

T-14360

Regular

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T-14360

Name MetroAddress 600 NE Grand Ave.Portland, OR 97232-2736gary.shepherd@oregonmetro.govChange in USE, APOADate Filed 11/20/2023Initial notice date 12/5/2023

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO _____ Vol _____ Page _____

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Oxbow We 3Trib. of Sandy RiverUse RecreationCounty Multnomah

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G 2938 Per # G 2733 Cert # 34919 PR Date 8-3-1964

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 #
11-20-2023	\$3340.00	141969
11-20-2023	\$725.00	141964
12-20-2023	\$2,873.30	142132

FEES REFUNDED

Date	Amount	Receipt #

Assignments: _____

Irrigation District _____

Agent ECWRE Bob Long - CWM-H₂O, LLC (Also agent) Email - bob.long@cwmh2o.com

CC's list _____

☐ - Oversized map - Location _____



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 17, 2025

VIA CERTIFIED MAIL AND E-MAIL

METRO
600 NE GRAND AVE
PORTLAND, OR 97232

SUBJECT: Water Right Transfer Application T-14360

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14360. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance.

Sincerely,

Kim French
Transfer Specialist
Transfer and Conservation Section

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14360, Multnomah County	)	PROPOSING APPROVAL OF ADDITIONAL
	)	POINTS OF APPROPRIATION AND A
	)	CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

METRO
600 NE GRAND AVE
PORTLAND, OR 97232

Findings of Fact

1. On November 20, 2023, Metro filed an application for additional points of appropriation and to change the character of use under Certificate 34919. The Department assigned the application number T-14360.
2. Notice of the application for transfer was published on December 5, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 5, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14360 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 5, 2024, 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.
4. The right to be transferred is as follows:

Certificate: 34919 in the name of COUNTY OF MULTNOMAH, DIVISION OF PARKS AND MEMORIALS (perfected under Permit G-2733)

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.

Use: PARK USE IN OXBOW PARK
Priority Date: AUGUST 3, 1964
Rate: 0.30 CUBIC FOOT PER SECOND
Source: OXBOW WELL NO. 3 a tributary of SANDY RIVER (COLUMBIA RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	15	NE NW	WELL 3 – SOUTH 62, DEGREES, 37 MINUTES EAST, 945.4 FEET FROM THE WEST 1/16 CORNER COMMON TO SECTION 10 AND SECTION 15

Authorized Place of Use:

PARK USE IN OXBOW PARK				
Twp	Rng	Mer	Sec	Q-Q
1 S	4 E	WM	10	SW NW
1 S	4 E	WM	10	SE NW
1 S	4 E	WM	10	NE SW
1 S	4 E	WM	10	NW SW
1 S	4 E	WM	10	SW SW
1 S	4 E	WM	10	NE SE
1 S	4 E	WM	10	SW SE
1 S	4 E	WM	10	SE SE
1 S	4 E	WM	11	NE SW
1 S	4 E	WM	11	NW SW
1 S	4 E	WM	15	NW NE
1 S	4 E	WM	15	SW NE
1 S	4 E	WM	15	NE NW
1 S	4 E	WM	15	NW NW

5. The Department has received additional information identifying a more accurate measured distance for the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	15	NE NW	WELL 3 – 490 FEET SOUTH AND 2140 FEET EAST FROM THE NW CORNER OF SECTION 15

6. Transfer Application T-14360 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized POA
1 S	4 E	WM	10	SW NW	WELL 4 - 1710 FEET SOUTH AND 1110 FEET EAST FROM THE NW CORNER OF SECTION 10	1593 feet Southwest
1 S	4 E	WM	10	SW NW	WELL 5 - 1650 FEET SOUTH AND 1290 FEET EAST FROM THE NW CORNER OF SECTION 10	1435 feet Southwest

7. Transfer Application T-14360 also proposes to change the character of use to commercial use.

COMMERCIAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	4 E	WM	10	SW NW
1 S	4 E	WM	10	SE NW
1 S	4 E	WM	10	NE SW
1 S	4 E	WM	10	NW SW
1 S	4 E	WM	10	SW SW
1 S	4 E	WM	10	NE SE
1 S	4 E	WM	10	SW SE
1 S	4 E	WM	10	SE SE
1 S	4 E	WM	11	NE SW
1 S	4 E	WM	11	NW SW
1 S	4 E	WM	15	NW NE
1 S	4 E	WM	15	SW NE
1 S	4 E	WM	15	NE NW
1 S	4 E	WM	15	NW NW

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

8. Water has been used within the last five years prior to the submittal of Transfer Application T-14360 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14360.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed changes, as conditioned, would not result in enlargement of the right.
13. The proposed changes, as conditioned, would not result in injury to other existing water rights.
14. All other application requirements are met.

Determination and Proposed Action

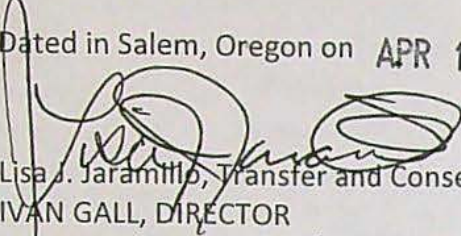
The additional points of appropriation and change in character of use proposed in Transfer Application T-14360 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14360 is approved, the final order will include the following:

- 1. The additional points of appropriation and change in character of use proposed in Transfer Application T-14360 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 34919 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 points of appropriation.*
- 4. Water right Certificate 34919 is cancelled.*
- 5. The quantity of water diverted at the new additional points of appropriation (Well 4 and Well 5), together with that diverted at the original point of appropriation (Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 3).*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. Water Use Measurement Conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - 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.*
- 8. Prior to the water use, the Department must receive documentation from the relevant planning jurisdiction that all discretionary land use approvals have been obtained and either no administrative appeals were received, or all such appeals have concluded.*
- 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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 changes 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 APR 17 2025


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

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503-979-9607 or Kim.R.French@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition 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.

FRENCH Kim R * WRD

From: Ian Godwin <lgodwin@cwmmh2o.com>
Sent: Monday, December 9, 2024 3:55 PM
To: FRENCH Kim R * WRD
Cc: Gary Shepherd; Bob Long; Ben Hedstrom; Eeshoo Rehani
Subject: RE: T-14360 Metro
Attachments: Oxbow-title report for OWRD.pdf; BLM Water Right transfer consent form (MD-24-14743).pdf

Good afternoon Kim –

Please see the attached documents from Metro for transfer T-14360. Included are a title report for the Metro-owned portions of the place of use, as well as a consent form from BLM for their two taxlots within the place of use. Please let me know if you require any additional information.

Thank you,

Ian Godwin, RG, CWRE | CwM-H2O | Staff Hydrogeologist
www.CwMH2O.com | Office (503) 954-1326 | Cell (571) 245-7897

From: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Sent: Monday, November 18, 2024 2:24 PM
To: Ian Godwin <lgodwin@cwmmh2o.com>
Cc: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>; Bob Long <Bob.Long@cwmmh2o.com>
Subject: RE: T-14360 Metro

Hello Ian,

Thank you for your response. I mailed a hard-copy of the DPD today.

The 30 day deadline after issuance (December 4, 2024) is the deadline for comments. We can be somewhat lenient about when you submit the ownership information, but we cannot give a year.

We can extend the completion date to October 1, 2027. It will be put in the Preliminary Determination, when it is issued. If they find they need more time after the PD is issued, they would need to submit an extension application.

Please let me know if you have any questions.

Thank you!

Kim French | Water Rights Transfer Specialist
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Life is too short to spend one minute unhappy! Be Happy!

The Salem office re-opened to the public on May 1, 2022. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day.

Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members. Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Ian Godwin <lgodwin@cwmh2o.com>
Sent: Wednesday, November 13, 2024 2:50 PM
To: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Cc: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>; Bob Long <Bob.Long@cwmh2o.com>
Subject: RE: T-14360 Metro

Good afternoon Kim –

CwM has reviewed the draft PD documents and has discussed them with the Applicant. We do not see any substantive issues with the content of the DPD. However, at this time, the Applicant would like to request additional time on the completion of changes and complete beneficial use of the water. These dates are currently listed as December 4, 2025 and October 1, 2026. Metro would like to request one additional year for each of these, or completion of changes by **December 4, 2026** and beneficial use by **October 1, 2027**. This is based on the projected timeline of the Park's various water system and transportation improvement projects.

The process of obtaining Reports of Ownership for the lands included within the Park is also underway at Metro. We will forward you those documents as soon as we receive them.

Thank you,
Ian Godwin, RG, CWRE | CwM-H2O | Staff Hydrogeologist
www.CwMH2O.com | Office (503) 954-1326 | Cell (571) 245-7897

From: FRENCH Kim R * WRD <Kim.R.FRENCH@water.oregon.gov>
Sent: Tuesday, November 5, 2024 9:10 AM
To: Gary Shepherd <Gary.Shepherd@oregonmetro.gov>; Bob Long <Bob.Long@cwmh2o.com>; Ian Godwin <lgodwin@cwmh2o.com>
Cc: LANDVOIGT Amy J * WRD <Amy.J.LANDVOIGT@water.oregon.gov>
Subject: T-14360 Metro

Hello,

Attached is the draft Preliminary Determination and cover letter. Please make sure to read the cover letter carefully, as it contains steps you need to take to proceed with processing.

Let me know if you have any questions.

Thank you,

Kim French | Water Rights Transfer Specialist
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov
Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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Chicago Title Company of Oregon
Order No. 472524005009

E-RECEIVED

December 9, 2024

OWRD



1455 SW Broadway, Suite 1450
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Metro
600 NE Grand Ave
Portland, OR 97232

Customer Ref.: _____
Order No.: 472524005009
Effective Date: November 22, 2024 at 08:00 AM
Charge: \$500.00

The information contained in this report is furnished by Chicago 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 MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

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

Metro, an Oregon municipal corporation which acquired title as METRO, a municipal corporation and political subdivision of the State of Oregon, as to Parcels I and III and The United States of America, as to Parcels II and IV

Premises. The Property is:

(a) Street Address:

3010 SE Oxbow Park Road, Gresham, OR 97080

(b) Legal Description:

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

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-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

SPECIFIC ITEMS AND EXCEPTIONS:

1. The subject property is under public ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: R506905
Map No.: 1S4E10-00800
Levy Code: 086
Affects: Parcel I

Tax Account No.: R341682
Map No.: 1S4E10-00400
Levy Code: 086
Affects: Parcel III

2. The subject property is under Federal Government ownership and is exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: [REDACTED]
Map No.: 1S4E11-00200
Levy Code: 086
(CODE SPLIT)
Affects: Parcel II

Tax Account No.: [REDACTED]
Map No.: 1S4E11-00500
Levy Code: 203
(CODE SPLIT)
Affects: Parcel II

Tax Account No.: [REDACTED]
Map No.: 1S4E11-00300
Levy Code: 074
(CODE SPLIT)
Affects: Parcel II

Tax Account No.: [REDACTED]
Map No.: 1S4E15-00200
Levy Code: 086
(CODE SPLIT)
Affects: Parcel IV

Tax Account No.: [REDACTED]
Map No.: 1S4E15-00201
Levy Code: 203
(CODE SPLIT)
Affects: Parcel IV

Tax Account No.: [REDACTED]
Map No.: 1S4E15-00202
Levy Code: 074
(CODE SPLIT)
Affects: Parcel IV

3. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Sandy River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Sandy River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Sandy River.

4. Any right, interest or claim which may exist or arise by reason of the fact that a road, walk, trail, path or other means of access extends over a portion of the subject land and is used by the public for access to and from Sandy River.

5. Rights of the public to any portion of the Land lying within the area commonly known as streets and roads.
6. Non-Dedicated Right-Of-Way as disclosed by the Multnomah County Tax Assessor's Maps, and any rights said road may be subject to;
Name: Oxbow Park Road
7. Reservation of all mineral lands not to be construed to include coal and iron lands, as contained in the Patent

From: The United States of America
To: Oregon and California Railroad Company of Oregon, an Oregon corporation
Recording Date: February 3, 1891
Recording No: [Book 153 Page 34](#)
8. Easement reserved for the purposes shown below and rights incidental thereto, as granted in a document:
By: The United States
Purpose: Right of way for ditches, canals and reservoir sites for irrigation
Recording Date: April 29, 1913
[Book: 617](#)
[Page: 174](#)
Affects: The East one-half of the Southeast one-quarter of Parcel I
9. The Company reserves the right to make additional requirements as may be deemed necessary after the examination of the following court case:

Court: District
Case No: 7699
Date entered: December 27, 1917
County: Multnomah
Plaintiff: United State of America
Defendant: Oregon & California Railroad Company et al

An examination of said proceedings has been ordered. Upon completion the Company reserves the right to except additional items and/or make additional requirements.
10. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The United States
Purpose: Road use for management
Recording Date: April 9, 1951
[Book: 1469](#)
[Page: 304](#)
Affects: Parcel I-Exact location not disclosed
11. Effect of designation that any portion of the subject land is within scenic waterway boundaries under Oregon Revised Statutes Chapter 390, as disclosed, in part, by notice or other instrument;
Recording Date: January 13, 2009
[Recording No. : 2009-004366](#)

12. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 21, 2016
Recording No: 2016-048148

13. Said property does not appear to have a legal right of access to and from said Land.
14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review.
15. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
Purpose: Utility
Recording Date: July 6, 2018
Recording No: 2018-71237
Affects: Parcel III as described therein

End of Reported Information

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

Nathan Hobbs
503-646-4444
nathan.hobbs@titlegroup.fntg.com
Chicago Title Company of Oregon
1455 SW Broadway, Suite 1450
Portland, OR 97201

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): R341682, R341720, R341815 and R506905

For Tax Map ID(s): 1S4E1000400, 1S4E1100200, 1S4E1500200 and 1S4E1000800

PARCEL I:

Those portions of the Northeast one-quarter and the Southeast one-quarter of Section 10, Township 1 North, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon lying Southerly and Easterly of the center line of the Sandy River.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

PARCEL II:

The Southwest one-quarter of Section 11, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon.

EXCEPTING THEREFROM the Southwest one-quarter of the Southwest one-quarter of said Section 11, Township 1 South, Range 4 East of the Willamette Meridian.

PARCEL III:

A tract of land situated in the West one-half of Section 10, Township 1 South, Range 4 East of the Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

BEGINNING at a concrete monument set on the division line of the North and South one-half of the Northwest one-quarter of said Section 10, said point of beginning is North 00° 18' 00" East, a distance of 1284.06 from the quarter corner between Sections 9 and 10; thence North 88° 56' 10" East, along the North line of the Southeast one-quarter of the Northwest one-quarter of said Section 10, a distance of 1882.51 feet to a ¾ inch iron pipe and intersection with the center line of the Oregon Game Commission Access Road, 20 feet wide; thence, continuing along said North- line, North 88° 56' 10" East, a distance of 780 feet, more or less, to the center of the main channel of the Sandy River; thence along said center of the main channel of the Sandy River the following courses and distances; South 20° 49' East, a distance of 207.7 feet; thence South 01° 09' West, a distance of 250 feet; thence South 12° 16' 30" West, a distance of 164.7 feet; thence South 24° 20' 30" West, a distance of 230.5 feet; thence South 34° 55' West, a distance of 323.2 feet; thence South 39° 57' 30" West, a distance of 724.0 feet; thence South 47° 14' West, a distance of 272.4 feet; thence South 27° 17' West, a distance of 425.3 feet; thence South 43° 21' West, a distance of 662.8 feet; thence South 13° 27' West, a distance of 473.0 feet; thence South 04° 26' West, a distance of 258.8 feet; thence South 14° 13' West, a distance of 154.7 feet; thence South 26° 07' East, a distance of 227.2 feet; thence South 78° 54' East, a distance of 301.4 feet; thence leaving said Sandy River main channel centerline, South 00° 07' 30" East, along the East line of said Southwest one-quarter of said Section 10, a distance of 125.00 feet, more or less, to and iron pipe at the Northwest corner of the Northwest one-quarter of the Northwest one-quarter of Section 15, Township 1 South, Range 4 East of the Willamette Meridian; thence, along said subdivision line, South 01° 12' East, a distance of 380.00 feet; thence, leaving said East line, North 63° 04' 30" West, a distance of 284.9 feet; thence North 38° 57' West, a distance of 297.2 feet; thence North 24° 11' 30" West, a distance of 179.10 feet; thence North 17° 32' West, a distance of 212.7 feet; thence North 05° 14' West, a distance of 225.6 feet; thence North 10° 26' East, a distance of 133.1 feet; thence North 04° 16' West, a distance of 364.3 feet; thence North 24° 02' East, a distance of 155.2 feet; thence along the base of a steep hillside, North 14° 17' West, a distance of 22.3 feet to a point that bears North 33° 05' 30" East, a distance of 1475.2 feet from the Section corner common to Sections 9, 10, 15, and 16, Township 1 South, Range 4 East of the Willamette Meridian; thence West, a distance of 270.0 feet to a point that is 50 feet East of the rim of a steep bluff; thence North 07° 43' 30" East, a distance of 354.9 feet to a point that is 50 feet East of the rim of said bluff;

EXHIBIT "A"

Legal Description

thence East, a distance of 330.0 feet; thence North 32° 10' East, a distance of 162.2 feet; thence North 37° 33' East, a distance of 207.9 feet; thence North 47° 08' East, a distance of 189.7 feet; thence North 24° 56' East, a distance of 231.3 feet; thence North 30° 32' 30" East, a distance of 469.9 feet; thence North 30° 14' East, a distance of 424.6 feet to a 1-1/2 inch iron pipe; thence North 44° 56' West, a distance of 182.25 feet, more or less, to the most Southerly corner of that certain tract of land conveyed by Bargain and Sale Deed recorded September 23, 1964 in Book 134, Page 253, Multnomah County Deed Records; thence North 17° 18' 45" East, a distance of 81.61 feet; thence North 27° 59' 12" East, a distance of 123.86 feet; thence North 12° 12' 33" East, a distance of 73.22 feet; thence North 64° 22' 22" West, a distance of 104.54 feet; thence South 28° 57' West, a distance of 226.72 feet to the Northwest corner of that certain tract of land described in the contract to Bernard K. Smith and Eleanor M. Smith, husband and wife, recorded October 31, 1961 in Book 2088, Page 188, Multnomah County Deed Records, said point being on the South line of Oxbow Park; thence along said South line; North 44° 56' 00" West, a distance of 325.45 feet to a 1-1/2 inch iron pipe; thence South 72° 59' 00" West, a distance of 804.34 feet to a 1-1/2 inch iron pipe; thence South 87° 46' 01" West, a distance of 596.94 feet, more or less, to a 1-1/2 inch iron pipe on the West line of Section 10, Township 1 South, Range 4 East of the Willamette Meridian; thence North 00° 18' 00" East, along said West line, a distance of 699.75 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM the right of way of the Oregon Game Commission 20 feet Access Road as shown on Recorded Survey No. 11364, filed with the Multnomah County Survey on April 1, 1957.

ALSO EXCEPTING THEREFROM that portion lying within the boundaries of Oxbow Park Road.

PARCEL IV:

The Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter and the South one-half of the Northeast quarter of Section 15, Township 1 South, Range 4 East of the Willamette Meridian, in Multnomah County, Oregon.

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.

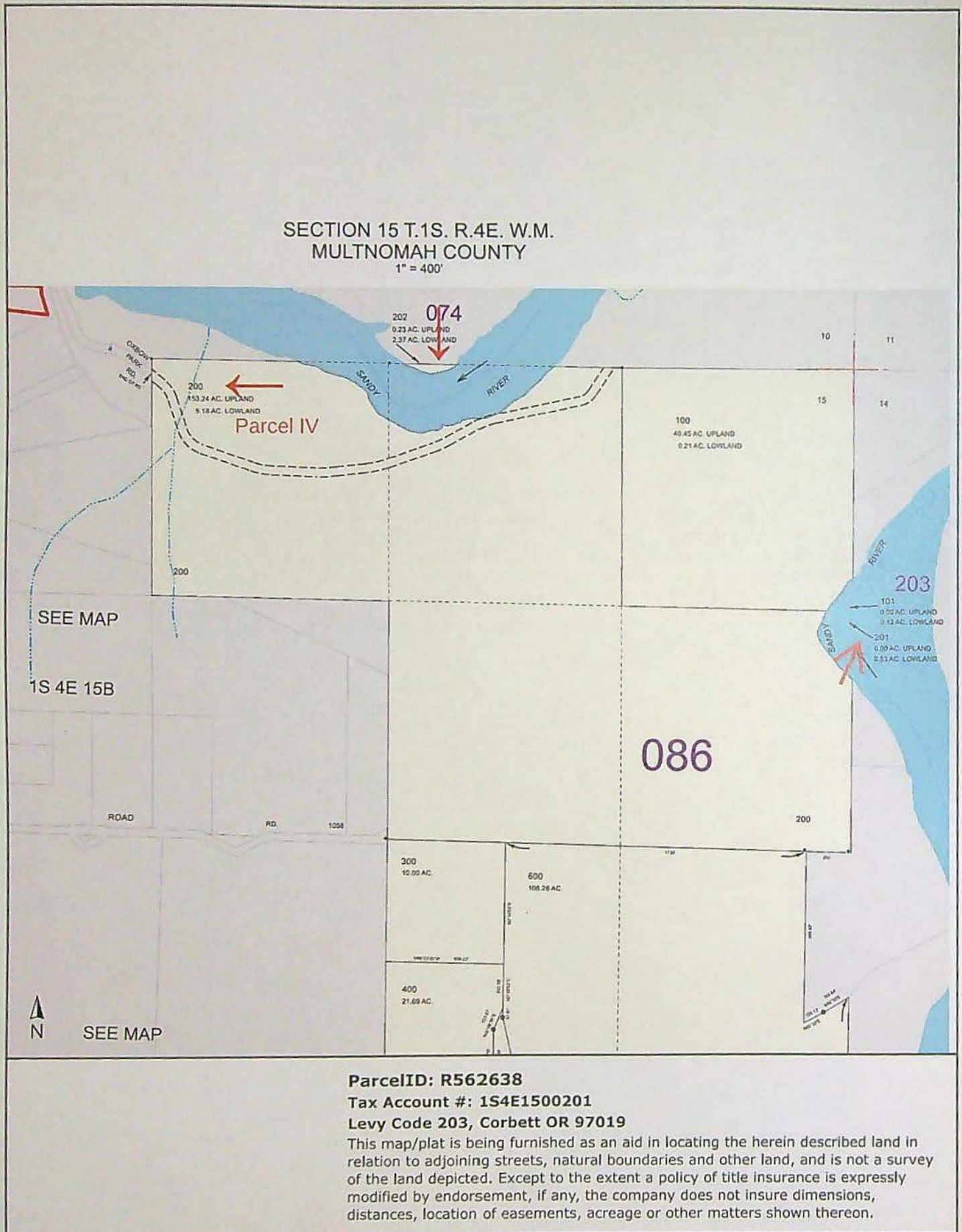
THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS 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.

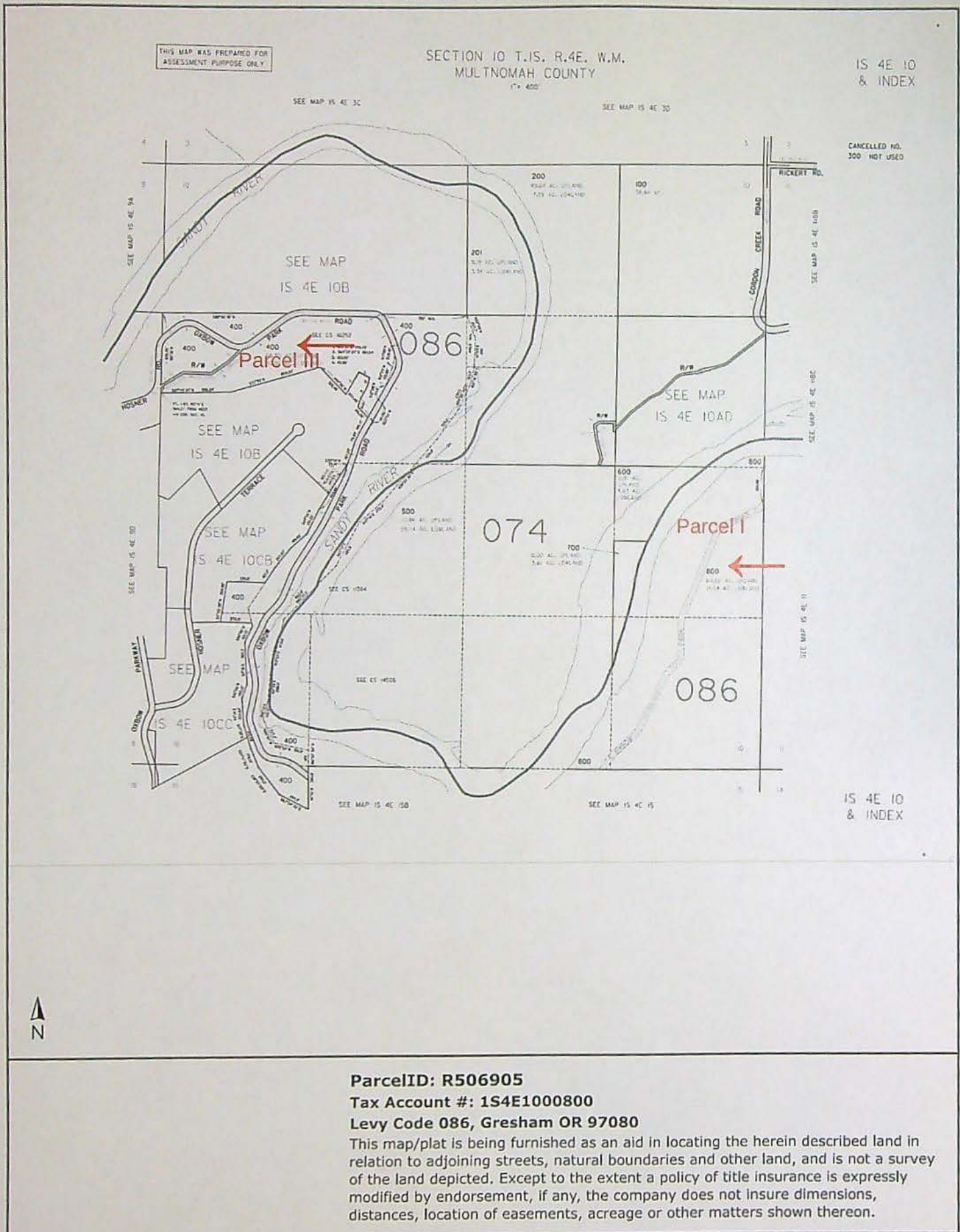
IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT 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

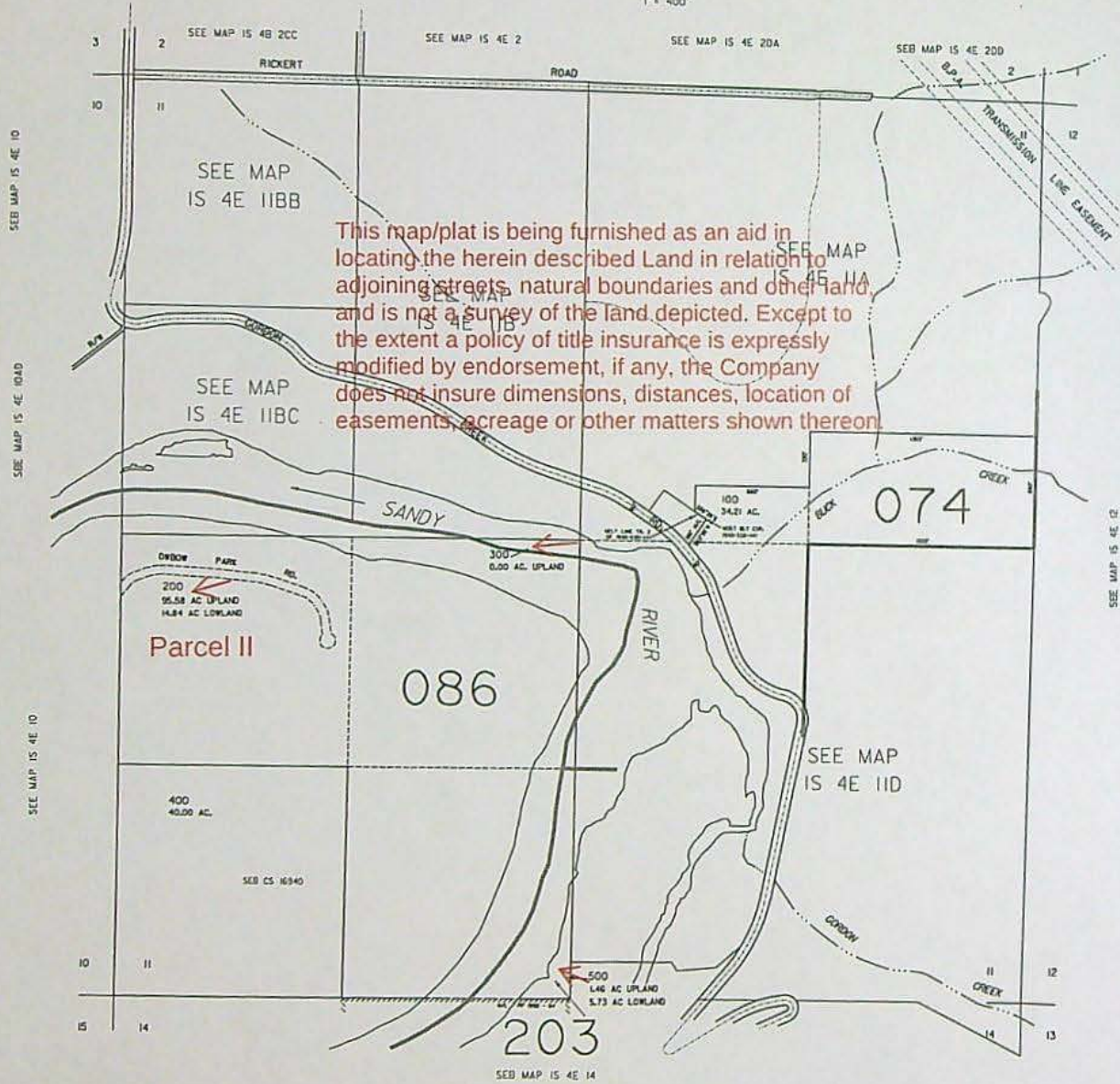




THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 11 T.1S. R.4E. W. M.
MULTNOMAH COUNTY
1" = 400'

IS 4E 11
& INDEX



After recording, return to:
Office of the Metro Attorney
600 NE Grand Ave.
Portland, Oregon 97232-2736

All tax statements shall be sent to:
Metro Parks & Greenspaces
600 NE Grand Ave.
Portland, Oregon 97232-2736

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
C19 6 ATTD
Total : 0.00
2004-142499 08/04/2004 08:32:11am

OXBOW PARK DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to METRO, a municipal corporation and political subdivision of the State of Oregon, Grantee, certain real properties and an easement interest, situated in the County of Multnomah, State of Oregon more particularly described as follows:

See the attached Exhibit A, Parcels Nos. 1-17.

This conveyance by Multnomah County is subject to a perpetual easement for the benefit of Multnomah County as described on the attached Exhibit B.

The true and actual consideration paid for this transfer stated in terms of dollars is \$0.00. However, the actual consideration consists of other value given or promised.

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 OF 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.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd day of August, 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Diane M. Linn
Diane M. Linn, County Chair

REVIEWED:

Agnes Sowle, County Attorney
Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan,
Assistant County Attorney

STATE OF OREGON)
COUNTY OF MULTNOMAH) ss

The foregoing instrument [Oxbow Park Deed] was acknowledged before me this 3rd day of August, 2004, by Delma Farrell, to me personally known, authorized signatory for Diane M. Linn, Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

8-4-04

EXHIBIT A
TO 2004 OXBOW PARK DEED

The following properties and easement interest identified as Parcels Nos. 1-16, are located in Sections 10, 11, 14, and 15, in Township 1 South, Range 4 East of the Willamette Meridian in the County of Multnomah, State of Oregon, and more particularly described in the specific deeds referenced below wherein Multnomah County is the grantee, which are recorded in the Multnomah County Deed Records, State of Oregon, and hereby incorporated by this reference:

Parcel 1: Deed recorded: July 1, 1960; Book 2016, Page 281; Grantors: Clifford Orth and Delores Orth.

Parcel 2: Those Deeds recorded: September 5, 1962; Book 2133, Page 436; Grantor: State of Oregon; Also recorded in Book 1702, Page 1893 on October 31, 1983; Grantor: State of Oregon.

Parcel 3: Deed recorded: July 12, 1963; Book 2177, Page 45; Grantors: Ralph Skidmore and Helen M. Skidmore.

Parcel 4: Deed recorded: August 29, 1963; Book 2184, Page 183. Grantors: William Fugelson and Helen B. Fugelson.

Parcel 5: Deed recorded: January 24, 1964; Book 2204, Page 475; Grantors: Donald M. Perry and Clarice A. Perry.

Parcel 6: Deed recorded: February 4, 1964; Book 2206, Page 117; Grantors: Norman N. Norton and Hazel R. Norton.

Parcel 7: Deed recorded: February 17, 1964; Book 2208, Page 75; Grantor: A.A. Meyer.

Parcel 8: Deed recorded: April 24, 1964; Book 28, Page 318; Grantors: James R. Weed and Kathleen A. Weed.

Parcel 9: Deed recorded: June 3, 1964; Book 55, Page 363; Grantors: Norwood M. Johnson and Elizabeth A. Johnson.

Parcel 10: Deed recorded: July 10, 1964; Book 82, Page 150; Grantors: Samuel L. Diack and Phyllis H. Diack and Archibald W. Diack and Frances N. Diack.

Parcel 11: Deed recorded: October 9, 1969; Book 701, Page 1259; Grantors: Russell K. Akin and Verna Akin.

Parcel 12: Deed recorded: August 10, 1978; Book 1286, Page 620; Grantor: State of Oregon.

Parcel 13: Deed recorded: January 11, 1940; Book 530, Page 441; Grantors: Harry C. Rickert and Emma T. Rickert.

Parcel 14: Deed recorded: November 30, 1961; Book 2092, Page 501; Grantor: Grace E. Morner and Alden P. Morner.

Parcel 15: Deed recorded September 23, 1964, Book 134, Page 270; Grantors: Clifford Orth and Delores Orth and Robert H. Warner and Anna R. Warner.

Parcel 16: Such rights that Multnomah County acquired under Easement recorded January 13, 1940; Book 530, Page 443; Grantors: Harry C. Rickert and Emma T. Rickert.

Parcel 17: Sandy River Access property. That parcel of land located in Section 31, in Township 1 North, Range 4 East of the Willamette Meridian in the County of Multnomah, State of Oregon, as conveyed to Multnomah County and recorded in April 22, 1983, at Book 1659, Page 1983, more particularly described as: The Southerly 150 feet of Lot 28, THOMPSON VILLA TRACTS.

EXHIBIT A p. 2

8-4-04

EXHIBIT B
TO 2004 OXBOW PARK DEED

PERMANENT SLOPE AND DRAINAGE EASEMENT

This conveyance by Multnomah County to Metro is subject to a perpetual easement for the benefit of Multnomah County for the construction and maintenance of slopes and drainage, through, over, under, along and within the following described, variable-width strip of land, lying southerly of, and abutting the South right-of-way line of Gordon Creek Road, County Road No. 1423, said strip being more particularly described by right-angle offset from the legal centerline, as follows:

<u>From Station</u>	<u>To Station</u>	<u>Easement Width</u>
30+00	31+83.58	40.00 Ft.
31+83.58	33+00	80.00 Ft.
33+00	58+25.70	40.00 Ft.

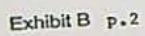
Containing 118,000 sq. ft., more or less. The parcels subject to this easement are Parcels 6 and 12 on Exhibit A of the Deed, and are shown on the map at page 2 of this Exhibit B herein made a part of this document. In the event of a conflict or discrepancy between the map, and the written legal description of this easement, the written legal description shall prevail.

The above reserved Permanent Slope and Drainage Easement in favor of Multnomah County is subject to the County's compliance with the following terms and conditions:

1. Any drainage directed from the County maintained right-of-way onto the servient estate shall be reasonably controlled by engineered means such that it does not further erode or destabilize the slope or strip the servient estate of vegetative cover.
2. During any County construction and maintenance activities in the described easement area, the County shall make a reasonable attempt to preserve mature trees and other native vegetation growing on the servient estate.
3. Promptly after any County construction and maintenance activities in the described easement area, the County shall revegetate as necessary to replace any destroyed or substantially damaged vegetation caused by its activities, with native vegetation, reasonably satisfactory to Metro. Mature trees that have been destroyed or displaced by the County's construction and maintenance activities shall be replaced at a ratio of three to one, in such a manner as to be reasonably effective as a visual screen for the slope maintenance or construction when viewed from the Sandy River.

8-4-04

SECTION 11 T. . R. 4E. W. M.
MULTNOMAH COUNTY
NO SCALE



8-4-04

This conveyance is approved as to form and content and accepted by Metro.

METRO, a municipal corporation

By: Michael Jordan
Michael Jordan, Chief Operating Officer

State of Oregon)
County of Multnomah) ss.



On this 30th day of July, 2004, before me, the undersigned, Karen M. Starin, a Notary Public for Oregon, personally appeared Michael Jordan, as Chief Operating Officer for Metro, a municipal corporation, personally known to me to be the identical individual whose name is subscribed to this instrument and acknowledged to me that he executed the same freely and voluntarily.

Karen M. Starin
Notary Public for Oregon
My commission expires: 9/29/06

8-4-04

PIV

Grantor/Grantee:

Metro
600 NE Grand Avenue
Portland, OR 97232

After recording, return to:

Gary Shepherd
Office of Metro Attorney
600 NE Grand Avenue
Portland, OR 97232

Send tax statements to:

No change

Multnomah County Official Records
R Weldon, Deputy Clerk

2017-049467



\$57.00

01908417201700494670040046

04/21/2017 02:49:58 PM

1R-DEED

\$20.00 \$11.00 \$20.00 \$6.00

Pgs=4 Stn=11 NORTONJ

PROPERTY LINE ADJUSTMENT CONSOLIDATION DEED

METRO, an Oregon municipal corporation, is the owner of real property located in Multnomah County identified as Multnomah County Tax Map/Lot 1S4E10/00400 and legally described in attached Exhibit A.

The purpose of this Property Line Adjustment Consolidation Deed (Deed) is to consolidate two or more lots or parcels into a single lot or parcel and the effect will be that all lots and parcels consolidated will hereafter be considered a single lot or parcel and legal lot of record. The consolidation of lots or parcels pursuant to this deed is given to satisfy conditions of approval received from Multnomah County pursuant to Department of Community Service case file no. T3-2015-3903 and conditions of approval received from Multnomah County pursuant to Department of Community Service case file no. T1-2016-5341 over and affecting the Property.

NOW THEREFORE, in order to effect the lot consolidation, METRO, an Oregon municipal corporation (GRANTOR), for the consideration stated, conveys the real property described in attached Exhibit A to METRO, an Oregon municipal corporation (GRANTEE), the following described real property, in the County of Multnomah and State of Oregon (Property):

See attached Exhibit A.

Tax Lot Reference: All lots or parcels consolidated by this deed are considered a single tax lot known as Tax Lot 400 of Tax Map 1S4E10.

To have and to hold the same unto said grantee and grantee's successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00; however, the actual consideration consists of other property or values which is the whole consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,

1 - Property Line Adjustment Consolidation Deed

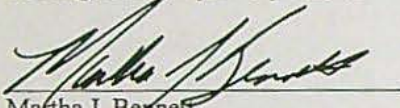
4

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

IN WITNESS WHEREOF, the grantor and grantee have executed this instrument on this 21st day of April, 2017

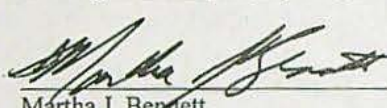
GRANTOR:

Metro,
an Oregon municipal corporation


Martha J. Bennett
Chief Operating Officer

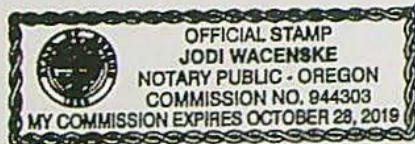
GRANTEE:

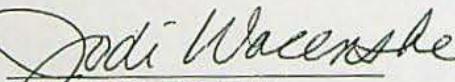
Metro,
an Oregon municipal corporation


Martha J. Bennett
Chief Operating Officer

STATE OF OREGON, County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 21st day of April, 2017 by Martha J. Bennett, Chief Operating Officer, Metro.




Notary Public for Oregon
My Commission Expires: 10/28/19

ANDY PARIS & ASSOCIATES, INC.

Registered Professional Land Surveyors

16057 S.W. Boones Ferry Road

Lake Oswego, Oregon 97035

Ph: (503)-636-3341 Fax: (503) 636-0477

DATE: February 15, 2017

PROPERTY DESCRIPTION: Oxbow Park

Multnomah County Lot Consolidation

Perimeter Boundary

FOR USE ON LEGAL INSTRUMENT

EXHIBIT "A"

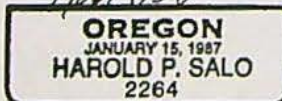
A tract of land situated in the West one-half of Section 10, Township 1 South, Range 4 East of the Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

BEGINNING at a concrete monument set on the division line of the North and South one-half of the Northwest one-quarter of said Section 10, said point of beginning is North 00°18'00" East, a distance of 1284.06 from the quarter corner between Sections 9 and 10; thence North 88°56'10" East, along the North line of the Southeast one-quarter of the Northwest one-quarter of said Section 10, a distance of 1882.51 feet to a 3/4" iron pipe and intersection with the center line of the Oregon Game Commission Access Road, 20 feet wide; thence, continuing along said North line, North 88°56'10" East, a distance of 780 feet, more or less, to the center of the main channel of the Sandy River; thence along said center of the main channel of the Sandy River the following courses and distances; South 20°49' East, a distance of 207.7 feet; thence South 01°09' West, a distance of 250 feet; thence South 12°16'30" West, a distance of 164.7 feet; thence South 24°20'30" West, a distance of 230.5 feet; thence South 34°55' West, a distance of 323.2 feet; thence South 39°57'30" West, a distance of 724.0 feet; thence South 47°14' West, a distance of 272.4 feet; thence South 27°17' West, a distance of 425.3 feet; thence South 43°21' West, a distance of 662.8 feet; thence South 13°27' West, a distance of 473.0 feet; thence South 04°26' West, a distance of 258.8 feet; thence South 14°13' West, a distance of 154.7 feet; thence South 26°07' East, a distance of 227.2 feet; thence South 78°54' East, a distance of 301.4 feet; thence leaving said Sandy River main channel centerline, South 00°07'30" East, along the East line of said Southwest one-quarter of said Section 10, a distance of 125.00 feet, more or less, to and iron pipe at the Northwest corner of the Northwest one-quarter of the Northwest one-quarter of Section 15, Township 1 South, Range 4 East of the Willamette Meridian; thence, along said subdivision line, South 01°12' East, a distance of 380.00 feet; thence, leaving said East line, North 63°04'30" West, a distance of 284.9 feet; thence North 38°57' West, a distance of 297.2 feet; thence North 24°11'30" West, a distance of 179.10 feet; thence North 17°32' West, a distance of 212.7 feet; thence North 05°14' West, a distance of 225.6 feet; thence North 18°26' East, a distance of 133.1 feet; thence North 04°16' West, a distance of 364.3 feet; thence North 24°02' East, a distance of 155.2 feet; thence along the base of a steep hillside, North 14°17' West, a distance of 22.3 feet to a point that bears North 33°05'30" East, a distance of 1475.2 feet from the section corner common to Sections 9, 10, 15, and 16, Township 1 South, Range 4 East of the

Willamette Meridian; thence West, a distance of 270.0 feet to a point that is 50 feet East of the rim of a steep bluff; thence North 07°43'30" East, a distance of 354.9 feet to a point that is 50 feet East of the rim of said bluff; thence East, a distance of 330.0 feet; thence North 32°10' East, a distance of 162.2 feet; thence North 37°33' East, a distance of 207.9 feet; thence North 47°08' East, a distance of 189.7 feet; thence North 24°56' East, a distance of 231.3 feet; thence North 30°32'30" East, a distance of 469.9 feet; thence North 30°14' East, a distance of 424.6 feet to a 1-1/2 inch iron pipe; thence North 44°56' West, a distance of 182.25 feet, more or less, to the most Southerly corner of that certain tract of land conveyed by Bargain and Sale Deed recorded September 23, 1964 in Book 134, Page 253, Multnomah County Deed Records; thence North 17°18'45" East, a distance of 81.61 feet; thence North 27°59'12" East, a distance of 123.86 feet; thence North 12°12'33" East, a distance of 73.22 feet; thence North 64°22'22" West, a distance of 104.54 feet; thence South 28°57' West, a distance of 226.72 feet to the Northwest corner of that certain tract of land described in the contract to Bernard K. Smith and Eleanor M. Smith, husband and wife, recorded October 31, 1961 in Book 2088, Page 188, Multnomah County Deed Records, said point being on the South line of Oxbow Park; thence along said South line; North 44°56'00" West, a distance of 325.45 feet to a 1-1/2 inch iron pipe; thence South 72°59'00" West, a distance of 804.34 feet to a 1-1/2 inch iron pipe; thence South 87°46'01" West, a distance of 596.94 feet, more or less, to a 1-1/2 inch iron pipe on the West line of Section 10, Township 1 South, Range 4 East of the Willamette Meridian; thence North 00°18'00" East, along said West line, a distance of 699.75 feet, more or less, to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM the right of way of the Oregon Game Commission 20 feet Access Road as shown on Recorded Survey No. 11364, filed with the Multnomah County Survey on April 1, 1957.

ALSO EXCEPTING THEREFROM that portion lying within the boundaries of Oxbow Park Road.



EXPIRES: 6/30/18

E-RECEIVED

December 9, 2024

OWRD

Application for Water Right Transfer



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

Consent by Deeded Landowner

State of Oregon)
County of Marion)ss

I Christopher Papen in my/our capacity as Acting Field Manager
mailing address 1717 Fabry Rd SE, Salem, OR 97306
telephone number 503-375-5646, duly sworn depose and say that I/We
consent to the proposed change(s) to Water Right Certificate Number 34919
described in a Water Right Transfer Application (T- 14360),
(transfer number, if known)

submitted by Metro

on the property in tax lot number(s) 00200 (in Section 15) and 00200 (in Section 11) *see note below

Section 15 and 11 Township 1S North/South Range 4E East/West, W.M.

located at Oxbow Regional Park
(site address)

[Signature]
Signature of Affiant

Nov 27, 2024
Date

Signature of Affiant

Date

Subscribed and Sworn to before me this 27th day of November, 2024.



[Signature]
Notary Public for Oregon

My commission expires 10/16/2025

* Metro manages two Bureau of Land Management (BLM) properties within the boundaries of Oxbow Regional Park pursuant to a recreational lease (ORE010366). An existing well and water lines are located on and serve the BLM properties and park users.



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

November 5, 2024

VIA E-MAIL

Applicant

METRO

600 NE GRAND AVE

PORTLAND, OR 97232

Reference: Water Right Transfer Application T-14360

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-14360. 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 December 4, 2024.

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 December 4, 2024**, 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 is 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.

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)
6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

The Watermaster has required water measurement devices at the new appropriation points prior to diversion of water. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

Please note the proposed date by which all conditions must be met: **December 4, 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. Because there is more than ¼ mile between the new and the authorized points of appropriation and because of a change in character of use, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

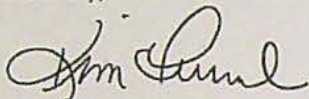
Issuance of the Preliminary Determination will occur shortly after we receive:

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 December 4, 2024, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503-979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim French", written in a cursive style.

Kim French
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14360
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Bob Long, Agent for the applicant (*via e-mail*)

encs

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14360

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: Gary Shepherd 600 NE Grand Ave Portland, OR 97232	Agent: Bob Long, CwM-H20, LLC 1319 SE Martin Luther King Jr Blvd, Suite 204 Portland, OR 97214	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: November 20, 2023	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; USE	
Fees Pd: 3340.00	Acknowledgement Letter Sent ☒	Basin: 3 Sandy
Initial Public Notice: 12/5/2023	County sent cc: of Ack Letter ☐	County: MULTNOMAH
WM District: 20 Amy J. Landvoigt	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: ☐	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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____ WM Sheet ☐ ODFW Sheet: ☐	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____ Data Review Date: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ No. of docs for sig: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14360

Review Due Date: 12/30/2023

Applicant Name: Metro

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

Reviewer(s): Amy Landvoigt

Date of Review: 12/11/2023

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:
N/A - Source is groundwater
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:
N/A - Source is groundwater

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T- 14360



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



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



at each new point of diversion/appropriation.

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

Watermaster name: Amy Landvoigt

District: 20

Address: 10722 SE Highway 212

City/State/Zip: Clackamas, OR 97015

Phone: 503-312-1743

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

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

Approval of an Alternate Measurement Device

T-

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

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

Watermaster signature

District

Date

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14360

GW Reviewer Dennis Orlowski Date Review Completed: December 27, 2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-14360

Applicant Name: Metro

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

Reviewer(s): Dennis Orlowski

Date of Review: December 27, 2023

Date Reviewed by GW Mgr. and Returned to WRSD: December 27, 2023

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

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

1. Basic description of the changes proposed in this transfer: This proposed transfer relates to certificate 34919, which authorizes the use of groundwater from a single POA (MULT 2527) for "park" uses (0.30 cfs, no duty, year-round) at the Oxbow Regional Park adjacent to the Sandy River in eastern Multnomah County.

This transfer application proposes the following changes to certificate 34919:

- **Add two APOA ("Well 4" and "Well 5", not yet drilled).**
- **Change the character of use to Municipal, which more closely describes the current and proposed uses at the park (certificate 34919 indicates "park use in Oxbow Park" which is not defined by Oregon Administrative Rules. Currently WRIS indicates use as being "recreational", but that use type does not match the intended use of groundwater at the park).**

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized POA, MULT 2527, is 107 feet deep and obtains groundwater from water-bearing sand and gravel deposits; these deposits are likely Quaternary terrace deposits and/or underlying water-bearing portions of Confining Unit 2 or the Sand and Gravel Aquifer (SGA) (Swanson and others, 1993; Wells and others, 2020; Gannett and Caldwell, 1998). The two proposed APOA are planned to be between about 100 and 150 feet deep, located in a similar terrace setting with similar ground surface elevations, and will thus be expected to obtain groundwater from the same aquifer source.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No N/A
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☒ No Comments: The locations for the proposed APOA are within the Oxbow Regional Park. While there are no other known groundwater users nearby, it is possible that rural residences in the upland area adjacent to the south of the Park use domestic wells, although specific well locations are not known. The OWRD well log database indicates that wells located generally in this upland area range from about 60 to over 600 feet deep, with the ground surface elevation about 150 to 250 feet above the surface at the APOA locations; thus, while it is possible that some of these wells obtain groundwater from the same water-bearing units that will be accessed by the proposed APOA, the lack of specific well location information precludes the ability to assess potential interference for a particular well(s). Furthermore, the relatively-low authorized allocation and the APOA's proximity to a likely recharge source (Sandy River) will also mitigate interference concerns due to excessive drawdown. Consequently, it is unlikely that the proposed use will result in an increase in interference with these other groundwater rights.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☐ No If yes, explain: N/A
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The authorized POA, MULT 2527, is about 500 feet from the Sandy River. The proposed APOA locations are farther from the stream, ranging from about 1200 to 1300 feet away. Consequently, due to the relatively-greater distances between the two APOA to the Sandy River, it is unlikely that the proposed use will result in an increase in interference with that surface water source.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: N/A
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: N/A
7. What conditions or other changes in the application are necessary to address any potential issues identified above: None
8. Any additional comments: None

References

Application: T-14360; certificate 34919

Gannett, M.W. and Caldwell, R., 1998, *Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington*, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

Swanson, R. D., McFarland, W. D., Gonthier, J. B., and Wilkinson, J. M., 1993, A description of hydrogeologic units in the Portland Basin, Oregon and Washington, *Water-Resources Investigations Report 90-4196*, 56 p.: U. S. Geological Survey, Reston, VA.

United States Geological Survey, 2013, National Elevation Dataset (NED) [DEM geospatial data]. 1/9th arc-second, updated 2013.

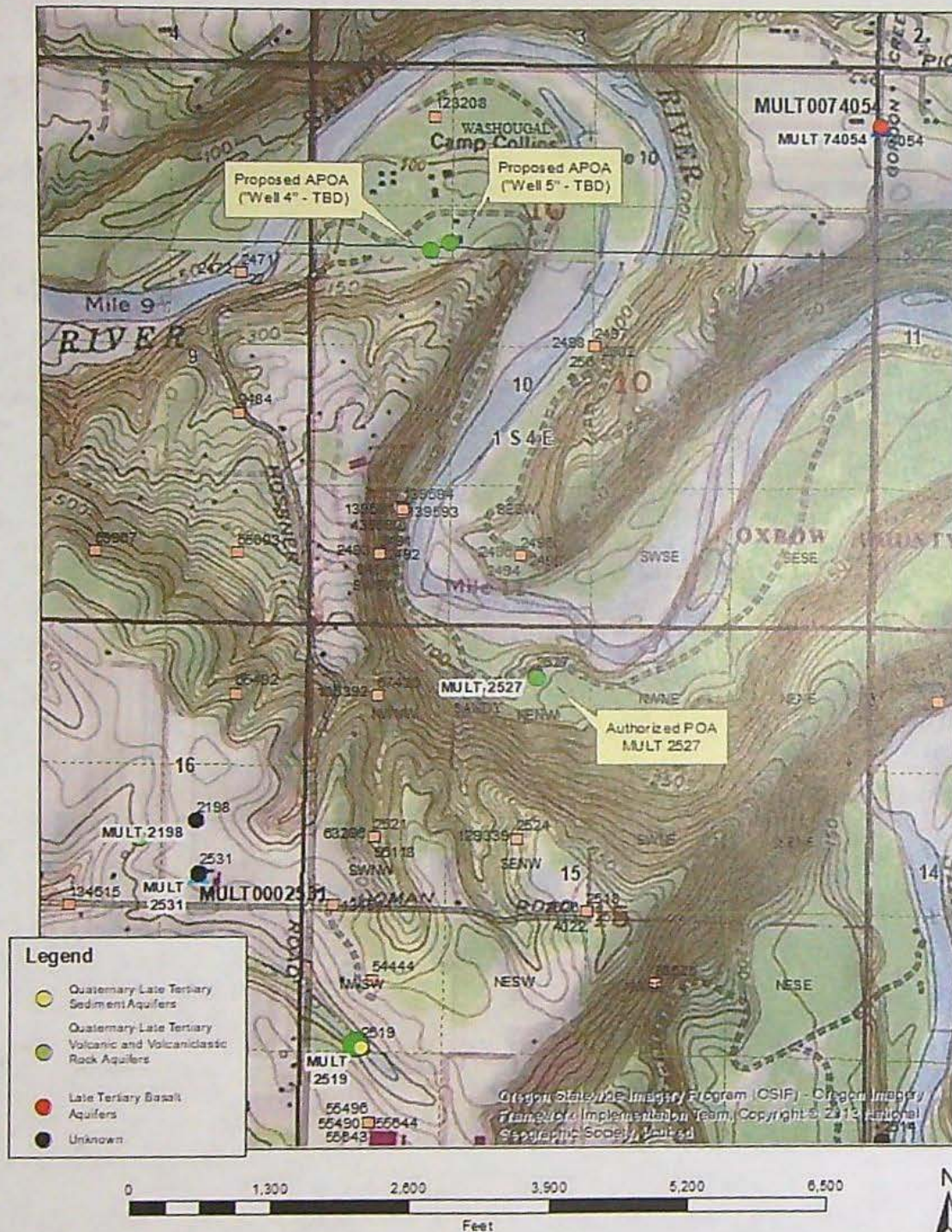
United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

United States Geological Survey, 2017, *Sandy quadrangle*, Oregon [map], 1:24,000, 7.5 minute topographic series, U.S. Department of the Interior, Reston, VA.

Watershed Sciences, 2009, *LIDAR remote sensing data collection, Department of Geology and Mineral Industries, Willamette Valley Phase I, Oregon*: Portland, OR, December 21.

Wells, R.E., Haugerud, R.A., Niem, A.R., Niem, W.A., Ma, L., Evarts, R.C., O'Connor, J.E., Madin, I.P., Sherrod, D.R., Beeson, M.H., Tolan, T.L., Wheeler, K.L., Hanson, W.B., and Sawlan, M.G., 2020, *Geologic map of the greater Portland metropolitan area and surrounding region, Oregon and Washington*: U.S. Geological Survey Scientific Investigations Map 3443, pamphlet 55 p., 2 sheets, scale 1:63,360, <https://doi.org/10.3133/sim3443>.

Application T-14360 Metro T1S, R4E, S10 and S15



**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 # **142132**

INVOICE # _____

RECEIVED FROM: Metro

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-14360

CASH: ☐ CHECK: # X 137530 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 2873.30

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R11473-25 \$ _____
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 2873.30
 0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	EXAM FEE \$	0204	RECORD FEE \$
0205	TRANSFER	EXAM FEE \$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **142132**

DATED: 12-20-2023 BY: B. J. [Signature]

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-473-25

RECEIVED

DEC 20 2023

OWRD

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Metro, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: Kelly Starnes
Title: Transfer Advisor
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Phone: 503 979-3511
Fax: 503 986-0901
Email: patrick.k.starnes@water.oregon.gov

Applicant's Information

Name: Metro
Contact: Gary Shepherd
Address: 600 NE Grand Ave
Portland, OR 97232-2736

Phone: (503) 797-1797
Fax:
Email: gary.shepherd@oregonmetro.gov

Applicant's Representative

Name: CwM-H2O, LLC
Contact: Bob Long
Address: 1319 SE MLK Jr Blvd, Suite 204
Portland, OR 97214

Phone: (503) 954-1326
Fax:
Email: bob.long@cwmh2o.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14360)

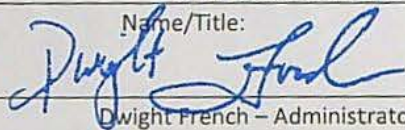
1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the 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 \$2,873.30. Applicant agrees to pay the full amount of \$2,873.30 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:  Gary Shepherd, Sr. Metro Attorney

December 18, 2023

Date

For OWRD:  Name/Title:
Dwight French – Administrator

DEC 21 2023

Date

Mail signed Agreement to:

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



Metro

Gary Shepherd, Senior Attorney

600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

503-797-1600
Fax: 503-797-1792
gary.shepherd@oregonmetro.gov

December 18, 2023

Oregon Water Resources Department
Attn: Elyse Richman
Restoration Program Technician
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Re: Reimbursement Authority Applicant's Agreement
Contract Number R11-473-25
Application No. T-14360

Dear Elyse:

We are in receipt of your December 1, 2023, communication regarding the Transfer Application T-14360.

We have enclosed the signed Reimbursement Authority Applicant's Agreement Contract for your review.

We have also enclosed Check No. 0000237530, in the amount of \$2,873.30, issued to the State of Oregon- Water Resources Department, for the full amount of the estimated maximum cost.

Please provide our office with an executed copy of the agreement contract and a receipt of payment, at your convenience.

If you have any questions, please contact me directly at (503) 797-1797 or by email at gary.shepherd@oregonmetro.gov.

Sincerely,

Gary Shepherd
Senior Attorney
Office of Metro Attorney

Enclosures

cc (electronically): Kelly Starnes
Bob Long

RECEIVED
DEC 20 2023
OWRD

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 # 141964

INVOICE #

RECEIVED FROM: Metro

BY:

CASH: CHECK # 236875 OTHER: (IDENTIFY)

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11473-25 \$

0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$
0203 GROUND WATER \$
0205 TRANSFER \$

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 OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 141964

DATED: 11-20-2023 BY: cm mills

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 141964

INVOICE #

RECEIVED FROM: Metro

BY:

CASH: CHECK # 236875 OTHER: (IDENTIFY)

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11473-25 \$

0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ RECORD FEE \$
0203 GROUND WATER \$
0205 TRANSFER \$

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 OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 141964

DATED: 11-20-2023 BY: cm mills

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



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 Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.

Checks submitted for this application must 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
☒	Transfer Application	Transfer Number: Not Yet Assigned Cert. 34919

	Applicant Information	Applicant's Representative/Contact
Name:	Metro	Bob Long, CWRE (CwM-H2O, LLC)
Address:	600 NE Grand Avenue Portland, OR 97232-2736	1319 SE MLK Jr Blvd, Suite 204 Portland, OR 97214
Phone:	(503) 797-1797	(503) 954-1326
Fax:		
E-Mail Address:	Gary.Shepherd@oregonmetro.gov (Gary Shepherd, Senior Metro Attorney)	Bob.Long@cwmh2o.com

By signing this application, I understand:

- 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 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.
- That an incomplete or inaccurate application may delay the process and increase the cost to process my request.
- That expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Gary Shepherd, Metro Senior Attorney

Signature: G. Shepherd

Send completed Application and payment to:

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

OWRD USE ONLY: Reimbursement Authority Number: R11-473-25

RECEIVED
NOV 20 2023
OWRD



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

November 30, 2023

Gary Shepherd
600 NE Grand Ave
Portland, OR 97232
Reference: Application T-14360

On November 20, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$3340.00. Receipt number 141969 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use from the new point of diversion/appropriation 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. #20, Amy J. Landvoigt (*via email*)
Bob Long, Agent & CWRE

Enclosure

**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 # **141969**

INVOICE # _____

RECEIVED FROM: Metro

APPLICATION _____

BY: _____

PERMIT _____

CASH: ☐ CHECK: # 236874 OTHER: (IDENTIFY) _____

TRANSFER T-14360

☐ ☒ ☐

TOTAL REC'D \$ 3340.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ 3340.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **141969**

DATED 11-20-2023 BY: [Signature]

Application for Permanent Water Right Transfer



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

Part 1 of 5 – Minimum Requirements Checklist

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

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

RECEIVED

NOV 20 2023

OWRD

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. **\$3,340**
- ☒ 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: 34919**
Please include a separate Part 5 for each water right. (See instructions on page 6)

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.) (A portion of the Park is on BLM lands, though none of the proposed changes are related to or effect the BLM lands in any way).
- ☐ ☒ 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.

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

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

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

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

OWRD

SUPERSEDED

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Metro			PHONE NO. (503) 797-1700	ADDITIONAL CONTACT NO.
ADDRESS 600 NE Grand Avenue			FAX NO. (503) 797-1797	
CITY Portland	STATE OR	ZIP 97232-2736	E-MAIL GARY.SHEPHERD@OREGONMETRO.GOV (Gary Shepherd, Senior Metro Attorney)	
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 Bob Long, CWRE (CwM-H2O, LLC)			PHONE NO. (503) 954-1326	ADDITIONAL CONTACT NO.
ADDRESS 1319 SE Martin Luther King Jr. Blvd., Suite 204			FAX NO.	
CITY Portland	STATE OR	ZIP 97214	E-MAIL bob.long@cwmh2o.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

This transfer aims to add two points of appropriation and clarify the type of use by changing it to Municipal Use at Oxbow Regional Park.

Metro operates Oxbow Regional Park, a 792-acre park located in the Sandy River canyon, on its river terraces, and on the canyon uplands. Since 1964, the Park has been served by a single groundwater source which is the sole point of appropriation (POA) on Certificate 34919 (certificated 1968). This well is described as "Well-3" in the certificate, although the Park refers to it as Well-1 (the original Wells 1 & 2 were never drilled). This transfer application will continue to refer to this POA as Well-3 to remain consistent with the water right documents.

The original permit lists the use as "park use in Oxbow Park". "Park Use" is not defined by Oregon Administrated Rules. This use was understood to include domestic supply to the Park admin and maintenance facilities, day use areas, and campgrounds, as well as any other Park maintenance uses. The Park use was categorized as Recreational Use in the OWRD database, the definition of which does not match the intended use for the Park as described above. For this reason, this transfer proposes to change the character of use from Recreation to Municipal Use, which best describes the use at Oxbow Regional Park per OAR 690-500-0020(7).

Metro is currently in the process of planning and implementing upgrades to transportation and water distribution infrastructure within the Park. Part of this project involves the removal of a section of the mainline leading from Well-3 along SE Oxbow Park Road to the visitor center and maintenance facilities. Metro is proposing the construction of an additional well at the visitor center complex to serve that portion of the Park. Well-3 will continue to act as the source for the bulk of the Park area, including most of the day use and campground areas. The purpose of this transfer is to add a second POA at the proposed location of this new visitor center well, Well-4. Two additional POA locations are proposed near the visitor center (Wells 4 & 5), though only one will be developed.

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Metro			PHONE NO. (503) 797-1700	ADDITIONAL CONTACT NO.
ADDRESS 600 NE Grand Avenue			FAX NO. (503) 797-1797	
CITY Portland	STATE OR	ZIP 97232-2736	E-MAIL GARY.SHEPHERD@OREGONMETRO.GOV (Gary Shepherd, Senior Metro Attorney)	
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 Bob Long, CWRE (CwM-H2O, LLC)			PHONE NO. (503) 954-1326	ADDITIONAL CONTACT NO.
ADDRESS 1319 SE Martin Luther King Jr. Blvd., Suite 204			FAX NO.	
CITY Portland	STATE OR	ZIP 97214	E-MAIL bob.long@cwmh2o.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

This transfer aims to add two points of appropriation and clarify the type of use by changing it to commercial use at Oxbow Regional Park.

Metro operates Oxbow Regional Park, a 792-acre park located in the Sandy River canyon, on its river terraces, and on the canyon uplands. Since 1964, the Park has been served by a single groundwater source which is the sole point of appropriation (POA) on Certificate 34919 (certificated 1968). This well is described as "Well-3" in the certificate, although the Park refers to it as Well-1 (the original Wells 1 & 2 were never drilled). This transfer application will continue to refer to this POA as Well-3 to remain consistent with the water right documents.

The original permit lists the use as "park use in Oxbow Park". "Park Use" is not defined by Oregon Administrated Rules. This use was understood to include domestic supply to the Park admin and maintenance facilities, day use areas, and campgrounds, as well as any other Park maintenance uses. The Park use was categorized as Recreational Use in the OWRD database, the definition of which does not match the intended use for the Park as described above. For this reason, this transfer proposes to change the character of use from Recreation to commercial use, which best describes the use at Oxbow Regional Park per OAR 690-500-0020(7).

Metro is currently in the process of planning and implementing upgrades to transportation and water distribution infrastructure within the Park. Part of this project involves the removal of a section of the mainline leading from Well-3 along SE Oxbow Park Road to the visitor center and maintenance facilities. Metro is proposing the construction of an additional well at the visitor center complex to serve that portion of the Park. Well-3 will continue to act as the source for the bulk of the Park area, including most of the day use and campground areas. The purpose of this transfer is to add a second POA at the proposed location of this new visitor center well, Well-4. Two additional POA locations are proposed near the visitor center (Wells 4 & 5), though only one will be developed.

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;
- ☐ 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.

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: The Gresham Outlook.
- 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

Gary Shepherd, Metro Senior Attorney 10/18/23

Print Name (and Title if applicable) 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

**The place of use for Certificate 34919 includes some areas that are Bureau of Land Management lands. The existing point of appropriation, Well-3, is located on BLM lands. However, the proposed transfer, which only includes the addition of two new POAs at the visitor center, only affects lands that are part of the Metro Parks system. The BLM lands within the Park will experience no change as part of the proposed transfer.*

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.

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

IRRIGATION DISTRICT NAME _____	ADDRESS _____	
CITY _____	STATE _____	ZIP _____

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

ENTITY NAME _____	ADDRESS _____	
CITY _____	STATE _____	ZIP _____

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

ENTITY NAME Multnomah County (Land Use Planning)	ADDRESS 1600 SE 190th Avenue	
CITY Portland	STATE OR	ZIP 97233

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Part 5 of 5 – Water Right Information

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 # **34919**

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Description of Water Delivery System

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System capacity: 0.314 cubic feet per second (cfs) OR

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141 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:

-Oxbow Regional Park is currently served by Well-3, located roughly at the center of the Park. The well pumps through treatment and into a 27,000-gal subsurface storage tank adjacent to the well. Jockey pumps then lift water from the tanks and push it throughout the Park distribution system, which includes several booster pumps. The water distribution system mainlines convey water westward from Well-3 towards the Park entrance and Visitor Center as well as eastward towards the primary day-use areas, boat ramp, and campground. Various day-use areas are served along the distribution system. Metro Parks plans to upgrade the distribution system. However, a section of the mainline between Well-3 and the Visitor Center will be abandoned. The proposed new well will then serve the area around the Park entrance and Visitor Center.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well-3	☒ Authorized ☐ Proposed	MULT-2527	1 S	4 E	15	NE	NW	0200	2,140 ft E and 490 ft S of the NW Corner, Sec 15
Well-4	☐ Authorized ☒ Proposed	(proposed)	1 S	4 E	10	SW	NW	0400	1,110 ft E and 1,710 ft S of the NW Corner, Sec 10
Well-5	☐ Authorized ☒ Proposed	(proposed)							1,290 ft E and 1,650 ft S of the NW Corner, Sec 10

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

- | | |
|--|--|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☒ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ 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.

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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 # 34919

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. 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)										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands)																		
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date									
										APOA / USE	1	S	4	E	10	SW	NW	Oxbow Regional Park Boundary			Commercial	Well-3 & Well-4 /Well-5	8/3/1964						
																SE	NW												
																NE	SW												
																NW	SW												
																SW	SW												
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																SW	SE												
																11	NE		SW										
																	NW		SW										
															15	NW	NE												
																SW	NE												
																NE	NW												
																NW	NW												
TOTAL ACRES:																TOTAL ACRES:								N/A					

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: N/A

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____;

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Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L- _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (Intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm).
Well-3	YES	MULT-2527	107 ft	12"	0-107 ft	0-28 ft	99-105 ft	57.1 ft (7/11/22)	Troutdale Aquifer	0.3 cfs
Well-4	NO*	-	100-150 ft	8-10"	Fully cased	0-75 ft	100-150 ft	~50 ft	Troutdale Aquifer	0.3 cfs
Well-5										

*Approximate proposed construction based on Well-3 design and local hydrogeology. Exact depth of well, casing, seal, and screen will depend on conditions encountered while drilling. Only one new well (either Well-4 or Well-5) will be constructed.

NOV 12 1964

WATER WELL REPORT 002527

STATE OF OREGON

Oxbow Park

Well No. 3

State Well No. 174-15C

State Permit No.

(1) OWNER: (Division of Parks & Memorials)
Name County of Multnomah
Address 2115 S.E. MORRISON
PORTLAND OREGON

(2) LOCATION OF WELL:
County Multnomah Owner's number, if any—
N.E. 1/4 N.W. 1/4 Section 15 T. 1S R. 4E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check): (5) TYPE OF WELL:
Domestic ☒ Industrial ☐ Municipal ☒ Rotary ☐ Driven ☐
Irrigation ☐ Test Well ☐ Other ☐ Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED: Threaded ☐ Welded ☐
12" Diam. from 0 ft. to 100 ft. Gage 0.375
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS: Perforated? ☐ Yes ☒ No
Type of perforator used
SIZE of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS: Well screen installed ☒ Yes ☐ No
Manufacturer's Name Edward E. Johnson 12" x 6"
Type Everdur Telescope Model No.
Diam. 12" Slot size 35 Set from 99 ft. to 105 ft.
Slot size Set from ft. to ft.

(9) CONSTRUCTION:
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft. 28
Was a surface seal provided? ☒ Yes ☐ No To what depth? ft.
Material used in seal—Cement & Sand
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:
Static level 50' 7 1/2" ft. below land surface Date 6/26/64
Artesian pressure— lbs. per square inch Date
Log Accepted by:
[Signed] (Owner) Date, 19

(11) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Bottner Co
Yield: 67 gal./min. with 12" ft. drawdown after 2 hrs.
" 104 " 7 1/2" " 4 "
" 165 " 10" " 4 "
" 210 gal./min. with 12" ft. drawdown after 8 hrs.

Artesian flow g.p.m. Date
Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

(12) WELL LOG: Diameter of well 12 inches
Depth drilled 117 ft. Depth of completed well 107 ft.
Back filled to 107
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Sand, yellow fine	0	30
Sand, reddish coarse	30	35
Sand, yellow fine	35	45
Gravel, cemented	45	97
Gravel & sand, water bearing	97	107
Clay, blue	107	117

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Work started May 18 1964 Completed June 26 1964

(13) PUMP:
Manufacturer's Name
Type: H.P.

Well Driller's Statement:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Hakon Bottner Drilling Co.
(Person, firm, or corporation) (Type of print)
Address 3424 S.E. 174th Ave. Portland Ore.

Drill. Mach. Op. Lic. No. 246
[Signed] H. Bottner (Well Driller)
License No. 109 Date Aug. 4, 1964

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.

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State of Oregon)
) ss
County of MULTNOMAH

I, GARY SHEPHERD, in my capacity as SENIOR ATTORNEY FOR METRO,
mailing address 600 NE GRAND AVENUE, PORTLAND, OR 97232-2736
telephone number (503) 797 - 1700, being first duly sworn depose and say:

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

☐ Personal observation ☒ Professional expertise

2. I attest that:

☒ Water was used during the previous five years within the boundaries of Oxbow Regional Park as described as the place of use of Certificate 34919 and its accompanying map; OR

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

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

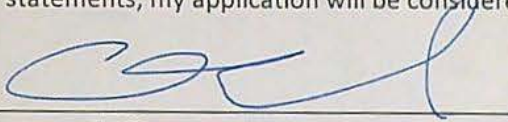
OR

- ☐ 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)

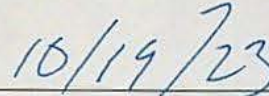
(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): MUNICIPAL WATER SUPPLY FOR PARK USE (OPERATIONS, FACILITIES, AND PARK VISITORS)

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 of Affiant



Date

Signed and sworn to (or affirmed) before me this 19th day of October, 2023.




Notary Public for Oregon

My Commission Expires: 8/02/2025

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☒ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers Attached: • 1995-2020 monthly water usage – Well-1 • Copy of the OHA water system record for the Oxbow Regional Park Well	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ 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. 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. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Water Use Report Based on Water Right



Cert:34919 OR *
COUNTY OF MULTNOMAH PARKS SERVICES 2115 SE MORRISON ST PORTLAND,
OR 97214

Records per page: 19 [View All](#)

Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2020	12522	OXBOW	0.30	0.19	0.14	0.29	0.21	0.23	0.21	0.20	0.24	0.55	0.39	0.13	3.07	
2019	12522	OXBOW	0.20	0.15	0.14	0.13	0.11	0.22	0.21	0.37	0.52	0.83	0.69	0.45	4.00	
2018	12522	OXBOW	0.15	0.09	0.11	0.13	0.08	0.13	0.14	0.35	0.35	0.65	0.49	0.36	3.03	
2017	12522	OXBOW	0.39	0.22	0.09	0.04	0.08	0.28	0.38	0.48	0.79	1.93	1.65	1.62	7.95	
2016	12522	OXBOW	0.26	0.03	0.01	0.02	0.01	0.02	0.04	0.02	0.11	0.25	0.28	0.08	1.14	
2015	12522	OXBOW	0.03	0.05	0.02	0.02	0.02	0.05	0.23	0.28	0.23	0.31	0.17	0.07	1.48	
2014	12522	OXBOW	0.20	0.32	0.13	0.07	0.13	0.16	0.20	0.26	0.34	0.61	0.75	0.31	3.48	
2013	12522	OXBOW	0.05	0.19	0.37	0.17	0.41	0.22	0.12	0.21	0.30	0.44	0.34	0.20	3.01	
2006	12522	OXBOW	0.17	0.19	0.26	0.33	0.34	0.41	0.38	0.28	0.95	4.62	4.60	2.16	14.69	
2005	12522	OXBOW	0.55	0.27	0.21	0.23	0.15	0.16	0.09	0.35	0.24	1.20	4.37	1.64	9.46	
2004	12522	OXBOW	0.76	0.47	1.22	0.67	0.85	0.84	1.56	0.74	2.12	5.25	3.83	0.49	18.80	
2003	12522	OXBOW	0.26	0.18	0.21	0.20	0.13	0.24	0.26	0.38	3.87	6.38	5.23	1.00	18.34	
2002	12522	OXBOW	0.55	0.43	0.18	0.22	0.34	0.24	0.27	0.63	1.38	5.25	5.37	1.62	16.47	
2000	12522	OXBOW	0.67	0.15	0.04	0.07	0.35	0.31	0.14	0.20	2.73	5.16	8.60	1.28	19.70	
1999	12522	OXBOW	0.09	0.07	0.09	0.10	0.04	0.18	0.11	0.12	0.24	4.03	5.72	3.68	14.45	
1998	12522	OXBOW	0.08	0.04	0.10	0.03	0.03	0.09	0.13	0.11	0.12	5.32	6.49	2.41	14.95	
1997	12522	OXBOW	2.63	0.65	0.15	0.03	0.06	0.06	0.09	0.08	0.16	4.07	5.23	0.21	13.42	
1996	12522	OXBOW	0.06	0.38	0.18	0.07	0.32	0.38	0.11	0.09	4.91	9.82	8.72	3.96	29.02	
1995	12522	OXBOW	0.60	0.13	0.26	0.10	0.16	0.19	0.09	0.29	4.23	6.13	4.14	0.11	16.44	

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

- The Water Resources Department makes reasonable efforts to screen the data for quality control; however, the Department cannot accept responsibility for errors, omissions, or accuracy of the information. Notification of any errors is appreciated. Send notifications to owrd.waterusereporting@water.oregon.gov or call 971-345-7489.
- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.

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OHA Drinking Water Services

OR41 91943

METRO PARKS - OXBOW

Classification: TRANSIENT NON-COMMUNITY

Contact: MICHAEL CARPINELLA
600 NE GRAND AVE
PORTLAND, OR 97232

Phone: 503-665-4995

County: MULTNOMAH

Activity Status: ACTIVE -- History

Population: 822

Number of Connections: 1

Operating Period: January 1 to December 31

Regulating Agency: MULTNOMAH COUNTY

Certified Operator(s)

Owner Type: LOCAL GOVERNMENT

Required: N

Licensed By: OHA

Distribution class: None

Approved Drinking Water Protection Plan: No

Treatment class: None

Source Water Assessment: Yes

Filtration Endorsement Required: No

Last Survey Date: May 18, 2021

Sources

<u>Facility ID</u>	<u>Facility Name - Well Logs</u>	<u>Activity Status</u>	<u>Availability</u>	<u>Source Type</u>
EP-A	EP for WELL	A		GW
SRC-AA	WELL - MULT2527	A	Permanent	GW

[Find Purchasers/Sellers](#)

Treatment

<u>Facility ID</u>	<u>Facility Name</u>	<u>Filter Type</u>	<u>Giardia Removal Credit</u>	<u>Treatment Process</u>	<u>Treatment Objective</u>
WTP-A	TP FOR WELL			FILTRATION, GREENSAND	IRON REMOVAL
				RESID. MAINT. HYPOCHLORINATION	OTHER

Consumer Confidence Reports (Last 5 Years)

Only community water systems require consumer confidence reports.

Cross Connection/Backflow Prevention Information (Last 3 Records)

Only community water systems require annual summary reports and annual cross connection program implementation fees.

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November 16, 2023

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

RE: METRO OXBOW REGIONAL PARK TRANSFER TO ADD POA

Dear OWRD Staff,

Please find accompanying this letter an Application for Permanent Water Right Transfer from Metro. Specifically, this application proposes the addition of a second and third point of appropriation (POA) to the water right that serves Metro's Oxbow Regional Park, Certificate 34919. The park is currently served by a single well, which provides water for domestic and other park uses. Recent improvements to the Park Visitor Center and planned upgrades and changes to the water distribution infrastructure necessitate a second POA to meet the Park's needs. Two new points are proposed although Metro only intends to develop one as a new water source.

The use type for Certificate 34919 was described as "park use" in the original permit and is categorized as recreation use in the OWRD water right database. Neither of these uses match the historical, current, and intended future use of the water for drinking water supply and for other Park uses. This proposed transfer therefore also includes a change of character of use to Municipal Use.

Attached to the transfer application you will find a transfer map for each certificate (Attachment 1), a land use form from Multnomah County (Attachment 2), and an Evidence of Use Affidavit (Attachment 3). Metro has also included an application for expedited review through the Reimbursement Authority and a check for \$125 (check #236875). A check from the City for the transfer application fee of \$3,340 (check #236874) is also included.

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

Sincerely,

CwM H2O, L.L.C.

Robert Long, CWRE

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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): Metro

Point of contact: Gary Shepherd, *Senior Metro Attorney* (gary.shepherd@oregonmetro.gov)

Mailing Address: 600 NE Grand Avenue

City: Portland

State: OR

Zip Code: 97232-2736

Daytime Phone:

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation	Water to be:			Proposed Land Use:
1S	4E	10	SW NW	0400	CFU	☒ Diverted	☒ Conveyed	☒ Used	CFU
			SE NW			☐ Diverted	☒ Conveyed	☒ Used	
			NE SW			☐ Diverted	☒ Conveyed	☒ Used	
			NW SW			☐ Diverted	☒ Conveyed	☒ Used	
			SW SW			☐ Diverted	☒ Conveyed	☒ Used	
			NE SE	☐ Diverted		☒ Conveyed	☒ Used		
			SE SE	0800		☐ Diverted	☒ Conveyed	☒ Used	
		SW SE	☐ Diverted			☒ Conveyed	☒ Used		
		11	NE SW	0200, 0300, 0400, 0500		☐ Diverted	☒ Conveyed	☒ Used	
			NW SW						
		15	NE NW	0200		☐ Diverted	☒ Conveyed	☒ Used	
						☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☒ Conveyed	☒ Used	
	NW NW	0400							

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

Multnomah County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.30 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

Proposed transfer to add two additional points of appropriation (wells) to Certificate 34919 to allow the Park to construct a new supply well at the Park visitor center complex. Change of use from Recreation to Municipal.

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Conditional Use Permit and SEC permits	Permits are being pursued by MCC 39.4080(A) and applicant has applied for Pre-Application meeting.	☐ Obtained ☐ Denied	☒ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Permits are being pursued as applicant has applied for Pre-Application Conference, proposed use will require a conditional use permit.

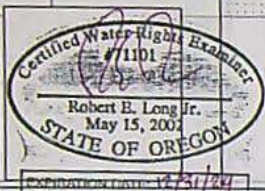
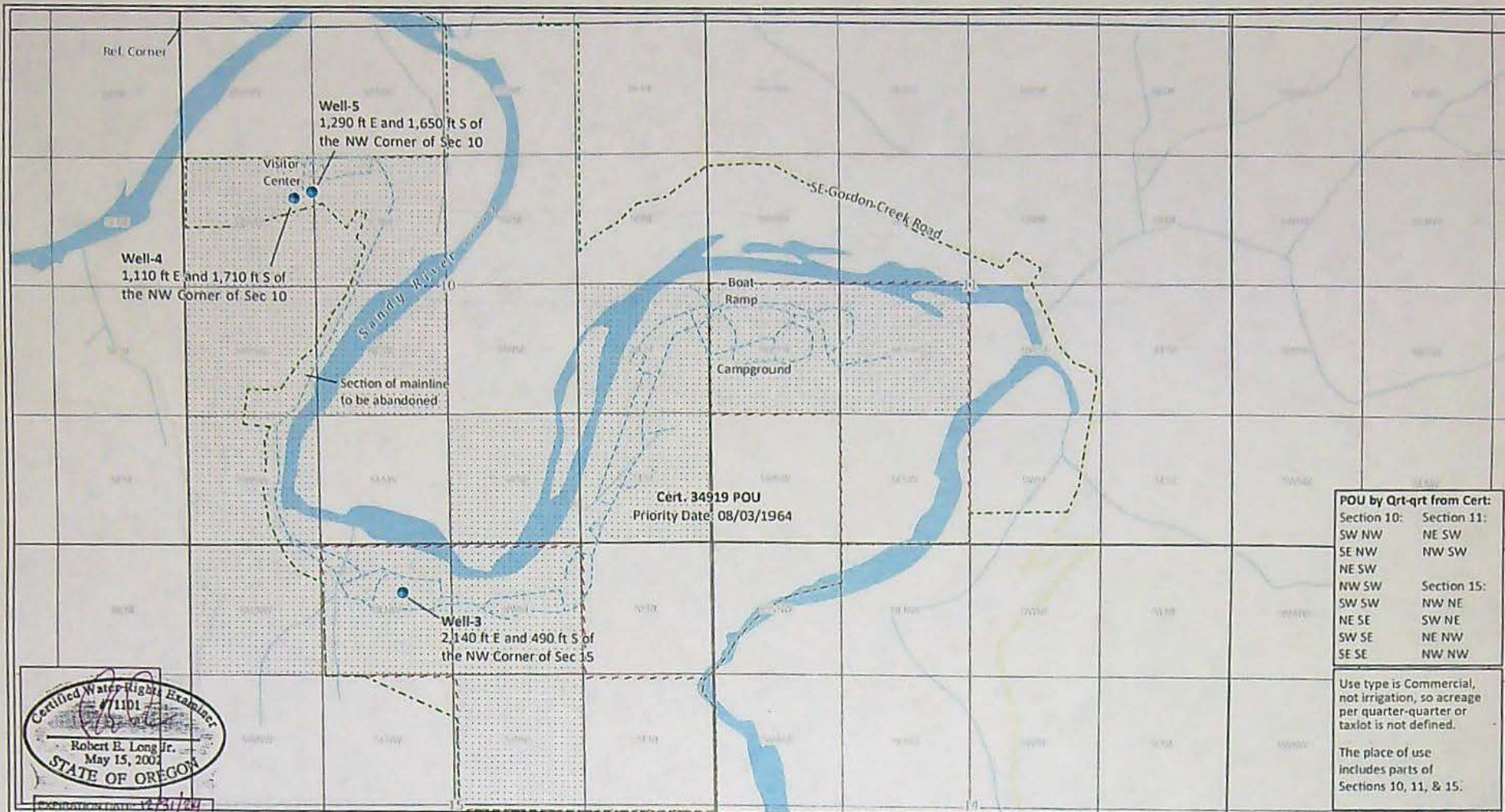
Name: Marisol Cervantes Title: Planner 2 **RECEIVED**
 Signature: Marisol Cervantes Digitally signed by Marisol Cervantes Phone: 503.988.9452 Date: 11.16.2023 **NOV 20 2023**
 Government Entity: Multnomah County **OWRD**

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: Gary Shepherd, Senior Asst. Attorney
 City or County: Multnomah County Staff contact: Marisol Cervantes, Planner 2
 Signature: Marisol Cervantes Digitally signed by Marisol Cervantes Phone: 503.988.9452 Date: 11.16.2023

DEC 13 2/20/24

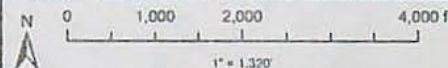


CWM-H2O
Complete Water Management

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

**Application for Permanent Transfer
APOA for Certificate 34919
T1S, R4E, Sections 10, 11 & 15**

1	DATE	AUTHOR	DRAFT



Proj#: 2205002
Oxbow Regional Park Visitor Center Water System: Now Well
Metro Parks
600 NE Grand Avenue
Portland, OR 97323

- Proposed APOA
- Cert. 34919 POU (Cert. Description)
- - - Approx. Park Boundary
- - - BLM Lots
- - - Water System Lines

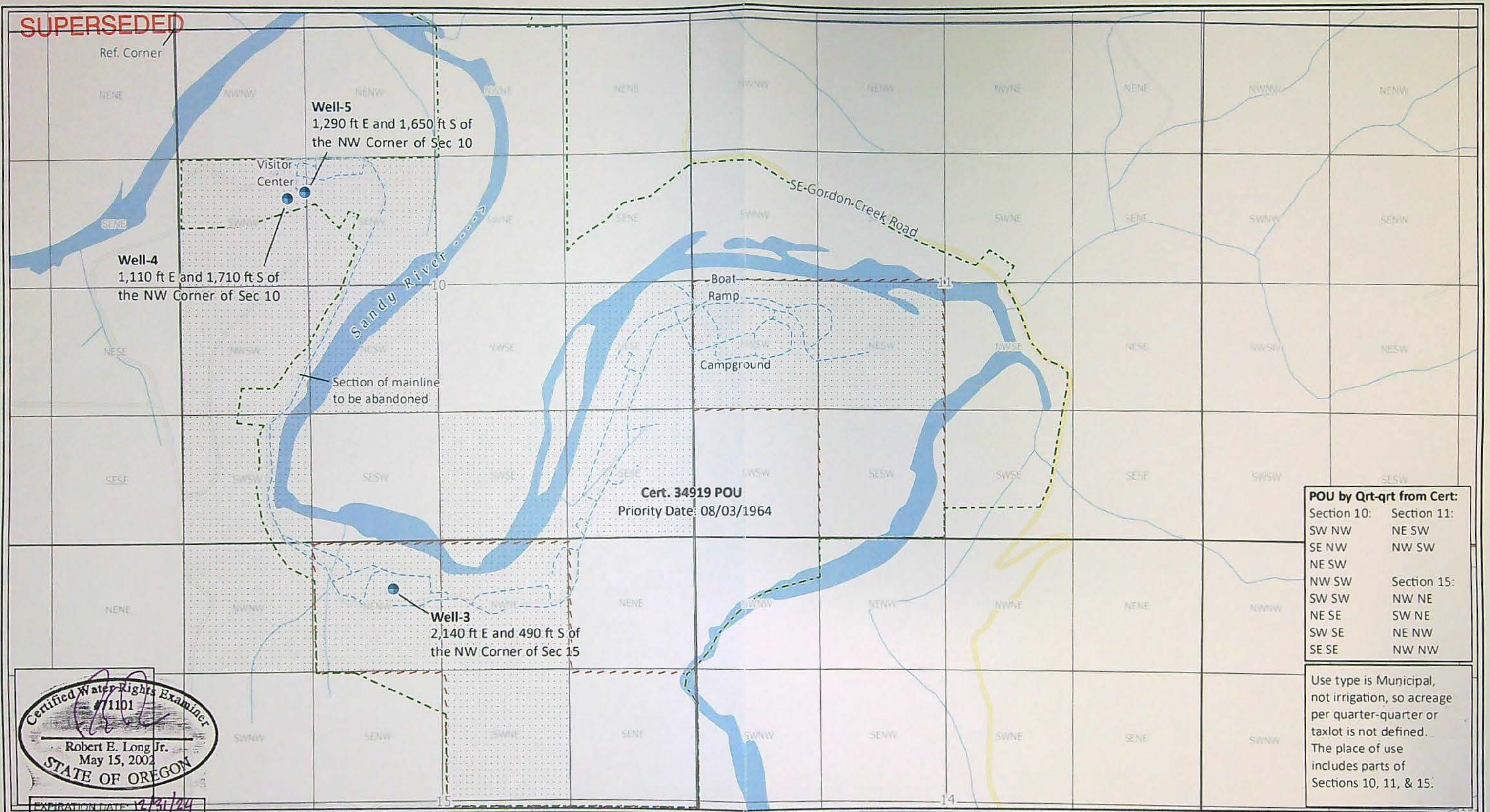
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OWRP

14360

SUPERSEDED



Certified Water Rights Examiner
#1101
Robert E. Long Jr.
May 15, 2002
STATE OF OREGON
EXPIRATION DATE: 12/31/24

POU by Qrt-qrt from Cert:

Section 10:	Section 11:
SW NW	NE SW
SE NW	NW SW
NE SW	
NW SW	Section 15:
SW SW	NW NE
NE SE	SW NE
SW SE	NE NW
SE SE	NW NW

Use type is Municipal, not irrigation, so acreage per quarter-quarter or taxlot is not defined. The place of use includes parts of Sections 10, 11, & 15.

CWM-H2O 

Complete Water Management

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

Application for Permanent Transfer
APOA for Certificate 34919
T1S, R4E, Sections 10, 11 & 15

1	DATE	AUTHOR	DRAFT

Proj#: 2209002
Oxbow Regional Park Visitor Center Water System: New Well
Metro Parks
600 NE Grand Avenue
Portland, OR 97323

Proposed APOA
 Cert. 34919 POU (Cert. Description)
 Approx. Park Boundary
 BLM Lots
 Water System Lines

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Permanent Transfer Application Checklist

Check the Certificates in WRIS

Transfer # 14360

Checked by <u>Dante</u>	Type of Change(s) Proposed: NO other changes allowed other than those listed	
Date <u>11/30/2023</u>		
Fee Received: \$3340	☐ POU ☐ POD ☐ APOD ☐ POA ☒ APOA ☒ USE	
Calculated Fee: \$3340		How many rights to be Transferred? 1
Deficiencies and Observations:		Certificate #(s) 34919

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: ☐ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation Number of above boxes checked = _____ (2a) 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) Subtract 1 from the number in line 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? ☐ No: enter 0 » ☐ Yes: enter \$410 »		
4		4	0
	Do you propose to change the place of use or character of use? ☐ No: enter 0 on line 5 » ☐ Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	0
	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »		
7		7	0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	