

T-10328

T-10328

PERMIT
AMENDMENTName Hebo Joint Water & Sanitary Authority

By _____

Address P.O. Box 143Hebo, OR 97122503 392-6100Change in ADD POW

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 06-21-2014 Vol. 113, page 429

Date for application of water _____

Proof mailed 06-24-2019

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Spring 142Trib. of Three Rivers County of TillamookUse QM

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1-28-1986In name of Same as Above

_____ Adjudication, Vol. _____, page _____

App. No. 68665 Per. No. 549685 Cert. No. _____

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-26-07</u>	<u>1225.00</u>	<u>86405</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Tillamook County Department of Community Development
201 Laurel Ave., Tillamook OR 97141



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 8, 2007

HEBO JOINT WATER AND SANITARY AUTHORITY
PO BOX 143
HEBO OR 97122

Reference: Permit Amendment Transfer 10328

On February 26, 2007 we received your request for permit amendment change in place of use, and an additional point of diversion for use of water from SPRINGS, tributary to THREE RIVERS. The application was accompanied by \$1225. Our receipt 86405 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of diversion, until 60 days after we received your notice (application) and the permit amendment has been approved.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #1
Chris Knutsen, ODFW

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 03/13/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: TILLAMOOK
Transfer: 10328
Water Right: PERMIT S 49685
Priority Date: 01/28/1986
Name: HEBO JOINT WATER & SANITARY AUTHORITY
Address: PO BOX 143; HEBO OR 97122
Change: POU/APOD
Source: SPRINGS
Authorized APOD: T4S R10W 13
Proposed APOD: T4S R10W 13
Authorized POU: T4S R10W 12, 13, 14
Proposed POU: T4S R10W 12, 13, 14

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

June 21, 2019

HEBO JOINT WATER AND SANITARY AUTHORITY
PO BOX 328
HEBO, OR 97122

Reference: Transfer Application T-10328

The above referenced transfer application was withdrawn from the record of the Water Resources Department on June 21, 2019, by Special Order Volume 113 Page 429 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Ashley N. Mogley
Water Right Services Support
Transfers and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)
Steven R. Bruce, Agent (via email)

Enclosure



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

In the Matter of Transfer Application	)	FINAL ORDER WITHDRAWING
T-10328, Tillamook County, Oregon	)	AN APPLICATION FOR A PERMIT
	)	AMENDMENT

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Applicant

HEBO JOINT WATER AND SANITARY AUTHORITY
PO BOX 328
HEBO, OR 97122

Findings of Fact

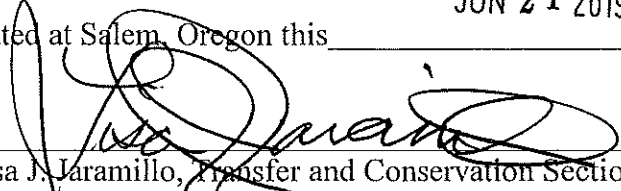
1. Permit Amendment Application T-10328, in the name of HEBO JOINT WATER AND SANITARY AUTHORITY, was filed on February 26, 2007.
2. On June 18, 2019, Gordon Whitehead, Chair of the Board, for Hebo Joint Water and Sanitary Authority submitted a written request asking that Permit Amendment Application T-10328 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-10328, in the name of HEBO JOINT WATER AND SANITARY AUTHORITY, is withdrawn and of is no further force or effect.

JUN 21 2019

Dated at Salem, Oregon this _____.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JUN 24 2019

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.

COURCHANE Corey A * WRD

From: Nancy Whitehead <gordonandnancy3@gmail.com>
Sent: Tuesday, June 18, 2019 6:00 AM
To: COURCHANE Corey A * WRD
Cc: steve@skookumwater.com; cbrugato@westech-eng.com
Subject: Withdrawal of application T-10328

Mr. Courchane

“As chair of the board at the Hebo Joint Water and Sanitary Authority, I hereby request to withdraw T-10328.

*Thank you,
Gordon Whitehead*

Sent from my iPad

Jeana Eastman

From: Jeana Eastman
Sent: Monday, November 28, 2011 1:14 PM
To: 'Pagel, Martha'
Subject: RE: Hebo Application Background

Hi Martha -

Thanks for the emails. I plan to talk with Tim about this file on Thursday, and will be in touch shortly thereafter.

Have a great week,

Jeana Eastman
Water Rights Caseworker
voice 503.986.0859

Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266
front desk 503.986.0900
fax 503.986.0901
<http://oregon.gov/OWRD>

Gordon Whitehead
- Board member
- Board meeting
Aug 20 - will call
back then
6-17266

Messages to and from this e-mail address may be available to the public under Oregon law.

From: Pagel, Martha [<mailto:MPagel@SCHWABE.com>]
Sent: Wednesday, November 23, 2011 11:24 AM
To: Jeana Eastman
Subject: Hebo Application Background

Hi Jeana:

In follow-up to our phone conversation yesterday, I'm forwarding the attached e-mails that may help fill in some of the gaps regarding the history of the Hebo application. As we discussed, I was very surprised to hear that OWRD was still considering our mitigation proposal, as I had understood that decision had already been made in favor of Hebo.

As you will see, there are a series of e-mails on February 3-4, 2010, that indicate the department was looking into our request for approval of the mitigation proposal based on the pre-application conference we had with department staff before the application was submitted. My personal file notes show that I got a phone call from Brook Geffen on February 9, 2010, reporting that the department had agreed to our mitigation proposal and would be preparing a PFO to reflect that.

The e-mails from February 11 - 24 show an exchange with Brook about information she needed to complete the PFO. Then there is a "black hole" until May 2010, when I asked Brook for an update. My May 26, 2010 e-mail

to Dwight reflects my understanding that OWRD had accepted our mitigation plan but was holding off on issuing the PFO to deal with internal issues on how to ensure consistency with other applications.

I hope this background will help Tim and Dwight recall where we were so that we can now proceed with the PFO. If you have questions or need more information from my end, please just let me know.

Thank you,
Martha

Martha O. Pagel
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com
<<mailto:youremail@schwabe.com>>

>> <<0035_001.pdf>>

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Jeana Eastman

From: Pagel, Martha <MPagel@SCHWABE.com>
Sent: Wednesday, November 23, 2011 11:24 AM
To: Jeana Eastman
Subject: Hebo Application Background
Attachments: 0035_001.pdf

Hi Jeana:

In follow-up to our phone conversation yesterday, I'm forwarding the attached e-mails that may help fill in some of the gaps regarding the history of the Hebo application. As we discussed, I was very surprised to hear that OWRD was still considering our mitigation proposal, as I had understood that decision had already been made in favor of Hebo.

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I hope this background will help Tim and Dwight recall where we were so that we can now proceed with the PFO. If you have questions or need more information from my end, please just let me know.

Thank you,
Martha

Martha O. Pagel
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Pagel, Martha

From: Pagel, Martha
Sent: Wednesday, May 26, 2010 11:54 AM
To: Dwight French
Cc: Tim Wallin
Subject: Project Updates

Dwight:

I'm checking in on the following applications that I believe are under review by you and Tim:

1) Hebo (G-17266): we are waiting for confirmation on how to handle the proposed mitigation/offset. I understand from Book Geffen that the department has accepted our proposal but that you are still working on internal issues of how to ensure consistency with other applications. Let me know if you need anything from my end. I could assist with proposed findings to support the decision to allow the offset plan. This is very important because of the federal funding that is available for the project.

2) Lowe (R-87502): waiting for decision regarding alternate reservoir storage in the John Day Basin -- review of water availability determination to allow for storage (we pointed out that water was available "in fact" on an opportunistic basis despite the finding that water was not available under OWRD analysis. Since this is a small/alt res we asked for a review of water availability)

3) Sherwood School District (G-17204): waiting for decision on efficiency of the irrigation system (rule requires use of drip irrigation or "equally efficient" system -- we provided documentation of the efficiency). The school district is especially anxious to try to get the application moving so that they can irrigate later this year.

Thanks,
Martha

MARTHA O. PAGEL | Attorney at Law

SCHWABE, WILLIAMSON & WYATT

530 Center St. NE, Ste. 400, Salem, OR 97301

Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com

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Pagel, Martha

From: Pagel, Martha
Sent: Wednesday, May 12, 2010 4:22 PM
To: 'Brook Geffen'
Subject: Hebo Application G-17266

Hi Brook:

Can you give me a quick update on the status of the Hebo application? I thought we were getting close to a PFO but have not heard anything lately -- any idea when the PFO will be ready?

Thanks!

Martha

MARTHA O. PAGEL | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center St. NE, Ste. 400, Salem, OR 97301
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
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Pagel, Martha

From: Pagel, Martha
Sent: Tuesday, February 23, 2010 3:25 PM
To: Brook Geffen
Cc: 'Willard Anderson'
Subject: RE: Quick Question - App: G-17266

Brook:

I hope the following will be helpful in response to your request for additional information on factors relating to local comprehensive plans and economic development:

Community Plan

Tillamook County adopted the Hebo Community Plan in 2002. A copy of the plan is available online at: http://www.co.tillamook.or.us/gov/ComDev/documents/community/hebo_plan.pdf In relevant part, Section 2.5 of the Community Plan states:

"The Hebo Joint Water/Sewer Authority (Hebo JWSA) provides areas of Hebo with water and sewer services....The Hebo JWSA is currently in the process of updating their sanitation and water facilities to meet current demand and provide capacity for future growth."

The Community Plan also states that development is limited by water and sewer system capacities, and that efforts to increase capacity will result in greater potential for future development. See Section 4.3. Water right application G-17266 is consistent with those sections of the Community Plan.

Economic Development

The JWSA's water system provides the only source of drinking water and water for fire suppression for the community. However, the existing system has reliability issues and lacks adequate storage for fire suppression. The purpose of the grant project is to improve the water system so that it is more reliable and to also increase the volume of water available for fire suppression. The purpose of the new well is to provide a redundant water source so that the JWSA is not as dependent exclusively upon the springs. The pipeline from Springs #1 and #2 is about 3000 feet long, and has a history of ruptures. When these ruptures occur, they essentially render the JWSA with no water source until they can be repaired. The well will provide a redundant water source that will decrease the JWSA's reliance on the springs and the associated pipeline. The well improvements together with the water storage reservoir improvements will increase the reliability and water storage capacity of the system. Therefore, these improvements will enhance the economic viability of the community by increasing the reliability of the water source and increasing the water available for fire suppression.

Please let me know if you have questions or need any additional information from us.

Thank you,
Martha

Martha O. Pagel
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

From: Brook Geffen [<mailto:geffenba@wrdd.state.or.us>]
Sent: Thursday, February 11, 2010 2:19 PM
To: Pagel, Martha
Subject: Quick Question - App: G-17266

2/23/2010

Martha:

Per OAR 690-310-140(3)(b), the PFC will need to consider the following factors (where they apply...): A) Water use efficiency and the avoidance of waste; B) Threatened, endangered or sensitive species; C) Water quality; D) Fish or wildlife; E) Recreation; F) Economic development; G) Local comprehensive plans, including supporting provisions such as public facilities plans; H) Stability of groundwater levels; and I) Thermal characteristics of groundwater source.

I've been able to put together some general language for just about everything, but I am wondering if there are noteworthy plans or practices that you're aware of that could be mentioned for any of the above, but most specifically for F and G?

Thanks, Martha.
Brook

Brook Geffen
503-986-0808

Oregon Water Resources Department
Water Rights Adjudication Division
725 Summer St. NE, Suite A
Salem, OR 97301

2/23/2010

Pagel, Martha

From: Brook Geffen [geffenba@wrd.state.or.us]
Sent: Thursday, February 11, 2010 2:29 PM
To: Pagel, Martha
Subject: RE: Quick Question - App: G-17266

Sounds great. Thanks, Martha.

Brook Geffen
503-986-0808

Oregon Water Resources Department
Water Rights Adjudication Division
725 Summer St. NE, Suite A
Salem, OR 97301

From: Pagel, Martha [mailto:MPagel@SCHWABE.com]
Sent: Thursday, February 11, 2010 2:28 PM
To: Brook Geffen
Subject: RE: Quick Question - App: G-17266

Hi Brook --

I'll do some checking and get back to you -- I expect we will be able to provide you with some additional information to help address those factors. I should be able to get something to you early next week -- does that work?

Thanks,
Martha

Martha O. Pagel
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

From: Brook Geffen [mailto:geffenba@wrd.state.or.us]
Sent: Thursday, February 11, 2010 2:19 PM
To: Pagel, Martha
Subject: Quick Question - App: G-17266

Martha:

Per OAR 690-310-140(3)(b), the PFO will need to consider the following factors (where they apply...): A) Water use efficiency and the avoidance of waste; B) Threatened, endangered or sensitive species; C) Water quality; D) Fish or wildlife; E) Recreation; F) Economic development; G) Local comprehensive plans, including supporting provisions such as public facilities plans; H) Stability of groundwater levels; and I) Thermal characteristics of groundwater source.

I've been able to put together some general language for just about everything, but I am wondering if there are noteworthy plans or practices that you're aware of that could be mentioned for any of the above, but most specifically for F and G?

Thanks, Martha.

2/11/2010

Brook

Brook Geffen
503-986-0808

Oregon Water Resources Department
Water Rights Adjudication Division
725 Summer St. NE, Suite A
Salem, OR 97301

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2/11/2010

Pagel, Martha

From: Pagel, Martha
Sent: Thursday, February 04, 2010 3:27 PM
To: Dwight French
Cc: Tim Wallin; Brook Geffen; Tom Paul
Subject: RE: Application G-17266 -- Hebo Joint Water and Sanitary Authority

Dwight:

Thank you for looking into this.

A meeting next Wednesday would be fine. Our time pressure is only that HJWSA cannot put the application on administrative hold for a period of months; it is OK to take a few weeks if needed to review these issues. Please let me know if you want me to request a short administrative hold period.

Thank you.

Martha

Martha O. Pagel
SCHWABE, WILLIAMSON & WYATT
Direct: 503-540-4260 | **Fax:** 503-796-2900 | **Cell:** 503-507-7293 | **Email:** mpagel@schwabe.com

From: Dwight French [<mailto:frenchdw@wrdd.state.or.us>]
Sent: Thursday, February 04, 2010 3:22 PM
To: Pagel, Martha
Cc: Tim Wallin; Brook Geffen; Tom Paul
Subject: RE: Application G-17266 -- Hebo Joint Water and Sanitary Authority

Martha,

Thanks for your email.
We are discussing internally and then we'll get back to you.

I want to understand your time pressures better. Does meeting with you next Wednesday work?
I'm busy with some session stuff for a few more days.

Dwight

From: Pagel, Martha [<mailto:MPagel@SCHWABE.com>]
Sent: Wednesday, February 03, 2010 3:36 PM
To: Dwight French; Tom Paul
Cc: Tim Wallin; Brook Geffen
Subject: Application G-17266 -- Hebo Joint Water and Sanitary Authority

Dwight and Tom:

I am writing to request your assistance in reviewing the department's policy and process in connection with the above water right application filed on behalf of our client, the Hebo Joint Water and Sanitary Authority.

2/18/2010

As outlined in the attached e-mail to Book Geffen, this application was preceded by consultation with OWRD staff and was submitted in accordance with a strategy developed jointly with the department. We were therefore surprised to see findings in the Initial Review concluding that the proposed mitigation was not adequate. My e-mail to Brooke was intended to provide additional background and details concerning the town's water supply needs and previous input from the department, with the hope that this would lead to revised findings.

We then received the follow-up letter dated January 26, providing only a conclusory determination that the proposed mitigation was not adequate and suggesting voluntary cancellation of a portion of the existing surface water permit. I called Brooke to discuss my concerns, but she acknowledged that the questions I was raising would probably require management-level input and direction.

I have several concerns:

First, the department's recent findings are inconsistent with prior direction and input we received at a meeting more than two years earlier. Hebo has expended considerable resources in reliance on the strategy developed at the 2007 meeting and has worked with Tillamook County on a grant application to receive federal funding for the project.

Second, the department's suggestions for "acceptable" mitigation seem to be at odds with long-standing policies and practices to support redundancy in municipal water supply systems. If Hebo must voluntarily cancel a portion of its existing surface water permit, it loses the potential to eventually develop that system as either a back-up or primary source of supply. Although funds are not currently available to fully develop the surface water source, there is certainly the potential that such funding would be available in the future.

Third, the department's apparent concerns regarding the use of "forbearance" as an acceptable means of mitigation does not seem to take into account the higher level of accountability and record-keeping capacity that a municipal provider can offer.

Fourth, the department's rejection of "forbearance" as a mitigation strategy seems unduly harsh in this case, especially in the absence of any rules or written documentation confirming the agency policy.

Finally, if the department is going to reject a plan that was developed in a pre-application conference, it would be helpful to have a better understanding of the rationale and compelling need to do so.

We would welcome the opportunity for a phone conference or meeting to discuss this. Time is of the essence. It is not an option to place the application on administrative hold because the water project is part of a federal stimulus grant program.

Thank you for your assistance. I look forward to hearing from you soon.

Martha

Martha O. Pagel

SCHWABE, WILLIAMSON & WYATT

Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com

> > <<2421_001.pdf>>

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2/18/2010

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17266

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On September 25, 2009, Hebo Joint Water and Sanitary Authority submitted an application to the Department for the following water use permit:

- Amount of Water: 0.22 CUBIC FOOT PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: WELL 3, WELL 4, WELL 5, AND WELL 6 IN THREE RIVERS BASIN
- Area of Proposed Use: TILLAMOOK COUNTY WITHIN SECTION 12, SECTION 13, AND SECTION 14, TOWNSHIP 4 SOUTH, RANGE 10 WEST, W.M.

On December 11, 2009, the Department mailed the applicant notice of its Initial Review, determining that "...the use of 0.22 CFS of water from Well 3, Well 4, Well 5, and Well 6 in Three Rivers Basin for municipal use is not allowable, and it appears unlikely that you will be issued a permit, unless suitable mitigation is provided." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On December 15, 2009, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the Proposed Final Order.

On January 18, 2010, on behalf of the applicant, Martha Pagel submitted comments intending to document that the proposed condition, the amount of water used under this right, together with the amount secured under Permit S-49658, is limited to a diversion of 0.22 CFS, does offset the proposed use. She also provided additional background information on the proposed use.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Initial Review erroneously determined "...the use of 0.22 CFS of water from Well 3, Well 4, Well 5, and Well 6 in Three Rivers Basin for municipal use is not allowable..." The correct determination is: Because water is not available April 1 through November 30, the use of 0.22 CFS of water from Well 3, Well 4, Well 5, and Well 6 in Three Rivers Basin for municipal use is only allowable December 1 through March 31.

The North Coast Basin Program allows MUNICIPAL USE.

WELL 3, WELL 4, WELL 5, AND WELL 6 IN THREE RIVERS BASIN are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will have the potential for substantial interference with surface water, namely unnamed creek, tributary to Three Rivers and Three Rivers, tributary to Nestucca River.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the

discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;

(e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

For this application, the Department determined that there is the potential for substantial interference because of the following items described above: (a), (b), (d). Regarding item (b): Well 3, Well 4, and Well 5 are within one-fourth mile from unnamed creek, tributary to Three Rivers and Well 6 is within one-fourth mile from Three Rivers, tributary to Nestucca River.

In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

Need to get Div33 From Reviewers

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource April 1 through November 30 of each year.

Because the proposed use of water would have the potential with substantial interference with surface water, an assessment of surface water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this calculation is in the file. This calculation determined that water is available for further appropriation (at an 80 percent exceedance probability) December 1 through March 31.

Senior water rights exist on WELL 3, WELL 4, WELL 5, AND WELL 6 IN THREE RIVERS BASIN, or on downstream waters.

The Department finds that the amount of water requested, 0.22 CFS, is an acceptable amount December 1 through March 31.

The proposed ground water use is not within a designated critical

ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the North Coast Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is **not** available for the proposed use April 1 through November 30.

The proposed use **will** injure other water rights between December 1 through March 31.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has **not** been established to allow the use of water April 1 through November 30.

OAR 690-310-140(2)(b) states that when the presumption is not established, the Department shall determine whether the proposed use will impair or be detrimental to the public welfare, safety, and health under ORS 537.525, and may make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or be detrimental to the public welfare, safety, and health, and propose approval of the application with appropriate modifications or conditions.

To determine whether the proposed use will impair or be detrimental to the public welfare, safety, and health, the factors in ORS 537.625(3), shown in bold below, have been considered as follows:

(a) **The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes,**

navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

The use proposed under this application will provide water for municipal water supply. Thus, providing the municipality with necessary water resources for development within the local community.

(b) The maximum economic development of the waters involved.

The existing pipeline distribution system for Permit S-68665 is not capable of delivering sufficient water to allow full development under the permit and the required capital investment to improve the existing distribution system is not available. Therefore, the proposed use will allow the permittee to economically access the full rate allowed under S-68665 without the full investment.

(c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

The proposed permit is for the beneficial use of water without waste.

(d) The amount of waters available for appropriation for beneficial use.

Because the proposed use of water would have the potential with substantial interference with surface water and water is not available for the proposed use at an 80% exceedance level during the period April 1 through November 30, the permittee will not use water in excess of the amount already permitted under S-49685 when water is not available.

(e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

The draft permit is conditioned such that wasteful, uneconomic, impracticable or unreasonable use of the waters involved is prevented. The proposed use as conditioned below will require conservation measures and reasonable use of the water.

(f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.

The pending application's priority date, conditioning that makes the use subject to senior rights, and the Department's existing system of regulation are the means necessary to protect existing

vested and inchoate rights.

(g) The state water resources policy.

The Department has considered state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534. ORS 536.295 to 536.350 relate to surface water, and are not relevant to this application.

OAR 690-310-140(3)(b) states that when the presumption is not established, the Department shall consider the following factors, including, where applicable, any potential effects the proposed use may have on them: A) Water use efficiency and the avoidance of waste; B) Threatened, endangered or sensitive species; C) Water quality; D) Fish or wildlife; E) Recreation; F) Economic development; G) Local comprehensive plans, including supporting provisions such as public facilities plans; H) Stability of groundwater levels; and I) Thermal characteristics of groundwater source.

(A) Water use efficiency and the avoidance of waste.

The draft permit is conditioned with measurement, recording, and reporting conditions to ensure efficiency of water use and avoidance of waste.

(B) Threatened, endangered or sensitive species; C) Water quality; and D) Fish or wildlife.

In accordance with OAR 690-033-0330, the application has been reviewed for the above and the attached draft permit has been conditioned accordingly/no additional conditions were requested.

(E) Recreation

Recreation is not an applicable factor in considering the proposed use.

(F) Economic development;

The existing pipeline distribution system for Permit S-68665 is not capable of delivering sufficient water to allow full development under the permit and the required capital investment to improve the existing distribution system is not available. Therefore, the proposed use will allow the permittee to economically access the full rate allowed under S-68665 without the full investment.

(G) Local comprehensive plans, including supporting provisions such as public facilities plans;

(H) Stability of groundwater levels.

Waiting to hear from Jen Woody

(I) Thermal characteristics of groundwater source.

Thermal characteristics of groundwater source is not an applicable factor in considering the proposed use.

The Department finds that although the proposed use of water is not available April 1 through November 30, as modified and conditioned in the attached draft permit, the use will not impair or be detrimental to the public interest or negatively effect factors listed under OAR 690-310-140(3)(b).

The Department therefore concludes that, in accordance with OAR 690-310-140(2)(b) and (3)(b), although the presumption is not established, after considering the facts in ORS 537.625(3), the proposed use will not impair or be detrimental to the public interest.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED February 23, 2010

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

for Phillip C. Ward, Director
Water Resources Department

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **April 9, 2010**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **April 9, 2010**. 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 Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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 submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

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.

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT This is not a permit. DRAFT
STATE OF OREGON

COUNTY OF TILLAMOOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HEBO JOINT WATER AND SANITARY AUTHORITY
PO BOX 328
HEBO, OR 97122

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

APPLICATION FILE NUMBER: G-17266

SOURCE OF WATER: WELL 3, WELL 4, WELL 5, AND WELL 6 IN THREE RIVERS
BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE AND PERIOD OF USE:

DECEMBER 1 THROUGH MARCH 31: 0.22 CUBIC FOOT PER SECOND (CFS)

APRIL 1 THROUGH NOVEMBER 30: The amount of water used under this
right, together with the amount secured under Permit S-49685, is
limited to a diversion of 0.22 CFS

DATE OF PRIORITY: SEPTEMBER 25, 2009

WELL LOCATIONS:

WELL 3 - NWNE, SECTION 13, T4S, R10W, W.M.; 665 FEET SOUTH AND
3095 FEET EAST FROM NW CORNER, SECTION 13

WELL 4 - NWNE, SECTION 13, T4S, R10W, W.M.; 565 FEET SOUTH AND
3110 FEET EAST FROM NW 1/4 CORNER, SECTION 13

WELL 5 - NWNE, SECTION 13, T4S, R10W, W.M.; 480 FEET SOUTH AND
2845 FEET EAST FROM NW 1/4 CORNER, SECTION 13

WELL 6 - NENW SECTION 13, T4S, R10W, W.M.; 920 FEET SOUTH AND
2590 FEET EAST FROM NW 1/4 CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW ¼ SW ¼

SECTION 12

NE $\frac{1}{4}$ NW $\frac{1}{4}$
 NW $\frac{1}{4}$ NW $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 13

NE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 14

TOWNSHIP 4 SOUTH, RANGE 10 WEST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.

B. The permittee 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 permittee to report general water-use information, including the place and nature of use of water under the permit.

C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.

D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to permitted Well 6. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within permitted Well 6 or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If Well 6 (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be

taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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

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

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of

mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-17266

PFO Date February 23, 2010

Original mailed to applicant:

HEBO JOINT WATER AND SANITARY AUTHORITY, PO BOX 328, HEBO, OR 97122

Copies sent to:

1. WRD - File # G-17266
2. Water Availability: Ken Stahr

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

PFO and Map Copies sent to:

3. WRD - Watermaster # 1
4. ODFW District Biologist:
5. DEQ: Andy Schaedel (NW Region) / John Blanchard (W Region) / _____
- Dick Nichols (E Region)
6. DOA: Jim Johnson

Protest/
Standing Dates
checked

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : Geffenba



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

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OVER THE COUNTER

RECEIVED 6-17-06

SEP 25 2009

WATER RESOURCES DEPT
SALEM, OREGON

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

September 25, 2009

BY HAND DELIVERY

Tim Wallin
Manager, Water Rights Section
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Application for Permit to Use Ground Water -- Hebo Joint Water and
Sanitary Authority
Our File No.: 106594/151244

Dear Tim:

Enclosed please find an Application for Permit to Use Ground Water for filing on behalf of our client, Hebo Joint Water and Sanitary Authority (HJWSA). We have also enclosed a check in the amount of \$2400 for application and recording fees.

The application requests use of up to 0.22 cfs of ground water to be appropriated from three existing shallow wells and one new well to be constructed in the future. This letter provides additional background information and is intended to supplement the "Remarks" section of the application form.

Background:

HJWSA currently holds a water right permit (S-49685) authorizing use of 0.22 cfs of surface water diverted from two springs. In November, 2007, HJWSA representatives met with staff of the Oregon Water Resources Department (OWRD) including yourself, Bill Ferber, Doug Parrow, and Kelly Starnes, to discuss a need for improving the reliability and efficiency of its water supply system. Of primary concern was the fact that HJWSA had determined it would not be able to fully develop the permit from the two springs authorized as points of diversion (PODs). As a result, HJWSA had proposed amending the permit to add three additional springs as PODs (Application T-10328). The purpose of the November meeting was to discuss

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G-17266

Tim Wallin
September 25, 2009
Page 2

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SEP 25 2009

WATER RESOURCES DEPT
SALEM, OREGON

questions regarding the permit amendment application, and to consider alternatives for addressing HJWSA's need for a more reliable and efficient water supply system.

During the 2007 meeting, OWRD staff advised that the proposed new "spring" development would be more appropriately classified as ground water use, based on the characteristics of the sump wells. As a result of this input, HJWSA agreed to pursue an alternative plan of requesting a new water right application for ground water use.

During the 2007 meeting, OWRD staff also flagged a potential concern stemming from the expectation that ground water from the shallow wells would likely be determined to be in hydraulic connection with nearby surface waters. That determination, in turn, would trigger questions about water availability, given that the area surface waters were already fully appropriated during most months of the year. In anticipation of that issue, and to facilitate application processing, OWRD staff suggested that it would be helpful for HJWSA to provide a technical assessment of the potential hydraulic connection prepared by its consulting hydro geologist, and to offer a proposal for permit conditions that could address the water availability concerns.

Accordingly, we have enclosed a ground water review prepared by Steve Bruce, RG, CWRE, which confirms the expected hydraulic connection. In addition, to address related concerns regarding surface water availability, we have specifically requested that the ground water use be conditioned to allow total water used by HJWSA of 0.22 cfs, whether diverted under the existing surface water permit or any new ground water right. Such a condition is acceptable to HJWSA because the use of ground water is intended to improve the reliability and efficiency of the water supply system and is not required to meet additional/projected demand for municipal needs. The proposed limitation is offered with the expectation that it will allow the department to recommend approval of the application even though surface water is not available on a year-round basis. The intention is to ensure no increase in total water use or impact to surface water resources as a result of the proposed new ground water use.

Finally, we note that HJWSA is also submitting today, under separate cover, an application for a Limited License to authorize use of the existing sump wells as a "bridge" while this ground water application is being processed.

Summary:

This application requests authorization of 0.22 cfs of ground water to be appropriated from up to four wells. Three of the four wells are already in existence and are needed to meet current municipal needs. For that reason, we have, under separate cover, also submitted an application for a limited license.

The ground water application is intended to provide for more reliable and efficient water distribution and is not needed to meet additional water supply/quantity needs for HJWSA municipal needs. Therefore, in order to facilitate OWRD review and address concerns relating to hydraulic connection and surface water availability, HJWSA specifically requests that the new

COURCHANE Corey A * WRD

From: steve skookumwater.com <steve@skookumwater.com>
Sent: Tuesday, December 04, 2018 12:12 PM
To: COURCHANE Corey A * WRD
Cc: JARAMILLO Lisa J * WRD; PIERCEALL Jeffrey D * WRD; 'gordonandnancy3@gmail.com'
Subject: Hebo Time-Extension Application Filing

Hi Corey,

Based on my discussions this morning with Jeffrey Pierceall, we request having until January 18, 2019 to file the time-extension application for Application S-68665, Permit S-49685 held by the Hebo Joint Water and Sanitary Authority (JWSA). The deadline currently is December 21, 2018.

The JWSA manager who was knowledgeable about the system had a medical emergency earlier this year and is no longer available to assist with this task. As a result, we expect additional time will be needed to compile information needed for the extension.

As a separate matter, the WRIS online information shows the Hebo School District shares the permit. I don't believe this is the case. The Hebo JWSA apparently was the Hebo Service District at the time the application was filed and I suspect the word School was inadvertently substituted for Service.

Thank you for your assistance.
Steve



Steven R. Bruce, RG, LHg, CWRE
1626 Victorian Way
Eugene, OR 97401
(503) 319-8926
www.skookumwater.com

COURCHANE Corey A * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Wednesday, November 28, 2018 4:28 PM
To: COURCHANE Corey A * WRD
Cc: 'gordonandnancy3@gmail.com'; Steven R. Bruce RG CWRE (steve@skookumwater.com)
Subject: RE: Hebo Joint Water and Sanitary Authority, T-10328 [IWOV-PDX.FID4300360]

Corey,

I was able to reach Gordon Whitehead and have copied him on this email. His phone number is 503-392-4725. I have also copied Steve Bruce, who will be reviewing and responding to your email below. I ask that you please allow some time for Steve to get up to speed. He is planning to get back to you by next week.

Steve's contact info is:



Steven R. Bruce, RG, LHg, CWRE
1626 Victorian Way
Eugene, OR 97401
(503) 319-8926
www.skookumwater.com

You do not need to copy me on future correspondence, unless and until Gordon asks you to. We are hoping this matter can be resolved without the need for attorney assistance.

Best regards,

Shonee

Shonee D. Langford
530 Center St. NE, Suite 730
Salem, OR 97301
Direct: 503-540-4261

From: COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Sent: Wednesday, November 28, 2018 7:58 AM
To: Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: Hebo Joint Water and Sanitary Authority, T-10328

Good morning Shonee,

I am reaching out to you on this particular transfer, as Martha was the agent for the applicant. The Department has had this permit amendment since February 2007, and we are interested in moving this forward again. The application was requesting to change the PODs (correct the location of 2 authorized springs under Permit S-49685), and add 5 additional PODs. The Department determined the 5 additional PODs were from a different source, so the Department was prepared to move forward with a denial. However, Martha requested to have the application be put on admin hold until Hebo could sort things out and consider their options. To make a long story short, Hebo submitted an application for a

GW permit (the 5 springs were determined to be sump wells), being Application G-17266. Partial perfection was made on Spring 2 from Permit S-49685, and Certificate 86691 was issued December 3, 2010.

I was assigned this permit amendment in June, and reached out to the Hebo JWSA, submitting a deficiency letter to Willard Anderson in July (attached). I was contacted by Gordon Whitehead, who is the president of the Hebo JWSA. Gordon informed me that Willard had a stroke, and therefore was not able to continue with his position in the JWSA, so Gordon assumed the responsibilities. I met with Gordon on August 30 (summary attached) to discuss the continuation of the permit amendment. Essentially, all the Department needs for the permit amendment to move forward is a revised application removing Spring 2 (partially perfected) and the 5 additional PODs since they are from a different source, and are now under a GW application (caseworker is Barbe Poage). I haven't heard from Gordon since we met, and I do not have any additional contact information. I am reaching out to you to see if you are able to provide some assistance. Please let me know if you need any additional information.

The Department is requesting to have a response by January 31, 2019, or a Final Order shall be issued denying the application.

Thank you,

Corey Courchane

**COREY A COURCHANE | TRANSFER SPECIALIST
TRANSFER AND CONSERVATION SECTION**

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0825 | Fax: 503 986-0901

Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

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Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 30, 2018

Reference: Permit Amendment T-10328; Water Right Application G-17266; and Permit S-49685

Gordon Whitehead, President of Hebo Joint Water and Sanitary Authority (JWSA), and I met to discuss the current status of the applications and permit referenced above. We briefly covered the points of diversion (POD) and water system as it is currently operating for the Hebo JWSA. I provided Gordon with some clarification on the location of the PODs, and how they are identified in Department records.

I recommended to Gordon on how to proceed, so the Department can close the loop on the active applications and permit. Gordon is going to contact Schwabe, Williamson, and Wyatt, who was the acting agent for Hebo JWSA. The application for T-10328 needs to be revised, and the status of the mitigation plan that was to be submitted for Water Right Application G-17266 needs to be confirmed, as the Department is still has yet to issue a permit for Water Right Application G-17266.

I also provided Gordon with copies of Permit Amendment application and map for T-10328, application and map for Water Right Application G-17266, and a copy of Certificate 86691, which was a partial perfection certificate under Permit S-49685. The Department will wait for contact from Schwabe, Williamson, and Wyatt before proceeding with the next step.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

July 12, 2018

Hebo Joint Water and Sanitary Authority
c/o Willard Anderson
PO Box 328
Hebo, OR 97122

Reference: Permit Amendment Application T-10328

Dear Mr. Anderson,

On February 26, 2007, the Department received an Application for a Permit Amendment requesting to add additional points of appropriation and change the place of use under Permit S-49685. The application identified correcting the location of the two springs authorized under Permit S-49685, being Spring 1 and Spring 2, as well as adding 3 additional springs for Quasi-municipal use.

On September 25, 2009, the Department received an Application for a Permit to Use Ground Water, which was assigned Application G-17266, for the use of 0.22 cfs of water from four sump wells, for Quasi-municipal uses. On August 17, 2010, the Department received a request from the Hebo JWSA to partially perfect the use of water under Permit S-49685, and Certificate 86691 was issued December 3, 2010, allowing the use of 0.082 cubic foot per second (cfs) of water from Spring 2 for Quasi-municipal uses.

The Department is attempting to contact the Hebo JWSA to see if Permit Amendment T-10328 or Application G-17266 are still needed, and if so, how Hebo JWSA would like to proceed.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

Cc: Nikki Hendricks, Watermaster, District 1
Barbe Poage, Oregon Water Resources Department



STATE OF OREGON

County of TILLAMOOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68665 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Tillamook County/Hebo Service District, Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon, 97141, phone 842-5511, for the use of the waters of two unnamed springs, tributaries of Three Rivers, being 0.11 * for the PURPOSE of quasi-municipal

that the PRIORITY OF THE RIGHT dates from January 28, 1986

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.22 cubic foot per second

The POINT OF DIVERSION is to be LOCATED: Spring #1- 2226.56 feet South and 4469.80 feet East from the Northwest corner of Section 13; Spring #2- 2213.14 feet South and 4473.25 feet East from the Northwest corner of Section 13 both being within the SE 1/4 NE 1/4 Section 13, Township 4 South, Range 10 West, WM, in the County of Tillamook.
* cubic foot per second from each spring

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 4 South, Range 10 West, WM Section 12 SW 1/4 SW 1/4 Quasi-Municipal
Section 13 NE 1/4 NW 1/4
NW 1/4 NW 1/4
SE 1/4 NW 1/4
Section 14 NE 1/4 NE 1/4

Actual construction work shall begin on or before August 7, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1988.

Complete application of the water to the proposed use shall be made on or before October 1, 1989.

Witness my hand this 7th day of August, 1986.

BC/8

/s/ WILLIAM H. YOUNG

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. 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. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 68665

Assigned

Supervisor, Geo. Div., Rec., Vol.

8 Page 181

PERMIT

49685

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HEBO JOINT WATER AND SANITARY AUTHORITY
PO BOX 328
HEBO OR 97122

confirms the right to use the waters of SPRING 2 for QUASI-MUNICIPAL USES.

This right was perfected under Permit S-49685. The date of priority is JANUARY 28, 1986. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.082 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	10 W	WM	13	SE NE			2210 FEET SOUTH & 4475 FEET EAST FROM NW CORNER, SECTION 13

A description of the place of use to which this right is appurtenant is as follows:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
4 S	10 W	WM	12	SW SW
4 S	10 W	WM	13	NE NW
4 S	10 W	WM	13	NW NW
4 S	10 W	WM	13	SE NW
4 S	10 W	WM	14	NE NE

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. 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 at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

This certificate is issued for a partial perfection of Permit S-49685 as described in ORS 537.260 and OAR 690-320-0040 and by an order of the Water Resources Director entered December 3, 2010.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued DEC 03 2010.

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

T4S, R10W, Sections 11, 12, 13 & 14 W.M.

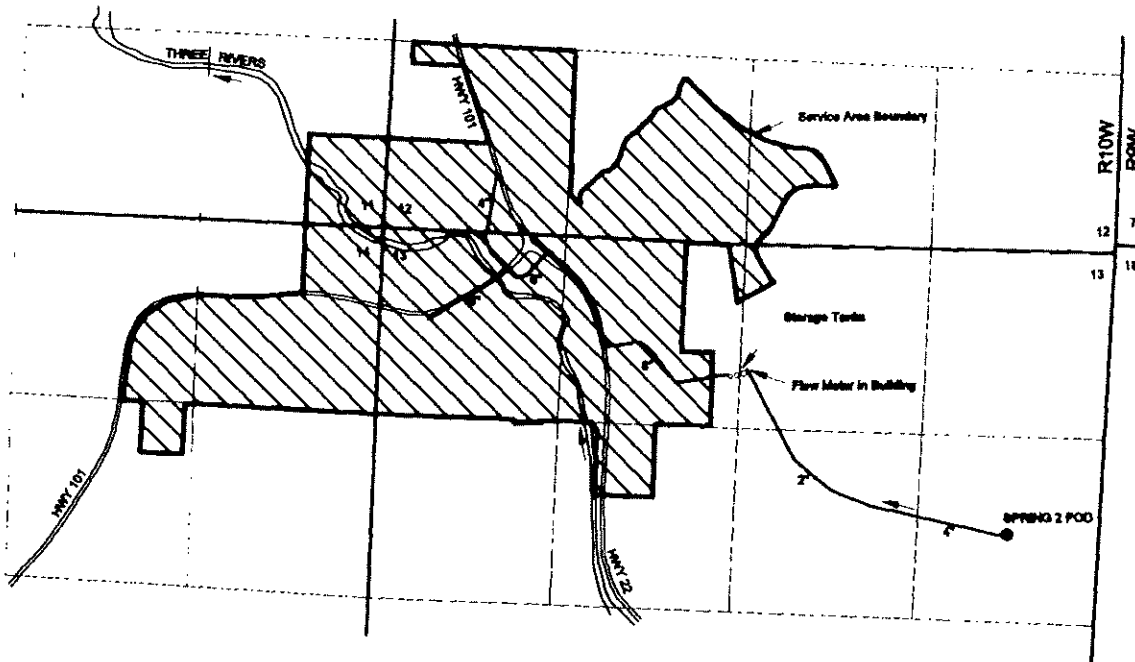
Permit S-49685, Application S-68665

Tillamook County

RECEIVED

SEP 03 2010

WATER RESOURCES DEPT
SALEM, OREGON



POD is located 2210 ft S and 4475 ft E from NW corner of Section 13, T4S, R10W, WM

EXPLANATION:



- Place of Use

Note: Site inspection conducted May 4, 2010

July 27, 2010

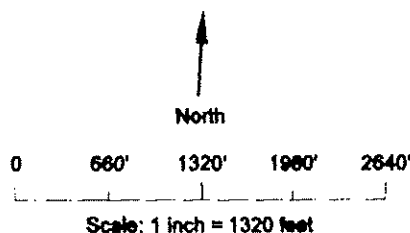
THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR
LOCATIONS OF PROPERTY
OWNERSHIP LINES.



SKOOKUM

WATER ASSOCIATES NC

P.O. Box 60174
Portland, OR 97280
(503) 319-8926



Claim of Beneficial Use Map

Hebo Joint Water and
Sanitary Authority

Figure 1



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

RECEIVED

Watermaster Review Form:
Water Right Transfer

WATER RESOURCES DEPT
SALEM, OREGON

Transfer Application: T-10328

Review Due Date: on hold

Applicant Name: Hebo Joint Water & Sanitary Authority

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

Reviewer(s): Greg Beaman

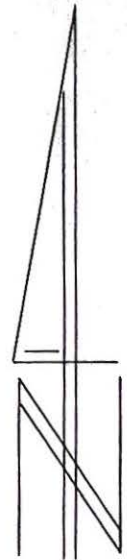
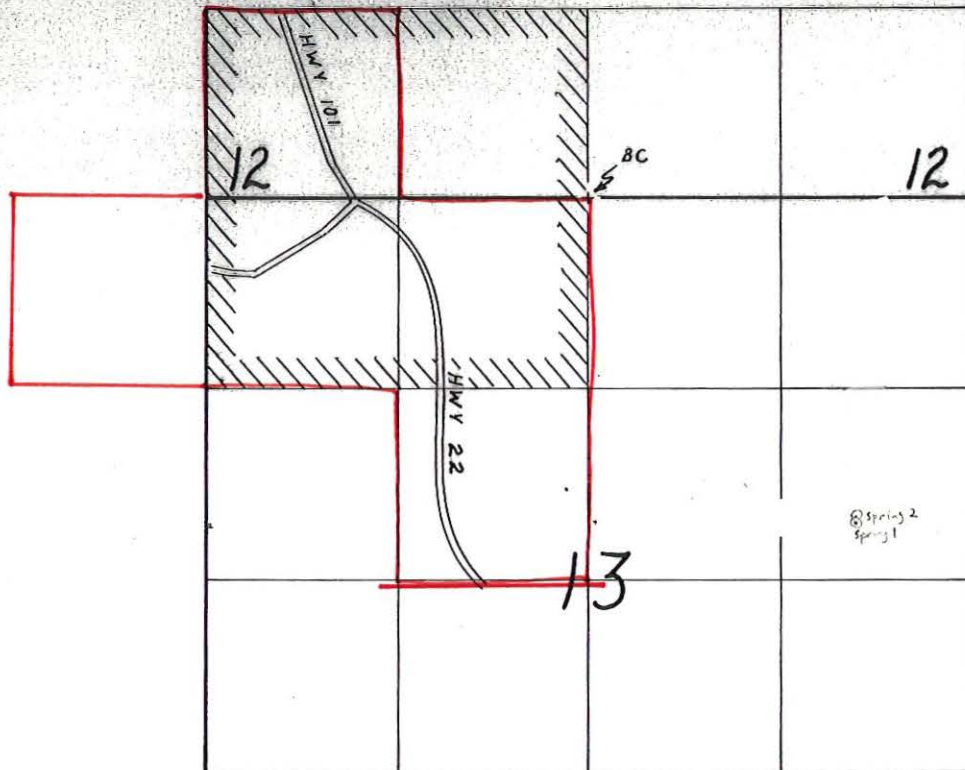
Date of Review: Nov. 20, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. 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: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: However; If the additional POD is authorized it could interfere with an existing exempt shallow well. If the well is junior to Hebo permit (S-49685) a condition on the transfer should indicate that a call could not be made on the exempt well.
7. For POU changes, would the original place of use continue to receive water from the same source? ☒ Yes ☐ No ☐ N/A If "Yes", explain: The service area is being expanded to include new POU's within the growth boundary.
8. For POU or USE changes, 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: _____

9. Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: One component of this transfer/permit amendment application proposes to add additional POD's. The permit identifies the source as "springs # 1 and # 2", (it is noted that these springs are in need of a minor adjustment as to location) tributary to an unnamed stream, tributary to Three Rivers. The transfer/permit amendment proposes to add springs #3, #4, and #5 tributary to a different unnamed stream, also tributary to Three Rivers. In as much as the two sets of springs are the head waters of two separate streams I conclude they are not the same source and therefore not qualified as an additional POD from the same source. There is an existing exempt private shallow well near springs 3, 4, and 5 that could experience interference (see #6 above). The change in POU should qualify under the permit amendment
10. What alternatives may be available for addressing any issues identified above: A groundwater application could be submitted. Water availability indicates water is not available from April through November. An argument could be made suggesting a higher public interest would be served by issuing a new groundwater permit. If a new groundwater permit is issued, Hebo should develop a management plan including water use curtailment triggers when flows in Three Rivers decline below the instream water rights. A gaging station should be installed and maintained in Three Rivers. It should be approved by OWRD and monitored/maintained to OWRD standards.
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☒ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☒ May be required in the future.

T. 4 S., R. 10 W., W.M.



1" = 1320'

FINAL PROOF SURVEY

UNDER

Application No. 68665 Permit No. 49685
IN NAME OF

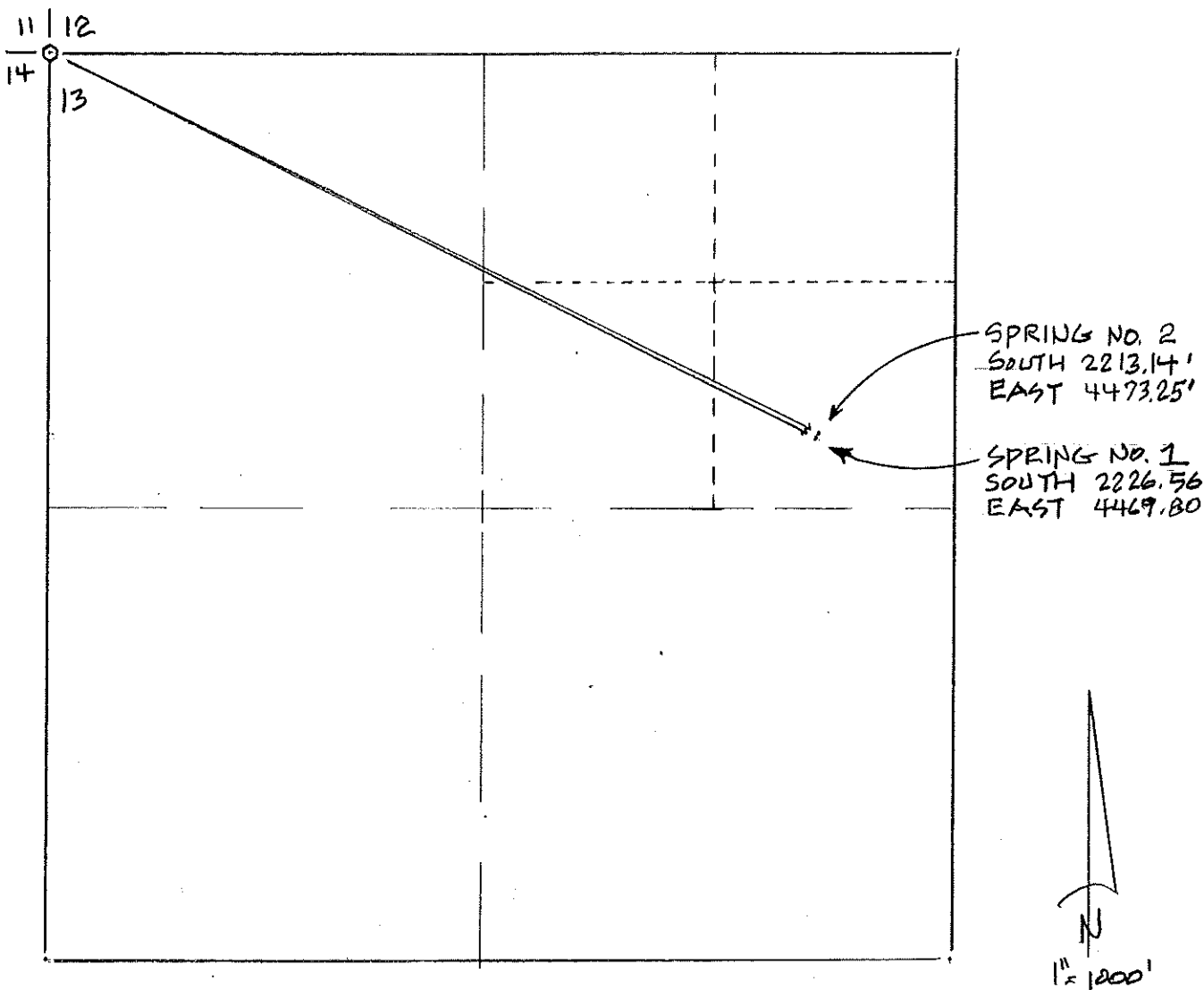
TILLAMOOK COUNTY / HEBO SERVICE DISTRICT

Surveyed JULY 21, 1993 by R.W. Kluson

RECEIVED

MAY 12 1986

WATER RESOURCES DEPT
SALAS, OREGON



Application No. 68665
Permit No. 49685

TILLAMOOK CO/HEBO SERVICE DISTRICT
WATER RESOURCES DEPARTMENT
SURFACE WATER APPLICATION FILE #68665

LOCATION: SE 1/4 OF NE 1/4 OF SECTION 13
T 4S, R 10W, W.M. TILLAMOOK CO.

DATE: APRIL 10, 1986



HGE INC./ENGINEERS & PLANNERS
19 NORTHWEST FIFTH AVE./PORTLAND, OREGON 97209

T-10328?
5-68665

Gerry Clark

From: Pagel, Martha [MPagel@SCHWABE.com]
Sent: Thursday, August 02, 2007 4:25 PM
To: Gerry Clark
Subject: RE: Hebo Joint Water and Sanitary Authority - Permit 49685

Excellent. Thanks.

Martha O. Pagel
Schwabe Williamson & Wyatt
530 Center Street NE, Suite 400
Salem, OR 97301
Salem: 503.540.4260 direct dial
503.796.2900 (fax)

-----Original Message-----

From: Gerry Clark [mailto:clarkge@ wrd.state.or.us]
Sent: Thursday, August 02, 2007 4:20 PM
To: Pagel, Martha; Jerry Gainey
Subject: RE: Hebo Joint Water and Sanitary Authority - Permit 49685

Martha,

Thanks for the update. We will place a copy of this message in the file.

This file was not on our current work list because the Authority has until October 1, 2008 to complete the development.

Have a nice day.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

<http://www.wrd.state.or.us/>

-----Original Message-----

From: Pagel, Martha [mailto:MPagel@SCHWABE.com]
Sent: Thursday, August 02, 2007 4:11 PM
To: Gerry Clark; Jerry Gainey
Subject: Hebo Joint Water and Sanitary Authority - Permit 49685

Hi Gerry and Jerry:

I wasn't sure who would be handling this, so I'm sending it to you both.

I'm inquiring on behalf of a new client, the Hebo Joint Water and Sanitary Authority.

In reviewing the file records, it looks like a final proof survey was done by the department (Russ Klassen, in 1993), and draft certificate prepared quite some time ago. It does not appear that a certificate was ever issued. In the meantime, Hebo obtained a permit extension to allow continued development through October, 2008. A permit amendment application is also pending at the department.

I just want to be sure that you are aware that Hebo is continuing to develop under this permit and we do not want to proceed with a certificate at this time.

Please let me know if you have any questions or concerns -- or if you need any additional information from me.

Thanks,
Martha

Martha O. Pagel
Schwabe Williamson & Wyatt
530 Center Street NE, Suite 400
Salem, OR 97301
Salem: 503.540.4260 direct dial
503.796.2900 (fax)

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

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Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Hebo Joint Water and Sanitary Authority
Mailing Address: P.O. Box 143
City: Hebo State: OR Zip: 97122 Day Phone: (503) 392-6100

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	10W	12	SWSW	---		☐ Diverted ☒ Conveyed ☒ Used	
4S	10W	13	NENW	---		☐ Diverted ☒ Conveyed ☒ Used	
4S	10W	13	NWNW	---		☐ Diverted ☒ Conveyed ☒ Used	
4S	10W	13	SENE	---		☐ Diverted ☒ Conveyed ☒ Used	
4S	10W	14	NENE	---		☒ X	
4S	10W	13	NENE	---		☒ X	
4S	10W	13	SENE	---		☒ X	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Tillamook County, City of Hebo

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☒ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Spring #1 through #5

Estimated quantity of water needed: 0.22 ☒ 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: The permit amendment requests corrections to the permitted locations of Spring #1 and Spring #2 and authorization to add Spring #3, Spring #4 and Spring #5 to the water system.

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

Receipt for Request for Land Use Information

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

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

The HJWSA is a recognized district. They provide H2O service to the community of Hebo. Will provide add'l comments if any when receive formal notice.

- ☐ Land uses to be served by 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:	
		☐ 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.

RECEIVED

FEB 26 2007

WATER RESOURCES DEPT
SALEM, OREGON

Name: Lisa M. Phipps Title: Coastal Resource Planner
Signature: [Signature] Phone: 5038423408 Date: 2-22-07
Government Entity: Tillamook County

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

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

T-10328

TRANSFER CHECK OFF LIST

TRANSFER FILE #

10328

DATE RECEIVED

2-26-07

DATE MONEY SLIPPED

2-26-07

DATE RECEIPTED

2-26-07

VALID WATER RIGHT?

X Yes No

TEMP ALT AC

IRR DIST

PERM AMEND X

DIV 15

TEMP Div 15

ISWR

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER)

X NO

FOLDER FILLED OUT*

yes

ENTERED IN DB

yes

CONTENTS MARKED

yes

COLOR CODED

X Yes

4 COPIES MADE & STAMPED

yes

CERTIFICATE MARKED

no

CERTIFICATE COPIED

no

PULL APPLICATIONS

yes

APP FOLDER MARKED

yes

FINAL PROOF MAP COPIED

no

PERMIT MARKED

yes

PERMIT COPIED

yes

PERMIT MAP COPIED

yes

DECREE MARKED

no

DECREE COPIED

no

ADJUDICATION MAP COPIED

no

ENTRIES CHECKED

CHECKED BY INIT FOLDER

PUBLIC NOTICE DATE

3-13-07

(PREPARED & COPIED) yes

LETTER SENT

yes

Irrigation District no (copy of app & map)

COPY TO WM

yes

BLUE FORM TO WM

yes

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

COPY TO GW

no

POA, APOA, or [SW TO GW ONLY(as POD)]

BLUE FORM TO GW

no

Orange Perm Amend/Yellow Temp/Gru Dist/Lav Alt Acr/pink his

COPY TO CWRE

no

LETTER TO ODFW

yes

ALL Surface water POU/USE (POD and APOD FISH SCREENS)

TRANSFER SENT TO:

per Amen drawer SW --- NCR --- SCR --- BR

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86405**

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

INVOICE # _____

RECEIVED FROM: Hebr Joint Water
BY: + Sanitary #4

APPLICATION	<u>56745</u>
PERMIT	
TRANSFER	<u>T-10328</u>

CASH: ☐ CHECK: # 1923 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,225.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>1225.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

PT: **86405** DATED: 2-26-07 BY: L. J. Carls



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

Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check one of the following:

☒ Permit Amendment

☐ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Hebo Joint Water and Sanitary Authority
First Last

Address: P.O. Box 143

Hebo Oregon 97122
City State Zip

Phone: (503) 392-6100
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: N/A
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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- If an agent is listed above, please check one of the following:
 - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.) <i>Not Available for <u>Ground Water Registrations</u></i> ☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)	☐ All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) ☒ Only a <u>portion</u> of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<i>Not Available for <u>Permit Amendments</u></i> Change existing authorized use to the following proposed <u>new</u> use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Domestic (indicate number of households): _____ ☐ Other _____ RECEIVED FEB 26 2007

- Reason(s) for amendment/modification(s): The application requests: 1) corrections to the locations of two permitted springs (Spring #1 and Spring #2) due to new survey data, 2) the use of three additional springs (Springs #3, #4 and #5); 3) the addition of the SE SW of Section 12, T4S, R10W, W.M to the authorized place of use; and 4) the ability to use all five springs in any combination to divert up to the authorized 0.22 cfs.

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

☒	Permit to be Amended:	<u>S-49685</u> Permit Number	<u>10/1/2008</u> Current Completion Date of Permit
☐	Ground Water Registration to be Modified:	 _____ Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Hebo Joint Water and Sanitary Authority
- County: Tillamook
- Authorized Use(s) to be affected by this Amendment/Modification: Corrections to the location of two permitted springs, the use of three additional springs and the addition of the SE SW of Section 12, T4S, R10W, W.M. to the authorized place of use.
- Priority Date(s): 1/28/1986
If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.
- All Source(s) of Water to be affected by this Amendment/Modification: Two unnamed springs and the addition of three other springs.

Tributary to: Three Rivers

If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “**Layered**” Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☒ No ☐ N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).

- Remarks: N/A

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- The following information **must be provided** only for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-_____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Spring #1 1/28/1986	4S	10W	WM	13	SE NE		2226.56 ft S and 4469.80 ft E of NW corner Sec 13, T4S, R10W, W.M.
	Spring #2 1/28/1986	4S	10W	WM	13	SE NE		2213.14 ft S and 4473.25 ft E of NW corner Sec 13, T4S, R10W, W.M.

- Does the permit/registration being amended/modified involve a ground water source(s)?
☐ Yes ☒ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

or

- If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if **no** well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

- The following information **must be provided** only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Place of Use to be Affected:*(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)*

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Spring #1, Spring #2 1/28/1986	4S	10W	WM	12	SW SW		
Spring #1, Spring #2 1/28/1986	4S	10W	WM	13	NE NW		
Spring #1, Spring #2 1/28/1986	4S	10W	WM	13	NW NW		
Spring #1, Spring #2 1/28/1986	4S	10W	WM	13	SE NW		
Spring #1, Spring #2 1/28/1986	4S	10W	WM	14	NE NE		

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: *(i.e., the "TO" point(s) of diversion/appropriation)**(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Spring #1	4S	10W	WM	13	SE NE		2095 ft S and 4595 ft E of NW corner Sec. 13, T4S, R10W, WM
Spring #2	4S	10W	WM	13	SE NE		2080 ft S and 4600 ft E of NW corner Sec. 13, T4S, R10W, WM
Spring #3	4S	10W	WM	13	NE NE		665 ft S and 3095 ft E of NW corner Sec. 13, T4S, R10W, WM
Spring #4	4S	10W	WM	13	NE NE		565 ft S and 3110 ft E of NW corner Sec. 13, T4S, R10W, WM
Spring #5	4S	10W	WM	13	NE NE		480 ft S and 2845 ft E of NW corner Sec. 13, T4S, R10W, WM

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed well(s) listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

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Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Springs #1, #2, #3, #4 and #5	4S	10W	WM	12	SW SW		
Springs #1, #2, #3, #4 and #5	4S	10W	WM	12	SE SW		
Springs #1, #2, #3, #4 and #5	4S	10W	WM	13	NE NW		
Springs #1, #2, #3, #4 and #5	4S	10W	WM	13	NW NW		
Springs #1, #2, #3, #4 and #5	4S	10W	WM	13	SE NW		
Springs #1, #2, #3, #4 and #5	4S	10W	WM	14	NE NE		

Remarks: The application requests corrections to locations of two permitted springs, the addition of the SE SW of Section 12, T4S, R10W, W.M to the place of use and the ability to use all five springs within the proposed place of use.

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No

- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Tillamook County Department of Community Development

201 Laurel Avenue, Tillamook, Oregon 97141

8. PERMIT HOLDER OF RECORD

This section is to be completed only for Permit Amendment applications.

- ☐ N/A – This is a Ground Water Registration Modification application.

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

If "No", the applicant must either:

A. Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;

or

B. Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.

9. LAND OWNERSHIP

If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☐ Yes ☐ No N/A

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

- Check one of the following:

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- ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? ☐ Yes ☐ No
If “No”, provide the following information:

Names of Current Landowner(s):

First

Last

Address:

City

State

Zip

- Does the applicant own the lands **TO** which the registration is being moved? ☐ Yes ☐ No
If “No”, provide the following information:

Names of Receiving Landowner(s):

First

Last

Address:

City

State

Zip

- Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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10. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☒ Enclosed; or
- ☐ Not required if all of the following are met:
- ❶ In EFU zone or irrigation district;
 - ❷ Change in place of use only;
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures; and
 - ❹ Irrigation only.

Water Well Reports/Well Logs:

- ☐ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

Fees:

- ☒ Amount enclosed: \$1,225
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; OR the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; or
- ☒ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; OR the applicant is **not** the permit holder of record but is supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; or
- ☒ N/A. Not required because the applicant is the permit holder of record.

11. SIGNATURES

- ***For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:***

- ☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months;*

(b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*

(c) If the applicant is not both the person named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:

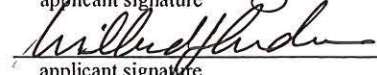
A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or

B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☒ I (we) affirm that 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. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

▪ For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	ROBERT PIETRUSZKA name (print)	2/21/2007 date
 applicant signature	Willard J Anderson name (print)	21 Feb 07 date

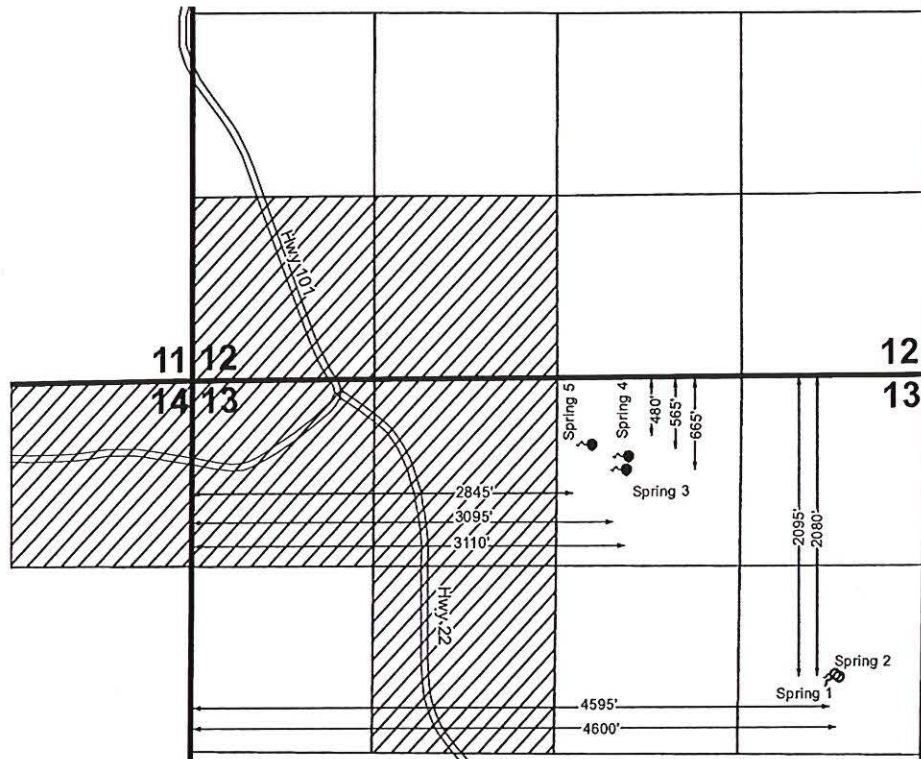
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**T. 4 S., R. 10 W., W.M.
Sections 12 and 13
Tillamook County
Application 68665, Permit 49685**



Notes:

- 1) Spring #1 is permitted at 2,226.56 feet South and 4,469.80 feet East of NW corner of Section 13, T4S, R10W, W.M..
Corrected location is 2095 feet South and 4595 feet East of NW corner of Section 13, T4S, R10W, W.M.
- 2) Spring #2 is permitted at 2,213.14 feet South and 4,473.25 feet East of NW corner of Section 13, T4S, R10W, W.M..
Corrected location is 2080 feet South and 4600 feet East of NW corner of Section 13, T4S, R10W, W.M.
- 3) Springs 3, 4, and 5 are proposed locations.

Legend

- Permitted Spring (Corrected Location)
- Proposed Spring
- Section
- Quarter Quarter
- Place of Use



Permit Amendment Application Map

Hebo Joint Water and Sanitary Authority
Hebo, Oregon

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Figure 1

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

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Map Date: February 20, 2007

Path: P:\1515912001\GIS\1591200100Fig1.mxd

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