

T-14230

Regular

RA

T-14230

Name Seaside Retreat, LLCAttn: Kyle PattersonAddress PO Box 393Cannon Beach, OR 97110jacksonpatterson@mac.comChange in POU, APODDate Filed 4-26-2023Initial notice date 5-9-2023

DPD issued date

PD issued date 11/28/2023PD notice date 12/5/2023Date of FO 1/9/2024Vol 129 Page 643-647

C-Date

COBU due date

COBU Received date

Certificate issued

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Red Rock CreekTrib. of Pacific OceanUse DomesticCounty Clatsop

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-21840Per # S-17178Cert # 83267PR Date 7/26/1946

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 # |
|-----------|------------|-----------|
| 4/26/2023 | \$125.00   | 140579    |
| 4/26/2023 | \$2,450.00 | 140578    |
| 5-12-2023 | \$1,190.31 | 140697    |

## FEES REFUNDED

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

Assignments:

Irrigation District

Agent Lindsay Thane - lthane@schwabe.com

CWRE

CC's list Clatsop County☐ - Oversized map - Location

RA

## WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14230

Transfer Specialist: Scott

Transfer Type: Regular Transfer

Reimbursement Authority? ☒

|                                                                                                         |                                                                                           |                             |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------|
| <b>Applicant:</b><br>SEASIDE RETREAT LLC<br>ATTN KYLE PATTERSON<br>PO BOX 393<br>CANNON BEACH, OR 97110 | <b>Agent:</b><br>LINDSAY THANE<br>CENTER 1211 SW 5TH AVE SUITE 1900<br>PORTLAND, OR 97204 | <b>Receiving Landowner:</b> |
| <b>Current Landowner if other than Applicant:</b>                                                       | <b>CWRE:</b>                                                                              | <b>Irrigation District:</b> |
| <b>Affected Local Gov'ts:</b><br>County Of Clatsop                                                      | <b>Affected Tribal Gov't:</b>                                                             | <b>BOR Notified (date):</b> |

## Water Rights Affected

| File Marked              | App. File # or Decree Name | Permit  | Certificate | RR/CR Needed                                                        | RR/CR Nos. |
|--------------------------|----------------------------|---------|-------------|---------------------------------------------------------------------|------------|
| <input type="checkbox"/> | S-21840                    | S-17178 | 83267       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/> |                            |         |             | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Key Dates &amp; Initial Actions (Support Staff)

|                                   |                                                                 |                            |
|-----------------------------------|-----------------------------------------------------------------|----------------------------|
| Rec'd: April 26, 2023             | Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE |                            |
| Fees Pd: 2450.00                  | Acknowledgement Letter Sent <input type="checkbox"/>            | Basin: 1 North Coast       |
| Initial Public Notice:            | County sent cc: of Ack Letter <input type="checkbox"/>          | County: CLATSOP            |
| WM District: 1 Nikki M. Hendricks | 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:   |

## Caseworker Actions: Newspaper &amp; PD Notice:

NEWS NOT NEEDED

|                                                   |                                          |
|---------------------------------------------------|------------------------------------------|
| Newspaper notice needed: <input type="checkbox"/> | 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:                 |

## Peer Review:

| Document | Drafted                          | Peer Review                     | Coordinator                     | Changes Made                                                       | Signature/Bin                                                                                             | Signature Date   |
|----------|----------------------------------|---------------------------------|---------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------|
| DPD      | Date: 10/5/23<br>Initials: Scott | Date: 10/9/23<br>Initials: JSM  | Date: 10/17/23<br>Initials: PKS | Date: 11/23/23<br>Initials: Scott                                  | CW Sent: 10/23/23<br>WM Sheet <input type="checkbox"/><br>ODFW Sheet: <input checked="" type="checkbox"/> | N/A              |
| PD       | Date: 11/9/23<br>Initials: Scott | Date: 11/9<br>Initials: AL      | Date: 11/22/23<br>Initials: PKS | Date: 11/22/23<br>Initials: Scott<br>Data Review<br>Date: 11/22/23 | Date: 11/22/23                                                                                            | Date: 11/28/2023 |
| FO       | Date: 12/1/22<br>Initials: Scott | Date: 12/11/23<br>Initials: JSM | Date: 12/13/23<br>Initials: PKS | Date: 1/5/24<br>Initials: Scott                                    | Date: 1-5-24<br>No. of docs for sig: 1 (one)                                                              | Date: 1/8/24     |

Special Issues:

ROI RCVD 11/9/23 PD Sent to Data 11/22/23

Special Order Volume: Vol. 129 Pages 643-647



# 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

January 8, 2024

Seaside Retreat, LLC  
ATTN: Kyle Patterson  
PO Box 393  
Cannon Beach, OR 97110

REFERENCE: Transfer Application T-14230

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.a.grew@water.oregon.gov](mailto:Scott.a.grew@water.oregon.gov).

Sincerely,

Elyse Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)  
Lindsay Thane, Agent  
Clatsop County, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING AN          |
| T-14230, Clatsop County               | ) | ADDITIONAL POINT OF DIVERSION AND |
|                                       | ) | CHANGE IN PLACE OF USE            |

**Authority**

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

**Applicant**

SEASIDE RETREAT, LLC  
ATTN: KYLE PATTERSON  
PO BOX 393  
CANNON BEACH, OR 97110

**Findings of Fact**

1. On April 26, 2023, SEASIDE RETREAT, LLC; ATTN: KYLE PATTERSON, filed an application for an additional point of diversion and to change the place of use under Certificate 83267. The Department assigned the application number T-14230.
2. Notice of the application for transfer was published on May 9, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On, August 16, 2023, the Department received an updated map to give the location of the three domestic dwellings.

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

4. On October 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14230 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 22, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
5. On November 9, 2023, the agent for the applicant requested the completion date of October 1, 2028 to ensure it has adequate time to construct the new point of diversion and obtain and install the necessary fish screen. The Department granted the longer time for completion per OAR 690-380-5140 (3).
6. On November 28, 2023, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14230 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on December 5, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The right to be transferred is as follows:

**Certificate:** 83267 in the name of SEASIDE RETREAT, LLC; (C/O) JINX PATTERSON  
(perfected under Permit S-17178)  
**Use:** DOMESTIC USE FOR 3 FAMILIES  
**Priority Date:** JULY 26, 1946  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**Source:** AN UNNAMED CREEK (RED ROCK CREEK), tributary to the PACIFIC OCEAN

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                  |
|-----|------|-----|-----|-------|------|---------------------------------------------------------------------|
| 4 N | 10 W | WM  | 7   | NE SW | 3    | 979 FEET SOUTH AND 1064 FEET WEST FROM THE C1/4 CORNER OF SECTION 7 |

**Authorized Place of Use:**

| DOMESTIC USE FOR 3 FAMILIES |      |     |     |       |
|-----------------------------|------|-----|-----|-------|
| Twp                         | Rng  | Mer | Sec | Q-Q   |
| 4 N                         | 10 W | WM  | 7   | NW SW |

8. Transfer Application T-14230 proposes an additional point of diversion approximately 400 feet downstream to:

| Twp | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                   |
|-----|------|-----|-----|-------|------|----------------------------------------------------------------------|
| 4 N | 10 W | WM  | 7   | NE SW | 3    | 1240 FEET SOUTH AND 1290 FEET WEST FROM THE C1/4 CORNER OF SECTION 7 |

9. Transfer Application T-14230 also proposes to change the place of use of the right to reflect the actual location of the authorized use:

| DOMESTIC USE FOR 3 FAMILIES |      |     |     |       |
|-----------------------------|------|-----|-----|-------|
| Twp                         | Rng  | Mer | Sec | Q-Q   |
| 4 N                         | 10 W | WM  | 7   | NE SW |

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

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

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14230.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
15. The proposed changes would not result in enlargement of the right.
16. The proposed changes would not result in injury to other existing water rights.
17. All other application requirements are met.

**Conclusions of Law**

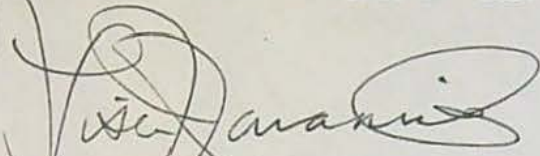
The additional point of diversion and change in place of use proposed in Transfer Application T-14230 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of diversion and change in place of use proposed in Transfer Application T-14230 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 83267 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.
4. Water right Certificate 83267 is cancelled.
5. The quantity of water diverted at the new additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

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

Dated in Salem, Oregon on **JAN 8 - 2024**

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

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

Mailing date: **JAN 9 - 2024**



# Oregon

Tina Kotek, Governor

November 28, 2023

VIA CERTIFIED MAIL AND E-MAIL

## Water Resources Department

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

### Applicant

SEASIDE RETREAT, LLC  
ATTN: KYLE PATTERSON  
PO BOX 393  
CANNON BEACH, OR 97110

SUBJECT: Water Right Transfer Application T-14230

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14230. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14230  
Nikki M. Hendricks, District 1 Watermaster (via e-mail)  
Lindsay Thane, Agent for the applicant (via e-mail)

encs

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

|                                       |   |                                   |
|---------------------------------------|---|-----------------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION         |
| T-14230, Clatsop County               | ) | PROPOSING APPROVAL OF AN          |
|                                       | ) | ADDITIONAL POINT OF DIVERSION AND |
|                                       | ) | CHANGE IN PLACE OF USE            |

**Authority**

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

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2. Notice of the application for transfer was published on May 9, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On, August 16, 2023, the Department received an updated map to give the location of the three domestic dwellings.
4. On October 23, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14230 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 22, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

5. On November 9, 2023, the agent for the applicant requested the completion date of October 1, 2028 to ensure it has adequate time to construct the new point of diversion and obtain and install the necessary fish screen. The Department granted the longer time for completion per OAR 690-380-5140 (3).

6. The right to be transferred is as follows:

**Certificate:** 83267 in the name of SEASIDE RETREAT, LLC; (C/O) JINX PATTERSON  
(perfected under Permit S-17178)  
**Use:** DOMESTIC USE FOR 3 FAMILIES  
**Priority Date:** JULY 26, 1946  
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**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | GLot | Measured Distances                                                  |
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**Authorized Place of Use:**

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7. Transfer Application T-14230 proposes an additional point of diversion approximately 400 feet downstream to:

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

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

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14230.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed point of diversion diverts water from the same source of surface water as the authorized point of diversion, as required by OAR 690-380-2110(2).
14. The proposed changes would not result in enlargement of the right.
15. The proposed changes would not result in injury to other existing water rights.
16. All other application requirements are met.

**Determination and Proposed Action**

The additional point of diversion and change in place of use proposed in Transfer Application T-14230 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

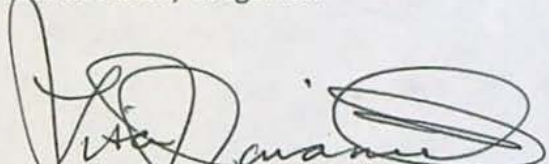
*If Transfer Application T-14230 is approved the final order will include the following:*

1. *The additional point of diversion and change in place of use proposed in Transfer Application T-14230 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 83267 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.*
4. *Water right Certificate 83267 is cancelled.*
5. *The quantity of water diverted at the new additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*

6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2028**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

**NOV 28 2023**

Dated in Salem, Oregon on



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

### Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion

or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

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

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

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

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

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

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

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

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

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

## GREW Scott A \* WRD

---

**From:** MARTIN Duff A \* WRD  
**Sent:** Wednesday, November 22, 2023 10:59 AM  
**To:** GREW Scott A \* WRD  
**Cc:** WRD\_DL\_is\_data\_techs  
**Subject:** RE: PD review for Reimbursement Authority Transfer Application T-14230

Hi Scott,

T-14230 has been entered by data, no issues and is ready to move to the next step.

Time taken: 20 min

Thanks,

**OREGON**



**WATER RESOURCES  
DEPARTMENT**

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

**Duff Martin**

Water Resources Data Technician 2  
Information Services

425 Summer St NE, Salem, OR 97301

<https://www.oregon.gov/owrd/>

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Wednesday, November 22, 2023 10:27 AM  
**To:** WRD\_DL\_is\_data\_techs <WRD\_DL\_is\_data\_techs@water.oregon.gov>  
**Cc:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** PD review for Reimbursement Authority Transfer Application T-14230

Hello Datafriends,

Please review the Preliminary Determination (PD) for Reimbursement Authority Transfer Application [T-14230](#).  
There is no remaining right.

Thank you,  
Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

**GREW Scott A \* WRD**

---

**From:** GREW Scott A \* WRD  
**Sent:** Wednesday, November 22, 2023 10:27 AM  
**To:** WRD\_DL\_is\_data\_techs  
**Cc:** GREW Scott A \* WRD  
**Subject:** PD review for Reimbursement Authority Transfer Application T-14230  
**Attachments:** T-14230-pd.docm

Hello Datafriends,

Please review the Preliminary Determination (PD) for Reimbursement Authority Transfer Application [T-14230](#).  
There is no remaining right.

Thank you,  
Scott

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890



NOVEMBER 9, 2023

VIA E-MAIL ([SCOTT.A.GREW@WATER.OREGON.GOV](mailto:SCOTT.A.GREW@WATER.OREGON.GOV))

Oregon Water Resources Department  
Attn: Scott Grew  
725 Summer St NE, Ste. A  
Salem, OR 97301

**Lindsay Thane**  
Admitted in Oregon,  
Washington and Montana  
D: 503-796-2059  
C: 406-214-1918  
[lthane@schwabe.com](mailto:lthane@schwabe.com)

RE: Response to Draft Preliminary Determination for Transfer Application T-14230  
Our File No.: 140641-277720

Dear Mr. Grew:

This letter is sent on behalf of Seaside Retreat, LLC ("Seaside Retreat"), the applicant under Transfer Application T-14230. This letter is being sent to confirm that Seaside Retreat agrees to the proposed action and conditions set forth in the Draft Preliminary Determination for T-14230, with one exception. Seaside Retreat requests that the completion date be revised from October 1, 2025 to October 1, 2028, which will be a few months less than five years after the date T-14230 is approved, if it is approved.

Seaside Retreat requests additional time to complete T-14230 to allow it adequate time to complete beneficial use. A Final Order for T-14230 likely will not be issued until the beginning of 2024. If there are any protests of T-14230, issuance of a Final Order will be delayed even longer, likely by years. Seaside Retreat wants to ensure it has adequate time to implement the changes proposed under T-14230. In particular, Seaside Retreat wants to ensure it has adequate time to construct the new point of diversion ("POD") and obtain and install the necessary fish screen on the new POD. The additional time is necessary to allow Seaside Retreat to ensure it has the resources to complete beneficial use and develop the new point of appropriation. The additional time is also necessary in case Seaside Retreat encounters any unexpected delays in completing beneficial use.

In addition, enclosed please find a report of ownership for the "FROM" lands under T-14230. Pursuant to the report, all of the FROM lands are owned by Seaside Retreat.

Received by OWRD

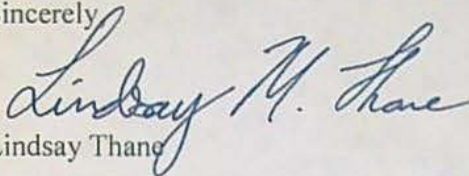
NOV 09 2023

Salem, OR

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Please do not hesitate to contact me if you have any questions.

Sincerely

  
Lindsay Thane

LTH:cju  
Enclosure

cc: Kyle Patterson (*via email only*)  
Steven Berger (*via email only*)  
Steve Bruce (*via email only*)

PDX\140641\277720\LTH\40552163.1

Received by OWRD

NOV 09 2023

Salem, OR



Ticor Title Company of Oregon  
630 Bond Street  
(503)325-2144

**OWNERSHIP AND MONETARY ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS**  
Informational Report of Ownership and Monetary Encumbrances

To ("Customer"): Schwabe  
1211 SW Fifth Avenue, Suite 1800  
Portland, OR 97204

Customer Ref.: \_\_\_\_\_  
Order No.: 360423003795  
Effective Date: October 19, 2023 at 08:00 AM  
Charge: \$100.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES ONLY MONETARY ENCUMBRANCES.

**Part One - Ownership and Property Description**

**Owner.** The apparent vested owner of the property ("the Property") as of the Effective Date is:

Seaside Retreat, L.L.C., an Oregon limited liability company which also appears of record as Seaside Retreat, LLC, and which acquired title as Seaside Retreat, L.L.C.

**Premises.** The Property is:

(a) **Street Address:**

80704 Highway 101, Cannon Beach, OR 97102

(b) **Legal Description:**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Received by OWRD

NOV 09 2023

Salem, OR

**Part Two - Monetary Encumbrances**

**Monetary Encumbrances.** As of the Effective Date, the Property appears subject to the following monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

**EXCEPTIONS**

1. Subject to any and all unpaid taxes, including exemptions or deferrals. The tax information is not presently available.

Tax Year: 2023-2024  
Tax Account Number: 51295

2. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$2,760,000.00  
Dated: April 16, 2021  
Trustor/Grantor: Seaside Retreat, LLC, an Oregon limited liability company  
Trustee: First American Title Insurance Company  
Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for First American Trust Company  
Loan No.: 6009065728 / MIN 1002628-6009065728-7  
Recording Date: May 10, 2021  
Recording No.: 202104696

3. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

**End of Reported Information**

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Jodi Carlson  
503-325-6329  
jodi.carlson@ticortitle.com

Received by OWRD

NOV 09 2023

Salem, OR

**EXHIBIT "A"**  
Legal Description

For APN/Parcel ID(s): 51295  
For Tax Map ID(s): 41007CB01900

---

Parcel 1, PARTITION PLAT 2001-002, in the County of Clatsop and State of Oregon, according to the partition plat recorded February 5, 2001, as Instrument No. 200101075, records of Clatsop County, Oregon.

Received by OWRD

NOV 09 2023

Salem, OR

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Received by OWRD

NOV 09 2023

Ticor Title Company of Oregon  
Order No. 360423003795

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

Received by OWRD

NOV 09 2023

Salem, OR

After recording return to:  
Seaside Retreat, L.L.C.  
c/o The Sheryl Whiteman Trust A  
P.O. Box 1420  
Chandler, Arizona 85244

Title Order No. 9301  
Pacific Title Escrow No. 9301

Return tax statements to:  
Seaside Retreat, L.L.C.  
P.O. Box 1420  
Chandler, Arizona 85244

Tax Account No. 51295  
Map No. 1012-41007CB-01800  
Situs: 80704 Highway 101  
Cannon Beach, OR  
97110

**BARGAIN AND SALE DEED**

KNOW ALL MEN BY THESE PRESENTS, that:

**Steven D. Fisher and Marilyn Holly, Trustees of the Sheryl Whiteman Trust A, dated December 29, 1988**

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto:

**Seaside Retreat, L.L.C.**

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property which the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clatsop, State of Oregon, described as follows, to-wit:

**Parcel 1 of Partition Plat No. 2001-002, recorded February 5, 2001, as Instrument No. 200101075, in Book 4, Page 63, Clatsop County Partition Plat Records.**

To Have and Hold the same unto the said grantees and grantee's heirs, successors and assigns forever.

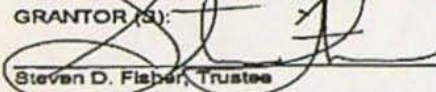
To true and actual consideration paid for this transfer, stated in terms of dollars, is -0-. However, if the actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which).

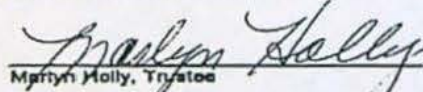
In construing this deed and where the context so requires, the singular included plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 16 day of August, 2003 if a corporate grantor. It has caused its name signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

GRANTOR(S):

  
Steven D. Fisher, Trustee

  
Marilyn Holly, Trustee

Received by OWRD

NOV 09 2003

Salem, OR

STATE OF Arizona, County of Maricopa ss.

This instrument was acknowledged before me on this 16th day of September, 2003 By Steven D. Fisher as Trustee of The Sheryl Whiteman Trust A.

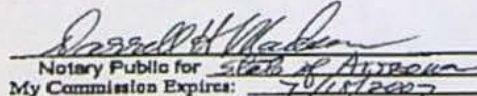


  
Notary Public for State of Arizona  
My Commission Expires: 7/18/2007

STATE OF Arizona, County of Maricopa ss.

This instrument was acknowledged before me on this 16th day of September, 2003 By Marilyn Holly as Trustee of The Sheryl Whiteman Trust A.



  
Notary Public for State of Arizona  
My Commission Expires: 7/18/2007

Pacific Title Company 9301



Recording Instrument #: 200314165  
Recorded By: Clatsop County Clerk  
# of Pages: 1 Fee: 26.00  
Transaction date: 09/16/2003 15:49:27  
Clerk: Mike



## GREW Scott A \* WRD

---

**From:** Thane, Lindsay M. <LThane@SCHWABE.com>  
**Sent:** Thursday, November 9, 2023 9:01 AM  
**To:** GREW Scott A \* WRD  
**Cc:** Kyle Patterson; Steven Berger; steve.skookumwater.com  
**Subject:** RE: Response to Draft Preliminary Determination T-14230 [IWOV-pdx.FID4933215]  
**Attachments:** Lt OWRD re Response to Preliminary Determination for Transfer Application T-14230 w Enclosures.PDF

Good Morning Scott,

Please find attached to this email a letter sent on behalf of Seaside Retreat responding to OWRD's DPD for T-14230.

Please let me know if you have any questions.

Thanks,  
Lindsay

**Lindsay Thane**

---

Shareholder  
Pronouns: she, her, hers  
(503) 796-2059  
lthane@schwabe.com

**Schwabe**

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Monday, October 23, 2023 9:39 AM  
**To:** jacksonpetterson@mac.com; Thane, Lindsay M. <LThane@SCHWABE.com>  
**Cc:** HENDRICKS Nikki M \* WRD <Nikki.M.HENDRICKS@water.oregon.gov>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Subject:** UPDATED \* T-14230 - Issuance of Draft Preliminary Determination - Action Required!

October 23, 2023

VIA E-MAIL

**Applicant**

SEASIDE RETREAT, LLC  
ATTN: KYLE PATTERSON  
PO BOX 393  
CANNON BEACH, OR 97110

Reference: Water Right Transfer Application T-14230

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14230. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 22, 2023.

***Required items needing your immediate attention:***

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. Respond in writing by November 22, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
  - d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:  
[https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

**Conditions of your water right...**

This transfer will require installation of a fish screen at the new diversion point prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

October 23, 2023

VIA E-MAIL

### Applicant

SEASIDE RETREAT, LLC

ATTN: KYLE PATTERSON

PO BOX 393

CANNON BEACH, OR 97110

Reference: Water Right Transfer Application T-14230

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14230. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by November 22, 2023.

### *Required items needing your immediate attention:*

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by November 22, 2023, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
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  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)

#### Conditions of your water right...

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

**Please note the proposed date by which all conditions must be met: October 1, 2025.** If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

#### What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable); and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

**If we do not receive the items listed above by November 22, 2023, a Preliminary Determination may be issued denying the application as incomplete.**

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**

*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-14230

Date of review: 5/23/23

**A. Please check box if you believe there is a potential for injury to an instream water right.**

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on \_\_\_\_\_ [stream], tributary to \_\_\_\_\_, because \_\_\_\_\_.

*(Please attach any available supporting information.)*

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

☐ **1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

**Condition:** By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

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

☐ **4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

**Note:** This option will yield the following:

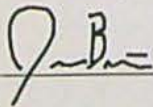
**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Condition:** The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

Signature



Jason Brandt  
Printed Name

(541) 315-6222  
Phone

SW Hydro Coordinator  
Title

**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-14230

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Bryce Macnab

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 296-8026

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 North Umpqua Hwy

City/State/Zip: Roseburg/OR/97470

Phone: (541) 315-6222

# 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-14230

Review Due Date: 06/01/2023

Applicant Name: Seaside Retreat LLC, Kyle Patterson

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

Reviewer(s): Nikki Hendricks

Date of Review: 05/18/2023

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:

The POU transfer for this right is to correct the 1/4, 1/4 listed on the cert. The POU isn't changing.

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:

The water right is for domestic of three homes. There is only one home on the property with an auxiliary AUD off the garage. The right should be modified to the actual use. A realtor listing highlights a garden sprinkler system. Cert 83267 is for domestic only, not expanded.

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:

Certificate 83267 is for domestic of 3 homes, there is only 1 home with an ADU attached to garage. the realtor listing states a sprinkler system for garden, no dom expanded in WR.

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

This transfer should add a Character of use change to Domestic expanded for 1 home, in addition to the POU to correct the 1/4, 1/4 issue, and for the additional POD. if any neighboring properties are on the spring the POU should be updated to reflect the three homes using the WR.

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

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

☐ Submerged Orifice  
☐ Flow Restrictor

## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

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

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ will be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
- ☐ at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

**Approval of an Alternate Measurement Device**                      T-  
(to be filled out after consultation with the applicant, or after a site visit)

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature\_\_\_\_\_  
District\_\_\_\_\_  
Date

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

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

## **GREW Scott A \* WRD**

---

**From:** GREW Scott A \* WRD  
**Sent:** Friday, July 21, 2023 2:30 PM  
**To:** Thane, Lindsay M.  
**Cc:** GREW Scott A \* WRD; HENDRICKS Nikki M \* WRD; MCCORD Mike L \* WRD  
**Subject:** Seaside Retreat LLC T-14230

Dear Lindsay,

I received your return call but was out of the office. I wanted to follow up with an email to clarify what I had mentioned in my original voicemail.

Certificate 83267 was issued for domestic purposes only. For pre-1971 domestic water rights the Field Services Division looks at the original claim of beneficial use for to see if they had indicated if they had used the original water for any type of lawn or garden purposes. The original permit was certificated for 3 domestic dwellings only. There was no mention of any other uses at that time and is regulated as such by the Watermaster.

If the applicant wants to do a change in character of use they could withdraw this application and submit a new application to include a character use change along with the additional point of diversion. A place of use change really only applies to the dwellings as domestic rights do not indicate acreage like an irrigation right would.

If they would like to continue with the existing application I would need a corrected map to show the dwellings where the current rights are being used along with evidence of use.

Let me know how your applicant would like to proceed.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

## GREW Scott A \* WRD

---

**From:** Thane, Lindsay M. <LThane@SCHWABE.com>  
**Sent:** Monday, August 14, 2023 2:09 PM  
**To:** GREW Scott A \* WRD  
**Cc:** HENDRICKS Nikki M \* WRD; MCCORD Mike L \* WRD; JARAMILLO Lisa J \* WRD  
**Subject:** RE: Seaside Retreat LLC T-14230 [IWOV-pdx.FID4933215]

Hi Scott,

Thanks for the detailed note. I have been working with Mike McCord regarding Certificate 83267. Mike and his team confirmed that Certificate 83267 should be interpreted to allow the watering of ½ acre lawn or garden. I recognize that the language on any transfer final order and new certificate will not change from what Certificate 83267 currently states. However, the applicant does not see the need to revise this transfer application to address the authorized uses.

Regarding your #2, I confirmed with the applicant that the water right is currently being used at three separate retreat houses on the property. We will be submitting amended transfer application maps shortly depicting the locations of the three buildings.

Please let me know if you have any questions. Thank you for working with us through these issues.

Thanks,  
Lindsay

Lindsay Thane

---

Shareholder  
*Pronouns: she, her, hers*  
(503) 796-2059  
lthane@schwabe.com

**Schwabe**

---

**From:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Sent:** Thursday, July 27, 2023 5:34 PM  
**To:** Thane, Lindsay M. <LThane@SCHWABE.com>  
**Cc:** HENDRICKS Nikki M \* WRD <Nikki.M.HENDRICKS@water.oregon.gov>; MCCORD Mike L \* WRD <Mike.L.MCCORD@water.oregon.gov>; GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; JARAMILLO Lisa J \* WRD <Lisa.J.JARAMILLO@water.oregon.gov>  
**Subject:** RE: Seaside Retreat LLC T-14230 [IWOV-PDX.FID4933215]

Hello Lindsay,

Regarding the technical memo that is something you need to discuss with Field Services. The Transfer section and does not have the authority to regulate water rights.

Regarding this current transfer:

1. Transfer application T-14230 cannot change the name of a character of use on an order, unless a change in character of use is applied for. If the applicant would want the new certificate (after proving up on transfer) to explicitly state Domestic Expanded they could request a change of character of use to show on the new certificate.
  - If the applicant wants to do a change of character of use they could withdraw this application and resubmit it to include that change of character of use.
2. Application T-14230 requests a change in place of use. Domestic rights only show the locations of the domestic use. I understand the intent of this application is to correct the quarter-quarter that was incorrectly described in the past.
  - Certificate 83267 is for 3 families. If the applicant wants to transfer the entire right then the map needs to show where the 3 families are located. Otherwise I can only transfer the amount for one family as shown on the application map.

Let me know how the applicant would like to proceed with this transfer.

If you would like to discuss regulation of water rights and the technical memo I suggest you reach out to the Watermaster Nikki Hendricks or the Northwest Regional Manager Mike McCord.

They have been cc'd on this message.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

From: Thane, Lindsay M. <[LThane@SCHWABE.com](mailto:LThane@SCHWABE.com)>  
Sent: Thursday, July 27, 2023 11:07 AM  
To: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Cc: HENDRICKS Nikki M \* WRD <[Nikki.M.HENDRICKS@water.oregon.gov](mailto:Nikki.M.HENDRICKS@water.oregon.gov)>; MCCORD Mike L \* WRD <[Mike.L.MCCORD@water.oregon.gov](mailto:Mike.L.MCCORD@water.oregon.gov)>  
Subject: RE: Seaside Retreat LLC T-14230 [IWOV-PDX.FID4933215]

Hi Scott,

Thanks for the email. With regard to the interpretation of Certificate 83267 as being for domestic use only and not including watering of a lawn or garden, I would appreciate discussing that interpretation further.

The Department's Technical Operations Manual explains that where a pre-1971 water right is issued in the amount of 0.01 cfs, it is for domestic expanded use. The Manual states that water rights issued for one family in the amount of 0.005 cfs are for domestic use only. (These examples pertain to water rights for one family only.) The Manual states that unless there is contradictory evidence in the water right file, the pre-1971 water rights for 0.01 cfs allow domestic expanded use. (See Tech. Ops. Manual Section 01.07, pages 2-3.)

Seaside Retreat's Certificate 83267 is a pre-1971 water right for 0.03 cfs for three homes. This type of specific domestic use, for 0.01 cfs per home, falls within the example given within OWRD's Technical Operations Manual as a water right

that is for domestic expanded use. I do not believe the COBU, which as I understand it, is silent as to whether a lawn or garden was watered, should be contradictory evidence that Certificate 83267 allows domestic expanded use. At the time that the COBU was submitted to OWRD, it would not have been necessary—or likely even considered—to include a depiction or statement that a lawn or garden was irrigated in addition to domestic use at the homes because there was no differentiation between a domestic use and domestic expanded use water right at that time. Given this, I think that the Department's proposed treatment of Certificate 83267 as allowing domestic use only (not expanded) is inconsistent with the Department's policy in its Technical Operations Manual about interpreting pre-1971 domestic use rights. I would appreciate if you could consider this information so that we can discuss further.

I would also appreciate finding a time to discuss on the phone the changes you are requesting/suggesting for T-14230. I want to make sure we are providing all the requisite information. I am largely available today and tomorrow if you can give me a call or send me a time that would work well for me to call you.

Thanks!  
Lindsay

Lindsay Thane

---

Shareholder  
Pronouns: she, her, hers  
(503) 796-2059  
lthane@schwabe.com

## Schwabe

---

From: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Sent: Friday, July 21, 2023 2:30 PM  
To: Thane, Lindsay M. <[LThane@SCHWABE.com](mailto:LThane@SCHWABE.com)>  
Cc: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>; HENDRICKS Nikki M \* WRD <[Nikki.M.HENDRICKS@water.oregon.gov](mailto:Nikki.M.HENDRICKS@water.oregon.gov)>; MCCORD Mike L \* WRD <[Mike.L.MCCORD@water.oregon.gov](mailto:Mike.L.MCCORD@water.oregon.gov)>  
Subject: Seaside Retreat LLC T-14230

Dear Lindsay,

I received your return call but was out of the office. I wanted to follow up with an email to clarify what I had mentioned in my original voicemail.

Certificate 83267 was issued for domestic purposes only. For pre-1971 domestic water rights the Field Services Division looks at the original claim of beneficial use for to see if they had indicated if they had used the original water for any type of lawn or garden purposes. The original permit was certificated for 3 domestic dwellings only. There was no mention of any other uses at that time and is regulated as such by the Watermaster.

If the applicant wants to do a change in character of use they could withdraw this application and submit a new application to include a character use change along with the additional point of diversion. A place of use change really only applies to the dwellings as domestic rights do not indicate acreage like an irrigation right would.

If they would like to continue with the existing application I would need a corrected map to show the dwellings where the current rights are being used along with evidence of use.

Let me know how your applicant would like to proceed.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

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## GREW Scott A \* WRD

---

**From:** Thane, Lindsay M. <LThane@SCHWABE.com>  
**Sent:** Tuesday, August 15, 2023 11:08 AM  
**To:** GREW Scott A \* WRD  
**Cc:** steve.skookumwater.com  
**Subject:** RE: Seaside Retreat LLC T-14230 [IWOV-pdx.FID4933215]  
**Attachments:** Seaside Retreat T-14230 Amended Maps.PDF

Good Morning Scott,

As a follow up to my below email, attached are amended transfer application maps for T-14230. The amended maps show where water is currently being used. Steve Bruce has mailed original stamped copies of the maps to your attention.

Thanks,  
Lindsay

Lindsay Thane

---

Shareholder  
Pronouns: she, her, hers  
(503) 796-2059  
lthane@schwabe.com

**Schwabe**

---

**From:** Thane, Lindsay M.  
**Sent:** Monday, August 14, 2023 2:09 PM  
**To:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
**Cc:** HENDRICKS Nikki M \* WRD <Nikki.M.HENDRICKS@water.oregon.gov>; MCCORD Mike L \* WRD <Mike.L.MCCORD@water.oregon.gov>; JARAMILLO Lisa J \* WRD <Lisa.J.JARAMILLO@water.oregon.gov>  
**Subject:** RE: Seaside Retreat LLC T-14230 [IWOV-pdx.FID4933215]

Hi Scott,

Thanks for the detailed note. I have been working with Mike McCord regarding Certificate 83267. Mike and his team confirmed that Certificate 83267 should be interpreted to allow the watering of 1/2 acre lawn or garden. I recognize that the language on any transfer final order and new certificate will not change from what Certificate 83267 currently states. However, the applicant does not see the need to revise this transfer application to address the authorized uses.

Regarding your #2, I confirmed with the applicant that the water right is currently being used at three separate retreat houses on the property. We will be submitting amended transfer application maps shortly depicting the locations of the three buildings.

Please let me know if you have any questions. Thank you for working with us through these issues.

Thanks,  
Lindsay

Lindsay Thane

Shareholder  
Pronouns: she, her, hers  
(503) 796-2059  
lthane@schwabe.com

# Schwabe

---

**From:** GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
**Sent:** Thursday, July 27, 2023 5:34 PM  
**To:** Thane, Lindsay M. <[LThane@SCHWABE.com](mailto:LThane@SCHWABE.com)>  
**Cc:** HENDRICKS Nikki M \* WRD <[Nikki.M.HENDRICKS@water.oregon.gov](mailto:Nikki.M.HENDRICKS@water.oregon.gov)>; MCCORD Mike L \* WRD <[Mike.L.MCCORD@water.oregon.gov](mailto:Mike.L.MCCORD@water.oregon.gov)>; GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>; JARAMILLO Lisa J \* WRD <[Lisa.J.JARAMILLO@water.oregon.gov](mailto:Lisa.J.JARAMILLO@water.oregon.gov)>  
**Subject:** RE: Seaside Retreat LLC T-14230 [IWOV-PDX.FID4933215]

Hello Lindsay,

Regarding the technical memo that is something you need to discuss with Field Services. The Transfer section and does not have the authority to regulate water rights.

Regarding this current transfer:

1. Transfer application T-14230 cannot change the name of a character of use on an order, unless a change in character of use is applied for. If the applicant would want the new certificate (after proving up on transfer) to explicitly state Domestic Expanded they could request a change of character of use to show on the new certificate.
  - If the applicant wants to do a change of character of use they could withdraw this application and resubmit it to include that change of character of use.
2. Application T-14230 requests a change in place of use. Domestic rights only show the locations of the domestic use. I understand the intent of this application is to correct the quarter-quarter that was incorrectly described in the past.
  - Certificate 83267 is for 3 families. If the applicant wants to transfer the entire right then the map needs to show where the 3 families are located. Otherwise I can only transfer the amount for one family as shown on the application map.

Let me know how the applicant would like to proceed with this transfer.

If you would like to discuss regulation of water rights and the technical memo I suggest you reach out to the Watermaster Nikki Hendricks or the Northwest Regional Manager Mike McCord.

They have been cc'd on this message.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

From: Thane, Lindsay M. <LThane@SCHWABE.com>  
Sent: Thursday, July 27, 2023 11:07 AM  
To: GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>  
Cc: HENDRICKS Nikki M \* WRD <Nikki.M.HENDRICKS@water.oregon.gov>; MCCORD Mike L \* WRD <Mike.L.MCCORD@water.oregon.gov>  
Subject: RE: Seaside Retreat LLC T-14230 [IWOV-PDX.FID4933215]

Hi Scott,

Thanks for the email. With regard to the interpretation of Certificate 83267 as being for domestic use only and not including watering of a lawn or garden, I would appreciate discussing that interpretation further.

The Department's Technical Operations Manual explains that where a pre-1971 water right is issued in the amount of 0.01 cfs, it is for domestic expanded use. The Manual states that water rights issued for one family in the amount of 0.005 cfs are for domestic use only. (These examples pertain to water rights for one family only.) The Manual states that unless there is contradictory evidence in the water right file, the pre-1971 water rights for 0.01 cfs allow domestic expanded use. (See Tech. Ops. Manual Section 01.07, pages 2-3.)

Seaside Retreat's Certificate 83267 is a pre-1971 water right for 0.03 cfs for three homes. This type of specific domestic use, for 0.01 cfs per home, falls within the example given within OWRD's Technical Operations Manual as a water right that is for domestic expanded use. I do not believe the COBU, which as I understand it, is silent as to whether a lawn or garden was watered, should be contradictory evidence that Certificate 83267 allows domestic expanded use. At the time that the COBU was submitted to OWRD, it would not have been necessary—or likely even considered—to include a depiction or statement that a lawn or garden was irrigated in addition to domestic use at the homes because there was no differentiation between a domestic use and domestic expanded use water right at that time. Given this, I think that the Department's proposed treatment of Certificate 83267 as allowing domestic use only (not expanded) is inconsistent with the Department's policy in its Technical Operations Manual about interpreting pre-1971 domestic use rights. I would appreciate if you could consider this information so that we can discuss further.

I would also appreciate finding a time to discuss on the phone the changes you are requesting/suggesting for T-14230. I want to make sure we are providing all the requisite information. I am largely available today and tomorrow if you can give me a call or send me a time that would work well for me to call you.

Thanks!  
Lindsay

Lindsay Thane

---

Shareholder  
Pronouns: she, her, hers  
(503) 796-2059  
lthane@schwabe.com



From: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>  
Sent: Friday, July 21, 2023 2:30 PM  
To: Thane, Lindsay M. <[LThane@SCHWABE.com](mailto:LThane@SCHWABE.com)>  
Cc: GREW Scott A \* WRD <[Scott.A.GREW@water.oregon.gov](mailto:Scott.A.GREW@water.oregon.gov)>; HENDRICKS Nikki M \* WRD <[Nikki.M.HENDRICKS@water.oregon.gov](mailto:Nikki.M.HENDRICKS@water.oregon.gov)>; MCCORD Mike L \* WRD <[Mike.L.MCCORD@water.oregon.gov](mailto:Mike.L.MCCORD@water.oregon.gov)>  
Subject: Seaside Retreat LLC T-14230

Dear Lindsay,

I received your return call but was out of the office. I wanted to follow up with an email to clarify what I had mentioned in my original voicemail.

Certificate 83267 was issued for domestic purposes only. For pre-1971 domestic water rights the Field Services Division looks at the original claim of beneficial use for to see if they had indicated if they had used the original water for any type of lawn or garden purposes. The original permit was certificated for 3 domestic dwellings only. There was no mention of any other uses at that time and is regulated as such by the Watermaster.

If the applicant wants to do a change in character of use they could withdraw this application and submit a new application to include a character use change along with the additional point of diversion. A place of use change really only applies to the dwellings as domestic rights do not indicate acreage like an irrigation right would.

If they would like to continue with the existing application I would need a corrected map to show the dwellings where the current rights are being used along with evidence of use.

Let me know how your applicant would like to proceed.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

---

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

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05/05/2023

Oregon Water Resources Department

Type

Reference

Date  
05/04/2023

Bill

Cont R11-437-23

Original Amount

1,190.31

Balance Due

1,190.31

Payment

1,190.31

Check Amount

1,190.31

RECEIVED

MAY 12 2023

OWRD

Bank of America - 55

1,190.31

STATE OF OREGON  
WATER RESOURCES DEPARTMENTRECEIPT # **140697**  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: Seaside Retreat, LLC

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

CASH: ☐ CHECK: # 1578 OTHER: (IDENTIFY) ☐APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER T-14230TOTAL REC'D \$1,190.31

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11437-23 \$ \_\_\_\_\_0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,190.31

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

4270 WRD OPERATING ACCT

## MISCELLANEOUS

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

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

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

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

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

## WATER RIGHTS:

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

0203 GROUND WATER EXAM FEE \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_

0205 TRANSFER EXAM FEE \$ \_\_\_\_\_

## WELL CONSTRUCTION

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

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

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

0536 TREASURY 0437 WELL CONST. START FEE

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

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

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

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

TREASURY OTHER / RDX

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

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

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

RECEIPT:

**140697**DATED: 5/12/2023 BY: Lisa D. Miner

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

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-437-23**

**RECEIVED**

**MAY 12 2023**

**OWRD**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Seaside Retreat, LLC**, hereafter Applicant, hereafter known together as the parties.

| OWRD Information                                                                                                                                                                                                                                                                                                     | Applicant's Information                                                                                                                                                                                                                    | Applicant's Representative                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contact: <b>Kelly Starnes</b><br>Title: <b>Transfer Advisor</b><br>Address: <b>725 Summer Street, NE, Suite A<br/>Salem, OR 97301-1266</b><br><br>Phone: <b>503 979-3511</b><br>Fax: <b>503 986-0901</b><br>Email: <b><a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a></b> | Name: <b>Seaside Retreat, LLC</b><br>Contact:<br>Address: <b>PO Box 393<br/>Cannon Beach, OR 97110</b><br><br>Phone: <b>(415) 722-9840</b><br>Fax:<br>Email: <b><a href="mailto:jacksonpatterson@mac.com">jacksonpatterson@mac.com</a></b> | Name: <b>Schwabe, Williamson &amp; Wyatt</b><br>Contact: <b>Lindsay Thane</b><br>Address: <b>1211 SW 5<sup>th</sup> Ave., Suite 1900<br/>Portland, OR 97204</b><br><br>Phone: <b>(503) 796-2059</b><br>Fax:<br>Email: <b><a href="mailto:lthane@schwabe.com">lthane@schwabe.com</a></b> |

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-14230**)

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 **\$1,190.31**. Applicant agrees to pay the full amount of **\$1,190.31** 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.

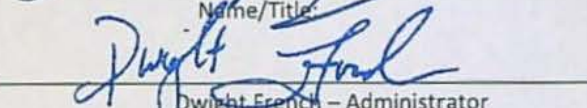
For Applicant:

  
Name/Title:

5.8.23

Date

For OWRD:

  
Dwight French – Administrator

5-16-2023

Date

Mail signed Agreement to:

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

Received by OWRD

MAY 12 2023

Salem, OR



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

May 2, 2023

SEASIDE RETREAT LLC  
ATTN KYLE PATTERSON  
PO BOX 393  
CANNON BEACH, OR 97110

Reference: Application T-14230

On April 26, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Receipt number 140578 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 Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

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 in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

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

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #1, Nikki M. Hendricks (*via email*)  
Lindsay Thane, Agent  
Clatsop County

Enclosure

04/06/2023

Oregon Water Resources Department

Original Amount

125.00

Balance Due

125.00

Payment

125.00

125.00

Check Amount

Date  
04/05/2023  
Type  
Bill

RECEIVED

APR 26 2023

OWARD

Bank of America - 551 Fee for Expedited Processing of Transfer App

125.00

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 140579

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

INVOICE #

RECEIVED FROM: Seaside Retreat, LLC

BY:

CASH: CHECK: # OTHER: (IDENTIFY)

☐ ☒ 1576 ☐

APPLICATION

PERMIT

TRANSFER T-14230

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11-437-23 \$

0412 OTHER: (IDENTIFY) Transfer RA \$125.00

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

4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407 COPY &amp; TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

## WATER RIGHTS:

0201 SURFACE WATER EXAM FEE RECORD FEE \$

0203 GROUND WATER EXAM FEE RECORD FEE \$

0205 TRANSFER EXAM FEE RECORD FEE \$

## WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE LICENSE FEE \$

## LANDOWNER'S PERMIT

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 RECEIVED OVER THE COUNTER

FUND

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 140579

DATED: 4-26-2023 BY: (Signature)



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 | <u>T-14230</u><br>Transfer Number <u>Not yet provided. This is for a transfer application for Certificate 83267.</u> |

|                 | Applicant Information                                | Applicant's Representative/Contact  |
|-----------------|------------------------------------------------------|-------------------------------------|
| Name:           | <u>Seaside Retreat, LLC</u>                          | <u>Lindsay Thane</u>                |
| Address:        | <u>P.O. Box 393</u><br><u>Cannon Beach, OR 97110</u> | <u>1211 SW 5th Ave., Suite 1900</u> |
| Phone:          | <u>415-722-9840</u>                                  | <u>503-796-2059</u>                 |
| Fax:            |                                                      |                                     |
| E-Mail Address: | <u>jacksonpatterson@mac.com</u>                      | <u>lthane@schwabe.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

I certify that I am the (check one):

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

Name: \_\_\_\_\_

Signature: John N. Bynum, Trustee

OWRD USE ONLY: Reimbursement Authority Number: R11-437-23

Seaside Retreat, LLC

04/05/2023

Oregon Water Resources Department

Original Amount

2,450.00

Balance Due

2,450.00

1575

Payment

2,450.00

2,450.00

Date  
04/05/2023Type  
Bill

Reference

Check Amount

RECEIVED

APR 26 2023

OWRD

Bank of America - 551 Transfer Fee Application

2,450.00

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 # 140578

INVOICE #

RECEIVED FROM: Seaside Retreat, LLC

BY:

APPLICATION

PERMIT

TRANSFER T-14230

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

\$2,450.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY &amp; 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

\$2,450.00

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 (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY

RECEIVED  
OTHER/BDX

OVER THE COUNTER

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 140578

DATED: 4-26-2023 BY: Lisa D. Miller

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

# Application for Permanent Water Right Transfer



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

## Part 1 of 5 – Minimum Requirements Checklist

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 83267**

Please include a separate Part 5 for each water right. (See instructions on page 6)

**NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**

Received by OWRD

### Attachments:

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

APR 26 2023

Salem, OR

### (For Staff Use Only)

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

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

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

APR 26 2023

## Part 2 of 5 – Transfer Application Map

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

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

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

### Part 3 of 5 – Fee Worksheet

[illegible]

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

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

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

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

|                                                                                                                                                                             |                    |                     |                                           |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|-------------------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Seaside Retreat, LLC</b><br><b>Attn: Kyle Patterson</b>                                                                                       |                    |                     | PHONE NO.<br><b>(415) 722-9840</b>        | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>P.O. Box 393</b>                                                                                                                                              |                    |                     | FAX NO.                                   |                        |
| CITY<br><b>CANNON BEACH</b>                                                                                                                                                 | STATE<br><b>OR</b> | ZIP<br><b>97110</b> | E-MAIL<br><b>JACKSONPATTERSON@MAC.COM</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                           |                        |

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

|                                                                                                                                                                             |                    |                     |                                     |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------|-------------------------------------|------------------------|
| AGENT/BUSINESS NAME<br><b>Lindsay Thane/Schwabe, Williamson &amp; Wyatt</b>                                                                                                 |                    |                     | PHONE NO.<br><b>(503) 796-2059</b>  | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>PacWest Center 1211 SW Fifth Avenue, Suite 1900</b>                                                                                                           |                    |                     | FAX NO.                             |                        |
| CITY<br><b>Portland</b>                                                                                                                                                     | STATE<br><b>OR</b> | ZIP<br><b>97204</b> | E-MAIL<br><b>lthane@schwabe.com</b> |                        |
| BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED. |                    |                     |                                     |                        |

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

We are requesting a correction to the place of use described in Certificate 83267 and the addition of a POD.

Certificate 83267 was issued for an historical change in the POD under T-9947. Certificate 83267, and Certificate 21645, which was superseded by Certificate 83267, incorrectly described the place of use as the NW SW of Section 7. The NW SW of Section 7 cannot be the place of use because it is located within the Pacific Ocean and the beach abutting the ocean. A review of the May 12, 2005 Water Right Transfer Map prepared by HLB & Associates, Inc. in preparing this application shows the place of use should have been described as the NE SW, and likely, the SE SW of Section 7. To correct this place of use error, we are requesting that the place of use include the NE SW and SE SW to encompass taxlots 1900 and 1902, and an additional downstream POD.

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

### Check One Box

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

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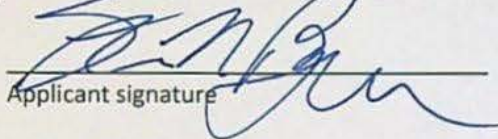
APR 26 2023

Salem, OR

By my signature below, I confirm that I understand:

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

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



Applicant signature

Steven N. Berger, Trustee for Sheryl Whiteman  
Trust A, a sole member of Seaside Retreat, LLC  
Print Name (and Title if applicable)

4.12.23  
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No\*

\*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

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

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

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

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APR 26 2023

Salem, OR

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

|                                       |         |     |
|---------------------------------------|---------|-----|
| IRRIGATION DISTRICT NAME<br><b>NA</b> | ADDRESS |     |
| CITY                                  | STATE   | ZIP |

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

|                          |         |     |
|--------------------------|---------|-----|
| ENTITY NAME<br><b>NA</b> | ADDRESS |     |
| CITY                     | STATE   | ZIP |



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

|                                                        |                                                  |                     |
|--------------------------------------------------------|--------------------------------------------------|---------------------|
| ENTITY NAME<br><b>CLATSOP COUNTY LAND USE PLANNING</b> | ADDRESS<br><b>800 Exchange Street, Suite 100</b> |                     |
| CITY<br><b>Astoria</b>                                 | STATE<br><b>OR</b>                               | ZIP<br><b>97103</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

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APR 26 2023

Salem, OR

APR 26 2023

## Part 5 of 5 – Water Right Information

Salem, OR

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

CERTIFICATE # 83267

## Description of Water Delivery System

System capacity: 0.03 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is diverted from Red Rock Creek using a vertically placed 12-inch-diameter perforated ABS culvert located upstream of an approximately 4-foot-tall impoundment dam. The culvert contains a 4-inch-diameter perforated PVC standpipe connected to approximately 400 feet of 2-inch-diameter ABS pipe. Water in the pipe gravity flows to two water treatment tanks with a combined capacity of 1,500 gallons. The elevation difference from the POD to the tanks is estimated to be 20 feet.

Water in the tanks is treated and then forwarded for domestic use using a ½ or ¾-hp submersible pump connected to approximately 160 feet of 1-inch-diameter pipe. Water gravity flowed into the tanks that is not used is returned to a drainage connected to the creek.

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

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

| POD/POA<br>Name or<br>Number | Is this POD/POA<br>Authorized on<br>the Certificate or<br>is it Proposed?           | If POA, OWRD<br>Well Log ID#<br>(or Well ID<br>Tag # L-__) | Twp |   | Rng |   | Sec | ¼ ¼ |    | Tax<br>Lot,<br>DLC<br>or<br>Gov't<br>Lot | Measured Distances<br>(from a recognized<br>survey corner) |
|------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------|-----|---|-----|---|-----|-----|----|------------------------------------------|------------------------------------------------------------|
| Authorized<br>POD            | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed | --                                                         | 4   | N | 10  | W | 7   | NE  | SW | 3                                        | 979 ft S & 1064 ft W from<br>Center ¼ Corner of Sec. 7     |
| Proposed<br>POD              | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> Proposed | --                                                         | 4   | N | 10  | W | 7   | NE  | SW | 3                                        | 1240 ft S & 1290 ft W<br>from Center ¼ Corner of<br>Sec. 7 |

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

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

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

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

☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Changes to Water Right Certificate # 83267**

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)<br>The listing that appears on the certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |         |                      |       |                                         |                                                         |                  |                 |                   | Proposed<br>Changes (see<br>"CODES" from<br>previous<br>page) | PROPOSED (the "to" or "on" lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |              |         |                      |       |                    |                                                      |                  |                   |   |      |           |                                             |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|---------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|-----------------|-------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------|---------|----------------------|-------|--------------------|------------------------------------------------------|------------------|-------------------|---|------|-----------|---------------------------------------------|---------------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp             | Rng               |                                                               | Sec                                                                                                     | ¼ ¼          | Tax Lot | Gvt<br>Lot or<br>DLC | Acres | New Type of<br>USE | POD(s)/<br>POA(s) to<br>be used<br>(from Table<br>1) | Priority<br>Date |                   |   |      |           |                                             |               |
| EXAMPLE                                                                                                                                                                                  |     |     |     |         |                      |       |                                         |                                                         |                  |                 |                   |                                                               |                                                                                                         |              |         |                      |       |                    |                                                      |                  |                   |   |      |           |                                             |               |
| 2                                                                                                                                                                                        | S   | 9   | E   | 15      | NE                   | NW    | 100                                     |                                                         | 15.0             | Irrigation      | POD #1 POD<br>#2  | 1901                                                          | POU/POD                                                                                                 | 2            | S       | 9                    | E     | 1                  | NW                                                   | NW               | 500               | 1 | 10.0 |           | POD #5                                      | 1901          |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |                 |                   |                                                               |                                                                                                         | 2            | S       | 9                    | E     | 2                  | SW                                                   | NW               | 500               |   | 5.0  |           | POD #6                                      | 1901          |
| 4                                                                                                                                                                                        | N   | 10  | W   | 7       | NW*                  | SW    | 1900                                    | 3                                                       | --               | Domestic<br>Use | Authorized<br>POD | 7/26/<br>1946                                                 | POU/APOD                                                                                                | 4            | N       | 10                   | W     | 7                  | NE                                                   | SW               | 1900<br>&<br>1902 | 3 | --   | No Change | Author-<br>ized POD<br>&<br>Proposed<br>POD | 7/26/<br>1946 |
|                                                                                                                                                                                          |     |     |     |         |                      |       |                                         |                                                         |                  |                 |                   |                                                               | POU/APOD                                                                                                | 4            | N       | 10                   | W     | 7                  | SE                                                   | SW               | 1900<br>&<br>1902 | 4 | --   | No Change | Author-<br>ized POD<br>&<br>Proposed<br>POD | 7/26/<br>1946 |
| TOTAL ACRES:                                                                                                                                                                             |     |     |     |         |                      |       |                                         |                                                         | --               |                 |                   |                                                               |                                                                                                         | TOTAL ACRES: |         |                      |       |                    |                                                      |                  |                   |   | --   |           |                                             |               |

Additional remarks: \* Certificate 83267, issued for an historical change in POD, describes the incorrect quarter-quarter section (NW SW) for the place of use. The NW SW of Section 7 cannot be the place of use because it is located within the Pacific Ocean and the beach abutting the ocean. A review of the HLB & Associates, Inc. May 12, 2005 Water Right Transfer Map associated with T-9947 in preparing this application shows the place of use should have been described as the NE SW, and likely, the SE SW of Section 7. To correct this place of use error, we are requesting that the place of use include the NE SW and SE SW to encompass taxlots 1900 and 1902

This application also proposes to add a POD to the right.

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APR 26 2023

Salem, OR

**For Place of Use or Character of Use Changes**

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

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

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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA

Identify the primary certificate to be cancelled. Certificate # NA

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

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

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

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

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

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# Land Use Information Form



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

Applicant(s): Steven N. Berger, Engelman Berger, PC, Trustee for Seaside Retreat, LLC

Mailing Address: 2800 North Central Avenue, Suite 1200

City: Phoenix

State: AZ

Zip Code: 85004

Daytime Phone: (602) 222-4976

## 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: |
|----------|-------|---------|-------|-------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 4 N      | 10 W  | 7       | NE SW | 1900 & 1902 |                                                 | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Residential        |
| 4 N      | 10 W  | 7       | SE SW | 1900 & 1902 |                                                 | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used            | Residential        |

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

Clatsop County

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Red Rock Creek

Estimated quantity of water needed: 0.03 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 3 household(s)  
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other \_\_\_\_\_

Briefly describe:

We are requesting a correction to the place of use described in Water Right Certificate 83267 and the addition of a POD.



**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. →

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Salem, OR

## 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): **LANDUC SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)**
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

**410076501900, ZONED COASTAL RESIDENTIAL (CR),  
ALSO KNOWN AS 80704 HWY 101.**

Name: **JASON POLLACK** Title: **PLANNER**

Signature: **J Pollack** Phone: **503-325-8611** Date: **4/20/23**

Government Entity: **CLATSOP COUNTY, LAND USE**

**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: \_\_\_\_\_ Received by OWRD

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ APR 26 2023

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_ Salem, OR

**23-000164**  
Revised 2/8/2010

**#134149285**

# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss  
County of CLATSOP

I, KYLE PATTERSON, in my capacity as AGENT FOR SEASIDE RETREAT, LLC,  
mailing address P.O. BOX 393 CANNON BEACH, OREGON 97110  
telephone number (415)739-2383, being first duly sworn depose and say:

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Salem, OR

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for  
Certificate # 83267; OR

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

| Certificate # | Township | Range | Mer | Sec | ¼ ¼ | Gov't Lot<br>or DLC | Acres<br>(if applicable) |
|---------------|----------|-------|-----|-----|-----|---------------------|--------------------------|
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |
|               |          |       |     |     |     |                     |                          |

OR

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

(continues on reverse side)

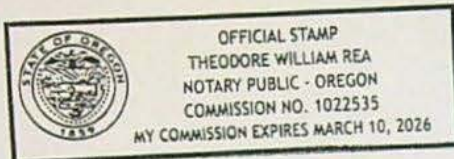
3. The water right was used for: (e.g., crops, pasture, etc.): DOMESTIC PURPOSES

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]  
Signature of Affiant

4/21/23  
Date

Signed and sworn to (or affirmed) before me this 21 day of Apri, 2023.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 3/10/2026

| Supporting Documents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Copy of <b>confirming</b> water right certificate that shows issue date                                                                                                                                                                                                                                                                                                                                                                     |
| <input checked="" type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water<br><br>*Attached to this affidavit are Pacific Power Co. invoices for October-November 2021 and October-November 2022. Power is used to operate a pump to deliver water to Seaside Retreat for its domestic uses. These power records are an example of Seaside Retreat's power expenses related to its water use under this water right throughout the year. Also attached are invoices from Thomas Merrell Construction and Environmental Services from 2019 through December 2022 related to operation of the domestic water delivery system. | <ul style="list-style-type: none"><li>• Power usage records for pumps associated with irrigation use</li><li>• Fertilizer or seed bills related to irrigated crops</li><li>• Farmers Co-op sales receipt</li></ul> <p>Received by OWRD<br/>APR 26 2023<br/>Salem, OR</p>                                                                                                                                                                    |
| <input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"><li>• District assessment records for water delivered</li><li>• Crop reports submitted under a federal loan agreement</li><li>• Beneficial use reports from district</li><li>• IRS Farm Usage Deduction Report</li><li>• Agricultural Stabilization Plan</li><li>• CREP Report</li></ul>                                                                                                                  |
| <input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Multiple photos can be submitted to resolve different areas of a water right.<br>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.<br><br>Sources for aerial photos:<br>OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a><br>OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> |

|                                                                                             |                                                                                                                                                       |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                             | Google Earth – <a href="http://earth.google.com">earth.google.com</a><br>TerraServer – <a href="http://www.terra-server.com">www.terra-server.com</a> |
| <input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years | Copy of instream lease or lease number                                                                                                                |

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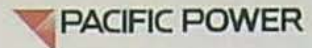
APR 26 2023

Salem, OR

16515 01 MB 0.482 65-0  
SEASIDE RETREAT, LLC  
PO BOX 15890  
PHOENIX AZ 85060-5890



Questions: Call  
**1-888-221-7070**  
24 hours a day,  
7 days a week  
[pacificpower.net](http://pacificpower.net)

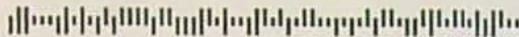


BILLING DATE: **Nov 23, 2021**

ACCOUNT NUMBER: [REDACTED]

DUE DATE: **Dec 13, 2021**

AMOUNT DUE: **\$606.23**



### Your Balance With Us

|                          |                 |
|--------------------------|-----------------|
| Previous Account Balance | 438.83          |
| Payments/Credits         | -438.83         |
| New Charges              | +606.23         |
| Current Account Balance  | <b>\$606.23</b> |

### Payments Received

| DATE           | DESCRIPTION                  | AMOUNT          |
|----------------|------------------------------|-----------------|
| Nov 5, 2021    | Payment Received - Thank You | 438.83          |
| Total Payments |                              | <b>\$438.83</b> |

### Detailed Account Activity

#### ITEM 1 - ELECTRIC SERVICE

80704 Highway 101 Cannon Beach OR  
Oregon Residential Service Schedule 4

| METER NUMBER | SERVICE PERIOD From To    | ELAPSED DAYS | METER READINGS Previous Current | METER MULTIPLIER | AMOUNT USED THIS MONTH |
|--------------|---------------------------|--------------|---------------------------------|------------------|------------------------|
| 80095190     | Oct 21, 2021 Nov 22, 2021 | 32           | 2709 2844                       | 40.0             | 5,400 kwh              |

Next scheduled read date: 12-23. Date may vary due to scheduling or weather.

| NEW CHARGES - 11/21                         | UNITS     | COST PER UNIT | CHARGE        |
|---------------------------------------------|-----------|---------------|---------------|
| Basic Charge - Single Phase                 |           |               | 9.50          |
| Delivery Charge                             | 5,400 kwh | 0.0462600     | 249.80        |
| Supply Energy Charge Block 1 for 32 day(s)  | 1,052 kwh | 0.0492400     | 51.80         |
| Supply Energy Charge Block 2 for 32 day(s)  | 4,348 kwh | 0.0613200     | 266.62        |
| Federal Tax Act Adjustment                  | 5,400 kwh | -0.0006300    | -3.40         |
| Oregon Corp Activities Tax Adj              |           | 0.0054000     | 3.10          |
| Public Purpose                              |           | 0.0300000     | 17.32         |
| Energy Conservation Charge                  | 5,400 kwh | 0.0038200     | 20.63         |
| Low Income Assistance                       |           |               | 0.69          |
| B P A Columbia River Benefits for 32 day(s) | 1,052 kwh | -0.0093400    | -9.83         |
| Total New Charges                           |           |               | <b>606.23</b> |

### Wildfire safety & preparedness

Safety is a community effort that takes all of us working together. As we're taking steps to continue to mitigate wildfire risks by strengthening our system, pruning more trees and partnering with state and local agencies on emergency preparedness, it's also important for you to update your contact information and sign up for alerts with us.

See reverse

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.

↑ INSERT THIS  
EDGE FIRST ↓

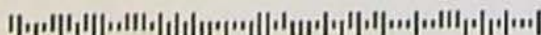


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APR 26 2023

Salem, OR

PACIFIC POWER  
PO BOX 26000  
PORTLAND OR 97256-0001



Account Number: [REDACTED]

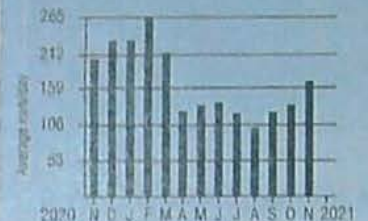
Date Due: **Dec 13, 2021**

AMOUNT DUE: **\$606.23**

Please enter the amount enclosed.

SEASIDE RETREAT, LLC  
PO BOX 15890  
PHOENIX AZ 85060-5890

### Historical Data - ITEM 1



#### Your Average Daily kwh Usage by Month

| PERIOD ENDING   | NOV 2021 | NOV 2020 |
|-----------------|----------|----------|
| Avg Daily Temp. | 49       | 46       |
| Total kwh       | 5400     | 6160     |
| Avg kwh per Day | 169      | 205      |
| Cost per Day    | \$18.94  | \$24.55  |

Please consider helping your neighbors in need of energy assistance by using the enclosed envelope. Donations may be tax deductible. Pacific Power contributes \$2 for every \$1 donated, allowing your contribution to go even further.

### Manage your account with ease

Popular billing options include Auto Pay, Equal Pay and choice of due dates. You can even earn a credit each month when you sign up for paperless billing. See details and enroll at [pacificpower.net/billoptions](http://pacificpower.net/billoptions)

#### Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ Change of Mailing Address or Phone?  
Check here & provide information on back.



16754 01 MB 0.515 70-0  
SEASIDE RETREAT, LLC  
PO BOX 15890  
PHOENIX AZ 85060-5890



Questions: Call  
**1-888-221-7070**  
24 hours a day,  
7 days a week  
[pacificpower.net](http://pacificpower.net)

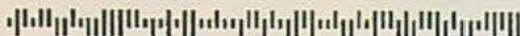


BILLING DATE: Nov 23, 2022

ACCOUNT NUMBER: [REDACTED]

DUE DATE: Dec 13, 2022

AMOUNT DUE: \$963.03



### ACCOUNT PAST DUE

Our records indicate that your account is past due. If the past due amount has been paid, please remember that this bill also contains New Charges.

#### Your Balance With Us

|                          |          |
|--------------------------|----------|
| Previous Account Balance | 356.31   |
| Payments/Credits         | 0.00     |
| Past Due Amount          | 356.31   |
| New Charges              | +606.72  |
| Current Account Balance  | \$963.03 |

#### You Must Act Now to Avoid Shut-Off!

- Your Electric Service Past Due Amount of \$356.31 must be received by Dec 13, 2022 to avoid shut-off.

Remember: Your New Charges of \$606.72 are still due by Dec 13, 2022.

#### Payments Received

No payments have been received since your last billing statement.

#### Detailed Account Activity

##### ITEM 1 - ELECTRIC SERVICE

80704 Highway 101 Cannon Beach OR  
Oregon Residential Service Schedule 4

| METER NUMBER | SERVICE PERIOD From To    | ELAPSED DAYS | METER READINGS Previous Current | METER MULTIPLIER | AMOUNT USED THIS MONTH |
|--------------|---------------------------|--------------|---------------------------------|------------------|------------------------|
| 80095190     | Oct 21, 2022 Nov 22, 2022 | 32           | 4130 4266                       | 40.0             | 5,440 kwh              |

Next scheduled read date: 12-23. Date may vary due to scheduling or weather.

##### NEW CHARGES - 11/22

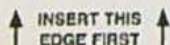
|                                            | UNITS     | COST PER UNIT | CHARGE |
|--------------------------------------------|-----------|---------------|--------|
| Basic Charge - Single Phase                |           |               | 9.50   |
| Delivery Charge                            |           |               |        |
| for 18 day(s)                              | 3,060 kwh | 0.0477000     | 145.96 |
| for 14 day(s)                              | 2,380 kwh | 0.0462500     | 110.08 |
| Supply Energy Charge Block 1 for 32 day(s) | 1,052 kwh | 0.0480900     | 50.59  |
| Supply Energy Charge Block 2 for 32 day(s) | 4,388 kwh | 0.0598000     | 262.40 |
| Federal Tax Act Adjustment                 | 5,440 kwh | -0.0006300    | -3.43  |
| Oregon Corp Activities Tax Adj             |           | 0.0054000     | 3.11   |

See reverse ➔

Write account number on check & mail to: Pacific Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS

RETURN THIS PORTION WITH YOUR PAYMENT.



**ACCOUNT PAST DUE**

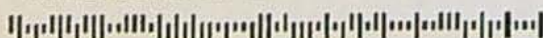


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Salem, OR

PACIFIC POWER  
PO BOX 26000  
PORTLAND OR 97256-0001



Account Number: [REDACTED]

Date Due: Dec 13, 2022

AMOUNT DUE: \$963.03

Please enter the amount enclosed.

SEASIDE RETREAT, LLC  
PO BOX 15890  
PHOENIX AZ 85060-5890

#### Historical Data - ITEM 1



#### Your Average Daily kwh Usage by Month

| PERIOD ENDING    | NOV 2022 | NOV 2021 |
|------------------|----------|----------|
| Avg. Daily Temp  | 46       | 49       |
| Total kwh        | 5440     | 5400     |
| Avg. kwh per Day | 170      | 169      |
| Cost per Day     | \$18.74  | \$18.94  |

#### Manage your account with ease

Popular billing options include Auto Pay, Equal Pay and choice of due dates. You can even earn a credit each month when you sign up for paperless billing. See details and enroll at [pacificpower.net/billoptions](http://pacificpower.net/billoptions)

#### Looking for other ways to pay?

Visit [pacificpower.net/pay](http://pacificpower.net/pay) for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

#### Late Payment Charge for Oregon

A late payment charge of 2.0% may be charged on any balance not paid in full each month.

☐ Change of Mailing Address or Phone?  
Check here & provide information on back.

H [REDACTED]



## CCB # 0116393

| <b>DATE</b> | <b>Description of Work</b>              | <b>Hours</b> | <b>Cost</b>      |
|-------------|-----------------------------------------|--------------|------------------|
| 9/10/19     | Check intake, Pump House, Tank          | 1.5          | <b>65.00 hr</b>  |
| 9/19/19     | Check water system                      | 1.5          |                  |
| 10/10/19    | Check water system                      | 1.5          |                  |
| 10/31/19    | Check water system                      | 1.5          |                  |
| 11/15/19    | Check water system                      | 1.5          |                  |
| 12/1/19     | Check water system                      | 1.5          |                  |
| 12/13/19    | Check water system                      | 1.5          |                  |
|             | Please make check out to Thomas Merrell |              | <b>\$ 682.50</b> |
|             |                                         |              |                  |

**Thomas Merrell**  
**Construction and Environmental Services**

31976 East Ocean Road

Arch Cape, OR 97102

503-739-2383

[thomasmerrell@gmail.com](mailto:thomasmerrell@gmail.com)

CCB # 0116393

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APR 26 2023

Salem, OR

Billing Address:

Jinx Patterson

C/O Chassity Burks, Seaside Retreat

P.O Box 15890

Phoenix AZ, 85060

Date Completed: 10-2020

New Customer: ☒ Yes ☐ No

TERMS Upon receipt

| DATE      | Description of Work                                                      | Hours | Cost       |
|-----------|--------------------------------------------------------------------------|-------|------------|
| 9-11-2020 | Drain and clean wet well in building, flush intake.                      | 8     | 65.00      |
| 9-12-2020 | Flush intake                                                             | 2     |            |
| 9-16-2020 | Still issues with water quality, flush intake.                           | 2     |            |
| 9-21-2020 | Met with County compliance inspector.                                    | 2     |            |
| 10-2-2020 | Met with Always pure pilot testing and water quality.<br>Helper \$110.00 | 2     |            |
|           | Please make check out to Thomas Merrell                                  |       | \$1,150.00 |
|           |                                                                          |       |            |

**Thomas Merrell**  
**Construction and Environmental Services**

31976 East Ocean Road  
Arch Cape, OR 97102  
503-739-2383  
[thomasmerrell@gmail.com](mailto:thomasmerrell@gmail.com)  
CCB # 0116393

Received by OWRD

APR 26 2023

Salem, OR

Billing Address:  
Jinx Patterson  
C/O Chassity Burks, Seaside Retreat  
P.O Box 15890  
Phoenix AZ, 85060

Date Completed: 7-1-2022

New Customer: ☐ Yes ☒ No

TERMS Upon receipt

| DATE     | Description of Work                                    | Hours | Cost               |
|----------|--------------------------------------------------------|-------|--------------------|
| 8-6-2021 | Water checks January-July 2022<br>Filters and supplies | 45    | 3,150.00<br>325.00 |
|          | Please make check out to Thomas Merrell                |       | \$ 3,475.00        |
|          |                                                        |       |                    |

**Thomas Merrell**  
**Construction and Environmental Services**

31976 East Ocean Road

Arch Cape, OR 97102

503-739-2383

[thomasmerrell@gmail.com](mailto:thomasmerrell@gmail.com)

CCB # 0116393

Received by OWRD

APR 26 2023

Salem, OR

Billing Address:

Jinx Patterson

C/O Chassity Burks, Seaside Retreat

P.O Box 15890

Phoenix AZ, 85060

Date Completed: 1-1-2023

New Customer: \_\_\_\_ Yes \_\_X\_\_ No

TERMS Upon receipt

| DATE  | Description of Work                                                                                                             | Hours | Cost       |
|-------|---------------------------------------------------------------------------------------------------------------------------------|-------|------------|
|       | Water checks and system repairs June-December 2022                                                                              |       | 70.00      |
| 6-27  | Replaced filters                                                                                                                | 2     |            |
| 6-28  | Flush water intake                                                                                                              | 3     |            |
| 7-6   | Clean screen, check system                                                                                                      | 2.5   |            |
| 7-16  | Check intake and system                                                                                                         | 2     |            |
| 8-5   | Clean screen check system                                                                                                       | 2.5   |            |
| 9-16  | Clean screen, flush intake line, check system                                                                                   | 3.5   |            |
| 10-12 | Check intake and system                                                                                                         | 2     |            |
| 11-17 | Clean silt out of intake, disconnect line pull intake<br>Flush, check lines, flush pipe at filter building.<br>Replace filters. | 8     |            |
| 11-28 | Clean silt out of intake, pull intake flush line.                                                                               | 5.5   |            |
| 12-5  | Clean silt out of intake, pull intake flush line.                                                                               | 5.5   |            |
| 12-31 | Silt, pull intake, flush and repair lines, check treatment.                                                                     | 8     |            |
|       |                                                                                                                                 | 44.5  |            |
|       | Please make check out to Thomas Merrell                                                                                         |       | \$3,115.00 |
|       |                                                                                                                                 |       |            |

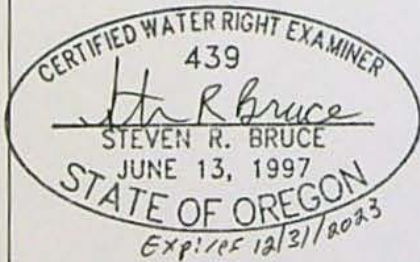
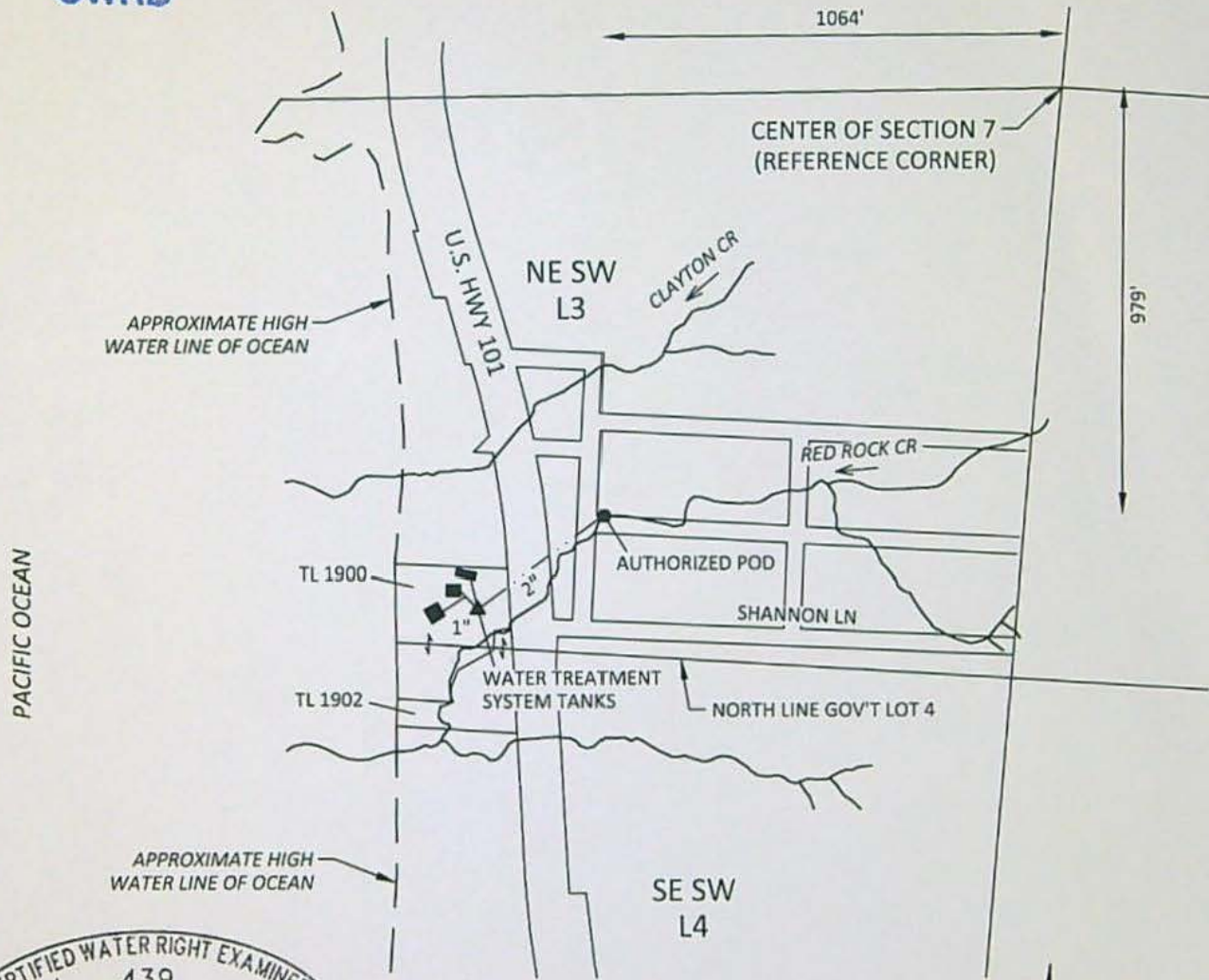
Section 7, T4N, R10W, W.M., Clatsop County, Oregon

RECEIVED

AUG 16 2023

OWRD

T-14230  
AMENDED TRANSFER APPLICATION MAP  
FROM LANDS  
Seaside Retreat, LLC



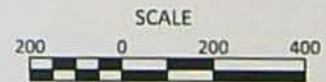
KPFF 2200002.13

**SKOOKUM**  
WATER ASSOCIATES INC

1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926

EXPLANATION

- PLACE OF USE  
PRIORITY: 7/26/1946
- POINT OF DIVERSION (POD)
- ▲ STORAGE TANKS
- PIPE



August 15, 2023

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

**SUPERSEDING**

Figure 1

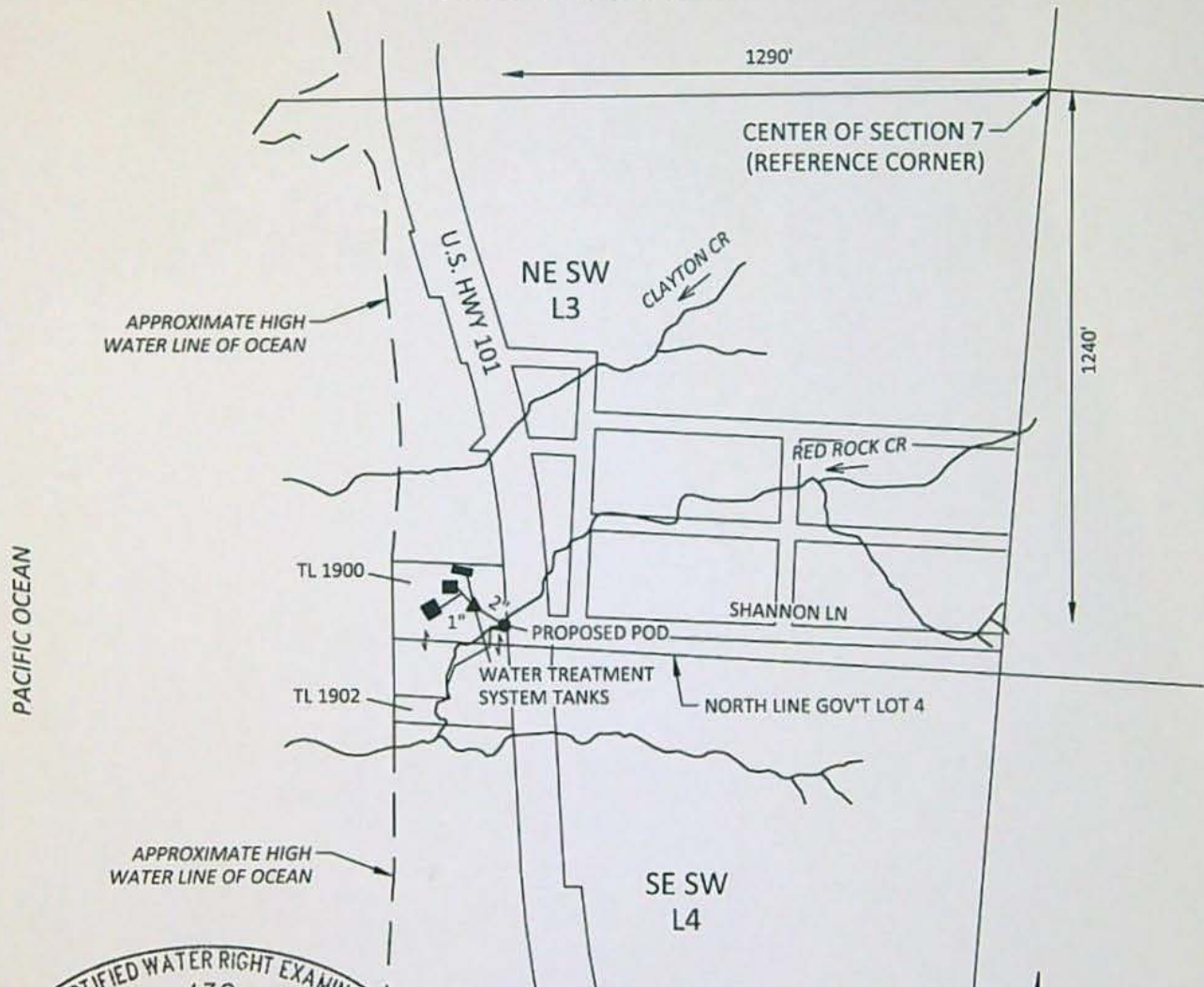
Section 7, T4N, R10W, W.M., Clatsop County, Oregon

RECEIVED

AUG 16 2023

OWRD

T-14230  
AMENDED TRANSFER APPLICATION MAP  
TO LANDS  
Seaside Retreat, LLC



EXPLANATION

- PLACE OF USE  
PRIORITY: 7/26/1946
- POINT OF DIVERSION (POD)
- ▲ STORAGE TANKS
- PIPE



August 15, 2023

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

KPFF 2200002.13

**SKOOKUM**  
WATER ASSOCIATES INC

1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926

**SUPERSEDING**

Figure 2

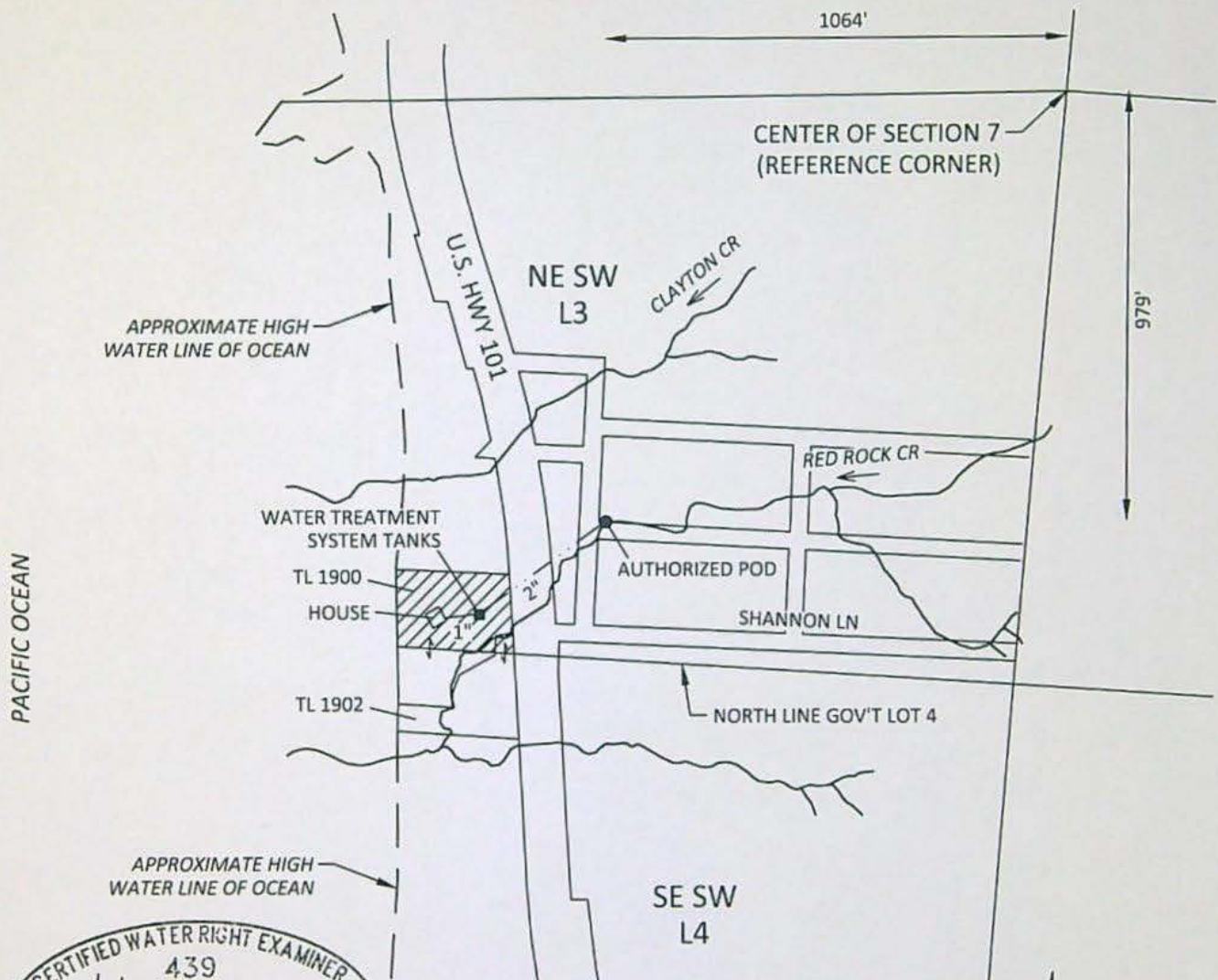
Section 7, T4N, R10W, W.M., Clatsop County, Oregon

Received by OWRD

Certificate 83267  
TRANSFER APPLICATION MAP  
FROM LANDS  
Seaside Retreat, LLC

APR 26 2023

Salem, OR



EXPLANATION



PLACE OF USE - DOMESTIC USE  
PRIORITY: 7/26/1946



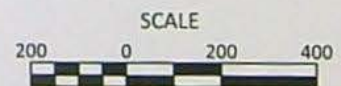
POINT OF DIVERSION (POD)



STORAGE TANKS



PIPE



April 6, 2023

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

Figure 1

KPFF 2200002.13

**SKOOKUM**  
WATER ASSOCIATES INC

1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926

**SUPERSEDED**

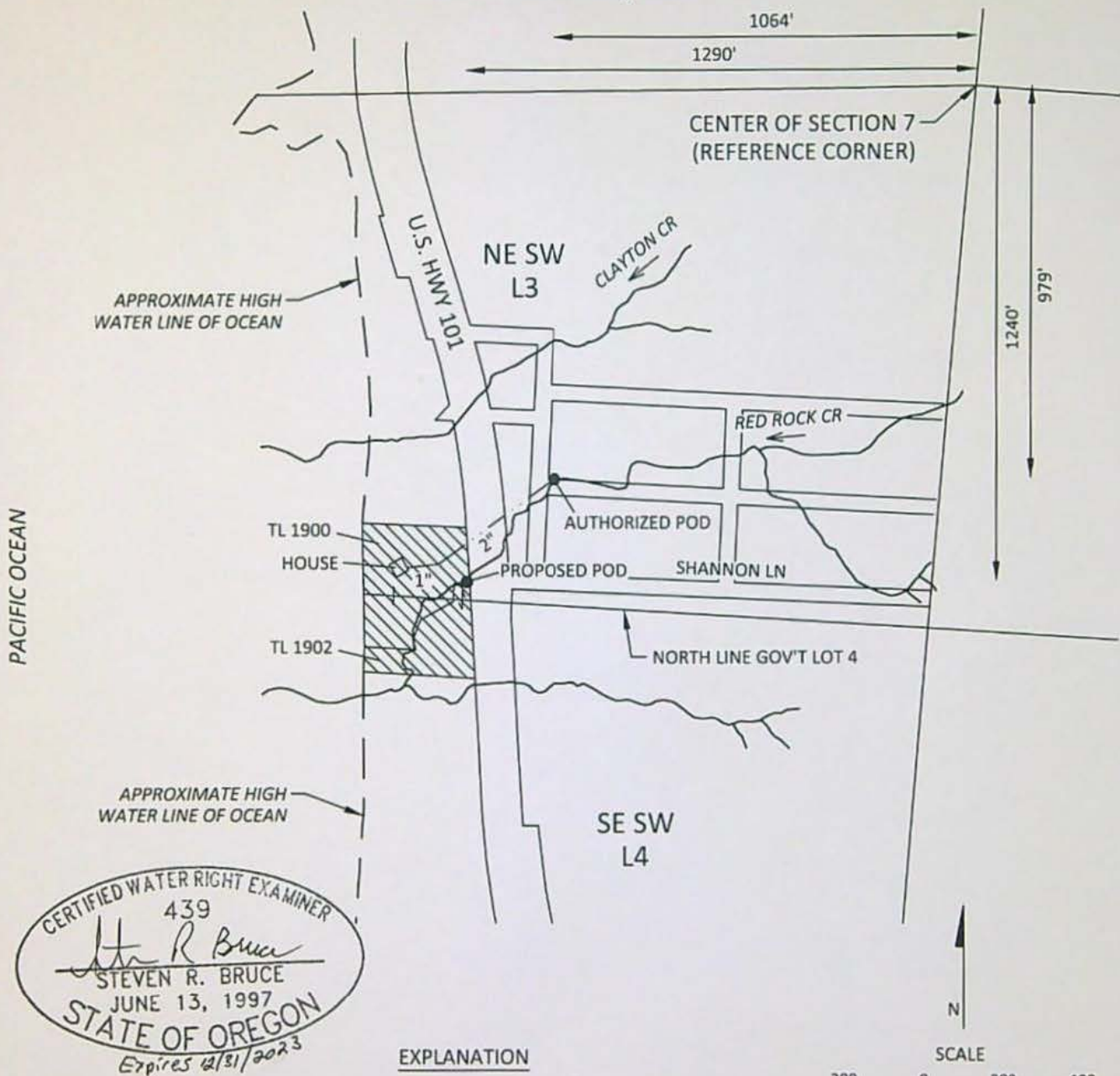
Section 7, T4N, R10W, W.M., Clatsop County, Oregon

Received by OWRD

Certificate 83267  
TRANSFER APPLICATION MAP  
TO LANDS  
Seaside Retreat, LLC

APR 26 2023

Salem, OR



EXPLANATION



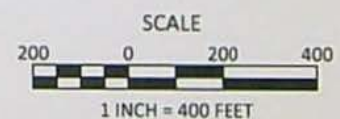
PLACE OF USE - DOMESTIC USE  
PRIORITY: 7/26/1946



POINT OF DIVERSION (POD)



PIPE



April 6, 2023

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

Figure 2

KPFF 2200002.13

**SKOOKUM**  
WATER ASSOCIATES INC

1626 VICTORIAN WAY  
EUGENE, OR 97401  
(503) 319-8926

**SUPERSEDED**



April 25, 2023  
Project No. 10190.001

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

Via UPS Delivery

**Application for a Permanent Transfer  
Water Right Certificate 83267  
Clatsop County, Oregon**

To Whom It May Concern,

Skookum Water Associates Inc. is filing this Application for a Permanent Water Right Transfer on behalf of Seaside Retreat, LLC. The water right proposed for transfer is described in Certificate 83267.

The enclosed application package consists of the following documents:

- An Application for Permanent Water Right Transfer signed by Steven N. Berger, Trustee for Sheryl Whiteman Trust A, a sole member of Seaside Retreat, LLC;
- April 6, 2023 From and To Transfer Application Maps (Figures 1 and 2) prepared by Skookum Water Associates Inc.;
- Seaside Retreat, LLC Check Number 1575, dated April 5, 2023, for \$2,450 to pay the transfer application fee;
- A Land Use Information Form signed by the Clatsop County Planning Department;
- A notarized Evidence of Use Form signed by Jackson Kyle Patterson on April 21, 2023 with supporting electrical power and system operation invoices;
- A Transfer Reimbursement Authority (RA) Estimate Application signed by Steven N. Berger; and
- Seaside Retreat, LLC Check Number 1576, dated April 5, 2023, for \$125 to pay for the RA estimate application

Ms. Lindsay Thane of Schwabe, Williamson & Wyatt will be the Agent for Seaside Retreat, LLC. Please contact her at (503) 796-2059 or [lthane@schwabe.com](mailto:lthane@schwabe.com) should you have any questions.

Thank you for your assistance.

Sincerely,

**SKOOKUM WATER ASSOCIATES INC.**

A handwritten signature in dark ink, appearing to read "Steve R. Bruce", is written over a horizontal line.

Steven R. Bruce, RG, CWRE  
Principal Hydrogeologist

Enclosures

cc. Steven N. Berger; Engleman Berger, PC (via email)  
Lindsay Thane; Schwabe Williamson & Wyatt (via email)



RECEIVED

APR 26 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Seaside Retreat, LLC Attn: Kyle Patterson  
P.O. Box 393 Cannon Beach OR 97110

Transaction Type: Transfer

Fees Received: \$ 2450<sup>00</sup>

☐ Cash

☒ Check;

Check No. 1575

Name(s) on Check: Seaside Retreat LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Pease

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



RECEIVED

APR 26 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Seaside Retreat, LLC Attn: Kyle Patterson  
P.O. Box 393 Cannon Beach OR 97110

Transaction Type: Transfer RA

Fees Received: \$ 125.00

☐ Cash

☒ Check

Check No.

1576

Name(s) on Check:

Seaside Retreat LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

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Sincerely,

OWRD Customer Service Staff

Submission received by:

Nick Reese

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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## Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # T- 14230

|                                                                                                                                                |                                                                                                                                                                                                       |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Checked by <u>Dante</u>                                                                                                                        | Type of Change(s) Proposed:<br><u>NO</u> other changes allowed other than those listed                                                                                                                |                                                |
| Date <u>4/27/2023</u>                                                                                                                          |                                                                                                                                                                                                       |                                                |
| Fee Received:<br>\$2450                                                                                                                        | <input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE |                                                |
| Calculated Fee:<br>\$2450                                                                                                                      |                                                                                                                                                                                                       | How many rights to be Transferred?<br><u>1</u> |
| Deficiencies and Observations:<br>Domestic Change in POU/APOD, adding more land to the original Cert, check #of houses allowed under original. |                                                                                                                                                                                                       | Certificate #(s)<br><u>83267</u>               |

If OK, check box; if not, fill in.

- ☒ 1. Is the applicant information complete? Have all the applicants listed at the top of the page signed at the bottom?  
If not, what is missing? Whose signature is missing? \_\_\_\_\_
- ☒ 2. Has the applicant indicated that the place of use is in or near an irrigation district? Have they included a Form D? ☒ N/A.  
Name of the District \_\_\_\_\_
- ☒ 3. Part 5 of application, has the applicant completed the entire page and does the information match the description of the explanation of the reasons on Part 4 of the application?  
If not, you may need to contact the applicant or agent? \_\_\_\_\_
- ☒ 4. For multiple certificates, do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? (compare with OAR 690-380-3220-may need to return)  
If no, which certificates are missing a separate Part 5, tables 1 & 2? \_\_\_\_\_
- ☒ 5. Has the map been completed and signed by a CWRE? Does the map meet the requirements?  
If not, what is missing? \_\_\_\_\_. Map waiver included? ☐
- ☒ 6. If a change in point of appropriation, have the well logs been included? ☐ N/A.
- ☒ 7. If a change in place of use within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 8. Has applicant filled out the Minimum Requirements Checklist (Part 1 of 5)? Is the application complete? If not, what is missing (check Evidence of Use and Land Use)? \_\_\_\_\_
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

OR:

- ☐ This application is deficient, and CANNOT be accepted.  
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken:

\_\_\_\_\_ date \_\_\_\_\_

## Permanent Transfer Application Checklist

| FEE WORKSHEET for PERMANENT TRANSFER (except Substitution) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   |         |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|
| 1                                                          | Base Fee (includes one type of change to one water right for up to 1 cfs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1 | \$1,360 |
|                                                            | Types of change proposed:<br><input type="checkbox"/> Place of Use<br><input type="checkbox"/> Character of Use<br><input type="checkbox"/> Point of Diversion/Appropriation<br>Number of above boxes checked = _____ (2a)<br>Subtract 1 from the number in line 2a = _____ (2b) <i>If only one change, this will be 0</i>                                                                                                                                                                                                                                                                                         |   |         |
| 2                                                          | Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2 | 0       |
|                                                            | Number of water rights included in transfer _____ (3a)<br>Subtract 1 from the number in 3a above: _____ (3b) <i>If only one water right this will be 0</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |   |         |
| 3                                                          | Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3 | 0       |
|                                                            | Do you propose to add or change a well, or change from a surface water POD to a well?<br><input type="checkbox"/> No: enter 0 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter \$410 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                 |   |         |
| 4                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4 | 0       |
|                                                            | Do you propose to change the place of use or character of use?<br><input type="checkbox"/> No: enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a)<br>Subtract 1.0 from the number in 5a above: _____ (5b)<br>If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » » » » » » »<br>If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » » » » » » » » |   |         |
| 5                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5 | 0       |
| 6                                                          | Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6 | 0       |
|                                                            | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »                                                                                                                                                                                                                                      |   |         |
| 7                                                          | If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 7 | 0       |
| 8                                                          | Subtract line 7 from line 6 » » » » » » » » » » » » » » » » » » » » » » Transfer Fee:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 8 |         |