

T-10409

PERMIT
AMENDMENT

T-10409

Name William + Sharpp, Colin Park
 By _____
 Address 24144 S Skyline Dr
Canby OR 97013
503 266-1880 503 307-8362 w/m cell
 Change in POA
 Date filed _____
 Date of hearing _____
 Place of hearing _____
 Date of order 7-28-08 Vol. 75, page 462
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Well
 Trib. of Molalla River County of Clackamas
 Use Nursery
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 9/20/05
 In name of Same as Above
 _____ Adjudication, Vol. _____, page _____
 App. No. G 16540 Per. No. G 16112 Cert. No. _____
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-13-07</u>	<u>350.00</u>	<u>88105</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NO TO CURR



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

July 31, 2008

WILLIAM PARK
COLIN PARK
SHARYN PARK
24144 S SKYLANE DR
CANBY OR 97013

Reference: Permit Amendment Transfer 10409

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

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE CONDITIONS OUTLINED IN THE ORDER. All other terms and conditions of the permit remain the same.

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

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #20

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10409, Clackamas County	)	APPROVING A CHANGE IN
	)	POINT OF APPROPRIATION

Authority

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

Applicant

WILLIAM, SHARYN & COLIN PARK
24144 SOUTH SKYLANE DRIVE
CANBY, OR 97013

Findings of Fact

Background

1. On June 13, 2007, William, Sharyn and Colin Park, filed an application to amend the point of appropriation under Permit G-16112 (Application G-16540). The Department assigned the application number T-10409.

2. The permit to be amended is as follows:

Permit: G-16112 (Application G-16540), in the name of WILLIAM, SHARYN & COLIN PARK

Use: NURSERY USE on 12.0 ACRES

Priority Date: SEPTEMBER 20, 2005

Quantity: 0.256 CUBIC FOOT PER SECOND (CFS)

Period of Use: YEAR ROUND

Rate/Duty: The amount of water used for NURSERY USE is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For the irrigation of **in-ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one

This is a final 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 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.

cubic foot per second and 2.5 acre feet per acre per year. The use of water for NURSERY USE may be made at anytime, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Source: A (PROPOSED) WELL in the Molalla River Basin

Date of Completion of Construction

and Complete Application of Water: October 1, 2011

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
4 S	1 E	WM	2	NW NE	240 feet South and 1600 feet West from the NE corner of Section 2

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼ ¼	Acres
4 S	1 E	WM	2	NW NE	6.75
4 S	1 E	WM	2	SW NE	5.25

- Application T-10409 proposes to move the authorized point of appropriation approximately 600 feet South to:

Twp	Rng	Mer	Sec	¼ ¼	Location
4 S	1 E	WM	2	NW NE	840 feet South and 1800 feet West from the NE corner of Section 2

- Notice of the application for the permit amendment was published in the Department's weekly notice on June 26, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
- The change would not result in injury to other water rights.
- If conditioned to limit the quantity of water diverted at the proposed well to that quantity of water lawfully available at the authorized well, the change will not enlarge the permit.
- The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-10409 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and 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.

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

3. Water shall be acquired from the same ground water source as the original point of appropriation.
4. All other terms and conditions of Permit G-16112 remain the same.
5. Permit G-16112, in the name of William, Sharyn and Colin Park, is amended as described herein.

Dated at Salem, Oregon this 28th day of July, 2008.



PC Phillip C. Ward, Director

Mailing Date: AUG 01 2008

Permit Amendment Checklist

Permit Amendment: **T- 10409**

Transfer Specialist: **Lisa Jaramillo**

Permit Amendment Type: **POA**

Applicant Name/Address: William, Sharyn & Colin Park, 24144 S. Skylane Dr., Canby, OR 97013

Agent Name/Address: **NONE**

CWRE Name/Number: **NONE**

Rec Landowner Name/Address: **NONE**

Irr. District Name/Address: **NONE**

Affected Govt's Name/Address: **NONE**

Commentors Name/Address: **NONE**

Permits Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Permit "C" Date
☒	☒	G-16540	G-16112	October 1, 2011

Key Dates & Initial Actions

Rec'd: 6-13-07	Proposed Action: POA	
Fees Pd: 350.00	WM District: 20	ODFW District: N/A
Initial Notice: 6-26-07	WM Review sent: 6-22-07	ODFW Review sent: N/A
Acknowledgement Letter Sent: ☒		GW Review sent: 6-22-07

Processing Dates & Actions

Deficiency Contacts: N/A	Newspaper Publication Required? YES NO
Affidavit of Publication Rec'd: N/A	Affidavit of Publication Due: N/A
Last Day Published: N/A	Affidavit Reminder Sent: N/A
Reminder Deadline:	

Final Order

- ☒ Electronic Files uploaded ☒ File Assigned/ ModPod updated
☒ Newspaper Notice Cover letter ☒ ~~Fee Refund Due~~
☒ Newspaper Notice

Draft Order Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Final Order Review (Salem) Reviewer: _____ Date: ASP Coordinator: 7/28/08 Date: _____
Comments/Special Issues: - Proposed well is approx. 600 feet South of the permitted well.	

Special Order Volume: Vol: **25**, Pages **462**
Notice of FO e-mailed to processors: **Lisa J.**

Final Order Signature Date: **7-28-08**

Permit Amendment Processing Log (ORS 537.211)

T- 10409

Reviewer's Name: [Signature] Date: 4-17-08

Transfer #: T-10409 Type of Change: POA

Originating Permit #: G-16112 (Appl #: G-16540) "C" Date: 10-1-2011

Date filed: 6-13-07
County: Clackamas

WM District: 20 - Sabrina White

Applicant's Name & Mailing Address: William, Sharyn & Colin Park
24144 S. Skyline Drive
Canby, OR 97013

CWRE: N/A

Transfer Workflow

☒ File assigned to me?

• Initial Public Notice: 6-26-2007

Check Application

- ☒ Type of change indicated clearly? POA
- ☒ Is the application signed by all the permit holder(s) of record? Yes ☒ No ☐
- If No... ☐ If there are other permit holders that have NOT signed the application, have they submitted a notarized statement consenting to the permit amendment application? Yes ☐ No ☐
- ☐ If signed by someone other than permit holder(s), is there a notarized statement allowing this person to act as an agent on behalf of the permit holder(s)? Yes ☐ No ☐
- ☒ Have the appropriate fees been paid? Yes ☒ No ☐ \$350 - for one change
- If "No"... ☐ Fees due: _____
- ☐ Refund due: _____

(If to be REFUNDED, generate Request for Refund to be sent to Fiscal at time of Final Order.)

- N/A ☐ If MU or QM for POU change (service boundary expansion), has Land Use form for "to" land signed by proper official been submitted?
- N/A ☐ If MU or QM for POU change (service boundary expansion), has evidence of use been submitted?
(Permit holder is capable of using all water within the service boundary in existence at time of permit issuance.)
- N/A ☐ If a ditch company or district is involved, send them a copy of the application and map.
- N/A ☐ If a POD is moving to a ditch owned by a company or organization, applicant may need to show permission from the ditch owner.

Check Ownership

- ☒ Is the POD/POA or POU being moved to land owned or controlled by the permit holder(s)? Yes ☒ No ☐
- If "No"... Deed is needed for land not under permit holders control or ownership.
(If "Yes"... all "to" area on permit holders land described in deed from original application for permit, no need to have another copy of the same deed.)
- ☒ Assignment needed? Yes ☐ No ☒
- (If POU being moved to land NOT owned by permit holder, the owner of the "to" land must be assigned to permit)
- ☒ Print copy of current tax lot map. (If application is several years old, contact assessor's office for current landowner.)
(Verify that Land Use and Deed in permit file record match POU identified in Permit Amendment... most likely OK if no POU change.)

Check Application Map... Same standards as Div 380 except does NOT have to be prepared by CWRE

- OK see map on Aerial photo.
- ☒ Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(b)(c)&(d)? - No scale indicated.
- ☒ Are all authorized and proposed POD's/POA's and POU's shown and clearly labeled? - clearly labeled?
- ☒ Do the metes and bounds for the POD's/POA's properly describe the location on the map? - Distances don't give.
- ☒ Do map acres match the tabulation on the permit?
- ☒ Do the POD/POA dimensions & 1/4 1/4 on map match the permit amendment application and permit descriptions?

Is Application complete?

- ☒ Application Form ☒ Map **OK**
☒ Well Logs ☒ Fees Paid

Refund? _____

May be needed on POU's...

- N/A** ☐ Deed (if POU moving to land not owned or controlled by permittee)
N/A ☐ Evidence of Use -
(if permit is MU or QM and want to change POU to expand service boundary footprint)
N/A ☐ Land Use form -
(if POD/POA or POU is moving a great distance & off of land originally involved in permit)

Same Tax lot as orig. well in permit

Reviews/comments received?

- ☒ Watermaster _____
N/A ☒ ODFW _____
☒ GW _____

Determining the "From" and "To" Lands (make working copy of application and permit to mark on)

- ☒ Are the permitted POD's/POA's and POU's to be transferred listed?
☒ Do application & permit tabulations match? (check off on application and permit copies and note corrections needed)
☒ Mark proposed changes on permit copy.

Conflict Check

- N/A** ☐ Print plat card report for POU change. *No POU change - N/A.*
N/A ☐ Are there conflicting water rights on "to" land?
N/A ☐ Are there any rights coupled together (primary and supplemental) that must move along with subject permit?
If so, identify: _____
N/A ☐ Are there any rights that need to be canceled or diminished to supplemental?
If so, identify & prepare an affidavit: _____

Injury Determination

- N/A** ☒ Watermaster Injury: Yes ☐ No ☒ Conditions requested: Yes ☒ No ☐
N/A ☒ ODFW Injury: Yes ☐ No ☐ Conditions requested: Yes ☐ No ☐
N/A ☒ GW Injury: Yes ☐ No ☒ Conditions requested: Yes ☐ No ☒

Proposed Well in basalt aquifer - same as orig. auth. POA.

Conditions requested:

- Measurement devices: ☒ Required prior to use -or- ☐ "When in the judgment"
☐ Fish screen (see ODFW comments) ☐ Other: _____

- N/A** ☐ Will the "from" land be able to be dried up? Yes ☐ No ☐ *N/A - No POU Change.*
N/A ☐ Use Interactive Mapping to check for intervening PODs: Yes ☐ No ☐ *POA change not likely to result in injury to other WR's - see GW Review.*
N/A ☐ Check relation to instream water rights: ☐ Moves into or within ISWR ☐ No problem
N/A ☐ Check movement related to reduction of flows to junior rights: *No POU change.*

Determination: Enlargement? ☐ Yes ☒ No *- As long as limited to Q avail. @ orig. POA.*
Injury? ☐ Yes ☒ No

☒ **Approve** -or- ☐ **Reject**

Conditions from Permit

Deficiencies to be resolved:

☐
☐
☐

Processing Benchmarks:

Request for Comments

WRD Notice date: 6-26-07 Comments received? ~~Yes~~ ☒ No ☒

Deficiency Letter

Deficiency letter sent on _____ for _____

Response due date: _____

Newspaper Notice... (Required for POD or POA change with a distance of more than ¼ mile from permitted POD/POA)

N/A ☒ Is newspaper notice required? ~~Yes~~ ☐ No ☒
☐ If Yes, generate a draft of the newspaper notice.

- Proposed Well is Approx.
600 feet South of
Permitted Well.

Final Order

FO (& refund request) draft date: _____ Reviewed by: _____

Remarks and Notes:

Interoffice Memorandum

July 11, 2008

To: Water Rights
From: Josh Hackett
Subject: Ground Water Review of Permit Amendment T-10409

Findings

The new POA (proposed well) will produce from the same aquifer as the authorized point of appropriation.

The transfer is unlikely to result in injury to existing rights.

Discussion

This application proposes a transfer of point of appropriation (POA) on permit G-16112.

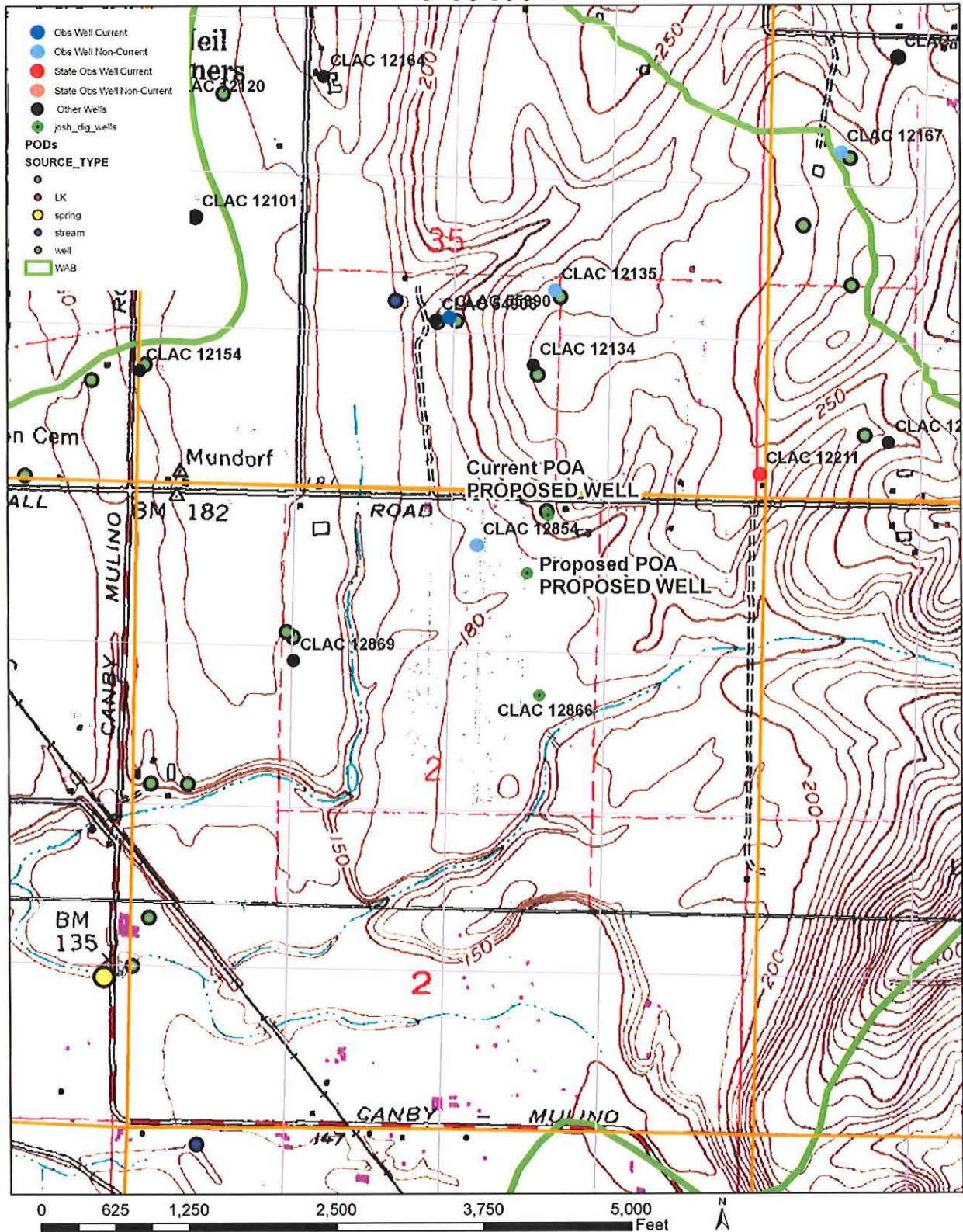
A proposed well is the authorized point of appropriation on permit G-16112. The applicant is requesting a transfer to change the POA to a proposed well that will be located approximately 600 feet south of the authorized POA. According to the conditions specified on permit G-16112, the current POA is authorized to produce only from the basalt aquifer system.

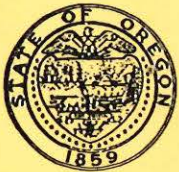
The proposed POA will also produce from the basalt aquifer system.

The change POA is not likely to result in injury to existing water rights.

Well Location Map

T-10409





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

TO: TRANSFER SECTION

DATE: 6-22-07

FROM: _____ WATERMASTER, DISTRICT # _____
_____ X _____ GROUNDWATER SECTION

(SIGNATURE) _____ [Signature] date signed 7/11/08

SUBJECT: PERMIT AMENDMENT # 10409

A change in: POU POD POA of water.

In the name(s) of William, Sharyn, Colin Park

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



4 IE 2
2 INDEV

Lisa Jaramillo

From: Lisa Jaramillo
Sent: Tuesday, June 10, 2008 10:10 AM
To: Dorothy Pedersen
Subject: Status of GW Injury Review for T-10409 (Permit Amendment)

Hi Dorothy,

FYI... I received a phone call from an applicant for a permit amendment application that was filed on June 13, 2007 (T-10409; William, Sharyn & Colin Park). This is at least the second time they called to check on status.

At this time, I am still waiting on a GW Injury Review from the Ground Water Section. As it has been almost a year since the application was submitted, I thought I would let you know. I have everything else I need process the application. We're just waiting on the GW Injury Review. (WM Injury Review was received 6-27-07 last year.)

Thanks,
Lisa

6/10/2008



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10409

Review Due Date: July 21, 2007

Applicant Name: William, Sharyn and Colin Park

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

Reviewer(s): Sabrina White-Scarver

Date of Review: June 27, 2007

- 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: _____
- 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:
Although the well that serves this right does not have a history of regulation, nearby surface water is regulated most years. If the proposed well is found to be hydraulically connected to nearby surface water, there may be injury issues.
- 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:

- 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: _____
- 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: _____
- 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: _____
- For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
- 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: _____
- Are there other issues not identified through the above questions? ☒ Yes ☐ No If "Yes", explain: See question #2.

Watermaster Review Form

Transfer Application: T-10409

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



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

June 21, 2007

WILLIAM, SHARYN, COLIN PARK
24144 S SKYLANE DR
CANBY OR 97013

Reference: Permit Amendment T- 10409

On June 13, 2007 we received your request for permit amendment. The application was accompanied by \$350.00. Our receipt 88105 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the 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 appropriation, until we issue a final order approving the application.

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 #20
Groundwater

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 06/26/2007

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. 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.

County: CLACKAMAS
Transfer: 10409
Water Right: PERMIT G 16112
Priority Date: 2005
Name: WILLIAM, SHARYN, COLIN PARK
Address: 24144 S SKYLANE DR; CANBY OR 97013
Change: POA
Source: WELL
Authorized POA: T4S R1E 2
Proposed POA: T4S R1E 2

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. Comments should be sent to the Transfers Section at the Department's Salem office.

Oregon Water Resources Department

Attn: Sarah



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: William Park Fax Number: 503-266-1880

Date: 6-14-07 Pages: 2, including cover sheet

From: Sarah Henderson Phone: 503-986-0 883

Comments:

William, please have Colin sign the application and
return to me.

Thank you, have a wonderful day!

Sorry - Colin was not available until Sat. Thanks

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

Fax: 503-986-0903 or
503-986-0904

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

*for your
help.
Sharyn*

10409

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.

10. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

- ☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *(pursuant to OAR 690-380-4010(5))* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (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 transfer 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 agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ 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 690-380-3000(13)(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 water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(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 a transfer under this subsection if it has filed a condemnation action to acquire the property.)*
- I (we) affirm that the information contained in this application is true and accurate.

sign →

 applicant signature	Colin Park name (print)	June 16th 2007 date
_____ applicant signature	_____ name (print)	_____ date

T-10409

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **88105**

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

INVOICE # _____

RECEIVED FROM: William & Sharyn Park

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10409

CASH: ☐ CHECK: # 2014 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

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

PCA 4611

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 RECORD FEE \$ _____
0205 TRANSFER	EXAM FEE \$ <u>350.00</u>	

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD # _____
0210 MONITORING WELLS	\$ _____	CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **88105**

DATED: 6-13-07 BY: Drino Duchi



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: William, Sharyn & Colin Park
First Last

Address: 24144 S. Skylane Drive
Canby OR 97013
City State Zip

Phone: 503-266-1880 503-351-7143 colin cell
Home Work Other

Fax: 503-266-1880 E-Mail address: shparklee@canby.com 503-307-8362 wm. cell

3. AGENT INFORMATION

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

Name: _____
First Last

Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

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.

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SALEM, OREGON

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 Ground Water Registrations</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 portion 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 Permit Amendments</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 _____

- Reason(s) for amendment/modification(s): More central location + accessibility

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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>G-16112</u> Permit Number	<u>10-19-06</u> Current Completion Date of Permit
☐ Ground Water Registration to be Modified:	Ground Water Registration Number	NOTE: Concurrent changes to a water right must be filed separately on a transfer application.

- Name on Permit or Registration: William, Sharyn & Colin Park
- County: Clackamas
- Authorized Use(s) to be affected by this Amendment/Modification: _____

- Priority Date(s): Sept. 20, 2005

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: _____

A (proposed) well in Molalla River Basin

Tributary to: _____

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: _____

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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	1/4 1/4	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
No well yet		T4S	R1E		2	NW 1/4 NE 1/4		240' S & 1600' W from NE corner, Section 2

- 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

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- *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)

[illegible]

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Last Updated: 10/30/2006

Permit Amendment or GW Modification/5

T 10409

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	Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Proposed well Malalla River Basin	T4S	R1E		2	NW 1/4 NE 1/4		840'S + 1800' W of NE Corner, Section 2

- 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:

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

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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).

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.*

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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

NA
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:
- ☐ 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.

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:
- ① In EFU zone or irrigation district;
 - ② Change in place of use only;
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures; and
 - ④ 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: \$ 350.00
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.

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SALEM, OREGON

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.

11. SIGNATURES

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

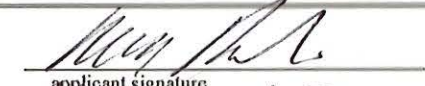
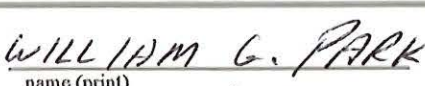
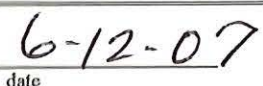
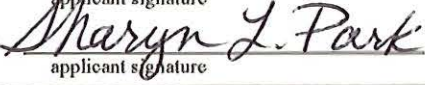
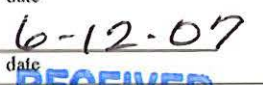
- ☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership 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	 name (print)	 date
 applicant signature	 name (print)	 date

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Work
COPY

10409

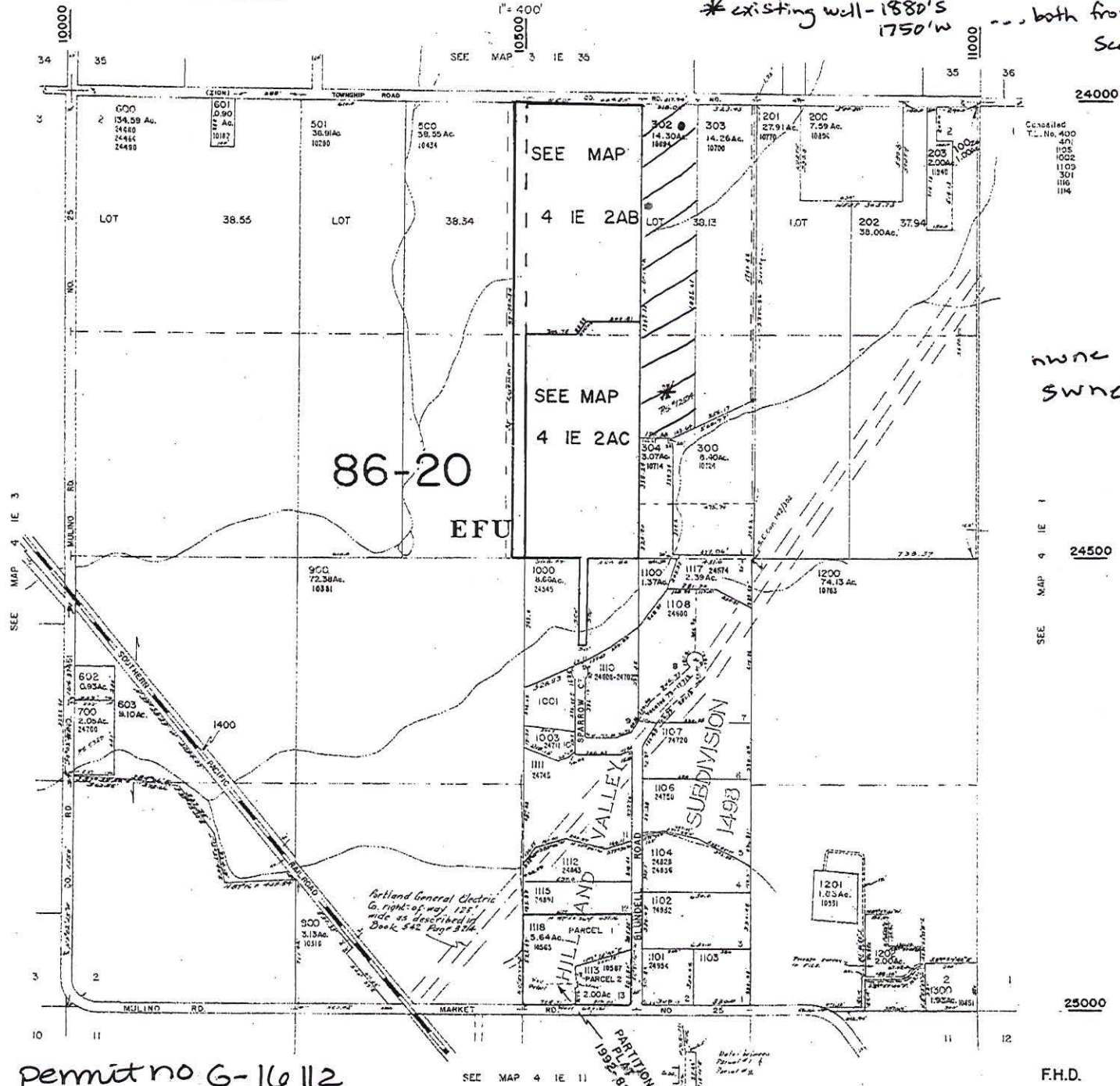
This map was prepared for
assessment purpose only.

SECTION 2 T.4S. R.1E. W.M.
CLACKAMAS COUNTY

o proposed well - 240'S
1600'W
* existing well - 1880'S
1750'W

4 IE 2
& INDEX

... both from ne corner,
Section 2



nwn 6.75 ac
swnc 5.25 ac

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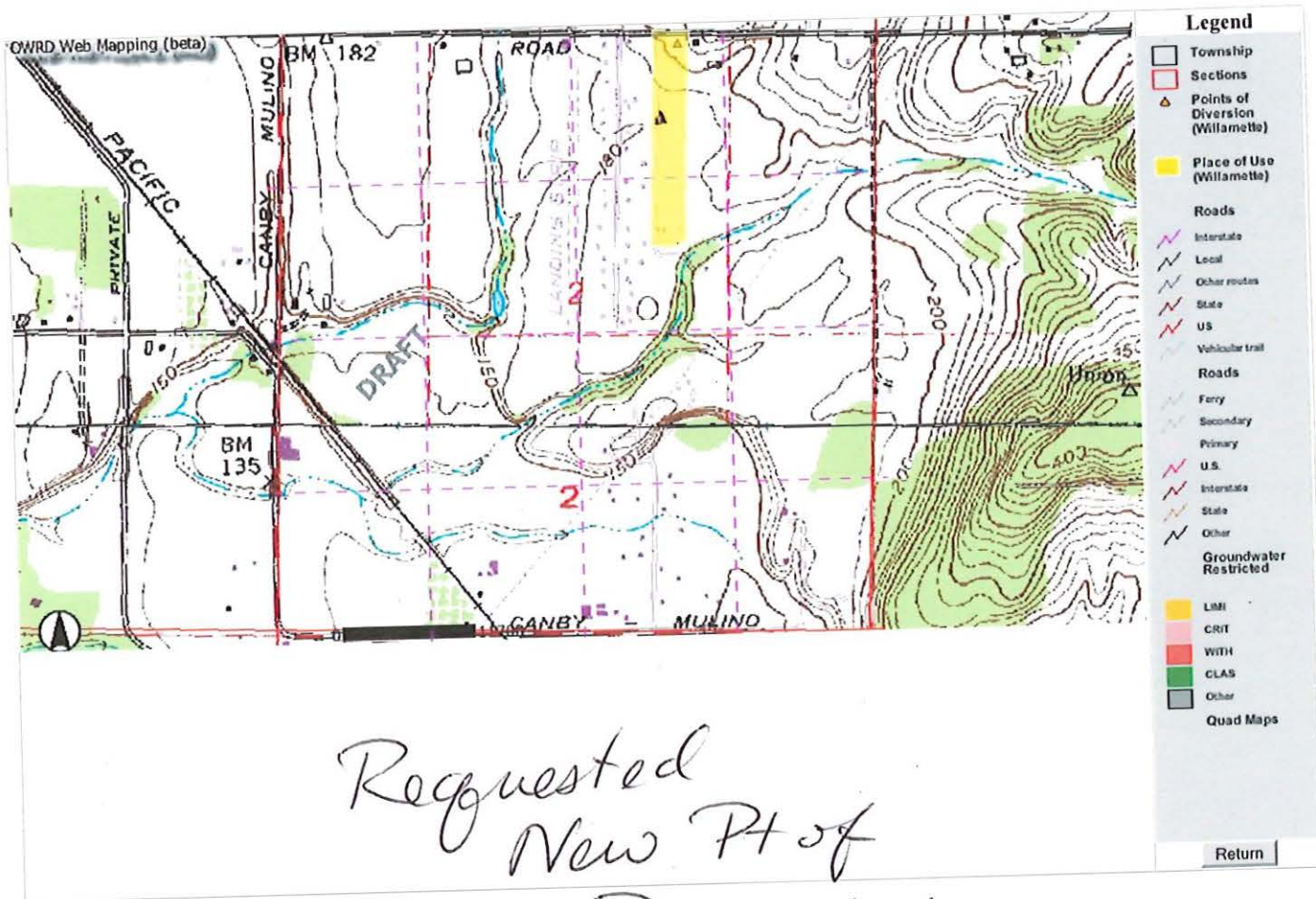
WATER RESOURCES DEPT
SALEM, OREGON

app no G-16540 permit no G-16112

F.H.D.

4 IE 2
& INDEX

Permit G-16540 Park



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WATER RESOURCES DEPT
SALEM, OREGON

T 10409

Indicate in this column whether or not the item is satisfied.

Permit Amendment Application – ORS 537.211

Completeness Checklist

Applicant's Name: Williams, Sharyn + Colin Park

(Form last revised: October 30, 2006)

Section A – Status of Permit

Is this a permit that can be amended?

NOTE: The Department CANNOT accept a Permit Amendment application for any permit that has:

- ___ 1) a permit completion date that has expired; *or*
- ___ 2) a pending permit extension of time application on file with the Department; *or*
- ___ 3) a pending claim of beneficial use report on file with the Department.

If the subject permit falls into any of the above categories, RETURN the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Permit Amendment process?

[ORS 537.211(4)]

NOTE: Only POD, POA or POU changes are allowed on Permit Amendments.

If the application proposes a change other than those listed above, RETURN the application & fee to the applicant.

Section C – Fees

Have the appropriate fees been paid?

Total Required Fees: 350

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 350

- \$350 - Base fee (1st change and 1st CFS of water)
- + \$350 - Each additional type of change requested
- + \$175 - For each CFS, or fraction thereof, requested beyond 1st CFS
(for POU, Type of Use, or Exchange)

Fees Due (if any): 0

Refund Due (if any): 0

If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.

Section D – Completeness

Is the Permit Amendment application complete?

All required elements necessary for a complete permit amendment application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is NOT complete, RETURN the application & fee to the applicant.

• Applicant's name, mailing address and contact information. (Page 1)

• Agent's name, mailing address and contact information, if applicable. (Page 1)

• Are multiple permits being amended? YES NO (Page 2)

If YES..... the applicant must supply a separate "set" of pages 3 through 7 of the application form for each permit to be amended.

• The type of amendment being proposed. (Page 2)

• Reason for the permit amendment. (Page 2)

• Current permit information – permit number, use, priority date, source(s), etc. (Page 3)

N/A	If for a change in POU.....Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the permit proposed to be amended? YES NO If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). (Page 3)
OK	Location description of the authorized POA/POD to be amended. (Page 4) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 4 of the application.
N/A	Location description of the existing authorized POU and associated acres (if applicable). (Page 5) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
OK	Location description of the proposed POA/POD. (Page 6) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 6 of the application.
N/A	Location description of the proposed POU and associated acres (if applicable). (Page 7) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.
OK	Affected districts and local governments. (Page 8) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
OK	Is the applicant the permit holder of record? YES NO (Page 8) If NO..... the applicant must either submit: _____ 1) a Request for Assignment form & fee in order to be assigned to the permit, <u>or</u> _____ 2) an Affidavit of Consent from the permit holder giving permission for the amendment.
N/A	If the permit holder of record does not own or control the land TO which the place of use is being moved, has a Request for Assignment form been submitted to assign the owner of the TO land to the permit? YES NO (Page 9)
OK	Map..... (NOT required to be prepared by a CWRE). (Page 10) _____ north arrow _____ size & scale _____ other: _____ _____ authorized acreage per ¼ ¼ matches the permit _____ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) _____ point plotted for the authorized POD/POA agrees with location coordinates _____ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) _____ location coordinates accurately describe the point identified as the proposed POD/POA
	Land Use form, <i>if applicable</i>. (Page 10) May be needed if the POD/POA or POU is moving a great distance and off of land originally involved in permit.
	Signature(s) of applicant(s): (Page 11) All applicants listed on page 1 of the application must sign the application.

WRD Completeness Reviewer's Name: _____ Date: _____

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILLIAM, SHARYN AND COLIN PARK
24144 S SKYLANE DR
CANBY, OR 97013

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

APPLICATION FILE NUMBER: G-16540

SOURCE OF WATER: A (PROPOSED) WELL IN MOLALLA RIVER BASIN

PURPOSE OR USE: NURSERY USE ON 12.0 ACRES

MAXIMUM RATE: 0.256 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 20, 2005

WELL LOCATION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T4S, R1E, W.M.; 240 FEET SOUTH & 1600 FEET WEST FROM NE CORNER, SECTION 2

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 6.75 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5.25 ACRES
SECTION 2
TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

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

The well shall produce groundwater only from the basalt groundwater reservoir.

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall install a meter or other measuring device suitable to the Director, and shall submit an annual report of water used to the Department by December 1 of each year.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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 not be valid, 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.

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

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

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

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

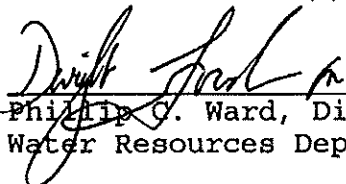
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued October 19, 2006


Philip C. Ward, Director
Water Resources Department