

APR 03 2025

Salem, OR

March 31, 2025

VIA HAND DELIVERY

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

RE: Application for Groundwater Registration Modification for GR-2959

To Whom It May Concern:

Enclosed for filing is an Application for Groundwater Registration Modification for GR-2959 ("Application"), filed on behalf of David Bernert. GR-2959 is in the name of John Gale and on March 11, 2025, a Request for Assignment was submitted to OWRD to assign GR-2959 from Mr. Gale to Cutter Construction Co. Inc. Cutter Construction Co. Inc. is the current owner of tax lot 1800, which is the tax lot to which GR-2959 is appurtenant. Mr. Bernert is submitting this Application with the consent of Cutter Construction Co. Inc., as evidenced by the landowner consent form included herewith.

Please find enclosed the following documents in support of the Application:

- Application for Groundwater Registration Modification for GR-2959
 - Attachment 1 to the Application
 - Application Map
 - Well Log (CLAC 12907)
 - Land Use Information Form
- Groundwater Registration Modification Application Fee (\$1,250.00)
- Signed and notarized Deeded Landowner Consent Form
- Signed and notarized Affidavit of Partial Voluntary Cancellation voluntarily cancelling overlapping water rights under Certificate 86425

Please let me know if you have any questions.

Regards,



Attachments

14637 -

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ \$1250.00 (\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- ☐ ☒ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.

Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.

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☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

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

Other/Explanation _____

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

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Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

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

- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.
- ☒ Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes hachuring, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- ☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☒ ☐ N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME David Bernert		PHONE NO. (503) 807-8466	ADDITIONAL CONTACT NO.
ADDRESS 4131 Imperial Drive		FAX NO.	
CITY West Linn	STATE OR	ZIP 97068	E-MAIL davebe1985@outlook.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

APPLICANT/BUSINESS NAME Russell Lawrence		PHONE NO. (503)781-4885	ADDITIONAL CONTACT NO.
ADDRESS 19478 S. Starview Ln		FAX NO.	
CITY Oregon City	STATE OR	ZIP 97045	E-MAIL russ@streamfix.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this modification; and why:
Please see Attachment 1

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

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

(Check one box)

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

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

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



Applicant Signature

David Bernert

Print Name (and Title if applicable)

3/31/2025

Date

Applicant Signature

Print Name (and Title if applicable)

Date

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



Check the appropriate box, if applicable:

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Clackamas County	ADDRESS ZDO 150 S. Beaver Creek Road	
CITY Oregon City	STATE OR	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 4 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

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

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

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

Microsoft Word 2007

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

Microsoft Word 2010

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

Other Alternatives:

- Photocopy pages or tables in Part 4, ~~mark-through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 4 and paste as many additional sets of Part 4 pages as needed at the end of the application.

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

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Part 4 of 4 – Groundwater Registration Information

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

Groundwater Registration # GR-2959 (Certificate # GR-_____)

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

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

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
GR 2595 POA	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 12907	4 S	1 E	4	SW SW	4S1E04C01800	3 chains north and 13 chains east from SW corner, Section 4
POA 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	N/A	4 S	1 E	4	SW SW	4S1E04C01701	996 feet east from SW corner and 828 feet north from SW corner, Section 4
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

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

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

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

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

☐ **No** Complete all of Table 2 to describe the portion of the registration to be changed.

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

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

Table 2. Description of Modifications to Registration GR- 2959 List only the part of the registration that will be modified. For the acreage in each ¼ ¼, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
													POU/POA	4	S	1	E	4	SW	SW	4S1E 04C0 1701		4.76	Irrigation	POA 2	07/1944
													POU/POA	4	S	1	E	4	SE	SW	4S1E 04C0 1701		3.24	Irrigation	POA 2	07/1944
TOTAL ACRES											TOTAL ACRES													8		

Additional remarks: _____

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Groundwater Registration # GR-2959

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

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

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

Certificate 86425



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

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

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

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

http://apps.wrd.state.or.us/apps/gw/well_log/)

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AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
AUTH POA 1 (CLAC 12907)	Y (but inoperable)	See attached well log	10	48"	10	NA		6	SILT & GRAVEL	100 gpm
POA 2	No		25 +/-	12"	25		15 - 25	19	SILT & GRAVEL	100 gpm

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Application for
Water Right Modification of
Groundwater Registration
Consent by Deeded Landowner



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

State of Oregon)
)ss
County of Clackamas)

I Lori Pottraz in my/our capacity as President of Cutter Construction Co Inc

mailing address 21410 S Levi Rd. Beavercreek, OR 97004

telephone number 503.969.5116, duly sworn depose and say that I/We

consent to the proposed change(s) to Water Right Groundwater Registration Number GR-2959

described in a Water Right Transfer Application (T-),
(transfer number, if known)

submitted by Bernert Land Holding, LLC (David Bernert)

on the property in tax lot number(s) 4S1E04C01800

Section 4 Township 4S North/South Range 1E East/West, W.M.

located at 750 SW 20th Ave, Canby 97013
(site address)

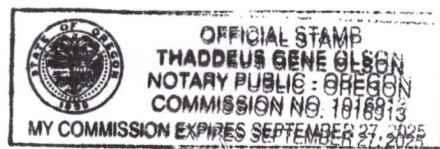
Lori Pottraz
Signature of Affiant

3.31.2025
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 31 day of Mar, 2025.



[Signature]
Notary Public for Oregon

My commission expires Sept 27 2025

GR 2959 Modification Application

ATTACHMENT 1

The modification of GR-2959 is being made to move the place of use for irrigation from the area described in the original Groundwater Registration to arable land immediately adjacent and to construct a new well to service this acreage.

This modification proposes irrigation of the same number of acres, i.e., 8 acres, as registered under GR-2959. In order to do so, a new point of appropriation will need to be constructed. This area is a gravel deposition area and the new well will draw from the same aquifer as the original well.

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STATE ENGINEER
Salem, Oregon

CLAC
012907

Well Record

STATE WELL NO. 4/1-4N
COUNTY CLACKAMAS
APPLICATION NO. GR-2959

OWNER: John I. Gale

MAILING ADDRESS: Rt. 3, Box 64

LOCATION OF WELL: Owner's No.

CITY AND STATE: Canby, Oregon

SW 1/4 SW 1/4 Sec. 4 T. 4 N. S. R. 1 E. W.M.

Bearing and distance from section or subdivision

corner 13 ch. E. and 3 ch. N.

Altitude at well

TYPE OF WELL: dug Date Constructed 1944

Depth drilled 10 Depth cased 10

CASING RECORD:

48-inch

FINISH:

AQUIFERS:

silt and gravel

WATER LEVEL:

6-feet

PUMPING EQUIPMENT: Type Wyss Centrifugal H.P. 3
Capacity 100 G.P.M.

WELL TESTS:

Drawdown ft. after hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION GR-2776

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

Silt 4'
Gravel 10'

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Affidavit of Voluntary Cancellation or Diminution of a Water Right Certificate

VOLUNTARY CANCELLATION is how the legal holder(s) of a water right certificate may cancel an abandoned water right or an abandoned portion of a water right. Abandonment means water use has or will have ceased under the cancellation. A cancellation can apply to an entire certificate or to a specific place of use and acreage. The rate of water must be proportionately cancelled to match the portion of the right being cancelled. If a certificate is partially cancelled, a remaining water right certificate will be issued describing the uncanceled portion.

[see also Oregon Revised Statue (ORS) 540.621 and Administrative Rule (OAR) 690-017-0100.]

VOLUNTARY DIMINUTION is how the legal holder(s) of a water right certificate may diminish an entire water right or a portion of it from a primary purpose to a supplemental purpose. The overall authorized rate of water on the certificate will remain the same, but the proportions between primary use and supplemental use will change. In the diminution process, the originating water right will be cancelled, and a new water right will be issued describing the diminution. [see also Oregon Administrative Rule (OAR) 690-330-0040.]

Describe in your own words what you want to accomplish with this affidavit:

Voluntarily cancel 7.63 acres of water rights under Certificate 86425, specifically 3.63 acres in

T4S, R1E, Sec 4, SW SW and 4 acres in T4S, R1E, Sec 4, SE SW.

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Certificate of Water Right Information:

Certificate Number: 86425

Issued for use within the State of Oregon, County of Clackamas

Issued in the name of: Parker Northwest Paving Co.

Date of priority: 3/25/1943

Rate or Volume on entire certificate: 1.11 (cubic foot per second **or** gallons per minute **or** acre-feet).

Source(s) of water on certificate: Molalla River

Use(s) of water listed on certificate: Manufacturing, Irrigation (purposes),

If for irrigation (IR), total number of acres on certificate for primary IR 50.50, supplemental IR _____.

Statements of Oath:

I/We (or authorized agent), Lori Pottraz, President of Cutter Construction Co Inc

residing at _____

with a mailing address of (if different) 21410 S Levi Rd., Beaver Creek, OR 97004

and a telephone number of (503) 969-5116, being **first duly sworn depose and say:**

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

1. I/We are the legal owners of property appurtenant to ☐ all **or** ☒ a portion (check one box) of the water right described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [must include at a minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

T4S, R1E, Sec 4, SW SW, SE SW TL 1800

2. I/We are requesting a [check one box - the affidavit will be returned if more than one box is checked]:

☐ voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # _____.

☒ voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # 86425.

☐ voluntary diminution of the ENTIRE water right Certificate # _____.

☐ voluntary diminution of a PORTION of water right Certificate # _____.

3. The appurtenant water right ☐ is **or** ☒ is not (check one box) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here:

_____);

- a. The water right, or portion thereof, being ☐ cancelled **or** ☐ diminished (check one box) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

Signature of district manager

Printed Name

Date

4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

- ☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) irrigation

- IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled 7.63

- In the amount of 0.10 cubic foot per second

- From the water source (s) Molalla River, POD 2

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revised August 2022

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

- At the following location(s) (attach a larger table if needed):

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
4	S	1	E	WM	4			SW SW		3.63
4	S	1	E	WM	4			SE SW		4
				WM						
				WM						

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

AND/OR (less common)

- ☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
- For the use of (specify irrigation, domestic, etc.) _____
 - From the water source (s) _____
 - Located within the Township _____ N ☐ or S ☐, Range _____ E ☐ or W ☐, Section _____; Q-Q _____
 - Location Description (if given on the certificate) _____

5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.

- I/We have found a more dependable source of primary water, and therefore request the water right certificate ☐ in its entirety, **or** ☐ as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- I/We agree that if this change is approved, it is permanent and the right to the use of water from _____ (source) cannot be changed back to the primary use unless otherwise provided by law.
- I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from _____ (source of water) for primary use on these lands.

6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of _____ (cfs) from _____ (sources) for irrigation (if applicable) of _____ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

--table next page--

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Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

PORTION TO BE DIMINISHED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
				WM						
				WM						
				WM						
				WM						

Signatures and Notary:

Lori Pottraz
 Signature of legal owner as listed on deed, or authorized agent
 Printed Name Lori Pottraz, President of Cutter Construction Co Inc

3.31.2025

Date

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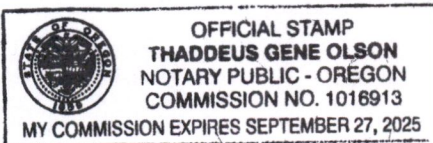
APR 03 2025

Salem, OR

 Signature of legal co-owner as listed on deed (if applicable)
 Printed Name _____

Date

Subscribed and Sworn to Before Me this 31 day of Mar, 2025.



[Signature]

Notary Public for Oregon

My Commission Expires Sept 27 2025

REQUIRED ATTACHMENTS (LEGIBLE COPIES):

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
 - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
 - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.

Attachment to Affidavit for the Partial Voluntary Cancellation of Certificate 86425

Below is a list of the names and addresses of the other property owners with lands appurtenant to portions of water right Certificate 86425 not legally owned by Cutter Construction Co Inc, which is the entity signing the affidavit.

- 41E04C 01900: SCOTT THOMAS A W TRUSTEE and SCOTT ERIKA A TRUSTEE, 130 SW 2ND AVE STE 103, CANBY, OR 97013
- 41E09B 00100: CUTTER CONSTRUCTION CO INC, 21410 S LEVI RD, BEAVERCREEK, OR 97004



After recording return to:
Cutter Construction Co Inc
21410 S Levi Road
Beavercreek, OR 97004

Until a change is requested all tax
statements shall be sent to the
following address:
Cutter Construction Co Inc
21410 S Levi Road
Beavercreek, OR 97004

File No.: 7000-3798103 (srm)
Date: August 04, 2021

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2021-076504

08/17/2021 09:44:01 AM

D-D Cnt=1 Stn=7 LISA
\$25.00 \$16.00 \$10.00 \$62.00

\$113.00

STATUTORY WARRANTY DEED

Canby Sand & Gravel Co., a division of Parker-Northwest Paving Co, an Oregon corporation as to Parcel I, II, III, V and VI and Parker- Northwest Paving Co. as to Parcel IV, Grantor, conveys and warrants to **Cutter Construction Co Inc, an Oregon corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2021-2022** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$1,450,000.00**. (Here comply with requirements of ORS 93.030)

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Salem, OR

14637-

3798103-60

FIRST AMERICAN

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 13 day of Aug, 2021

Canby Sand & Gravel Co. A Division of Parker-
Northwest Paving Company, an Oregon
corporation

Parker Northwest Paving Co., an Oregon
corporation

By:

Nancy L. Traverso
Name: Nancy L. Traverso
Title: President

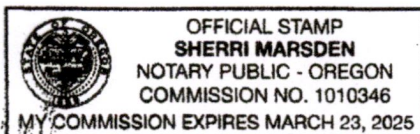
By:

Nancy L. Traverso
Name: Nancy L. Traverso
Title: President

STATE OF Oregon)
County of Clackamas)ss.
)

This instrument was acknowledged before me on this 13 day of August, 2021
by Nancy L. Traverso as President of Canby Sand & Gravel Co., A division of Parker-Northwest Paving
Co., an Oregon Corp and President of Parker Northwest Paving Co., on behalf of the corporation.

Marsden



Notary Public for Oregon
My commission expires:

3/23/25

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I:

Parcel 3, Partition Plat 2019-027, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point being the Section Corner 4,5,8,9, Township 4S Range 1E, W.M., said point being the common corner of Parcel 3 as shown on Partition Plat 2019027 and P-I & P-XXVI as shown on Record Survey SN2018-188, thence from said point of beginning S01°30'21"W 1306.15 feet to the center of the Molalla River; thence along said Centerline Molalla River the following eight (8) courses and distances:

1. S59°46'05"W 99.22 feet
2. S59°11'39"W 243.52 feet
3. S56°35'10"W 229.51 feet
4. S54°07'36"W 153.83 feet
5. S59°59'00"W 211.45 feet
6. S67°23'56"W 200.74 feet
7. S67°38'22"W 171.22 feet
8. S87°14'23"W 215.53 feet to a point;

Thence leaving the centerline of said Molalla River N01°46'31"E 1337.90 feet; thence N88°03'13"W 258.05 feet; N23°37'16"W 731.97 feet to the common corner of Parcel 1 Partition Plat 2019-027 and the herein described Parcel 3 PP 2019-027; thence N47°16'55"E 487.65 feet to a point in the centerline of the Molalla River; thence along the said Centerline of the Molalla River the following nine (9) courses and distances:

1. N40°17'15"W 79.33 feet
2. N12°48'37"E 291.74 feet
3. N57°11'18"E 165.79 feet
4. N71°54'10"E 510.11 feet
5. N68°41'43"E 275.69 feet
6. N52°04'03"E 271.92 feet
7. N00°34'54"E 78.81 feet
8. N08°59'18"W 754.83 feet
9. N23°19'23"W 641.90 feet to a point;

Thence leaving the centerline of the Molalla River and following the Northerly and Easterly boundary of the herein described Parcel 3, S88°20'44" E 293.43 feet; S14°07'00"W 259.61 feet; S13°29'00"E 340.21 feet; S88°18'33"E 572.38 feet; S01°51'07" W 1465.94 feet and S02°02'39"W 594.16 feet to the point or place of beginning.

PARCEL II:

Beginning at a point being the Section Corner 4,5,8,9, Township 4S Range 1E, W.M., said point being the common corner of Parcel 3 as shown on Partition Plat 2019027 and P-I & P-XXVI as

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shown on Record Survey SN2018-188, thence from said point of beginning N02°02'39"E 594.16 feet to a point; Thence S88°16'31"E 1823.60 feet; S01°45'23"W 593.92 feet to the common corner of P-XXVI as shown on SN 2018-188; Thence N88°16'42"W 1824.08 feet to the point or place of beginning.

PARCEL III:

Beginning at a point being the Section Corner 4,5,8,9, Township 4S Range 1E, W.M., said point being the common corner of Parcel 3 as shown on Partition Plat 2019-027 and P-I & P-XXVI as shown on Record Survey SN2018-188, thence from said point of beginning S88°16'42"W 2614.01 feet to a point being the common corner of P-XXVI and P-XXV as shown on SN 2018-188; thence S01°46'20"W 226.14 feet to the Centerline of the Molalla River; thence along the Centerline of said Molalla River the following sixteen (16) courses and distances:

1. S83°25'16"W 242.11 feet
2. S72°05'49"W 137.12 feet
3. S77°55'00"W 192.38 feet
4. S77°24'12"W 261.59 feet
5. S76°09'06"W 172.64 feet
6. S87°16'35"W 187.26 feet
7. N90°00'00"W 175.17 feet
8. S75°16'18"W 179.45 feet
9. S69°55'23"W 129.61 feet
10. S62°43'29"W 123.75 feet
11. S55°08'08"W 137.50 feet
12. S54°20'34"W 257.24 feet
13. S49°52'18"W 164.93 feet
14. S53°23'30"W 174.16 feet
15. S56°24'48"W 150.08 feet
16. S59°46'05"W 211.52 feet to a point;

Thence leaving the Centerline of the said Molalla River N01°30'21"E 1306.15 feet to the point or place of beginning.

PARCEL IV:

Beginning at a point being the South Quarter Corner 4,9, Township 4S Range 1E, W.M., said point being the common corner of P-XXVI and P-XXV as shown on SN 2018-188; thence S87°05'43"E 366.77 feet; S02°54'11"S 115.00 feet; S87°05'49"E 300.00 feet; thence S02°54'11"W 263.32 feet to a point on the south side of the Molalla River; thence N87°05'49"W 659.29 feet to a point; thence N01°46'20"E 152.89 and N01°46'20"E 226.14 feet to the point or place of beginning.

PARCEL V:

Commencing at a point being the South Quarter Corner 4,9, Township 4S Range 1E, W.M., said point being the common corner of P-XXVI and P-XXV as shown on SN 2018-188; Thence S02°54'11"W 20.00 feet to the True Point or Place of beginning; Thence S87°05'49"E 300.00 feet; Thence S02°54'11"W 95.00 feet; Thence N87°05'49"W 300.00 feet; Thence N02°54'11"E 95.00 feet to the True point or Place of Beginning.

PARCEL VI:

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Commencing at a point being the South Quarter Corner 4,9, Township 4S Range 1E, W.M., said point being the common corner of P-XXVI and P-XXV as shown on SN 2018-188; thence S87°05'43"E 366.77' to the True Point or Place of Beginning; thence S87°05'43"E 300.00 feet to a point; Thence S02°54'11"W 20.00 feet to a point; Thence N87°05'49"W 300.00' and N02°54'11"E 20.00 feet to the True Point or Place of Beginning.

A.P.N.: 01004264

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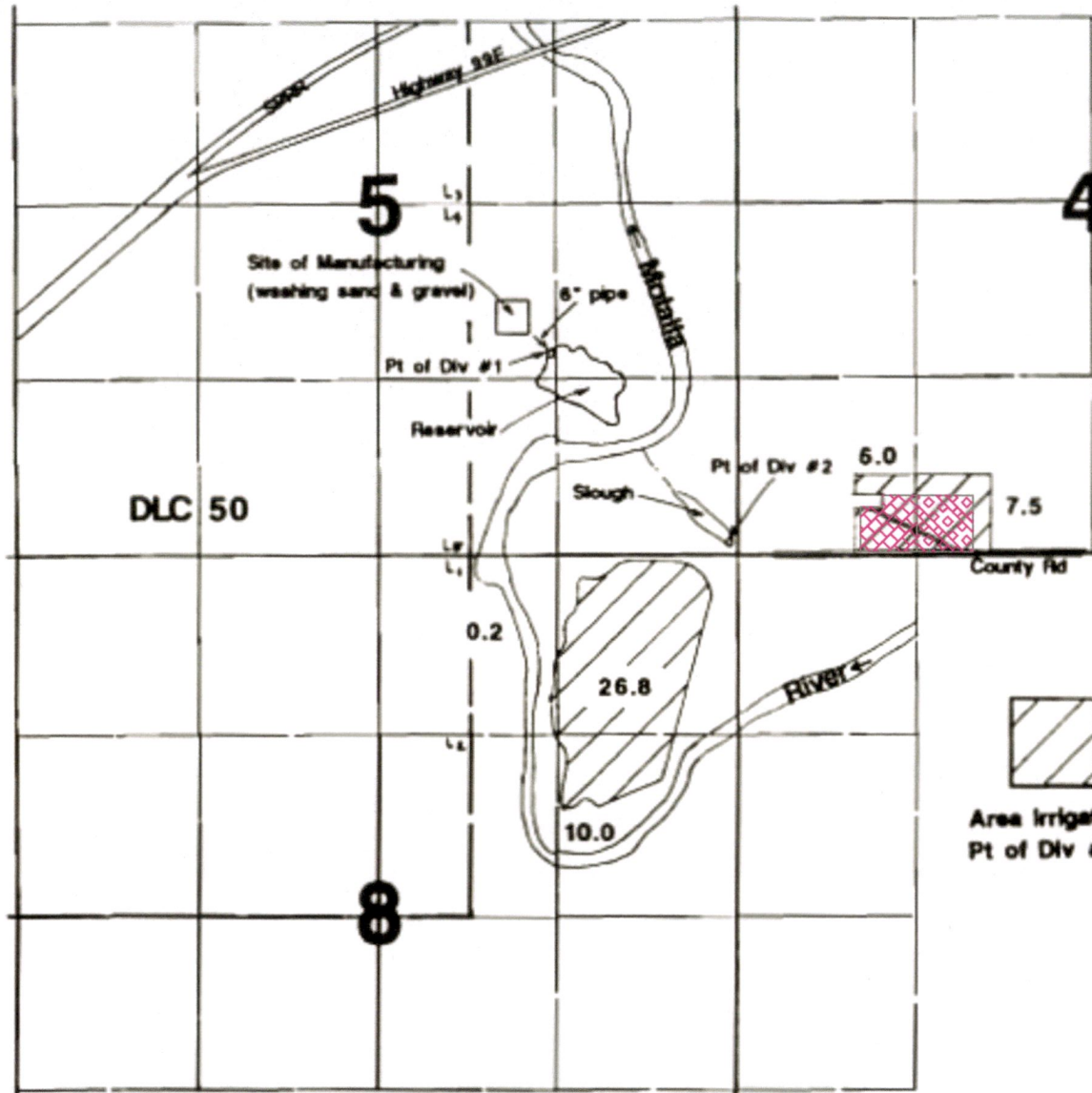
T.4S., R.1 E., W.M.

CERTIFICATE 86425
PARTIAL CANCELLATION

RECEIVED

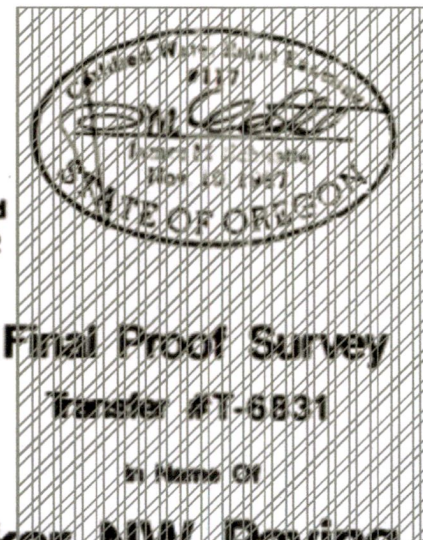
SEP 2 1994

WATER RESOURCES DEPT
ALL P.L. NO. 2000



1" = 1320'

Area Irrigated
Pt of Div #2



Final Proof Survey
Transfer #T-6831



In Name Of

Parker NW Paving Co.

Surveyed August 16, 1994 by JM Schutte

Pt of Div #1 located 1100'S & 1300'E from center of Section 5.
Pt of Div #2 located 100'N & 75'W from SE corner Section 5.

LEGEND

-  SW 1/4 SW 1/4 SEC. 4 3.63 AC
-  SE 1/4 SW 1/4 SEC. 4 4 AC

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

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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

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Salem, OR

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Salem, OR

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

NAME David Bernert			PHONE (503) 807-8466	
MAILING ADDRESS 4131 Imperial Dr.				
CITY West Linn	STATE OR	ZIP 97068	EMAIL davebe1985@outlook.com	

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:
4S	1E	4	SW/SW	1701		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
4S	1E	4	SE/SW	1701		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
						<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:

Clackamas County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 100 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

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

Briefly describe:

Move the place of use of GR2959 from Taxlot 1800, to equal acreage in Tax Lot 1701 and propose a new well.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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Last Revised: 10/2023

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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EDO Sec 401 (CFU)
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

irrigation for farming is allowed outright

Name: Ben Blessing Title: Sr Planner
 Signature: [Signature] Date: 3-26-2025
 Governmental Entity: Clackamas Co. Phone: 503-742-4521

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

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Applicant Name: _____
 Staff Name: _____ Title: APR 03 2025
 Staff Signature: _____ Date: Salem, OR
 Governmental Entity: _____ Phone: _____