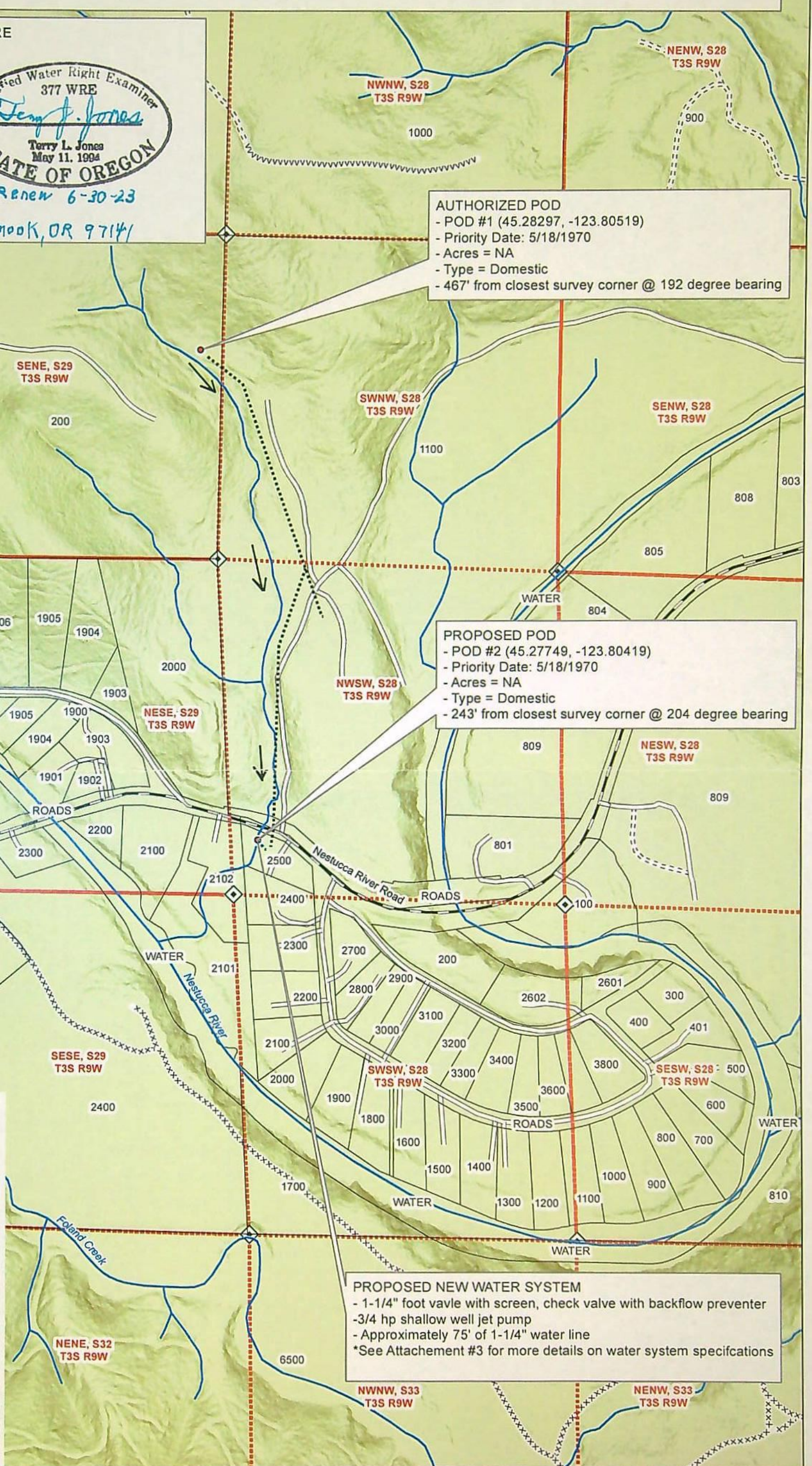
- Current Waterline
- Proposed New WaterLine
- Point of Diversion
- Stream
- Tillamook County Tax Lot
- ◇ TL_corners
- ◇ GCDB_Corners
- Quarter Quarters Sections

Roads - TL replica

Status and/or surface unknown

STATUS, SURFACE

- ~~~~~ Abandoned or vacated
- xxxxxx Blocked
- Paved
- Surfaced
- ==== Unsurfaced
- - - Planned



POD TRANSFER APPLICATION MAP
Erick & Jessica Finnell
Portions of Section 28 & 29
T3N, R9E, W.M.,
Tillamook County, OR

SCALE: 1 inch = 400 feet (1:4800)

0 240 480 960 1,440 Feet

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MAY 25 2022

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Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



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

Applicant(s): Erick and Jessica Finnell

Mailing Address: 21975 Blaine Rd

City: Beaver State: OR Zip Code: 97108 Daytime Phone: 503-812-0326

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:
3S	9W	28	NW SW	2500	RR-2	<input checked="" 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	
						<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:

Tillamook County

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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) Unnamed tributary of Nestucca River

Estimated quantity of water needed: .005 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 1 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

Domestic use including irrigation of lawns and gardens as seen in OWRD water right certificate no. 43689.

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): RR-2 Zone, TCLUO Section 3.010
- ☐ 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JUL 26 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

A single family dwelling is allowed outright in the RR-2 Zone, TCLUO Section 3.010. Residential uses allowed outright in this Zone.

Name: Sheila Shoemaker Title: Land use planner
 Signature: [Signature] Phone: 503842-3408 Date: 7/8/22
 Government Entity: Tillamook County

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 14654

Checked by: <u>Julia</u>	Type of Change(s) Proposed: <small>Mark the Proposed Changes</small>	Substitution	Supplemental to Primary	POU	<input checked="" type="checkbox"/> POD	APOD
Date: <u>1/28/22</u>		Gov Action	Surface to Ground	USE	POA	APOA
Fee Received: <u>\$1360</u>						
Calculated Fee: <u>\$1360</u>			How many rights to be Transferred?			
			Certificate # <u>43689</u>			
Additional Observations:						

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

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

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) Subtract 1 from the number in line 2a = _____ (2b) If only one change, this will be 0. Multiply line 2b by \$1,090 and enter »	2	0
3	Number of water rights included in transfer _____ (3a) Subtract 1 from the number in 3a above: _____ (3b) If only one water right this will be 0 Multiply line 3b by \$610 and enter »	3	0
4	Do you propose to add or change a well, change from a surface water POD to a well, or Substitute a Suppl GW right for a Primary SW right? <input type="checkbox"/> No: enter 0 » <input type="checkbox"/> Yes = \$480 (4a) If YES: enter the number of wells being proposed: _____ (4b) Subtract 1 from the number in line 4b = _____ (4c) If only one well this will be 0. Multiply line 4c by \$410 = _____ (4d) Add lines 4a and 4d and enter »	4	0
5	Do you propose to change the place of use or character of use? <input type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » » » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » » » » » » » » » » Transfer Fee:	8	



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 25, 2022

ERICK AND JESSICA FINNELL
21975 BLAINE RD
BEAVER, OR 97108

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JUL 26 2022

OWRD

RE: Incomplete Transfer Application

Dear Applicants,

The Water Resources Department has received an application for a permanent transfer for one certificated water right. The application is considered incomplete as the Department did not receive all of the required documentation to process the transfer. Pursuant to OAR 690-380, the following are missing from your application:

- The Department's Land Use Form is missing.
 - ✓ Please fill out the included Land Use Form and have signed and return with the application.
- The Department's Evidence of Use Affidavit is missing.
 - ✓ Please fill out the included Evidence of Use Affidavit form and have it notarized and return with the application.

*Both now
included*

We are hereby returning the permanent transfer application and the fees submitted.

Please resend the complete application in its entirety.

Please contact the customer service number at 503-986-0801 if you need assistance with your application.

Transfer and Conservation Section
Oregon Department of Water Resources

Cc: OWRD Fiscal