

Regular

Name City of Portland-Parks & Rec. Dept.
Sandra Burtzos Fathizadeh
 Address 1120 SW 5th Ave, Suite 858
Portland, OR 97204
sandra.burtzos@portlandoregon.gov

Change in POA
 Date Filed 12/14/2023
 Initial notice date 12/26/2023
 DPD issued date _____
 PD issued date 5/16/2025
 PD notice date 5/20/2025
 Date of FO 6/27/2025 Vol 134 Page 1075-1078

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District Rockwood Water District

Agent Eric Weber - Landau Associates
eweber@landauinc.com

CWRE _____
 CC's list Multnomah County, City of Portland

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A Well

Trib. of Johnson Creek Basin

Use Municipal Uses

County Multnomah

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App# G16195

Per # G15869

Cert # 97162

PR Date 2-5-2004

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

App# _____

Per # _____

Cert # _____

PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>12-14-23</u>	<u>1,840.00</u>	<u>142109</u>

FEES REFUNDED

Date	Amount	Receipt #
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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

June 27, 2025

Sandra Burtzos Fathizadeh
Parks and Recreation Department
1120 SW 5th Ave Suite 858
Portland, OR 97204

REFERENCE: Transfer Application T-14372

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Joan Smith, by telephone at (503) 986-0892 or by e-mail at Joan.m.smith@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)
Eric F. Weber, Agent

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-14372, Multnomah County	)	A CHANGE IN POINT OF APPROPRIATION

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

CITY OF PORTLAND PARKS AND RECREATION DEPARTMENT
SANDRA BURTZOS FATHIZADEH
1120 SW 5TH AVE, SUITE 858
PORTLAND, OR 97204

Findings of Fact

1. On December 18, 2023, City of Portland Parks and Recreation Department, Sandra Burtzos Fathizadeh filed an application to change the point of appropriation under Certificate 97162. The Department assigned the application number T-14372.
2. Notice of the application for transfer was published on December 26, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 26, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14372. The draft Preliminary Determination cover letter provided a deadline of April 28, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with the issuance of Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. On May 16, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14372 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 20, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 97162 in the name of CITY OF PORTLAND; PARKS AND RECREATION DEPARTMENT (perfected under Permit G-15869)
Use: MUNICIPAL USE TO INCLUDE IRRIGATION, DUST CONTROL, AND FIRE SUPPRESSION
Priority Date: FEBRUARY 25, 2004
Rate: 0.557 CUBIC FOOT PER SECOND
Period of Use: YEAR ROUND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Source: A WELL in JOHNSON CREEK BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 E	WM	1	SW NE	POA #1 - 891 FEET NORTH AND 940 FEET EAST FROM THE C1/4 CORNER OF SECTION 1

Authorized Place of Use:

MUNICIPAL USE TO INCLUDE IRRIGATION, DUST CONTROL, AND FIRE SUPPRESSION
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF PORTLAND FOR MUNICIPAL USE

6. Transfer Application T-14372 proposes to move the authorized point of appropriation approximately 490 feet northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	2 E	WM	1	SW NE	POA #2 - LAT: 45.51555600 LONG: -122.50222200

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

7. Water has been used within the last five years T-14372 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14372.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
11. The proposed change, as conditioned, would not result in enlargement of the right.
12. The proposed change, as conditioned, would not result in injury to other existing water rights.
13. All other application requirements are met.

Conclusions of Law

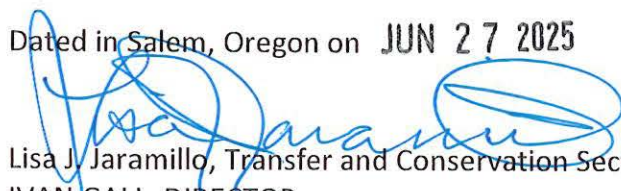
The change in point of appropriation proposed in Transfer Application T-14372 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-14372 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 97162 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 97162 is cancelled.
5. The quantity of water diverted at the new point of appropriation (POA #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #1).
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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2031**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUN 27 2025**


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

Mailing date: **JUN 30 2025**

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14372

Transfer Specialist: Joan

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: City of Portland Parks & Rec Dept Sandra Burtzos Fathizadeh 1120 SW 5th Ave Suite 858 Portland, OR 97204	Agent: Eric F. Weber 2107 S C St Tacoma, WA 98402	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District: Rockwood Water District
Affected Local Gov'ts: Multnomah County	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.
☐	6-116195	6-15869	97162	☐ Yes ☒ No	_____
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: December 18, 2023	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1840.00	Acknowledgement Letter Sent ☒	Basin: 2 Willamette
Initial Public Notice: 12/26/2023	County sent cc: of Ack Letter ☐	County: POLK
WM District: 22 Joel M. Plahn	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: PD Notice 5/20/25

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: 3/20/25 Initials: <i>Joan</i>	Date: 3/24/25 Initials: <i>Scott</i>	Date: 3/25 Initials: <i>CC</i>	Date: 3-25 Initials: <i>JS</i>	CW Sent: 3/26 WM Sheet ☒ ODFW Sheet: ☐	N/A
PD	Date: 5/1/25 Initials: <i>Joan</i>	Date: 5/2/25 Initials: <i>Scott</i>	Date: 5/12/25 Initials: <i>Corey</i>	Date: _____ Initials: _____ Data Review Date: _____	Date: 5/12/25	Date: 5/16/25
FO	Date: 5/19/25 Initials: <i>Joan</i>	Date: 6/4/25 Initials: <i>Scott</i>	Date: 6/8/25 Initials: <i>Smith</i>	Date: _____ Initials: _____	Date: 6/23 No. of docs for sig: _____	Date: 6/27/2025

Special Issues: (PD-MUNI)

Special Order Volume: Vol. 134 Pages 1075-1078



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

May 16, 2025

VIA CERTIFIED MAIL AND E-MAIL

CITY OF PORTLAND PARKS AND RECREATION DEPARTMENT

SANDRA BURTZOS FATHIZADEH

1120 SW 5TH AVE, SUITE 858

PORTLAND, OR 97204

SUBJECT: Water Right Transfer Application T-14372

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14372. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov if I may be of assistance.

Sincerely,

Joan Smith

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-14372, Multnomah County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINT OF APPROPRIATION

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

CITY OF PORTLAND PARKS AND RECREATION DEPARTMENT
SANDRA BURTZOS FATHIZADEH
1120 SW 5TH AVE, SUITE 858
PORTLAND, OR 97204

Findings of Fact

1. On December 18, 2023, City of Portland Parks and Recreation Department, Sandra Burtzos Fathizadeh filed an application to change the point of appropriation under Certificate 97162. The Department assigned the application number T-14372.
2. Notice of the application for transfer was published on December 26, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 26, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14372. The draft Preliminary Determination cover letter provided a deadline of April 28, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with the issuance of Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

4. The right to be transferred is as follows:

Certificate: 97162 in the name of CITY OF PORTLAND; PARKS AND RECREATION DEPARTMENT (perfected under Permit G-15869)
Use: MUNICIPAL USE TO INCLUDE IRRIGATION, DUST CONTROL, AND FIRE SUPPRESSION
Priority Date: FEBRUARY 25, 2004
Rate: 0.557 CUBIC FOOT PER SECOND
Period of Use: YEAR ROUND
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Source: A WELL in JOHNSON CREEK BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 E	WM	1	SW NE	POA #1 - 891 FEET NORTH AND 940 FEET EAST FROM THE C1/4 CORNER OF SECTION 1

Authorized Place of Use:

MUNICIPAL USE TO INCLUDE IRRIGATION, DUST CONTROL, AND FIRE SUPPRESSION
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF PORTLAND FOR MUNICIPAL USE

5. Transfer Application T-14372 proposes to move the authorized point of appropriation approximately 490 feet northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	2 E	WM	1	SW NE	POA #2 - LAT: 45.51555600 LONG: -122.50222200

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

6. Water has been used within the last five years T-14372 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.
7. 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-14372.
8. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

9. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water rights.
12. All other application requirements are met.

Determination and Proposed Action

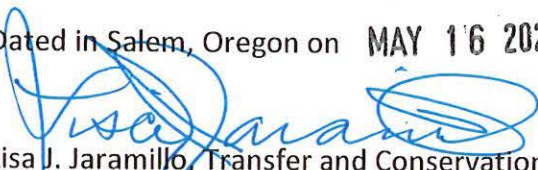
The change in point of appropriation proposed in Transfer Application T-14372 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14372 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-14372 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 97162 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.*
4. *Water right Certificate 97162 is cancelled.*
5. *The quantity of water diverted at the new point of appropriation (POA #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #1).*
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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2031**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 16 2025**


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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0896 or Joan.M.Smith@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.

SMITH Joan M * WRD

From: Eric Weber <eweber@landauinc.com>
Sent: Monday, March 31, 2025 4:37 PM
To: SMITH Joan M * WRD
Cc: Obern, David; Fathizadeh, Sandra Burtzos; Nicole Mehr; 1210016.010@landauinc.tonicdm.com; LANDVOIGT Amy J * WRD; MCCORD Mike L * WRD
Subject: RE: Parklane Park draft Preliminary Determination T-14372

Joan – thanks. Yes, we would like to move forward with the application.

- Regarding the specification of 1/80 of a cfs per acre, that is fine. Disregard our edit request.

- Please shorten the type of use description to “Municipal” if it is easy to do.

Thanks - Eric

Eric Weber, LHg, CWRE
PRINCIPAL HYDROGEOLOGIST
D: (253) 284-4878 | M: (206) 940-2406 | eweber@landauinc.com



Seattle | Tacoma | Olympia | Kingston | Spokane | Quincy | Portland | Boise | Baton Rouge

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: SMITH Joan M * WRD <joan.m.smith@water.oregon.gov>
Sent: Monday, March 31, 2025 9:20 AM
To: Eric Weber <eweber@landauinc.com>
Cc: Obern, David <david.obern@portlandoregon.gov>; Fathizadeh, Sandra Burtzos <Sandra.Burtzos@portlandoregon.gov>; Nicole Mehr <nmehr@landauinc.com>; 1210016.010@landauinc.tonicdm.com; LANDVOIGT Amy J * WRD <Amy.J.LANDVOIGT@water.oregon.gov>; MCCORD Mike L * WRD <Mike.L.MCCORD@water.oregon.gov>
Subject: RE: Parklane Park draft Preliminary Determination T-14372

Eric, regarding the requests outlined in your email below, request # 1) the Department cannot legally enlarge the right, removal of the duty limitation could potentially enlarge the right. Under 690-380-0100 (2) “Enlargement” means an expansion of a water right and includes, but is not limited to: (a) Using a greater rate or duty of water per acre than currently allowed under a right;

2) under the definition in 690-300-0010 (29) “Municipal Water Use” means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these

water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

I don't mind removing those uses, however, there is no reason to remove them since those uses are a part of municipal use, and the removal of those uses will not affect the rate or duty allowed under this right since those uses are included in the definition of municipal.

Please let me know if you would still like to proceed with this application.

Contact me if you have any questions,

Thank you

Joan M. Smith

Joan Smith

My in office hours are Monday through Thursday from 8:00 a.m. to 5:30 p.m.

My direct line is 503-986-0892

From: Eric Weber <eweber@landauinc.com>

Sent: Friday, March 28, 2025 5:05 PM

To: SMITH Joan M * WRD <joan.m.smith@water.oregon.gov>

Cc: Obern, David <david.obern@portlandoregon.gov>; Fathizadeh, Sandra Burtzos

<Sandra.Burtzos@portlandoregon.gov>; Nicole Mehr <nmehr@landauinc.com>; 1210016.010@landauinc.tonicdm.com

Subject: Parklane Park draft Preliminary Determination T-14372

Joan – On behalf of the City of Portland, I have a few comments on the draft Preliminary Determination (PD). While the draft PD is consistent with the transfer application there are two requests (see below) that were not addressed. I would ask that these requests be considered in the draft PD.

1)

The applicant also requests that the One-Eightieth of one cubic foot per second per acre restriction be removed. Municipal use will include lawn watering at the Parklane Park. Because of the sprinkler technology used, the fragmented park layout, and the night-time watering restriction (when the park is not in use), the instantaneous quantity used for watering will be the full 0.557 Cubic Feet per Second listed on the certificate. This type of water demand is typical for park night time watering and is necessary to maintain the park. Therefore, removing the One-Eightieth water demand restriction is in the public interest.

2)

Certificate 97162 lists the purpose of use as "Municipal Use to Include Irrigation, Dust Control,, and Fire Suppression. The applicant requests that the superseding permit simply refer to the use as Municipal.

Thanks - Eric

Eric Weber, LHg, CWRE

PRINCIPAL HYDROGEOLOGIST

D: (253) 284-4878 | M: (206) 940-2406 | eweber@landauinc.com



Seattle | **Tacoma** | Olympia | Kingston | Spokane | Quincy | Portland | Boise | Baton Rouge

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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-14372

Review Due Date: 01/19/2024

Applicant Name: Sandra Burtzos Fathizadeh/ City of Portland Parks and Rec

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

Reviewer(s): Amy Landvoigt

Date of Review: 02/20/2024

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

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	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☐ Other: _____	

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14372



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- 14372

GW Reviewer Gabriela Ferreira / Dennis Orlowski Date Review Completed: February 2, 2024

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-14372 Applicant Name: City of Portland Parks and Recreation Department, Sandra Burtzos Fathizadeh

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

Reviewer(s): Gabriela Ferreira / Dennis Orlowski Date of Review: February 2, 2024

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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: The proposed transfer modifies Certificate 97162, which authorizes a total maximum rate of 0.557 cfs from currently authorized POA #1, MULT 2839. The transfer would replace POA # 1 with POA #2, MULT 140472. MULT 2839 was decommissioned in August 2023 under well report MULT 140303.

Proposed POA MULT 140472 is also the proposed POA for municipal use under pending application G-19407, which authorizes an additional 0.2673 cfs for municipal use.

This review does not evaluate the requested change in permitted use (removing "Including Irrigation, Dust Control, and Fire Suppression") nor the requested change in rate (removing the 1/80 cfs per acre cap on Irrigation use).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized POA, MULT 2839, was completed to a total depth of 287 feet below ground surface. The proposed POA, MULT 140472, is completed to a total depth of 300 feet below ground surface. Both wells produce from the Troutdale Gravel Aquifer, estimated to be approximately 400 feet thick (Swanson et al., 1993).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____

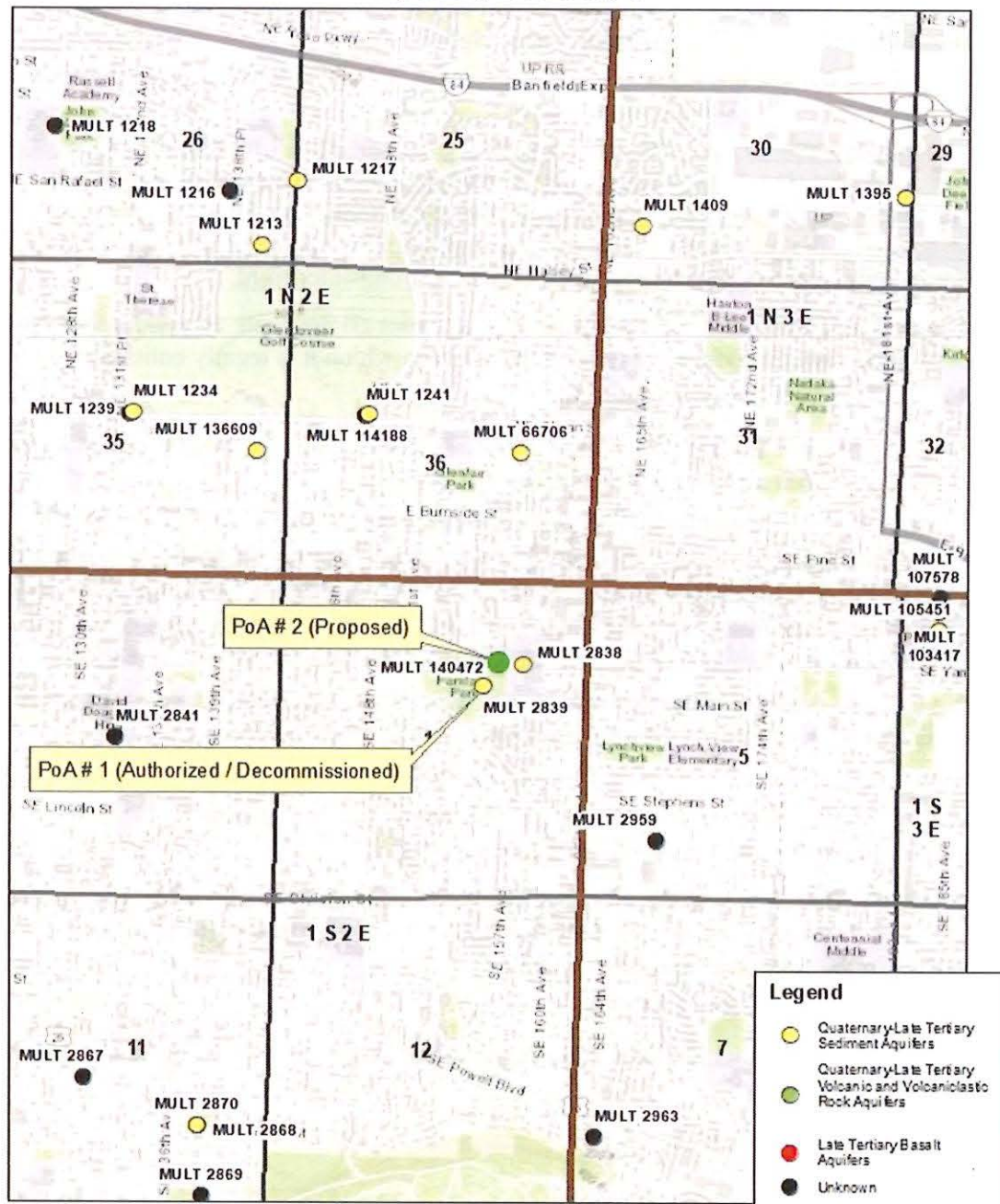
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
- ☐ Yes ☒ No Comments: The proposed POA is located 490 feet from the authorized POA. The POAs are located within Portland city limit and nearly all nearby properties are on municipal supply. Eight well reports were identified within 1 mile of the POAs, some of which are likely abandoned / unused due to redevelopment. The lack of significant groundwater extraction in the area suggests that the potential for injury is very low. Consequently, the proposed change, at its maximum allowed rate of use, is not likely to result in an increase in interference with another groundwater right.
- 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: Due to the extensive urban development, the nearest perennial surface water source that may be hydraulically connected to the proposed POA is the Columbia River, located 3.2 mile north of the POA. Based on the minor relative change in location and low rate of withdrawal relative to the flow of the Columbia River, the proposed change would not likely result in interference with surface water sources.
- 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: _____
8. Any additional comments: None

References Used:

Application File T-14372, G-19407

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.

Application T-14372 City of Portland Parks & Recreation T1S, R2E, Section 1



Feet
0 1,320 2,640 3,960 5,280

Main Map Scale = 1:24,000

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



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

December 21, 2023

City of Portland Parks and Recreation Department

Sandra Burtzos Fathizadeh

1120 SW 5th Ave, Suite 858

Portland, OR 97204

Reference: Application T-14372

On December 18, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$1840.00. Receipt number 142109 is enclosed.

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

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

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

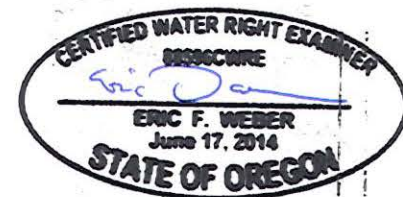
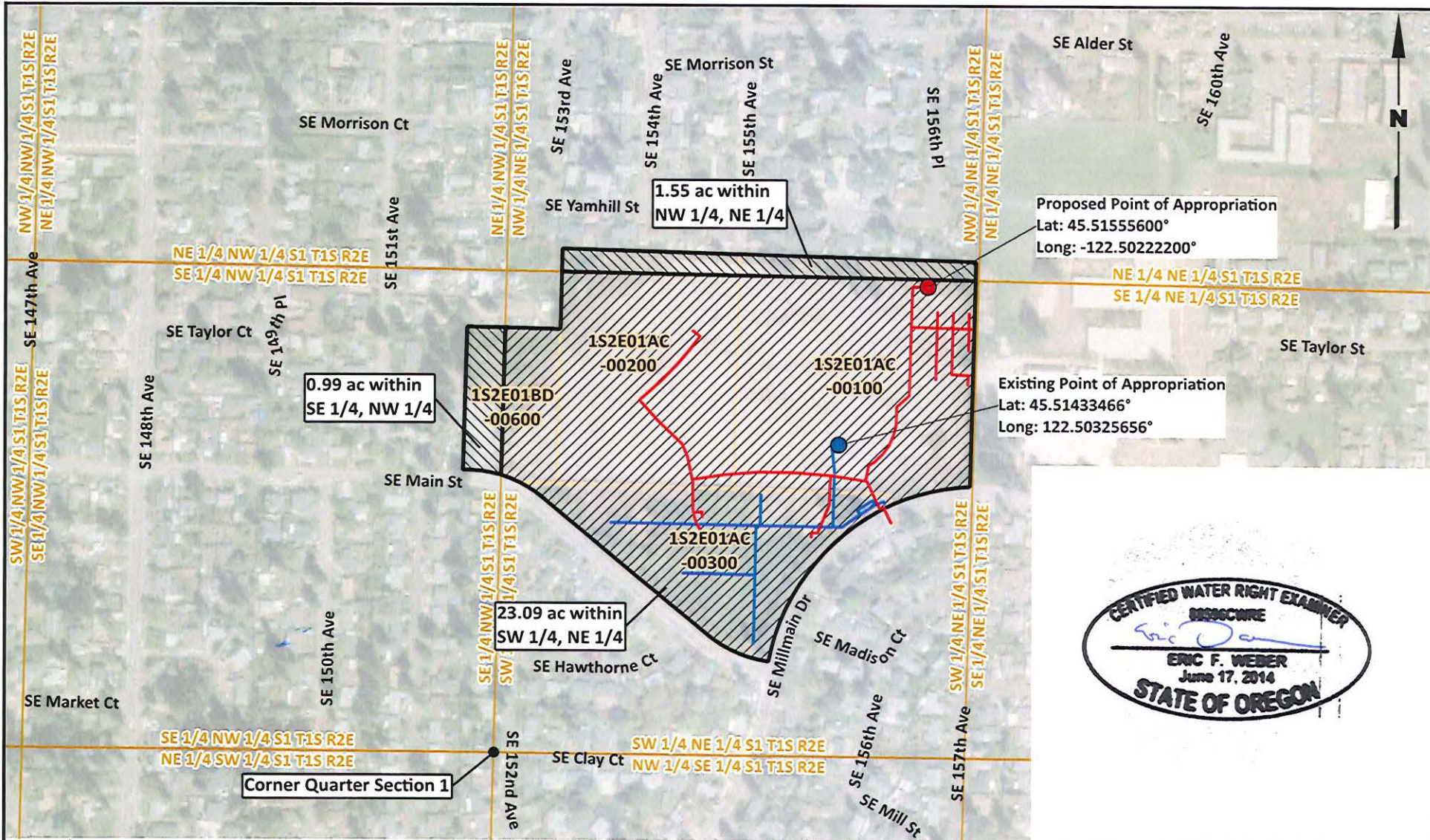
If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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.

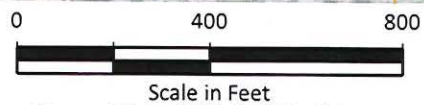
Cc: Watermaster Dist. #20, Amy Landvoigt (*via email*)
Eric F. Weber, Agent
Irrigation District: Rockwood Water District
Multnomah County, Local Government
City of Portland, Local Government

Enclosure



Legend

- Existing Point of Appropriation
- Proposed Point of Appropriation
- Existing Water Distribution System
- Proposed Water Distribution System
- Certificate G-97162 Place of Use
- Tax Parcels
- Quarter/Quarter Sections



Data Sources: Oregon Metro RLIS; Esri World Imagery.

Note

1. Figure shows a portion of Section 1, Township 1 South, Range 2 East, W.M.



RECEIVED
DEC 14 2023

Parklane Park
City of Portland
Parks & Recreation
Portland, Oregon

Transfer Application Map
Water Right Certificate 97162

Figure
1

OWRD

14372 -

**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 # **142109**

INVOICE # _____

RECEIVED FROM: Treasurer of the City
BY: OF Portland

APPLICATION	
PERMIT	
TRANSFER	<u>T-14372</u>

CASH: ☐ CHECK: # 1009674 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,840.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 46110 \$
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 \$1840.00

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: **142109**

DATED 12-14-23 BY: cm-mills

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.

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred?** 1 **List them here:** 97162
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

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

(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 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°).

RECEIVED

DEC 14 2023

OWRD

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i>	2	\$0
2	Multiply line 2b by \$1090 and enter »	2	\$0
	Number of water rights included in transfer <u>1</u> (3a) Subtract 1 from the number in line 3a above: <u>0</u> (3b) <i>If only one water right this will be 0</i>	3	\$0
3	Multiply line 3b by \$610 and enter »	3	\$0
	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 ☒ Yes: enter \$480 for the 1st well to be added or changed <u>\$480</u>(4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 <u>\$0</u> (4b)	4	\$480
4	Add line 4a to line 4b and enter »	4	\$480
	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 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	5	\$0
5	5c by \$410, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,840
	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 »	7	\$0
7	If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$1,840

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

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

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

stitution: 3
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Revised 7/7/2022

Permanent Transfer Application Form – Page 3 of 10

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Sandra Burtzos Fathizadeh-City of Portland Parks and Recreation Dept		PHONE NO. 971-940-5722	ADDITIONAL CONTACT NO. 503-823-5594
ADDRESS 1120 SW 5th Ave, Suite 858			FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL sandra.burtzos@portlandoregon.gov
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 Eric Weber- Landau Associates		PHONE NO. 206-940-2406	ADDITIONAL CONTACT NO.
ADDRESS 2107 S C St			FAX NO.
CITY Tacoma	STATE WA	ZIP 98402	E-MAIL eweber@landauinc.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:

The City of Portland Parks and Recreation Department (applicant) is proposing to change the point of appropriation (PoA) for water right certificate 97162. The current PoA is MULT-2839 and the proposed new PoA is Well L143587. MULT-2839 is over 70 years old and needed to be replaced. MULT-2839 has been decommissioned. Well L143587 was drilled as a replacement well in June of 2023 and is completed in the same aquifer as MULT-2839 (the Troutdale Gravel Aquifer). Well L143587 is approximately 518 ft northeast of MULT-2839. The proposed change will not enlarge the water right or lead to impairment.

Certificate 97162 lists the purpose of use as "Municipal Use to Include Irrigation, Dust Control,, and Fire Suppression. The applicant requests that the superseding permit simply refer to the use as Municipal.

The applicant also requests that the One-Eighth of one cubic foot per second per acre restriction be removed. Municipal use will include lawn watering at the Parklane Park. However because of the sprinkler technology used, the fragmented park layout, and the night-time watering restriction (when the park is not in use), the instantaneous quantity used for watering will be the full 0.557 Cubic Feet per Second listed on the certificate. This type of water demand is typical for park night time watering and is necessary to maintain the park. Therefore, removing the One-Eighth water demand restriction is in the public interest.

The well log for L143587 and the well log and well abandonment log for MULT_2839 are available in Attachment 5

Check One Box

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

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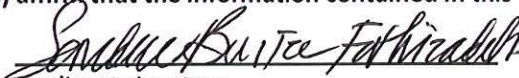
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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Oregonian
- 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

Sandra Burtzos Fathizadeh
Print Name (and Title if applicable)

11/15/2023
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

Check the following boxes that apply:

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

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

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

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

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.	
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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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	Rockwood Water District	ADDRESS	19601 NE Halsey St
CITY	Portland	STATE	OR
		ZIP	97230

☐ 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	ADDRESS	421 SW 5th Ave
CITY	Portland	STATE	OR
		ZIP	97204

ENTITY NAME	City of Portland	ADDRESS	1221 SW 4th Ave
CITY	Portland	STATE	OR
		ZIP	97204

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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 # 97162

Description of Water Delivery System

System capacity: 0.557 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. See Attachment 6

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)
POA #1	☒ Authorized ☐ Proposed	MULT-2839	1 S	2 E	1	SW NE	1S2E01A C-00100	891 ft N and 940 ft E from C1/4 corner, Section 1
POA #2	☐ Authorized ☒ Proposed	L143587	1 S	2 E	1	NW NE	1S2E01A C-00100	
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

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 # 97162

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
EXAMPLE																						
2	S	9	E 15 NE NW	100		15.0	Municipal	POD #1 POD #2	1901	POU/POD	2	S	9	E 1 NW NW	500	1	10.0		POD #5	1901		
											2	S	9	E 2 SW NW	500		5.0		POD #6	1901		
										POA	1	S	2	E 1 NW NE	100		1.35		POA #2	2004		
											1	S	2	E 1 SE NW	600		1.02		POA #2	2004		
											1	S	2	E 1 SW NE	100, 200, 300, 600		22.40		POA #2	2004		
TOTAL ACRES:											TOTAL ACRES:						24.77					

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Additional remarks: _____

For Place of Use or Character of Use Changes

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

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

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

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

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

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). If less than full rate of water right
POA #1	Yes	MULT 2839	287	12 inch 10 inch	0-224 ft 220-287 ft	0-18 (a)	272-287, 247-249, 104-112, 80-89	65	TGA	N/A
POA #2	Yes	L143587	300	12 inch 10 inch	0-234 ft 224-300 ft	0-155 (a)	230-245, 255-295	82	TGA	N/A

(a) See Attachment 5 for well log details

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Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon)
) ss
County of Multnomah)

I, Sandra Burtzos Fathizadeh, in my capacity as City of Portland Project Manager,

mailing address 1120 SW 5th Ave, Ste 858, Portland, OR 97204

telephone number (503) 823-5594, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the entire place of use for
Certificate # 97162 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 # 97162 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)

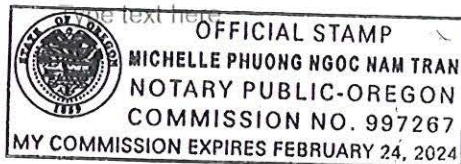
(continues on reverse side)

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

San Benito Fathizadeh
Signature of Affiant

11-15-2023
Date

Signed and sworn to (or affirmed) before me this 15 day of NOVEMBER, 2023.



Michelle Phuong
Notary Public for Oregon

My Commission Expires: FEBRUARY 24, 2024

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	- 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

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STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF PORTLAND
PARKS AND RECREATION DEPARTMENT
6437 SE DIVISION ST
PORTLAND OR 97206

confirms the right to the use of water perfected under the terms of Permit G-15869. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16195

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE or USE: MUNICIPAL USE TO INCLUDE IRRIGATION, DUST CONTROL, AND FIRE SUPPRESSION

MAXIMUM RATE: 0.557 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 25, 2004

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 E	WM	1	SW NE	891 FEET NORTH AND 940 FEET EAST FROM C1/4 CORNER, SECTION 1

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF PORTLAND FOR MUNICIPAL USE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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Measurement, recording and reporting conditions:

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

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

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

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

The Director may require water level or pump test results every ten years.

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

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

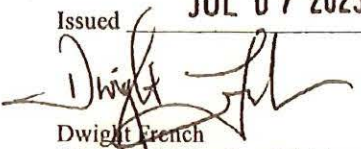
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described; however, water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

Issued

JUL 07 2023


Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

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Supplemental Form D

Water Right Transfers Within the Boundaries of or Served by an Irrigation District or other Water Supplier (Association, Ditch Co., etc.)

[For transfers submitted under OAR Chapter 690 Division 380]



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

The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. In some cases consent will be required from the district or water supplier.

This form must be included with any transfer application that involves rights served by or located within the boundaries of a district or other type of water supplier.

1. APPLICANT INFORMATION

NAME Sandra Burtzos Fathizadeh, CITY OF PORTLAND PARKS AND RECREATION DEPARTMENT			PHONE (HM)
PHONE (WK) 503-823-5594	CELL 971-940-5722	FAX	
ADDRESS 1120 SW 5 TH AVE, SUITE 858			
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL** sandra.burtzos@portlandoregon.gov

2. DISTRICT or WATER SUPPLIER INFORMATION

DISTRICT/WATER SUPPLIER NAME ROCKWOOD WATER PEOPLE'S UTILITY DISTRICT			PHONE (HM) 503-665-4179
PHONE (WK) 503-665-4179	CELL 503-665-4179	FAX 503-667-5108	
ADDRESS 19601 NE HALSEY STREET			
CITY PORTLAND	STATE OR	ZIP 97230	E-MAIL** customerservice@rwpud.org

** By providing an e-mail address, the applicant and/or the district/water supplier consents to receive all correspondence from the Department electronically. Copies of final order documents will also be mailed.

3. WATER RIGHTS ISSUED IN THE NAME OF, or LOCATED WITHIN, or SERVED BY AN IRRIGATION DISTRICT, OTHER DISTRICT, OR WATER SUPPLIER

a. List the water right(s) involved in this transfer:

	Application / Decree	Permit / Previous Transfer	Certificate	Is the water right in the name of a district, water supplier, or BOR*?
1.	G-16195	G-15869	97162	YES ☐
2.		-		YES ☐
3.		-		YES ☐

Attach additional pages for additional water rights if necessary.

*Bureau of Reclamation

- b. Determine a district's/water supplier's connection to your points of diversion (POD) or appropriation (POA) and places of use (POU). [You may need to consult with your district/water supplier.]

CURRENT ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES ☐ NO ☒ One or more of the current POD(s) / POA(s) involved in the transfer are served by a district/water supplier or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the current POU involved in this proposed transfer receives water for either primary or supplemental irrigation from the district/water supplier; i.e., the POU is currently layered with a district or BOR water supplied water right(s).

PROPOSED ASSOCIATIONS Please answer the following "yes" or "no" questions:

- YES ☐ NO ☒ One or more of the proposed POD(s) / POA(s) involved in the transfer are currently served or will be served by a district/water supplier if the transfer is approved, or rely on BOR water.
- YES ☐ NO ☒ All or a portion of the proposed POU involved in this proposed transfer currently receives or will receive either primary or supplemental irrigation from the district/water supplier; i.e., the POU will be layered with a district/water supplier or BOR water supplied water right(s).

COMMENTS OR ADDITIONAL INFORMATION POU AND POA UNDER CERTIFICATE 97162 AND UNDER THE PROPOSED CHANGES ARE LOCATED WITHIN THE ROCKWOOD WATER DISTRICT. NO CURRENT OR PROPOSED WATER USE IS SERVED BY THE ROCKWOOD WATER DISTRICT.

4. APPLICANT'S SIGNATURE

- (1) I certify that I have notified the district/water supplier about the proposed water right transfer application by [check one]:
☐ email, ☐ phone, ☐ postal mail, ☐ in person, or ☒ other (please specify) **Landau Associates provided notice of the proposed water right transfer to the Rockwood Water People's Utility District on 9/19/2023 over the phone.**
- (2) I certify that to the best of my knowledge the information contained in this Supplemental Form D is true and accurate.


Applicant Signature

Sandra Burtzos Fathizadeh
Name (print)

11/15/2023
Date

5. (WHEN REQUIRED) DISTRICT or WATER SUPPLIER CONSENT TO THE PROPOSED WATER RIGHT TRANSFER

District Manager or Water Supplier consent is required if any box on this form is marked "YES."

The district/water supplier certifies the following:

- (1) The district/water supplier has reviewed the applicant's proposed water right transfer application and maps; and
- (2) The district/water supplier consents to the proposed water right transfer application.

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YES ☐ NO ☐ After proof of completion, the confirming water right certificate is to remain in the name of the U.S. Bureau of Reclamation or the district/water supplier.

YES ☐ NO ☐ The district/water supplier will be responsible for submitting the claim of beneficial use prepared by a Certified Water Rights Examiner (CWRE).

Not Applicable

Signature of District Manager /Water Supplier

Name (print), Title

Date

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Hearings Office

City of Portland

1900 SW 4th Avenue, Room 3100, Portland, OR 97201

www.portlandoregon.gov/hearings

email: HearingsOfficeClerks@portlandoregon.gov

phone: 503.823.7307

fax: 503.823.4347



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 21-025688 CU AD (Hearings Office 4210010)

Applicant(s): City of Portland (Portland Parks and Recreation)
1221 SW 4th Ave. #130
Portland, OR 97204-1900

**Applicant's
Representatives:** Elizabeth Decker
JET Planning
1300 SE Stark St., Ste. 211
Portland OR 97214

Sandra Burtzos
Portland Parks & Recreation
1120 SW 5th Ave., Ste. 858
Portland, OR 97204

Taj Hanson
Walker Macy
111 SW Oak St., Ste. 200
Portland, OR 97204

Hearings Officer: William Guzman

Bureau of Development Services (BDS) Staff Representative: Andrew Gulizia

Site Address: 15309 SE Main St.

Legal Description: LOT 3&4&30 TL 100, NEWHURST PK; INC PT VAC ST LOT 5 INC PT VAC ST
E 1/2 OF LOT 6, NEWHURST PK; INC PT VAC ST S 413.6' OF W 1/2 OF LOT
6 S 413.6' OF LOT 7 EXC PT IN ST EXC W 234.5', NEWHURST PK; LOT 27-
30 TL 300, NEWHURST PK

Tax Account No.: R602300350, R602300650, R602301000, R602303900

State ID No.: 1S2E01AC 00100, 1S2E01AC 00200, 1S2E01BD 00600, 1S2E01AC
00300

Quarter Section: 3145, 3146

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Neighborhood: Centennial, contact at dbramske@EMAarchitecture.com
Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com
District Coalition: East Portland Community Office, contact Douglas Armstrong at dda882@gmail.com

Zoning: OS – Open Space

Land Use Review: Type III, Conditional Use Review and Adjustment Review

BDS Staff Recommendation to Hearings Officer: Approval with Conditions

Public Hearing: The hearing was opened at 1:33 p.m. on January 31, 2022 in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:52 p.m. The record was held open until 4:00 p.m. February 7, 2022, for new evidence. Until 4:00 p.m. February 14, 2022, for response to new evidence. And until 4:00 p.m. February 22, 2022. The record was closed at 4:00 p.m. on February 22, 2022.

Testified at the Hearing:

Andrew Gulizia
Ron Clemenson
Mike Gallaway
Sandra Burtzos
Elizabeth Decker

II. ANALYSIS

The City of Portland Parks and Recreation (Applicant) proposes to expand Parklane Park from 5 acres to 25 acres by utilizing a currently vacant property immediately north of the existing park.

The proposal includes play areas, picnic areas, sports courts (soccer fields), a skate park, a community garden, an off-leash dog area, restrooms, and off-street parking. The two largest sports courts would be for organized soccer games, but no public address (PA) system or field lights are proposed.

The Hearings Officer finds that this proposal requires approval of a Type III Conditional Use Review per Zoning Code Sections 33.100.100.B.2, 33.279.035.B.1, and 33.815.040.B.2.b.

The Applicant requests the following Adjustments to Zoning Code requirements:

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- To waive the requirement for a 15-foot-wide L3 (high screen) landscaping buffer along the lot lines abutting residentially zoned lots (Zoning Code Section 33.100.200.B.1, Zoning Code Table 110-5);
- To waive the requirement for 5-foot-wide L2 (low screen) landscaping buffers abutting the south sides of the proposed parking lots (Zoning Code Section 33.266.130.G.2.d.1); and
- To waive the requirement for 5-foot-wide L3 (high screen) landscaping buffers abutting the north and east sides of the west parking lot and abutting the north and west sides of the east parking lot (Zoning Code Section 33.266.130.G.2.d.2).

The Hearings Officer finds that in order for this proposal to be approved, the following approval criteria must be met.

- Zoning Code Section 33.815.100.A-D (Conditional Use Review); and
- Zoning Code Section 33.805.040.A-F (Adjustment Review).

Relying on the staff report, as well as credible testimony at the Hearing from the planner and Applicant, the Hearings Officer adopts the description of the subject site from the staff report as follows:

"The proposed site is approximately 25 acres in area and is located in the Centennial neighborhood in Outer Southeast Portland. The site has frontage on three streets: SE Main Street to the southwest, SE Millmain Drive to the southeast, and SE 155th Avenue to the north. The nearest arterial streets are SE 148th Avenue, about 800 feet to the west, SE 162nd Avenue, about 1,300 feet to the east, and SE Stark Street, about 1,300 feet to the north. The existing Parklane Park, which is improved with grassy areas and play areas, is in the southernmost 5 acres of the site. The rest of the site is currently vacant. An elementary school campus containing both Parklane Elementary School and Oliver Elementary School abuts the site to the east. Most other neighboring properties are developed with single-dwelling homes."

The Open Space zone is intended to preserve open areas for outdoor recreation and scenic quality, to preserve the capacity and water quality of the stormwater drainage system, to protect sensitive or fragile environmental areas, to provide pedestrian and bicycle transportation connections, and to protect trees and the urban forest. The Hearings Officer finds that a public park with soccer fields and outdoor activities are in line with, and supportive of, the intent of the Open Space zone's goal of preserving the vacant field for outdoor recreation. The proposal is consistent with the intended character of the specific open space zoned area (a vacant field) and with the purpose of the open space zone. The Hearings Officer finds that the proposal will maintain the space so that it remains open

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(example, soccer fields are similar to a vacant field except that they are activated spaces with welcomed sports activity). The urban forest is being protected by the proposal as described in more detail later in the decision.

The Hearings Officer finds that the following prior land use reviews for the subject site did not include conditions of approval that are applicable to the current proposal.

- LUR 97-00395 EF. 1998 approval to fill in a former quarry.
- LUR 00-00172 EF. 2000 approval to fill in a former quarry. This land use review was necessary because the LUR 97-00395 EF approval expired before the work was done.

The record includes a "Request for Response" the planner sent to City agencies November 3, 2021. The following Bureaus responded:

- The Bureau of Environmental Services (BES) evaluated the approval criterion related to sanitary waste and stormwater disposal. The response is referenced in the findings for Zoning Code Section 33.815.100.B.3, below. (Exhibit E-1)
- The Portland Bureau of Transportation (PBOT) evaluated the approval criteria related to the transportation system. The response is referenced in the findings for Zoning Code Section 33.815.100.B.1-2, below. (Exhibit E-2)
- The Water Bureau responded with no concerns. (Exhibit E-3)
- The Fire Bureau responded with information on permit requirements and no objections to the proposal. (Exhibit E-4)
- The Police Bureau responded that police would be able to adequately serve the expanded park. (Exhibit E-5)
- The Site Development Review Section of the Bureau of Development Services (BDS) responded with information on permit requirements and no objections to the proposal. (Exhibit E-6)
- The Life Safety Review Section of BDS responded with information on permit requirements and no objections to the proposal. (Exhibit E-7)
- The Urban Forestry Section of Portland Parks and Recreation responded with information on Portland Tree Code (Title 11) requirements and no objections to the proposal. (Exhibit E-8)

The Hearings Officer's review of the file suggests that none of the City bureaus that provided a response concluded that there were impassable barriers to the Applicant's proposal meeting the approval criteria. Since the Applicant and the City are in agreement with the staff report's recommendation including conditions and adjustments, the Hearings Officer will focus the analysis in this decision to those aspects of the criteria that are raised by public oral and written testimony.

Livability (Litter, Safety, Privacy)

In order for Applicant's proposal to meet the approval criteria the Hearings Officer must be convinced of the following from Title 33.815.100.C.:

"The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues."

The Applicant has the burden of proving the criteria is met.

The term significant is not defined in Title 33. "Significant" is defined the Black's Law Dictionary (11th Ed., Bryan Garner), which offers several definitions, the third of which is applicable to the use of the adjective in this context: "Of special importance; momentous, as distinguished from insignificant." In the context of this park expansion proposal and the approval criteria, the Hearings Officer interprets the term "significant adverse impacts on livability" to mean the following: The Applicant's proposal must not have important adverse impacts in terms of privacy, safety, and litter. In other words, will the transformation of the vacant field into a park "significantly" increase litter, safety issues (crime), and reduce privacy?

The Hearings Officer finds that proper notice was provided to the neighborhood as required by Title 33. Interested or concerned members of the public submitted their testimony by written and oral submission. There are several issues raised by these members of the public that relate to livability issues such as privacy, safety, and litter.

In Exhibit F-1 the testimony includes the following issue:

"[T]here must be a buffer and new fence and some form of shrubs for home owners privacy as shown in the diagram on page 35 of the Master Plan booklet. That was agreed to by Parks and David Yamashita, then Project Manager, and all of us at the table. Reasonable privacy and safety will be enhanced by the buffer and create a more acceptable situation for the home owners and for Parks, and so important in these times of crime and bad behavior. * * * Working together to protect each others properties is a must do

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and we ask that Parks and the City of Portland keep the agreement for this buffer for all the right reasons."

In written testimony marked Exhibit F-2 the person's testimony raises a similar concern addressing crime and safety:

"I believe back in 2008 and the planning the costs for building out a buffer were included in the plan. I know how costs increase (especially over the past couple of years) because I deal with the construction industry daily. Because the fence has not been maintained we had someone cut the barbed wire we had our shed broken into and some very expensive bikes taken. We do not want the people and the traffic up along our property line, possibility of more theft, tagging on the fence or shed."

In Exhibit H-10 a member of the community residing in close proximity to the proposed park recounted several safety, privacy, and criminal incidents occurring in the area that require a fence be maintained between the private properties and the proposed park. This person concludes a fence is very important to address these safety concerns, stating the following: "I think it is important for fencing to be built to separate homes from the park."

In support of the testimony that the fence is not in good repair the following photograph was submitted into the record.



The Hearings Officer finds this photograph is a true and accurate depiction of a section of the fence on the boundary of the proposed site. The Hearings Officer finds that at least some sections of this fence are not in good repair, it has been damaged/cut, and in its current

condition it would be ineffective in preventing a determined individual from breaching the barrier.

In Exhibit H-11 a member of the public explains that the location of the proposed development attracts people without houses.

"[I]n the last couple years especially in the summer sadly but **homeless people were building tents** especially in the green space between the trees, hanging clothing, **leaving garbage** around so it was a distress watching them from my porch...every time I had to call the cities Rangers to pick them and be taken in the appropriate place."

In Exhibit H-13 a member of the public expresses a similar concern about attracting people without houses to the area:

"My house is on the fence so the main thing is **the houseless camps that will come to the fence line on the North and West side of the park. What is the plan to keep the area safe?**"

In addition to written testimony submitted by those living in close proximity to the site, several residents offered oral testimony at the Hearing.

Ron Clemenson agreed with the Applicant's proposal to include adjustments that waive the requirement of shrubbery buffers to increase lanes of visibility to allow residents to identify and report unwelcomed activities at the site. This testimony also included questions about prohibiting camping, the posting of park rules prohibiting camping, and the responsiveness of rangers to alleged violations. Lastly, this testimony included concerns about the placement of trees and adequate parking, which will be addressed in a separate section of this decision (see below).

Mike Gallaway provided testimony echoing concerns about security being of paramount importance after several criminal incidents at their property. This testimony was supportive of the adjustments to the landscape buffers requested by Applicant for increasing visibility. This testimony also included concerns about the parking availability for peak times during soccer season (parking concerns will be addressed in a separate section of this decision).

The Applicant provided rebuttal testimony at the Hearing and referred the Hearings Officer to Exhibit A-37. The Applicant notes that the existing fencing along the site perimeter would be maintained, and that activity areas in the park would be set back from adjacent residential lots. The Applicant states that shrubs along the site perimeter are not proposed in order to maintain sight lines for surveillance of the park, which is consistent with the Master Plan objectives for safety and security (Exhibit A-36, page 24).

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The Hearings Officer finds that it is appropriate to require the Applicant to maintain in good repair the existing fence, excluding the strands of barbwire along the top. The Hearings Officer finds that significant setbacks between the perimeter and park development of at least 75 feet is also necessary. This area will consist of open lawn, and a mix of existing and proposed trees. The Hearings Officer supports the proposed adjustments to increase the lanes of visibility and finds these adjustment are necessary to not compromise security.

The following Adjustments to Zoning Code requirements support this approval criteria:

- To waive the requirement for a 15-foot-wide L3 (high screen) landscaping buffer along the lot lines abutting residentially zoned lots (Zoning Code Section 33.100.200.B.1, Zoning Code Table 110-5);
- To waive the requirement for 5-foot-wide L2 (low screen) landscaping buffers abutting the south sides of the proposed parking lots (Zoning Code Section 33.266.130.G.2.d.1); and
- To waive the requirement for 5-foot-wide L3 (high screen) landscaping buffers abutting the north and east sides of the west parking lot and abutting the north and west sides of the east parking lot (Zoning Code Section 33.266.130.G.2.d.2).

The Hearings Officer is also persuaded and concludes that activating the vacant field with welcomed activities like soccer fields will not significantly increase safety concerns or litter. Although the Hearings Officer finds the testimony credible of the community members that the vacant field is attractive to houseless individuals and that crime/litter are a reoccurring reality, the Hearings Officer is convinced by Applicant's argument that expanding the park with lighting, maintained fencing, and welcomed activities like soccer matches will not significantly increase unlawful camping, litter, and criminal activity. In fact, it will likely increase livability as it relates to safety, litter, and privacy.

Houseless Person Disclaimer: Nothing in this opinion should be interpreted as an assertion or conclusion that persons experiencing houselessness are correlated with increases in crime. The Hearings Officer only finds that the lived experience of those on the perimeter of this park have included witnessing houseless individuals erecting structures (tents), that litter is an ongoing problem, and that criminal activity has occurred in this area. Whether the houseless persons are necessarily those persons responsible for the crimes or the litter is not necessary and the record does not support such a broad reaching conclusion.

The conceptual buffer along the north and west property lines was intended to "maintain privacy of the residences and discourage park use in secluded areas of the park." (Master Plan, page 34.) While the specific form of the perimeter buffer differs in the proposed 2022 site plan compared to the 2009 conceptual plan, the function remains the same and it achieves the stated community goals of buffering adjacent

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residences from park elements as well or better than the conceptual buffer design. It also allows for more distant pastoral views into the park's greenspaces through the existing chain link fence, while buffering views of the park's paths and active features through the use of scattered trees of varying distance from the property lines.

The Hearings Officer finds that the proposed buffer treatment along the north and west property lines will address community priorities for this park-residential transition with the following elements. Setting park elements back a minimum of 75 feet from the property line, including new plantings and pathways. The closest active park element will be the community garden in the northeastern corner, set back approximately 100 feet from the northern property line. (See Exhibit A, Sheet L102.) These extensive setbacks, which exceed code requirements as well as the setbacks originally envisioned in the Master Plan, will limit park impacts on adjacent residences and will enhance security by maintaining visibility along the perimeter.

The Hearings Officer finds that the Parklane Park Master Plan document (Exhibit A-36, page 35) shows a buffer consisting of fencing, shrubs, and a gravel border on the north side of the park. The Applicant and Planner argue that the Parklane Park Master Plan was a Portland Parks and Recreation document created in 2009 after a public involvement process. Although the Applicant and Planner agree the plan includes a gravel buffer it is not being included in this land use proposal. The Hearings Officer agrees with the conclusion that the Master Plan document was not subject to land use review and is therefore not binding on this land use review proposal. The Hearings Officer finds that Applicant's current proposal is broadly consistent with the 2009 Master Plan. Whether to include a condition that requires a gravel border is within the Hearings Officer's discretion if the proposal cannot meet the approval criteria without it.

The Hearings Officer accepts the recommendation from the Staff Report that the Applicant must maintain the existing perimeter fencing in good repair. The Hearings Officer does not find a condition of approval is warranted to require new shrubbery or gravel along the site perimeter.

Parking

Community testimony raised the concern that the expansion of the park to include the creation of soccer fields will create very high demand during soccer season making on-street parking difficult. Title 33.815.100.B.2.a requires that the transportation system is capable of supporting the proposed expanded park activities in addition to the existing uses in the area. Relevant to the issue raised by the community members, one of the evaluation factors includes on-street parking impacts.

The Applicant submitted Exhibit H-17 "Parklane Park Parking Alternatives Memorandum" for the Hearings Officer's consideration. This document was created by registered professional engineer Todd Mobley. A conservative estimate of 89 on-street parking spaces was estimated

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to be currently available on the roadways within the vicinity of the site. This report explains that observations of current parking demand were undertaken. The report accurately captures characteristics of the Applicant's proposal as a public park and soccer complex (soccer fields). Also as part of the study observations were made at other soccer complexes to estimate the demand generated by this sports activity. "Based on the three peer sites of similar size and potential use, an average peak parking generation rate of 37.33 vehicles per field during the peak hour is an appropriate rate for the soccer fields." (Exhibit H-17) The engineer's study led to the following conclusion:

"The worst-case scenario parking demand can be satisfied by the minimum proposed parking supply scenario. This scenario includes the smallest parking lot alternative of 30-spaces in the eastern parking lot. Coupled with the existing parking on-street supply of 75 parking spaces, 105 parking spaces will be provided. This exceeds the maximum average parking demand estimate of 98 parking spaces."

The Portland Bureau of Transportation (PBOT) submitted Exhibit H-18 to address the parking impacts of the Applicant's proposal. PBOT's submission reviews the evaluation criteria used by the Applicant's engineers and concludes: "PBOT [agrees] with the consultant's assessment that providing between 36-81 on-site parking spaces will not have a significant impact on the supply of on-street parking."

Title 33 directs the Hearings Officer to evaluate the factors in balance with each other. Therefore, a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. And measures proportional to the impact may be considered. In this context the Hearings Officer finds that "parking demand management actions" are proposed in terms of on-site parking (parking lot). The Hearings Officer finds that demand for on-street parking generated by the residents and their guests, and the 5-acre existing park is relatively low. The Hearings Officer finds that the Applicant's proposal meets the approval criteria with the following condition: At least 30 and not more than 81 off-street parking spaces must be constructed which meet applicable requirements in Zoning Code Section 33.266.130.

Trees

The Open Space zone is intended to protect trees and the urban forest. Urban Forestry reviewed the Applicant's proposal, has no objections, and did not suggest conditions of approval. The Hearings Officer finds the tree related aspects of the Applicant's proposal follow common sense, are reasonable, and are otherwise appropriate. The adjustments noted above will reduce the number of trees around the parking lot(s). There will be existing trees that will be protected along the permitter but the proposal does not include additional trees. Urban Forestry has reviewed the proposal and supports approval (Exhibit E-8). The Hearings Officer finds that the urban forest would be enhanced with 99 trees to be preserved and 320 new

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trees to be planted, including many large-sized, native trees such as Douglas fir and Oregon white oak (Exhibit A-22; Exhibit A-28, pages 13-29; and Exhibit A-31). This criteria is satisfied.

III. CONCLUSIONS

Any aspect of the criteria not specifically addressed in this decision is adopted by the Hearings Officer from the staff report and the staff report is incorporated into this order by reference. The Hearings Officer finds the proposed expansion of Parklane Park would be consistent with the purpose of the OS zone and with relevant objectives from the Centennial Neighborhood Plan and Outer Southeast Community Plan. The Hearings Officer finds the proposal would not cause significant, negative impacts on neighbors' livability, and that public services are adequate to support the proposal.

The Hearings Officer finds the requested Adjustments to landscape buffering requirements are consistent with the purposes of the requirements to be modified, with the purpose of the OS zone, and with relevant objectives from the Centennial Neighborhood Plan and Outer Southeast Community Plan.

With the conditions of approval listed below, including the requirement for on-site parking, the Hearings Officer finds the approval criteria for the Conditional Use Review and Adjustment Review can be met. With the recommended conditions of approval, the Hearings Officer approves the proposal.

IV. DECISION

Approval of:

- Conditional Use Review to expand Parklane Park from 5 acres to 25 acres; and
- The following Adjustments to Zoning Code requirements for the project:
 - To waive the requirement for a 15-foot-wide L3 (high screen) landscaping buffer along the lot lines abutting residentially zoned lots (Zoning Code Section 33.100.200.B.1, Zoning Code Table 110-5);
 - To waive the requirement for 5-foot-wide L2 (low screen) landscaping buffers abutting the south sides of the proposed parking lots (Zoning Code Section 33.266.130.G.2.d.1); and
 - To waive the requirement for 5-foot-wide L3 (high screen) landscaping buffers abutting the north and east sides of the west parking lot and abutting the north and west sides of the east parking lot (Zoning Code Section 33.266.130.G.2.d.2).

The approval is subject to the following conditions:

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A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-025688 CU AD." However, all improvements illustrated in Exhibit C-1 may be omitted from the building permit plans without the need for another Conditional Use Review with the exception of the pathways, landscaping and trees, bike parking, and vehicle parking.

B. Existing fencing along the west, north, and east perimeters of the site must be maintained in good repair. Barbed wire at the top of this fence may be removed. The fence must not be reduced in height. Sections of fence which are damaged or destroyed must be replaced with comparable fencing no lower in height.

C. Prior to building permit approval, the applicant must demonstrate to the satisfaction of the Bureau of Environmental Services (BES) that all proposed underground injection control (UIC) facilities will be located outside of the deep quarry undocumented fill material to ensure stormwater infiltration into native soils. The stormwater report must be updated to reflect changes to the UIC locations if applicable.

D. Prior to building permit approval, the applicant must have a UIC methane mitigation and monitoring plan in place that has been reviewed and approved to the satisfaction of BES.

E. At least 30 short-term bike parking spaces meeting applicable requirements in Zoning Code Section 33.266.210 are required.

F. At least 30 and not more than 81 off-street parking spaces must be constructed which meet applicable requirements in Zoning Code Section 33.266.130.

William Guzman

William Guzman, Hearings Officer

March 11, 2022

Date

Application Determined Complete:	September 13, 2021
Report to Hearings Officer:	January 21, 2022
Decision Mailed:	March 11, 2022
Last Date to Appeal:	4:30 p.m., March 25, 2022
Effective Date (if no appeal):	March 28, 2022

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Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE E-MAILED TO LANDUSEINTAKE@PORTLANDOREGON.GOV. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. If you do not have access to e-mail, please telephone (503) 823-7617 for assistance on how to submit the appeal; please allow one business day for staff to respond. An appeal fee of \$5,513.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

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EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:

Original submittal

1. Narrative
2. Plan set
3. Early Assistance meeting summary notes
4. Pre-Application Conference summary notes
5. Email correspondence
6. Geotechnical report
7. Wetlands reports
8. Water availability report
9. Stormwater report
10. Transportation study
11. Arborist report
12. Lighting plans
13. Public improvement plans

September 13, 2021 submittal

14. Request to extend 120-day review period by 30 days

October 12, 2021 submittal

15. Request to extend 120-day review period by 14 days

October 26, 2021 submittal

16. Request to extend 120-day review period by 3 days

October 29, 2021 submittal

17. Revised narrative
18. Revised plan set
19. Soil gas survey memo
20. Revised stormwater report
21. Revised transportation study
22. Revised arborist report
23. Revised lighting plans
24. Revised public improvement plans
25. Public Works Alternative Review decision

November 1, 2021 submittal

26. Revised lighting plans

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November 19, 2021 submittal

27. Request to reschedule hearing and extend 120-day review period by 35 days

November 23, 2021 submittal

28. Revised plan set

29. Revised stormwater report

30. Revised public improvement plans

November 30, 2021 submittal

31. Revised landscaping details

December 17, 2021 submittal

32. Request to reschedule hearing and extend 120-day review period by 26 days

January 13, 2022 submittal

33. Revised stormwater report

34. Revised utility plans and materials plans

35. Methane mitigation and management plan

January 18, 2022 submittal

36. 2009 Parklane Park Master Plan

January 20, 2022 submittal

37. Applicant memo re: public comments

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
- D. Notification Information:
 - 1. Request for Response
 - 2. Posting letter and applicant's statement certifying posting
 - 3. Notice of Public Hearing
 - 4. Mailing list for Notice of Public Hearing
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Life Safety Review Section of BDS
 - 8. Urban Forestry Section of Portland Parks and Recreation

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F. Correspondence:

1. January 14, 2022 email from Ron Clemenson
2. January 19, 2022 email from Lorelei Hall

G. Other:

1. Land use review application
2. Incompleteness determination letter, dated April 6, 2021

H. Hearing Exhibits:

1. BDS Land Use Request or a Hearing Email
2. LU 21-025688 CU AD (4210010) Land Use Zoom Participation Instructions
3. Hearings Office Reschedule Hearing Form – Parklane 1
4. LU 21-025688 CU AD (42100100) Rescheduled Land Use Zoom Participation Instructions
5. Emails LU 21-025688 CU AD – Parkland Park Expansion
6. 2nd Hearings Office Reschedule Hearing Form – Parkland 211217
7. LU 21-025688 CU AD (4210010) 2nd Rescheduled Land Use Zoom Participation Instructions
8. Notice of a Public Hearing
9. LU 21-025688 CU AD – Staff Report
10. Vlad Ghip – comments
11. Felicia Blotor – comments
12. Planner PowerPoint Presentation
13. Robert Shipp – comments
14. Centennial Neighborhood Plan
15. Outer Southeast Community Plan
16. Record Closing Information
17. Parklane Park Parking Alternatives Memo (Todd Mobley)
18. PBOT Memo to Hearings Office for Parklane (Robert Haley)
19. Parklane Park Applicant Comment – Camping Resources (Elizabeth Decker)
20. Applicant's response for LU 21-025688 CU AD

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

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STATE OF OREGON
WATER SUPPLY WELL REPORT

MULT 140472

WELL I.D. LABEL# L 143587

START CARD # 1061090

ORIGINAL LOG #

Page 1 of 3

(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

10/3/2023

(1) LAND OWNER

Owner Well I.D. _____

First Name _____ Last Name _____

Company PORTLAND PARKS AND RECREATION

Address 1120 SW FIFTH AVE SUITE 858

City PORTLAND State OR Zip 97204

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Casing: Dia + From To Gauge Stl Plstc Wld Thrd

Material From To Amt sacks/lbs

Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☒ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 300.00 ft.

BORE HOLE

SEAL

sacks/lbs

Dia	From	To	Material	From	To	Amt	lbs
16	0	213	Bentonite Chips	0	73	94	S
12	213	300				Calculated	51
			Cement	73	155	40	S
						Calculated	33

Seal placement method ☐ A ☐ B ☒ C ☐ D ☐ E ☐ Other: _____

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Type _____ Amount _____

Seal Placement Begin Date 9/18/2023 Begin Time 10 30

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount

Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
☒	☒	12	☒	2	234	.375	☒	☒	☒	☒
☐	☐	10	☐	224	230	.250	☐	☐	☐	☐
☐	☐	10	☐	245	255	.250	☐	☐	☐	☐
☐	☐	10	☐	295	300	.250	☐	☐	☐	☐

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 300

Temp casing ☒ Yes Dia 16 From + ☐ 0 To 213

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type V-Shaped Wire Wrap Material 304SS

Perf/	Casing/	Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/
Screen	Liner					width	length	slots	pipe size
☒	☒	10	230	245	40				10
☒	☒	10	255	295	40				10

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
247	98	219	2

Temperature 54 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 43 ppm

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1.00 S N/S Range 2.00 E E/W WM

Sec 1 NW 1/4 of the NE 1/4 Tax Lot 100

Tax Map Number 1S2E01AC Lot _____

Lat _____ " or 45.51555600 DMS or DD

Long _____ " or -122.50222200 DMS or DD

☐ Street address of well ☒ Nearest address

15309 SE MAIN ST, PORTLAND OR 97233

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL(psi)	+	SWL(ft)
Completed Well	<u>9/26/2023</u>			<u>82</u>

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 56.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
5/31/2023	56	85	10			56
9/26/2023	155	300	300			82

(11) WELL LOG

Ground Elevation _____

Material	From	To
Gravel 1-1/2" minus with topsoil	0	6
Gravel 1-1/2" minus some boulders	6	30
Gravel 1-1/2" minus with some silt	30	38
Sand and silt	38	50
Sand with boulders	50	69
Gravel 1" minus, some sand	69	85
Clay, grey, some gravel 1" minus	85	89
Gravel 1-1/2" minus, some cobbles	89	111
Clay, grey, silty, some gravel	111	155
Gravel, 1-1/2" minus, some cementation	155	176
Gravel 1-1/2" minus	176	210
Gravel, 1-1/2" minus, some cobbles	210	215
Gravel, 1-1/2" minus, with sand and silt	215	233
Gravel, 2" minus, some cementation	233	235
Gravel, 1-1/2" minus with sand, cemented	235	246
Sand tan, some gravel 1-1/2" minus	246	250
Gravel, 1-1/2" minus, cemented	250	266
Sand, tan, with some gravel	266	273
Gravel, 3" minus, some sand	273	281

Construction Begin Date 5/23/2023 Begin Time 00 00 End Date 9/26/2023

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 2077 Date 9/27/2023

Signed MIKE MINGAY (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1988 Date 10/3/2023

Signed ERIC SCHNEIDER (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: _____

New exempt use wells must be submitted with a map and recording fee.

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WATER SUPPLY WELL REPORT -
continuation page

MULT 140472

WELL I.D. LABEL# L143587

START CARD # 1061090

ORIGINAL LOG #

10/3/2023

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
								
								
								
								

Material	From	To	Amt	sacks/lbs

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt	
					Calculated		
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK			
From	To	Material	Size

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------	-------	-----	---	------	----	-------	-----	-------	-----	------

(7) PERFORATIONS/SCREENS

[illegible]

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
---------------	----------	-----------------------	---------------

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

[illegible]

(11) WELL LOG

[illegible]

Name of person(s) who assisted with construction and Trainee License # / Helper #

Assistant Name	Type	#
JOESPH ALAGOZ	HELPER WATER	8888910
ALEJANDRO BEDOLLA HERNANDEZ	HELPER WATER	8888909
RAUL DAZA CERVANTES	HELPER WATER	8888911
ANDREW PETRIE	HELPER WATER	8888908

Comments/Remarks

3/8" bottom plate welded to bottom of screen assembly.
10" LH NPT Male thread on top of screen assembly
10x12 K-packer welded to threaded nipple

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WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

MULT 140472

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Map of Hole

STATE OF OREGON WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 45.51555600 Datum: WGS84

Longitude: -122.50222200

Township/Range/Section/Quarter-Quarter Section:

WM1.00S2.00E1NWNE

Address of Well:

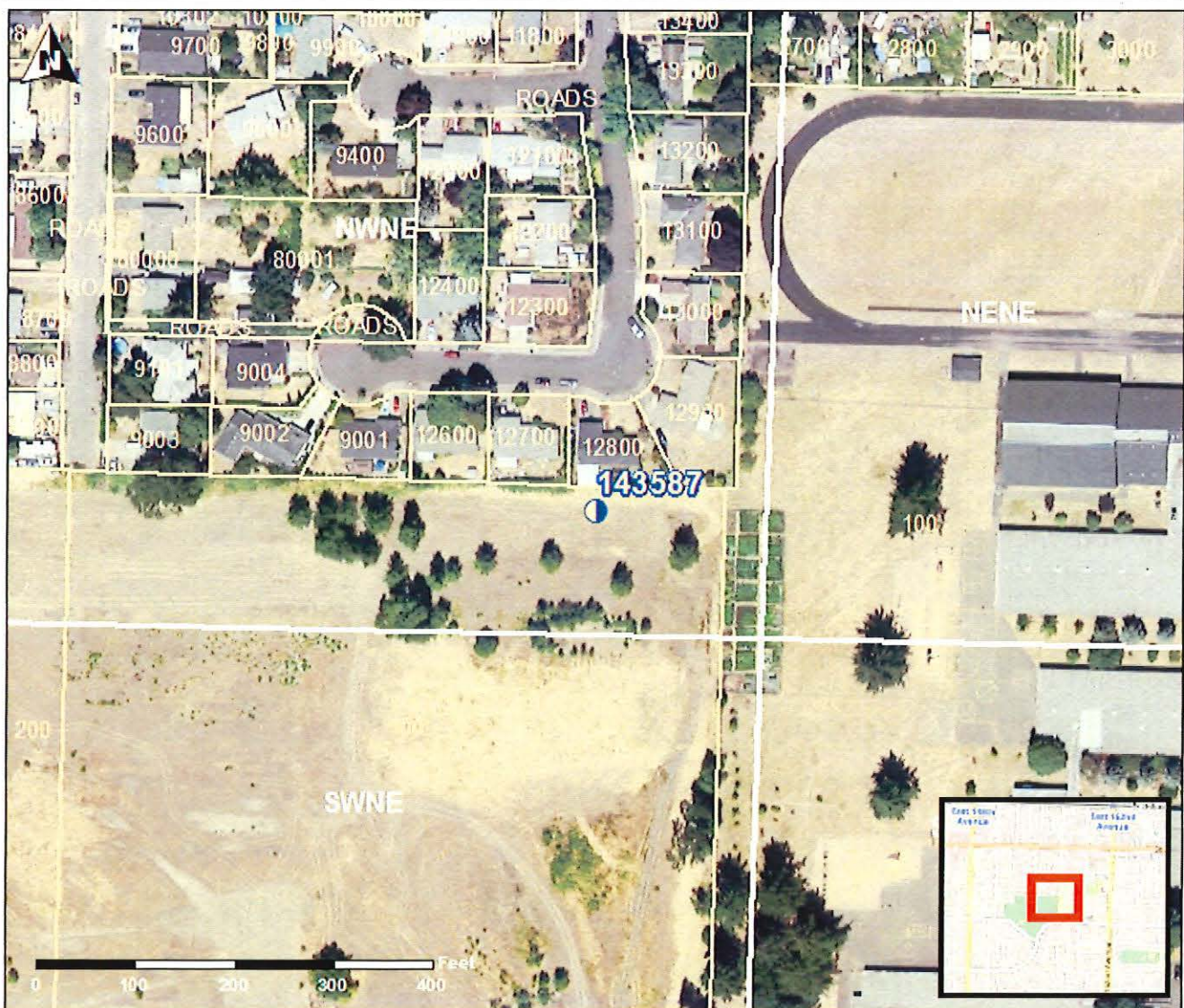
15309 SE MAIN ST, PORTLAND OR 97233

Well Label: 143587

Printed: October 3, 2023

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



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WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

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8/18/2023

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Map of Hole

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STATE OF OREGON WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department

725 Summer St NE, Salem OR 97301
(503)986-0900



LOCATION OF WELL

Latitude: 45.51433466 Datum: WGS84

Longitude: -122.50325656

Township/Range/Section/Quarter-Quarter Section:

WM1.00S2.00E1SWNE

Address of Well:

15309 SE MAIN ST, PORTLAND OR 97233

Well Label: 84108

Printed: August 18, 2023

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



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STATE ENGINEER
Salem, Oregon.

MULT

Well Record

STATE WELL NO. 1/2-1G
COUNTY Multnomah
APPLICATION NO. GR-1121

2839

GR-1081

OWNER: Oregon Asphaltic Paving Company

MAILING

ADDRESS: 0441 SW Porter St.

LOCATION OF WELL: Owner's No.

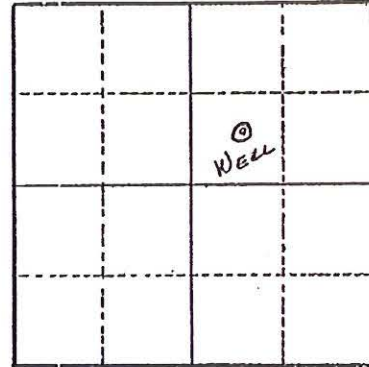
CITY AND

STATE: Portland 1, Oregon

SW 1/4 NE 1/4 Sec. 1 T. 1 S. R. 2 E. W.M.

Bearing and distance from section or subdivision

corner N44°13'E. 2471.04' to NE cor. of Sec. 1.



Altitude at well 247 ft.

TYPE OF WELL: Drilled Date Constructed 1952

Depth drilled 287 ft. Depth cased 287 ft.

Section 1

CASING RECORD:

12 in. from 0 to 224 ft.

10 in. from 220 to 287 ft.

FINISH: 24 perforations per ft. - 3/8" x 1/4" from 272 to 287 ft.

24 perforations per ft. - 3/8" x 1/4" from 80 to 89 ft.

" " " " " " " " 104 to 112 ft.

" " " " " " " " 247 to 249 ft.

AQUIFERS: Gravel with 50 to 75 GPM from 80 to 89 ft.

Gravel with 100 to 150 GPM from 103 to 112 ft.

Gravel with small amount of water. --- Water gravel (raised S.L. to 65 ft.)

WATER LEVEL:

from 272 to 287 ft.

65 ft.

PUMPING EQUIPMENT: Type Western LAND ROLLER TURBINE

H.P. 40

Capacity 750 G.P.M.

WELL TESTS:

Drawdown 4 ft. after 450 hours G.P.M.

Drawdown 7 ft. after 740 hours G.P.M.

USE OF WATER Washing gravel (Industrial) Temp. °F. 19

SOURCE OF INFORMATION G. R. Record

DRILLER or DIGGER Haakon I. Bottner

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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North 44 deg
13 min East
2471.04 feet
from NE
corner, section 1

State Well No. 1/2-10
County Multnomah
Application No. GB-1121

Driller: Haakon T. Bottner Date Drilled 1952

[illegible]

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Attachment 6

Existing Water Delivery System

Water from MULT-2839 is connected to Parklane Park's (Park) watering system through approximately 300 linear feet of 4-inch pipe. The Park's watering distribution system consists of 4-inch and 2-inch mainlines with the longest run being about 700 linear feet. The Park's watering system is shown on the Transfer Application Map in Attachment 1.

The Park uses a programmed zoned watering system, typically with 10 to 12 rotary heads per zone operating two to three zones at a time. Additionally, because this is a municipal certificate, for use throughout the City of Portland service boundaries, the system has quick couplers that can be used to fill up water trucks for other municipal uses.

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Land Use Information Form



PR 23-093450 LUCS
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Applicant(s): Sandra Burtzos Fathizadeh, City of Portland, Bureau of Parks & Recreation

Mailing Address: 1120 SW 5th Ave, Suite 858

City: Portland State: OR Zip Code: 97204 Daytime Phone: 971-940-5722

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1S	2E	1	SW NE NW NE	1S2E01AC -00100	Parks and open space	☒ Diverted	☒ Conveyed	☒ Used	Parks and open space
1S	2E	1	SW NE NW NE	1S2E01AC -00200	Parks and open space	☐ Diverted	☒ Conveyed	☒ Used	Parks and open space
1S	2E	1	SE NW SW NE	1S2E01BD -00600	Parks and open space	☐ Diverted	☒ Conveyed	☒ Used	Parks and open space
1S	2E	1	SW NE	1S2E01AC -00300	Parks and open space	☐ Diverted	☒ Conveyed	☒ Used	Parks and open space

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

City of Portland
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: 120 GPM (370 GPM TOTAL) ☐ 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 water use is municipal use to include irrigation, dust control, and fire suppression

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

See bottom of Page 3. →

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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	33.100.100.B.2 & 33.815.040.B.2.b	☒ 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.

Name: Tyler Mann Title: City Planner

Signature: *Tyler Mann* Phone: 503-865-6444 Date: 11/8/23

Government Entity: City of Portland, Bureau of Development Services, Land Use Services Division

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Permanent Transfer Application Intake Checklist

Transfer # T-14372

Reviewer Corie Date 12/18/2023	Type of Change(s) Proposed: ☐ POU ☐ POD ☐ APOD ☒ POA ☐ APOA ☐ USE ☐ Substitution ☐ Gov't Action ☐ Sup to Primary ☐ SW to GW
Calculated Fee \$1840 Use fee calculator on back of this form	Fee Received \$1840
Certificate(s): 97162	Check <u>all</u> Certs in WRIS to confirm they are not cancelled
For multiple certificates, does application meet requirement of OAR 690-380-3220? If no, why? Use the flow chart for multiple Certs	☐ YES ☐ NO ☒ N/A
Notes:	

Application: OAR 690-380-3000; OAR 690-380-3220			
1.	☒ YES	☐ NO	Have <u>ALL</u> of the applicant's signed and dated the application? If no, whose signature is missing?
2.	☒ YES	☐ NO	Part 5 of application: Does the information match the description of the explanation on Part 4 of the application?
3.	☐ YES	☐ NO	☒ N/A
For multiple certificates: Each certificate proposed for transfer has their own separate completed Part 5, Tables 1 & 2? If no, which certificate(s) are missing separate Part 5, Tables 1 & 2?			

Map Requirements: OAR 690-380-3100			
4.	☒ YES	☐ NO	Has the map been completed and signed by a CWRE?
5.	☐ YES	☐ NO	☒ N/A
Map Waiver? The map waiver must be issued by the Department			
Notes: Map has Lat/Long instead of measured distance. Form D isn't signed by water district. Land use form doesn't have the correct description. Checked w/ KF in TACs, ok to accept.			

Attachments: OAR 690-380-3000			
6.	☒ YES	☐ NO	Evidence of Use included, signed, & notarized w/supporting documentation?
7.	☒ YES	☐ NO	☐ N/A
Land Use Form included and signed by the County?			
8.	☐ YES	☐ NO	☒ N/A
Consent Form included, signed, and notarized?			
9.	☒ YES	☐ NO	☐ N/A
	☒ YES	☐ NO	
District: Place of use is in <u>or</u> near an irrigation district? If Yes, is Form D included? Name of the District Rockwood Water People's Utility District			
10.	☒ YES	☐ NO	☐ N/A
For changes in POA/APOA – are the well logs included?			
11.	☐ YES	☐ NO	☒ N/A
For change in POU within Umatilla County, Supplemental Form U included?			

☒	Application complete: no deficiencies identified, assign a T-number and put this checklist in T-folder.
-------------------------------------	---

Permanent Transfer Application Intake Checklist



Application DEFICIENT: DO NOT accept - return to applicant with letter explaining deficiencies identified.