

T-14219

# Permit Amendment

# RA

T-14219

Name Barry & Lee Ann CookAddress 37621 SE Bear Creek Lane  
Boring, OR 97009Change in POADate Filed 4-12-2023Initial notice date 4-18-2023

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 4/24/2023 Vol 129 Page 250-52

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Bear Creek BasinUse Nursery Uses County Clackamas

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

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

App# G-116050 Per # G-15779 Cert # — PR Date 7/17/2003

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ 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 #

4-12-2023 \$125.00 1404904-12-2023 \$1,840.00 1404964-26-2023 \$1,627.75 140581

## FEES REFUNDED

Date Amount Receipt #

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Agent Bob Long - bob.long@cwmh20.com

\_\_\_\_\_

\_\_\_\_\_

CWRE \_\_\_\_\_

CC's list Clackamas County

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ - Oversized map - Location \_\_\_\_\_





# 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

October 24, 2023

BARRY & LEE ANN COOK  
37621 SE BEAR CREEK LANE  
BORING, OR 97009

REFERENCE: Permit Amendment Application T-14219

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Stacy Phillips, by telephone at (503)979-9948 or by e-mail at [Stacy.H.Phillips@water.oregon.gov](mailto:Stacy.H.Phillips@water.oregon.gov).

Sincerely,

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

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)  
Clackamas County Planning  
Bob Long, Agent

Enclosure



## STATE OF OREGON

)

F  
F

### Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

## Applicant

BARRY AND LEE ANN COOK  
37621 SE BEAR CREEK LANE  
BORING, OR 97009

## Findings of Fact

1. On April 12, 2023, BARRY AND LEE ANN COOK, filed an application to change the points of appropriation under Permit G-15779. The Department assigned the application number T-14219.
2. On May 6, 2016, the Department approved an extension of time for complete application of water to October 1, 2035.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on April 18, 2023, pursuant to ORS 540.520(5).
4. Permit Amendment Application T-14219 proposes to move the authorized point of appropriation approximately 570 feet and 910 feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
1 S	4 E	WM	26	SE SW	6500	WELL 3 - 140 FEET NORTH AND 1580 FEET EAST FROM THE SW CORNER OF SECTION 26

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



### **Permit Amendment Review Criteria**

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

### **Conclusions of Law**

The change in points of appropriation proposed by Permit Amendment Application T-14219 are consistent with the requirements of ORS 537.211.

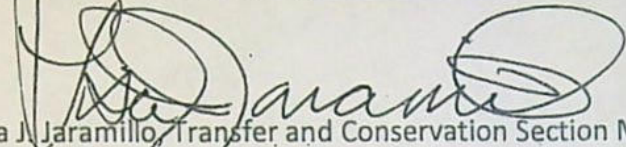
### **Now, therefore, it is ORDERED:**

1. The change in points of appropriation proposed by Permit Amendment Application T-14219 are approved.
2. Approval of this permit amendment application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
3. Permit G-18875, in the name of BARRY AND LEE ANN COOK, is issued to replace Permit G-15779, and incorporates the amendments approved by this order and the extension of time. Permit G-15779, in the name of BARRY AND LEE ANN COOK, is no longer of any force or effect.
4. The quantity of water diverted at the new point of appropriation (WELL 3) shall not exceed the quantity of water lawfully available at the original points of appropriation (WELL 1 and WELL 2).
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to this condition.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.



6. Water shall be acquired from the same aquifer as the original points of appropriation (WELL 1 and WELL 2).
7. All other terms and conditions of Permit G-18875 remain the same.

Dated in Salem, Oregon on OCT 24 2023.

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

Mailing Date: OCT 25 2023



STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BARRY AND LEE ANN COOK  
37621 SE BEAR CREEK LANE  
BORING, OR 97009

This superseding permit is issued to describe a change in points of appropriation proposed under Permit Amendment Application T-14219 and approved by Special Order Vol. 129, Page 250, entered OCT 24 2023, and to describe an Extension of Time for complete application of water approved May 6, 2016. This permit supersedes Permit G-15579.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16050

SOURCE OF WATER: WELL 3 IN BEAR CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 19.0 ACRES

MAXIMUM RATE: 0.67 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 17, 2003

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
1 S	4 E	WM	26	SE SW	6500	WELL 3 - 140 FEET NORTH AND 1580 FEET EAST FROM THE SW CORNER OF SECTION 26

The amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for irrigation other than irrigation of an in-ground crop may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.



THE PLACE OF USE IS LOCATED AS FOLLOWS:

NURSERY USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	26	SW SW	6.5
1 S	4 E	WM	26	SE SW	12.5
Total					19.0

**Permit Amendment T-14219 Conditions:**

The quantity of water diverted at the new point of appropriation (WELL 3) shall not exceed the quantity of water lawfully available at the original points of appropriation (WELL 1 and WELL 2).

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of appropriation with the exception that water rights issued to the Bureau of Reclamation, or an irrigation district (or similar entity) are not subject to this condition.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original points of appropriation (WELL 1 and WELL 2).

**Extension of Time Conditions:**

Last Extension Condition

This is to be the last extension of time granted for Permit G-15779. Any future extensions of time requests will be denied.

Permit Amendment Condition

By October 1, 2017 the permit holder must submit to the Department, an application for a Permit Amendment under ORS 537.211, for approval to authorize a change in the point of appropriation from the permitted Well 1 (CLAC 61407) described in Permit G-15779.

Well Construction Condition

The permit holder shall complete construction of Well 1, and submit to the Department a completed well log by October 1, 2020. This deadline shall not be extended.



### Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020, 2025, 2030, and 2034.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

### Original Permit Conditions:

#### **Measurement, Recording and Reporting Conditions:**

- A. Before water use may begin under this permit, the water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

#### **WELL CONDITIONS**

- 1. Ground water production shall be only from the Troutdale Sandstone ground water reservoir between approximately 250 feet and 420 feet below land surface.
- 2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway



in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

3. A. Use of water from the wells, as allowed herein, shall be regulated is the well displays:
  1. An average water-level decline of three or more feet per year for five consecutive years; or
  2. A total water-level decline of fifteen or more feet; or
  3. A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- B. The water user shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- C. The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
  1. Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
  2. In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
  3. All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the water user.
  4. Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
  5. The water user shall submit a record of the measurement to the department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine



when any of the declines cited in section 3(a) are evidenced by the well measurement required in section 3(c).

#### STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water-level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the Department's standards, to the Water Resources Department. The Director may require water-level or pump-test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

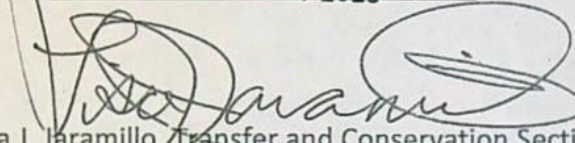


The original permit was issued November 24, 2004. Actual construction work was to begin within one year from issuance of the original permit. By Extension of Time Final order dated May 6, 2016, the deadline for complete application of water to use was extended to October 1, 2035.

Within one year after complete application of water to the proposed use, the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued

OCT 24 2023



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

**ASSIGNMENT OF PERMIT:** Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**MAILING ADDRESS CHANGES:** If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**REAL ESTATE TRANSACTIONS:** Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

**CULTURAL RESOURCES PROTECTION LAWS:** Water users involved in ground disturbing activities should be aware of federal and state cultural resources protection laws, ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



# PERMIT AMENDMENT COVER SHEET

Transfer: T-14219

Permit Amendment Specialist: Stacy

Transfer Type: Permit Amendment Transfer

Reimbursement Authority? ☒

<b>Applicant:</b> BARRY AND LEE ANN COOK 37621 SE BEAR CREEK LANE BORING, OR 97009	<b>Agent:</b> BOB LONG, CWM H2O, LLC 1319 SE MARTIN LUTHER KING JR BLVD, STE 204 PORTLAND, OR 97214	<b>CWRE:</b>
<b>Irrigation District:</b>	<b>Affected Local Gov'ts:</b> County Of Clackamas	<b>Affected Tribal Gov't:</b>
<b>BOR Notified (date):</b>		

## Permit(s) Affected

File Marked	App. File # or Decree Name	Permit Number	Superseding Permit Number
<input type="checkbox"/>	G-16050	G-15779	<u>G-18875</u>
<input type="checkbox"/>			
<input type="checkbox"/>			

## Key Dates & Initial Actions (Support Staff)

Rec'd: April 12, 2023	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	Acknowledgement Letter Sent <input checked="" type="checkbox"/>	Basin: 3 Sandy
Initial Public Notice: <u>4-18-23</u>	County sent cc: of Ack Letter <input checked="" type="checkbox"/>	County: CLACKAMAS
WM District: 20, Amy J. Landvoigt	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received: <u>8-4-23</u>

## Caseworker Actions: Newspaper Notice and other:

Newspaper notice needed: <input type="checkbox"/> <u>N/A</u>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:
Extension of Time? <input checked="" type="checkbox"/>	Assignment? <input type="checkbox"/> <u>N/A</u>
Previous Permit Amendments? <input type="checkbox"/> <u>N/A</u>	WMCP? <input type="checkbox"/> <u>N/A</u>

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>8/25/23</u> Initials: <u>SNP</u>	Date: <u>9/25</u> Initials: <u>ACD</u>	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____ WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/> No. of docs for sig: _____	Date: _____

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



## Groundwater Transfer Review Summary Form

Transfer/PA # T- 14219 (RA)

GW Reviewer Dennis Orłowski Date Review Completed: May 5, 2023

### Summary of Same Source Review:

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

### Summary of Injury Review:

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

### Summary of GW-SW Transfer Similarity Review:

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

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





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

## Ground Water Review Form:

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

Application: T-14219

Applicant Name: Barry and Lee Ann Cook

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

Reviewer(s): Dennis Orlowski

Date of Review: May 5, 2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/3/23

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

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

1. Basic description of the changes proposed in this transfer: This proposed amendment relates to permit G-15779, which authorizes the use of two wells to pump groundwater for year-round nursery irrigation of 19.0 acres in Clackamas County, with a maximum combined instantaneous pumping rate of 0.67 cfs (~300 gpm).

This proposed amendment is to change the locations of the two authorized POA ("Well 1" and "Well 2", not yet installed) to a new proposed POA location ("Well 3", not yet installed) located several hundred feet generally south of the authorized locations.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: Permit G-15779 stipulates that "groundwater production shall be only from the Troutdale Sandstone groundwater reservoir between approximately 250 feet and 420 feet below land surface" (bold-faced emphasis added).

USGS geologic maps indicate that the top of the TSA in this area ranges from approximately elevation 450 to 500 ft msl, with an estimated thickness of about 150 feet (Swanson and others, 1993; McFarland and Morgan, 1996); at the proposed Well 3 location, this would place the top of the TSA between approximately 250-300 ft bls, and the bottom of the TSA from about 400-450 ft bls.

To comply with this permit condition, in the application proposed POA "Well 3" is shown to be planned to about 420 feet deep, with a sealed depth to 320 ft bls, in which case it would obtain groundwater from the TSA, the same source as the authorized POA.



However, the application also states that "nearby well logs do suggest that the Troutdale Sandstone aquifer extends to a greater depth in the area of the proposed well (see CLAC 20245, for example, the aquifer extends to ~580 ft bgs). The Applicant requests that the depth range be extended to encompass the local thickness of the target aquifer formation."

OWRD acknowledges that the permit G-15779 condition related to authorized POA completion depths was based on an approximation of the total TSA depth at this location (TSA bottom estimated at ~420 feet deep); additional analysis conducted for this review, but still based on USGS estimated formation depths, suggests the bottom of the TSA might be somewhat deeper at around 450 feet deep. OWRD also acknowledges that the actual bottom of the TSA might be deeper still, to be determined from drilling observations. Thus, the total depth of Well 3 can exceed ~420-450 feet if it can be shown during drilling that the TSA extends below that depth range (OWRD can be available at that time to assist in this determination).

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No N/A
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): \_\_\_\_\_
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
☒ Yes ☐ No Comments: The nearest known senior groundwater user that obtains groundwater from only the TSA is CLAC 72202, located several hundred feet south of the authorized and proposed POA. CLAC 72002 is the authorized POA for certificate 95512, which is for nursery and irrigation use at Troutner Farms. Relative to the authorized Well 2 location, the proposed location for POA Well 3 is about 450 feet nearer to CLAC 72202, and thus some increase in interference with that well is expected.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?  
☐ Yes ☒ No If yes, explain: A Theis interference analysis (Theis, 1935) was completed to estimate the amount of additional drawdown that could be expected at CLAC 72202 due to pumping at the proposed Well 3 POA location. Using conservative operational parameters (24/7 pumping at the maximum authorized rate) and aquifer parameters derived from local pumping tests (e.g., CLAC 935), the Theis analysis results indicate only slight potential increases in additional drawdown (~1-2 ft) are expected at CLAC 72202 due to the proposed use. Therefore, it is **not** likely that the proposed use will result in CLAC 72202 and other applicable groundwater users from receiving water to which they are legally entitled.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?  
☐ Yes ☒ No Comments: The nearest stream reach is a tributary to the Sandy River about 800 feet east of the authorized and proposed POA. However, relative to authorized POA Well 2 location, the proposed POA Well 3 location is about the same distance from this stream reach, and thus the proposed use will **not** likely result in an increase in interference with this surface water source.



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

Stream: \_\_\_\_\_

☐ Minimal ☐ Significant

Stream: \_\_\_\_\_

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: Not applicable

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
☐ Yes ☐ No Comments: Not applicable.
7. What conditions or other changes in the application are necessary to address any potential issues identified above: None.
8. Any additional comments: None.

### References

Application T-14219

Groundwater reviews: applications G-18626, T-13149, T-12471.

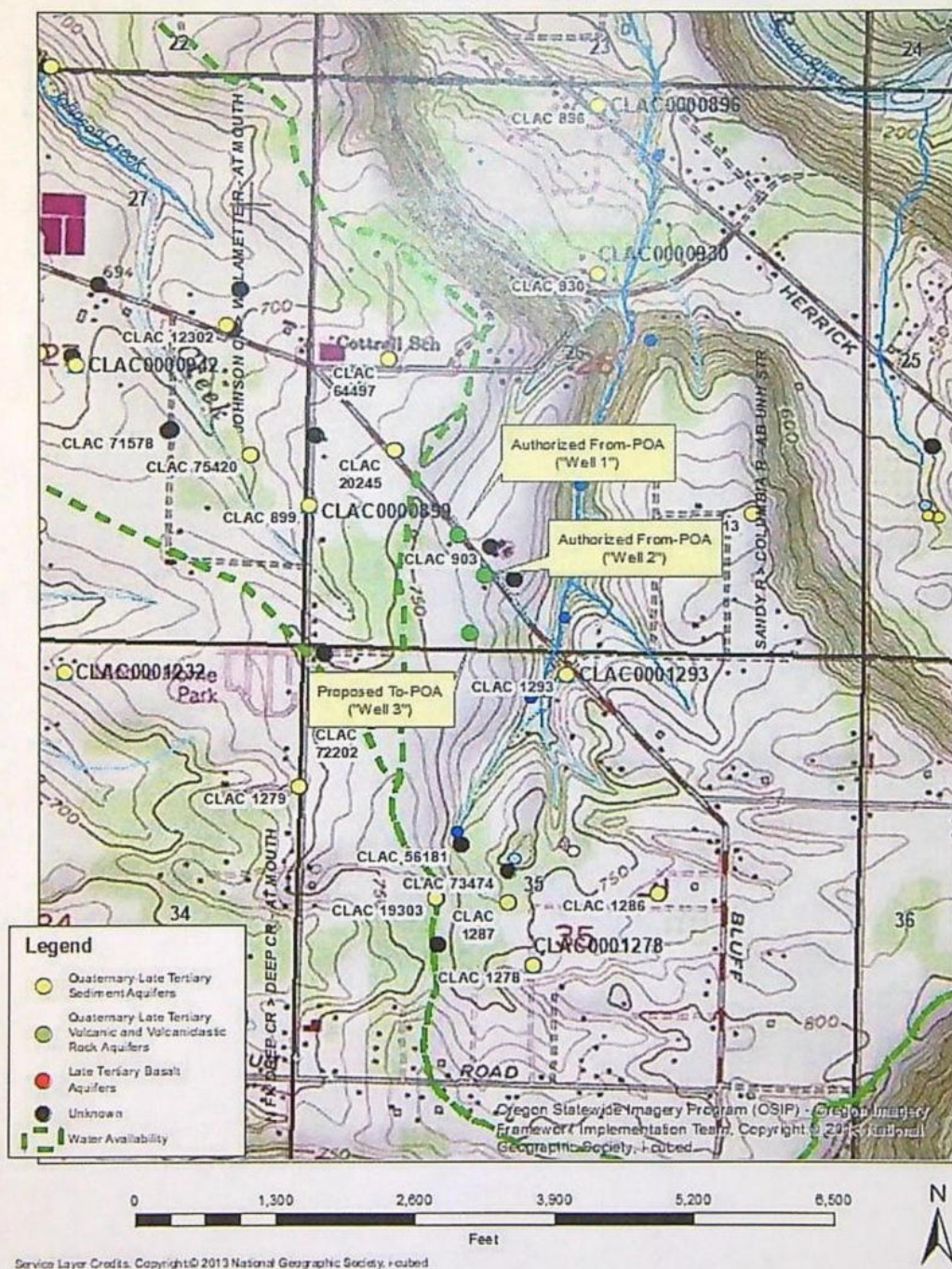
McFarland, W.D. and D.S. Morgan, 1996. Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington. USGS Water Supply Paper 2470-A.

Swanson and others, 1993. A Description of Hydrogeologic Units in the Portland Basin, Oregon and Washington. USGS Water Resources Investigations Report 90-4196.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.



**Application T-14219, Cook  
T1S, R4E, Section 26**





## Theis Analysis – From-POA (Well 2) to CLAC 72202

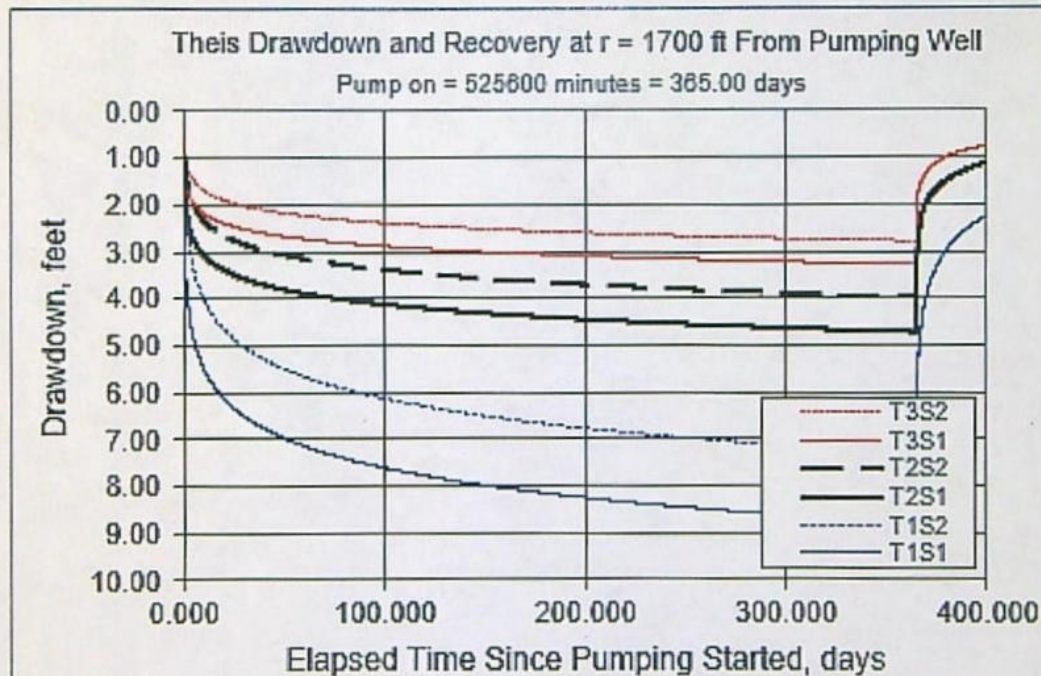
## Theis Time-Drawdown Worksheet v.5.00

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

Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		365		d	
Radial distance from pumped well:	r		1700		ft	Q conversions
Pumping rate	Q		0.67		cfs	300.70 gpm
Hydraulic conductivity	K	50	100	150	ft/day	0.67 cfs
Aquifer thickness	b		100		ft	40.20 cfm
Storativity	S_1		0.0001			57,888.00 cfd
	S_2		0.0005			1.33 at/d
Transmissivity Conversions	T_ftpd	5000	10000	15000	ft <sup>2</sup> /day	
	T_ft2pm	3.472222	6.944444	10.41667	ft <sup>2</sup> /min	
	T_gpdft	37400	74800	112200	gpd/ft	

Use the Recalculate button if recalculation is set to manual





## Theis Analysis – To-POA (Well 3) to CLAC 72202

## Theis Time-Drawdown Worksheet v.5.00

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

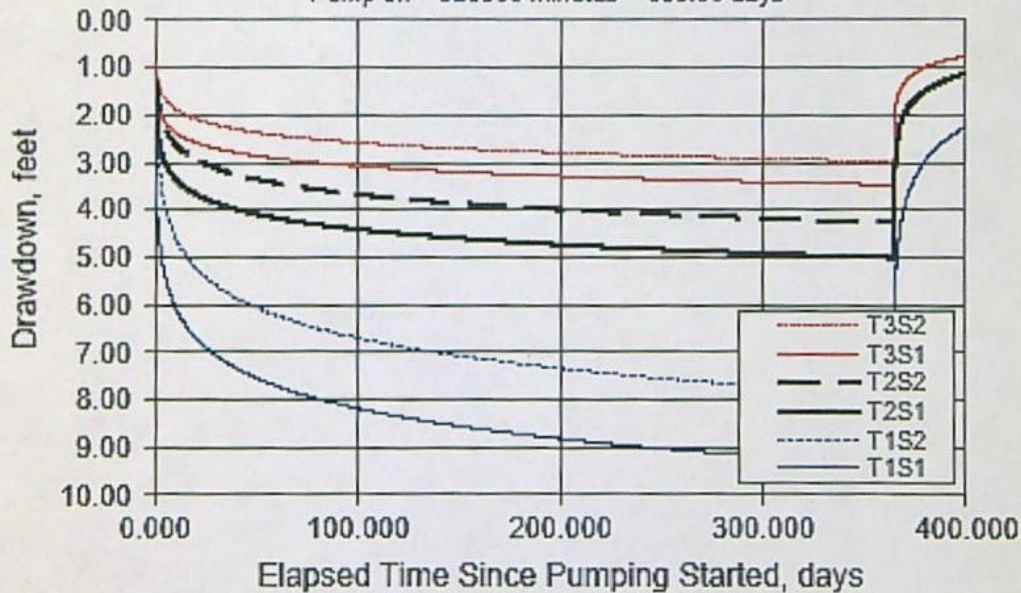
Written by Karl C. Wozniak September 1992. Last modified December 17, 2019

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		365		d	
Radial distance from pumped well:	r		1250		ft	Q conversions
Pumping rate	Q		0.67		cfs	300.70 gpm
Hydraulic conductivity	K	50	100	150	ft/day	0.67 cfs
Aquifer thickness	b		100		ft	40.20 cfm
Storativity	S_1		0.0001			57,888.00 cfd
	S_2		0.0005			1.33 af/d
Transmissivity Conversions	T ft <sup>2</sup> /d	5000	10000	15000	ft <sup>2</sup> /day	Recalculate
	T ft <sup>2</sup> /pm	3.472222	6.944444	10.41667	ft <sup>2</sup> /min	
	T gpd/ft	37400	74800	112200	gpd/ft	

Use the Recalculate button if recalculation is set to manual

Theis Drawdown and Recovery at  $r = 1250$  ft From Pumping Well

Pump on = 525600 minutes = 365.00 days





## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14219

Review Due Date: 05/18/2023

Applicant Name: Barry & Le Ann Cook

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

Reviewer(s): Amy Landvoigt, WM Dist. 20

Date of Review: 05/04/2023

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



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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:



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

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

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

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

☐ Submerged Orifice  
☐ Flow Restrictor



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T- 14219



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Amy Landvoigt

District: 20

Address: 10722 SE Highway 212

City/State/Zip: Clackamas, OR 97015

Phone: (503) 312-1743

Email: Amy.j.landvoigt@water.oregon.gov

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

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T-

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

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

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



**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 # **140496**

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

RECEIVED FROM: B Cook ; L Cook  
BY: \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T.17219</u>

CASH: ☐ CHECK: # 4254 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 1,840.00

**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:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1,840.00</u>		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

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

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

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT:

**140496**

DATED:

4-12-23

BY:

Lisa D. Miller



# Application for Permit Amendment

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

This permit amendment 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

APR 12 2023

OWRD

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed 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: **\$1,840**  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**  
**List the Permits here: G-15779**  
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment 1**
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ 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. **Attachment 2**
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **No wells constructed to date.**
- ☐ ☒ 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 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

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

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required ☐ Part \_\_\_\_\_ is incomplete

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

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Permit Amendment Map Checklist

Your permit amendment 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.

RECEIVED

APR 12 2023

OWRD

- ☐ ☒ N/A If **more than three** permits are involved, separate maps for each permit.
- ☒ 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 diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water use permit, 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 permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, 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 use 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

RECEIVED  
APR 12 2023  
OWRD

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

1. For irrigation calculate cfs for each permit involved as follows:
  - a. Divide total authorized cfs by total acres in the permit (*for S-12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 cfs*).
  - b. If the water right permit 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 S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each “on the ground” acre included in the application. (*In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).



# Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>Barry &amp; Lee Ann Cook</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>37621 SE Bear Creek Lane</b>		FAX NO.	
CITY <b>Boring</b>	STATE <b>OR</b>	ZIP <b>97009</b>	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME <b>Bob Long, CWRE</b>		PHONE NO. <b>(503) 954 – 1326</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1319 SE Martin Luther King JR Blvd, Suite 204</b>		FAX NO.	
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97214</b>	E-MAIL <b>bob.long@cwmh2o.com</b>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this permit amendment; and why:

*The Applicant submits this permit amendment application to change the approved point of appropriation from Wells 1 & 2 to a new well location, Well-3. Neither Well-1 nor Well-2 from the original permit has been developed to date, though the completion date for Permit G-15779 has been extended to 2035. The Applicant wishes to remove Wells 1 & 2 from the permit and replace them with Well-3, located at a place on the property where there is already access to a powerline and that is close to an existing distribution line.*

*Permit G-15779 contains a well construction condition that limits groundwater development to the Troutdale Sandstone Aquifer (TSA) over a depth range of 250 to 420 ft below ground surface (bgs). The Applicant intends to develop only groundwater from the TSA for Well-3. However, local well logs suggest the TSA may extend to a depth of over 500 ft bgs at the site. The Applicant requests that the depth range is extended to encompass the entire thickness of the target TSA aquifer.*

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

RECEIVED

Is the applicant the permit holder of record? ☒ Yes ☐ No

APR 12 2023

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), **OR**
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

OWRD

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? **10/1/2035**

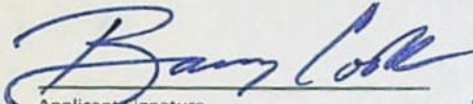
- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.



By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, 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 permit 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: The Sandy Post

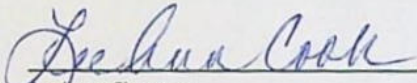
I (we) affirm that the information contained in this application is true and accurate.

  
Applicant Signature

Barry Cook  
Print Name (and Title if applicable)

9-30-2023  
Date

SIGN

  
Applicant Signature

Lee Ann Cook  
Print Name (and Title if applicable)

3/30/23  
Date

SIGN

RECEIVED

APR 12 2023

OWRD



Check one of the following:

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

Check the appropriate box, if applicable:

- ☐ ~~Check here if any of the permits proposed for amendment are 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 any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.~~

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
Clackamas County	150 Beavercreek Road	
CITY	STATE	ZIP
Oregon City	OR	97045

RECEIVED

APR 12 2023

OWRD



## Part 5 of 5 – Water Use Permit Information

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

**PERMIT # G-15779**

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

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

POD/POA Name or Number	Is this POD/POA Authorized by the permit 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)
Well-1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	1 S	4 E	26	SE SW	6500	1,040 ft N & 1,450 ft E from SW Cor., Sec 26
Well-2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	NA	1 S	4 E	26	SE SW	6500	700 ft N & 1,720 ft E from SW Cor., Sec 26
Well-3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	1 S	4 E	26	SE SW	6500	140 ft N & 1,580 ft E from SW Cor., Sec 26

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

- |   |  |
|---|--|
| <input type="checkbox"/> Place of Use (POU)                   | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA)  |
| <input type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA)      |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

**Will all of the proposed changes affect the entire water use permit?**

- ☒ 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 permit to be changed.

RECEIVED

APR 12 2023

**For a change in place of use: NA**

OWRD

**Does the permit holder of record own or control the land TO which the place of use is being moved?**

☐ Yes ☐ No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

**Is the proposed place of use contiguous to the authorized place of use?** ☐ Yes ☐ No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights-of-way.



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

**Table 2. Description of Changes to Water Use Permit # G-15779**

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 (if applicable)	POD(s) or POA(s)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	POD(s) or POA(s) to be used	Priority Date			
									POA	1	S	4	E	26	SW	SW	6500		6.5	WELL 3	7/17/2003
																SE	SW	6500			
TOTAL ACRES										TOTAL ACRES						19.0					

Additional remarks: The only change proposed is to move the approved point of appropriation from Wells 1 & 2 to a new well, Well-3. The place of use for Permit G-15779 will not change. The Applicant participated in a conversation with OWRD staff in early March 2023 regarding the status of Permit G-15779. OWRD staff indicated that the time to develop the Well-1 POA had passed and that the POA was no longer valid due to permit and extension FO conditions. However, the OWRD stated that the Applicant still had the option to develop the second POA under the remaining conditions of the permit. Therefore, the Applicant proposes to replace Wells 1 & 2 on Permit G-15779 with a single new POA, Well-3, built within the Troutdale Sandstone Aquifer system.

RECEIVED


APR 12 2023

OWRD



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

If YES, list the other certificate, permit, or ground water registration numbers: **NA**

 If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

**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. *(There are no existing wells on this permit)*

**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?	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 (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
WELL-3	NO <sup>1</sup>	-	Approx. 420 ft <sup>2</sup>	8"	Approx. 0-420 ft <sup>2</sup>	Approx. 0- 320 ft <sup>2</sup>	Approx. 320-420 ft <sup>2</sup>	Approx. 300 ft <sup>3</sup>	Lower Troutdale Sandstone Aquifer <sup>2</sup>	

1. The proposed amendment will add a new POA, Well-3, approximately 450 ft from Well-2's location. Wells 1 & 2 will be removed from the permit following the amendment.
2. The extension of time final order from 2016 restated the construction condition that groundwater shall only be produced from the Troutdale Sandstone groundwater reservoir between approximately 250 and 420 ft below ground surface. The proposed well design is based on this condition, assuming that the target groundwater aquifer will be encountered at the lower portion of that depth range. However, nearby well logs do suggest that the Troutdale Sandstone aquifer extends to a greater depth in the area of the proposed well (see CLAC 20245, for example, the aquifer extends to ~580 ft bgs). The Applicant requests that the depth range be extended to encompass the local thickness of the target aquifer formation.
3. Estimated based on area well logs in the target aquifer.

RECEIVED

APR 12 2023

OWRD



# 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): Barry & Lee Ann Cook

Mailing Address: 37621 SE Bear Creek Lane

City: Boring

State: OR

Zip Code: 97009

Daytime Phone:

## 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:
1S	4E	26	SESW	6500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
			SWSW	6500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU

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

-Clackamas County  
-(Outside of UGB)

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.67 ☒ 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 Nursery

Briefly describe:

The Applicant's water right, Permit G-15779, has two approved points of appropriation (POA). The Applicant intends to move the location of one POA (Well-2) to a different location on the property for easier connection to power and existing water distribution infrastructure. This action is a critical step in developing the water right.

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

See bottom of Page 3. →

RECEIVED

APR 12 2023

OWRD



## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

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

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

Nursery allowed as farm use in EFU (Exclusive Farm Use).  
36830 SE Bluff Rd (14E26 06500).

**RECEIVED**

**APR 12 2023**

Name: Martha Fritzie Title: Pr. Planner OWRD

Signature:  Phone: 503-742-4529 Date: 03/08/2023

Government Entity: Clackamas 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**

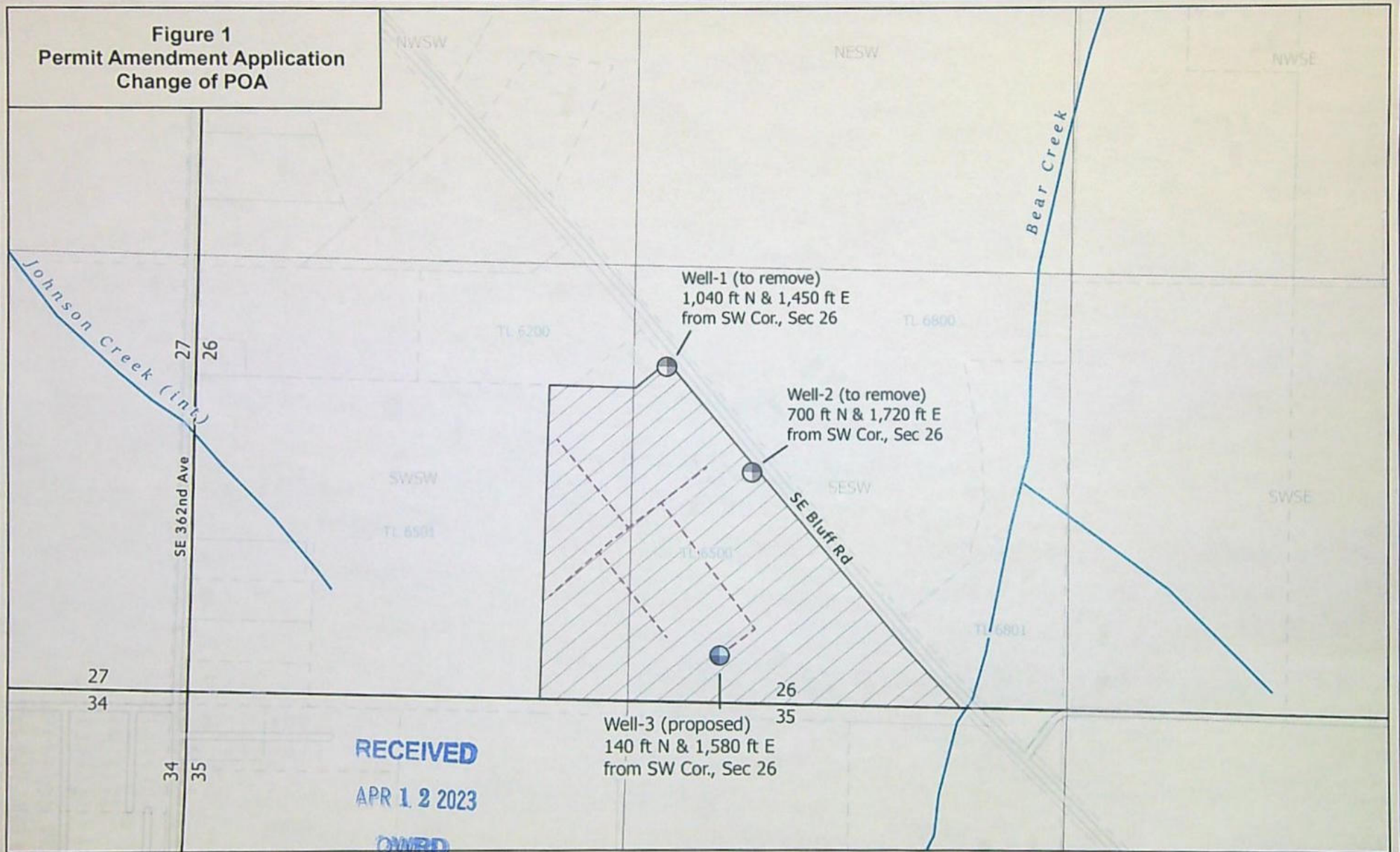
Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



**Figure 1**  
Permit Amendment Application  
Change of POA



**CwM-H2O**

Complete Water Management



1319 SE MLK Jr. Blvd, Suite 204  
Portland, Oregon 97214  
(503) 954-1326

Permit Amendment Application  
Change of POA (Well-3)  
T1S, R4E, Section 26, SWSW-SSEW

1	DATE	AUTH	DRAFT
No.	Date	By	Revisions

0 200 400 800 ft  
1 : 4,800

Proj#: 2305001  
Diamond Nursery  
Barry & Lee Ann Cook  
37621 SE Bear Creek Lane  
Boring, OR 97009



- Existing POAs
- Proposed POA
- G-15779 POU
- Mainlines
- Taxlots



**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 # **140581**

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

RECEIVED FROM: BCOOK, L COOK

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

APPLICATION \_\_\_\_\_

PERMIT \_\_\_\_\_

TRANSFER T-14219

CASH: \_\_\_\_\_ CHECK: # \_\_\_\_\_ OTHER: (IDENTIFY) \_\_\_\_\_

☐ ☒ 4258 ☐ \_\_\_\_\_ TOTAL REC'D \$1,627.75

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 2-11-433-23 \$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,627.75

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:**

**EXAM FEE**

**RECORD FEE**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ \_\_\_\_\_

**WELL CONSTRUCTION**

**EXAM FEE**

**LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 \$ \_\_\_\_\_

LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

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: **140581**

DATED: 4-26-2023 BY: m. caly



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-433-23**

Received by OWRD

APR 26 2023

Salem, OR

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Barry and Lee Ann Cook, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266  Phone: 503 979-3511 Fax: 503 986-0901 Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Name: Barry and Lee Ann Cook Contact: Address: 37621 SE Bear Creek Lane Boring, OR 97009  Phone: Fax: Email:	Name: CwM-H2O, LLC Contact: Bob Long, CWRE Address: 1319 SE MLK Jr. Blvd, Ste 204 Portland, OR 97214  Phone: (503) 954-1326 Fax: Email: <a href="mailto:bob.long@cwmh2o.com">bob.long@cwmh2o.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14219)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,627.75. Applicant agrees to pay the full amount of \$1,627.75 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: *Gregory K. Cole / Owner*  
Name/Title:  
For OWRD: *Dwight French*  
Dwight French – Administrator

4-21-2023  
Date

4-28-2023  
Date

Mail signed Agreement to:

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

Received by OWRD

APR 26 2023

Salem, OR



**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 # **140490**

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

RECEIVED FROM: B Cook ; L Cook

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

APPLICATION	
PERMIT	
TRANSFER	T-14219

CASH: ☐ CHECK: # 4253 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 125.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES 47124 R11433-23 \$ \_\_\_\_\_

0412 OTHER: (IDENTIFY) Transfer Rimbaultment \$ 125.00

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER EXAM FEE \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ \_\_\_\_\_

**WELL CONSTRUCTION**

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

LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

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

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

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD# \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD# \_\_\_\_\_

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_

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

HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT:

**140490**

DATED:

4-12-23

BY:

Lisa D. Miller





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

**Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.**

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. **There is a non-refundable application fee of \$125.00 per request.**

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number: <u>T-14219</u> <i>Not yet assigned</i>

Applicant Information		Applicant's Representative/Contact
Name:	<u>Barry &amp; Lee Ann Cook</u>	<u>Bob Long, CWRE, CwM-H2O, LLC</u>
Address:	<u>37621 SE Bear Creek Lane</u>	<u>1319 SE MLK Jr Blvd, Suite 204</u>
	<u>Boring, OR 97009</u>	<u>Portland, OR 97214</u>
Phone:		<u>503-954-1326</u>
Fax:		
E-Mail Address:		<u>Bob.long@cwmmh2o.com</u>

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

RECEIVED

APR 12 2023

OWRD

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Barry & Lee Ann Cook

Signature: Barry Cook, Lee Ann Cook

RECEIVED

APR 12 2023

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-433 -23





# 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

April 18, 2023

BARRY AND LEE ANN COOK  
37621 SE BEAR CREEK LANE  
BORING, OR 97009

Reference: Application T-14219

On April 12, 2023, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1840.00. Our receipt number 140496 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the application has been issued by the Department.

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. #20, Amy J. Landvoigt (via email)  
Bob Long, Agent  
Clackamas County

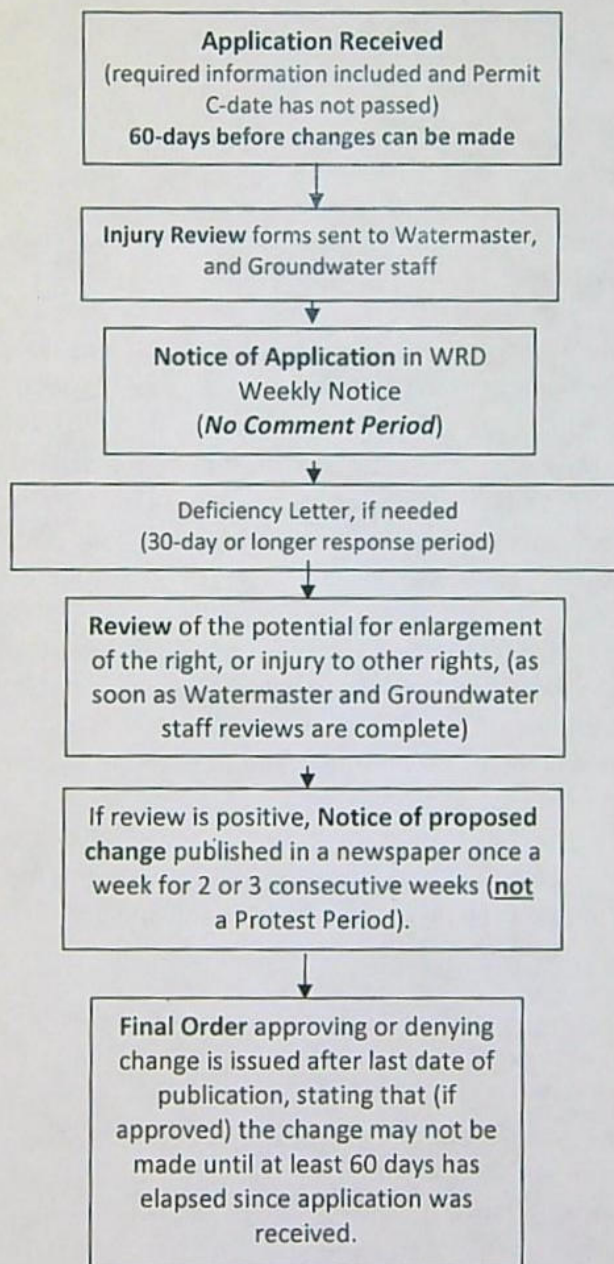
Enclosure



## Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use







RECEIVED

APR 19 2023

OWRD

April 10, 2023

Oregon Water Resources Department  
Attn: *Water Rights Services Division*  
725 Summer St. NE Ste A  
Salem, Oregon 97301

**RE: SUBMITTAL OF A PERMIT AMENDMENT APPLICATION – PERMIT G-15779**

Dear OWRD Staff,

Please find accompanying this letter a permit amendment application from Barry and Lee Ann Cook, the Applicants. The permit amendment is related to Permit G-15779 for 0.67 cfs of nursery use, which currently has two approved points of appropriation (POAs), Well-1 and Well-2. The Applicants propose changing the two POAs to a single new POA location (Well-3) in order to beneficially develop water under the permit.

The standard attachments for this application include the permit amendment map and an approved LUCS form from Clackamas County. The Applicant requests that the permit amendment application be processed through the Reimbursement Authority (RA) and has included a check (# 4253) for the RA fee of \$125. A separate check (# 4254) has also been included to cover the amendment application fee of \$1,840.

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

**CwM H2O, L.L.C.**

Robert Long, CWRE

## Enclosed:

- RA Application Form & Check (#4253)
- Permit Amendment Application Document
  - Att 1: Transfer Application map
  - Att 2: Land Use Compatibility Statement
- Check for Review Fee (#4254)

RECEIVED

APR 12 2023

OWRD



# Permit Amendment Application Checklist

Checked by Stacey

Date 4-14-2023

App # G-116050

Permit # G-15779

## Permit Amendments are authorized for changes in POD/POA, APOD/APOA, or POU.

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

- ☒ 1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?

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

- \_\_\_ a) An affidavit of consent from all Permit holder(s) or the other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; OR,  
\_\_\_ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? \_\_\_\_\_

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

If not, what is missing? \_\_\_\_\_

- ☒ 3. Are fees included and correct? Fee Paid: \$1840.00

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

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

If not, whose signature is missing? \_\_\_\_\_

- ☒ 5. Are the Permit completion date(s) current?

If the Permit completion date has expired, we **CANNOT** accept the application.

- ☒ 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application **CANNOT** be accepted.

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