

T-10474

T-10474

RA

Name David BugniAddress 30265 SE Kowall Rd
Estacada, OR 97023
503 630-4427 503 630-3506Change in POD
Date Filed 10-18-07
Initial notice date 10/30/07
DPD issued date _____
PD issued date _____
PD notice date _____
Date of FO 3-25-08 Vol 74 Page 440C-Date 10-1-09
COBU due date 10-1-2010
COBU Received date 7/8/2009
Certificate issued 9.13.16

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Suter CreekTrib. of N. Fork Eagle CreekUse Fish CultureCounty Clackamas

Quantity of water (CFS) _____

No. of Acres _____

Name of ditch _____

App #	Per #	Cert #	PR Date
<u>71156</u>	<u>51200</u>	<u>83500</u>	<u>1991</u>
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date
App #	Per #	Cert #	PR Date

FEES PAID		
Date	Amount	Receipt #
<u>10/18/07</u>	<u>460.00</u>	<u>90243</u>

FEES REFUNDED		
Date	Amount	Receipt#

Assignments: _____

Irrigation District N/AAgent Same as AboveCWRE Stuart CatoCC's list Clackamas County 9101 SE Sunnybrook Blvd Clackamas, OR 97015Reimbursement Authority Contractor: Anderson Engineering☐ - Oversized map - Location _____

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAVID A. BUGNI
MARY A. BUGNI
30265 SE KOWALL RD
ESTACADA OR 97023

confirms the right to the use of water perfected under the terms of Permit S-51200. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: SUTER CREEK, TRIBUTARY TO NORTH FORK EAGLE CREEK

PURPOSE OR USE: FISH REARING

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

DATE OF PRIORITY: JANUARY 30, 1991

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	5 E	WM	18	SE SW	315 FEET NORTH AND 185 FEET EAST FROM SE CORNER, SW1/4 SW1/4 , SECTION 18

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	5 E	WM	18	SW SW

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	5 E	WM	18	SE SW	290 FEET NORTH AND 150 FEET WEST FROM SE CORNER, SW1/4 SW1/4 , SECTION 18

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.

The water user shall maintain and operate the fish screening device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

The water user shall maintain boulder placement as required by the Oregon Department of Fish and Wildlife to dissipate energy from the discharge of the hatchery waste water into Suter Creek to prevent bank erosion.

The water user shall maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

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

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

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

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered March 25, 2008, at Special Order Volume 74, Page 440, approving Transfer Application 10474, and supersedes Certificate 83500, State record of Water Right Certificates.

Issued SEP 23 2016.

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

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for Transfer Certificate

Application: T- 10474

Certificate: 91705 (C83500)

Certificate/Transfer Holder: (include copy of map)

DAVID A. BUGNI
MARY A. BUGNI
30265 SE KOWALL RD
ESTACADA OR 97023

Copies Mailed

By:
(SUPPORT STAFF)

on:
(DATE)

Copies of final Certificate to be sent to:

1. Watermaster #20 (Include map)
2. Data Center
3. Water Availability
4. Vault
5. File

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

1. Stuart L. Cato, CWRE, SLCA Consulting Civil Engineers
2. Clackamas County
9101 SE Sunnybrook Blvd
Clackamas, OR 97015

Record Marking(s):

1. Original Application# S-71156
2. Old Certificate# 83500

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Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MEMO –Proof to Satisfaction (March 17, 2014)

Application #	Permit #	Transfer # <i>T-10474</i>
WRD Reviewer <i>Covey</i>	Date <i>7-19-16</i>	
WRD Peer Reviewer <i>J. Joye</i>	Date <i>7.21.16</i>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Order, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor *Verified by phone w/ Assessor 7-20-16*
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- yes* Fish Conditions *Screen installed 8-20-07*
- yes* Meter/measuring device *Ultrasonic Flow meter ok'd 6-29-09*
- NA* Water Use Reporting
- NA* Pump Test (post December 19, 1988)
- NA* Other Conditions _____
- NA* SWL
- yes* C-Date *COBU = Apr. 125, 2008*
- cc* Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

C = 10-1-2009

Determination

cc I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued. *water user fully developed, complied with conditions, and make beneficial use*

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

cc Stamp PROPOSED or Assign CERT# 91705 or ORDER OF CERTIFICATION (circle one)

cc Draft Certificates or Proposed Order of Certifications are available in the Application directory.

cc Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking: App	___ Permit	___ Cert
App	Permit	Cert
App	Permit	Cert
App	Permit	Cert

NOTES:

GL 4 not indicated / identified on cadastral survey or Assessor's map, did not include on confirming certificate. Agree. Appears these are just lots w/out #'s.

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 7-8-2009
CWRE Name Stewart Oata
Claim Logged 8-11-09
File Marked _____
Oversized Map # _____
Read and attach copy of permit or transfer

Application # _____
Permit # _____
Transfer # T 10474
Date 7-8-2009
Reviewer C.O.

Map Review:

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

Report Review:

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

- ☒ CWRE stamp and signature
- ☒ Signature(s) of permittee or transfer holder

Certificate Issuance Processing Checklist

☐ Map and COBU reviewed
☐ Conflict check (include copy of plat card printout)
☐ Check current ownership

Any Conflicts? ☐

Staff Recommendations:

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

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

☐ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:
Send letter requesting the following items/information: _____

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?
☐ Yes

If "Yes":
☐ Proposed
☐ Final Certificate # _____

Mailing list:

Proposed:

Final:

CLAIM OF BENEFICIAL USE

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
T-10474	n/a

2. Property owner (current owner information)

a. Individuals

Name	David A.	Mary A. Bugni
Mailing Address	30265 SE Kowall Rd.	30265 SE Kowall Rd.
City/State/Zip	Estacada, OR 97023	Estacada, OR 97023
Phone #	503-630-3506	503-630-4427
Fax #	none	none
e-mail address	dbugni@cascadeaccess.com	mbugni@cascadeaccess.com

b. Businesses/Organizations: NA

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	David A.	Mary A. Bugni
Mailing Address	30265 SE Kowall Rd.	30265 SE Kowall Rd.
City/State/Zip	Estacada, OR 97023	Estacada, OR 97023

d. Businesses/Organizations: NA

4. Date of Site Inspection: June 18 2009

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

Name	Date	Association with the project
David Bugni	June, 19 2009	Owner

6. County:

Clackamas

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7. Tax Lot Information:

Tax map number	Tax lot number
T3S, R5E, WM, Sec. 18	1301

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)): NA

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

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

From Sutter Creek the water flows by gravity into an ODF&W approved, screened, side-bank intake box 8'-0" long, 2'-6" wide and 2'-0" tall. This is shared intake with a micro-hydroelectric system, which is permitted under water right HE 576. A 676 feet long 10" schedule 40 PVC intake pipe feeds the Hydro facility and the fish rearing facility. At 670 feet a 6" schedule 40 PVC, pipe approximately 10' long, tees off the 10" pipe and feeds the fish tanks. There is a 5" control valve on the 6" line that can control the flow to the tanks. Water from the fish rearing facility is then placed back into the creek through a screened, 17 foot long 6" PVC schedule 40 discharge pipe.

2. Point of diversion/appropriation name or number (correspond to map): NA

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

Source	Tributary to
Suter Creek	North Fork of Eagle Creek

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4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE/SW Sec 18, T3S, R5E, WM	315 feet north and 185 feet east from the SW corner of the SE1/4 of SW1/4 of Section 18

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Aquaculture	n/a	All year	1.0 cfs

Total Quantity of Water 1.0

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
-	-	SW/SW	18	3S	5E	Aquaculture	NA	NA

Total Acres Irrigated None

Groundwater Source Information (Well and Sump). NA

Reservoir Data NA

Storage tank data

An 8,400 gallon concrete tank is used for fish rearing. The ID of the tank is 5' W x 5' D x 50' L. The free board is approximately 6". There is a screened side weir overflow on the stream side of the tank.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow
10"	PVC	130	26	670' to tee	3.9	6.5 cfs flowing full

2. Provide calculations in the box below:

The Q-full for the 10" pipe was calculated using the Pipe Capacity Calculator on the OWRD WRE info web site. The Hydro unit was shut down so only the fish rearing facility was served. The calculation does not represent a realistic maximum flow in the 10" due to entrance losses at the fish screen, and pipe entrance, tee, fittings and control valve on the 6" line to the fish rearing tank. The intake is not submerged and using visual observations at the intake and the Ultrasonic flow meter measuring fps, the water dept was estimated at 0.5Dia. Using a measured $V=3.8\text{fps}$ and $1/2A=0.2727\text{sq ft}$. Then $Q = (A)(V) = 0.2727 \times 3.8 = 1.04\text{ cfs}$.

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
06/19/09	David Bugni and observed by Stuart L Cato PE/WRE	Omega FD 613 Ultrasonic Flow Meter	3.8fps (see item 2. Above)

Attach measurements notes

NO formal notes were taken. Notes consisted of writing down the value for two readings that were 3.8.

Gravity flow canal or ditch: NA

System Information: NA

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11. **Additional notes or comments related to the system:**

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The field observations were taken in the summer when the stream flow is lower and the pipe at the intake is not fully submerged. Higher stream flow elevations will prove a higher Q which is primarily used for the Hydro facilities. The short 6" pipe stubbed off of the 10" pipe has a valve that can be used to stabilize flow to the fish rearing tank during high stream flow periods.

Because of the type of meter used the reading had to be taken on the 10" line to insure laminar flow within an adequate distance of the portable meter. The distance from the 10"x6" tee to a bend and then to the control valve were questionable for use of the ultrasonic meter. A permanent meter has not been installed.

III. CONDITIONS

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

1. Time Limits:

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

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction		April 12, 2008	This is when removal of the existing intake and 6" penstock began.
Complete construction	October 1, 2009	April 25, 2008	This is when the removal was completed and water began to be drawn from the new 10" pipe for aquaculture use (which feeds both the aquaculture facility and the micro-hydroelectric facility per HE 576).
Complete application of water			

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? NO

3. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? NO

4. Measurement, recording, and reporting conditions:

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?

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YES

b. Has a meter been installed?

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NO

c. Provide the date meter was installed:

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NO

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval.

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

g. Have the reports been submitted, attach a copy of the reports if available. NA

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

Date	By whom
August 20, 2007 (as part of HE576)	David Bugni

d. Is the **total** diversion rate of all rights at the point of diversion less than 0.5 cfs? NO

e. If the total diversion rate is less than 0.5 cfs, has the water user self certified the fish screen. NA

f. Has a self certification form been previously submitted to the Department? NA

g. If not, is the self certification form attached to this Claim? NA

h. If the total diversion rate is greater than 0.5 cfs, has ODFW approved the screening? YES

i. Has the water user previously submitted a letter from ODFW approving the screening? YES

j. If not, is the approval letter attached to the Claim? NA

k. Has the by-pass device been installed? NO

l. Describe the by-pass device: NA

6. Pump Test : NA

7. Other Permit Conditions

The water user shall install and maintain boulder placement as require by the ODF&W to dissipate energy from the discharge of the hatchery waste water into Sutter Creek to prevent erosion.

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations: NONE

Attachments

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

Attachment name	Description
Pipe Capacity Calculator	OWRD form for calculating Q-full for gravity pipes.
Watermaster Review Form	Approval of alternate measurement device T-10474

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Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
T-10474	1.0 cfs	6.5	1.0 cfs	1.0 cfs	NA	NA

Claim of Beneficial Use Map

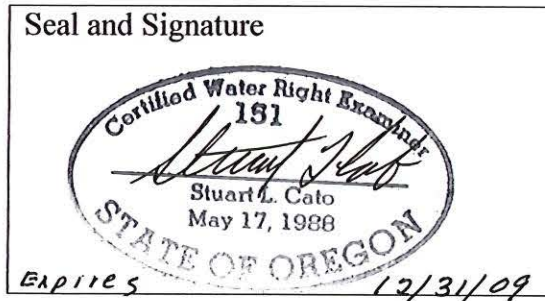
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, 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.

Field measurements with steel tape, compass, and declinometer. Dense vegetation does not allow for use of GPS or aerial photo methods.

CWRE Statement, Seal and Signature

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

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WATER RESOURCES DEPT
SALEM, OREGON**Permit or Transfer Holders Signature or Acknowledgement**

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

David Bugni DAVID BUGNI 7/7/09

Signature

Print or type name

Date

Mary A. Bugni Mary A. Bugni 7-7-09

Signature

Print or type name

Date

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 10 inches, or 0.833333 feet
Roughness Coefficient (C) = 140
Fall = 26 feet per 670 feet of distance
Grade = 0.03880597, or 3.9%

Results calculated

Area of cross-section = 0.54542 square feet
Wetted Perimeter = 2.61799 feet
Hydraulic Radius = 0.20833
Velocity = 11.8814 feet per second

Pipe Capacity = 6.480 cubic feet per second

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JUL 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Oregon Water Resources Department**Measurement Condition Information for the Applicant**
(to be sent with the Draft Preliminary Determination or Final Order)Transfer #: T-10474

☒ An in-line flow meter will be required to be installed **prior to diversion of water** at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Sabrina White-ScarverDistrict: 20Address: 1678 S. Beaver Creek Road, Suite LCity/State/Zip: Oregon City, OR 97045Phone: 503-722-1410Email: Sabrina.M.White@wrd.state.or.us

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-10474**
(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**:Omega FD-613 Ultrasonic Flow Meter
Watermaster signature20
DistrictJune 29, 2009
Date

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

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

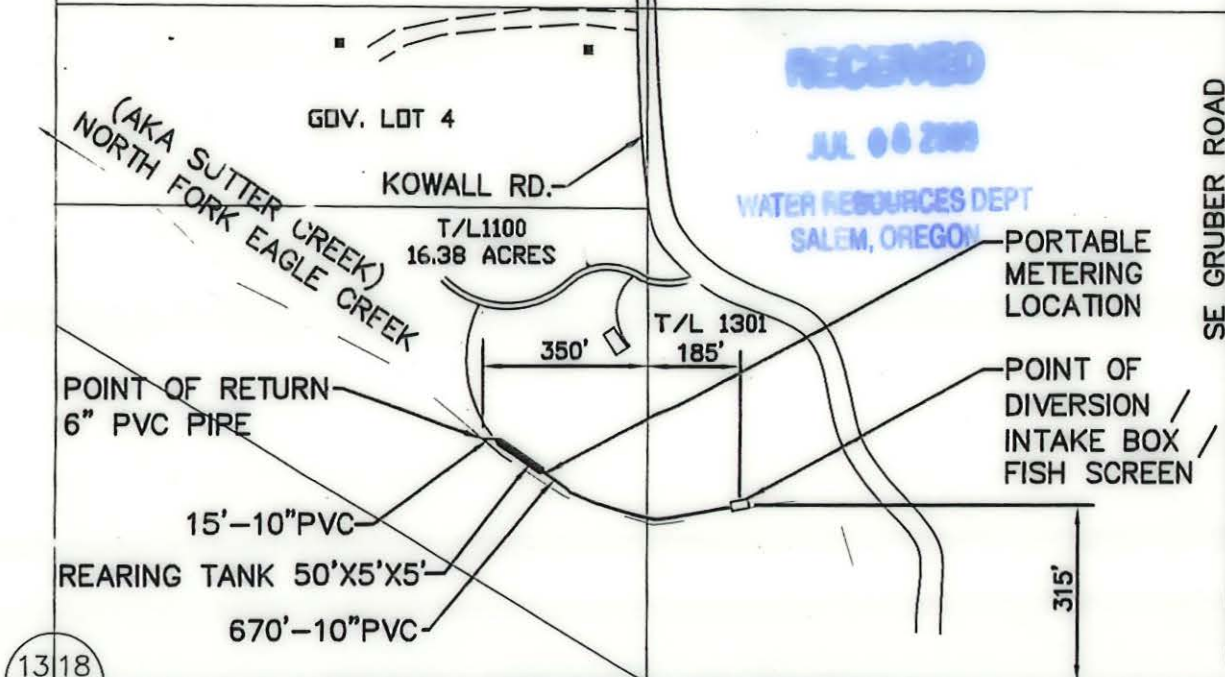
RECEIVED

JUL 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

T. 3S., R. 5E., S.W. 1/4 SEC. 18 W.M.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP OR BOUNDARY LINES.



1318
2419

FINAL PROOF SURVEY

UNDER

APPLICATION NO. T-10474

IN NAME OF

DAVID A. AND MARY A. BUGNI

SCALE: 1"=400'



Sica CONSULTING
CIVIL ENGINEERS
8555 SW Katherine Lane,
Portland, Oregon 97225
tel 503.292.0383; fax 503.292.0383

SURVEYED

BY

CWRE-151

DRAWN BY: CCV

JOB NO.: 91007.01

DATE: 6/18/09

91007-3

DRAWING NO.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 11, 2009

David A Bugni
Mary A Bugni
30265 Kowall Rd
Estacada Oregon 97023

On July 8, 2009, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

T-10474

The COBU included a report and map. Currently there is a 7-year backlog before the Department will be able to 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:

http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

Email: webmaster@wrdd.state.or.us

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

Approval of an Alternate Measurement Device

T-10474

(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**:

Omega FD-613 Ultrasonic Flow Meter


Watermaster signature

20
District

June 29, 2009
Date

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

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

RECEIVED

JUL 01 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

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

In the Matter of Transfer Application)
T-10474, Clackamas County) **FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION**

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

David A. and Mary A. Bugni
30265 SE Kowall Rd
Estacada, OR 97023

Findings of Fact

Background

1. On October 18, 2007 David Bugni filed an application to change the point of diversion under Certificate 83500. The Department assigned the application number T-10474. On February 5, 2008 the application was amended to include Mary A. Bugni.

2. The right to be transferred is as follows:

Certificate: 83500 in the name of David A. and Mary A. Bugni (perfected under Permit S-51200)

Use: FISH REARING

Priority Date: JANUARY 30, 1991

Rate: 1.0 CUBIC FOOT PER SECOND

Source: SUTER CREEK, tributary to NORTH FORK EAGLE CREEK

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	5 E	WM	18	SW SW	4	290 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF THE SW SW of SECTION 18

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	5 E	WM	18	SW SW	4

3. Application T-10474 proposes to move the authorized point of diversion approximately 500 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	5 E	WM	18	SE SW	315 FEET NORTH AND 185 FEET EAST FROM THE SE CORNER OF THE SW ¼, SW ¼ OF SECTION 18

4. Notice of the application for transfer was published on October 30, 2007 pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On January 16, 2008 the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10474 to the applicant. The draft Preliminary Determination set forth a deadline of February 18, 2008 for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and amended the application to include Mary A. Bugni as an applicant.
6. On February 11, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10474 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 19, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is necessary at the new point of diversion to prevent fish from entering the diversion diverted and that the existing diversion is currently equipped with an appropriate fish screening device.
8. As a condition of Certificate 83500, ODFW determined the water user should be required to install and maintain boulder placement to dissipate energy from the discharge of the hatchery waste water into Sutter Creek to prevent bank erosion.

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

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. Equipment, tanks, and other structures for use of the water under the existing right were present within the five-year period prior to submittal of Application T-10474.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

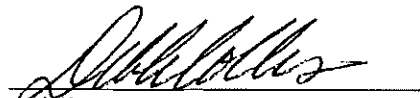
The change in point of diversion proposed in application T-10474 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in the point of diversion proposed in application T-10474 is approved.
2. Water Right Certificate 83500 is cancelled.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83500 and any related decree.
4. The former point of diversion shall no longer be used under the right.
5. The water user shall maintain and operate a fish screening device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
6. The water user shall install and maintain boulder placement as required by the Oregon Department of Fish and Wildlife to dissipate energy from the discharge of the hatchery waste water into Sutter Creek to prevent bank erosion.
7. Prior to diverting water, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 25th day of March 2008.


Phillip C. Ward, Director

B
Mailing date: MAR 28 2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

March 26, 2008

DAVID & MARY BUGNI
30265 SE KOWALL RD
ESTACADA OR 97023

Reference: Transfer 10474

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

A time to complete the transfer is given the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in 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 within the time allowed.

You have the requirement to hire a Certified Water Right 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 completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

 Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #20
Stuart Cata, CWRE

Enclosure

Water Right Transfer Checklist

Transfer T-10474

Transfer Specialist: Reimbursement Authority

Transfer Type: Regular

Applicant Name/Address: David Bugni, 30265 Se Kowall Rd, Estacada, Oregon 97023

Agent Name/Address: None

CWRE Name/Number: Stuart Cata

Rec Landowner Name/Address: NONE

Irr. District Name/Address: NONE

Affected Gov'ts Name/Address: NONE

Commentors: Name/Address: NONE

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	S 71156	S 51200	83500	☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: <u>10/18/07</u>	Proposed Action(s): POU POD HST APOD USE OTHER: POD	
Fees Pd: <u>400.00</u>	WM District: <u>16 20</u>	ODFW District: <u>NONE</u>
Initial Notice: <u>10/30/07</u>	WM Review sent: <u>10/29/07</u>	ODFW Review sent: <u>NONE</u>
Acknowledgement Letter Sent ☒		GW Review sent: <u>NONE</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

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

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>Kody</u>	Reviewer: _____
Date: _____	Date: <u>2/7/08</u>	Date: _____
Coordinator: _____	Coordinator: <u>ASP</u>	Coordinator: <u>ASP</u>
Date: _____	Date: <u>2/8/08</u>	Date: <u>3/24/08</u>
Comments/Special Issues: <u>Reimbursement Authority</u>		

Special Order Volume: Vol 94 Pages 440

Final Order Signature Date: 3-25-08

Notice of FO email'd to processors Dorothy

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ application complete | ☐ map | ☐ FPS | ☐ evidence of use | ☐ land-use form |
| ☐ deed/ROLI | ☐ certificate | ☐ fees paid | ☐ well logs | ☐ plat card |
| ☐ audit | ☐ dpd | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 11, 2008

DAVID A. and MARY A. BUGNI
30265 SE KOWALL RD
ESTACADA, OR 97023

Pol Notice

2-19-08

FO due 3/21/08

SUBJECT: Transfer Application T-10474

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10474. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.PEDERSEN@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: District #20 Watermaster
Stuart Cato CWRE

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10474, Clackamas County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

David A. and Mary A. Bugni
30265 SE Kowall Rd
Estacada, OR 97023

Findings of Fact

Background

1. On October 18, 2007 David Bugni filed an application to change the point of diversion under Certificate 83500. The Department assigned the application number T-10474. On February 5, 2008 the application was amended to include Mary A. Bugni.

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

Certificate: 83500 in the name of David A. and Mary A. Bugni (perfected under Permit 51200).

Use: FISH REARING

Priority Date: JANUARY 30, 1991

Rate: 1.0 CUBIC FOOT PER SECOND

Source: SUTER CREEK, tributary to NORTH FORK EAGLE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	5 E	WM	18	SW SW	4	290 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF THE SW SW of SECTION 18

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

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	5 E	WM	18	SW SW	4

3. Application T-10474 proposes to move the authorized point of diversion approximately 500 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	5 E	WM	18	SE SW	315 FEET NORTH AND 185 FEET EAST FROM THE SE CORNER OF THE SW ¼, SW ¼ OF SECTION 18

4. Notice of the application for transfer was published on October 30, 2007 pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On January 16, 2008 the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10474 to the applicant. The draft Preliminary Determination set forth a deadline of February 18, 2008 for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and amended the application to include Mary A. Bugni as an applicant.
6. The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is necessary at the new point of diversion to prevent fish from entering the diversion diverted and that the existing diversion is currently equipped with an appropriate fish screening device.
7. As a condition of Certificate 83500, ODFW determined the water user should be required to install and maintain boulder placement to dissipate energy from the discharge of the hatchery waste water into Sutter Creek to prevent bank erosion.

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

8. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. Equipment, tanks, and other structures for use of the water under the existing right were present within the five-year period prior to submittal of Application T-10474.
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.

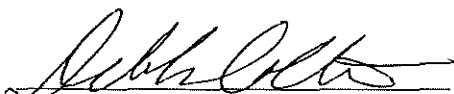
Determination and Proposed Action

The change in point of diversion proposed in application T-10474 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

If application T-10474 is approved, the final order will include the following:

- 1. The change in the point of diversion proposed in application T-10474 is approved.*
- 2. Water Right Certificate 83500 is cancelled.*
- 3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83500 and any related decree.*
- 4. The former point of diversion shall no longer be used under the right.*
- 5. The water user shall maintain and operate a fish screening device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
- 6. The water user shall install and maintain boulder placement as required by the Oregon Department of Fish and Wildlife to dissipate energy from the discharge of the hatchery waste water into Sutter Creek to prevent bank erosion.*
- 7. Prior to diverting water, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 11th day of February 2008.


Phillip C. Ward, Director

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

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

**Notice of Preliminary Determination for
Water Right Transfer T-10474**

T-10474 filed by DAVID A. AND MARY A. BUGNI, proposes a change in point of diversion under Certificate 83500. The right allows the use of 1.0 cfs (priority date JANUARY 30, 1991) from SUTER CREEK in Sec. 18, T3S, R5E, W.M. for FISH CULTURE in Sec. 18. The applicant proposes to move the point of diversion approximately 0.1 mile upstream in (Sec. 18, T3S, R5E, W.M.). The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0852. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Please return as soon as possible.
Thank you. Sarah H.

RA

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10474

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

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

_____, tributary to _____. Because,
(Stream)

(Please attach any available supporting information.)

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

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

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

Note: This option will yield the following:

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

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

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

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

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

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

T-10474

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

Note: This option will yield the following:

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

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

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

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

Note: This option will yield the following:

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

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

T-10474

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

Note: This option will yield the following:

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

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

Danette Ehlers

Signature

Danette L. Ehlers

Printed Name

Asst. District Fish Biologist

Title

(971) 673-6013

Phone

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

Transfer # 10474

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

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

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

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

ODFW staff name: * Already working w/ODFW's
Address: Cost Share Program to meet
City/State/Zip: Screening criteria.
Phone: () _____

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

ODFW staff name: _____
Address: _____
City/State/Zip: _____
Phone: () _____

Sarah Henderson

From: Danette Ehlers [Danette.L.Ehlers@state.or.us]
Sent: Monday, January 07, 2008 3:09 PM
To: Sarah Henderson
Cc: Dorothy Pedersen
Subject: RE: Transfer Review - T-10474

We have been working with Mr. Bugni on this project (including the hydro portion). The new intake will be screened to meet ODFW's Screening Criteria. Bob Hair from our Screening Program will inspect the screen soon, and it will be approved before water is diverted.

A fax of the comment form is on its way...

Danette

Danette Ehlers
Assistant District Fish Biologist
ODFW, North Willamette Watershed District
17330 SE Evelyn St.
Clackamas, OR 97015
phone: (971) 673-6013
fax: (971) 673-6071
danette.l.ehlers@state.or.us

From: Sarah Henderson [mailto:hendersa@ wrd.state.or.us]
Sent: Wednesday, December 26, 2007 11:31 AM
To: EHLERS Danette L
Cc: Dorothy Pedersen
Subject: Transfer Review - T-10474

Hi Danette,

This is Sarah Henderson from the Water Resources. I have attached a scanned Water Right Transfer application and the review form for you.

I am sending it this way because this file is going through our fast process and I did not send one to you in October when the file first came in.

If there is anyway you could do this one as soon as you can and email it or fax it back to me that would be greatly appreciated.

Hope you had an excellent Holiday.

Thank you so much.

Sarah

Dorothy



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10474

Review Due Date: 11/27/2007

Applicant Name: David Bugni

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

Reviewer(s): Sabrina White-Scarver

Date of Review: Nov. 26, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

Watermaster Review Form

Transfer Application: T-10474

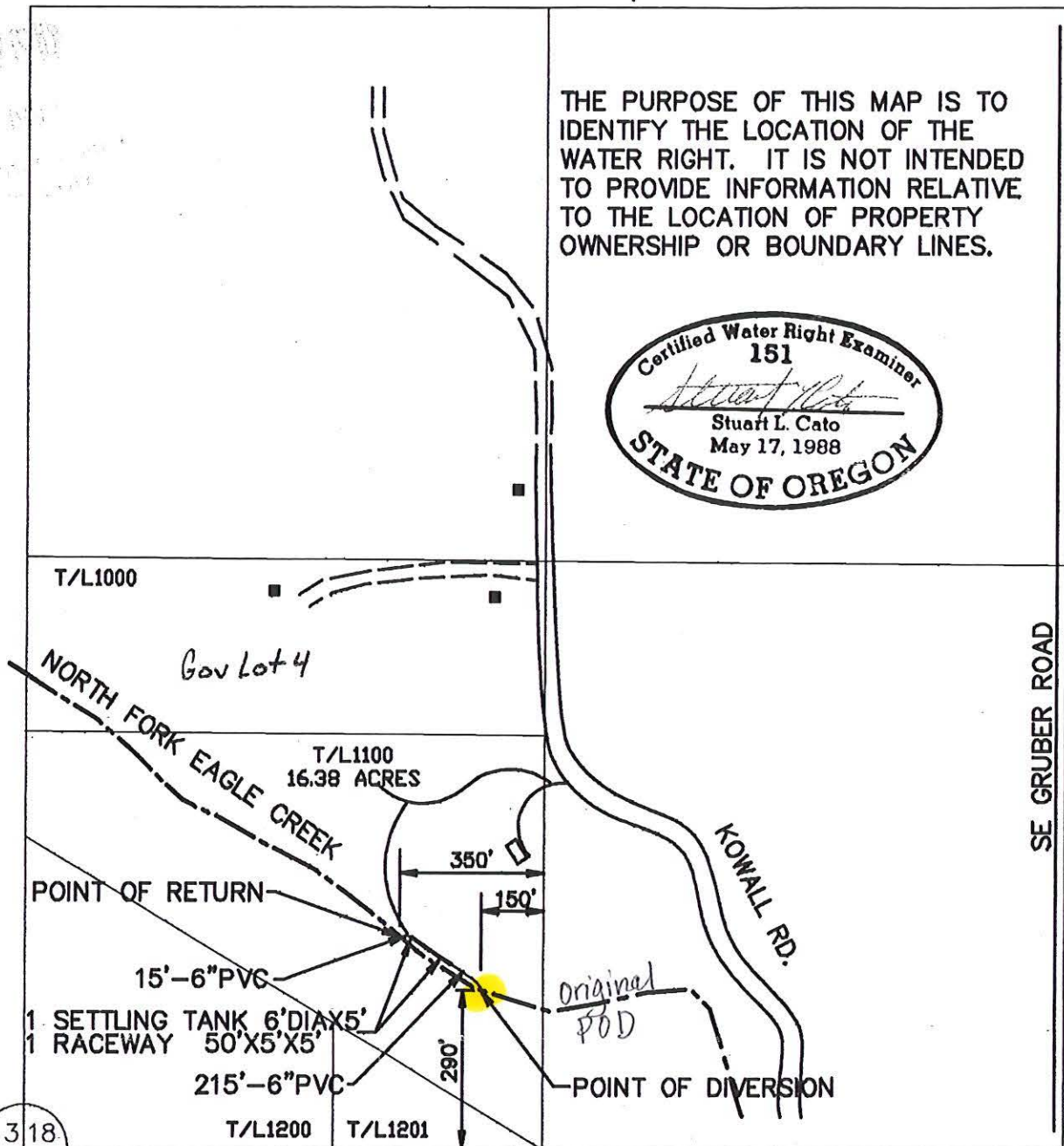
11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

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

This map shows the authorized POD for Certificate 83500

T. 3S., R. 5E., S.W. 1/4 SEC. 18 W.M.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP OR BOUNDARY LINES.



FINAL PROOF SURVEY

UNDER

APPLICATION NO. 71156 PERMIT NO. 51200

IN NAME OF

DAVID A. AND MARY A. BUGNI

SCALE: 1"=400'

Gov Lot 4 added to map by owner HC 8-22-2007

kpff

Consulting Engineers
707 S.W. Washington St.
Suite 800
Portland, Oregon 97205
503-227-3251

SURVEYED

BY

CWRE-151

DRAWN BY: TLA

JOB NO.: 91007.01

DATE: 8/9/94

91007-1

DRAWING NO.

January 29, 2008

Dorothy Pedersen
Field Services Division
Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301-1266

RE: Application T-10474

Dear Ms. Pedersen,

We have reviewed the Preliminary Determination documents regarding transfer application T-10474 with the accompanying letter you sent us dated January 16, 2008. We find that they are consistent with our intent in seeking the water rights transfer, and we agree with the proposed action.

Enclosed please find the "report of ownership and lien information for the lands to which the water right is appurtenant" documents that you requested which were prepared by a title company within the last three months.

Please let us know if there are any further documents needed.

Thank you.

Sincerely,



David A. and Mary A. Bugni
503-630-4427
mbugni@cascadeaccess.com
30265 SE Kowall Rd.
Estacada, OR 97023

Enclosures

RECEIVED
JAN 30 2008
WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

January 16, 2008

DAVID A. BUGNI
30265 SE KOWALL RD
ESTACADA, OR 97023

SUBJECT: Application T-10474

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10474. The draft Preliminary Determination reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant that has been prepared within the last three months by a title company.

You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information and any additional landowner consents or lienholder notifications that may be required. If we do not receive your response and the report by February 18, 2008, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrp.state.or.us if you have questions.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Sabrina White, District 20 Watermaster

enc

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

In the Matter of Transfer Application
T-10474, Clackamas County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

David A. Bugni
30265 SE Kowall Rd
Estacada, OR 97023

Findings of Fact

Background

1. On October 18, 2007, David Bugni filed an application to change the place of use under Certificate 83500. The Department assigned the application number T-10474.
2. The portion of the right to be transferred is as follows:

Certificate: 83500 in the name of David A. and Mary A. Bugni (perfected under Permit 51200)

Use: FISH REARING

Priority Date: JANUARY 30, 1991

Rate: 1.0 CUBIC FOOT PER SECOND

Source: SUTER CREEK, tributary to NORTH FORK EAGLE CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	5 E	WM	18	SW SW	4	290 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF THE SW ¼, SW ¼ of SECTION 18

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	5 E	WM	18	SW SW	4

3. Application T-10474 proposes to move the authorized point of diversion approximately 500 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	5 E	WM	18	SE SW	315 FEET NORTH AND 185 FEET EAST FROM THE SE CORNER OF THE SW ¼, SW ¼ OF SECTION 18

4. Notice of the application for transfer was published on October 30, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screening is necessary at the new point of diversion to prevent fish from entering the diversion diverted and that the existing diversion is currently equipped with an appropriate fish screening device.
6. The water user shall install and maintain boulder placement as required by the Oregon department of fish and wildlife to dissipate energy from the discharge of the hatchery waste to Sutter Creek to prevent bank erosion, as required by the original certificate.

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

7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. Equipment, tanks, and other structures for use of the water under the existing right were present within the five-year period prior to submittal of Application T-10474.
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.

Determination and Proposed Action

The changes in place of use proposed in application T-10474 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000

If application T-10474 is approved, the final order will include the following:

1. *The change in the point of diversion proposed in application T-10474 is approved.*
2. *Water right certificate 83500 is cancelled.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83500 and any related decree.*
4. *The former point of diversion shall no longer be used under the right.*

5. *The water user shall maintain and operate a fish screening device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
6. *Prior to diverting water, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

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



Oregon

Theodore R. Kulongoski, Governor

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

October 29, 2007

David Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Reference: Transfer 10474

On October 18, 2007 we received your water right transfer application. The application was accompanied by \$400.00. Our receipt 90243 is enclosed.

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

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

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

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

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #20
Stuart Cato, CWRE

enclosure

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

THIS CERTIFICATE ISSUED TO

DAVID A. AND MARY A. BUGNI
30265 SE KOWALL RD
ESTACADA, OR 97023

confirms the right to use the waters of SUTER CREEK, a tributary of the NORTH FORK EAGLE CREEK, for FISH REARING.

This right was perfected under Permit 51200. The date of priority is JANUARY 30, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	5 E	WM	18	SW SW	4	290 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF THE SW SW, SECTION 18

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

The water user shall install and maintain boulder placement as required by Oregon Department of Fish and Wildlife to dissipate energy from the discharge of hatchery waste water to Sutter Creek to prevent bank erosion.

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

Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	5 E	WM	18	SW SW	4

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

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

WITNESS the signature of the Water Resources Director, affixed AUG 24 2007.


Phillip C. Ward, Director
Water Resources Department

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10474



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6200
Fax (503) 947-6202
TTY (503) 947-6339
www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2007

License Number: 4855

Issuance Date: January 1, 2007

Expiration Date: December 31, 2007

Issued to: Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

COPIES OF OUR FISH
PROPAGATION LICENSE
FOR PAST 6 YEARS
(CAN NOT SEEM TO
LOCATE THE 2006
LICENSE, THOUGH)

1 10474

51000-801000-06



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

(503) 947-6200

Fax (503) 947-6202

TTY (503) 947-6339

www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2005

License Number: **4855**

Issuance Date: January 1, 2005

Expiration Date: December 31, 2005

Issued to: **Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023**

Operator/Agent: **David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023**

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10474

51000-801000-06



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

(503) 947-6200

Fax (503) 947-6202

TTY (503) 947-6339

www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2004

License Number: 4855

Issuance Date: January 1, 2004

Expiration Date: December 31, 2004

Issued to: Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

1 10474

51000-801000-06



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division

2501 SW First Avenue

PO Box 59

Portland, OR 97207

(503) 872-5252

FAX (503) 872-5632

TTY (503) 872-5259

Internet WWW: <http://www.dfw.state.or.us/>

FISH PROPAGATION LICENSE

Calendar Year 2003



License Number: 4855

Issuance Date: January 1, 2003

Expiration Date: December 31, 2003

Issued to: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking Activities

Species:

Rainbow Trout

RECEIVED

OCT 18 2007

WATER RESOURCES DEPT
SALEM, OREGON

1 10474



Oregon

DEPARTMENT OF
FISH AND
WILDLIFE



FISH DIVISION

FISH PROPAGATION LICENSE

Calendar Year 2002

License Number: **4855**

Issuance Date: January 1, 2002
Expiration Date: December 31, 2002

Issued to: **David and Mary Bugni**
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: **David and Mary Bugni**
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking Activities

Species:

Rainbow Trout

John A. Kitzhaber
Governor



RECEIVED

OCT 18 2001

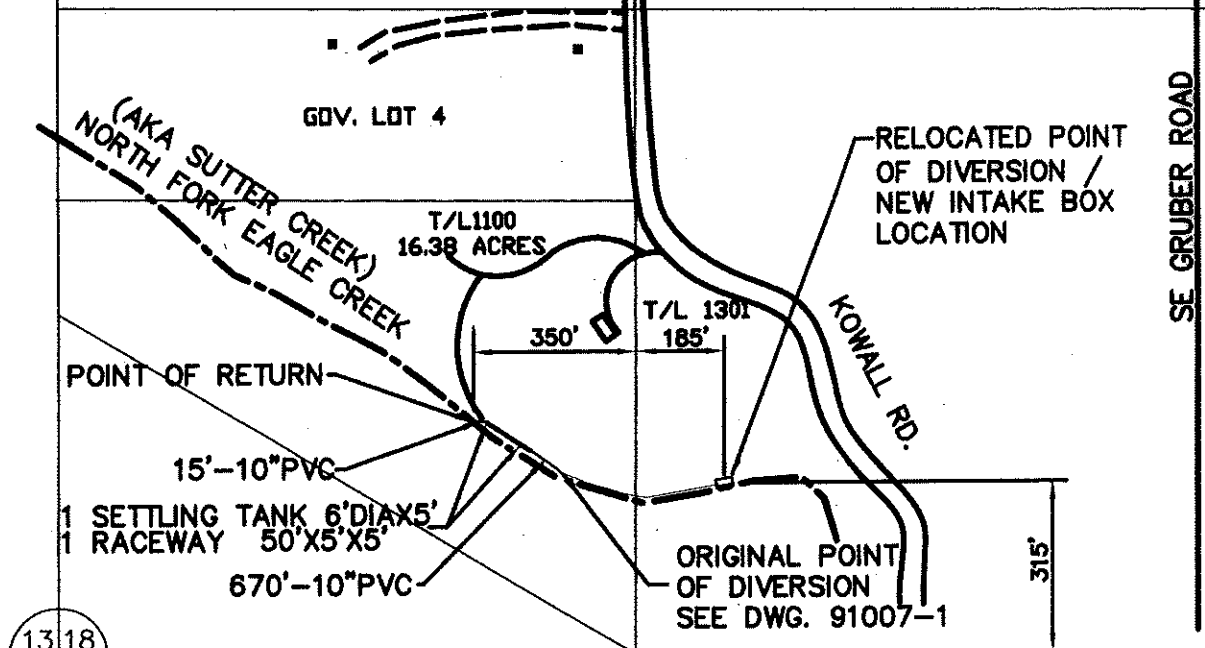
1 10474
WATER RESOURCES DEPT
SALEM, OREGON

2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 872-5252
FAX (503) 872-5632
TDD (503) 872-5259
Internet WWW:<http://www.dfw.state.or.us/>

T. 3S., R. 5E., S.W. 1/4 SEC. 18 W.M.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP OR BOUNDARY LINES.

RECEIVED
MAY 8 2007
WATER RESOURCES DEPT
SALEM OREGON



13 18
24 19

FINAL PROOF SURVEY
UNDER

APPLICATION NO. 71156 PERMIT NO. 51200

CERTIFICATE NO. 83500

IN NAME OF

DAVID A. AND MARY A. BUGNI

REVISION OF FINAL PROOF OF SURVEY OF 08/08/94 DWG NO. 97001.1.

SCALE: 1"=400'



**Sica CONSULTING
CIVIL ENGINEERS**
8555 SW Katherine Lane,
Portland, Oregon 97225
tel 503.292.0383; fax 503.292.0383

SURVEYED

BY

CWRE-151

DRAWN BY: CCV

JOB NO.: 91007.01

DATE: 9/26/07

91007-2
DRAWING NO.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 10/30/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: CLACKAMAS
Transfer: 10474
Water Right: CERT 83500
Priority Date: 1991
Name: DAVID BUGNI
Address: 30265 SE HOWALL RD, ESTACADA OR 97023
Change: POD
Source: SUTER CREEK
Authorized POD: T3S R5E 18
Proposed POD: T3S R5E 18

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

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

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

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

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

Permanent Transfer Application – OAR 690-380 3000 & 3100

Completeness Checklist

Applicant's Name: David Bugni

(Form last revised: March 13, 2007)

Section A – Status of Right

Is this a Water Right that can be transferred?

[OAR 690-380-0100(14)]

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

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

If the subject right does not fall into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Transfer process?

[ORS 540.510]

OK

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

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

Section C - Fees

Have the appropriate fees been paid?

Total Required Fees: 400

OK

Fee Schedule – ORS 536.050(1)(h)

Total Fees Paid: 400

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

Fees Due (if any): 0

Refund Due (if any): 0

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

Section D – Completeness

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

Is the Transfer application complete?

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

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

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

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

OK • Type of transfer application Reg (Page 1)

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

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

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

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

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	83500 (Page 1)
OK	• Type of change(s) proposed clear?	POD (Page 1)
OK	• Current Water Right information is complete?	(Page 2)
OK	• If for a change in POU or USE..... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO But not Ding POU/USE If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map. entire WJR affected	
OK	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
N/A	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
Return back to Page 2 of transfer application		
OK	• The type of changes being proposed.	POD (Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity.	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	(Page 1)
OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 2)
OK	• Is there a box checked in #6?	(Page 2)
OK	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
Return back to Page 3 of transfer application		
None	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>Applicant</i> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (clearly shown, labeled & matches application listing) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (clearly shown, labeled & matches application “proposed” listing) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
OK	• Land Use form, if applicable. Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
N/A	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
N/A	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

OK	• Signature(s) of applicant(s): Are one of the boxes checked? <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>10-22-07</u>	

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

THIS CERTIFICATE ISSUED TO

DAVID A. AND MARY A. BUGNI
30265 SE KOWALL RD
ESTACADA, OR 97023

confirms the right to use the waters of SUTER CREEK, a tributary of the NORTH FORK EAGLE CREEK, for FISH REARING.

This right was perfected under Permit 51200. The date of priority is JANUARY 30, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
3 S	5 E	WM	18	SW SW	4	290 FEET NORTH AND 150 FEET WEST FROM THE SE CORNER OF THE SW SW, SECTION 18

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish and Wildlife specifications.

The water user shall install and maintain boulder placement as required by Oregon Department of Fish and Wildlife to dissipate energy from the discharge of hatchery waste water to Sutter Creek to prevent bank erosion.

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

Twp	Rng	Mer	Sec	Q-Q	GLot
3 S	5 E	WM	18	SW SW	4

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

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

WITNESS the signature of the Water Resources Director, affixed AUG 24 2007.


Phillip C. Ward, Director
Water Resources Department

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OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10474

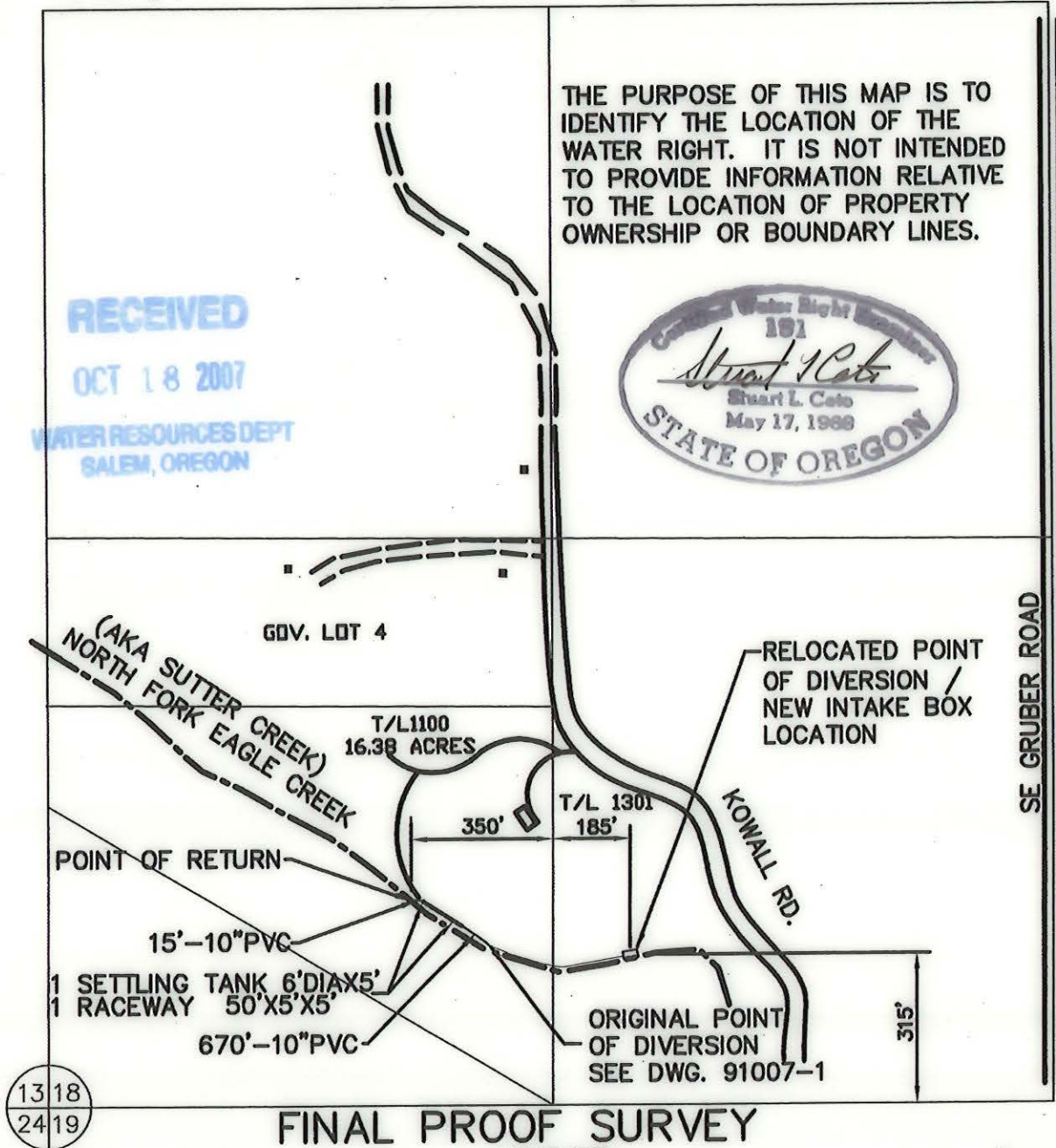
T. 3S., R. 5E., S.W. 1/4 SEC. 18 W.M.

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WATER RESOURCES DEPT
SALEM, OREGON

THE PURPOSE OF THIS MAP IS TO
IDENTIFY THE LOCATION OF THE
WATER RIGHT. IT IS NOT INTENDED
TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY
OWNERSHIP OR BOUNDARY LINES.



FINAL PROOF SURVEY

UNDER

APPLICATION NO. 71156 PERMIT NO. 51200

CERTIFICATE NO. 83500

IN NAME OF

DAVID A. AND MARY A. BUGNI

REVISION OF FINAL PROOF OF SURVEY OF 08/08/94 DWG NO. 97001.1.

SCALE: 1"=400'



**Sica CONSULTING
CIVIL ENGINEERS**
8555 SW Katherine Lane,
Portland, Oregon 97225
tel 503.292.0383; fax 503.292.0383

SURVEYED

BY

CWRE-151

DRAWN BY: CCV

JOB NO.: 91007.01

DATE: 9/26/07

91007-2

DRAWING NO.

1 10474

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

October 16, 2007

Ms. Dorothy Pedersen
Oregon water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Re: Application for Water Right Transfer

Dear Dorothy,

Please find enclosed my form and check in the amount of \$400.00 for the Application for Water Right Transfer as we have discussed over the past several months. To expedite matters, I believe we were going to place this under the same reimbursement authority as we did to finalize our certificate 83500 (please refer to attached letter dated may 16, 2007).

Please do not hesitate to contact me if you have any questions or need any further information.

Thank you.



David Bugni
503-630-3506

T 10474

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OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

May 16, 2007

OWRD – Reimbursement Authority Program
725 Summer St. NE
Suite A
Salem, OR 97301-1266

Re: Reimbursement Authority Estimate Application

To Whom It May Concern:

Please find enclosed the form and payment to expedite a Certificate Request. Upon completion of this, we will then submit a Water Right Transfer Application that is to also be expedited. This is part of our overall plan to combine a current aquaculture use into a combined micro-hydropower and aquaculture use. We have been working with Dorothy Pedersen, Craig Kohanek, and Jerry Sauter on this overall process.

Thank you.

Sincerely,

David Bugni
30265 SE Kowall Rd.
Estacada, OR 97023

503-630-3506

FYI,
PREVIOUS LETTER
SENT 5/14/07

RECEIVED

OCT 18 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10474

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

INVOICE # _____

RECEIPT # **90243**

RECEIVED FROM:

David Bugni & Mary A Bugni

BY: _____

APPLICATION

PERMIT

TRANSFER

T-10474

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

☒ 3646

☐

TOTAL REC'D \$400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	<u>PLA 46111</u>	\$
	OTHER:	(IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$ <u>400.00</u>		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **90243**

DATED: 10/18/07

BY: [Signature]

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



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

Superseded by
Page 1 received 4/5/08

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one	
☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

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OCT 18 2007

WATER RESOURCES DEPT
SALEM, OREGON

2. APPLICANT INFORMATION

Name: DAVID BUGNI
First Last
Address: 30265 SE KOWALL RD.
ESTACADA OR 97023
City State Zip
Phone: 503 630 4427 503 630 3506 —
Home Work Other
Fax: 503 630 3507 E-Mail address: dbugni@cascadeaccess.com

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____
SAME AS ABOVE
City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

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



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

Please check one

☒ Permanent Transfer ☐ Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	☐ Instream Transfer ☐ Permanent ☐ Time-Limited ☐ Drought Transfer ☐ Other
---	--

**SIGN
HERE**

RECEIVED

OCT 18 2007

2. APPLICANT INFORMATION

Name: DAVID BUGNI Mary A Bugni
 First Last
 Address: 30265 SE KOWALL RD.
 LESTACADA OR 97023
 City State Zip
 Phone: 503 630 4427 503 630 3506
 Home Work Other
 Fax: 503 630 3507 E-Mail address: abugni@cascadeaccess.com

**WATER RESOURCES DEPT
SALEM, OREGON**

3. AGENT INFORMATION

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

Name: _____
 First Last
 Address: _____
 SAME AS ABOVE
 City State Zip
 Phone: _____
 Home Work Other
 Fax: _____ E-Mail address: _____

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FEB 05 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	71156	51200	83500
2.			
3.			
4.			
5.			
6.			

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

5. WATER DELIVERY SYSTEM

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

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

A SCREENED INTAKE BOX THROUGH WHICH
1 CFS OF WATER FLOWS THROUGH A
6" DIAMETER PIPE ABOUT 215' IN LENGTH INTO
A FISH RACEWAY

- System capacity: 1 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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T 10474 OCT 18 2007

6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

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

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

8. LOCAL GOVERNMENTS

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

CLACKAMAS COUNTY
9101 SE SUNNYBROOK BLVD.
CLACKAMAS, OR 97015

1 10474

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OCT 18 2007

9. LAND OWNERSHIP

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

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

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

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

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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

10. Other Remarks (optional)

1 10474

11. ATTACHMENTS

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

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

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

Supplemental Form B –

Evidence of Use Affidavit(s)

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

Map

- ☒ Water Right Transfer
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ Temporary Transfer or Historical POD Change

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

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

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

Land Use Information For Proposed Changes:

For Instream Transfers:

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

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ❶ In EFU zone or irrigation district,
 - ❷ Change in place of use only,
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ❹ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 400⁰⁰
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

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

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FEB 05 2008

WATER RESOURCES DEPT
SALEM, OREGON**12. SIGNATURES**

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

- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
 - (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
 - (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (*attached*) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.
- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	DAVID BUGNI name and title if applicable (print)	9/5/07 date
 applicant signature	MARY A. BUGNI name and title if applicable (print)	2-4-08 date

I 10474

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OCT 18 2007

FS

Last revised: 7/27/2007

Transfer Application/6

WATER RESOURCES DEPT

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

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

Superseded by
Page 6 received
2/5/08

12. SIGNATURES

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

☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

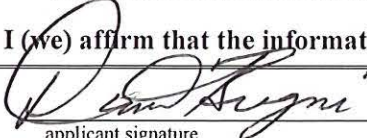
☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized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

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

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

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

 applicant signature	DAVID BUGNI name and title if applicable (print)	9/5/07 date
 applicant signature	 name and title if applicable (print)	 date

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Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 83500

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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

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SALEM, OREGON**

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2. CURRENT WATER RIGHT INFORMATION

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

☒ Certificated Right	<u>83500</u> Certificate Number	<u>51200</u> Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: DAVID A. & MARY A. BUGNI
- County: CLACKAMAS
- Authorized Use(s) to be Affected by Transfer: AQUACULTURE
- Priority Date(s): 1/30/1991

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

- Source(s) of Water to be Affected by Transfer: SUTER CREEK

Tributary to: NORTH FORK OF EAGLE CREEK

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

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

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

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

If "Yes", what are the Permit, Registration or Certificate Numbers? B3515

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

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■ Certificate Number or other identifying number: 83500

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
—	1/30/1991	3S	5E	WM	18	SW SW	4	290' N & 150' W FROM SE CORNER OF THE SW, SW SEC. 18

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

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

A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

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

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

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

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

▪ Certificate Number or other identifying number: B3500

Will the ENTIRE water right be affected by this transfer? ☒ Yes ☐ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

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

Attach additional pages as necessary.

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

Location of Existing Authorized Place of Use to be Affected:

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

[illegible]

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▪ Certificate Number or other identifying number: 83500

3. PROPOSED CHANGES TO THE WATER RIGHT

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

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
SUTER CREEK	3S	5E	WM	18	SE SW	4	315' N & 185' E FROM SE CORNER OF THE SW, SW SECTION 18

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

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

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

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

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

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

83500

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer
(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

[illegible]

Remarks:

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SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6200
Fax (503) 947-6202
TTY (503) 947-6339
www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2007

License Number: **4855**

Issuance Date: January 1, 2007

Expiration Date: December 31, 2007

Issued to: **Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023**

Operator/Agent: **David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023**

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

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**WATER RESOURCES DEPT
SALEM, OREGON**

*COPIES OF OUR FISH
PROPAGATION LICENSE
FOR PAST 6 YEARS
(CAN NOT SEEM TO
LOCATE THE 2004
LICENSE, THOUGH)*

1 10474

51000-801000-06



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

(503) 947-6200

Fax (503) 947-6202

TTY (503) 947-6339

www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2005

License Number: **4855**

Issuance Date: January 1, 2005

Expiration Date: December 31, 2005

Issued to: **Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023**

Operator/Agent: **David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023**

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

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**WATER RESOURCES DEPT
SALEM, OREGON**

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51000-801000-06



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6200
Fax (503) 947-6202
TTY (503) 947-6339
www.dfw.state.or.us



FISH PROPAGATION LICENSE

Calendar Year 2004

License Number: 4855

Issuance Date: January 1, 2004

Expiration Date: December 31, 2004

Issued to: Eagle Creek Trout Ranch
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking

Species:

Rainbow Trout

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**WATER RESOURCES DEPT
SALEM, OREGON**

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51000-801000-06



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division
2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 872-5252
FAX (503) 872-5632
TTY (503) 872-5259

Internet WWW: <http://www.dfw.state.or.us/>

FISH PROPAGATION LICENSE

Calendar Year 2003



License Number: 4855

Issuance Date: January 1, 2003
Expiration Date: December 31, 2003

Issued to: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Operator/Agent: David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking Activities

Species:

Rainbow Trout

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SALEM, OREGON**

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FISH PROPAGATION LICENSE

Calendar Year 2002

License Number: **4855**

Issuance Date: January 1, 2002
Expiration Date: December 31, 2002

Issued to: **David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023**

Operator/Agent: **David and Mary Bugni
30265 SE Kowall Road
Estacada, Oregon 97023**

Telephone Number: (503) 630-4427

Licensed Propagation Activity:

Fish Rearing and Delivery for Sale and Stocking Activities

Species:

Rainbow Trout

John A. Kitzhaber
Governor



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**WATER RESOURCES DEPT
SALEM, OREGON**

2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 872-5252
FAX (503) 872-5632
TDD (503) 872-5259
Internet WWW:<http://www.dfw.state.or.us/>

1 10474

Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
 County of Clackamas) ss

I, DAVID BUGNI, in my capacity as OWNER,
 mailing address 30265 SE KOWALL RD., ESTACADA, OR
 telephone number (503) 630-3506, being first duly sworn depose and say: 97023

1. I attest that:

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

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

☒ Personal observation ☐ Professional expertise

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

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
3	S	5	E	WM	18	SW SW	4	✓

(continues on reverse side)

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

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

AQUACULTURE OPERATION (WE RAISE
RAINBOW TROUT)

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SALEM, OREGON

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

A NONCONSUMPTIVE DIVERSION OF 1 CFS
THROUGH A SCREENED INTAKE BOX AND
THEN THROUGH A 6" DIAMETER PIPE
ABOUT 215' IN LENGTH INTO A FISH RACEWAY

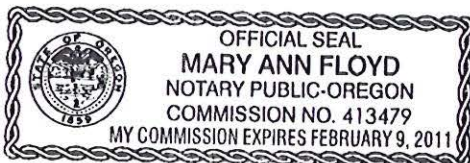
6. One or more of the following documentation supporting the above statements is attached:

- ☒ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: FISH PROPAGATION LICENSES FOR
2002, 2003, 2004, 2005 & 2006.

Don Bergin
Signature of Affiant

10/16/07
Date

Signed and sworn to (or affirmed) before me this 16 day of October, 2007.



Mary Ann Floyd
Notary Public for Oregon

My Commission Expires: 2/9/2011

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



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: DAVID & MARY ANN BUGNI
Address: 30265 SE KOWALL RD.
City: ESTACADA State: OR Zip: 97023 Day Phone: 503 630 3506

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
1301	AG/F	☒ Diverted ☒ Conveyed ☐ Used	ELECTRIC POWER
1100	AG/F	☐ Diverted ☒ Conveyed ☒ Used	ELECTRIC POWER
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. CLACKAMAS COUNTY

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☒ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____

☒ Other NON-CONSUMPTIVE DIVERSION

Briefly describe: MODIFY EXISTING WATER RIGHT FROM AQUACULTURE USE TO AQUACULTURE/HYDROELECTRIC USE.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water SUTER CREEK

Indicate the estimated quantity of water the use will require: 3 ^(source) CFS ☐ GPM ☐ Acre-Feet

(TOTAL), WITH 2.75 CFS OF THE 3 CFS FOR HYDROPOWER PRODUCTION.

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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WATER RESOURCES DEPT
SALEM, OREGON

1 10474

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 407.04(8)(5). Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: GARY HEWITT Date: 12-6-06
 Title: SR. PLANNER Phone: 503-353-4519
 Signature: [Signature]

C. Additional Comments

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

THE GENERATION FACILITY SHALL NOT BE GREATER THAN
5 KW UNIT.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

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

1 10474

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OCT 18 2007

WATER RESOURCES DEPT
SALEM, OREGON

First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

222 SW Columbia St, Suite 400 * Portland, OR 97201-5515

Phone: (503) 219-8746 * Fax: (503) 790-7872

MARY BUGNI

30265 SE KOWALL RD

ESTACADA, OR 97023

NOTE

*We appreciate this opportunity to be of service to you. If
you have any questions regarding this report, please call:
Anthony Falkner*

Phone No: 503-219-8746

Fax No: 503-790-7872

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JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds, indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:

Customer Service Department

222 SW Columbia St, Suite 400 - Portland, Oregon 97201

Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner : Bugni David A & Mary A

Ref Parcel Number : 35E18 01100

CoOwner :

T: 03S R: 05E S: 18 Q:

Site Address : 30265 SE Kowall Rd Estacada 97023

Parcel Number : 00960883

Mail Address : 30265 SE Kowall Rd Estacada Or 97023

Telephone : Owner:

Tenant:

County : Clackamas (OR)

SALES AND LOAN INFORMATION

Transferred : 05/01/1991

Loan Amount :

Document # : 91-22018

Lender :

Sale Price : \$40,000

Loan Type :

Deed Type : Warranty

Interest Rate :

% Owned :

Vesting Type :

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**WATER RESOURCES DEPT
SALEM, OREGON**

PROPERTY DESCRIPTION

Map Page & Grid :

Census : Tract: 243.02 Block: 2

Improvement Type : 151 Sgl Family, R1-5, 1-story

Subdivision/Plat :

Neighborhood Cd :

Land Use : 661 For, Reforest Land, Improved

Legal : SECTION 18 TOWNSHIP 3S RANGE 5E TAX

: LOT 01100

:

ASSESSMENT AND TAX INFORMATION

MktLand : \$335,617

MktStructure : \$384,070

MktTotal : \$719,687

M50 Assd Total : \$266,848

% Improved : 53

07-08 Taxes : \$3,464.47

Exempt Amount :

Exempt Type :

Levy Code : 108028

Millage Rate : 12.7810

PROPERTY CHARACTERISTICS

Bedrooms : 3

Building SF : 2,797

Stories : 1

Bathrooms : 2.50

1st Floor SF : 1,933

Garage SF :

Fireplace : Single Fireplce

Above Ground SF : 1,933

Lot Acres : 16.16

Heat Type : Forced Air-oil

Upper Finished SF :

Lot SF : 703,930

Interior Material: Drywall

Unfin Upper Story :

Year Built : 1992

Exterior Finish : Tongue/groove

Upper Total SF :

Year Appraised :

Floor Cover : Carpet

Finished SF : 2,797

Appraisal Area :

Roof Type : Composition

Basement Fin SF : 864

School District : 108

Roof Shape : Gable

Basement Unfin SF :

Utility District :

Foundation : Concrete

Basement Total SF : 864

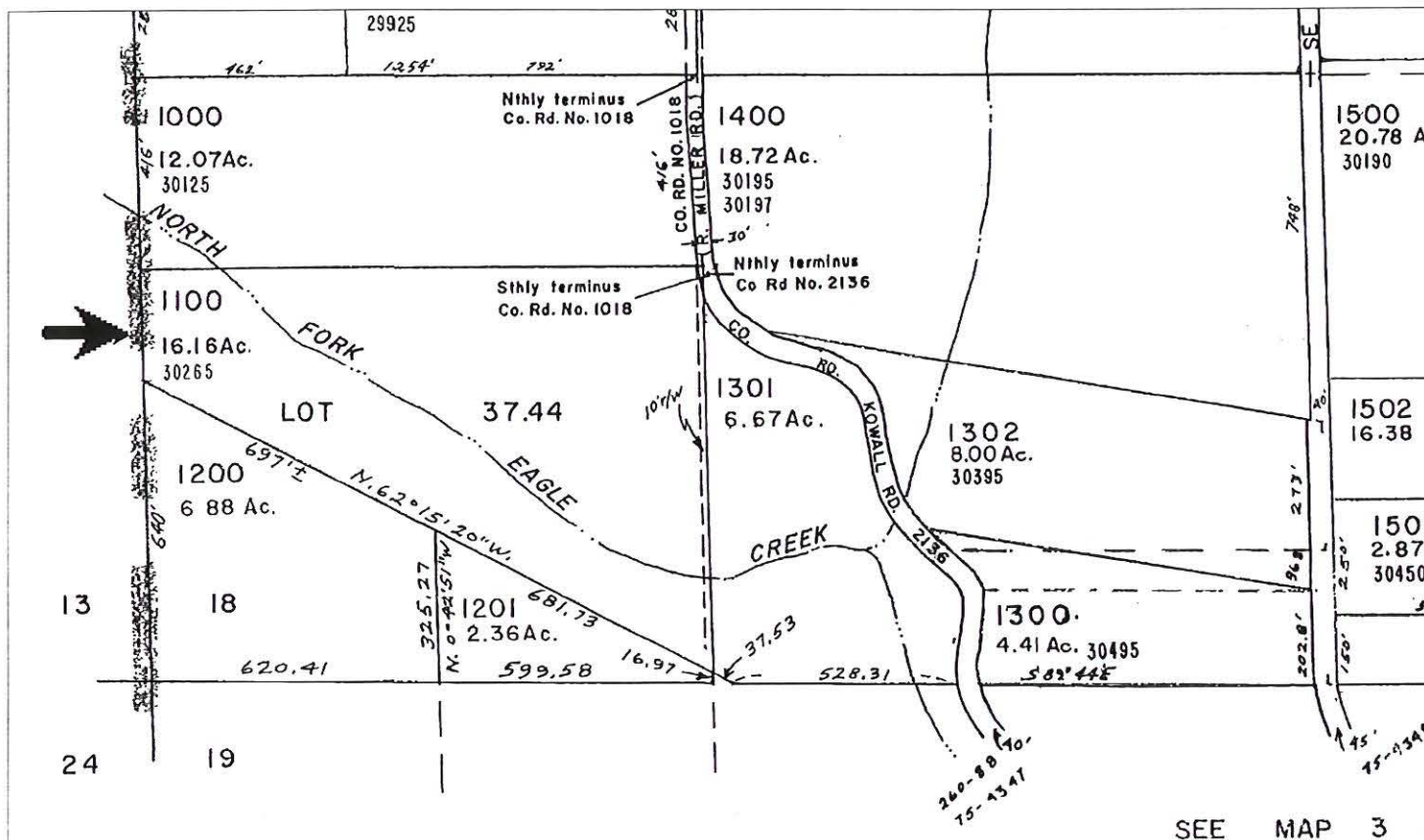


First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 35E18 01100



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**WATER RESOURCES DEPT
SALEM, OREGON**

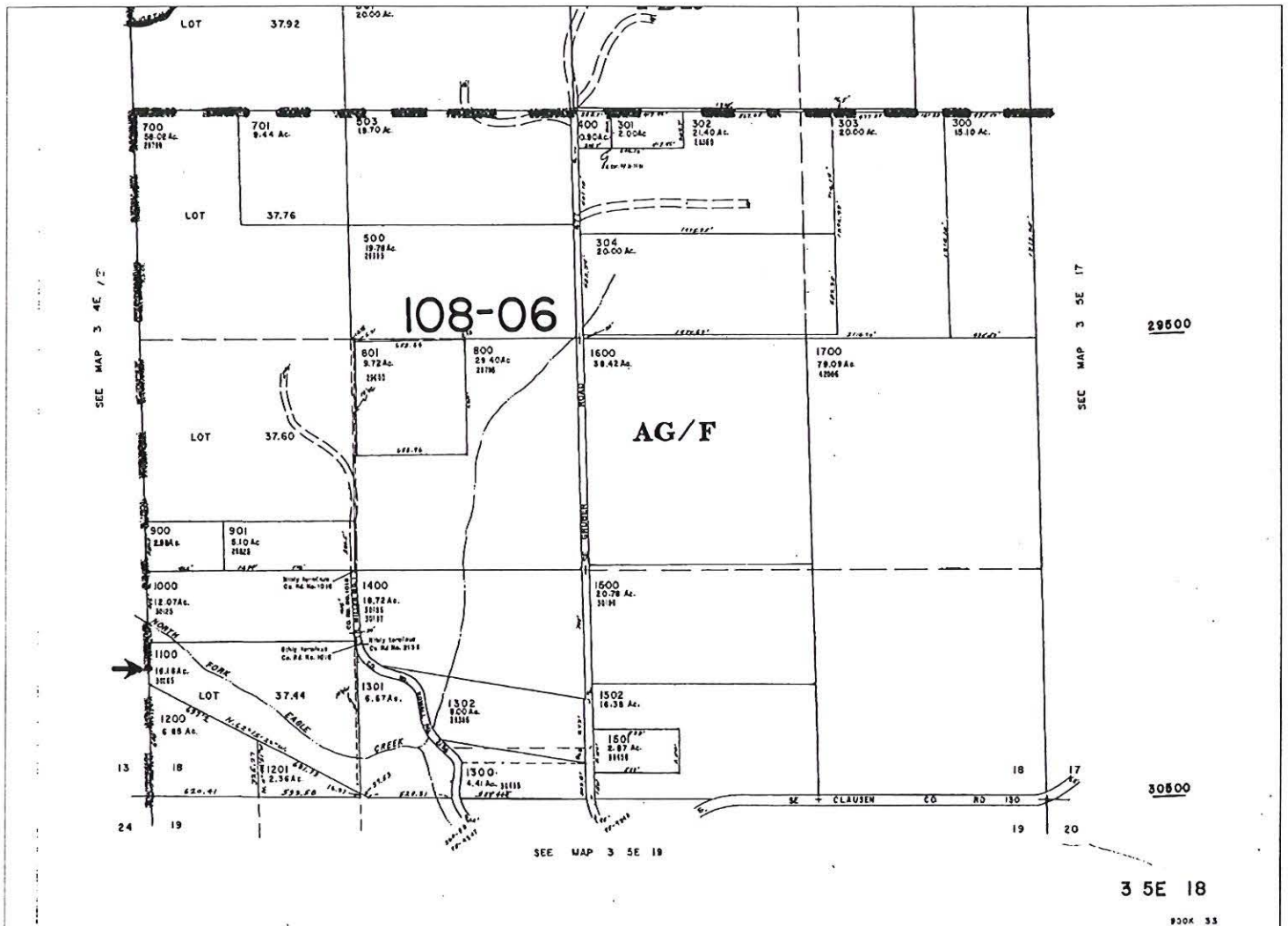


First American Title Insurance Company of Oregon

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First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 35E18 01100



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**WATER RESOURCES DEPT
SALEM, OREGON**

30-30



STEWART TITLE
AFTER RECORDING RETURN TO:

DAVID A. BUGNI
MARY A. BUGNI
5704 MCNARY RD.
MILWAUKIE, OR 97222

UNTIL FURTHER NOTICE, ALL FUTURE
TAX STATEMENTS SHALL BE SENT TO:
DAVID A. BUGNI
MARY A. BUGNI
5704 MCNARY RD.
MILWAUKIE, OR 97222
TAX ACCOUNT NO.: R15E 10 01100

Stewart Title
90035718-C
NA

STATUTORY WARRANTY DEED

ROBERT A. UDING, Grantor, conveys and warrants to DAVID A. BUGNI AND MARY A. BUGNI, HUSBAND AND WIFE, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CLACKAMAS County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The said property is free from encumbrances EXCEPT:
Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.

Easement, including the terms and provisions thereof, for private road purposes, granted to Robert Miller. Recorded March 26, 1909 in Book 105 and page 586. Affecting a 10 foot and a 20 foot strip lying within the Easterly portion of the herein described property.

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.

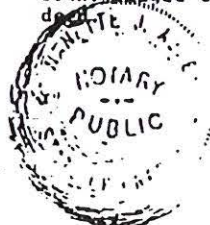
The true consideration for this conveyance is \$40,000.00.

Dated this 10 day of May, 1991.

Robert A. Uding
ROBERT A. UDING

STATE OF OREGON
COUNTY OF MULTNOMAH

Personally appeared the above named ROBERT A. UDING and acknowledged the foregoing instruments to be HIS voluntary act and deed.



Manuela J. O'Neary
Notary Public for
STATE OF OREGON
My commission expires 11/29/91

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JAN 30 2008
WATER RESOURCES DEPT
SALEM, OREGON

Order No. 90035118-C

EXHIBIT "A"

The Southwest one-quarter of the Southwest one-quarter of Section 18, Township 3 South, Range 5 East, of the Willamette Meridian, EXCEPTING THEREFROM a strip of land along the East side conveyed to Robert Miller by Deed recorded March 26, 1909, in Deed Book 105, page 586, Deed Records, for road purposes. ALSO EXCEPTING THEREFROM a tract described as follows: Beginning at the Southwest corner of Section 18, Township 3 South, Range 5 East, of the Willamette Meridian; thence North 640 feet along the West line of Section 18, Township 3 South, Range 5 East, of the Willamette Meridian; thence Southeasterly in a straight line to the Southeast corner of the Southwest one-quarter of the Southwest one-quarter, Section 18, Township 3 South, Range 5 East, of the Willamette Meridian; thence West along the South line of Section 18, Township 3 South, Range 5 East, of the Willamette Meridian to the point of beginning. ALSO EXCEPTING THEREFROM a tract of land 416 feet wide across the North side, conveyed to Laverance Fred Blaisdell by Deed recorded in Deed Book 600, page 688, Deed Records.

SEE MAP 3 4E

STATE OF OREGON
County of Clatsop
I, John F. Kaufman, County Clerk for the County of Clatsop, do hereby certify that the foregoing plat or map was received for recording in the records of said County at

91 MAY 14 AM 10:04



Witness my hand and seal of said County at Tillamook, Oregon, this 14th day of May, 1991.
John F. Kaufman
County Clerk

91 22018

2

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JAN 30 2008

WATER RESOURCES DEPT
SALEM, OREGON



First American

First American Title Insurance Company of Oregon
1500 NE Division
Gresham, OR 97030
Phn - (503)667-1333
Fax - (866)734-1402

FAX TRANSMITTAL

DATE: 01/17/2008 02:58:50 PM

FILE NO.: gresham

TO: Mary A Bugni

FAX: 1(503)630-3507

Attn:

FROM: Michele Royce-Kiltz

Special Instructions/Comments: Copy of Document# 2006-70333

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JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Thank You For Your Business! We Know You Have A Choice.

IMPORTANT NOTICE:

Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on THERMAL fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**

*LPM*DPH*AMT*07/26/2006 02:34:44 PMP*WALU03YHAMU00000000000000003544839*ORCLACK*0016372232 ORSTATE TRUST SUB *DP*DPH*AMT*

First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

222 SW Columbia St., Suite 400 * Portland, OR 97201

Phone: (503) 219-8746 * Fax: (503) 790-7872

Mary Bugni

Fax: 503-630-3507

Order No:

Date: 1/23/2008

Delivery Type: Fax

NOTE

As far as I can see there are no liens recorded.

THANKS AND HAVE A GREAT DAY!!! ☺

We appreciate this opportunity to be of service to you. If you have any questions regarding this report, please call:

Charmaine Learnard

Phone No: (503) 219-8746

Fax No: (503) 790-7840

clearnard@firstam.com

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds, indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

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**WATER RESOURCES DEPT
SALEM, OREGON**



First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:

Customer Service Department

222 SW Columbia St, Suite 400 - Portland, Oregon 97201

Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner : Bugni David & Mary A

Ref Parcel Number : 35E18 01301

CoOwner :

T: 03S R: 05E S: 18 Q:

Site Address : *no Site Address*

Parcel Number : 00960927

Mail Address : 30265 SE Kowall Rd Estacada Or 97023

Telephone : Owner:

Tenant:

County : Clackamas (OR)

SALES AND LOAN INFORMATION

Transferred : 03/09/1998

Loan Amount :

Document # : 0098-18063

Lender :

Sale Price : \$90,000

Loan Type :

Deed Type : Warranty

Interest Rate :

% Owned : 100

Vesting Type : Married Persons

PROPERTY DESCRIPTION

Map Page & Grid :

Census : Tract: Block:

Improvement Type : 000 *unknown Improvement Code*

Subdivision/Plat :

Neighborhood Cd :

Land Use : 660 Vacant, Reforest Land

Legal : SECTION 18 TOWNSHIP 3S RANGE 5E TAX

: LOT 01301

:

ASSESSMENT AND TAX INFORMATION

MktLand : \$194,270

MktStructure :

MktTotal : \$194,270

M50 Assd Total : \$526

% Improved :

07-08 Taxes : \$23.46

Exempt Amount :

Exempt Type :

Levy Code : 108028

Millage Rate : 12.7810

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PROPERTY CHARACTERISTICS

**WATER RESOURCES DEPT
SALEM, OREGON**

Bedrooms :

Building SF :

Stories :

Bathrooms :

1st Floor SF :

Garage SF :

Fireplace :

Above Ground SF :

Lot Acres : 6.67

Heat Type :

Upper Finished SF :

Lot SF : 290,545

Interior Material:

Unfin Upper Story :

Year Built :

Exterior Finish :

Upper Total SF :

Year Appraised :

Floor Cover :

Finished SF :

Appraisal Area :

Roof Type :

Basement Fin SF :

School District : 108

Roof Shape :

Basement Unfin SF :

Utility District :

Foundation :

Basement Total SF :

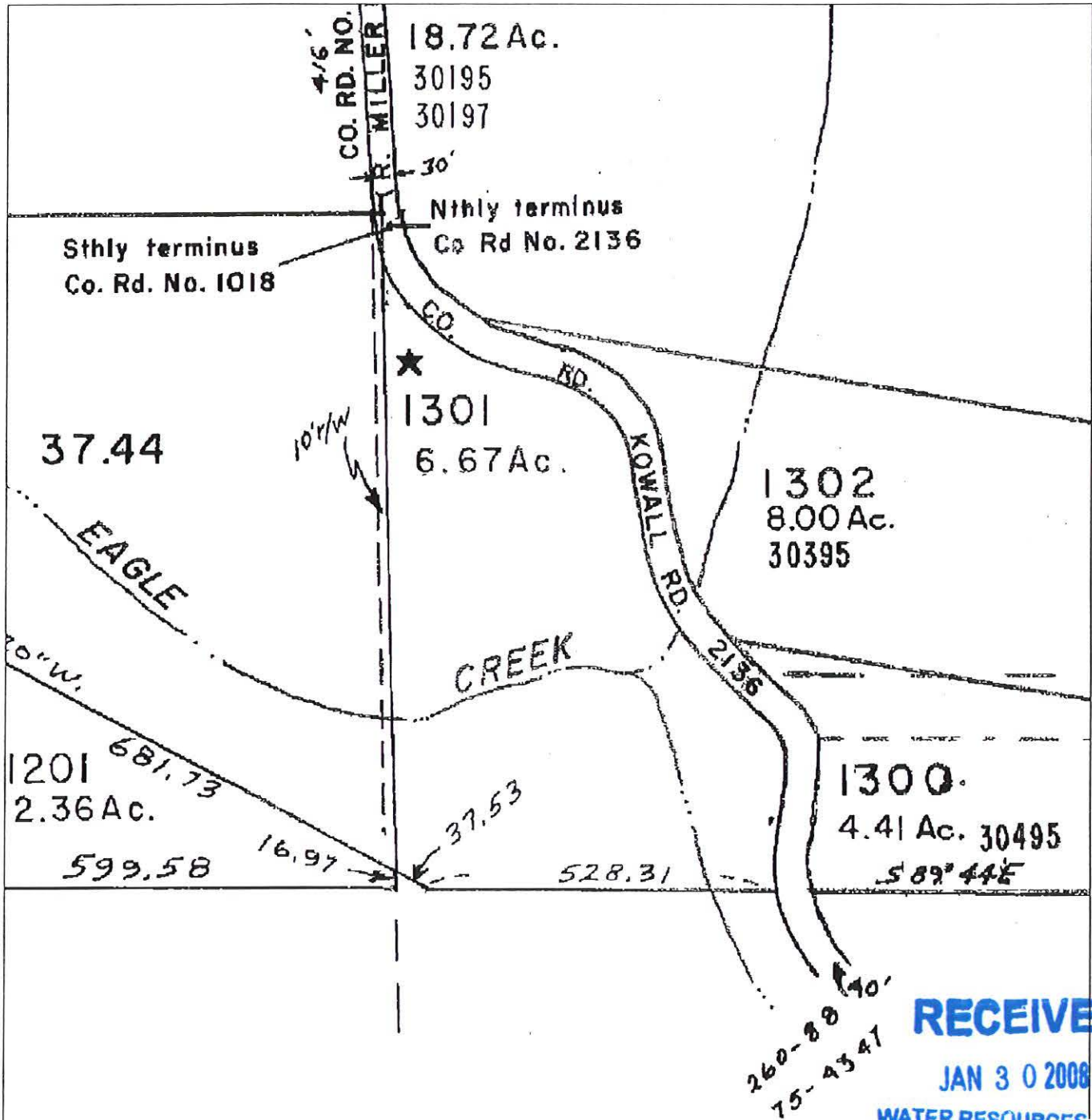


First American Title Insurance Company of Oregon

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Reference Parcel Number 35E18 01301



An assumed business name of TITLE INSURANCE COMPANY OF OREGON

First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

WATER RESOURCES DEPT
SALEM, OREGON

10
10
207
AFTER RECORDING RETURN TO:
DAVID BUGNI
MARY ANN BUGNI

30265 SE Kowall Road

Estacada, OR 97023

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

Same as Above

Escrow No: 4500-35010-BR
Order No: 181306

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

ALVIN E. RAISL

RECEIVED

JAN 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

CHICAGO TITLE INSURANCE COMPANY C181306

A.
Grantor, conveys and warrants to DAVID BUGNI and MARY ANN BUGNI, husband and wife

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

That portion of the Southeast quarter of the Southwest quarter of Section 18, Township 3 South, Range 5 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, lying Southerly and Westerly of the center line of the 40 foot County Road conveyed to Clackamas County by Deed Recorded July 24, 1939 in Book 260, Page 88, Deed Records.

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.

ENCUMBRANCES:

The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied.
(Continued)

The true consideration for this conveyance is \$90,000.00

Dated 3-4-98; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

ALVIN E. RAISL

98-018063

STATE OF OREGON, County of Clackamas) ss.

This instrument was acknowledged before me on March 4, 19 98

by ALVIN E. RAISL

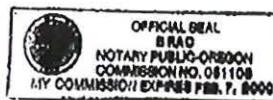
This instrument was acknowledged before me on , 19

by as

of

Notary Public for Oregon 2-7-00

My commission expires:



Encumbrances, continued

The rights of the public in and to that portion of the premises herein described lying within the limits of roadways.

Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of North Fork of Eagle Creek and an unnamed creek.

An easement created by instrument, including terms and provisions thereof,

Recorded:	January 3, 1905
Book:	91
Page:	351
For:	Private road
Affects:	A 20 foot strip in the Northerly area

An easement created by instrument, including terms and provisions thereof,

Dated:	August 20, 1965
Recorded:	September 30, 1965
Book:	663
Page:	645
In Favor Of:	Portland General Electric Company
For:	Electric distribution lines
Affects:	A 10 foot strip along and near the Easterly lot line

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JAN 30 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON 98-018063
CLACKANAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 89948 648.00
DATE AND TIME: 03/09/98 09:11 AM
JOHN KAUFFMAN, COUNTY CLERK

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 12, 2007 11:12 AM
To: 'Darryl Anderson'
Subject: Templates for T-10474 project

Attachments: 10474-PD-notice-template.doc; 10474-DPD Cover-deney-template.doc; 10474-dpd-template.doc; 10474-PD-cov-template.doc; 10474-DPD Cover Approval-template.doc; Contact List.dot; Supplemental Language.dot; DeficLet.dot



10474-PD-notice-template.doc (...)



10474-DPD Cover-deney-template.doc



10474-dpd-template.doc (97 KB)...



10474-PD-cov-template.doc (34 ...)



10474-DPD Cover Approval-template...



Contact List.dot (26 KB)



Supplemental Language.dot (169..)



DeficLet.dot (27 KB)

Good morning Darryl,

Attached are templates and the watermaster review for T-10474, David Bugni. I am assuming that you have a work order for the project. If you do not have one, please let me know right away and I'll check on it.

This honestly should be quite a simple change. The applicant has gotten a hydro electric certificate that uses the proposed POD, and he wishes to move the POD for this right upstream so that he can use the same POD for both rights. I hope your review goes smoothly.

By default, we expect the DPD within a week after you receive all the required tools, materials and the work order, so if you do have a work order that would put the DPD, DPD cover letter and contact list due by December 20th. Is that doable?

Thanks,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrd.state.or.us
503-986-0890

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Wednesday, December 12, 2007 11:33 AM
To: 'Darryl Anderson'
Subject: Watermaster review for T-10474

Attachments: 10474-wm-rev.pdf



10474-wm-rev.pdf
(55 KB)

Darryl,

Here is the T-10474 watermaster review that I forgot to attach to the previous email.

Have a good day,
Dorothy

Dorothy I. Pedersen
Field Services Division
Oregon Water Resources Department
Dorothy.I.PEDERSEN@wrdd.state.or.us
503-986-0890

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

Application Number T-10474

Name of Applicant: David Bugni

Proposed Timeline

10/30/07	Public Notice (start of 30-day comment period).
12/13/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
1/18/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

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

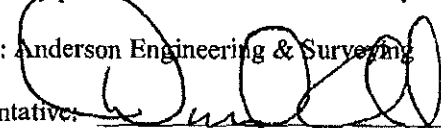
Estimate

	Item	Time
1	Review of application for completeness.	1
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	1
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2
Total Estimated Time:		6

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

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

Name of Consultant: Anderson Engineering & Surveying

Authorized Representative: 

Date: 11/20/07

Shipping Checklist for Reimbursement Authority File

File T- 10474 Applicant: David Bugni

Agent/Contact: David Bugni

Ship to Contractor: Anderson Engineering

Items included:

- ☒ Copy of front of file folder
- ☐ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map *drawings 91002 + 91007-2*
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers)
- ☐ ODFW review (if change in POD) *> will send later*
- ☒ GW review (if Δ POA, or POD-to-POA change)
- ☒ Transfer review checklist
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 10/30/07

Number of sheets copied 15

File contents copied by Lisa Paschke Date 10/24/07

Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number T-10474

Name of Applicant: David Bugni

Proposed Timeline

10/30/07	Public Notice (start of 30-day comment period).
12/13/07	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
1/18/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

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

Estimate

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

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

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

Name of Consultant: Anderson Engineering & Surveying

Authorized Representative: _____

Date: _____

Application

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

Water right subject to transfer

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

Application Map

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

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

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

Ownership

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

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ application complete | ☐ map | ☐ FPS | ☐ evidence of use | ☐ land-use form |
| ☐ deed/ROLI | ☐ certificate | ☐ fees paid | ☐ well logs | ☐ plat card |
| ☐ audit | ☐ dpd | | | |

Reviews/comments/conditions received?

☐ Watermaster☐ ODFW☐ GW

Headgate

☐ When in the judgment☐ Prior to diverting☐ Existing and maintain

Measuring Devices

☐ When in the judgment☐ Prior to diverting☐ Existing and maintain

Fish Screen Devices

☐

Injury: Y N

Enlargement: Y N

Conditions to avoid enlargement/injury –

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

Transfer # T-10474

Applicant: David Bugni

The following items have been submitted electronically*:

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

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

The following items are enclosed:

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

☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

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

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

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

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☐	Transfer Application	71156 App + T
☒	Certificate Request	51200 permit
☐	Extension of Time Request	

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	DAVID BUGNI	SAME
Address:	30265 SE KDWALL RD.	
	ESTACADA, OR 97023	
Phone:	503-630-3506	
Fax	503-630-3507	
E-Mail Address:	dbugni@cascoadeaccess.com	

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

OWRD - Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1266.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: David Bugni Name: DAVID BUGNI

OWRD USE ONLY

Contractor Assigned:	Anderson	Total Amount Paid: \$	125.00
OWRD Approval:			

RECEIVED

MAY 18 2007

Revised: 6/21/2004

WATER RESOURCES DEF
SALEM, OREGON

11 Copies
JLS
5-23-07