

Application for Permanent Water Right Transfer



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

Part 1 of 4 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Completed Applicant Information and Signature.
- Part 4 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 86087 (Attachment A)**
Please include a separate Part 4 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.
- Application Fee** - payable by check to the Oregon Water Resources Department, the online fee calculator is located: **Fee enclosed in the amount of \$2,040**
https://apps.wrd.state.or.us/apps/wr/wr_transfer_calculator/permanent_transfer.aspx
Attachments:
 - Completed Transfer Application Map. **(Attachment B)**
 - Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
 - N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
 - N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
 - N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment D)**
 - N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
 - N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation _____

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

Part 2 of 4 – Transfer Application Map

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

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

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

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Canby Utility attn: Kari Duncan		PHONE NO. 503-266-1156	ADDITIONAL CONTACT NO.
ADDRESS PO Box 1070			FAX NO.
CITY Canby	STATE OR	ZIP 97013	E-MAIL kduncan@canbyutility.org
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Kimberly Grigsby, GSI Water Solutions, Inc.		PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd, Ste 240			FAX NO. Received
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL kgrigsby@gsiws.com APR 30 2026
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

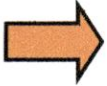
Explain in your own words what you propose to accomplish with this transfer application, and why:
Canby Utility is requesting to add a point of diversion downstream on the Willamette River to allow it to divert water under this right at its planned new intake facility. The exact intake location has not yet been determined; see the map in Attachment B for the proposed reach in which the point of diversion will be located. Due to the extent of the permitting, financing and infrastructure improvements required to complete construction and put the water to full beneficial use at the proposed point of diversion, we request that OWRD allow 30 years to complete the transfer.

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Canby Herald.
- Amendments to the application may only be made in response to the Department’s Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

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



Kari Duncan
Applicant signature

Kari Duncan, General Manager
Print Name (and Title if applicable)

4-15-26
Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No* N/A -Certificate 86087 authorizes the use of water for municipal use.

**If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

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

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

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

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

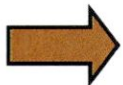


Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME N/A	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME Clackamas County Planning Department	ADDRESS 150 Beaver Creek Rd	
CITY Oregon City	STATE OR	ZIP 97045

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Description of Water Delivery System

System capacity: **10.0** cubic feet per second (cfs) **OR (under this water right)**
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Canby Utility's intake system on the Molalla River includes the Original River Intake, and the New River Intake. Canby Utility does not currently use its Original River Intake as a point of diversion to meet system demand. The New River Intake Pump Station serves both the River Infiltration Gallery (RIG) and Main River Intake (MRI), and houses two 100 horsepower (hp) pumps and one 150 hp vertical turbine pump extending into the wet well. The RIG has an intake capacity of 4,800 gpm and the MRI has a capacity of 5,500 gpm. Diverted surface water is treated at the City's water treatment plant, which has a nominal capacity of 8 million gallons per day (mgd). Water then flows through a clearwell. A booster pump station pumps water from the clearwell to the distribution system.

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

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Original River Intake	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		3	S	1	E	32	NW SE	1830 ft North and 2130 ft West from SE corner, Section 32
New River Intake	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		4	S	1	E	5	NW NE	107 ft South and 2400 ft West from NE corner, Section 5
Willamette River Intake	The proposed Point of Diversion will be located between Location A and Location B								
Location A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		3	S	1	E	22	SW SW	800 900 feet North and 225 feet East from the SW corner of Section 22
Location B	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		3	S	1	E	27	NE NW	400 850 feet South and 2055 feet East from the NW corner of Section 27

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

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

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

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

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

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

Table 2. Description of Changes to Water Right Certificate # 86087

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.															
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date							
EXAMPLE																											
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
																										POD #6	1901
TOTAL ACRES:											TOTAL ACRES:																

Additional remarks: Due to the large infrastructure and capital investment required to make the proposed change, the Applicant is requesting 30 years to complete the transfer.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No N/A-This water right is for municipal use, so "layering" does not apply.

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



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

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

N/A

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use: N/A

Identify the primary certificate to be cancelled. Certificate # _____

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

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

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation: N/A

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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Attachment A

Certificate 86087

Application for Permanent Water Right Transfer
Canby Utility

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STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF CANBY
PO BOX 1070
CANBY OR 97013

confirms the right to use the waters of MOLALLA RIVER, a tributary of the Willamette River for MUNICIPAL USE.

This right was perfected under Permit 35453. The date of priority is JULY 31, 1970, FOR 5.0 CUBIC FEET PER SECOND (CFS) AND DECEMBER 22, 1970, FOR 5.0 CFS. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 10.0 CFS, being 10.0 CFS from New River Intake and 3.12 CFS from Original River Intake in any combination, or its equivalent in case of rotation, measured at the points of diversion, if available at the Original River Intake.

The points of diversion (POD) are located as follows:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Original River Intake	3 S	1 E	WM	32	NW SE	1830 FEET NORTH & 2130 FEET WEST FROM SE CORNER, SECTION 32
New River Intake	4 S	1 E	WM	5	NW NE	107 FEET SOUTH & 2400 FEET WEST FROM NE CORNER, SECTION 5

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

Twp	Rng	Mer	Sec	Q-Q
3 S	1 E	WM	27	NW NW
3 S	1 E	WM	27	SW NW
3 S	1 E	WM	27	NE SW
3 S	1 E	WM	27	NW SW
3 S	1 E	WM	27	SW SW
3 S	1 E	WM	27	SE SW
3 S	1 E	WM	27	NE SE
3 S	1 E	WM	27	NW SE
3 S	1 E	WM	27	SW SE
3 S	1 E	WM	27	SE SE

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.

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Twp	Rng	Mer	Sec	Q-Q
3 S	1 E	WM	28	NE NE
3 S	1 E	WM	28	SE NE
3 S	1 E	WM	28	NE SW
3 S	1 E	WM	28	NW SW
3 S	1 E	WM	28	SW SW
3 S	1 E	WM	28	SE SW
3 S	1 E	WM	28	NE SE
3 S	1 E	WM	28	NW SE
3 S	1 E	WM	28	SW SE
3 S	1 E	WM	28	SE SE
3 S	1 E	WM	29	SW SE
3 S	1 E	WM	29	SE SE
3 S	1 E	WM	32	NE NE
3 S	1 E	WM	32	NW NE
3 S	1 E	WM	32	SW NE
3 S	1 E	WM	32	SE NE
3 S	1 E	WM	32	NE SE
3 S	1 E	WM	32	NW SE
3 S	1 E	WM	32	SW SE
3 S	1 E	WM	32	SE SE
3 S	1 E	WM	33	NE NE
3 S	1 E	WM	33	NW NE
3 S	1 E	WM	33	SW NE
3 S	1 E	WM	33	SE NE
3 S	1 E	WM	33	NE NW
3 S	1 E	WM	33	NW NW
3 S	1 E	WM	33	SW NW
3 S	1 E	WM	33	SE NW
3 S	1 E	WM	33	NE SW
3 S	1 E	WM	33	NW SW
3 S	1 E	WM	33	SW SW
3 S	1 E	WM	33	SE SW
3 S	1 E	WM	33	NE SE
3 S	1 E	WM	33	NW SE
3 S	1 E	WM	33	SW SE
3 S	1 E	WM	33	SE SE
3 S	1 E	WM	34	NE NE
3 S	1 E	WM	34	NW NE
3 S	1 E	WM	34	SW NE
3 S	1 E	WM	34	SE NE
3 S	1 E	WM	34	NE NW
3 S	1 E	WM	34	NW NW
3 S	1 E	WM	34	SW NW
3 S	1 E	WM	34	SE NW
3 S	1 E	WM	34	NE SW
3 S	1 E	WM	34	NW SW
3 S	1 E	WM	34	SW SW
3 S	1 E	WM	34	SE SW
3 S	1 E	WM	34	NE SE

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Twp	Rng	Mer	Sec	Q-Q
3 S	1 E	WM	34	NW SE
3 S	1 E	WM	34	SW SE
3 S	1 E	WM	34	SE SE
4 S	1 E	WM	3	NE NE
4 S	1 E	WM	3	NW NE
4 S	1 E	WM	3	SW NE
4 S	1 E	WM	3	SE NE
4 S	1 E	WM	3	NE NW
4 S	1 E	WM	3	NW NW
4 S	1 E	WM	3	SW NW
4 S	1 E	WM	3	SE NW
4 S	1 E	WM	3	NW SW
4 S	1 E	WM	4	NE NE
4 S	1 E	WM	4	NW NE
4 S	1 E	WM	4	SW NE
4 S	1 E	WM	4	SE NE
4 S	1 E	WM	4	NE NW
4 S	1 E	WM	4	NW NW
4 S	1 E	WM	4	SW NW
4 S	1 E	WM	4	SE NW
4 S	1 E	WM	4	NW SW
4 S	1 E	WM	4	NE SE
4 S	1 E	WM	4	NW SE
4 S	1 E	WM	5	NE NE
4 S	1 E	WM	5	NW NE
4 S	1 E	WM	5	SE NE

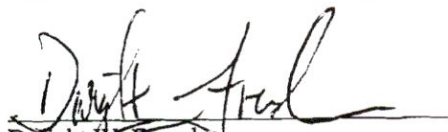
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

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

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

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

Issued MAR 12 2010


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

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Attachment B

Application Maps

Application for Permanent Water Right Transfer
Canby Utility

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Attachment C

Evidence of Use Affidavit
Application for Permanent Water Right Transfer
Canby Utility

Application for Water Right Transfer

Evidence of Use Affidavit



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

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

State of Oregon)
) ss
 County of CLACKAMAS)

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I, KARI DUNCAN, in my capacity as MANAGER OF CANBY UTILITY,
 mailing address PO BOX 1070 CANBY, OR 97013

telephone number (503)266-1156, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):
- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # 86087; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

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

(continues on reverse side)

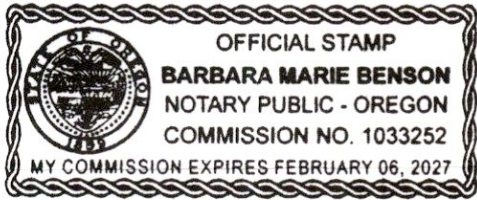
3. The water right was used for: (e.g., crops, pasture, etc.): MUNICIPAL PURPOSES

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Ka J M
Signature of Affiant

4/21/2026
Date

Signed and sworn to (or affirmed) before me this 21 day of April, 2026.



Barbara Benson
Notary Public for Oregon

My Commission Expires: 02/06/2027

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> ● Power usage records for pumps associated with irrigation use ● Fertilizer or seed bills related to irrigated crops ● Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> ● District assessment records for water delivered ● Crop reports submitted under a federal loan agreement ● Beneficial use reports from district ● IRS Farm Usage Deduction Report ● Agricultural Stabilization Plan ● CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number
<input checked="" type="checkbox"/> 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.	Certificate 86087 authorizes the use of water for municipal use in the City of Canby. See certificate in Attachment A.

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Attachment D

Land Use Information Form

Application for Permanent Water Right Transfer

Canby Utility

14855 -

Land Use Information Form



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

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NOTE TO APPLICANTS

OWRD

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the “Receipt Acknowledging Request for Land Use Information” to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD’s acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the “Receipt Acknowledging Request for Land Use Information” and return it to the applicant.

You will receive notice via OWRD’s weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD’s water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD’s Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form



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

NAME Canby Utility attn: Kari Duncan			PHONE 503-266-1156		
MAILING ADDRESS PO Box 1070					
CITY Canby	STATE OR	ZIP 97013	EMAIL kduncan@canbyutility.org		

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A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	1E	22	SWSW	700/800		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Municipal
3S	1E	27	NWNW	700/901		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Municipal
3S	1E	27	NENW	700/901/400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Municipal
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Clackamas County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 10.0 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Canby Utility intends to add an additional point of diversion to allow it to divert water at its new planned intake downstream on the Willamette River.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

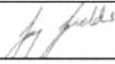
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Conditional use permit for the water treatment plant, that is a utility facility by definition	ZDO 202, 316, 1203, 1001, and 1307 Clackamas County Comprehensive Plan	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Floodplain Development Permit	ZDO 202, 703, 1307	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Willamette River Greenway Permit	ZDO 202, 705, 1307	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Principal River Review	ZDO 202, 704, 1307	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

See Attached

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APR 30 2026
OWRD

Name: Joy Fields Title: Principal Planner

Signature:  Date: April 21, 2026

Governmental Entity: Clackamas County Phone: 503-742-4510

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

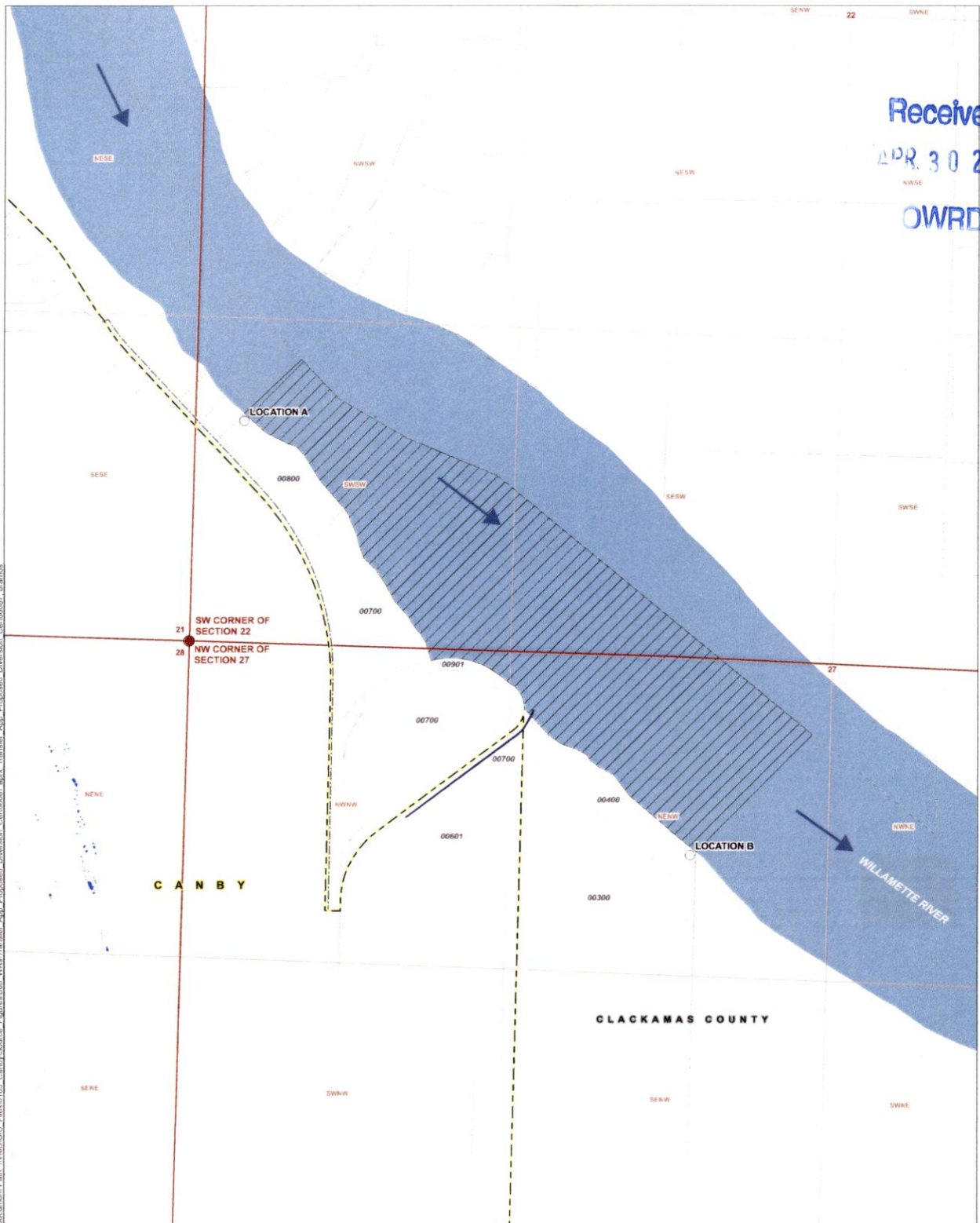
Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

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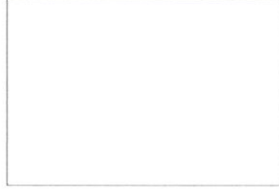


Document Path: \\VMS\GIS_Files\1165_Canby\Source_Figures\008_WR\Transfer_App_Proposed_Diversion_Cert86087_1.mxd

- LEGEND**
- Possible Location of Pipeline
 - ▨ Proposed Diversion Area
 - All Other Features**
 - ▭ City Boundary
 - ▭ Urban Growth Boundary
 - Tax Lot
 - ~ Watercourse

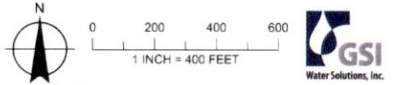
LOCATION DESCRIPTION
LOCATION A
 Located 900 feet North and 225 feet East from the SW corner of Section 22, Township 3 South, Range 1 East (W.M.) (45.290696, -122.680814)
LOCATION B
 Located 850 feet South and 2,055 feet East from the NW corner of Section 27, Township 3 South, Range 1 East (W.M.) (45.285941, -122.673507)

CERTIFIED WATER RIGHTS EXAMINER STAMP



**Application for Permanent Water Right Transfer
 in the name of Canby Utility
 Certificate 86087
 Proposed Point of Diversion
 Clackamas County
 Township 3 South, Range 1 East (W.M.)**

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.
 Date: April 15, 2026
 Data Sources: BLM, ESRI, OWRD, USGS
 Datum: NAD83 (2011)



14855 -

Supplemental Narrative for Land Use Information Form

Canby Utility (CU) is in the planning process for development of a new intake (consisting of both an in-stream and an on-land structure) and a new water treatment plant that would allow them to divert and use water from the Willamette River for municipal use. As part of this process, CU has already attended a very informative pre-application conference with Clackamas County on November 4, 2025 (File No. ZPAC0114-25) and is preparing for the upcoming land use application package using the County's feedback.

Concurrently, CU is beginning the two-to-three-year process to make the necessary changes to its water rights through the Oregon Water Resources Department (OWRD) because the water right must authorize use from the new intake location. As part of the process to change the water rights, CU must obtain a completed Land Use Information Form and OWRD processing will not proceed without the County's determination that the land use approvals for the new intake are 'being pursued'.

CU currently holds three surface water rights, all of which will ultimately need to include an authorized point of diversion at the location of the new intake on the Willamette River. Although CU is still assessing the exact point of diversion, they have narrowed down their analysis to a distance of approximately 2,650 feet along the riverbank (shown on the attached map as the proposed diversion area). OWRD will not authorize use at the new intake until all applicable land use approvals have been issued and become effective.

We hope this information is helpful for your review of this LUCS application. Please don't hesitate to contact Molly Monroe at 541-230-0578 or 541-257-9002 at any time should you have any questions or need further clarification.

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APR 30 2026
OWRD



April 21, 2026

RE: Water Rights for Canby Utility

Oregon Water Resources Department:

The properties identified by the applicant are zoned RRFF-5 and are subject to Section 316 of our zoning code. In the RRFF-5 district utilities lines, such as water intake pipes, are an allowed accessory use. Thus moving existing water intake lines would be an allowed use in the zone. However, the attached narrative from the applicant indicates that the proposed water intakes include lines and structures and are going to be accessory to a new water treatment plant. Utility facilities such as a water treatment plant are identified as a conditional use in Table 316-1 of the Clackamas County Zoning and Development Ordinance (ZDO).

The first step of a conditional use land use application is a pre-application. As the applicants indicated, they have taken part in pre-application, ZPAC0114-25, that I facilitated on November 4, 2025. During the pre-application conference the permits for the environmental overlays were identified. Pursuant to the ZDO, the pre-application conference is valid for two years from the date of the meeting. The applicants indicate that the conditional use location, that is essential to have in the land use application, will be dependent on the relocation of the water intake infrastructure and that the LUCS is the first step of that relocation. Because the utility lines are an allowed use, and the land use process for the water treatment plant has begun, Clackamas County Planning and Zoning staff consider the land use process to be in progress and have checked the "Being pursued" box.

The recommendations on mitigation for the relocated water intake facilities will come through the land use reviews that will be required for the water intake facilities and water treatment plant including the conditional use permit, floodplain development permit, Willamette River greenway permit, and the Principal River Review.

Best regards,

-Joy Fields, Principal Planner

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APR 30 2026
OWRD