

T-10461

T-10461

RA

Name Hugh + Janet WeberAddress 21640 SW Chapman Rd  
Sherwood, OR 97140  
503 625-1864Change in POUDate Filed 9-19-07Initial notice date 9-25-07

DPD issued date

PD issued date

PD notice date

Date of FO 8-14-09 Vol 78 Page 710

C-Date

COBU due date

COBU Received date COBU 12/6/2010Certificate issued 85664

NOV 01 2013 88746

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Unnamed StreamTrib. of Chicken CreekUse IRCounty Washington

Quantity of water (CFS)

No. of Acres 23.5

Name of ditch

App # 33404 Per # 26448 Cert # 30853 PR Date 1959

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

## FEES PAID

| Date           | Amount        | Receipt #         |
|----------------|---------------|-------------------|
| <u>9/19/07</u> | <u>400.00</u> | <u>89743</u>      |
| <u>3/10/09</u> | <u>125.00</u> | <u>95849 (RA)</u> |

## FEES REFUNDED

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

Assignments:

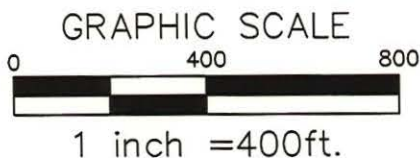
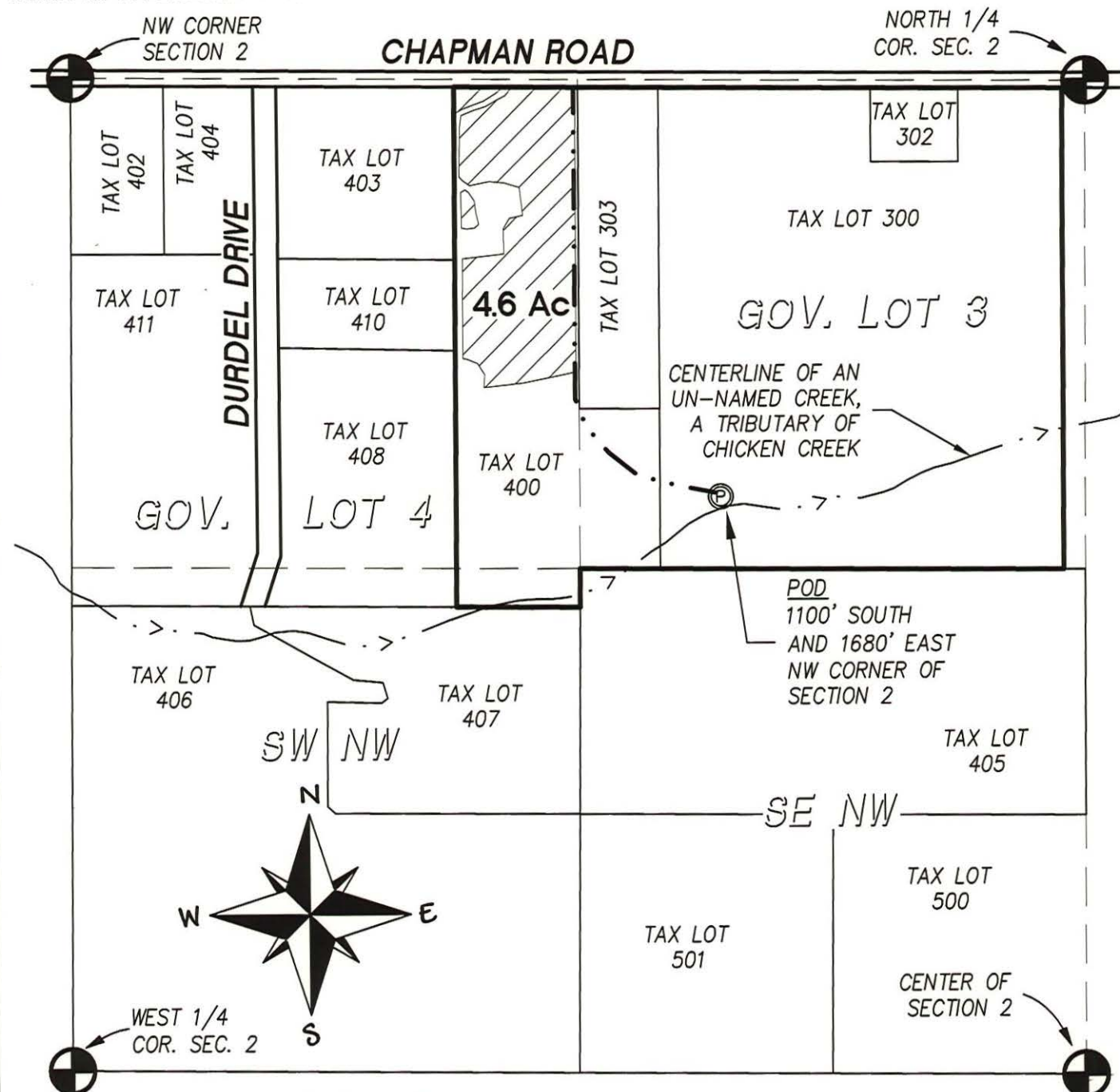
RA Contractor: GSI (Molly Reid)Irrigation District Tualatin Valley Irrigation District 2330 Elm St. Forest Grove  
OR 97116Agent Bernadette Williams c/o Stuntzner Engineering & Forestry  
2137 19th Ave Forest Grove OR 97116 503 357-5717 503 428-4045CWRE Eric Urstadt # 385CC's list City of Sherwood 22560 SW Pine St Sherwood OR 97140Washington County Planning Division 155 N First Avenue Suite 350MS 14 Hillsboro, OR 97124☐ - Oversized map - Location



# CLAIM OF BENEFICIAL USE MAP

NW 1/4 OF SECTION 2, T3S, R2W, WM  
LOT 400 OF TAX MAP T3S R2W SECTION 2  
WASHINGTON COUNTY, OREGON  
WILLAMETTE RIVER BASIN  
TRANSFER APPLICATION T-10461

PREPARED FOR:  
HUGH AND JANET WEBER  
21750 SW CHAPMAN ROAD  
SHERWOOD OREGON, 97140



## LEGEND

- POD - LOCATED 1100' SOUTH AND 1680' EAST OF THE NORTHWEST CORNER OF SECTION 2
- TRANSFER T-10461 IRRIGATED AREAS
- TYPICAL LOCATION OF PORTABLE IRRIGATION PIPELINE
- PROPERTY LINE
- TAX LOT LINE
- SECTION AND QUARTER SECTION LINES

MAP BASES: WASHINGTON COUNTY TAX MAP 3S2 2  
2010 GOOGLE EARTH AERIAL PHOTO

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

RECEIVED

DEC 06 2010

WATER RESOURCES DEPT  
SALEM, OREGON



**Stuntzner**  
Engineering  
& Forestry, LLC

PROJECT: 307-2-071  
BY: Kaid E. McKay  
CHECKED BY: EAU  
DATE: NOVEMBER 17, 2010

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **89743**

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

|                                                                                                 |                              |
|-------------------------------------------------------------------------------------------------|------------------------------|
| RECEIVED FROM: <u>U.S. Espalier Nursery</u>                                                     | APPLICATION                  |
| BY: <u>Company</u>                                                                              | PERMIT                       |
|                                                                                                 | TRANSFER <u>7-10-161</u>     |
| CASH: <input type="checkbox"/> CHECK: # <u>21002</u> OTHER: (IDENTIFY) <input type="checkbox"/> | TOTAL REC'D \$ <u>400.00</u> |

**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>400.00</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 _____ | \$ _____       |

RECEIPT: **89743**

DATED: 9/19/07 BY: L. Paschke

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

# Mailing List for Transfer Certificate

**Application:** T-10461

**Certificate:** 88746

**Certificate/Transfer Holder:** (include copy of map)

HUGH AND JANET WEBER  
21750 SW CHAPMAN ROAD  
SHERWOOD OR 97140

**Copies Mailed**

**By:** SH  
(SUPPORT STAFF)

**on:** NOV 01 2013  
(DATE)

**Copies of final Certificate to be sent to:**

1. Watermaster #18 (Include map) ✓
2. Data Center ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

**Other Persons to receive copies (proposed and/or final certificate: (Include map)**

KAID EDWARD MCKAY, CWRE ✓

**Record Marking(s):**

1. Original Application# 33404 ✓
2. Old Certificate# 30853





# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0901

FILE COPY

Date Mailed: NOV 01 2013

## NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

FILE COPY

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HUGH AND JANET WEBER  
21750 SW CHAPMAN ROAD  
SHERWOOD OR 97140

confirms the right to use the waters of UNNAMED STREAM, tributary to CHICKEN CREEK for IRRIGATION of 4.9 ACRES.

This right was perfected under Permit S-26448. The date of priority is OCTOBER 5, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.058 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 | Measured Distances                                           |
|-----|-----|-----|-----|-------|------|--------------------------------------------------------------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    | 1100 FEET SOUTH AND 1680 FEET EAST FROM NW CORNER, SECTION 2 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q   | GLot | Acres |
|-----|-----|-----|-----|-------|------|-------|
| 3 S | 2 W | WM  | 2   | NW NW | 4    | 4.6   |

When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning the construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

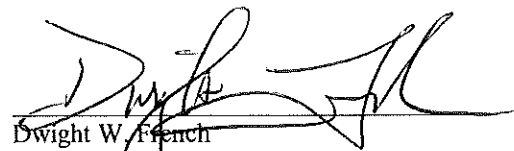
**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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



This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered AUGUST 14, 2009, at Special Order Volume 78, Page 710, approving Transfer Application 10461, and together with Certificate 85664, supersedes Certificate 30853, State record of Water Right Certificates.

Issued NOV 01 2013.



Dwight W. French  
Administrator, Water Right Services, for  
Phillip C. Ward, Director

# Mailing List for Transfer Certificate

**Application:** T-10461

## **Certificate:**

**Certificate/Transfer Holder:** (include copy of map)

HUGH AND JANET WEBER  
21640 SW CHAPMAN ROAD  
SHERWOOD OR 97140

**Copies Mailed**

By: *Dawn*  
(SUPPORT STAFF)

on: MAY 08 2013  
(DATE)

**Copies of final Certificate to be sent to:**

1. Watermaster #18 (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

**Other Persons to receive copies (proposed and/or final certificate: (Include map)**

KAID EDWARD MCKAY, CWRE

**Record Marking(s):**

1. Original Application# 33404
2. Old Certificate# 30853





# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

**DATE MAILED:** MAY 08 2013

**NOTICE**

Reference: Transfer Application T-10461

Enclosed is a proposed certificate of water right and map. The proposed certificate represents the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous transfer holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you do not agree with the proposed certificate, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the transfer assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French

Water Right Services Division Administrator for  
Phillip C. Ward, Director

## Jeana Eastman

---

**From:** jmusicweb@aol.com  
**Sent:** Tuesday, May 21, 2013 3:16 PM  
**To:** jeana.m.eastman@state.or.us  
**Subject:** Re: **Transfer T-10461**, proposed certificate - address change request

Hi Jeana- **Yes that is the correct address. Thanks-Hugh**

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

**From:** Jeana Eastman <jeana.m.eastman@state.or.us>  
**To:** JMusicweb <JMusicweb@aol.com>  
**Sent:** Tue, May 21, 2013 3:11 pm  
**Subject:** Transfer T-10461, proposed certificate - address change request

Hugh and Janet Weber -

**The Department will change the address on the final certificate** when it's issued to:

**21750 SW Chapman Rd, Sherwood OR 97140**

Please confirm if you are in agreement.

Thanks,

Jeana Eastman  
Certificate Specialist  
voice 503.986.0812

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>

Messages to and from this e-mail address may be available

connie- 5/21  
i updated the address  
on the electronic copy  
of the proposed cert &  
the mailing list; so they're  
ready to be printed when  
it's ripe for final cert.  
thx-  
jeana





# 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

August 25, 2009

HUGH & JANET WEBER  
21640 SW CHAPMAN ROAD  
SHERWOOD OR 97140

REFERENCE: Transfer Application T-10461

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at [Sarah.A.Henderson@wrdd.state.or.us](mailto:Sarah.A.Henderson@wrdd.state.or.us).

Sincerely,

Sarah Henderson  
Executive Support  
Field Services Division

cc: Watermaster Dist. #18  
Eric Urstadt, CWRE  
Bernadette Williams, Agent  
Tualatin Valley Irrigation District

Enclosure

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

|                                       |   |                         |
|---------------------------------------|---|-------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A |
| T-10461, Washington County            | ) | CHANGE IN PLACE OF USE  |

**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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicants**

HUGH AND JANET WEBER  
21640 SW CHAPMAN RD.  
SHERWOOD, OR 97140

**Findings of Fact**

**Background**

1. On September 19, 2007, Hugh and Janet Weber filed an application to change the place of use under Certificate 30853. The Department assigned the application number T-10461.
2. On April 20, 2009 a revised map and ownership documentation were received and on June 10, 2009 a second revised map was received.
3. The portion of the right to be transferred is as follows:

**Certificate:** 30853 in the name of SIGWARD EDSTROM (perfected under Permit S-26448)

**Use:** IRRIGATION of 4.9 ACRES

**Priority Date:** OCTOBER 5, 1959

**Rate:** 0.06 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** UNNAMED STREAM, tributary to CHICKEN CREEK

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.

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot |
|-----|-----|-----|-----|-------|------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 3 S        | 2 W | WM  | 2   | NE NW | 3    | 4.9   |

4. Certificate 30853 does not describe the location of the point of diversion, however information is available from the transfer map and the water right Application S-33404 map indicating that the point of diversion is located as follows:

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot | Survey Coordinates                                                                                                                                                  |
|-----|-----|-----|-----|-------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    | 1210 FEET SOUTH AND 1470 FEET EAST FROM THE NW CORNER OF SECTION 2; also described as SOUTH 124 DEGREES, 30 MINUTES EAST, 1970 FEET FROM THE NW CORNER OF SECTION 2 |

5. Application T-10461 proposes to change the place of use of the right to:

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 3S         | 2W  | WM  | 2   | NW NW | 3    | 4.9   |

6. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 26, 2009 the Department sent a letter to the applicants, requesting a revised map meeting the requirements of OAR 690-380-3100 to be submitted by June 26, 2009. A revised map meeting the requirements was received June 10, 2009 in response to the letter.
8. On June 25, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10461 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 27, 2009, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
9. On July 7, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10461 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 14, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.



10. The point of diversion does not currently require a fish screen and/or by-pass device; however, the water right holder may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

11. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10461.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-10461 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in application T-10461 is approved.
2. Water right certificate 30853 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 30853 and any related decree.
4. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 14<sup>th</sup> day of August 2009.

  
Phillip C. Ward, Director *FW*

Mailing date: AUG 26 2009.

STATE OF OREGON  
COUNTY OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SIGWARD EDSTROM  
ROUTE 3, BOX 223  
SHERWOOD OR 97140

confirms the right to use the waters of an UNNAMED STREAM, a tributary to CHICKEN CREEK for IRRIGATION of 18.6 ACRES.

This right was perfected under Permit S-26448. The date of priority is OCTOBER 5, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 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 |
|-----|-----|-----|-----|-------|------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

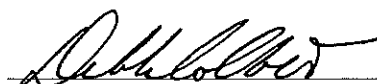
| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 3 S        | 2 W | WM  | 2   | NE NW | 3    | 18.6  |

This certificate describes that portion of the water right confirmed by Certificate 30853, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 14 2009, approving Transfer Application T-10461.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

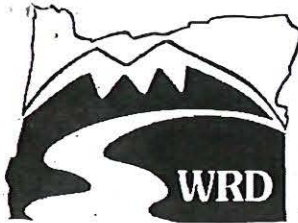
WITNESS the signature of the Water Resources Director, affixed AUG 14 2009.

  
Phillip C. Ward, Director



# Completion Checklist for CWRE Claims of Beneficial Use

Application # T-10461



Date Received 12/6/2010

CWRE Name Kaid McKay

Claim Logged yes

File Marked yes

Oversized Map # \_\_\_\_\_

Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

## Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☒ Calculated capacity of system (required)
  - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☒ Time limits
  - ☒ Initial water level measurements
  - ☒ Annual static water level measurements
  - ☒ Measurement, recording, and reporting
    - ☒ Meter/measuring device
    - ☒ Water use reporting
  - ☒ Fish screening and/or by-pass
  - ☒ Pump test (ground water)
  - ☒ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

## Certificate Issuance Processing Checklist

\_\_\_\_\_ Map and COBU reviewed  
\_\_\_\_\_ Conflict check (include copy of plat card printout) Any Conflicts? \_\_\_\_\_  
\_\_\_\_\_ Check for ownership

### Staff Recommendations:

\_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

\_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

\_\_\_\_\_ **Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



**CLAIM OF  
BENEFICIAL USE  
for Permits claiming more  
than 0.1 cfs and All Transfers**



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

**A fee of \$150 must accompany this form to be accepted for permits with a priority date of July 9, 1987, or later. (ORS 536.050(1))**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: [http://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml#](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#).

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml).

**SECTION 1**

**GENERAL INFORMATION**

**1. File Information**

|                                                |                          |                                    |
|------------------------------------------------|--------------------------|------------------------------------|
| APPLICATION # (G, R, S or T)<br><b>T-10461</b> | PERMIT # (IF APPLICABLE) | PERMIT AMENDMENT # (IF APPLICABLE) |
|------------------------------------------------|--------------------------|------------------------------------|

**2. Property Owner (current owner information)**

|                                               |                    |                                  |                                    |
|-----------------------------------------------|--------------------|----------------------------------|------------------------------------|
| APPLICANT/BUSINESS NAME<br><b>Janet Weber</b> |                    | PHONE NO.<br><b>503-625-1869</b> | ADDITIONAL CONTACT NO.             |
| ADDRESS<br><b>21750 SW Chapman Road</b>       |                    |                                  |                                    |
| CITY<br><b>Sherwood</b>                       | STATE<br><b>OR</b> | ZIP<br><b>97140</b>              | E-MAIL<br><b>jmusicweb@aol.com</b> |

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

3. Is the Property Owner the permit or transfer holder of record?

YES

If "YES" the remainder of this item may be deleted.

Permit or transfer holder of record (this may, or may not, be the current property owner)

|                                                                    |                        |                     |
|--------------------------------------------------------------------|------------------------|---------------------|
| PERMIT OR TRANSFER HOLDER OF RECORD<br><b>Hugh and Janet Weber</b> |                        |                     |
| ADDRESS<br><b>21750 SW Chapman Road</b>                            |                        |                     |
| CITY<br><b>Sherwood</b>                                            | STATE<br><b>OREGON</b> | ZIP<br><b>97140</b> |

Are there additional permit or transfer holders of record?

NO

If "NO" the following box may be deleted.

4. Date of Site Inspection: **November 4, 2010**

5. Person(s) interviewed and description of their association with the project:

| NAME       | DATE             | ASSOCIATION WITH THE PROJECT |
|------------|------------------|------------------------------|
| Hugh Weber | November 4, 2010 | One of the permit holders    |
|            |                  |                              |

6. County: **Washington**

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

\*\*Mark "NA" if there are no owners of property not included in this claim

|                              |       |     |
|------------------------------|-------|-----|
| OWNER OF RECORD<br><b>NA</b> |       |     |
| ADDRESS                      |       |     |
| CITY                         | STATE | ZIP |

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Are there additional Owners of Record?

NO

If "NO" the following box may be deleted.



## SECTION 2

### SYSTEM DESCRIPTION

#### A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

| POINT OF DIVERSION/APPROPRIATION<br>(POD/POA) NAME OR NUMBER<br>(CORRESPOND TO MAP) | WELL LOG ID #<br>FOR ALL WORK PERFORMED ON THE WELL<br>(IF APPLICABLE) | WELL TAG #<br>(IF APPLICABLE) |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------|
| <b>POD</b>                                                                          | <b>N/A</b>                                                             | <b>N/A</b>                    |
|                                                                                     |                                                                        |                               |

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

| POD/POA<br>NAME OR NUMBER | SOURCE                | TRIBUTARY            |
|---------------------------|-----------------------|----------------------|
| <b>POD</b>                | <b>Unnamed stream</b> | <b>Chicken Creek</b> |
|                           |                       |                      |

3. Developed use(s), period of use, and rate for each use:

| POD/POA<br>NAME OR<br>NUMBER        | USES              | IF IRRIGATION,<br>LIST CROP TYPE                              | SEASON OR MONTHS<br>WHEN WATER<br>WAS USED | RATE OR VOLUME<br>FOR USE<br>(CFS, GPM, OR AF) |
|-------------------------------------|-------------------|---------------------------------------------------------------|--------------------------------------------|------------------------------------------------|
| <b>POD</b>                          | <b>Irrigation</b> | <b>Fruit trees for sale<br/>and rye grain for<br/>harvest</b> | <b>June - September</b>                    | <b>0.06 CFS</b>                                |
|                                     |                   |                                                               |                                            |                                                |
|                                     |                   |                                                               |                                            |                                                |
| <b>Total Quantity of Water Used</b> |                   |                                                               |                                            | <b>0.06 CFS</b>                                |

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

**In the original development of the water right in certificate 30853 and embankment was constructed across the creek to create a pool. 3" pipe goes through the embankment. During irrigation, a pump attached to the pipe and pumped through 500 feet of 4 inch portable irrigation pipe up to the point of use.**

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## SECTION 2

### SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

POD

#### B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

| TWP                   | RNG | MER | SEC | Q-Q   | GLot | DLC | USE        | IF IRRIGATION,<br># PRIMARY<br>ACRES | IF IRRIGATION, #<br>SUPPLEMENTAL<br>ACRES |
|-----------------------|-----|-----|-----|-------|------|-----|------------|--------------------------------------|-------------------------------------------|
| 3S                    | 2W  | WM  | 02  | NW NW | 4    |     | Irrigation | 4.6                                  | n/a                                       |
|                       |     |     |     |       |      |     |            |                                      |                                           |
| Total Acres Irrigated |     |     |     |       |      |     |            | 4.6                                  | n/a                                       |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

#### C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

##### 2. Pump Information

| MANUFACTURER  | MODEL  | SERIAL<br>NUMBER | TYPE (CENTRIFUGAL,<br>TURBINE OR SUBMERSIBLE) | INTAKE<br>SIZE | DISCHARGE<br>SIZE |
|---------------|--------|------------------|-----------------------------------------------|----------------|-------------------|
| Berkely Pumps | B2ZRLS | G150791          | Centrifugal                                   | 3"             | 3"                |

##### 3. Motor Information

| MANUFACTURER       | HORSEPOWER | SERIAL NUMBER     |
|--------------------|------------|-------------------|
| US Electric Motors | 15 HP      | E683/SO8S158R004F |
|                    |            |                   |

##### 4. Theoretical Pump Capacity

| HORSEPOWER | OPERATING PSI   | LIFT FROM SOURCE TO PUMP<br>*If A WELL, THE WATER LEVEL<br>DURING PUMPING | LIFT FROM<br>PUMP TO<br>PLACE OF USE | TOTAL PUMP<br>OUTPUT<br>(IN CFS) |
|------------|-----------------|---------------------------------------------------------------------------|--------------------------------------|----------------------------------|
| 15 HP      | 100 psi assumed | 0.0                                                                       | 150 feet                             | 0.244 cfs                        |

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5. Provide pump calculations:

See Attached Calculations Sheet

6. Measured Pump Capacity (using meter if meter was present and system was operating)

| INITIAL METER<br>READING | ENDING METER<br>READING | DURATION OF TIME<br>OBSERVED | TOTAL PUMP OUTPUT<br>(IN CFS) |
|--------------------------|-------------------------|------------------------------|-------------------------------|
| N/A                      |                         |                              |                               |

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

| MAINLINE SIZE | LENGTH    | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|-----------|--------------|------------------------|
| 4"            | 1350' +/- | Aluminum     | Above Ground           |
|               |           |              |                        |
|               |           |              |                        |

9. Lateral or Handline Information

| LATERAL OR<br>HANDLINE SIZE | LENGTH | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|-----------------------------|--------|--------------|------------------------|
| 3" Handlines                | 600'   | Aluminum     | Above Ground           |
|                             |        |              |                        |
|                             |        |              |                        |

10. Sprinkler Information

| SIZE  | OPERATING PSI   | SPRINKLER<br>OUTPUT<br>(GPM) | TOTAL<br>NUMBER OF<br>SPRINKLERS | MAXIMUM<br>NUMBER USED | TOTAL SPRINKLER<br>OUTPUT<br>(CFS) |
|-------|-----------------|------------------------------|----------------------------------|------------------------|------------------------------------|
| 5/32" | 100 psi assumed | 7.29 gpm                     | 15                               | 15                     | 0.244 cfs                          |
|       |                 |                              |                                  |                        |                                    |
|       |                 |                              |                                  |                        |                                    |

11. Pivot Information

| MANUFACTURER | MAXIMUM<br>WETTED RADIUS | OPERATING<br>PSI | TOTAL PIVOT<br>OUTPUT (GPM) | TOTAL PIVOT<br>OUTPUT (CFS) |
|--------------|--------------------------|------------------|-----------------------------|-----------------------------|
| N/A          |                          |                  |                             |                             |
|              |                          |                  |                             |                             |
|              |                          |                  |                             |                             |

12. Additional notes or comments related to the system:

None.

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#### **D. Groundwater Source Information (Well and Sump)**

1. Is the appropriation from ground water (well or sump)?

NO

*If "NO", items 2 through 8 relating to this section may be deleted.*

#### **E. Storage**

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

NO

*If "NO", item 2 and 3 relating to this section may be deleted.*

#### **F. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

*If "NO", items 2 through 4 relating to this section may be deleted.*

#### **G. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

*If "NO", items 2 through 4 relating to this section may be deleted.*

#### **H. Reservoir**

1. Does the claim involve a reservoir modified through a transfer?

NO

**Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.**

*If "NO", items 2 through 9 relating to this section may be deleted.*

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## SECTION 3

### CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

|                                         | DATE FROM<br>PERMIT OR<br>TRANSFER | DATE<br>ACCOMPLISHED*     | DESCRIPTION OF ACTIONS TAKEN BY<br>WATER USER TO COMPLY WITH THE<br>TIME LIMITS                     |
|-----------------------------------------|------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                           | <b>August 14, 2009</b>             |                           |                                                                                                     |
| BEGIN<br>CONSTRUCTION (A)               | N/A                                | N/A                       |                                                                                                     |
| COMPLETE<br>CONSTRUCTION (B)            | <b>October 1, 2010</b>             | <b>August 19, 2009</b>    | <b>No construction required. The existing POD was used and portable irrigation pipes were used.</b> |
| COMPLETE<br>APPLICATION OF<br>WATER (C) | <b>October 1, 2010</b>             | <b>September 24, 2010</b> | <b>Permit holder irrigated all water right claimed.</b>                                             |

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

#### 2. Is there an extension final order(s)?

**NO**

*If "NO", you may delete item 3 in this section.*

#### 4. Initial Water Level Measurements:

##### a. Was the water user required to submit an initial static water level measurement?

**NO**

*If "NO", items 4b through 4d relating to this section may be deleted.*

#### 5. Annual Static Water Level Measurements:

##### a. Was the water user required to submit annual static water level measurements?

**NO**

*If "NO", items 5b through 5e relating to this section may be deleted.*

#### 6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

##### a. Did the permit require the submittal of a pump test?

**NO**

#### 7. Measurement Conditions:

##### a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device?

**NO**

*If "NO", items 7b through 7f relating to this section may be deleted.*

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**8. Recording and reporting conditions**

a. Is the water user required to report the water use to the Department?

NO

*If "NO", item 8b relating to this section may be deleted.*

**9. Fish Screening**

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

*If "NO", items 9b through 9e relating to this section may be deleted.*

**10. By-pass Devices**

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

*If "NO", items 10b and 10c relating to this section may be deleted.*

**11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order**

a. Were there special well construction standards?

NO

b. Was submittal of a ground water monitoring plan required?

NO

c. Was the water user required to restore the riparian area if it was disturbed?

NO

d. Was a fishway required?

NO

e. Was submittal of a letter from an engineer required prior to storage of water?

NO

f. Was submittal of a water management and conservation plan required?

NO

g. Other conditions?

YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

**In the final order approving the transfer under the section titled "Now, therefore, it is ORDERED:" items 4 and 5 are conditions**

**Item 4 reads: When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.**

*The water user has not receive direction from Department requiring the installation of headgate so no head gate has been installed.*

**Item 5 reads: The former place of use of the transferred right shall no longer receive water under the right.**

*The water user is no longer applying water from this right to the former place of use.*

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## SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)  
**The transfer was for 4.9 acres. Only 4.6 acres was developed in the new area.**

## SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

| ATTACHMENT NAME              | DESCRIPTION                         |
|------------------------------|-------------------------------------|
| <b>Capacity Calculations</b> | <b>System Capacity Calculations</b> |
|                              |                                     |
|                              |                                     |

## SECTION 6 CLAIM SUMMARY

| POD / POA<br>NAME OR # | MAXIMUM<br>RATE<br>AUTHORIZED | CALCULATED<br>THEORETICAL<br>RATE BASED ON<br>SYSTEM | AMOUNT OF<br>WATER<br>MEASURED | USE               | # OF<br>ACRES<br>ALLOWED | # OF ACRES<br>DEVELOPED |
|------------------------|-------------------------------|------------------------------------------------------|--------------------------------|-------------------|--------------------------|-------------------------|
| <b>POD #1</b>          | <b>0.06 cfs</b>               | <b>0.244 cfs</b>                                     | <b>N/A</b>                     | <b>Irrigation</b> | <b>4.9</b>               | <b>4.6</b>              |
|                        |                               |                                                      |                                |                   |                          |                         |

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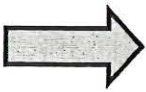
## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**The claim map was mapped using a combination of assessor tax maps, county survey records and aeriels photos. The aerial photo was downloaded from Google Earth and had a date of August 15, 2010.**



### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

**(Reminder: Incomplete maps and/or claims may be returned.)**

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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## SECTION 8 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



|                                             |                    |                                  |                                               |
|---------------------------------------------|--------------------|----------------------------------|-----------------------------------------------|
| CWRE NAME<br><b>KAID E. McKay</b>           |                    | PHONE NO.<br><b>503-357-5717</b> | ADDITIONAL CONTACT NO.<br><b>541-267-2872</b> |
| ADDRESS<br><b>2137 29<sup>th</sup> Ave.</b> |                    |                                  |                                               |
| CITY<br><b>Forest Grove</b>                 | STATE<br><b>OR</b> | ZIP<br><b>97116</b>              | E-MAIL<br><b>kaidmckay@stuntzner.com</b>      |

### Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

| SIGNATURE | PRINT OR TYPE NAME | DATE         |
|-----------|--------------------|--------------|
|           | Hugh Weber         | 11-22-10     |
|           | Janet Weber        | Nov 22, 2010 |

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**Stuntzner**  
Engineering  
& Forestry, LLC

Company: **Stuntzner Engineering and Forestry**  
Address: **2137 19th Avenue**  
**Forest Grove Oregon 97116**  
Phone: **(503) 357-52717**  
Computed By: **Kaid E. McKay**



## SPRINKLER IRRIGATION— APPLICATION RATES AND DEPTHS

by Thomas W. Ley, Extension Irrigation Engineer, WSU Prosser

### Procedure

1. Measure sprinkler pressure (psi) using Pitot gauge. Hold gauge in center of jet no more than 1/8" from nozzle face.
2. Measure sprinkler discharge (gallons per minute) using a 5-gallon bucket, hose, and watch. Sprinkler gpm equals 300 divided by time (seconds) to fill 5-gallon bucket. For 2-nozzle heads, measure both.
3. Record nozzle size(s) and check nozzles for wear by inserting shank end of a new drill bit (same size as nozzle) into operating sprinkler. Observe any leakage or spray (amount and distance). Fine-to-coarse spray up to 10 to 15 feet from head may mean at least 15% nozzle wear or 15% more water being discharged.
4. Repeat steps 1, 2, and 3 for at least 3 sprinklers (beginning, middle, and end) on hand, wheel, and permanent systems to get average for lateral. Do same for center pivot, and record sprinkler number.
5. Measure sprinkler spacing on lateral (ft) and lateral spacing on mainline (ft) for handlines, wheel-lines, and permanent systems. Determine total

area irrigated and design or actual gallons (gpm) for center pivots.

6. Compare measured data (nozzle size, pressure, and gpm) with theoretical data in Table 1. Measured discharge vs discharge in Table 1 (at same nozzle size and pressure) indicates amount of nozzle wear. If nozzles are new and pressure is known, use Table 1 to find discharge of sprinkler. For pivots, compare sprinkler number and measured data with pivot design package to determine if pressures and discharges are correct.

7. Average gross application rates for different sprinkler gpm and spacings are given in Table 2. For other spacings or gpm use:

$$\text{Gross Application Rate (inches/hour)} = \frac{\text{GPM} \times 96.3}{\text{sprinkler spacing} \times \text{lateral spacing}} \quad (\text{or area irrigated, sq ft})$$

*Example: 6 gpm heads on 40 x 60 spacing*

$$\text{Average Gross Appl Rate} = \frac{6 \times 96.3}{40 \times 60} = 0.24 \text{ in/hr} \quad (\text{or use Table 2})$$

**Table 1. Sprinkler discharge gpm (gallons per minute) for nozzle size (inches) and pressures (psi) (pounds per square inch).**

| psi | Nozzle Size (in) |      |      |      |      |       |       |       |       |       |       |
|-----|------------------|------|------|------|------|-------|-------|-------|-------|-------|-------|
|     | 3/32             | 7/64 | 1/8  | 9/64 | 5/32 | 11/64 | 3/16  | 13/64 | 7/32  | 15/64 | 1/4   |
| 20  | 1.17             | 1.60 | 2.09 | 2.65 | 3.26 | 3.92  | 4.69  | 5.51  | 6.37  | 7.32  | 8.34  |
| 25  | 1.31             | 1.78 | 2.34 | 2.96 | 3.64 | 4.38  | 5.25  | 6.16  | 7.13  | 8.19  | 9.32  |
| 30  | 1.44             | 1.95 | 2.56 | 3.26 | 4.01 | 4.83  | 5.75  | 6.80  | 7.86  | 8.97  | 10.21 |
| 35  | 1.55             | 2.11 | 2.77 | 3.50 | 4.31 | 5.18  | 6.21  | 7.30  | 8.43  | 9.69  | 11.03 |
| 40  | 1.66             | 2.26 | 2.96 | 3.74 | 4.61 | 5.54  | 6.64  | 7.80  | 9.02  | 10.35 | 11.79 |
| 45  | 1.76             | 2.39 | 3.13 | 3.99 | 4.91 | 5.91  | 7.03  | 8.30  | 9.60  | 10.99 | 12.50 |
| 50  | 1.85             | 2.52 | 3.30 | 4.18 | 5.15 | 6.19  | 7.41  | 8.71  | 10.10 | 11.58 | 13.18 |
| 55  | 1.94             | 2.64 | 3.46 | 4.37 | 5.39 | 6.48  | 7.77  | 9.12  | 10.50 | 12.15 | 13.82 |
| 60  | 2.03             | 2.76 | 3.62 | 4.50 | 5.65 | 6.80  | 8.12  | 9.56  | 11.05 | 12.68 | 14.44 |
| 65  | 2.11             | 2.88 | 3.77 | 4.76 | 5.87 | 7.06  | 8.45  | 9.92  | 11.45 | 13.21 | 15.03 |
| 70  | 2.19             | 2.99 | 3.91 | 4.96 | 6.10 | 7.34  | 8.78  | 10.32 | 11.95 | 13.70 | 15.59 |
| 75  | 2.27             | 3.09 | 4.05 | 5.12 | 6.30 | 7.58  | 9.08  | 10.66 | 12.32 | 14.19 | 16.14 |
| 80  | 2.35             | 3.19 | 4.18 | 5.29 | 6.52 | 7.84  | 9.39  | 11.02 | 12.74 | 14.64 | 16.67 |
| 85  | 2.42             | 3.29 | 4.31 | 5.45 | 6.71 | 8.07  | 9.67  | 11.35 | 13.11 | 15.10 | 17.18 |
| 90  | 2.49             | 3.38 | 4.43 | 5.61 | 6.91 | 8.31  | 9.95  | 11.69 | 13.51 | 15.53 | 17.68 |
| 100 | 2.62             | 3.57 | 4.67 | 5.91 | 7.29 | 8.76  | 10.50 | 12.32 | 14.23 | 16.37 | 18.64 |
| 110 | 2.75             | 3.74 | 4.89 | 6.19 | 7.63 | 9.24  | 11.00 | 12.90 | 14.97 | 17.17 | 19.55 |
| 120 | 2.87             | 3.91 | 5.10 | 6.46 | 7.97 | 9.65  | 11.48 | 13.47 | 15.63 | 17.93 | 20.42 |
| 130 | 2.99             | 4.07 | 5.31 | 6.72 | 8.30 | 10.04 | 11.95 | 14.02 | 16.27 | 18.66 | 21.25 |

Note: Figures given are approximate maximum discharge rates for given nozzle size and pressure.



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

# Application for Water Right Transfer

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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

| Please check one                                                                                                                        |                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Permanent Transfer                                                                                  | <input type="checkbox"/> Instream Transfer                                                                                                                 |
| <input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)<br>• total number of years: _____<br>(begin year: _____)<br>(end year: _____) | <input type="checkbox"/> Permanent<br><input type="checkbox"/> Time-Limited<br><input type="checkbox"/> Drought Transfer<br><input type="checkbox"/> Other |

## 2. APPLICANT INFORMATION

Name: Hugh and Janet Weber  
First Last

Address: 21640 SW Chapman Road  
Sherwood Oregon 97140  
City State Zip

Phone: 503-625-1869 N/A N/A  
Home Work Other

Fax: 503-625-1869 E-Mail address: N/A

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## 3. AGENT INFORMATION

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

Name: Bernadette Williams c/o Stuntzner Engineering & Forestry, LLC  
First Last

Address: 2137 19<sup>th</sup> Avenue  
Forest Grove Oregon 97116  
City State Zip

Phone: N/A 503-357-5717 503-428-4045  
Home Work Other

Fax: 503-357-5698 E-Mail address: N/A

- 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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#### 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

|    | Application / Decree | Permit / Previous Transfer | Certificate |
|----|----------------------|----------------------------|-------------|
| 1. | S-33404              | S-26448                    | 30853       |
| 2. |                      |                            |             |
| 3. |                      |                            |             |
| 4. |                      |                            |             |
| 5. |                      |                            |             |
| 6. |                      |                            |             |

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - ☒ Place of Use      ☐ Point of Diversion (POD)      ☐ Additional Point of Diversion
  - ☐ Character of Use      ☐ Point of Appropriation (POA, or well)      ☐ Additional POA
  - ☐ Instream Transfer      ☐ Surface Water POD to Ground Water POA
  - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
  - ☐ Historic POD change      ☐ Other
- Reason(s) for change(s): Placing water on a more productive field.

#### 5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time ***within the last 5 years***. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

15 horsepower pump; 4 inch mainline; 3 inch irrigation pipe; 18± sprinklers

- System capacity: 125 gpm cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

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

Tualatin Valley Irrigation District

2330 Elm Street

Forest Grove, OR 97116

## 8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

City of Sherwood

Washington County Planning Division

22560 SW Pine Street

155 N. First Avenue, Suite 350, MS 14

Sherwood, OR 97140

Hillsboro, OR 97124

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## 9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

*If "No", provide the following information. For Temporary Transfers, also include a **notarized statement granting consent** to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)).*

Names of Current Landowner(s): \_\_\_\_\_  
First Last

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

*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.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

## 10. Other Remarks (optional)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## 11. ATTACHMENTS

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

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

### Map

- ☒ *Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

### Water Well Report(s)/Well Log(s):

- ☐ The application is for 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.)

### Land Use Information For Proposed Changes:

#### For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

#### For All Other Transfers:

- ☐ Land Use Information Form is enclosed; *or*
- ☒ All of the following criteria are met, therefore a Land Use Information Form is not required:
- 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.

#### Fees:

- ☒ Amount enclosed: \$ 400<sup>00</sup>  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

### Temporary Transfers, also include:

#### Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

#### Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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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.

**12. 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.

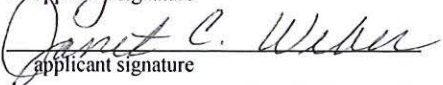
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

☐ 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 this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

|                                                                                                            |                                               |                        |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|
| <br>applicant signature | _____<br>name and title if applicable (print) | <u>9-18-07</u><br>date |
| <br>applicant signature | _____<br>name and title if applicable (print) | <u>9-18-07</u><br>date |



## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

■ Certificate Number or other identifying number: 30852

### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

| Point of Diversion or Appropriation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Place of Use                                                                                                                                                                                                                                                                                                                                                                                 | Character of Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)<br><input type="checkbox"/> <b>Additional</b> (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 transfer.)<br><input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)<br><input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.)<br><input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)<br><input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.) | <input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)<br><input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) | Proposed new use:<br><input type="checkbox"/> <b>Irrigation</b><br><input type="checkbox"/> <b>Municipal</b><br><input type="checkbox"/> <b>Quasi-municipal</b><br><input type="checkbox"/> <b>Commercial</b><br><input type="checkbox"/> <b>Industrial</b><br><input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> )<br><input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____<br><input type="checkbox"/> <b>Other</b> _____<br><br><input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)<br><input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.) |

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

|                                                                              |                          |                                           |
|------------------------------------------------------------------------------|--------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> Certificated Right                       | 30853                    | S-26448                                   |
|                                                                              | Certificate Number       | Permit Number or Decree Name              |
| <input type="checkbox"/> Adjudicated,<br>Non-certificated Right              |                          |                                           |
|                                                                              | Name of Decree           | Page Number                               |
| <input type="checkbox"/> Permit for which Proof has<br>been Approved         |                          |                                           |
|                                                                              | Permit Number            | Date Claim of Beneficial Use<br>Submitted |
| <input type="checkbox"/> Transferred Right for<br>which Proof has been Filed |                          |                                           |
|                                                                              | Previous Transfer Number | Date Claim of Beneficial Use<br>Submitted |

- Name on Permit, Certificate, or Decree: Sigward Edstrom
- County: Washington County
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): October 5, 1959

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: An Unnamed Stream

Tributary to: Chicken Creek

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

### For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes    ☒ No    ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? \_\_\_\_\_

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: 30852

*The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) 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 water right.*

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

*(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)*

| 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) |
|-----------------------------|----------|-------|-----|-----|---------|---------------------------|------------------------------------------------------------------|
| Unnamed Stream<br>10/5/1959 | 3S       | 2W    | WM  | 2   | NE¼ NW¼ | Lot 3                     | Not listed on certificate.                                       |
|                             |          |       |     |     |         |                           |                                                                  |
|                             |          |       |     |     |         |                           |                                                                  |

- Does the water right being transferred 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:*

- A. *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 web page at: <http://www.wrd.state.or.us>)*

**or**

- B. *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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30852

☒ **No**

*If “No”, the following information **must be provided** only for those places of use that **are involved in the transfer** (i.e., list only the portion of the water right to be affected by the change.)*

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

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

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WATER RESOURCES DEPT  
SALEM, OREGON



▪ Certificate Number or other identifying number: 30852

### 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right 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 or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

| Source | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't Lot | Survey Coordinates<br>(coordinates from a recognized survey<br>corner) |
|--------|----------|-------|-----|-----|----------------|---------------------------------|------------------------------------------------------------------------|
|        |          |       |     |     |                |                                 |                                                                        |
|        |          |       |     |     |                |                                 |                                                                        |
|        |          |       |     |     |                |                                 |                                                                        |
|        |          |       |     |     |                |                                 |                                                                        |

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

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WATER RESOURCES DEPT  
SALEM, OREGON



▪ Certificate Number or other identifying number: 30852

*Describe proposed changes to the water right 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) ☐ N/A – Instream Water Right Transfer  
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

| Source                      | Township | Range | Mer | Sec | ¼ ¼<br>Section | Tax Lot,<br>DLC or<br>Gov't Lot | Acres<br>(if applicable) |
|-----------------------------|----------|-------|-----|-----|----------------|---------------------------------|--------------------------|
| Unnamed Stream<br>10/5/1959 | 3S       | 2W    | WM  | 2   | NW¼ NW¼        | Lot 3                           | 4.9                      |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
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|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |
|                             |          |       |     |     |                |                                 |                          |

Remarks: \_\_\_\_\_

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WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon )  
 ) ss  
County of Washington )

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

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

- ☒ Personal observation                      ☒ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

[illegible]

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SEP 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

Dwarf and semi-dwarf fruit trees.

5. The water delivery system used to apply water as authorized by the right is described below:

15 horsepower pump; 4 inch mainline; 3 inch irrigation pipe; 18± sprinklers.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☒ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☐ Other: \_\_\_\_\_

RECEIVED

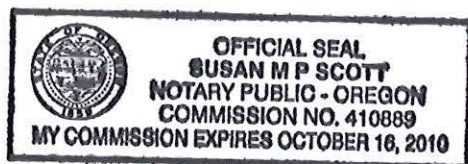
SEP 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Hugh Weber  
Signature of Affiant

9-18-07  
Date

Signed and sworn to (or affirmed) before me this 19<sup>th</sup> day of SEPTEMBER, 2007.



Susan M.P. Scott  
Notary Public for Oregon

My Commission Expires: 10/16/2010

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





**USDA** USDA  
Farm Service Agency

**Washington County**

*Tract: 2495 Farm 1046*

*T3S R2W Sec2*

2005 Imagery

0 62.5 125 250 375 500  
Feet

SEP 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON



This acreage is for FSA program purposes only. No warranty is made for any other use.

T 10461





Hugh Weber  
T3S, R2W, Section 2  
Washington County, Oregon

Year 2002 aerial photo from USDA, Hillsboro Field Office (503/648-3174, x113).

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SEP 19 2007

T 10461

WATER RESOURCES DEPT  
SALEM, OREGON



**Ticor Title Insurance Company**

8585 SW Cascade Avenue #200  
Beaverton, OR 97008  
(503)646-4444 \* FAX (503)469-4198

Hugh Weber  
21640 SW Clhapman Road  
Sherwood, OR 97140

DATE: April 15, 2009  
ESCROW NO.: 3626014355TO-TTPOR49  
PROPERTY ADDRESS:  
21640 SW Chapman Road, Sherwood, OR  
97140

Dear Hugh Weber,

**LIEN AND ENCUMBRANCE REPORT**

FEE: \$75.00  
LOAN AMOUNT \$TBD

**RECEIVED**  
APR 20 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

**PROPERTY**

We have searched our Tract Indices as to the following described real property:

The Northeast one-quarter of the Northwest one-quarter of Section 2, Township 3 South, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon, containing 40 acres, more or less, except the following parcels contained therein:

Beginning at a point on the North line of Section 2, Township 3 South, Range 2 West, Willamette Meridian, South 89°32' East 1318.35 feet from the Northwest corner thereof, and running thence South 00°32' West along the East line of the West one-half of the Northwest one-quarter of said Section 2, 20.0 feet to an iron pipe on the South line of S.W. Chapman Road; thence continuing South 00°32' West 1252.48 feet to a stone; thence South 89°32' East 208.70 feet to an iron pipe; thence North 00°32' East 1252.48 feet to an iron pipe on the South line of S.W. Chapman Road; thence running North 89°32' West in a Westerly direction 208.7 feet to the point of beginning, containing 6 acres of land, more or less;

**AND ALSO:**

A rectangular tract situated in the Northwest one-quarter of Section 2, Township 3 South, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon, being more particularly described as follows:

Beginning at a point on the North line of said Section that is North 89°32' West 330.00 feet from the Northeast corner of the Northwest one-quarter of said Section, running thence South 0°28' West 212.00 feet; thence North 89°32' West 227.00 feet; thence North 0°28' East 212.00 feet to a point on the North line of said Section; thence South 89°32' East 227.00 feet to the point of beginning,



subject to the rights of the public in that part of the above described tract lying within the boundaries of public roads;

AND ALSO FURTHER EXCEPTING the East 60 feet of the Northeast one-quarter of the Northwest one-quarter of Section 2, Township 3 South, Range 2 West, Willamette Meridian.

And as of 04/06/09, at 8:00 am we find that the last deed of record runs to:

Hugh Weber, also shown of record as Hubert Weber

We also find the following monetary encumbrances of record:

SEE ATTACHED

ADDITIONAL REQUIREMENTS/NOTES:

SEE ATTACHED

This report is to be utilized for monetary lien information only. The liability of TICOR TITLE INSURANCE COMPANY is limited to the addressee and shall not exceed the fee paid hereunder.

Sincerely,

Michael Murdock

sw  
enclosures(s)

**RECEIVED**  
APR 20 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

WE ALSO FIND THE FOLLOWING MONETARY ENCUMBRANCES OF RECORD:

We find no Trust Deeds, Mortgages or Real Estate Contracts of record at this time.

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2008-2009

Amount: \$5,365.61

Levy Code: 088-002

Account No.: R588402

Map No.: 3S22-00300

- B. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: the vestee shown herein

**RECEIVED**

APR 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



2 S 2 35



**Map No. 3S20200 00300**  
CHICAGO TITLE INSURANCE COMPANY  
10135 S.E. SUNNYSIDE ROAD Suite 200  
CLACKAMAS, OREGON 97015



**Ticor Title Insurance Company**

8585 SW Cascade Avenue #200  
Beaverton, OR 97008  
(503)646-4444 \* FAX (503)469-4198

Hugh Weber,  
21640 SW Chapman Road  
Sherwood, OR 97140

DATE: April 15, 2009  
ESCROW NO.: 3626014354TO-TTPOR49  
PROPERTY ADDRESS:  
21520 SW Chapman Road, Sherwood, OR  
97140

Dear Hugh Weber,

**LIEN AND ENCUMBRANCE REPORT**

FEE: \$75.00  
LOAN AMOUNT \$TBD

**PROPERTY**

We have searched our Tract Indices as to the following described real property:

Beginning at the North one-quarter corner of Section 2, Township 3 South, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon; thence South 89°40'18" East 190.23 feet; thence South 0°19'54" West 1,271.85 feet; thence North 89°51'51" West 190.69 feet to a stone; thence North 89°32'06" West 60.00 feet; thence North 0°21'08" East 1,272.49 feet; thence South 89°32' East 60.00 feet to the point of beginning.

And as of 04/06/09, at 8:00 am we find that the last deed of record runs to:

Roger Michael Powell and Stephanie J. Powell, as tenants by the entirety

We also find the following monetary encumbrances of record:

SEE ATTACHED

ADDITIONAL REQUIREMENTS/NOTES:

SEE ATTACHED

Letter (Title-Blank)  
FDOR0540.rdw

**RECEIVED**

**APR 20 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**

This report is to be utilized for monetary lien information only. The liability of TICOR TITLE INSURANCE COMPANY is limited to the addressee and shall not exceed the fee paid hereunder.

Sincerely,

Michael Murdock

sw  
enclosures(s)

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APR 20 2009  
WATER RESOURCES DEPT  
SALEM, OREGON



SAID PROPERTY IS SUBJECT TO THE FOLLOWING ON RECORD MATTER(S):

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

Amount: \$250,000.00  
Dated: January 5, 2006  
Trustor/Grantor: Roger Michael Powell and Stephanie J Powell  
Trustee: Fidelity National Title Insurance Company  
Beneficiary: Wells Fargo Bank, N.A.  
Loan No.: 0149646382  
Recording Date: January 11, 2006  
Recording No: 2006-003847

ADDITIONAL REQUIREMENTS/NOTES:

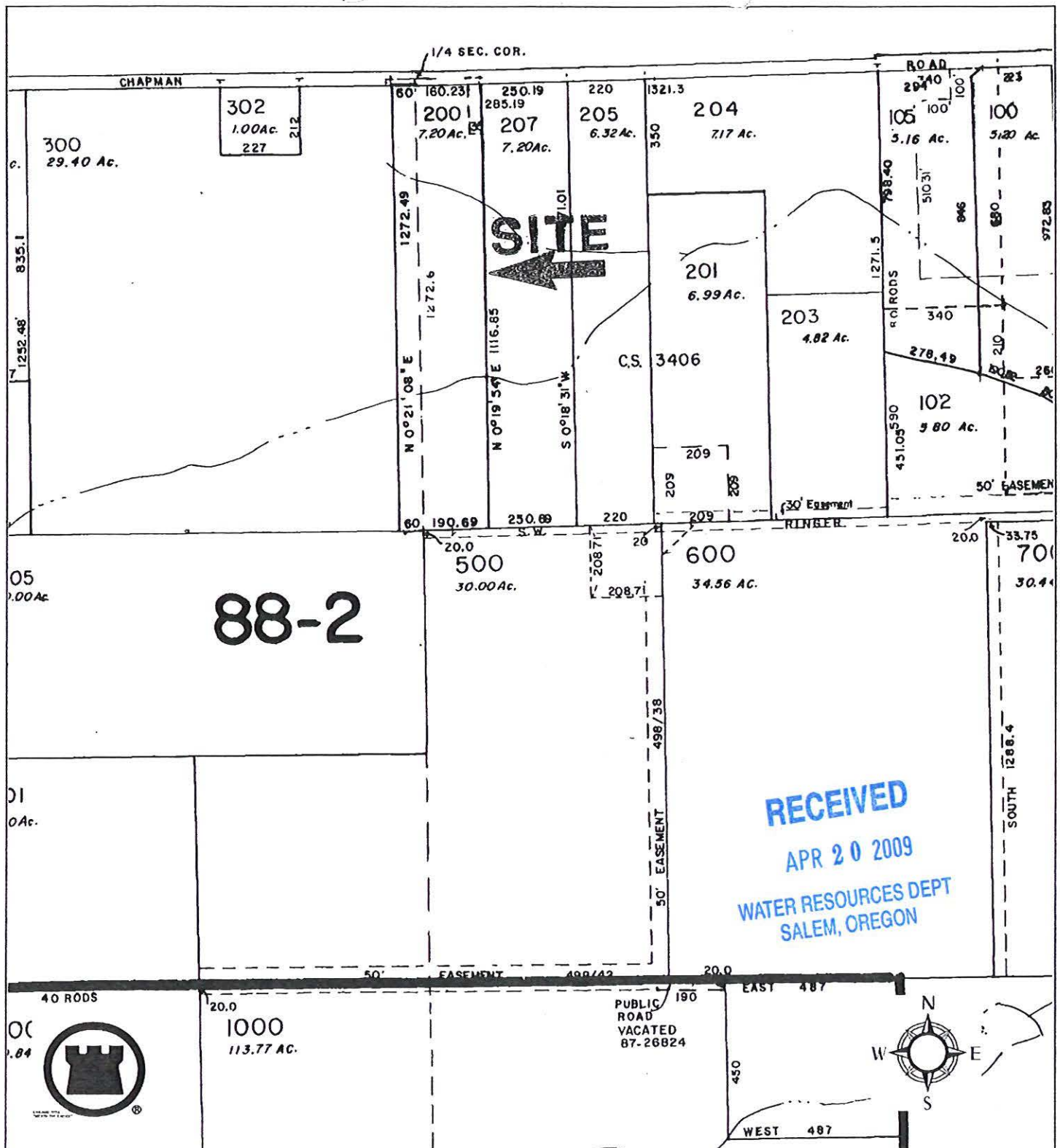
- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2008-2009  
Amount: \$3,982.93  
Levy Code: 088-002  
Account No.: R588331  
Map No.: 3S22-00200

- B. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: the vestees shown herein

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APR 20 2009  
WATER RESOURCES DEPT  
SALEM, OREGON



## CHICAGO TITLE

"This plat is for your aid in locating your land with reference to streets and other parcels.  
While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

Map No. 3S20200 00200  
CHICAGO TITLE INSURANCE COMPANY  
10135 S.E. SUNNYSIDE ROAD Suite 200  
CLACKAMAS, OREGON 97015

## AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER

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APR 20 2009

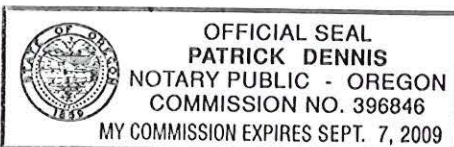
WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon )

)ss

County of WASHINGTON )

I/We STEPHANIE J. POWELL; ROGER MICHAEL POWELL in my  
capacity as OWNERS  
mailing address 21520 SW CHAPMAN RD, SHERWOOD, OR 97140  
telephone number 503-625-5332, duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number 30853 as  
described in Transfer Application T- 10461, on the property located on tax lot  
number 200, 300, 400 <sup>EMD</sup> ~~300, 400~~, Section 2, Township 3S (north or south),  
Range 2W (east or west), W.M.

Stephanie J. Powell  
Signature of Affiant4/10/09  
DateRoger Michael Powell  
Signature of Affiant4/10/2009  
DateSubscribed and Sworn to before me this 10 day of April, 2009.Patrick Dennis  
Notary Public for OregonMy commission expires 9-7-2009.



April 16, 2009

Wells Fargo  
PO Box 10335  
Des Moines, Iowa 50306

Loan # 0149646382  
Recording # 2006-003847

Reference: Water Right Transfer ( T-10461) for Hugh Weber

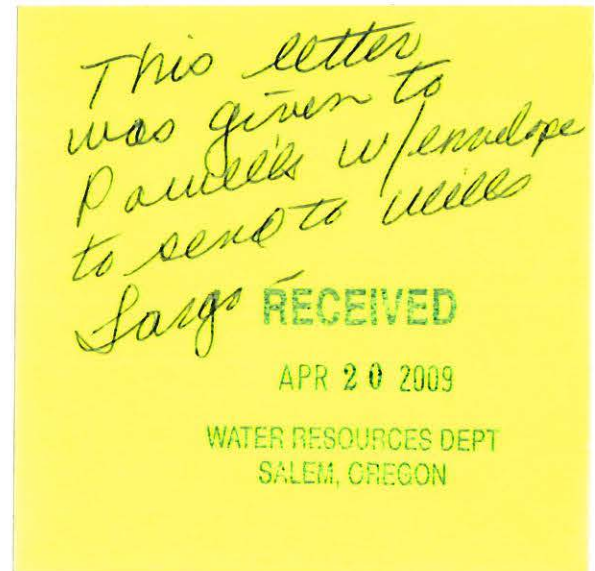
To Whom It May Concern:

We are the owners of a portion of land involved in a water right transfer application that proposed to cancel the water right. Our property is located on tax lot 200 in the N. one quarter corner of Section 2, Township 3, South Range 2 West in Washington County, Oregon. The portion of water right being cancelled on our parcel tax lot 200 totals .46 of an acre.

As part of the proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at (503)625-1869 or you may contact Dorothy Pedersen, Transfer Specialist, with the Oregon Water Resources Department at (503) 985-0890.

Sincerely,



**RECEIVED**  
APR 20 2009  
WATER RESOURCES DEPT  
SALEM, OREGON





STATE OF OREGON  
COUNTY OF      WASHINGTON  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      **SIEMARD EDSTROM**

of Route 3, Box 223, Sherwood, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream

a tributary of      Chicken Creek      for the purpose of  
irrigation of 23.5 acres

under Permit No. 26448 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 5, 1959,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.29 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 2, T. 3 S., R. 2 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

23.5 acres Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )  
Section 2  
T. 3 S., R. 2 W., W. M.

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SEP 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date.      APRIL      - 1 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30853

7 10401





TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
EMAIL: firstlastname@stuntzner.com  
2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

**COOS BAY - FOREST GROVE - DALLAS - BROOKINGS**

**LETTER OF TRANSMITTAL**

**Date:** June 9, 2009

**To:** Dorothy Pedersen

**Company:** Oregon Water Resources Department

**Address:** 725 Summer St. NE, Ste. A, Salem, OR 97301-1271

**Job No.:** 3072071

**Project Name:** Weber WR

**We are sending you:**       X   Attached            Under Separate Cover

| Copies | Description              |
|--------|--------------------------|
| 1      | Water Right Transfer Map |
|        |                          |
|        |                          |
|        |                          |
|        |                          |
|        |                          |
|        |                          |

**RECEIVED**

**JUN 10 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**These are being transmitted as indicated below:**

  X   As Requested            For Your Use       X   For Approval            Other

**Name:** Eric Urstadt

**Title:** P.E.

# WATER RIGHT TRANSFER MAP

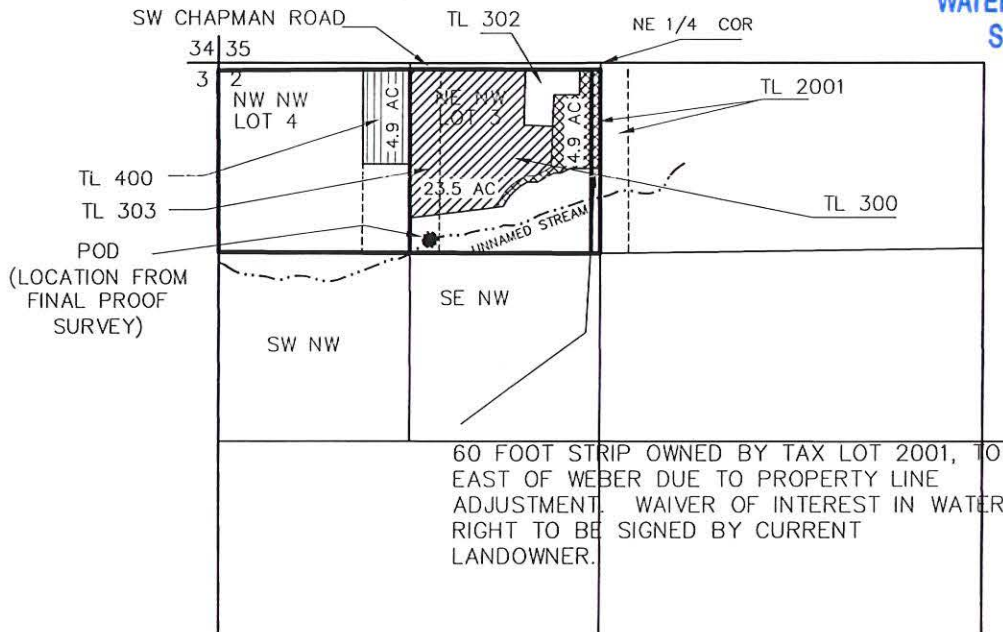
SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1" = 1320'



RECEIVED

JUN 10 2009

WATER RESOURCES DEPT  
SALEM, OREGON



- CERTIFICATE # 30853 (23.5 AC)
- CERTIFICATE # 30853 AREA TRANSFERED "FROM" (4.9 AC)
- CERTIFICATE # 30853 AREA TRANSFERED "TO" (4.9 AC)

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHT ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

POINT OF DIVERSION IS LOCATED 1210 FEET SOUTH AND 1470 FEET EAST OF THE NW CORNER OF SECTION 2, T3S, R2W, W.M., WASHINGTON COUNTY



FOR:  
**HUGH WEBER**  
21640 SW CHAPMAN RD  
SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO

**DRAWN BY:**  
C. VAN BUREN

**CHECKED BY:**  
DV/EAU

**DESIGNED BY:**  
B. WILLIAMS

**DATE:**  
June 8, 2009

**JOB**  
WEBER WR

**DRAWING NO.:**  
3072071D-COBU

**SHEET**  
1 OF 1

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS

Stuntzner



Engineering  
& Forestry, LLC

2137 19th AVENUE  
FOREST GROVE, OR 97116

PHONE: (503) 357-5717  
FAX: (503) 357-5698  
info@stuntzner.com

# MEMO

TO: FILE T-10461

FROM: Gerry Clark

DATE: 4.24, 2013

RE: DETERMINATION OF PROOF

I've determined that a ☒ PROPOSED ☐ FINAL certificate should be prepared and mailed to the permit holder consistent with:

☐ Permit ☒ Transfer

☐ FPS ☒ COBU

As described in the permit/transfer but as clarified by the ☐ FPS ☒ COBU

As described in the PERMIT/TRANSFER and FPS or COBU but as further specified below:

Reduced acreage claimed 4.6 vs 4.9

Revised Reduced Q = 0.058 (based on 100)

☒ Conflict? ☒ No ☐ Yes: \_\_\_\_\_

☒ stamped PROPOSED or assign Cert # \_\_\_\_\_

☒ Draft certificate(s) are available in the transfer directory.

☒ Water Organization identified using area of interest tool? ☒ No ☐ Yes, cc: \_\_\_\_\_

☒ Check ownership; and if there is a new owner, add them to the mailing list.

☒ Prepare a mailing list.

☒ Record marking: App 33404 Cert 30853

NOTES:



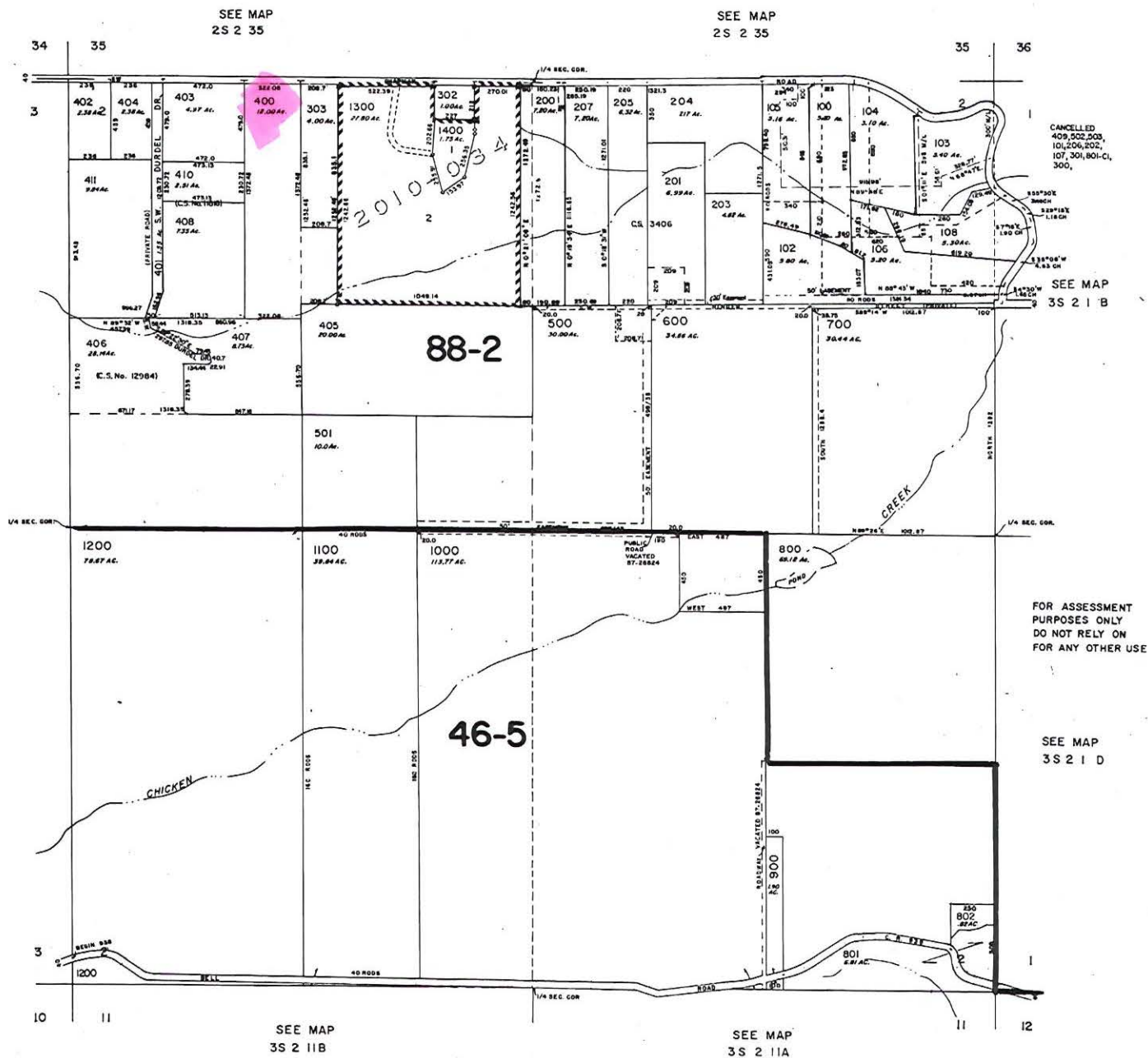
SECTION 2 T3S R2W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'

3S2 2

YAMHILL COUNTY



3S2 2

## **Craig Kohanek**

---

**From:** Dorothy Pedersen  
**Sent:** Monday, April 15, 2013 10:42 AM  
**To:** Gerry Clark; Craig Kohanek  
**Subject:** T-10461 review of COBU

I got a phone call from Hugh Weber, asking how soon the Department might review his COBU for T-10461, filed 12/6/2010, and if he were to go through RA about how soon it might be reviewed. Please let me know so he can decide whether to wait or go RA.

Thanks,

Dorothy Pedersen  
Transfer Program Advisor  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0890



TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
EMAIL: firstlastname@stuntzner.com  
2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

**COOS BAY - FOREST GROVE - DALLAS - BROOKINGS**

**LETTER OF TRANSMITTAL**

**RECEIVED**

**DEC 06 2010**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**Date:** December 2, 2010

**To:** Water Rights Division

**Company:** Oregon Department of Water Resources

**Address:** 725 Summer Street NE, Ste. A, Salem, OR 97301-1266

**Project Name:** Hugh and Janet Weber COBU

**Job Number:** 307-2-071

**We are sending you:**

| Copies | Description                    |
|--------|--------------------------------|
| 1      | Claim of Beneficial Use report |
| 1      | Claim of Beneficial Use map    |
| 1      | Check #22183 for \$150.00      |

**Comments:** Please call if you have questions or need additional information.

**Name:** Kaid E. McKay

**Title:** PE/PLS/CWRE





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

503-986-0900  
FAX 503-986-0904

December 8, 2010

Hugh and Janet Weber  
21750 SW Chapman Rd  
Sherwood OR 97140

RE: Application File T-10461

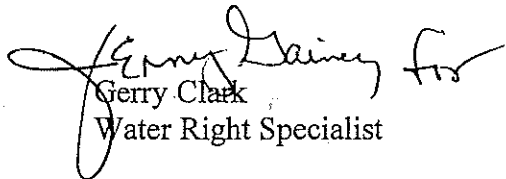
Dear Hugh and Janet Weber:

Governor Theodore Kulongoski signed SB788 on July 23, 2009, which, in part, raised the fee for many of the Department's water right related processes and created fees for processes not previously requiring fees. The Bill created a fee for the submittal of a Claim of Beneficial Use (Claim).

The Department has determined that the Bill did not contain a requirement for a fee to be submitted for transfer Claims; only for Claims for permits having a priority date of July 9, 1987, or later. Thus, the Department is returning your check for \$150.00.

Please give Gerry Clark (503-986-0811) a call if you have any questions.

Sincerely,

  
Gerry Clark  
Water Right Specialist

Cc: file  
Kaid McKay, CWRE

# Water Right Transfer Checklist

RA-051

Transfer T-10461

Transfer Specialist: NW Region Drawer

Transfer Type: Regular

Applicant Name/Address: Hugh & Janet Weber, 21640 Sw Chapman Rd, Sherwood, Oregon 97140

Agent Name/Address: Bernadette Williams, c/o Stuntzner Engineering & Forestry, 2137 19<sup>th</sup> Avenue Forest Grove Oregon 97116

CWRE Name/Number: Eric Urstadt #385

Rec Landowner Name/Address: NONE

Irr. District Name/Address: Tualatin Valley Irrigation District, 2330 Elm Street, Forest Grove, Oregon 97116

Affected Gov'ts Name/Address: City of Sherwood, 22560 SW Pine St, Sherwood, Oregon 97140

Commentors: Name/Address: Washington County Planning Division

## Water Rights Affected

| Records Marked                      | Records Copied                      | App File No. or Decree Name | Permit No. | Certificate No. | RR/CR Needed                                                        | RR/CR Nos. |
|-------------------------------------|-------------------------------------|-----------------------------|------------|-----------------|---------------------------------------------------------------------|------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | S 33404                     | S 26448    | 30853           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 85664      |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |            |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |
| <input type="checkbox"/>            | <input type="checkbox"/>            |                             |            |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No            |            |

## Key Dates & Initial Actions

|                                                                 |                                                    |                                      |
|-----------------------------------------------------------------|----------------------------------------------------|--------------------------------------|
| Rec'd: <u>09/19/07</u>                                          | Proposed Action(s): POU POD HST APD USE OTHER: POU |                                      |
| Fees Pd: <u>400.00</u>                                          | WM District: <u>18</u>                             | ODFW District: <u>Danette Ehlers</u> |
| Initial Notice: <u>09/25/07</u>                                 | WM Review sent: <u>10/02/07</u>                    | ODFW Review sent: <u>10/02/07</u>    |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                    | GW Review sent: <u>NONE</u>          |

## Processing Dates & Actions

Deficiency Contacts: NA

Newspaper Pub Affid Due: \_\_\_\_\_

☐ not required

DPD Mailed: 6/27/07

Affid of Pub Rec'd: \_\_\_\_\_

☐ ODFW contact sheet sent with DPD, or ☒ N/A

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

## Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

☐ Fee Refund Due

☒ PD Notice

☒ Remaining Rights

☐ File Assigned/ ModPod updated

| DPD Review (Optional) | PD Review (Salem)       | Final Order Review (Salem) |
|-----------------------|-------------------------|----------------------------|
| Reviewer: _____       | Reviewer: _____         | Reviewer: _____            |
| Date: _____           | Date: _____             | Date: _____                |
| Coordinator: _____    | Coordinator: <u>ASP</u> | Coordinator: <u>ASP</u>    |
| Date: _____           | Date: <u>7/3/07</u>     | Date: <u>7/14/07</u>       |

Comments/Special Issues: Reimbursement Authority

*Place of use change. Part of the land is now owned by the neighbor, due to a property line adjustment, but he has consented to the transfer.*

Special Order Volume: Vol 78 Pages 710 Final Order Signature Date: 8-14-09

Notice of FO email'd to processors dorothy

**Review Checklist****T-10461****Processor: NW Region Drawer****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

**Water right subject to transfer**

- ☐ Certificated right or Proof accepted "to the satisfaction..."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

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

- ☐ Only the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

**Ownership**

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |                                               |                                      |                                    |                                          |                                        |
|-----------------------------------------------|--------------------------------------|------------------------------------|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map         | <input type="checkbox"/> FPS       | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI            | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs       | <input type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                | <input type="checkbox"/> dpd         |                                    |                                          |                                        |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GWHeadgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainMeasuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainFish Screen Devices ☐

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury –





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-10461

Review Due Date: 10-31-07

Applicant Name: Hugh & Janet Weber

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

Reviewer(s): D. Hedin

Date of Review: Oct. 8, 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: \_\_\_\_\_
- 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: a portion of the "from lands" extend to taxlot 200. Mr. Weber owned this taxlot at one time but sold it in 1978. Approximately 0.76 acres of irrigated lands under Certificate 30853 extend onto this taxlot and most likely was not used.

**RECEIVED**

**OCT 12 2007**

**WATER RESOURCES DEPT**  
OREGON

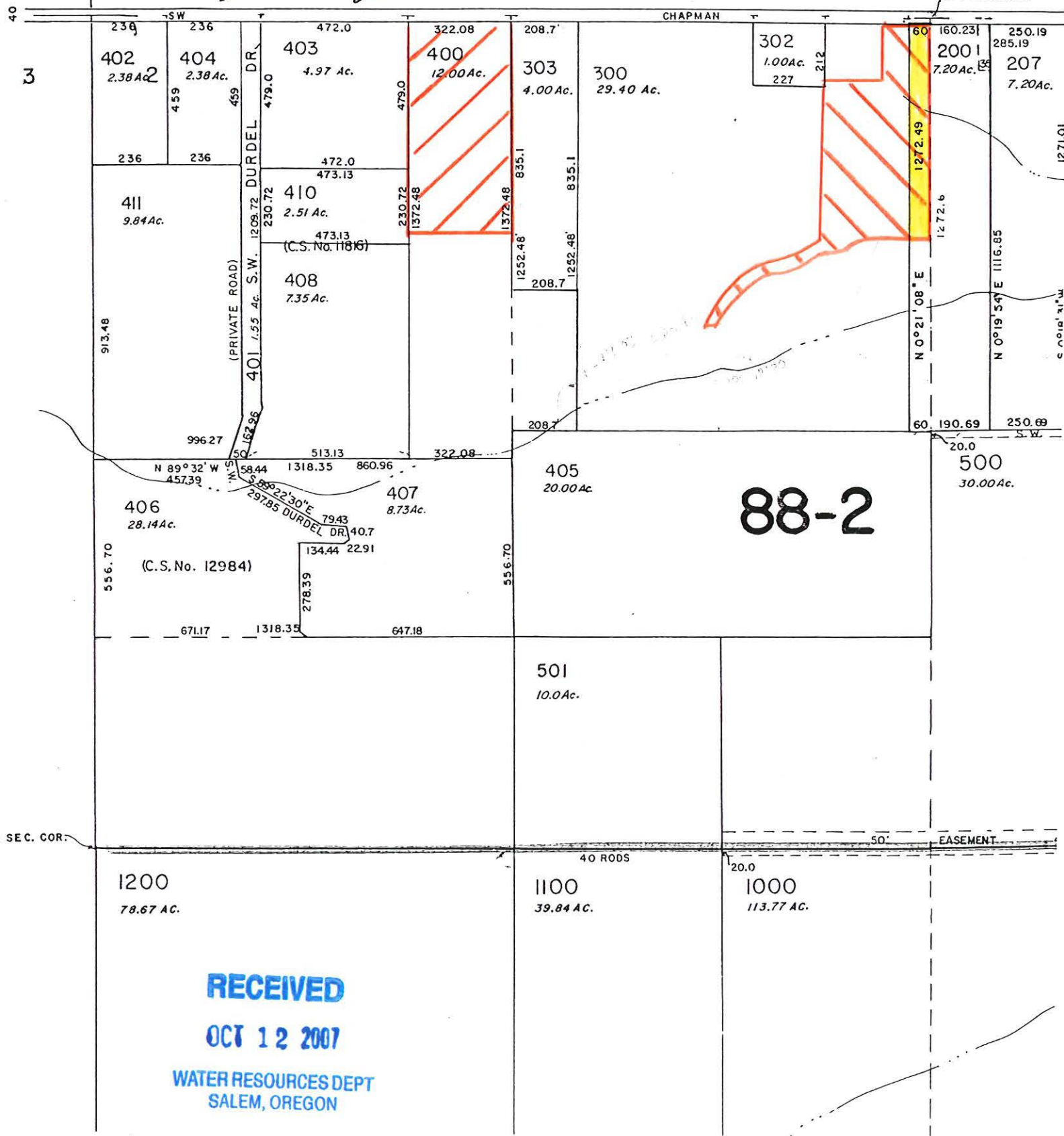
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

|                            |                                                            |                                                                       |                                                                    |
|----------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Measurement Devices</b> | <input type="checkbox"/> Present and should be maintained. | <input type="checkbox"/> Should be required prior to diverting water. | <input type="checkbox"/> May be required in the future.            |
| <b>Headgates</b>           | <input type="checkbox"/> Present and should be maintained. | <input type="checkbox"/> Should be required prior to diverting water. | <input checked="" type="checkbox"/> May be required in the future. |

SCALE 1"=400'

Taxlot 200 has not been owned by the Webbs in the last 5 years and the acreage in yellow is not transferable unless signed off and we verified.

SEE MAP





Please Return by 10-31-07

NW

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

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

Reference Transfer #: 10461

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

\_\_\_\_\_, tributary to \_\_\_\_\_. Because,  
(Stream)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach any available supporting information.)

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

**B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:**

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>.

T-10461

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

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

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

---

Note: This option will yield the following:

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

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

T-10461

- ☒ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

*No Change in POD*

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

*Danette L. Ehlers*

Signature

*Danette L. Ehlers*

Printed Name

*Asst. District Fish Biologist*

Title

*(971) 673-6013*

Phone



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

Transfer # 10461

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

- ☐ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

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

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**Review Checklist****T-10461****Processor: GSI****Application**

- ☒ The type of change is clearly indicated.  
☒ The application is appropriately signed.  
☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO  
☐ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's) - *no land use form needed*  
☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.  
☒ All required attachments received.

**Water right subject to transfer**

- ☒ Certificated right or Proof accepted "to the satisfaction...."  
☐ The right been exercised according to terms & conditions of certificate.  
☐ Delivery system has the capacity to fully divert the rate/duty of the right.  
☒ No information in record that suggests forfeiture.  
☒ No conflicts identified on the plat cards and plat card reports printed.  
☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☒ The map has an original CWRE signature.  
☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d). *Scale 1"=200', larger than recommended*  
☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.  
☐ Metes and bounds for the POD's/POA's are properly described on the map. *no metes & bounds, just a legal desc.*  
☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.  
☒ Map acres match the tabulation on the certificate.  
☒ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.  
☒ Have necessary aerial photos.

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

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.  
☒ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)  
☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

**Ownership**

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)  
☒ Have current tax lot map. (If transfer application is several years old, contact assessor's office)  
☒ The applicant is the owner of the "from" lands. *TL 200 has different owner - affidavit to consent to transfer enclosed*  
☐ All owners on the deed/ROLI have signed the application.  
☒ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.  
☒ If necessary, there is a copy of written notification to each lien holder identified on ROLI.  
☐ Agent has authorization to make decisions.

**Evaluation**

- Reviews/comments/conditions received? ☒ Watermaster ☒ ODFW ☐ GW  
Headgate ☒ When in the judgment ☐ Prior to diverting ☐ Existing and maintain  
Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain  
Fish Screen Devices ☒ " " " "

Injury: Y (N) Enlargement: Y (N)

Conditions to avoid enlargement/injury -

**Materials needed for peer reviewer**

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☒ certificate marked  
☐ deed/ROLI (if marked) ☒ plat card marked printout (if POU or Use change)  
☐ other processing notes

**RECEIVED****JUN 26 2009****WATER RESOURCES DEPT  
SALEM, OREGON**

STATE OF OREGON  
COUNTY OF      WASHINGTON  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      **SIGWARD EDSTROM**

of Route 3, Box 223, Sherwood      , State of Oregon , has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
an unnamed stream

a tributary of      Chicken Creek

for the purpose of

irrigation of 23.5 acres

under Permit No. 26448 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from      October 5, 1959,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.29 cubic foot per second

$$\frac{0.29 \text{ cfs}}{23.5 \text{ ac}} = 0.012340425 \text{ cfs/ac}$$

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the Lot 3 (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ), Section 2, T. 3 S., R. 2 W.,  
W. M.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed 2  $\frac{1}{2}$  acre feet per acre for each acre irrigated during  
the irrigation season of each year,

and shall  
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

|                                                                                               | Transfer  | Remain    |
|-----------------------------------------------------------------------------------------------|-----------|-----------|
| 23.5 acres Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ )<br>Section 2<br>T. 3 S., R. 2 W., W. M. | 4.9       | 18.6      |
|                                                                                               | 0.060 cfs | 0.230 cfs |

Transferred = 4.9 ac (x) 0.012340425 cfs/ac = 0.060 cfs  
Remaining = 18.6 ac (x) 0.012340425 cfs/ac = 0.230 cfs

SEP 19 2007

WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

**RECEIVED**

**JUN 26 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**

WITNESS the signature of the State Engineer, affixed

this date.      APRIL      - 1 1963

CHRIS L. WHEELER

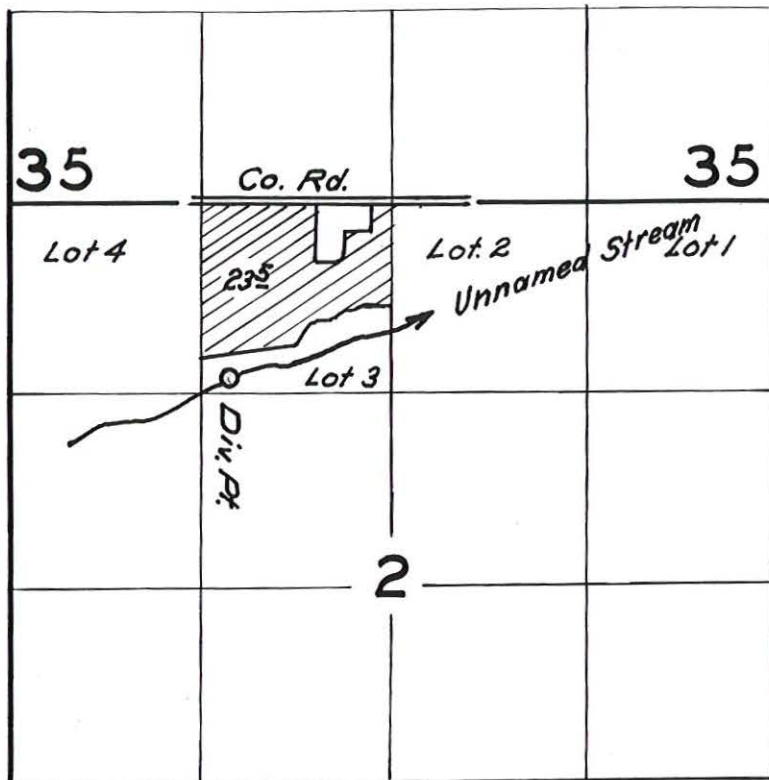
State Engineer

Recorded in State Record of Water Right Certificates, Volume 22 , page 30853

1 10401



T.3S. R.2W.W.M.



RECEIVED

JUN 26 2009

WATER RESOURCES DEPT  
SALEM, OREGON

FINAL PROOF SURVEY  
UNDER

1" = 1320

Application No. 33404 Permit No. 26448  
IN NAME OF

Sigward Edstrom

Surveyed June 1962, by Carl R. Baker

T 10461

DFR 2D-31

# Water Rights Platcard Report

T-10461

no water right  
conflicts  
noted.

Meridian: Willamette Township: 3 South Range: 2 West Section: 2 Records per Page: 10 Search

| Water Right                                                                         | Changing<br>Xfers | Priority         | Use                                         | Use<br>Status | DLC | Gov't<br>Lot | QQ(40):<br>Q(160): | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Unkown<br>QQ |
|-------------------------------------------------------------------------------------|-------------------|------------------|---------------------------------------------|---------------|-----|--------------|--------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------------|
| Select                                                                              | Cert:50545 OR *   | 5/18/1970        | DOMESTIC<br>INCLUDING<br>LAWN AND<br>GARDEN |               |     |              | *                  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>LENTHAL EDWARD<br>App: S46979<br>Permit: S35149<br>Cert: 50545  |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | Cert:22814 OR *   | 4/4/1952         | IRRIGATION                                  |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>MILBURN ZIEGLER<br>App: S27046<br>Permit: S21111<br>Cert: 22814 |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | Cert:23211 OR *   | 6/8/1950         | IRRIGATION                                  |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>J R BLAKE<br>App: S24842<br>Permit: S19555<br>Cert: 23211       |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | Cert:30853 OR *   | T10461 10/5/1959 | IRRIGATION                                  |               |     | 3            |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>SIGWARD EDSTROM<br>App: S33404<br>Permit: S26448<br>Cert: 30853 |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | App:P 77695 *     | 1/3/1995         | LIVESTOCK                                   |               |     |              | *                  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>JERRY M MCCAULEY<br>App: P77695                                 |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | App:S 71651 *     | 6/3/1991         | MUNICIPAL<br>USES                           |               |     |              | *                  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *  | *            |
| Additional Info:<br>TUALATIN VALLEY WATER DISTRICT<br>App: S71651                   |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Select                                                                              | Cert:22815 OR *   | 2/18/1952        | STORAGE                                     |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |
| Additional Info:<br>MILBURN ZIEGLER<br>App: R26872<br>Permit: R1327<br>Cert: 22815  |                   |                  |                                             |               |     |              |                    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |              |

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From To

23.5

no conflict - no permit issued  
n/a

Select **Cert:69994 OR \***

1/1/1993 **STORAGE**

Additional Info:  
HUGH WEBER  
App: R76004  
Cert: 69994

*Storage only  
no conflict*

| Acreage Legend: | 12.25 Regular acreage | <del>12.25</del> Acreage is on a canceled right | (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) | [12.25] Acreage has been suspended | * Acreage is not specified |
|-----------------|-----------------------|-------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------|----------------------------|
|                 |                       |                                                 |                                                                                    |                                    |                            |

*no existing water rights on 'to' lands. No conflicts found*

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~~WASHINGTON COUNTY OREGON~~

SCALE 1" = 400'

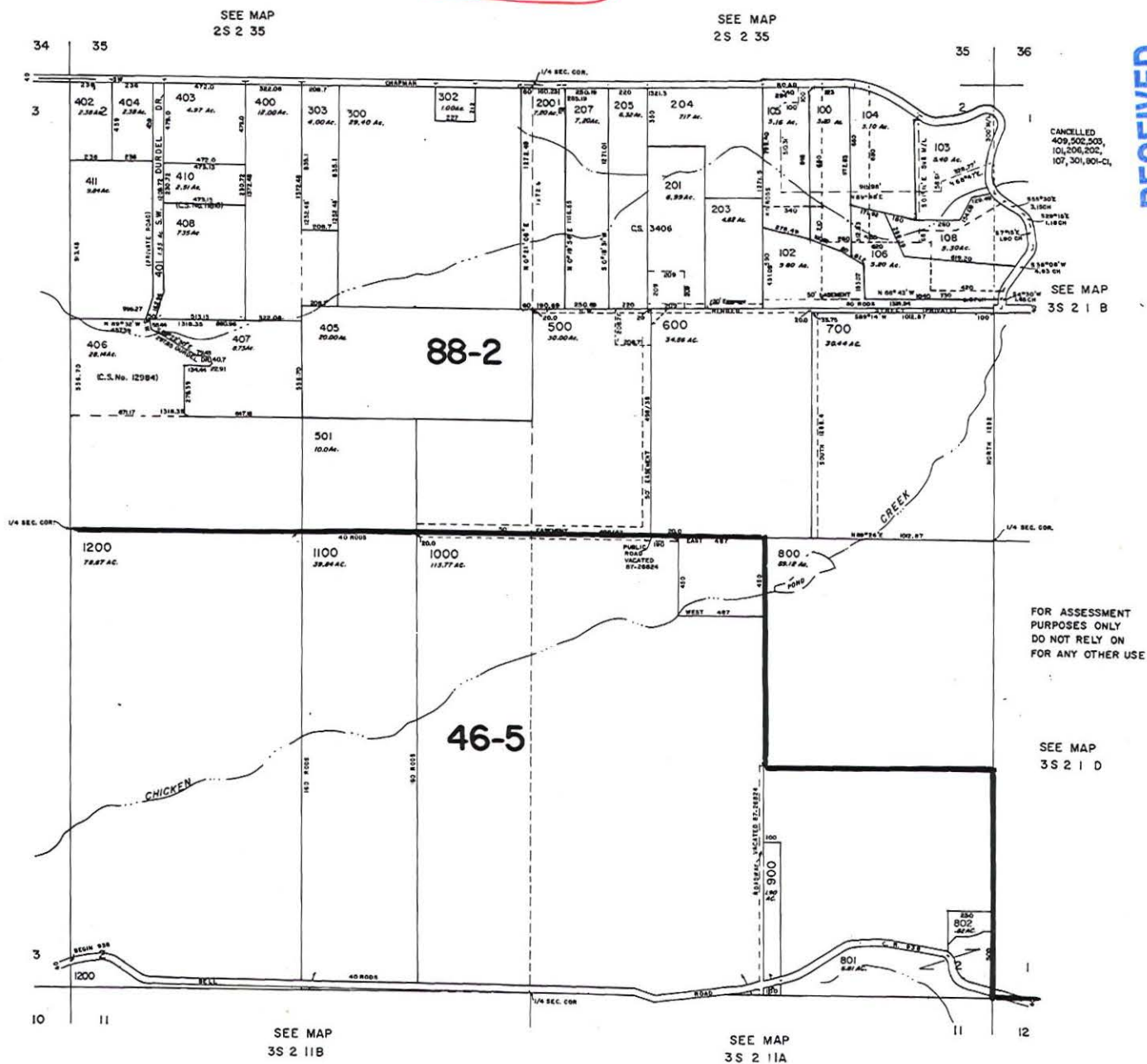
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COUNTY

YAMHILL



FOR ASSESSMENT  
PURPOSES ONLY  
DO NOT RELY ON  
FOR ANY OTHER USE

SEE MAP  
3S 2 1 D

3S 2 2

Revised map  
as of 4-20-09

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SALEM, OREGON

# WATER RIGHT TRANSFER MAP

SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON

SCALE 1" = 200'

needs to be  
400' or 1320'

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WATER RESOURCES DEPT  
SALEM, OREGON  
NE 1/4 COR



34 35  
3 2

SW CHAPMAN ROAD

NW NW

need tax  
lot #'s to  
+ from

PREPARATION OF THIS MAP IS FOR THE  
PURPOSE OF IDENTIFYING THE LOCATION OF  
THE WATER RIGHT ONLY. THERE IS NO INTENT  
TO PROVIDE DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES.

LOT 4

4.9 AC

23.5 AC

4.9 AC

CERTIFICATE # 30853  
(23.5 AC)

CERTIFICATE # 30853  
AREA TRANSFERRED "FROM"  
(4.9 AC)

CERTIFICATE # 30853  
AREA TRANSFERRED "TO"  
(4.9 AC)

POINT OF DIVERSION IS LOCATED IN  
LOT 3 (NE 1/4 NW 1/4) SECTION 2 T3S, R2W, W.M.  
WASHINGTON COUNTY

POD  
(LOCATION TAKEN FROM  
FINAL PROOF SURVEY)

LOT 3

UNNAMED STREAM

60 FOOT STRIP OWNED BY TAX LOT 2001, TO  
EAST OF WEBER DUE TO PROPERTY LINE  
ADJUSTMENT. WAIVER OF INTEREST IN WATER  
RIGHT TO BE SIGNED BY CURRENT  
LANDOWNER.

need metes & bounds description of POD

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS  
**Stuntzner**  
2137 19th AVENUE  
FOREST GROVE, OR 97116  
PHONE: (503) 357-5717  
FAX: (503) 357-5698  
info@stuntzner.com

FOR:  
HUGH WEBER  
21640 SW CHAPMAN RD  
SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO



|                           |                       |                             |                        |                 |                             |                 |
|---------------------------|-----------------------|-----------------------------|------------------------|-----------------|-----------------------------|-----------------|
| DRAWN BY:<br>C. VAN BUREN | CHECKED BY:<br>DV/BAU | DESIGNED BY:<br>B. WILLIAMS | DATE:<br>APRIL 6, 2009 | JOB<br>WEBER WR | DRAWING NO.:<br>3022071B.WR | SHEET<br>1 OF 1 |
|---------------------------|-----------------------|-----------------------------|------------------------|-----------------|-----------------------------|-----------------|



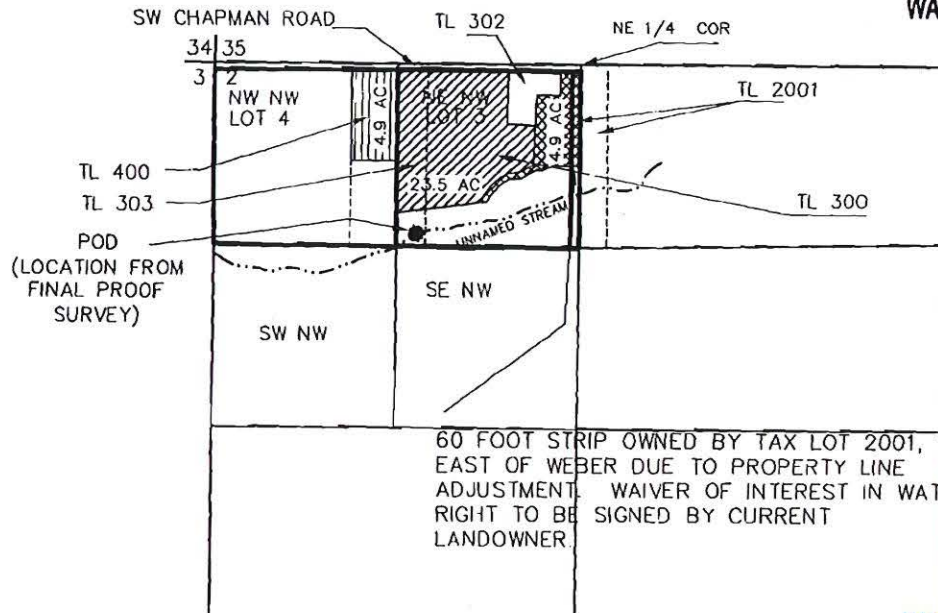
WATER RIGHT  
TRANSFER MAP  
SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1"= 1320'



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WATER RESOURCES DEPT  
SALEM, OREGON



60 FOOT STRIP OWNED BY TAX LOT 2001, TO  
EAST OF WEBER DUE TO PROPERTY LINE  
ADJUSTMENT. WAIVER OF INTEREST IN WATER  
RIGHT TO BE SIGNED BY CURRENT  
LANDOWNER.

-  CERTIFICATE # 30853 (23.5 AC)
-  CERTIFICATE # 30853 AREA TRANSFERED "FROM" (4.9 AC)
-  CERTIFICATE # 30853 AREA TRANSFERED "TO" (4.9 AC)

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE  
LOCATION OF THE WATER RIGHT ONLY. THERE IS NO INTENT TO PROVIDE  
DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

POINT OF DIVERSION IS LOCATED 1210 FEET SOUTH AND  
1470 FEET EAST OF THE NW CORNER OF SECTION 2,  
T3S, R2W, W.M., WASHINGTON COUNTY

FOR:  
HUGH WEBER  
21640 SW CHAPMAN RD  
SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO



DRAWN BY:  
C. VAN BUREN

CHECKED BY:  
DV/EAU

DESIGNED BY:  
B. WILLIAMS

DATE:  
June 8, 2009

JOB  
WEBER WR

DRAWING NO.:  
3072071D-COBU

SHEET  
1 OF 1

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS

**Stuntzner**

Engineering  
& Forestry, LLC



2137 19th AVENUE  
FOREST GROVE, OR 97116

PHONE: (503) 357-5717

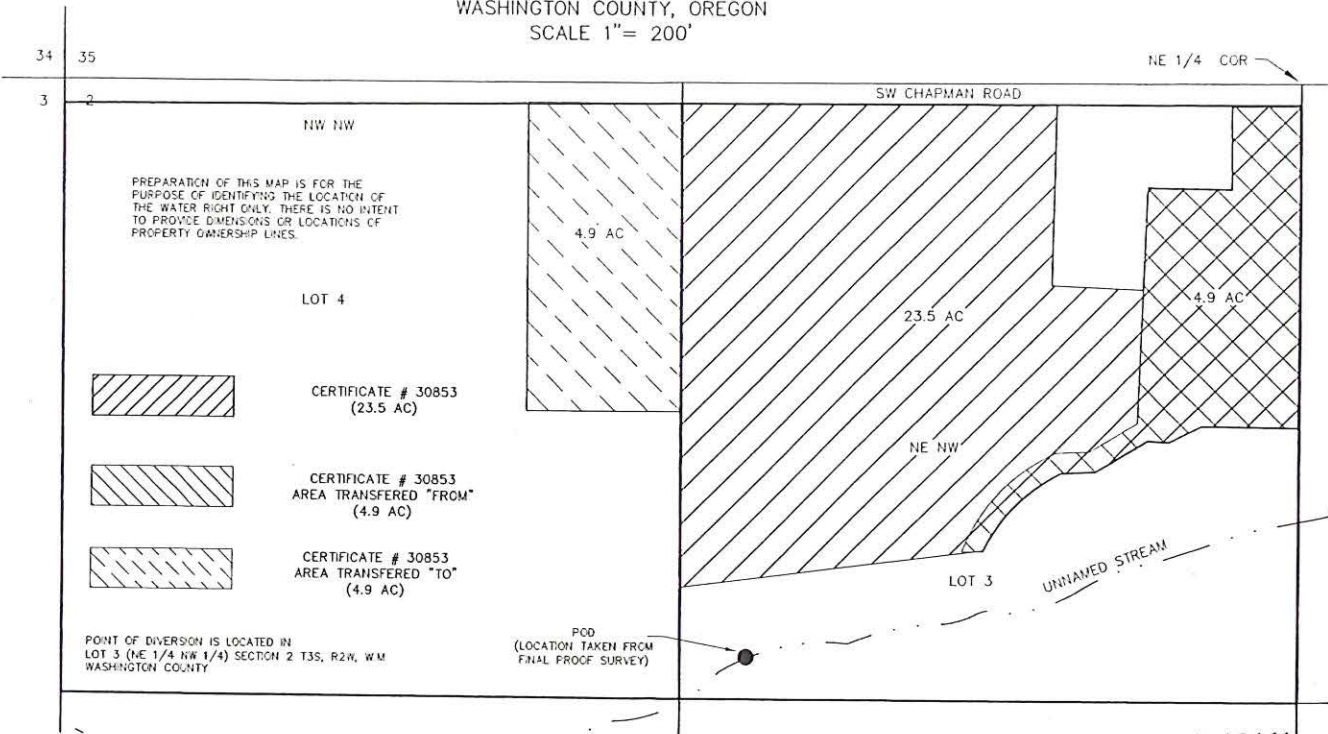
FAX: (503) 357-5698

info@stuntzner.com



# WATER RIGHT TRANSFER MAP

SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1"= 200'



1 10461

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS  
**Stuntzner**  
2137 19th AVENUE  
FOREST GROVE, OR 97116  
PHONE: (503) 357-5717  
FAX: (503) 357-5698  
info@stuntzner.com

FOR:  
HUGH WEBER  
21640 SW CHAPMAN RD  
SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO



|                           |                              |                             |                    |                 |                           |            |
|---------------------------|------------------------------|-----------------------------|--------------------|-----------------|---------------------------|------------|
| DRAWN BY:<br>C. VAN BUREN | CHECKED BY:<br>W.R. VERHOEFF | DESIGNED BY:<br>B. WILLIAMS | DATE:<br>8-25-2007 | JOB<br>WEBER WR | DRAWING NO.<br>3022071 WR | SHEET<br>1 |
|---------------------------|------------------------------|-----------------------------|--------------------|-----------------|---------------------------|------------|

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SALEM, OREGON**



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-10461

Review Due Date: 10-31-07

Applicant Name: Hugh & Janet Weber

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

Reviewer(s): D. Hedin

Date of Review: Oct. 8, 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: \_\_\_\_\_
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: \_\_\_\_\_
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: a portion of the "from lands" extend to taxlot 200. Mr. Weber owned this taxlot at one time but sold it in 1978. Approximately 0.76 acres of irrigated lands under Certificate 30853 extend onto this taxlot and most likely was not used.

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OREGON

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:

|                            |                                                            |                                                                       |                                                                    |
|----------------------------|------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Measurement Devices</b> | <input type="checkbox"/> Present and should be maintained. | <input type="checkbox"/> Should be required prior to diverting water. | <input type="checkbox"/> May be required in the future.            |
| <b>Headgates</b>           | <input type="checkbox"/> Present and should be maintained. | <input type="checkbox"/> Should be required prior to diverting water. | <input checked="" type="checkbox"/> May be required in the future. |

↓  
include included

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SCALE 1"=400'

Taxlot 200 has not been owned by the Webers in the last 5 years and the acreage in yellow is not transferable unless signed off and use verified.

SEE MAP

34

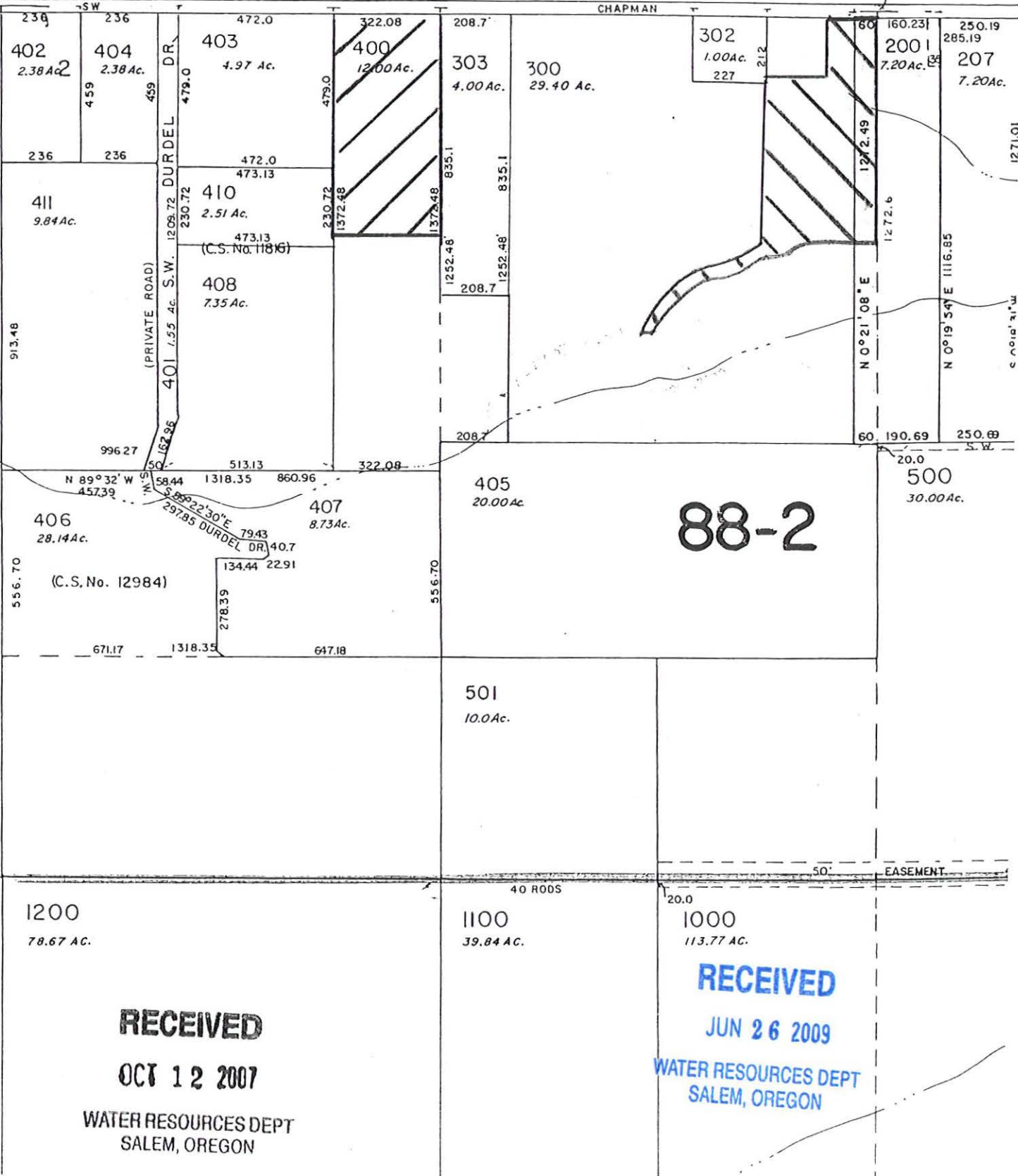
35

40

3

1/4 SEC. COR.

CHAPMAN



88-2

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(8) 32125-1200 512248

| OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES   |          |          |      |               |                  |           |                 |
|------------------------------------------------------|----------|----------|------|---------------|------------------|-----------|-----------------|
| OFFICE OF COUNTY ASSESSOR, WASHINGTON COUNTY, OREGON |          |          |      |               |                  |           |                 |
| ACCOUNT NUMBER                                       |          | 35       | 2    | 2             | 882              |           |                 |
| MAP NO.                                              | T.L. NO. | WP.      | RGE. | SEC.          | CODE             | AERIAL P. | PREVIOUS DEED   |
| 35 2 2                                               | 200      |          |      |               |                  |           |                 |
| LOT NO.                                              |          | BLK. NO. |      | ADDITION      |                  | CITY      |                 |
| ENTRIES                                              |          |          |      | DATE OF ENTRY | DEED RECORD VOL. | PAGE      | ACRES REMAINING |
|                                                      |          |          |      |               | 310              | 124       | 40.00           |

|                                         |           |               |       |
|-----------------------------------------|-----------|---------------|-------|
| Less 32 Ac in SW Chapman Rd             | 4/16/39   |               | 39.68 |
| To Anderson, Fred A Sheriff's Deed      | JV 6471   | 449-234       | 39.68 |
| To Alpine Investment Co, Inc. - B+S-D   | JV 6471   | 449-407       | 39.68 |
| Less T.L. 201 1 Ac                      | JV 6472   | 450-228       | 38.68 |
| Less T.L. 202 18.84 Ac (cont)           | JV 2053   | 450-188       | 19.84 |
| Redstrom, Edward V & Elsie              | J 19617   | 464-308       |       |
| Ac. Corr. 79 Ac 3.464                   | JV 20449  |               | 19.05 |
| Ac. CORRECTION LESS 106 Ac              | J 19617   | CS 3406       | 18.99 |
| Less T.L. 205 6.32 Ac                   | J 24-67   | 650-501       | 12.67 |
| To: Walter Hubert & Janet C.            | J 1-853   | 723-33        |       |
| To: PRUMK, WILLIAM M & BONNIE J         | J 1-19-78 | 1228-654      |       |
| LESS TL 206 7.20 A                      | 20361     | 1228 654      | 5.47  |
| ADD FROM TL 300 1.72                    | "         |               | 7.19  |
| Ac. Corr +.01 Ac                        |           |               | 7.20  |
| To SISCO, KENNETH M & REVA B            | 20361     | 1228 655      |       |
| Less 11 Ac to T.L. 206                  | 9-29-80   | 80-32272      | 7.09  |
| Add T.L. 206 + 11 Ac                    | 2-23-82   | Letter 219-82 | 7.20  |
| To: Hanson, John D. & Ruth A            | 3-30-83   | 83-8386       |       |
| To POWELL, ROGER MICHAEL & STEPHONIE J. | 6-13-96   | 96-46370      |       |

3S202 200



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SALEM, OREGON



Please Return by 10-31-07

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

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

Reference Transfer #: 10461

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

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

\_\_\_\_\_, tributary to \_\_\_\_\_: Because,  
(Stream)

(Please attach any available supporting information.)

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

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☐ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

Please return all 4 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1271

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>

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Nov. 20. 2007 12:18PM



T-10461

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

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

Condition: Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

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

Condition: Within two years after the date of this order, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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SALEM, OREGON

Page 2

include  
in ddpd

T-10461

- ☒ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

*No change in POD*

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

*Danette Ehlers*

Signature

*Danette L. Ehlers*

Printed Name

*Asst. District Fish Biologist*

Title

*(971) 673-6013*

Phone

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SALEM, OREGON



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

Transfer # 10461

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

- ☐ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

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

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

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

ODFW staff name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

**RECEIVED**

**JUN 26 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**





# 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 7, 2009

HUGH AND JANET WEBER  
21640 SW CHAPMAN ROAD  
SHERWOOD OR 97140

SUBJECT: Transfer Application T-10461

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10461. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrd.state.or.us](mailto:Dorothy.I.Pedersen@wrd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

cc: Darrell C. Hedin, District 18 Watermaster  
Bernadette Williams, Agent  
Eric Urstadt, CWRE #385

encs



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

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| In the Matter of Transfer Application | ) | PRELIMINARY DETERMINATION |
| T-10461, Washington County            | ) | PROPOSING APPROVAL OF A   |
|                                       | ) | CHANGE IN PLACE OF USE    |

**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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicants**

HUGH AND JANET WEBER  
21640 SW CHAPMAN RD.  
SHERWOOD, OR 97140

**Findings of Fact**

***Background***

1. On September 19, 2007, Hugh and Janet Weber filed an application to change the place of use under Certificate 30853. The Department assigned the application number T-10461.
2. On April 20, 2009 a revised map and ownership documentation were received and on June 10, 2009 a second revised map was received.
3. The portion of the right to be transferred is as follows:

**Certificate:** 30853 in the name of SIGWARD EDSTROM (perfected under Permit S-26448)

**Use:** IRRIGATION of 4.9 ACRES

**Priority Date:** OCTOBER 5, 1959

**Rate:** 0.06 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** UNNAMED STREAM, tributary to CHICKEN CREEK

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot |
|-----|-----|-----|-----|-------|------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    |

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 3 S        | 2 W | WM  | 2   | NE NW | 3    | 4.9   |

4. Certificate 30853 does not describe the location of the point of diversion, however information is available from the transfer map and the water right Application S-33404 map indicating that the point of diversion is located as follows:

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot | Survey Coordinates                                                                                                                                                  |
|-----|-----|-----|-----|-------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    | 1210 FEET SOUTH AND 1470 FEET EAST FROM THE NW CORNER OF SECTION 2; also described AS SOUTH 124 DEGREES, 30 MINUTES EAST, 1970 FEET FROM THE NW CORNER OF SECTION 2 |

5. Application T-10461 proposes to change the place of use of the right to:

| IRRIGATION |     |     |     |      |      |       |
|------------|-----|-----|-----|------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q  | GLot | Acres |
| 3S         | 2W  | WM  | 2   | NWNW | 3    | 4.9   |

6. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 26, 2009 the Department sent a letter to the applicants, requesting a revised map meeting the requirements of OAR 690-380-3100 to be submitted by June 26, 2009. A revised map meeting the requirements was received June 10, 2009 in response to the letter.
8. On June 25, 2009, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-10461 to the applicants. The Preliminary Determination cover letter set forth a deadline of July 27, 2009, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
9. The point of diversion does not currently require a fish screen and/or by-pass device; however, the water right holder may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

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



11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10461.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

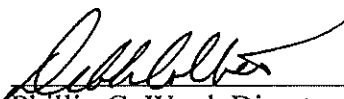
#### **Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-10461 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If application T-10461 is approved, the final order will include the following:*

1. *The change in place of use proposed in application T-10461 is approved.*
2. *Water right certificate 30853 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 30853 and any related decree.*
4. *When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
7. *When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this 7<sup>th</sup> day of July 2009.

  
Phillip C. Ward, Director *PCW*

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice of Preliminary Determination for  
Water Right Transfer T-10461**

T-10461 filed by HUGH WEBER, 21640 SW CHAPMAN ROAD, SHERWOOD OR 97140, proposes a change in place of use under Certificate 30853. The right allows the use of 0.06 CUBIC FOOT PER SECOND (priority date OCTOBER 5, 1959) from an UNNAMED STREAM, a tributary of Chicken Creek, in Sec. 2, T.3 S, R. 2 W, W.M. for IRRIGATION of 4.9 acres in the NE1/4 NW1/4 of Sec. 2, T3S, R2W, W.M. The applicant proposes to change the place of use to the NW1/4 NW1/4 of Sec.2, T. 3 S, R. 2 W, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Member:  
Oregon Association Of Nurserymen



Hugh Weber  
Janet Weber

# United States Espalier Nursery Company

Phone/Fax: 625-1869

21640 SW Chapman Rd  
Sherwood, OR 97140

Water Resources Department  
North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, Oregon 97301-1266

June 29, 2009

Subject: Water Rights Application Subject  
Water Rights Transfer Application T-10461

Dear Dorothy Pedersen

Based on your draft of the preliminary determination proposing approval in a change of place of use, we approve of your findings and advise you to expeditiously complete the transfer.

Sincerely,

*Hugh Weber*  
*Janet Weber*

Hugh Weber  
Janet Weber

**RECEIVED**

**JUN 30 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**



Growers of Dwarf, Fruit & Combination Fruit Trees





# 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 25, 2009

HUGH AND JANET WEBER  
21640 SW CHAPMAN ROAD  
SHERWOOD OR 97140

SUBJECT: Water Right Transfer Application T-10461

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10461. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Please provide us with any comments **by July 27, 2009**. Issuance of the Preliminary Determination will occur shortly after we receive your written response.

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrp.state.or.us](mailto:Dorothy.I.Pedersen@wrp.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

cc:

**T-10461**

Darrell C. Hedin, District 18 Watermaster  
Eric Urstadt, CWRE #385  
Bernadette Williams, Agent

encs



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

In the Matter of Transfer Application  
T-10461, Washington County

)  
)  
)  
)  
)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
CHANGE IN PLACE OF USE

**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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicants**

HUGH AND JANET WEBER  
21640 SW CHAPMAN RD.  
SHERWOOD, OR 97140

**Findings of Fact**

**Background**

1. On September 19, 2007, Hugh and Janet Weber filed an application to change the place of use under Certificate 30853. The Department assigned the application number T-10461.
2. On April 20, 2009 a revised map and ownership documentation were received and on June 10, 2009 a second revised map was received.
3. The portion of the right to be transferred is as follows:

**Certificate:** 30853 in the name of SIGWARD EDSTROM (perfected under Permit S-26448)

**Use:** IRRIGATION of 4.9 ACRES

**Priority Date:** OCTOBER 5, 1959

**Rate:** 0.06 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** UNNAMED STREAM, tributary to CHICKEN CREEK

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot |
|-----|-----|-----|-----|-------|------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    |



**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |      |       |
|------------|-----|-----|-----|-------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | GLot | Acres |
| 3 S        | 2 W | WM  | 2   | NE NW | 3    | 4.9   |

4. Certificate 30853 does not describe the location of the point of diversion, however information is available from the transfer map and the water right Application S-33404 map indicating that the point of diversion is located as follows:

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | GLot | Survey Coordinates                                                                                                                                                  |
|-----|-----|-----|-----|-------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 S | 2 W | WM  | 2   | NE NW | 3    | 1210 FEET SOUTH AND 1470 FEET EAST FROM THE NW CORNER OF SECTION 2; also described AS SOUTH 124 DEGREES, 30 MINUTES EAST, 1970 FEET FROM THE NW CORNER OF SECTION 2 |

5. Application T-10461 proposes to change the place of use of the right to:

| IRRIGATION |     |     |     |      |      |       |
|------------|-----|-----|-----|------|------|-------|
| Twp        | Rng | Mer | Sec | Q-Q  | GLot | Acres |
| 3S         | 2W  | WM  | 2   | NWNW | 3    | 4.9   |

6. Notice of the application for transfer was published on September 25, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 26, 2009 the Department sent a letter to the applicants, requesting a revised map meeting the requirements of OAR 690-380-3100 to be submitted by June 26, 2009. A revised map meeting the requirements was received June 10, 2009 in response to the letter.
8. The point of diversion does not currently require a fish screen and/or by-pass device; however, the water right holder may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10461.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

## Determination and Proposed Action

The change in place of use proposed in Transfer Application T-10461 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If application T-10461 is approved, the final order will include the following:*

- 1. The change in place of use proposed in application T-10461 is approved.*
- 2. Water right certificate 30853 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 30853 and any related decree.*
- 4. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 7. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us).



# 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

May 26, 2009

Hugh and Janet Weber  
21640 SW Chapman Road  
Sherwood, OR 97140

REFERENCE: Transfer 10461

We are examining your water right transfer application. There are some problems with the map that need to be resolved before we can continue processing your application.

1. The map scale needs to be consistent with the requirement in OAR 690-380-3100(1)(e). The scale of the final proof map is at 1" = 1320' and the Washington County tax lot map scale is at 1" = 400'. Please have the Certified Water Right Examiner amend the scale on the transfer map to match the scale identified in the map requirements. Note that if the size of the map exceeds 8½" x 14", three copies of the map and a .pdf electronic file of the map need to be submitted. For a map 8½" x 14" or smaller, only one original printed on paper, and no electronic file will suffice.
2. The transfer map does not identify the individual tax lots, by number, that are involved in the transfer. Please amend the map to clearly identify the tax lot numbers for those involved in this transfer.
3. The transfer map does not describe a metes and bounds location of the authorized Point of Diversion. Please amend the map to include a description as identified in OAR 690-380-3100(1)(h).

Please submit the corrections to the map by **June 26, 2009** to Dorothy Pedersen, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271. If you have any questions, please call me at 503-986-0890 or email me at [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us).

Sincerely,

Dorothy I. Pedersen  
Water Rights Transfer Specialist

cc: Darrell Hedin, Watermaster, District 18  
Eric Urstadt, CWRE #385  
Bernadette Williams, applicant's agent

enclosures



Member:  
Oregon Association Of Nurserymen



Hugh Weber  
Janet Weber

# United States Espalier Nursery Company

Phone/Fax: 625-1869

21640 SW Chapman Rd  
Sherwood, OR 97140

Donathy:

April 17. 2009

Enclosed please find:

map

Tier information

affidavit of Nam Pauelli

copy of letter to Ullrich Sargo

Thank you for your help -

Hugh & Janet Weber

RECEIVED

APR 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



Growers of Dwarf, Fruit & Combination Fruit Trees



# Oregon Water Resources Department



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>



**FAXED**  
3/30/09  
ALP

## FAX TRANSMITTAL

To: Hugh Weber

Fax Number: (503) 625-1869

Date: 3/30/09

Pages: 4, including cover sheet

From: Dorothy Pederzen

Phone: 503-986-0890

### Comments:

Information on options to consider related to land ownership  
and mapping for T-10461 follows.

#### 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

#### 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

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

# Memo



**To:** Hugh Weber  
**From:** Dorothy Pedersen  
**CC:** T-10461 file  
**Date:** March 30, 2009  
**Re:** Options regarding the lands proposed for transfer

---

This will follow up our phone conversation regarding your options in relation to the fact that part of the lands currently proposed for transfer are in another tax lot owned by your neighbor. You may either:

1. Transfer the 4.9 acres as shown in the T-10461 transfer application and submit documentation of consent from the current landowner for the portion that is not under your ownership or
2. Modify the transfer map and application to only transfer water right on lands that are currently under your ownership.

Administrative rules OAR 690-380-3100 require that the transfer map be prepared by a Certified Water Right Examiner (CWRE) , to scale, and divide the acres under the water right into lands "from" which the water is to be moved, lands "to" which the water is to be transferred and the "remaining" lands shown with separate hatching patterns. The map also must show "the location of property lines for the property involved in the transfer." **The existing map is currently deficient by not showing the property boundaries within the footprint of the water right. The CWRE will need to add the property lines to the map, regardless of whether you transfer the portion in your neighbor's tax lot or modify the application and map to transfer only portions of the right under your ownership.**

Once the Department (or contractor under Department supervision) finishes the review of the application and its impact on other water rights, the Department will issue a "draft preliminary determination", and at that time will request you to submit a "report of ownership and lien information" for all the land that is proposed to be transferred "from" its current location to a new location. This report must be prepared by a title company not more than three months prior to the draft preliminary determination and must include: 1) listing of owners, 2) legal description and 3) listing of lien holders.



If you choose to leave the transfer application as submitted (including the strip of land on your neighbor's property, **Option #1**) you'll need to:

- Have the CWRE add property lines to the map
- Include the tax lot that the strip of the neighbor's land from which the water right is to be transferred "from" is in (as well as your property) in the report of ownership and lien information from the title company. (Check to see whether they can include both properties in one report or whether they will need to prepare two separate reports).
- Submit an Affidavit of Consent from any owners other than you that show up on the property report, and send copies of notifications that have been sent to any lienholders that show up in the report.

If you choose to modify the transfer application to leave the portion of the water right remaining on the neighbor's land (**Option #2**) you'll need to:

- Have the CWRE add property lines to the map and revise the hatching pattern (and possibly the number of acres) in the "from", "to" and "remaining" categories, so only land under your ownership is included.
- If the number of acres being transferred "from" the current location "to" the new location changes, submit modified pages 4 and 6 of the application Supplemental Form A that show the revised acreage. You may cross out and make the updates on a copy of the original application and initial and date it and submit it to the Department, or have Stuntzner submit replacement pages.
- The report of ownership and lien information will only include the properties under your ownership from which the right is to be transferred "off".
- Send copies of notifications that have been sent to any lienholders (if applicable).

Following is an example of a notification letter to be sent to lienholders.

Call me at (503) 986-0890 if you have further questions.

February \_\_, 200\_\_

ABC Mortgage Company  
2420 Main Street  
Salem, OR 97300

REFERENCE: Water Right Transfer (T-\_\_\_\_\_) for John and Jane Waters

To Whom It May Concern:

We are the owners of a portion of land involved in a water right transfer application that proposes to add a point of appropriation and cancel a portion of the water right. Our property is located on tax lot 2601 in the SW ¼ SE ¼ of Section 7, Township 18 South, Range 45 East, WM, Malheur County, Oregon. The portion of water right being cancelled on our parcel (tax lot 2601) totals 0.15 acre. This results in a remaining water right of 1.25 acres on tax lot 2601. The proposed point of appropriation will be added to tax lot 2605, which is not under our ownership.

As part of this proposed transfer, we are required to notify any lien holder that may have an interest in the property involved in the transfer.

If you have any questions, you may contact us at (503) \_\_\_\_ - \_\_\_\_, or you may contact Dorothy Pedersen, Transfer Specialist, with the Oregon Water Resources Department at (503) 986-0890.

Sincerely,

John and Jane Waters

S:\groups\fs\transfer\examples\notification to lien holder-from applicant.doc

# Memo



**To:** File T-10461

**From:** Dorothy Pedersen

**Date:** March 27, 2009

**Re:** Land Ownership and Map Revisions

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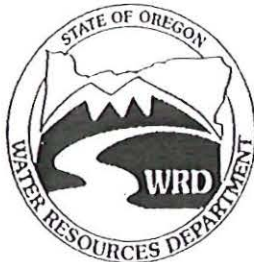
I talked by phone with Hugh Weber about the lack of tax boundary lines on the transfer map and the possibility that part of the "from" land may be in another tax lot.

Mr. Weber will ask the CWRE to add the tax boundaries to the map. He indicated that a strip of land is now in the neighbor's lot due to a lot line adjustment, but he thinks he will be able to get consent to transfer the right off of that strip.

I faxed him a "consent to transfer by deeded landowner" form.



# OREGON WATER RESOURCES DEPARTMENT



State of Oregon  
Water Resources Department  
725 Summer St NE, Ste A  
Salem, OR 97301-1266  
(503) 986-0900  
[www.wrd.state.or.us](http://www.wrd.state.or.us)



## FAX TRANSMITTAL

TO: Hugh Weber FAX NUMBER: (503) 625-1869  
DATE: 3/27/08 PAGES: 2, INCLUDING COVER SHEET  
FROM: Dorothy Pedersen PHONE: (503) 986-0 990  
COMMENTS: Example "affidavit of consent" form. If you  
have questions, call me at (503) 986-0890.

### WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

### TECHNICAL SERVICES

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

FAX: (503) 986-0902

### FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

### NORTHWEST REGION

- District 16 Watermaster

### DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

### ADMINISTRATIVE SERVICES

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

FAX: (503) 986-0903 or  
503-986-0904

*Handwritten signature or initials.*

**AFFIDAVIT CONSENTING TO PROPOSED WATER RIGHT TRANSFER**

State of Oregon )  
 )ss  
County of \_\_\_\_\_ )

I/We \_\_\_\_\_ in my  
capacity as \_\_\_\_\_,  
mailing address \_\_\_\_\_,  
telephone number \_\_\_\_\_, duly sworn depose and say that I/We  
consent to the proposed change(s) to Water Right Certificate Number \_\_\_\_\_ as  
described in Transfer Application T-\_\_\_\_\_, on the property located on tax lot  
number \_\_\_\_\_, Section \_\_\_\_\_, Township \_\_\_\_\_ (north or south),  
Range \_\_\_\_\_ (east or west), W.M.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon

My commission expires \_\_\_\_\_.



# 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

October 2, 2007

HUGH & JANET WEBER  
21640 SW CHAPMAN ROAD  
SHERWOOD OR 97140

Reference: Transfer 10461

On September 19, 2007 we received your water right transfer. The application was accompanied by \$400.00. Our receipt 89743 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.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. A number of other transfer applications are also awaiting review. As a result, it may be some time before we are able to process your application. If you wish to have your application processed more quickly, you may want to consider use of the Department's reimbursement authority. Under this authority an applicant may receive expedited review by paying the full cost for a pre-qualified contractor to process the applications. For more information on the Reimbursement Authority program, see our website at [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement.shtml) or call the transfer section.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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)986-0883.

cc: Watermaster #18  
Eric Urstadt, CWRE  
Bernadette Williams, Agent  
Tualatin Valley Irrigation District  
Danette Ehlers, 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 09/25/07

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. 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: WASHINGTON  
Transfer: 10461  
Water Right: CERT 30853  
Priority Date: 1959  
Name: HUGH & JANET WEBER  
Address: 21640 SW CHAPMAN RD, SHERWOOD, OR 97140  
Change: POU  
Source: UNNAMED STREAM  
Authorized POU: T3S R2W 2  
Proposed POU: T3S R2W 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.

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

## Permanent Transfer Application – OAR 690-380 3000 & 3100

### Completeness Checklist

Applicant's Name: Hugh + Janet Weber (Form last revised: March 13, 2007)

#### Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

**NOTE:** The Department can accept a Transfer application for any right that is:

- ☐ 1) an adjudication with a court decree; *or*
- ☐ 2) a certificate that is not cancelled; *or*
- ☐ 3) a transfer that's been approved & A COBU has been received by the Department

If the subject right does not fall 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 Transfer process?

[ORS 540.510]

**NOTE:** Only POD, POA or POU or USE changes are allowed on Transfers.

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:

400

*Fee Schedule – ORS 536.050(1)(h)*

Total Fees Paid:

400

~~\$350~~ - Base fee (1<sup>st</sup> change and 1<sup>st</sup> CFS of water)

+ ~~\$350~~ - Each additional type of change requested

Fees Due (if any):

0

+ \$175 - For each CFS, or fraction thereof, requested beyond 1<sup>st</sup> CFS  
(for POU, Type of Use, or Exchange)

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

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.

Is the Transfer application complete?

All required elements necessary for a complete transfer 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.

• Type of transfer application Reg (Page 1)

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

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

• Are the water rights to be affected by this transfer listed? (Page 2)

If there are multiple water rights listed..... The applicant must supply a separate "set" of Supplemental Form A for each water right to be transferred.



|     | Checklist for Supplemental Form A – (Attachments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |          |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| OK  | • Certificate # filled in on each page?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (Page 1) |
| OK  | • Type of change(s) proposed clear? <b>POU</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 1) |
| OK  | • Current Water Right information is complete?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 2) |
| OK  | <p>• If for a change in <b>POU</b> or <b>USE</b>.....</p> <p>Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? <b>YES NO</b></p> <p>If <b>YES</b>..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5).</p> <p>If layered with GR, must submit a GR Modification application as well as this application.</p> <p>Are they included in application? If not, contact applicant or agent.</p>     | (Page 2) |
| OK  | <p>• Location description of the authorized POA/POD to be changed.</p> <p><b>NOTE:</b> Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map.</p> <p>Additionally, if the existing authorized source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p>2) if well logs are <b>not available</b>, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.</p>                     | (Page 3) |
| OK  | <p>• Location description of the existing authorized POU and associated acres (if applicable).</p> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. <b>4.9</b></p>                                                                                                                                                                                                                                                                                                                                       | (Page 4) |
| N/A | <p>• Location description of the proposed POA/POD.</p> <p><b>NOTE:</b> Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map.</p> <p>Additionally, if the proposed source is ground water (POA), the applicant must either:</p> <p><u>N/A</u> 1) supply a copy of the well log(s), <u>or</u></p> <p>2) if well logs are <b>not available</b> <u>or</u> the well is <b>not yet constructed</b>, describe the construction of the well(s) in the table provided on page 5 of the application.</p> | (Page 5) |
| OK  | <p>• Location description of the proposed POU and associated acres (if applicable).</p> <p><b>NOTE:</b> Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. <b>4.9</b></p>                                                                                                                                                                                                                                                                                                                                                  | (Page 6) |
|     | <b>Return back to Page 2 of transfer application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |          |
| OK  | • The type of changes being proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (Page 2) |
| OK  | • Reason for the transfer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (Page 2) |
| OK  | • Description of current water delivery system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | (Page 2) |
| OK  | • System Capacity. <b>125 gpm</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Page 2) |



|           | Checklist for Supplemental Form B – (Attachments)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |          |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| OK        | • Is there a box checked in #1?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 1) |
| OK        | • Is there a box checked in #2?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 1) |
| OK        | • Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Page 1) |
| OK        | • In question #4 and #5 are they filled out.<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Page 2) |
| OK        | • Is there a box checked in #6?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Page 2) |
| OK        | • Is the #6 supporting documentation included with application?<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (Page 2) |
| OK        | • Is there an original signature of the notary and notary stamp?<br>2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (Page 2) |
|           | Return back to Page 3 of transfer application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |
| Yes<br>OK | • Affected districts and local governments. <b>TVID</b><br>If within a district/local government jurisdiction, ensure that name & mailing address is provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (Page 3) |
| OK        | • Is the applicant the Landowner of the “from” and “to” Lands? <b>YES</b> NO<br>If <b>NO</b> .... The applicant must list current landowner name & address.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (Page 4) |
| OK        | • Who will be responsible for completion of the changes? <b>Applicant</b><br>Is a box checked? If no box is checked the applicant or agent must be contacted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (Page 4) |
| OK        | • Map.....<br>(Required to be prepared by a CWRE) unless...<br>1. Map Waiver included with application<br>2. FP map with advance email or written approval<br>3. POD/POA without POU change and for entire right with FP map for “from” map<br>___ if more than 3 rights are included in transfer, is there a separate map for each water right?<br>___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map<br>___ north arrow ___ size & scale ___ other: _____<br>___ authorized acreage per ¼ ¼ matches the water right<br>___ authorized POD/POA and POU (clearly shown, labeled & matches application listing)<br>___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR<br>___ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing)<br>___ location coordinates accurately describe the point identified as the proposed POD/POA | (Page 5) |
| N/A       | • Land Use form, if applicable.<br>Is the form signed by the local planning department staff?<br>May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (Page 5) |
| N/A       | • If a groundwater right is involved, are the well logs or a description included.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Page 5) |
| N/A       | • If this is an instream water right transfer, is there a form C included and filled out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (Page 5) |

|                                                                            |                                                                                                                                                                                                                         |          |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| OK                                                                         | <ul style="list-style-type: none"><li>• Signature(s) of applicant(s):</li></ul> <p>Are one of the boxes checked?</p> <p><u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.</p> | (Page 6) |
| WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>9-20-07</u> |                                                                                                                                                                                                                         |          |

## Dorothy Pedersen

---

**From:** Molly Reid [MReid@gsiwatersolutions.com]  
**Sent:** Monday, June 22, 2009 9:42 AM  
**To:** Dorothy Pedersen  
**Subject:** RE: final deliverables T-10461

Dorothy: Sorry I am so late in getting back to you. I did use up the time on the project. We got busy with other projects too. Thanks. Molly

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]  
**Sent:** Monday, June 15, 2009 4:46 PM  
**To:** Molly Reid  
**Subject:** RE: final deliverables T-10461

Hi Molly,

Thanks for submitting the documents for T-10461 on Friday. I've been up to my elbows in other projects, so I haven't taken a look at these documents yet, but I'll respond to your POD question in general terms.

It is quite common for the older certificates not to list the POD coordinates, but sometimes they are on the final proof maps, and sometimes they are only available from the CWRE's survey for the transfer, or from other information in the water right file.

In that case, you are correct that the additional POD information would not be put into the remaining right certificate. In the DPD document, however, you'll just list whatever information (or none) is actually in the certificate in the Finding of Fact that has the usual "certificate block". Then you'll add a finding right after that one to supply the additional information. You'll find the example language for that in the Supplemental Language document that I send with the templates, under the section on "Additional Information from Decree or Other Sources".

I probably won't get to send the T-10461 DPD out until Wednesday, so if this is clear and you have time available in your estimate for the project, you could insert that finding into the DPD and send me a revised DPD document. If you've already closed out that project or don't have time left, just consider this an FYI for the next project.

Thanks,  
Dorothy

---

**From:** Molly Reid [mailto:MReid@gsiwatersolutions.com]  
**Sent:** Friday, June 12, 2009 11:22 AM  
**To:** Dorothy I PEDERSEN  
**Subject:** final deliverables

Dorothy: Attached are the final deliverables for T-10461. I did not include the metes and bounds description provided by the CWRE in the dpd or on the remaining right certificate. I am not sure if I was to include those as I suspect the measurements would have to be verified at final proof? Please review the documents and let me know if I have missed anything. This one was pretty straight forward. Thanks.

**Molly Reid**  
**Water Resource Analyst**

GSI Water Solutions, Inc.

6/22/2009



## Dorothy Pedersen

---

**From:** Molly Reid [MReid@gsiwatersolutions.com]  
**Sent:** Friday, June 12, 2009 11:22 AM  
**To:** Dorothy I PEDERSEN  
**Subject:** final deliverables  
**Attachments:** T-10461 Contact List.doc; 10461-dpd.doc; 10461-dpd-cov-approve.doc; 10461-pd-cover letter.doc; 10461-pd-notice.doc; 10461-rr-30853 certificate.doc

Dorothy: Attached are the final deliverables for T-10461. I did not include the metes and bounds description provided by the CWRE in the dpd or on the remaining right certificate. I am not sure if I was to include those as I suspect the measurements would have to be verified at final proof? Please review the documents and let me know if I have missed anything. This one was pretty straight forward. Thanks.

**Molly Reid**  
**Water Resource Analyst**

GSI Water Solutions, Inc.  
1020 N. Center Parkway, Suite F  
Kennewick, WA 99336  
(509) 735-7135  
(509) 735-7067 (Fax)  
(541) 310-8800 (Cell)

6/15/2009

## WORK ORDER

Work Order #: **R09 238 09**

### Water Right Contract Work

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and GSI Water Solutions, Inc.

| Contractor Data                                                                                                                                                                                                                                                                                                              | Water Resource Data                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contractor: <b>GSI Water Solutions, Inc.</b><br>Project Contact: Adam Sussman<br>Address: 1600 Western Blvd., Suite 240<br>Corvallis, OR 97333<br><br>Phone: 541-753-0745 X-11<br>Fax: 541-7544211<br>Cell Phone: 541-602-5188<br>E-Mail: <a href="mailto:ASussman@GSIWaterSolutions.com">ASussman@GSIWaterSolutions.com</a> | Project Officer: Dorothy Pedersen<br>Transfer Coordinator<br>Address: 725 Summer Street NE, Suite A<br>Phone: (503) 986-0890<br>Fax: (503) 986-0903<br>E-Mail: <a href="mailto:Dorothy.L.Pedersen@wrdd.state.or.us">Dorothy.L.Pedersen@wrdd.state.or.us</a> |

Work Order Effective Date: **5/18/09.**

**Part I. General Information.** This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement.

**Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule:** – See Statement of Work for delivery schedule.

**Part III. Special Considerations.** There is no Special Consideration related to this Work Order.

**Part IV. Payment Provisions.** Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

**Part V. Travel and Other Expenses.**

Agency shall not reimburse Contractor for any travel expense under this Contract.

**Part VI. Contract Amendments.**

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

**ANTICIPATED AMENDMENTS**

None. Unless specified by the Agency.

## Statement of Work

### Estimate for Water Rights Transfer

Application Number: T-10461  
Name of Applicant: Hugh & Janet Weber

### Estimate For Transfer

|                       | Item                                                                                                                              | Time |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|------|
| 1                     | Review of application for completeness.                                                                                           | 1.0  |
| 2                     | Review of "From" lands to confirm consistency with existing right(s) and ownership.                                               | 2.0  |
| 3                     | Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).                                     | 2.0  |
| 4                     | Preparation of draft preliminary determination, DPD cover letter and contact list.                                                | 3.5  |
| 5                     | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. | 1.5  |
| Total Estimated Time: |                                                                                                                                   | 10.0 |

Proposed Completion of draft preliminary determination – June 4, 2009

Total estimated cost is 10.0 hours at \$90.00 per hour = \$900.00

*\*Dates are contingent on the Applicant's expeditious resolution of any deficiency.*

Invoices for this Work Order shall be sent to:

Salem Opeifa  
Loan Servicing Specialist  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
Phone: (503) 986-0929  
Fax: (503) 986-0904



Contractor shall notify OWRD in advance if more than 10.0 hours is needed to complete the work described in the Statement of Work above.

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

**ACCEPTANCE OF TERMS BY CONTRACTOR:**

Adrian Luna, Office Manager  
Name  
Adrian Luna 5/18/09  
Signature Date

**APPROVED BY AGENCY:**

\_\_\_\_\_  
Tracy Loudon Date  
Administrator  
Administrative Services  
Oregon Water Resources Department

**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Hugh & Janet Weber** hereafter Applicants, hereafter known together as the parties.

**OWRD Information**

Project Contact: Dorothy Pedersen  
Title: Transfer Advisor  
Address: 725 Summer Street, NE  
Salem, OR 97301-1271  
Phone: 503 986-0890  
Fax: 503 986-0903  
Email: [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us)

**Applicant's Information**

**Hugh & Janet Weber**  
Contact:  
Address: 21640 SW Chapman Rd  
Sherwood, OR 97140  
Phone Number: 503-6251869  
Fax Number:  
Email: [JMusicweb@aol.com](mailto:JMusicweb@aol.com)

**Applicant's Representative**

Name:  
Project Contact:  
Address:  
Phone Number:  
Fax Number:  
Email:

1. **Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-10461 )
2. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** **Hugh & Janet Weber** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
5. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
6. **Consideration.**
  - a. **Hugh & Janet Weber** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,200.00**. **Hugh & Janet Weber** agrees to pay the full amount of **\$1,200.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
7. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

8. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
9. **Confidentiality.** Hugh & Janet Weber agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
10. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, GSI Water Solutions Inc. (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.
11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.
14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Hugh & Janet Weber: \_\_\_\_\_  
Name/Title:

\_\_\_\_\_  
Date

For OWRD: \_\_\_\_\_  
Tracy Loudon – Administrator Date

Mail signed Agreement to:

Salem Opeifa  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271



Exhibit A  
Statement of Work

Application Number: Hugh & Janet Weber

Name of Applicant: T-10461

**Reimbursement Authority Process  
Itemized Estimate Sheet**  
For  
Transfer

|                       | Item                                                                                                                              | Time |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|------|
| 1                     | Review of application for completeness.                                                                                           | 1.0  |
| 2                     | Review of "From" lands to confirm consistency with existing right(s) and ownership.                                               | 2.0  |
| 3                     | Review of "To" lands for conflicts and preparation of draft deficiency letter<br>(if necessary).                                  | 2.0  |
| 4                     | Preparation of draft preliminary determination, DPD cover letter and contact list.                                                | 3.5  |
| 5                     | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. | 1.5  |
| Total Estimated Time: |                                                                                                                                   | 10.0 |

**Total estimated cost is 10.0 hours at \$120.00 per hour = \$1,200.00**

Issuance of Draft Preliminary Determination: **April 28, 2009\***

Deadline for Applicant's Review of Draft Preliminary Determination: **June 1, 2009\***

*\*Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

**Reimbursement Authority Process  
Itemized Estimate Sheet  
for  
Water Rights Transfer**

Application Number T-10461

Name of Applicant: Hugh & Janet Weber

**Proposed Timeline**

|                                            |                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/25/2007                                 | Public Notice (start of 30-day comment period).                                                                                                                                                                                                                                                                                  |
| 04/27/2009                                 | Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).                                                                        |
| 06/01/2009                                 | Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.                                                                                                                                                                        |
| 5 working days after DPD comments received | <b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies. |

*For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

**Estimate**

|                              | Item                                                                                                                              | Time        |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1                            | Review of application for completeness.                                                                                           | 1.5         |
| 2                            | Review of "From" lands to confirm consistency with existing right(s) and ownership.                                               | 3.0         |
| 3                            | Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).                                     | 2.0         |
| 4                            | Preparation of draft preliminary determination, DPD cover letter and contact list.                                                | 3.5         |
| 5                            | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. | 1.5         |
| <b>Total Estimated Time:</b> |                                                                                                                                   | <b>11.5</b> |

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: GSI

Authorized Representative:

*Danielle MayBain*

Date:

*3/17/09*

*4/1/09  
Revised  
1.0  
2.0  
2.0  
3.5  
1.5  
10.0*

**Reimbursement Authority Process  
Itemized Estimate Sheet  
for  
Water Rights Transfer**

Application Number T-10461

Name of Applicant: Hugh & Janet Weber

**Proposed Timeline**

|                                            |                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/25/2007                                 | Public Notice (start of 30-day comment period).                                                                                                                                                                                                                                                                                  |
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**Estimate**

|                              | Item                                                                                                                              | Time        |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------|
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| 5                            | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. | 1.5         |
| <b>Total Estimated Time:</b> |                                                                                                                                   | <b>11.5</b> |

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

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Name of Consultant: GSI

Authorized Representative: Danielle McBain

Date: 3/17/09



## Shipping Checklist for Reimbursement Authority Files

File T-10461      Applicant: Hugh & Janet Weber

Agent/Contact: Bernadette Williams, Stuntzner Engineering

Ship to Contractor: GSI

### Items included:

- ☒ Copy of front of file folder
- ☒ Application Cover Letter, if there is one
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of Use Affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Ownership documentation or ☒ Need to ask for ownership info in DPD cover letter
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof Map or decree map for each right to be transferred
- ☐ Well logs (if change in POA, SW POD-to-GW POA change) or ☒ NA
- ☒ Watermaster review or ☐ Will email watermaster review when available
- ☒ ODFW review (if change in POD) or ☐ Will send later or ☐ NA
- ☐ GW review (if POA change or POD-to-POA change) or ☐ Will send later or ☒ NA
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

### Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 09/25/2007

Number of sheets copied 34

File contents copied by Sarah Henderson      Date: March 16, 2009

# MEMO

Date: March 16, 2009

To: Joan

From: Sarah Henderson

RE: T- 10461

Ship file to contractor under Reimbursement Authority

Charge to PCA #47125

Number of copied pages 34

Send (overnight) to:

GSI Water Solutions, Inc.

Contact: Adam Sussman

1600 Western Blvd., Suite 240

Corvallis, OR 97333

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

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

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation

- Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW
- Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
- Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
- Fish Screen Devices ☐

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury –

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes



**Reimbursement Authority Process  
Itemized Estimate Sheet  
for  
Water Rights Transfer**

Application Number T-10461

Name of Applicant: Hugh & Janet Weber

**Proposed Timeline**

|                                            |                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/25/2007                                 | Public Notice (start of 30-day comment period).                                                                                                                                                                                                                                                                                  |
| 04/27/2009                                 | Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).                                                                        |
| 06/01/2009                                 | Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.                                                                                                                                                                        |
| 5 working days after DPD comments received | <b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies. |

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

**Estimate**

|                              | <b>Item</b>                                                                                                                       | <b>Time</b> |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1                            | Review of application for completeness.                                                                                           |             |
| 2                            | Review of "From" lands to confirm consistency with existing right(s) and ownership.                                               |             |
| 3                            | Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).                                     |             |
| 4                            | Preparation of draft preliminary determination, DPD cover letter and contact list.                                                |             |
| 5                            | Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation. |             |
| <b>Total Estimated Time:</b> |                                                                                                                                   |             |

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: GSI

Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**Reimbursement Authority  
Final Deliverables Cover Sheet  
for  
Transfers**

Transfer # 10461

Applicant: Hugh & Janet Weber

**The following items have been submitted electronically\*:**

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if needed)

**\*NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

**The following items are enclosed:**

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

***For WRD use only:***

WRD approval by: \_\_\_\_\_ Date: \_\_\_\_\_

**WATER RESOURCES DEPARTMENT  
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

*House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.*

*The Department has established a pool of qualified contractors to perform expedited services for water right transfers and water right certificates.*

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

| <u>REQUEST</u>                      | <u>TYPE</u>          | <u>FILE NUMBER</u> |
|-------------------------------------|----------------------|--------------------|
| <input checked="" type="checkbox"/> | Transfer Application | <u>10461</u>       |
| <input type="checkbox"/>            | Certificate Request  | _____              |

| <u>Applicant Information</u> |                               | <u>Applic</u> |
|------------------------------|-------------------------------|---------------|
| Name: (Please Print)         | <u>HUGH &amp; JANET WEBER</u> |               |
| Address:                     | <u>21640 S.W. CHAPMAN RD.</u> |               |
|                              | <u>SHERWOOD, OREGON</u>       |               |
|                              | <u>97140</u>                  |               |
| Phone:                       | <u>503-625-1869</u>           |               |
| Fax                          |                               |               |
| E-Mail Address:              | <u>JMusicweb@AOL.com</u>      |               |

**RECEIVED**  
MAR 10 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the *(check one)* ☒ Applicant ☐ Applicant's Representative ☐ Other *(Please specify)* \_\_\_\_\_

Signature: Janet Weber Name: Janet Weber  
Hugh Weber HUGH WEBER

**OWRD USE ONLY**

|                      |            |                       |
|----------------------|------------|-----------------------|
| Contractor Assigned: | <u>GSI</u> | Total Amount Paid: \$ |
| OWRD Approval:       |            |                       |



# WATER RIGHT TRANSFER MAP

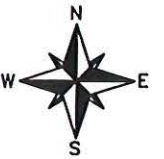
SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1" = 200'

Superseded by map  
received 6/10/09  
**RECEIVED**

APR 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

NE 1/4 COR



34 35  
3 2

SW CHAPMAN ROAD

NW NW

PREPARATION OF THIS MAP IS FOR THE  
PURPOSE OF IDENTIFYING THE LOCATION OF  
THE WATER RIGHT ONLY. THERE IS NO INTENT  
TO PROVIDE DIMENSIONS OR LOCATIONS OF  
PROPERTY OWNERSHIP LINES.

LOT 4

4.9 AC

23.5 AC

4.9 AC

CERTIFICATE # 30853  
(23.5 AC)

CERTIFICATE # 30853  
AREA TRANSFERED "FROM"  
(4.9 AC)

CERTIFICATE # 30853  
AREA TRANSFERED "TO"  
(4.9 AC)

POINT OF DIVERSION IS LOCATED IN  
LOT 3 (NE 1/4 NW 1/4) SECTION 2 T3S, R2W, W.M.  
WASHINGTON COUNTY

POD  
(LOCATION TAKEN FROM  
FINAL PROOF SURVEY)

NE NW

LOT 3

UNNAMED STREAM

60 FOOT STRIP OWNED BY TAX LOT 2001, TO  
EAST OF WEBER DUE TO PROPERTY LINE  
ADJUSTMENT. WAIVER OF INTEREST IN WATER  
RIGHT TO BE SIGNED BY CURRENT  
LANDOWNER.

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS  
**Stuntzner**  
2137 19th AVENUE  
FOREST GROVE, OR 97116  
PHONE: (503) 357-5717  
FAX: (503) 357-5698  
info@stuntzner.com

FOR:  
HUGH WEBER  
21640 SW CHAPMAN RD  
SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO



|                           |                       |                             |                        |                 |                             |                 |
|---------------------------|-----------------------|-----------------------------|------------------------|-----------------|-----------------------------|-----------------|
| DRAWN BY:<br>C. VAN BUREN | CHECKED BY:<br>DV/EAU | DESIGNED BY:<br>B. WILLIAMS | DATE:<br>APRIL 6, 2009 | JOB<br>WEBER WR | DRAWING NO.:<br>3072071B WR | SHEET<br>1 OF 1 |
|---------------------------|-----------------------|-----------------------------|------------------------|-----------------|-----------------------------|-----------------|



SEP 19 2007

RECEIVED

# WATER RIGHT TRANSFER MAP

SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1"= 200'

Superseded  
by map received  
4/20/09



34 35

3 2

NE 1/4 COR

SW CHAPMAN ROAD

NW NW

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WASHINGTON COUNTY

POD  
(LOCATION TAKEN FROM  
FINAL PROOF SURVEY)

LOT 3

UNNAMED STREAM

T 10461



WATER RESOURCES DEPT  
SALEM, OREGON

SEP 19 2007

RECEIVED

WATER RESOURCES DEPT  
SALEM, OREGON

OCT 12 2007

RECEIVED

# WATER RIGHT TRANSFER MAP

SECTION 2 T3S R2W W.M.  
WASHINGTON COUNTY, OREGON  
SCALE 1" = 200'

Superseded by  
map received 4/20/09

RECEIVED

OCT 12 2007

WATER RESOURCES DEPT  
SALEM, OREGON



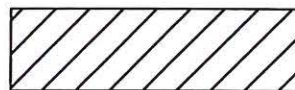
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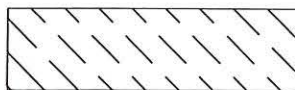
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POD  
(LOCATION TAKEN FROM  
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SW CHAPMAN ROAD

NE 1/4 COR

4.9 AC

23.5 AC

NE NW

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LOT 3

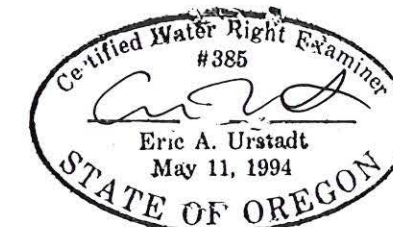
UNNAMED STREAM

T 10461

ENGINEERING LAND SURVEYING FORESTRY PLANNING WATER RIGHTS  
**Stuntzner**  
Engineering & Forestry, LLC  
2137 19th AVENUE  
FOREST GROVE, OR 97116  
PHONE: (503) 357-5717  
FAX: (503) 357-5698  
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FOR:  
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SHERWOOD, OR 97140

SOURCE OF MAP DATA IS FINAL  
PROOF SURVEY FOR CERTIFICATE,  
SCALED TAX MAPS, AND FSA PHOTO



|                           |                              |                             |                    |                 |                            |                 |
|---------------------------|------------------------------|-----------------------------|--------------------|-----------------|----------------------------|-----------------|
| DRAWN BY:<br>C. VAN BUREN | CHECKED BY:<br>W.R. VERBOORT | DESIGNED BY:<br>B. WILLIAMS | DATE:<br>8-22-2007 | JOB<br>WEBER WR | DRAWING NO.:<br>3072071 WR | SHEET<br>1 OF 1 |
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