

Regular

RA

Name Aaron C. & Wendy J. Nofziger

DESCRIPTION OF WATER RIGHT(S)

Address 28770 S. Elisha Road
Canby, OR 97013
aaron@ritewayelectric.net

Name of Stream A Well

Trib. of Creamery Creek Basin

Use Irrigation County Clackamas

Quantity of water (CFS) No. of Acres

Name of ditch

App# G-13449 Per # G-12126 Cert # 79974 PR Date 6/29/1993

App# Per # Cert # PR Date

Change in POA

Date Filed 7-13-2020

Initial notice date 8-4-2020

DPD issued date

PD issued date 1/19/2021

PD notice date 1/21/2021

Date of FO Vol Page

C-Date

COBU due date

COBU Received date

Certificate issued

FEES PAID		
Date	Amount	Receipt #
7-13-2020	\$1,570.00	133039
7-13-2020	\$125.00	133022
8-10-2020	\$1,309.01	133224
10-20-2023	\$230.00	141795

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Doann Hamilton - phgdmb@gmail.com

CWRE

CC's list Clackamas County

- Oversized map - Location

**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 # **133224**

INVOICE # _____

RECEIVED FROM: <u>Hidden Creek Farm</u>	APPLICATION
BY: <u>Aaron Nofziger, Wendy Nofziger</u>	PERMIT
CASH: <input type="checkbox"/>	TRANSFER <u>7-13488</u>
CHECK:# <u>1436</u> <input checked="" type="checkbox"/>	OTHER: (IDENTIFY) _____
<input type="checkbox"/>	TOTAL REC'D \$ <u>1,309.01</u>

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES <u>47124</u>	\$
<u>0412</u> OTHER: (IDENTIFY) <u>Reimbursement Authority</u>	\$ <u>1,309.01</u>
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:		EXAM FEE	RECORD FEE
0201 SURFACE WATER		\$	0202 \$
0203 GROUND WATER		\$	0204 \$
0205 TRANSFER		\$	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR		\$	0219 \$
LANDOWNER'S PERMIT			0220 \$
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **133224**

DATED: 8-10-2020 BY: [Signature]

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # **133022**

INVOICE # _____

RECEIVED FROM: <i>Hidden Creek Farm</i>	APPLICATION
BY: <i>Arnon Nat Ziger</i>	PERMIT
<i>Wendy Nat Ziger</i>	TRANSFER <i>T-13488</i>
CASH: <input type="checkbox"/> CHECK: # <i>1430</i> OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <i>125.00</i>

1083 TREASURY	4170 WRD MISC CASH ACCT
0407 COPIES <i>47124</i>	\$
<i>0412</i> OTHER: (IDENTIFY) <i>R11272-31 Reimbursement Authority</i>	\$ <i>125.00</i>
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:			
		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
	OTHER (IDENTIFY)		

0536 TREASURY				0437 WELL CONST. START FEE	
0211	WELL CONST START FEE	\$		CARD #	
0210	MONITORING WELLS	\$		CARD #	
	OTHER (IDENTIFY)				

0607 TREASURY		0467 HYDRO ACTIVITY		LIC NUMBER
0233	POWER LICENSE FEE (FWWRD)			\$
0231	HYDRO LICENSE FEE (FWWRD)			\$
	HYDRO APPLICATION			\$

TREASURY		OTHER / RDX	
FUND _____	TITLE _____		
OBJ. CODE _____	VENDOR # _____		
DESCRIPTION _____			\$

RECEIPT: **133022** DATED: *7-13-2020* BY: *[Signature]*

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 # **133039**

INVOICE # _____

RECEIVED FROM: <u>Hidden Creek Farm</u>	APPLICATION
BY: <u>Aaron Nofziger</u>	PERMIT
<u>Wendy Nofziger</u>	TRANSFER <u>T-13488</u>
CASH: <input type="checkbox"/>	TOTAL REC'D \$ <u>1,570.00</u>
CHECK: # <u>1431</u> <input checked="" type="checkbox"/>	
OTHER: (IDENTIFY) <input type="checkbox"/>	

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>1,570.00</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 (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **133039**

DATED: 7-13-2020 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

RECEIPT # **141795**

INVOICE # _____

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

RECEIVED FROM: Hidden Creek Farm;
 BY: Aaron Notzinger;
Wendy Notzinger

APPLICATION	
PERMIT	
TRANSFER	<u>T-13488</u>

CASH: CHECK:# 1550 OTHER: (IDENTIFY)

TOTAL REC'D \$ 230.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

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

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

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

0200 OTHER (IDENTIFY) COBU \$ 230.00

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 (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **141795** DATED: 10/20/2023 BY: [Signature]

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

Mailing List for Proposed Transfer Certificate(s)

Transfer Application: T-13488

Certificate: ***** (C-79974)

Certificate/Transfer Holder: (include copy of map)

AARON C. NOFZIGER
WENDY NOFZIGER
28770 S ELISHA RD
CANBY, OR 97013

Is the Transfer Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Proposed Transfer Certificate(s) to be sent to:

1. Watermaster District #: 20
2. File

Other persons to receive copies: (include map):

1. DOANN HAMILTON, CWRE

Record Marking(s):

1. Original Application#
2. Old Certificate#

Copies Mailed	
by:	<u>AA</u> (STAFF)
on:	<u>11/21/2025</u> (DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

Date Mailed: **NOV 21 2025**

Reference: Transfer T-13488

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 Mary Bjork at 503-979-9895.

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 Codi Holmes at 503-979-3184.

Sincerely,

Katherine Ratcliffe
Administrator Water Right Services

COPY

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AARON NOFZIGER
WENDY NOFZIGER
28770 S ELISHA RD
CANBY OR 97013

confirms the right to the use of water perfected under the terms of Permit G-12126. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the well(s). The specific limits and conditions of the use are listed below.

SOURCE OF WATER: A WELL IN THE CREAMERY CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 17.08 ACRES

MAXIMUM RATE: 0.16 CUBIC FOOT PER SECOND

DATE OF PRIORITY: JUNE 29, 1993

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	25	SW SW	875 FEET NORTH AND 105 FEET EAST FROM SW CORNER, SECTION 25

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use of water is limited to the period of March 1 through October 31 of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	25	SW SW	17.08

The quantity of water diverted at the new point of appropriation (Well 1), shall not exceed the quantity of water available from the original point of appropriation (Well), described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	26	SE SE	15 FEET NORTH AND 280 FEET WEST FROM SE CORNER, SECTION 26

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.

PROPOSED
Certificate *****

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Water use measurement conditions:

- A. The water user shall maintain, in good working order, a totalizing flow meter, another suitable measuring device as approved by the Director, at each point of appropriation (new and existing).
- B. The water master shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report the water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use, and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

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

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

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

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

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

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

This certificate is issued to confirm a change in POINT OF APPROPRIATION approved by an order of the Water Resources Director entered March 17, 2021, at Special Order Volume 118, Page 682, approving Transfer Application 13488, and together with Certificate 95279, supercedes Certificate 79974, State record of Water Right Certificates.

Issued _____.

Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

TRANSFER

Memo- Proof to Satisfaction

PROP

Transfer App #	T 13488	
WRD Reviewer (CW)	holmes	Date:
WRD Peer Reviewer (PR)	j skaug	Date: Oct 2025

ORIGINAL CERT:	CHANGE REQUESTED:				RR Cert:
79974	<input type="checkbox"/> POU	<input checked="" type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	05279
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	
	<input type="checkbox"/> POU	<input type="checkbox"/> POD/POA	<input type="checkbox"/> APOD/APOA	<input type="checkbox"/> USE	

PREPARATION:

CW	PR	RESEARCH:			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> CBU Report/Map	<input checked="" type="checkbox"/> Transfer Order Ord 118 Vol 002 Issued Date 3/17/2021	<input type="checkbox"/> Assignment <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Transfer Extension <input checked="" type="checkbox"/> n/a
		Electronic Folder:			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder	<input checked="" type="checkbox"/> Create Work Packet Folder		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	SCAN: Above documents into "CBU Folder"			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	SAVE: other documents in "Work Packet Folder"			
		<input checked="" type="checkbox"/> Certificate(s)	<input type="checkbox"/> Transfer App Maps (To/From)	<input type="checkbox"/>	
		<input checked="" type="checkbox"/> OrMap Tax Lot Map	<input checked="" type="checkbox"/> Ownership Report	<input type="checkbox"/> BLM Cadastral Survey	<input checked="" type="checkbox"/> GW Logs
		<input type="checkbox"/> GW Conditions	<input type="checkbox"/> Mitigation	<input type="checkbox"/> POU Report (conflict) [POU ONLY]	<input type="checkbox"/> Others:
		<input checked="" type="checkbox"/> n/a	<input checked="" type="checkbox"/> n/a	<input checked="" type="checkbox"/> n/a	<input checked="" type="checkbox"/> n/a
<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEARCH:			
		<input checked="" type="checkbox"/> Interactive Mapper	<input type="checkbox"/> AOI <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Map and TaxLot ID 4S1E25SWSW1300	<input type="checkbox"/> Receiving LO: <input type="checkbox"/> n/a
		Research Comments:		New Landowner: NOFZIGER 28770 S ELISHA RD CANEY OR 97013	

REVIEW OF CLAIM:

ORDER REQ'D	CERTIFICATE REQ'D	COMPLIED YES/NO	CONDITIONS:	NOTES:
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A TFM	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	6/5/23
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Dedicated MMS tube	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input type="checkbox"/> Y <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	C-date: OCT 1 2023	EXT C-Date: JUN 5 2023

REVIEW OF MAP: (Only the changes approved)

CW	PR		Notes:
<input type="checkbox"/>	<input type="checkbox"/>	Verify POA/POD Location (New Only)	
<input type="checkbox"/>	<input type="checkbox"/>	Verify POU (New only)	
<input type="checkbox"/>	<input type="checkbox"/>	POU clearly identified by Use Type/Certificate	
<input type="checkbox"/>	<input type="checkbox"/>	DLC/GOV'T LOT	
		<input type="checkbox"/> Original Cert Map for <i>unchanged</i> POU/POD/POA (Attached for Peer Reviewer/Data)	<input type="checkbox"/> Note Maps for Reference

POD/POA/APOD/POA ONLY: RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA-NEW/ADD'T	AUTHORIZED RATE	CLAIM RATE	CALCULATED RATE	NOTES:

L-145225 DUMP CAP 1.07CFS

SEC 25

LAST REVIEW OCT 2021

Well 1	CLAC-77268	0.587 MSD = 0.16CFS		SWSW 17 ⁰⁰ AC
Well 2	NOT DEVELOPE			

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input type="checkbox"/>	<input type="checkbox"/>	FINAL	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECK DOC	
<input type="checkbox"/>	<input type="checkbox"/>	MAPS: Identified for Reference	
<input type="checkbox"/>		CERT NUMBER ISSUED:	
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #
		Original Cert # App	New Cert #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS UPDATED	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	

CASEWORKER REVIEW COMMENTS:

ORIG Well CLAC 18557
 ↳ Δ POA CLAC-77268

PEER REVIEWER COMMENTS:

perm
 G18735
 G19007 } NO CLAIM



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

10/23/2023

Aaron and Wendy Nofziger
28770 S Elisha Rd
Canby, OR 97013

On October 20th, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Transfer T-13488

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-13488

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POA Only**


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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

RECEIVED
OCT 20 2023
OWRD

**SECTION 1
GENERAL INFORMATION**

Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both.

YES

If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION # T-13488

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Aaron and Wendy Nofziger		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 28770 S Elisha Rd			
CITY Canby	STATE OR	ZIP 97013	E-MAIL

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each*** transfer holder of record must sign this form.

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Aaron and Wendy Nofziger			
ADDRESS 28770 S Elisha Rd			
CITY Canby	STATE OR	ZIP 97013	

4. Date of Site Inspection:

August 1, 2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Aaron Nofziger	August 1, 2023	Owner / Operator

6. County

Clackamas County

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2
SIGNATURES

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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 Doann Hamilton		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946
ADDRESS 18487 S. Valley Vista Road			
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com

Transfer Holder of Record Signature or Acknowledgement

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Each transfer holder of record must sign this form in the space provided below.

OWRD

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	TITLE	DATE
	Aaron Nofziger	Owner	10/13/23
	Wandy Nofziger	Owner	10/13/23

SECTION 3
CLAIM DESCRIPTION

Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well 1	CLAC 77268	L-145225	A well in the Creamery Creek Basin

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

If well logs are available, items A and B below can be deleted

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? YES

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

1. The authorized Well 2 has not been constructed and is, therefore, not included in this Claim of Beneficial Use.

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well 1	0.16 cfs	1.07 cfs	0.587 cfs not running at full capacity

SECTION 4

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)? NO

If "YES" you will need to copy and complete a separate Section 4.

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

Well 1

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A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Grundfos	MS6000QFT 40	00280204P22 142	Submersible	6 inch	4 inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Grundfos	40 Hp

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40 Hp	60 psi	110.25 feet (from permit condition pump test)	0 feet	1.07 cfs

4. Provide pump calculations:

$$Q \text{ Pump} = \frac{(40 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(110.25 \text{ ft lift} + 152.4 \text{ ft pressure head})} = 1.07 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
3,752,521.2	3,753,838.2	5 minutes	263.4 gpm or 0.587 cfs not running at full capacity

Reminder: For pump calculations use the reference information at the end of this document.

B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

NO
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If "NO", items 4 through 6 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

C. Additional notes or comments related to the system:

Notes:

1. Well 1 (CLAC 77268) also supplies Permit G-18735.
2. Mainline is pressurized through 85 gallon pressure tank.
3. Meter records water use from both water rights.

**SECTION 5
 CONDITIONS**

All conditions contained in the 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:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE <small>*THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"</small>
ISSUANCE DATE	March 17, 2021	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	June 5, 2023

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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2. Is there an extension final order(s)? NO
If "NO", you may delete the following table.

3. Measurement Conditions:
a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

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

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of appropriation.

b. Has a meter been installed? YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	Seametrics	03222980	Working	3,752,659.8 gallons (August 1, 2023)	June 5, 2023

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

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

5. Other conditions required by the transfer final order or extension final order:

- a. Were there special well construction standards? NO
- b. Was submittal of a ground water monitoring plan required? NO
- c. 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):

c) Condition:
Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

Compliance:
Certificate 79974:
Original Well (CLAC 18557) develops water from the alluvial aquifer primarily from the depth of 320 feet within black sand.

New approved Well 1 (CLAC 77268) develops water from the alluvial aquifer in the depth intervals of 209.5 to 219 feet, 250 to 256 feet, 272 to 282 feet, 287 to 306 feet, and 320 to 330

feet within layers of silt and sand.

It appears this well obtains water from the alluvial aquifer; therefore, this condition has been met.

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**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
State Water Well Report – CLAC 77268	Well log and driller’s notes for CLAC 77268 – Well 1

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 polyester 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.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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.

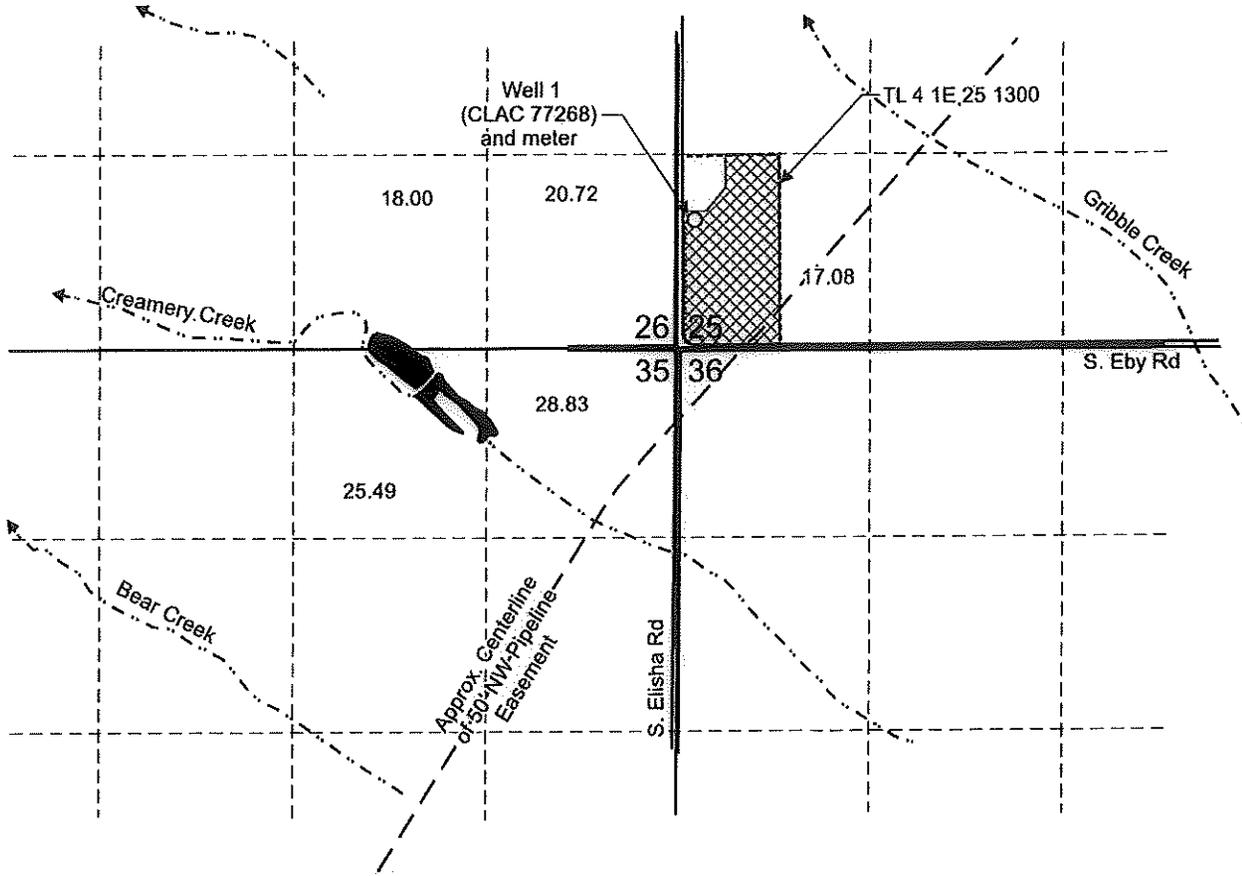
The COBU map was prepared using tax assessor’s maps 4 1E 25, 26, 35, and 36, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>.

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

T.4S. R.1E. Section 25, W.M.



Well 1 (CLAC 77268) is located 875 feet north and 105 feet east from the SW corner, Section 25.

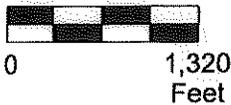
 Area (17.08 Acres) irrigated under T-1348, formerly Certificate 79974, priority date June 29, 1993.

- Tax lot boundary
- Water main line



EXPIRES: *June 30, 2015*

Scale: 1" = 1,320'



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.



Claim of Beneficial Use Map
T-13488, formerly Certificate 79974

Aaron C. And Wendy J. Nofziger
T.4S. R.1E. Section 25, W.M.

Pacific Hydro-Geology Inc.

10/2023

- 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 and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- 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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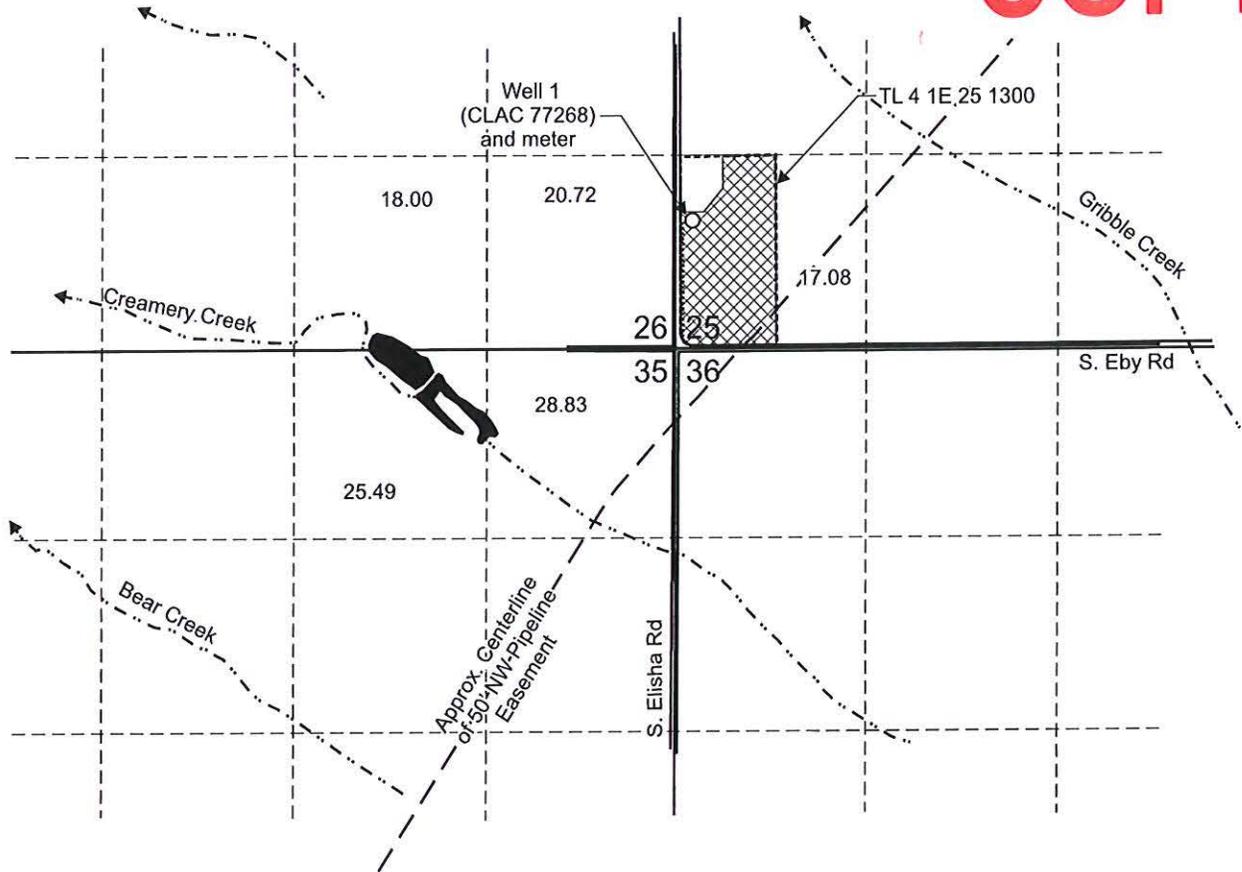
OCT 20 2023

OWRD

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T.4S. R.1E. Section 25, W.M.

COPY



Well 1 (CLAC 77268) is located 875 feet north and 105 feet east from the SW corner, Section 25.

 Area (17.08 Acres) irrigated under T-1348, formerly Certificate 79974, priority date June 29, 1993.

----- Tax lot boundary

..... Water main line

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EXPIRES: *June 30, 2025*



Scale: 1" = 1,320'



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.

Claim of Beneficial Use Map
T-13488, formerly Certificate 79974

Aaron C. And Wendy J. Nofziger
T.4S. R.1E. Section 25, W.M.

Pacific Hydro-Geology Inc.

10/2023

CLAC 77268

**STATE OF OREGON
WATER SUPPLY WELL REPORT**

WESTERBERG DRILLING INC
PO BOX 1228
MOLALLA, OR 97038

WELL I.D. LABEL # 145225
START CARD # 217164
ORIGINAL LOG #

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

(1) **LAND OWNER** Owner Well I.D. _____
First Name Aaron & Wendy Last Name Nofziger
Company _____
Address 28770 S Elisha Rd
City Canby State OR Zip 97013

(2) **TYPE OF WORK** New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) **PRE-ALTERATION**
Dia + From To Gauge Sil Plstc Wld Thrd
Casing: _____
Material From To Amt sacks/lbs
Seal: _____

(3) **DRILL METHOD**
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) **PROPOSED USE** Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) **BORE HOLE CONSTRUCTION** Special Standard (Attach copy)
Depth of Completed Well 345 ft.

BORE HOLE			SEAL			sacks/ lbs	
Dia	From	To	Material	From	To	Amt	lbs
14	0	40	Bentonite	0	5	4	S
10	40	378				Calculated	4
			Cement	5	40	37	S
						Calculated	14

How was seal placed: Method A B C D E
 Other bent placed dry & hydrated
Backfill placed from 345 ft. to 378 ft. Material pea gravel
Filter pack from 171 ft. to 345 ft. Material css Size 6/9
Explosives used: Yes Type _____ Amount _____

(5a) **ABANDONMENT USING UNHYDRATED BENTONITE**
Proposed Amount Pounds Actual Amount Pounds

(6) **CASING/LINER**

Casing/ Liner	Dia	From	To	Gauge	Sil	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	10	1.5	209	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	8	169	209	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	6x8	209	209.5	312	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	6	219.5	250	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	6	256	272	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) 354
Temp casing Yes Dia 14 From + 1 To 38' 7 1/4"

(7) **PERFORATIONS/SCREENS** Perforations Method _____
Screens Type v-wire Material S.S.

Perf/S Casing/ Screen	Screen/ Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size
Screen		6	209.5	219	.065			P/S
Screen		6	250	256	.065			P/S
Screen		6	272	282	.065			P/S
Screen		6	287	306	.065			P/S
Screen		6	320	330	.065			P/S

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailor Air Flowing Artesian
Yield gal/min 450 Drawdown 68 Drill stem/Pump depth 190 Duration (hr) 4
Temperature 55 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount 210 ppm
From _____ To _____ Description OWRD Amount _____ Units _____

(9) **LOCATION OF WELL (legal description)**
County CLACKAMAS Twp 4 S N/S Range 1 E W/W WM
Sec 25 SW 1/4 of the SW 1/4 Tax Lot 1300
Tax Map Number _____ Lot _____
Lat _____ " or 45.18917 DMS or DD
Long _____ " or -122.64003 DMS or DD
 Street address of well Nearest address

Name _____

(10) **STATIC WATER LEVEL**

Existing Well / Pre-Alteration Completed Well	Date	SWL (psi)	+ SWL (ft)
	<u>04-18-2022</u>		<u>42</u>

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 58

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
	118	114	10		
	145	155	50+		
	210	217	50+		
	251	255	n/k		
	273	281	n/k		

(11) **WELL LOG** Ground Elevation _____

Material	From	To
soil	0	1
clay brown	1	14
clay blue	14	20
cemented gravel grey & brown	20	50
cemented gravel with white clay	50	58
cemented gravel	58	114
gravel & gravel & clay	114	120
cemented gravel	120	126
packed silt brown	126	133
clay tan	133	145
cemented sand brown coarse	145	155
packed silt blue grey	155	160
packed silt grey with clay lenses	160	188
clay grey sticky sticky	188	201
sand & gravel	201	207
packed silt	207	210
sand grey medium to coarse	210	218
packed silt grey	218	224
clay sticky blue grey	224	230

Date Started 01-26-2022 Completed 04-27-2022

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

License Number 1358 Date 06-02-2022
Signed Byrr B. Stadelis

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

License Number 688 Date 06-02-2022
Signed Stevens N. Stadelis
Contact Info (optional) _____

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Nick Reece
Transfer #: T-13488	
Date Received: 10/20/2023	
CWRE Name: Doann Hamilton	
Priority Date (s): 6/29/1993	

Fees Required:

- YES NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- YES NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
 Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

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))

MONEY SLIP

DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER
CASH CHECK # OTHER (IDENTIFY)	TOTAL RECEIVED
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
ONE TREASURY 8191 MISC CASH ACCT	
6407 COPIES OTHER (IDENTIFY)	
6242 Indian Lease 6244 Min Water Right Perm 6248 Cont Biller	
ONE TREASURY 6250 MISC OPERATING ACCT	
MISCELLANEOUS 4611	
6407 COPY & TAPE FEES	
6410 RESEARCH FEES	
6408 MISC REVOLVE (IDENTIFY)	
6412 DEPOSIT LAB (IDENTIFY)	
6240 EXTENSION OF TIME	
WATER RIGHTS	
6201 SURFACE WATER	EXAM FEE 6202 SECOND FEE
6203 GROUND WATER	6204
6205 TRANSFER	
WELL CONSTRUCTION	EXAM FEE
6218 WELL DRILL CONSTRUCTION	6219 SECOND FEE
LANDOWNER'S PERMIT	6220
0200 OTHER (IDENTIFY) COBU	0200.00
ONE TREASURY 6407 HYDROLECT TWO	
6223 POWER LICENSE FEE (PWRP/CO)	LIC NUMBER
6221 HYDRO LICENSE FEE (HYDWRP/CO)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

Report Review:

- On form 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)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- Pump Test required (Priority Date on or after December 20, 1988)
- Pump Test submitted
- Pump Test not submitted



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 17, 2021

AARON & WENDY NOFZIGER
28770 S ELISHA RD
CANBY, OR 97013

REFERENCE: Transfer Application T-13488

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tamera Smith, by telephone at (503) 986-0864 or by e-mail at Tamera.L.Smith@oregon.gov.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. #20 (via email)
Doann Hamilton, Agent
Clackamas County

Enclosure

5. On January 19, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13488 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 26, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The portion of the right to be transferred is as follows:

Certificate: 79974 in the name of MAYNARD D. AND MILDRED NOFZIGER ET AL (perfected under Permit G-12126)

Use: IRRIGATION of 17.08 ACRES

Priority Date: JUNE 29, 1993

Rate: 0.16 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL in the CREAMERY CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	26	SE SE	15 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	25	SW SW	17.08

7. Transfer Application T-13488 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized Well in Feet (ft).
4 S	1 E	WM	25	SW SW	WELL 1 – 875 FEET NORTH AND 105 FEET EAST FROM THE SW CORNER OF SECTION 25	949 ft.
4 S	1 E	WM	25	SW SW	WELL 2 – 65 FEET NORTH AND 185 FEET EAST FROM THE SW CORNER OF SECTION 25	455.8

Transfer Review Criteria (OAR 690-380-4010)

8. 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.

9. A pump, pipeline, and sprinkler system 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-13488.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13488 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in Transfer Application T-13488 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 79974 and any related decree.
3. Water right Certificate 79974 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.
4. The quantity of water diverted at the new points of appropriation, (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on MAR 17 2021



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

Mailing date: MAR 19 2021

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MAYNARD D. AND MILDRED NOFZIGER ET AL
28873 SOUTH ELISHA RD
CANBY, OR 97013

confirms the right to use the waters of A WELL in the CREAMERY CREEK BASIN for IRRIGATION of 93.04 ACRES.

This right was perfected under Permit G-12126. The date of priority is JUNE 29, 1993. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.84 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	26	SE SE	15 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 26

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use of water is limited to the period of March 1 through October 31 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	Acres
4 S	1 E	WM	26	SW SE	18.00
4 S	1 E	WM	26	SE SE	20.72
4 S	1 E	WM	35	NE NE	28.83
4 S	1 E	WM	35	NW NE	25.49

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.

- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

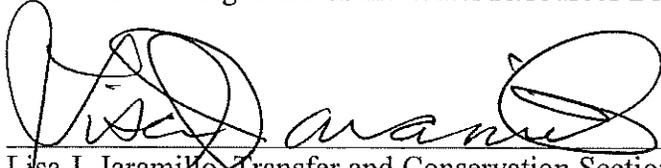
The Director finds the use of water described by this right, as conditions, will not impair or be detrimental to the public interest.

This certificate describes that portion of water right Certificate 79974, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered ~~_____~~ **MAR 17 2021**, approving Transfer Application T-13488.

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 MAR 17 2021

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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

WATER RIGHT TRANSFER COVER SHEET



Transfer: T- 13488

Transfer Specialist: *RB*

Transfer Type: Regular

Applicant: Aaron C. and Wendy J. Nofziger 28770 S ELISHA RD CANBY, OR 97013 Email: <i>WJN</i> Phone: _____		Agent: <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 Email: <i>DH</i> Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A County Of Clackamas Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <input type="checkbox"/> N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-13449	G-12126	79974	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<i>93279</i>
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: July 13, 2020	Proposed Action(s): POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 20	ODFW District:
Initial Public Notice: August 4, 2020	WM Review sent: <input checked="" type="checkbox"/>	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	<i>B26(n+e)</i>	GW Review sent: <input checked="" type="checkbox"/> <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date):	<input checked="" type="checkbox"/> N/A
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

< 1/4 mi = NO NEWSPAPER

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>9/1/20</i> Initials: <i>WJN</i>	Date: <i>9/16/20</i> Initials: <i>Jean</i>	Date: <i>11-5-2020</i> Initials: <i>B</i>	Date: <i>11/20/20</i> Initials: <i>PKS</i>	Date: <i>11-28-20</i> Initials: <i>RB</i>	CW Sent: <i>11-28-20</i> <i>RB</i>	N/A
PD	Date: <i>12-5-20</i> Initials: <i>RB</i>	Date: <i>12/19/20</i> Initials: <i>Scott</i>	Date: _____ Initials: _____	Date: <i>12/15/20</i> Initials: <i>PKS</i>	Date: <i>12-19-2020</i> Initials: <i>B</i>	Date: <i>1-9-2021</i>	Date: <i>1-19-2021</i>
FO	Date: <i>1-23-2021</i> Initials: <i>RB</i>	Date: <i>1/25/21</i> Initials: <i>CC</i>	Date: _____ Initials: _____	Date: <i>2/1/21</i> Initials: <i>PKS</i>	Date: _____ Initials: <i>PKS</i>	Date: <i>2-27-2021</i>	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

TO DC 12-19-2020 Vol 1-5-2021

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13488

Review Due Date: 08/30/2020

Applicant Name: Aaron Nofziger

Proposed Changes: POU POD POA USE OTHER

Reviewer(s): Amy Landvoigt

Date of Review: 10/26/2020

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? Yes No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? Yes No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

N/A - Source is groundwater

3. Have headgate notices been issued for the source that serves the transferred right(s)?
 Yes No Records not available.

4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? Yes No If "Yes", explain:

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? Yes No If "Yes", describe how the rights would be affected and list the rights most affected:

N/A - Source is groundwater

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

N/A

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

N/A

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

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

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

10. For POU or USE changes: N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? Yes No If "Yes", explain:

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

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

Yes No If "Yes", explain:

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

Yes No If "Yes", answer the following:

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

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

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

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

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

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

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

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

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

Yes No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: ___ | |

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

Transfer #: T- 13488

- In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:
 - at each point of diversion/appropriation (new and existing) **OR**
 - at each new point of diversion/appropriation.

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

Watermaster name: Amy Landvoigt

District: 20

Address: 10722 SE Highway 212

City/State/Zip: Clackamas, OR 97015

Phone: 503-722-1410

Email: amy.j.landvoigt@oregon.gov

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

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

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

Watermaster signatureDistrictDate

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

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13488 (RA)

GW Reviewer Travis Brown Date Review Completed: 8/17/2020

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-13488

Applicant Name: Aaron and Wendy Nofziger

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

Reviewer(s): Travis Brown

Date of Review: 8/17/2020

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 8/19/2020

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

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

1. Basic description of the changes proposed in this transfer: Applicant wishes to replace 1 authorized POA with 2 proposed (not yet constructed) POA:

From-POA

<u>Name/No.</u>	<u>Well Log ID</u>	<u>T/R-S QQ-Q</u>	<u>Metes & Bounds Description</u>
Authorized Well	CLAC 18557	4S/1E-26 SE-SE	15' N, 280' W fr SE cor S 26

To-POA

<u>Name/No.</u>	<u>Well Log ID</u>	<u>T/R-S QQ-Q</u>	<u>Metes & Bounds Description</u>
Well 1	Proposed	4S/1E-25 SW-SW	875' N, 105' E fr SW cor S 25
Well 2	Proposed	4S/1E-25 SW-SW	65' N, 185' E fr SW cor S 25

The proposed To-POA will be used to irrigate 17.08 acres of the total 110.12 acres authorized under Certificate 79974*. The existing authorized POA (CLAC 18557) will presumably continue to be used to irrigate the remaining 93.04 acres. The applicant has specified a combined well-specific rate of 0.156 cfs (70 gpm) for both proposed To-POA. The maximum rate for all POA (both existing and proposed) authorized under Certificate 79974* must not exceed 1.0 cfs.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
 Yes No Comments: The authorized well (CLAC 18557) is completed in alluvial sediments to a depth of 320 ft bls. The proposed To-POA wells would be completed nearby to a depth of 400 ft bls.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
 Yes No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

Yes No Comments: The proposed To-POA will be closer to several neighboring wells, which will likely increase interference with these wells.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

Yes No If yes, explain: The nearest known neighboring well to either of the proposed To-POA is CLAC 56632, ~1,000 ft away from proposed To-POA Well 1. At that distance, the relatively low well-specific rate (70 gpm) of the proposed To-POA is unlikely to cause interference sufficient to deprive CLAC 56632 or similarly located neighboring wells of their customary use of groundwater.

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

Yes No Comments: The proposed To-POA Well 1 will be closer to Gribble Creek, which will likely increase interference with this surface water source.

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: Gribble Creek Minimal Significant

Stream: Creamery Creek Minimal Significant

Provide context for minimal/significant impact: The water-bearing zones targeted by the existing From-POA and proposed To-POA are overlain by a thick sequence of fine-grained sediments, which will buffer depletions to (interference with) local streams. While there will still be some depletion of surface water, the expected change in degree of interference will be minimal.

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

Yes No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: None

8. Any additional comments: None

References

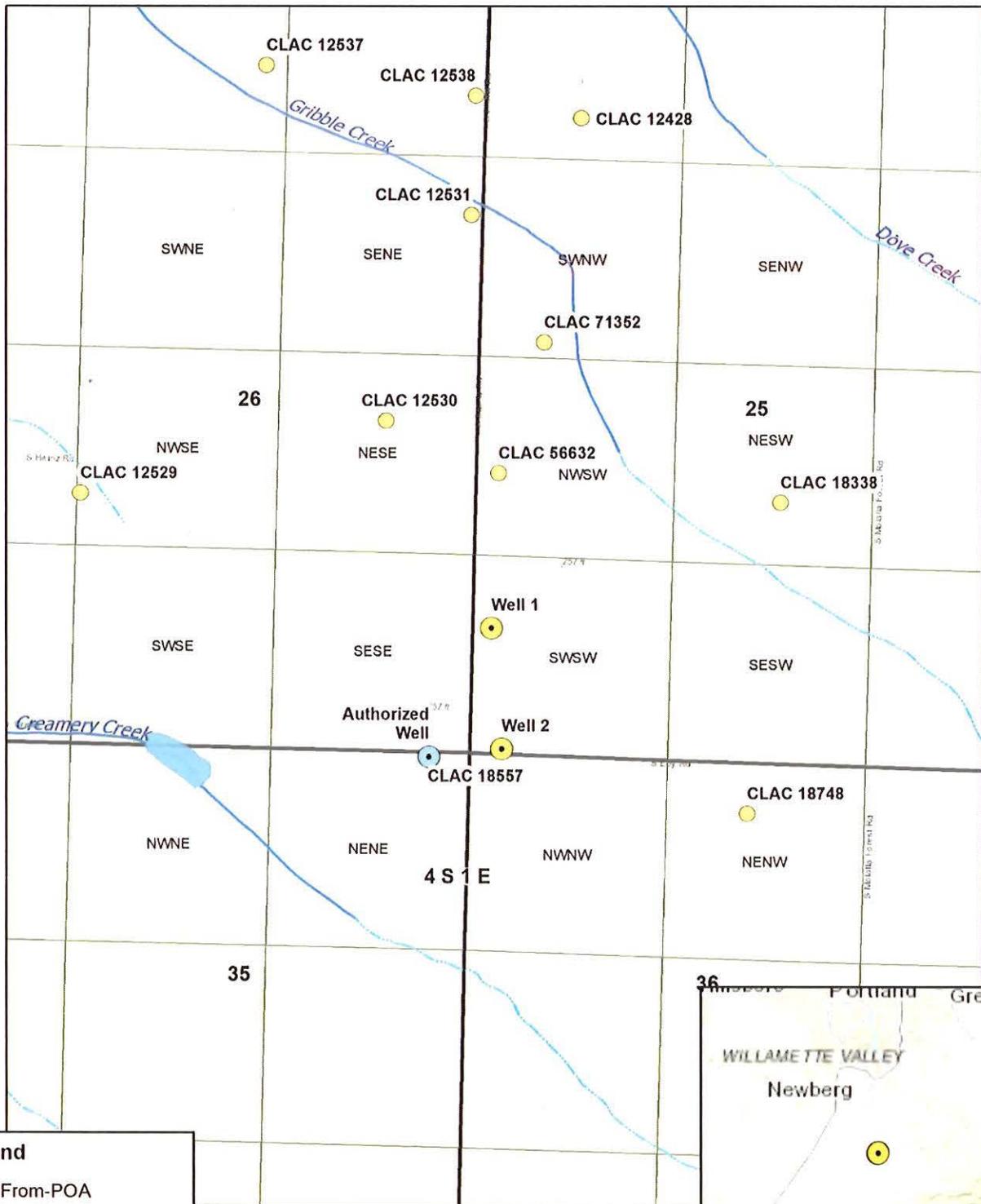
Application File: T-13488

Certificate: 79974*

Woodward, D.G., Gannett, M.W., and Vaccaro, J.J., 1998, Hydrogeologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-B, 82 p.

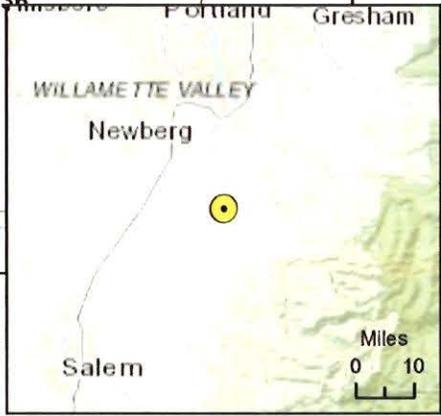
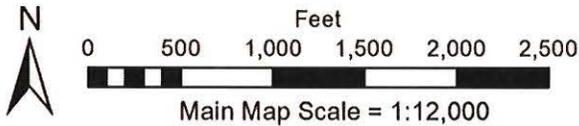
Well Location Map

T-13488 (RA) Nofziger



Legend

- From-POA
- To-POA
- Quaternary-Late Tertiary Sediment Aquifer Wells



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

SMITH Tamera L * WRD

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 03, 2020 1:28 PM
To: SMITH Tamera L * WRD; Aaron Nofziger; Greg Kupillas
Subject: Fwd: T-13488 Nofziger Draft Preliminary Determination

Hi Tamera

I am forwarding you my client Aaron and Wendy Nofziger email

We agree to the proposed actions and conditions set out in this Draft Preliminary Determination issued November 28, 2020 for T-13488

Our client would like to ask to extend the completion date to October 1, 2022

Once we have the title report we will send that to you later.

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.

[503-349-6946](tel:503-349-6946)

----- Forwarded message -----

From: Aaron Nofziger <aaron@ritewayelectric.net>
Date: Thu, Dec 3, 2020 at 1:20 PM
Subject: RE: T-13488 Nofziger Draft Preliminary Determination
To: Doann Hamilton <phgdmh@gmail.com>, Greg Kupillas <phggek@bctonline.com>, Wendy Nofziger <wendy@ritewayelectric.net>

Doann, if you would please request the completion date of Oct 1, 2022.

1. Wendy and I confirm and would like to proceed with the proposed actions.
2. Completion of Oct 1, 2022
3. Wendy and I confirm and would like to give you permission obtain the "report of Ownership" on our behalf.

Thank you again!

From: Doann Hamilton <phgdmh@gmail.com>

Sent: Saturday, November 28, 2020 2:48 PM

To: Aaron Nofziger <aaron@ritewayelectric.net>; Greg Kupillas <phggek@bctonline.com>; Wendy Nofziger <wendy@ritewayelectric.net>

Subject: Fwd: T-13488 Nofziger Draft Preliminary Determination

Hi Aaron and Wendy

Your Draft Preliminary Determination (DPD) for your water right transfer T-13488 on Certificate 79974 to change the Authorized well (CLAC 18557) to two new wells to be drilled has been issued to approve and move to the next stage.

If you have not received a copy by now I will attach the document to this email.

I have already reviewed the form and I do not see any errors from what we submitted. I need you to please review the application and make sure everything is how you wish to proceed.

The only conditions I see stated in this DPD:

1. Certificate 79974 will be canceled but the conditions, priority date, and limitations of that certificated still remain. A remaining right will be issued for the portions not affected by this transfer retaining the same conditions and priority date.

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

COPY RECEIVED

CERTIFICATE # 79974

JUL 13 2020

Description of Water Delivery System

System capacity: 1.0 cubic feet per second (cfs) OR

_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the authorized well through 4- inch PVC to the east. A 6 –inch directional bore hole under Elisha road allows the mainline to continue east with hydrants to attach impact sprinklers to irrigate berries.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Authorized Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 18557	4	S	1	E	26	SE	SE	TL 1400	15 feet north and 280 feet west from the SE corner, Section 26. ✓
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	4	S	1	E	25	SW	SW	TL 1300	875 feet north and 105 feet east from the SW corner, Section 25. <i>Handwritten: 875-105 ft.</i>
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	4	S	1	E	25	SW	SW	TL 1300	65 feet north and 185 feet east from the SW corner, Section 25. <i>Handwritten: 65-185 ft.</i>

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

- | | |
|--|---|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input checked="" type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

$1.0 / 110.12 = 0.009081$

THIS CERTIFICATE ISSUED TO

MAYNARD D. AND MILDRED NOFZIGER ET AL
28873 SOUTH ELISHA ROAD
CANBY, OR 97013

* $17.08 = 0.1551034$

$T = 0.16$

* $93.04 = 0.8448962$

$PR = 0.84$

confirms the right to use the waters of A WELL in the CREAMERY CREEK BASIN for IRRIGATION OF 110.12 ACRES.

This right was perfected under Permit G-12126. The date of priority is JUNE 29, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 SE 1/4, SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.;
15 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use of water is limited to the period of March 1 through October 31 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:

	<u>PR</u>	SW 1/4 SW 1/4	17.08 ACRES	<u>17.08</u>
		SECTION 25		
		SW 1/4 SE 1/4	18.00 ACRES	
		SE 1/4 SE 1/4	20.72 ACRES	
		SECTION 26		
		NE 1/4 NE 1/4	28.83 ACRES	
		NW 1/4 NE 1/4	25.49 ACRES	
		SECTION 35		

PR TOTAL 93.04 TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M. T TOTAL = 17.08

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

G-13449.SB

T-13488

Certificate Number 79974

PR Cert 95279

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

JANUARY 19, 2021

AARON C. AND WENDY J. NOFZIGER
28770 S ELISHA ROAD
CANBY, OR 97013

SUBJECT: Water Right Transfer Application T-13488

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13488. 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 period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

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

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us if I may be of assistance.

Kindest regards,

Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

cc: T-13488 Transfer Application file

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13488, Clackamas County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

AARON C. AND WENDY J. NOFZIGER
28770 SOUTH ELISHA ROAD
CANBY, OR 97013

Findings of Fact

1. On July 13, 2020, AARON C. AND WENDY J. NOFZIGER filed an application to change the point of appropriation under Certificate 79974. The Department assigned the application number T-13488.
2. Notice of the application for transfer was published on August 4, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 28, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13488 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 28, 2020 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 applicant is authorized to pursue the transfer.
4. On December 3, 2020, the agent for the applicant requested an extra year for completion.

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.

5. The portion of the right to be transferred is as follows:

Certificate: 79974 in the name of MAYNARD D. AND MILDRED NOFZIGER ET AL
(perfected under Permit G-12126)
Use: IRRIGATION of 17.08 ACRES
Priority Date: JUNE 29, 1993
Rate: 0.16 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL in the CREAMERY CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	26	SE SE	15 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	25	SW SW	17.08

6. Transfer Application T-13488 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized Well in Feet (ft).
4 S	1 E	WM	25	SW SW	WELL 1 – 875 FEET NORTH AND 105 FEET EAST FROM THE SW CORNER OF SECTION 25	949 ft.
4 S	1 E	WM	25	SW SW	WELL 2 – 65 FEET NORTH AND 185 FEET EAST FROM THE SW CORNER OF SECTION 25	455.8

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A pump, pipeline, and sprinkler system 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-13488.

9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

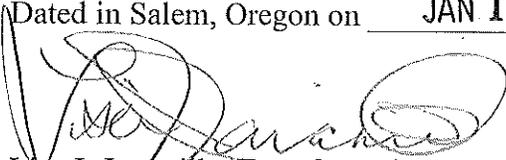
The change in points of appropriation proposed in Transfer Application T-13488 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13488 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-13488 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 79974 and any related decree.*
3. *Water right Certificate 79974 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*
4. *The quantity of water diverted at the new points of appropriation, (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on JAN 19 2021



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

SMITH Tamera L * WRD

From: SMITH Tamera L * WRD
Sent: Thursday, December 03, 2020 1:42 PM
To: Doann Hamilton
Cc: Aaron Nofziger; Greg Kupillas
Subject: RE: T-13488 Nofziger Draft Preliminary Determination

Hi Doann,

These are valid concerns and I have no problem with the extension. It's just something I am supposed to document.

Best, Tamera

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 03, 2020 1:38 PM
To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>
Cc: Aaron Nofziger <aaron@ritewayelectric.net>; Greg Kupillas <phggek@bctonline.com>
Subject: Re: T-13488 Nofziger Draft Preliminary Determination

Hi Tamera

Due to Covid conditions continuing
Getting drillers, pump installers etc scheduled is still difficult

We also do not know what if any other shutdowns can be in the future
Along with needing to have time to collect the funds to continue during this time
we are not sure if income will still be as secure

They are only asking a year to get through this next year of uncertainty

If Aaron has anything else to add he can

Doann

On Thu, Dec 3, 2020 at 1:32 PM SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov> wrote:

Hi Doann,

I hope you enjoyed a relaxing holiday. Thank you for the response for T-13488.

I'll need to have a reason for the extended completion date, please.

Kindest regards,

Tamera Smith

From: Doann Hamilton <phgdmh@gmail.com>

Sent: Thursday, December 03, 2020 1:28 PM

To: SMITH Tamera L * WRD <Tamera.L.Smith@oregon.gov>; Aaron Nofziger <aaron@ritewayelectric.net>; Greg Kupillas <phggek@bctonline.com>

Subject: Fwd: T-13488 Nofziger Draft Preliminary Determination

Hi Tamera

I am forwarding you my client Aaron and Wendy Nofziger email

We agree to the proposed actions and conditions set out in this Draft Preliminary Determination issued November 28, 2020 for T-13488

Our client would like to ask to extend the completion date to October 1, 2022

Once we have the title report we will send that to you later.

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.

[503-349-6946](tel:503-349-6946)

SMITH Tamera L * WRD

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Tuesday, December 15, 2020 1:37 PM
To: SMITH Tamera L * WRD; Aaron Nofziger; Wendy Nofziger
Subject: Fwd: Nofizer T-13488 DOR request
Attachments: DOR & Docs 41E25 1300.pdf

Hi Tamera

Attached is the list pack for Nofziger water right transfer T-13488 from the title company.

We trust this full-fills the requirement of land ownership as required In the Draft Preliminary Determination dated November 28,2020

In addition to the report of ownership, we would like to respond on behalf of the applicant, Nofziger, that we agree to the proposed action and conditions set out in this Preliminary Draft Determination.

But they would also like to extend the completion date to 2022

Thank you

Doann Hamilton

Pacific Hydro-Geology, Inc.

[503-349-6946](tel:503-349-6946)

----- Forwarded message -----

From: Alexander, Amy <amy.alexander@fnf.com>
Date: Tue, Dec 15, 2020 at 8:20 AM
Subject: RE: Nofizer T-13488 DOR request
To: Doann Hamilton <phgdmh@gmail.com>

This message was sent securely using Zix®

Doann,

This DOR is attached and the next request I am working on now....

Thanks

Amy Alexander

Title Officer/Examiner

I am currently working from home. The best ways to reach me is via email, or by calling at (503) 796-6616.

900 SW Fifth Avenue | Mezzanine
Portland OR 97204

503-796-6616 Office
503-786-0424 Fax



amy.alexander@fnf.com

www.fidelityportland.com/wapr/

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Tuesday, December 15, 2020 7:12 AM
To: Alexander, Amy <amy.alexander@fnf.com>
Subject: Re: Nofizer T-13488 DOR request

IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Hi Amy

I need this DOR no later than Friday December 18th to meet the state requirements

How are you proceeding

Thank you

Doann Hamilton

On Mon, Dec 14, 2020 at 6:16 AM Doann Hamilton <phgdmh@gmail.com> wrote:

Hi Amy

Checking back on your progress with this DOR request

Thank you

Doann

On Thu, Dec 10, 2020 at 10:20 AM Alexander, Amy <amy.alexander@fnf.com> wrote:

This message was sent securely using Zix®

Doann,

I will work on both orders today I will let you know if there are any issues

Thank you

Amy Alexander

Title Officer/Examiner

*I am currently working from home. The best ways to reach me is via email,
or by calling at (503) 796-6616.*

900 SW Fifth Avenue | Mezzanine
Portland OR 97204

503-796-6616 Office
503-786-0424 Fax

amy.alexander@fnf.com

www.fidelityportland.com/wapr/



From: Doann Hamilton <phgdmh@gmail.com>
Sent: Thursday, December 10, 2020 4:51 AM
To: Alexander, Amy <amy.alexander@fnf.com>
Subject: Re: Nofizer T-13488 DOR request

IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Hi Amy

Checking back on your progress with this request

Doann

On Wed, Dec 2, 2020 at 8:30 AM Alexander, Amy <amy.alexander@fnf.com> wrote:

This message was sent securely using Zix®

Doann,

Thank you for the order and I will get this to you this week.

Amy Alexander

Title Officer/Examiner

*I am currently working from home. The best ways to reach me is via email,
or by calling at (503) 796-6616.*

900 SW Fifth Avenue | Mezzanine
Portland OR 97204

503-796-6616 Office
503-786-0424 Fax



amy.alexander@fnf.com

www.fidelityportland.com/wapr/

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Monday, November 30, 2020 6:14 AM
To: Alexander, Amy <amy.alexander@fnf.com>
Subject: Nofizer T-13488 DOR request

IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Hi Amy

I have a request for a "Deed Only Report".

This one report: the property involved in this water right transfer includes the following lot in Clackamas County:

Tax Map 4 1E 25, Lot 1300

Contact me if you have any questions.

Thank you,

Doann Hamilton, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.

18487 S. Valley Vista Road

Mulino, Oregon 97042-8741

(503) 349-6946 (cell)

--

Pacific Hydro-Geology, Inc.

18487 S. Valley Vista Rd.

Mulino, OR 97042

(503) 349-6946

Fax: (503) 632-5983

email: phgdmh@gmail.com

NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately.

This message was secured by [Zix](#)®#174.



Fidelity National Title[®]

Company of Oregon

900 SW Fifth Avenue, Portland, OR 97204

Phone: (503)796-6616 / Fax: (503)229-0615

DEED ONLY REPORT

Prepared For: Pacific Hydro-Geology Inc.
Attn: Greg Kupillas
18487 S. Valley Vista Rd
Mulino, OR 97214

Date: December 15, 2020
Order: WAPR2014243LER-1
Ref. No: 41E25 1300
Charge: \$25.00

Effective Date: December 10, 2020
Title Officer: Amy Alexander

A search of the public records of Clackamas County as of the effective date shown above, shows the last deed of record runs to:

Aaron C. Nofziger and Wendy Nofziger, as tenants by the entirety

(A) Legal Description:

The Property described in Exhibit 'A' attached hereto and made a part hereof.

Tax Account No: XXXXXXXXXX
Map Identification No: 41E25 01300

THIS INFORMATION IS A PLANT SERVICE OF FIDELITY NATIONAL TITLE. IT IS NOT TITLE INSURANCE OR A GURANTEE. THIS SERVICE DOES NOT INCLUDE ANY SUPPLEMENTAL REPORTS OR ANY OTHER INFORMATION. LIABILITY FOR ERRORS IS LIMITED TO THE AMOUNT CHARGED.

Thank you very much for doing business with Fidelity National Title Company/Western American Property Research. If you have any questions, please contact Amy Alexander, Title Examiner or May Patel, Unit Supervisor at 796-6616.

Fidelity National Title Company of Oregon
Amy Alexander, Title Examiner

EXHIBIT A

The West one-half of the Southwest one-quarter of the Southwest one-quarter of Section 25,
Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas.

EXCEPT that parcel conveyed by Deed recorded October 21, 1940, in Book 273, Page 607, Fee
No. 66231, Deed Records, in the County of Clackamas and State of Oregon.

561

After recording, return to (Name, Address, Zip):
Aaron C Nofziger
Wendy Nofziger
28770 S Elisha Rd.
Canby, OR 97013.

Clackamas County Official Records
Sherry Hall, County Clerk

2006-017924



\$26.00

02/28/2006 02:02:22 PM

Until a change is requested all tax statements
shall be sent to the following address:
Same as above

D-D Cnt=1 Stn=5 BEV L.
\$5.00 \$11.00 \$10.00

Escrow No: 41-420792-CW
Order No: 420792

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Leland R Nofziger

Grantor, conveys to

Aaron C Nofziger and Wendy Nofziger, as tenants by the entirety

Grantee, the following described real property:

The West one-half of the Southwest one-quarter of the Southwest one-quarter of Section 25, Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas.

EXCEPT that parcel conveyed by Deed recorded October 21, 1940, in Book 273, Page 607, Fee No. 66231, Deed Records, in the County of Clackamas and State of Oregon.

Before signing or accepting the instrument, the person transferring fee title should inquire about the person's rights, if any, under Chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)). This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930, and to inquire about the rights of neighboring property owners, if any, under Chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)).

The true consideration for this conveyance is \$ 0
(Here comply with the requirements of ORS 93.030).

Dated January 30, 2006; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Leland R Nofziger
Leland R Nofziger

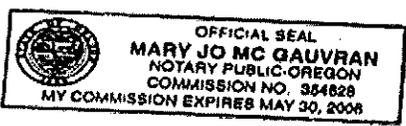
STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on 2-17-06 by Leland R Nofziger.

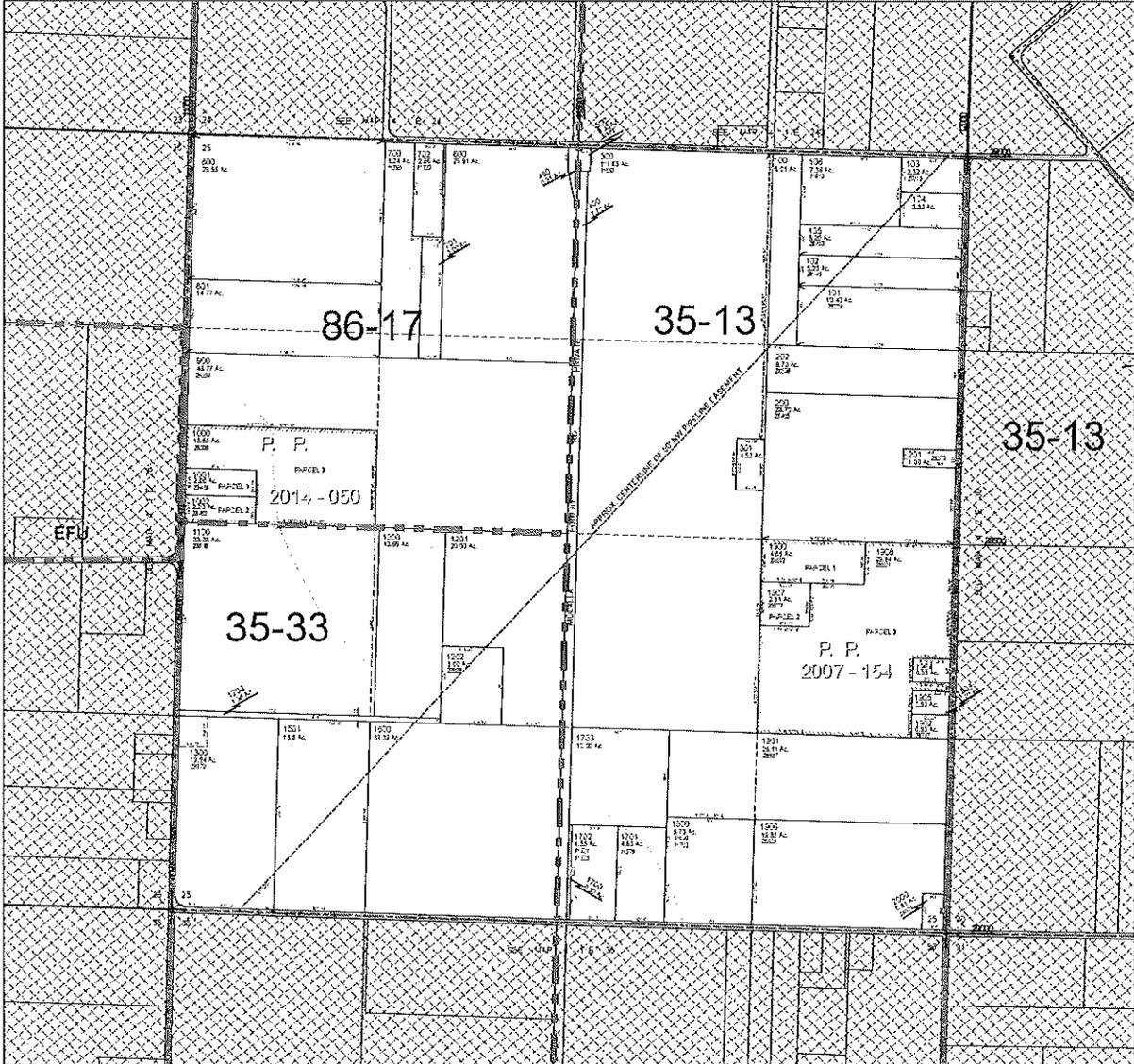
[Signature]
Notary Public for Oregon

My Commission Expires: 5-30-06

(SEAL)



CHICAGO () 420792



41 E 25

SECTION 25 T.4S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 400'

Cancelled Taxlots
492
192
142
192

- Parcel Boundary
- - - - - Easement Road ROW
- - - - - Historical Boundary
- - - - - Railroad Centerline
- Tax Code Lines
- Map Index
- Veterlines
- Land Use Zoning
- Plat
- Water
- Corner
- Section Corner
- 1/8th Line
- Cont'd Line
- - - - - Old Line
- - - - - Metes and Bounds
- - - - - PLSS Section Line
- Historic Corridor 47
- Historic Corridor 27

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

Map 11
41 E 25



Oregon

Kate Brown, Governor

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

November 28, 2020

VIA E-MAIL

AARON C. AND WENDY J. NOFZIGER
28870 SOUTH ELISHA ROAD
CANBY, OR 97013

Reference: Water Right Transfer Application T-13488

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-13488. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved.

Items needed before the next phase of processing...

1. Please review the draft carefully to see if it accurately reflects the changes you intend to make, and to become familiar with all proposed conditions. **You will need to respond in writing** by the deadline provided below, whether you agree with the proposed action and conditions. Also we will appreciate having you let us know if there are typographical errors that need to be corrected.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) is required. **The report must be prepared by a title company and meet the criteria below.** (*Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.*)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:
 - i) Date the ownership report was generated or prepared; and
 - ii) List of owners at that time; and
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.

Conditions to your water right...

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

Please note the proposed date by which all conditions must be met: October 1, 2021. If the required completion date is insufficient to comply with any of the conditions, you may extend the date at no cost to you during this stage of processing. Please let me know by the comment deadline so we can make the proper arrangements to get you the time you need.

What happens next...

Once the preliminary determination is issued a publication period is required. The Department will publish a notice in their weekly publication, which opens a 30-day period in which the transfer can be protested.

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

1. Your written response to the conditions and proposed action in the draft Preliminary Determination (e-mail is acceptable); and
2. Report of ownership, and affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application.

If we do not receive the items listed above by December 28, 2020, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at tamera.l.smith@oregon.gov or 503-986-0864 if I may be of assistance.

Kindest regards,



Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13488
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Doann Hamilton, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application
T-13488, Clackamas County

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)
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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF
APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

AARON C. AND WENDY J. NOFZIGER
28870 SOUTH ELISHA ROAD
CANBY, OR 97013

Findings of Fact

1. On July 13, 2020, AARON C. AND WENDY J. NOFZIGER filed an application to change the point of appropriation under Certificate 79974. The Department assigned the application number T-13488.
2. Notice of the application for transfer was published on August 4, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

Certificate: 79974 in the name of MAYNARD D. AND MILDRED NOFZIGER ET AL
(perfected under Permit G-12126)

Use: IRRIGATION of 17.08 ACRES

Priority Date: JUNE 29, 1993

Rate: 0.16 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL in the CREAMERY CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 E	WM	26	SE SE	15 FEET NORTH AND 280 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	25	SW SW	17.08

4. Transfer Application T-13488 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized Well in Feet (ft).
4 S	1 E	WM	25	SW SW	WELL 1 – 875 FEET NORTH AND 105 FEET EAST FROM THE SW CORNER OF SECTION 25	949 ft.
4 S	1 E	WM	25	SW SW	WELL 2 – 65 FEET NORTH AND 185 FEET EAST FROM THE SW CORNER OF SECTION 25	455.8

Transfer Review Criteria (OAR 690-380-4010)

5. 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.
6. A pump, pipeline, and sprinkler system 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-13488.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.
9. All other application requirements are met.

Determination and Proposed Action

The change in points of appropriation proposed in Transfer Application T-13488 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13488 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-13488 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 79974 and any related decree.*
- 3. Water right Certificate 79974 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.*
- 4. The quantity of water diverted at the new points of appropriation, (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well).*
- 5. Water use measurement conditions:*
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and existing).*
 - b. The water user shall maintain the meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@oregon.gov

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**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-272-21**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Aaron C. and Wendy J. Nofziger, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Name: Aaron C. and Wendy J. Nofziger Contact: Address: 28770 S. Elisha Rd Canby, OR 97013	Name: Pacific Hydro-Geology, Inc. Contact: Doann Hamilton Address: 18487 S. Valley Vista Rd. Mulino, OR 97042
Phone: 503 986-0886 Fax: 503 986-0901 Email: patrick.k.starnes@oregon.gov	Phone: (541) 740-7456 Fax: Email: aaron@ritewayelectric.net	Phone: (503) 349-6946 Fax: (503) 632-5983 Email: phgdmh@gmail.com

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-13488)

- 1. Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 2. Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 3. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
- 4. Consideration.**
 - Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,309.01**. Applicant agrees to pay the full amount of **\$1,309.01** 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.
 - The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 5. Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 79974**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

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

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32’15.5”) or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$0
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$410
5	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 » » » » » » » » » » » » » » » »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$1,570
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$1,570

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

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

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	NA

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Aaron C. and Wendy J. Nofziger			PHONE NO. (541) 740-7456	ADDITIONAL CONTACT NO.
ADDRESS 28770 S. Elisha Road			FAX NO.	
CITY Canby	STATE OR	ZIP 97013	E-MAIL aaron@ritewayelectric.net	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Doann Hamilton / Pacific Hydro-Geology, Inc.			PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946 (cell)
ADDRESS 18487 S. Valley Vista Road			FAX NO. (503) 632-5983	
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The authorized well (CLAC 18557) is located on our neighbor's property. We wish to have access to our own well on our own property.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Canby Herald.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

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

Applicant Signature	Print Name and title if applicable	Date
Applicant Signature	Print Name and title if applicable	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail*

addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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Describe any special ownership circumstances here: **NA**

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

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME Clackamas Co. Department of Transportation and Development, Planning Division	ADDRESS 150 Beaver Creek Road	
CITY Oregon City	STATE Oregon	CITY Oregon City

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 79974

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Description of Water Delivery System

System capacity: **1.0** cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the authorized well through 4- inch PVC to the east. A 6 –inch directional bore hole under Elisha road allows the mainline to continue east with hydrants to attach impact sprinklers to irrigate berries.**

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Authorized Well	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	CLAC 18557	4	S	1	E	26	SE	SE	TL 1400	15 feet north and 280 feet west from the SE corner, Section 26.
Well 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	4	S	1	E	25	SW	SW	TL 1300	875 feet north and 105 feet east from the SW corner, Section 25.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	4	S	1	E	25	SW	SW	TL 1300	65 feet north and 185 feet east from the SW corner, Section 25.

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

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU)
<input type="checkbox"/> Character of Use (USE)
<input type="checkbox"/> Point of Diversion (POD)
<input type="checkbox"/> Additional Point of Diversion (APOD)
<input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)
<input checked="" type="checkbox"/> Point of Appropriation/Well (POA)
<input type="checkbox"/> Additional Point of Appropriation (APOA)
<input type="checkbox"/> Substitution (SUB)
<input type="checkbox"/> Government Action POD (GOV) |
|--|--|

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 79974

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.										
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date		
4	S	1	E 25 SW SW	1300	NA	17.08	IR	Authorized Well	6-29-1993	POA	4	S	1	E 25 SW SW	1300	NA	17.08	IR	Wells 1 & 2	6-29-1993		
TOTAL ACRES:						17.08					TOTAL ACRES:						17.08					

Additional remarks: None.

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For Place of Use or Character of Use Changes - NA

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

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

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

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

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Authorized Well	Yes	CLAC 18557	See Well Log CLAC 18557							
Well 1	No	NA	400	10 inch	0 to 400	0 to 20	TBD	NA	Alluvium	70 gpm
Well 2	No	NA	400	10 inch	0 to 400	0 to 20	TBD	NA	Alluvium	

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of CLACKAMAS)

I, AARON C. NOFZIGER, in my capacity as OWNER / OPERATOR,
 mailing address 28770 S. ELISHA ROAD, CANBY, OR 97013
 telephone number (541) 740-7456, being first duly sworn depose and say:

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

- Personal observation Professional expertise

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2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

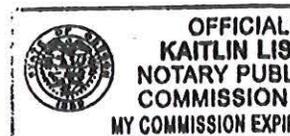
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Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
79974	4	S	1	E	WM	25	SW	SW	NA	17.08

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)



3. The water right was used for: (e.g., crops, pasture, etc.): BLUEBERRIES
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

[Signature]
 Signature of Affiant

4-17-2020
 Date

State: Oregon County: Linn

Signed and sworn to (or affirmed) before me this 17 day of April, 2020.



[Signature]
 Notary Public for Oregon

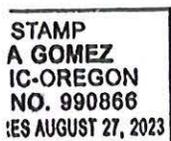
My Commission Expires: August 27, 2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Land Use Information Form



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

Applicant(s): Arron C. and Wendy J. Nofziger

Mailing Address: 28770 S. Elisha Road

City: Canby

State: OR

Zip Code: 97013

Daytime Phone: (541) 740-7456

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>1E</u>	<u>25</u>	_____	<u>1300</u>	<u>BFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Clackamas County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.155
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

This Land Use Information Form is to accompany a water right transfer application that proposes to change the point of appropriation (well) for a portion of an existing water right (Certificate 79974) adding two new wells to be drilled.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO Section 401
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

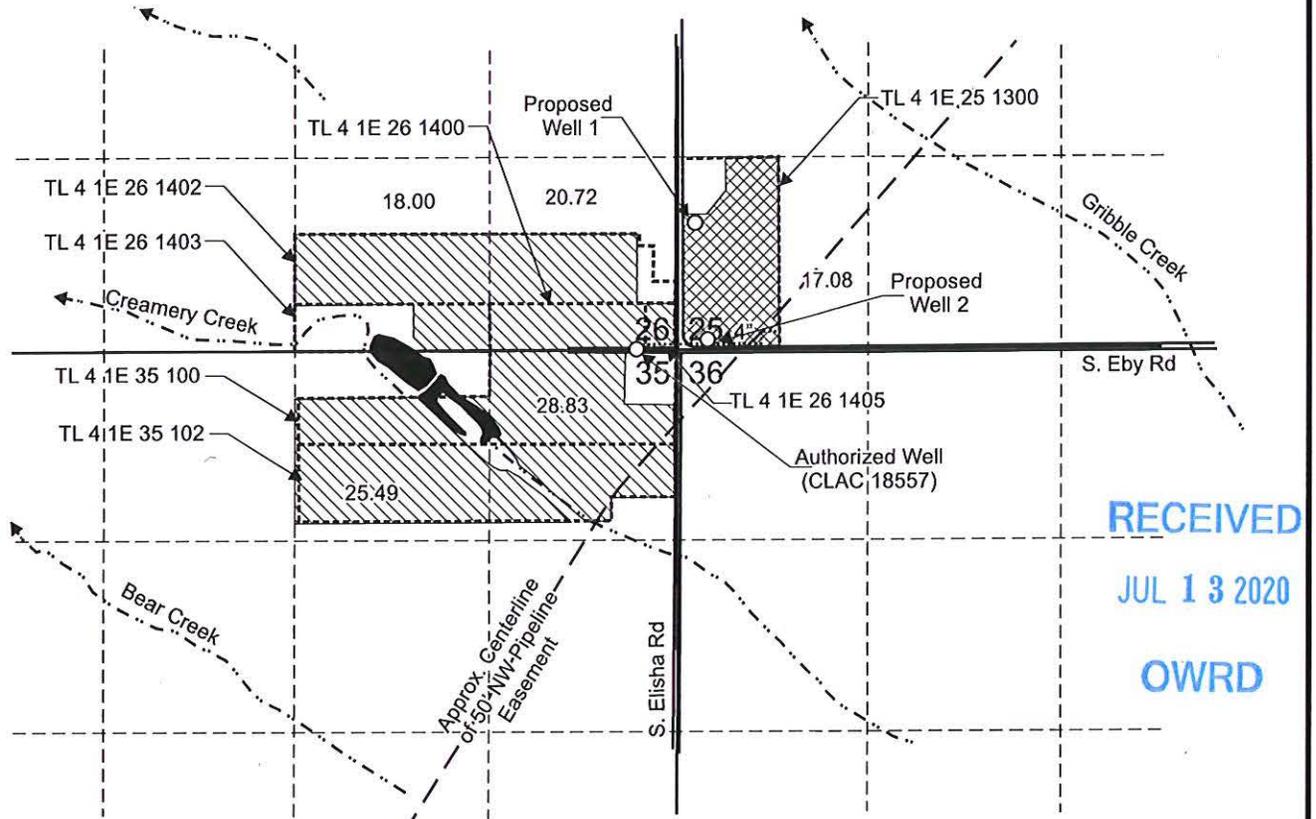
Name: Steve Hanschka Title: Sr. Planner, CFM
 Signature: Steve Hanschka Phone: 503-742-4512 Date: 7-6-20
 Government Entity: Clackamas County

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

Receipt for Request for Land Use Information

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

T.4S. R.1E. Sec. 25, 26, & 35, W.M.



Authorized Well (CLAC 18557) is located 15 feet north and 280 feet west from the SE corner, Section 26.

Proposed Well 1 is located 875 feet north and 105 feet east from the SW corner, Section 25.

Proposed Well 2 is located 65 feet north and 185 feet east from the SW corner, Section 25.

 Area (17.08 Acres) irrigated under Certificate 79974, priority date June 29, 1993, affected by this transfer.

 Area (93.04 Acres) irrigated under Certificate 79974, priority date June 29, 1993, not affected by this transfer.

----- Tax lot boundary

..... Water main line



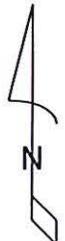
RENEWED June 30, 2021

Scale: 1" = 1,320'



0 1,320 Feet

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.



Transfer Application Map Certificate 79974

Aaron C. And Wendy J. Nofziger
T.4S. R.1E. Sec. 25, 26, & 35, W.M.

Pacific Hydro-Geology Inc.

04/2020



Elisha Riggs Rd

S Eby Rd

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1994

© 2020 Google

Imagery Date: 5/8/2019 45°11'16.74" N 122°38'31.68" W elev 257

Go

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

CLAC
18557

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JUN 10 1993

(START CARD) #

45/1E/2600
36719

WATER RESOURCES DEPT.

(1) OWNER: Well Number 138
Name Maynard D. Nofziger
Address 28873 S. Elisha Rd
City Canby State OR. Zip 97013

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 320 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
14"	0	20	Cement	0	20	75 sacks
10"	20	320				

How was seal placed: Method A B C D E
 Other

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

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10"	18"	320	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 320

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
		N/A				<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
500		319	32 hrs

Temperature of Water 54 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

SALEM LOCATION OF WELL by legal description:
County Clackamas Latitude _____ Longitude _____
Township 4 N or S Range 1 E or W. WM.
Section 26 SE $\frac{1}{4}$ SE $\frac{1}{4}$
Tax Lot 1400 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 28873 S. Elisha Rd

(10) STATIC WATER LEVEL:
38 ft. below land surface. Date 5-10-93
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 90

From	To	Estimated Flow Rate	SWL
90	144	75 GPM	41
228	240	100 GPM	52
305	320	500 GPM	38'

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Top soil	0	2	
clay brown	2	24	
clay sand brown fine	24	38	
gravel compacted	38	144	41
clay brown	144	176	
clay blue	176	228	
sand black fine	228	240	52
clay blue	240	284	
clay sand blue fine	284	294	
clay blue	294	305	
sandstone black	305	320	38

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WATER RESOURCES DEPT.
SALEM OREGON
OWRD

Date started 4-10-93 Completed 5-11-93

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Robert Kern WWC Number 1277
Date 6-8-93

Regular Permanent Water Right Transfer Application Checklist

Checked by FB Date 7-17-2020

(If OK, check box to left; if not, fill in the blank)

1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

2. Are fees included and correct? Fee paid: 1590
If not, the correct fee would be: _____, so the amount missing is: _____

► If a Government Action POD change (see: Page 5): NO CHARGE

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
 N/A Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Certs & acres involved: _____
Changes: _____
cfs involved: _____
Source: _____

79974 1 POA x 2 17.0 acres



**OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

<u>TYPE</u>	<u>FILE NUMBER</u>
Transfer Application	Transfer Number T-13488 NA

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	Aaron C. and Wendy J. Nofziger	Doann Hamilton Pacific Hydro-Geology, Inc
Address:	28770 S. Elisha Rd	18487 S. Valley Vista Road
	Canby, OR 97013	Mulino, OR 97042
Phone:	(541) 740-7456	(503) 349-6946 cell
Fax:		(503) 632-5983
E-Mail Address:	aaron@ritewayelectric.net	phgdmh@gmail.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) business days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- 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.
- Send completed Application and payment to:

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

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I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify) _____

Name: Aaron C. Nofziger

Signature:

OWRD USE ONLY: Reimbursement Authority Number: R11-272-21



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

July 31, 2020

AARON C. AND WENDY J. NOFZIGER
28770 S ELISHA RD
CANBY, OR 97013

Reference: Application T-13488

On July 13, 2020, we received your water right Transfer application. The application was accompanied by \$1570.00. Our receipt number 133039 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

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

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #20 (*via email*)
Doann Hamilton, Agent
Clackamas County

Enclosure

