

T-13852

Permit Amendment

RA

T-13852

Name G & F Sester Family LLCAddress Attn Ted Sester3325 SE Orban DriveGresham ORChange in POA POADate Filed 10/25/2021Initial notice date 11/9/2021

DPD issued date

PD issued date

PD notice date

Date of FO 3/25/2026 Withdrawal Vol 138 Page 601

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream WellTrib. of North fork Beaver CreekUse Irrigation SE County Multnomah

Quantity of water (CFS) No. of Acres

Name of ditch

App# G116012 Per # G15758 Cert # PR Date 5/21/2003

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
<u>10/25/2021</u>	<u>\$3,340.00</u>	<u>136698</u>
<u>7-30-2023</u>	<u>\$125.00</u>	<u>140819</u>
<u>7-26-2023</u>	<u>\$1,190.82</u>	<u>141254</u>

FEES REFUNDED

Date	Amount	Receipt #

Assignments:

Irrigation District

Agent GSI water solutions - ted sester

CWRE

CC's list Multnomah County land use☐ - Oversized map - Location

SCANNED



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

March 25, 2026

Ted Sester
33205 SE Oxbow Dr
Gresham, OR 97080

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-13852

The above referenced transfer application was withdrawn from the record of the Water Resources Department on March 25, 2026, by Special Order Volume 138, Page 601 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Right Services Support
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)
Ted Ressler, Agent
Multnomah County Planning Department, Local Government

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Permit Amendment Application	)	FINAL ORDER WITHDRAWING
T-13852, Multnomah County, Oregon	)	AN APPLICATION FOR A PERMIT
	)	AMENDMENT

Authority

Oregon Revised Statute (ORS) 537.211(4) – (9) establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

G AND F SESTER FAMILY LLC
ATTN: TED SESTER
33205 SE OXBOW DR
GRESHAM, OR 97080

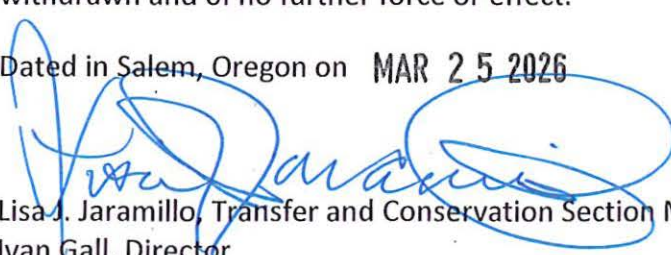
Findings of Fact

1. Permit Amendment Application T-13852, in the name of G and F Sester Family LLC, Attn: Ted Sester was filed on October 25, 2021.
2. On March 18, 2026, the agent submitted a written request on behalf of the applicant asking that Transfer Application T-13852 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-13852, in the name of G and F Sester Family LLC, Attn: Ted Sester, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on **MAR 25 2026**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing date: **MAR 26 2026**

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.

Permit Amendment Checklist

Permit Amendment: T-13852

Transfer Specialist: Scott

Transfer Type: Permit Amendment Transfer

Applicant Name/Address: G AND F SESTER FAMILY LLC 33205 SE OXBOW DR GRESHAM, OR	Agent Name/Address: TED RESSLER 55 SW YAMHILL ST. SUITE 300 PORTLAND, OR 97204	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: MULTNOMAH COUNTY PLANNING DEPARTMENT
Commentors: Name/Address:		

Permits Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.
☐	☐	G-16012	G-15758

Key Dates & Initial Actions

Rec'd:	Proposed Action(s): POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd:	WM District:	ODFW District:
Initial Notice:	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent: ☒		GW Review sent:

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

☐ not required

Request for news \$ sent: _____

News \$ received: _____

Draft Mailed: _____

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

☐ WM measurement contact sheet sent, or ☐ N/A

Request to publish sent to newspaper: _____

Affidavit of publication received: _____

Final Order

Proposed Final Order Date: <u>2/20/2026</u> 60 day Date: _____	Final Order Review (Salem) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____
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Special Order Volume: Vol: 138, Pages 601

Final Order Signature Date: 3/25/2026

WITHDRAW

3/18/26
Scott



Re: Permit Amendment T-13852 and Transfer T-13853

From GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Date Wed 3/18/2026 10:52 AM

To Ressler, Ted <tressler@summitwr.com>

Cc Ted Sester <ted@sesterfarms.com>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Good morning Ted,

I will prepare withdrawals for both Permit Amendment T-13852 and Transfer T-13853.

This e-mail is sufficient.

Best,
Scott

[Scott Grew](#)

Transfer Specialist

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-986-0890



Changes on April 1, 2026 - Revised Forms / Default to Electronic Notifications

- The Department is revising permit application forms and transfer application forms. The **revised forms must be used** for all applications received on or after April 1, 2026, or the application will be returned as incomplete. Please check [here](#) for the updated forms that will be available in late-March.
- Beginning April 1, 2026, the Department **will send documents and notifications** associated with the processing of an application in **electronic form** (i.e., **by email**) unless requested otherwise by the applicant. These emails may come from an automated system (wrld_automated_email@water.oregon.gov). Please consider adding this email address to your safe sender list. The Department will continue to send the Proposed Final Order by certified mail and any certificate by standard mail.

From: Ressler, Ted <tressler@summitwr.com>
Sent: Wednesday, March 18, 2026 10:41 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: Ted Sester <ted@sesterfarms.com>
Subject: Permit Amendment T-13852 and Transfer T-13853

Hi Scott

Good morning. I'm writing on behalf of the applicant (copied) for Permit Amendment T-13852 and Transfer T-13853. The applicant would like to withdraw both Permit Amendment T-13852 and Transfer T-13853. Please advise if you need anything else in regards to this request.

Regards
Ted

Theodore R. Ressler, RG, CWRE, PG | Principal Hydrogeologist & Water Resources Consultant | Summit Water Resources, LLC

4784 SE 17th Ave, Suite 111, Portland, OR 97202 | P: 503.967.7050 | C: 503.701.4535 | tressler@summitwr.com | www.summitwr.com | [bio](#) | [LinkedIn](#)



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Outlook

Permit Amendment T-13852 and Transfer T-13853

From Ressler, Ted <tressler@summitwr.com>
Date Wed 3/18/2026 10:42 AM
To GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc Ted Sester <ted@sesterfarms.com>

Hi Scott

Good morning. I'm writing on behalf of the applicant (copied) for Permit Amendment T-13852 and Transfer T-13853. The applicant would like to withdraw both Permit Amendment T-13852 and Transfer T-13853. Please advise if you need anything else in regards to this request.

Regards
Ted

Theodore R. Ressler, RG, CWRE, PG | Principal Hydrogeologist & Water Resources Consultant | Summit Water Resources, LLC
4784 SE 17th Ave, Suite 111, Portland, OR 97202 | P: 503.967.7050 | C: 503.701.4535 | tressler@summitwr.com | www.summitwr.com | [bio](#) | [LinkedIn](#)



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Oregon

Tina Kotek, Governor

February 20, 2026

VIA MAIL AND E-MAIL

G AND F SESTER FAMILY LLC
ATTN: TED SESTER
33205 SE OXBOW DR
GRESHAM, OR 97080

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

SUBJECT: Permit Amendment T-13852

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to Deny application T-13852. This document is an intermediate step in the Permit Amendment process.

**Notice of Opportunity to Receive a Contested Case Hearing and
Description of Procedure and Time for Requesting Hearing**

Under ORS 183.310(2)(a)(D), by this order, the Department provides the opportunity for G and F Sester Family LLC to request a hearing substantially of the character required by ORS 183.415, 183.417, 183.425, 183.450, 183.460, and 183.470 on the matters asserted in this Proposed Final Order. If G and F Sester Family LLC does not agree with the matters asserted in this Proposed Final Order, G and F Sester Family LLC may file a request for hearing with the Department setting forth the reasons why Transfer Application T-13852 should not be denied as proposed herein.

To request a hearing, G and F Sester Family LLC must file a written request for hearing with Department within 60 days from the date of mailing of this Notice. The request for hearing must be in writing and must be received in the Department's Salem, Oregon office, Attention: Will Davidson, 725 Summer Street NE, Suite A, Salem, Oregon 97301-1266, by 5:00 p.m. on April 21, 2026. If the Department does not receive a request for hearing by the specified deadline, G and F Sester Family LLC will have waived the opportunity for a contested case hearing and the Department may issue a final order by default. For more details about the filing of a request for hearing, please see the enclosed Proposed Final Order.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: T-13852 file
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Ted Ressler, Agent for the applicant (*via e-mail*)
Shonee D. Langford, Schwabe
Eliabeth E. Howard, Schwabe

encs

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

In the Matter of Permit Amendment	)	PROPOSED FINAL ORDER DENYING A
T-13852, Multnomah County	)	CHANGE IN POINTS OF APPROPRIATION
	)	AND A CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.211(4) – (9) establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit. *The Department provides the opportunity for a contested case hearing on the proposed final order under ORS 183.310(2)(a)(D).*

Applicant

G AND F SESTER FAMILY LLC
ATTN: TED SESTER
33205 SE OXBOW DR
GRESHAM, OR 97080

Findings of Fact

1. On October 25, 2021, G and F Sester Family LLC filed an application to change the points of appropriation and place of use for the primary irrigation use under Permit G-15758. The Oregon Water Resources Department (Department) assigned the application number T-13852.
2. On July 22, 2016, the Department approved an extension of time for complete application of water under Permit G-15758 to October 1, 2028.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on November 9, 2021, pursuant to ORS 537.211(7) .
4. The decline conditions described in Permit G-15758 are as follows:

“(1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior water rights.”

5. Well 1 (MULT 3476) of Permit G-15758 has triggered water level decline condition (1)(b) of Permit G-15758 for a total of 10 years since April 6, 2004.
 - a) The reference static water level for MULT 3476 (Well 1) is set at 199.00 feet below land surface (ft bls) for Permit G-15758.
 - b) The trigger depth for water level decline condition (1)(b) for MULT 3476 (Well 1) is 214.00 ft bls.
 - c) The most recent static water level measurement, taken on March 24, 2025, reports the static water level for MULT 3476 (Well 1) was 226.1 ft bls.
6. Well 3 (MULT 67819) of Permit G-15758 has triggered water level decline condition (1)(b) of Permit G-15758.
 - a) The reference static water level for MULT 67819 (Well 3) is set at 317.00 feet below land surface (ft bls) for Permit G-15758.
 - b) The trigger depth for decline condition (1)(b) for MULT 67819 (Well 3) is 332.00 ft bls.
 - c) The most recent static water level measurement, taken on March 24, 2025, reports the static water level for MULT 67819 (Well 3) was 358.91.0 ft bls.
7. The Department completed a groundwater review of the proposed permit amendment. The groundwater review included an analysis of groundwater trends of both the permitted wells and other wells in the vicinity. Based on this analysis, the Department concludes that overall groundwater levels have been consistently declining in this area for at least the past 25 years. Thus, it is unlikely that static water levels in the permitted wells will recover to or above levels that would not trigger permit decline conditions.
8. When the evidence demonstrates that a permit holder will not be able to use water at the original points of appropriation due to the triggering of a permit decline condition, a change to new points of appropriation constitutes enlargement of the right and is not allowed. This represents a change to the Department's policy. Previously, the Department would approve permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. The Department has determined that its previous policy is inconsistent with the requirement that the applicant demonstrate that the amendment does not result in enlargement. Under Oregon's prior appropriation system, permits are assigned a priority date and limited to specific terms and conditions on the use of water that can be made based on that priority date. Water users may not enlarge their use beyond these terms and conditions without applying for and receiving a new water use authorization with a new, junior priority date. Nor may the Department allow the enlargement of a water user's use beyond the terms and conditions of a permit through a permit amendment. Where the static water level decline conditions

in a permit have been triggered and the evidence demonstrates that the static water levels will not recover sufficient to allow future use of the permit, the approval of new points of appropriation under a permit amendment necessarily amounts to the enlargement of the original permit.

9. The portion of the permit to be transferred is as follows:

Permit: G-15758 in the name of G AND F SESTER FAMILY LLC
Use: PRIMARY IRRIGATION ON 34.5 ACRES
Priority Date: MAY 21, 2003
Quantity: 0.43 CUBIC FEET PER SECOND (CFS), FOR PRIMARY IRRIGATION
Rate/Duty: THE AMOUNT OF WATER USED FOR IRRIGATION UNDER THIS RIGHT, TOGETHER WITH THE AMOUNT SECURED UNDER ANY OTHER RIGHT EXISTING FOR THE SAME LANDS, IS LIMITED TO A DIVERSION OF ONE-EIGHTIETH OF ONE CUBIC FOOT PER SECOND AND 2.5 ACRE-FEET FOR EACH ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: WELL 1, WELL 2, WELL 3, AND WELL 4 IN NORTH FORK BEAVER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	16	NW SE	WELL #1 - 1070 FEET SOUTH AND 50 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	16	NE SE	WELL #2 - 1140 FEET SOUTH AND 1415 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	16	SE SE	WELL #3 - 2175 FEET SOUTH AND 1415 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	16	SW NE	WELL #4 - 600 FEET NORTH AND 1200 FEET EAST FROM THE C1/4 CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	16	NW NE	19.25
1 S	4 E	WM	16	SW NE	15.25
				Total	34.5

10. Permit Amendment Application T-13852 proposes to move the authorized points of appropriation for primary irrigation use with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Miles (mi.)
1 S	4 E	WM	21	NW NE	EKSTROM WELL 2 - 325 FEET SOUTH AND 2740 FEET EAST FROM THE NW CORNER OF SECTION 21	Well #1 – 0.4 Well #2 – 0.6 Well #3 – 0.5 Well #4 – 0.8
1 S	4 E	WM	21	NE NW	EKSTROM WELL 1 - 135 FEET SOUTH AND 1648 FEET EAST FROM THE NW CORNER OF SECTION 21	Well #1 – 0.3 Well #2 – 0.4 Well #3 – 0.3 Well #4 – 0.7

11. Permit Amendment Application T-13852 also proposes to change the place of use of the permit to:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed POAs
1 S	4 E	WM	21	NW NE	17.4	EKSTROM WELLS 1 AND 2
1 S	4 E	WM	21	SW NE	17.1	EKSTROM WELLS 1 AND 2
				Total	34.5	

Permit Amendment Review Criteria

12. The proposed changes would not result in injury to other water rights.
13. The proposed place of use is owned and/or controlled by the permit holder.
14. The proposed place of use is contiguous to the authorized place of use.
15. As outlined in Findings of Fact #5, #6 and #7 above, the proposed changes would enlarge the permit.
16. The proposed changes do not alter any other terms of the permit, including static water level measurement and decline conditions.

Conclusions of Law

The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-13852 are not consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-13852 are denied.

Dated in Salem, Oregon on


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date:

**Notice of Opportunity to Receive a Contested Case Hearing and
Description of Procedure and Time for Requesting Hearing**

Under ORS 183.310(2)(a)(D), by this order, the Department provides the opportunity for G and F Sester Family LLC to request a hearing substantially of the character required by ORS 183.415, 183.417, 183.425, 183.450, 183.460, and 183.470 on the matters asserted in this Proposed Final Order. If G and F Sester Family LLC does not agree with the matters asserted in this Proposed Final Order, G and F Sester Family LLC may file a request for hearing with the Department setting forth the reasons why Transfer Application T-13852 should not be denied as proposed herein.

To request a hearing, G and F Sester Family LLC must file a written request for hearing with Department within 60 days from the date of mailing of this Notice. The request for hearing must be in writing and must be received in the Department's Salem, Oregon office, Attention: Will Davidson, 725 Summer Street NE, Suite A, Salem, Oregon 97301-1266, by 5:00 p.m. on April 21, 2026. Requests for hearing may not be submitted by electronic mail. OAR 690-002-0025(3). If the Department does not receive a request for hearing by the specified deadline, G and F Sester Family LLC will have waived the opportunity for a contested case hearing and the Department may issue a final order by default.

Requests for hearing must include all of the following:

- (a) Facts sufficient to show that the protestant is entitled to the relief or action requested;
- (b) The specific relief or action requested;
- (c) The name and address of the protestant and other person or persons necessary to, or having a direct interest in, the proceeding; and

(d) Citation of legal authority or basis for the claim or relief asserted or requested.

(e) The signature of the protestant or the protestant's attorney or authorized representative.

If the applicant does not request a hearing within 60 days from the date of mailing of this Notice, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free telephone number.



Received

NOV 10 2025

OWRD

November 6, 2025

VIA EMAIL [SCOTT.A.GREW@WATER.OREGON.GOV]
AND FIRST CLASS MAIL

Shonee D. Langford

Admitted in Oregon, Washington and
Utah

D: 503-540-4261

C: 503-807-2082

slangford@schwabe.com

Scott Grew
Transfer Specialist
Oregon Water Resources Department
725 Summer St. N.E. Suite A
Salem, OR 97301-1271

RE: Permit Amendment T-13852 and OWRD's Draft Permit Amendment Rules
Our File No.: 144637-293044

Dear Scott:

Our office represents Sester Farms Inc. in connection with the above-referenced permit amendment application.

On June 27, 2025, we sent you the attached letter concerning the Oregon Water Resources Department's ("OWRD") proposed denial of the application. We specifically challenged OWRD's authority to deny this application on grounds of enlargement, because it is not among the review criteria listed in ORS 537.211. We noted that OWRD is unlawfully attempting to declare a new standard – and retroactively apply it to an application filed in 2021 – without statutory or rule-based authority.

After receiving our letter, OWRD initiated the 2025-26 Water Rights Rulemaking and began holding Rules Advisory Committee meetings. At the October 21st RAC meeting, OWRD presented a set of draft permit amendment rules. Among other things, the draft rules propose to add enlargement to the review criteria for permit amendments, despite the fact that the underlying statute (ORS 537.211) does not refer to enlargement. OWRD is putting the cart before the horse. The legislature would need to amend ORS 537.211 to include enlargement as a review criterion before OWRD proposes to adopt corresponding rules. We raised these concerns in a letter to the rulemaking coordinator (copy attached).

We are concerned that OWRD is attempting to justify its proposed denial of T-13852 through an unlawful, after-the-fact rulemaking that seeks not only to establish a new standard of review, but to retroactively apply it to this application. Unless and until the legislature amends ORS 537.211, OWRD's review of T-13852 must be limited to the current statutory criteria.

We urge you to promptly issue a final order approving T-13852. As previously noted, further delays may provide grounds for a petition for judicial review under ORS 183.490, particularly

Scott Grew
November 6, 2025

because it appears that OWRD is intentionally delaying on this issue in order to promulgate rules (that would be outside the scope of its statutory authority in any case).

Sincerely,



Shonee D. Langford

SDL:asc

cc: Lisa Jaramillo (lisa.j.jaramillo@water.oregon.gov – *via email*)
Ted Sester (*via email*)

Received
NOV 10 2025
OWRD



November 6, 2025

VIA EMAIL [WRD_DL-RULE-
COORDINATOR@WATER.OREGON.GOV] AND
FIRST CLASS MAIL

Shonee D. Langford
Admitted in Oregon, Washington and
Utah
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

Laura Hartt
Rules Coordinator
Oregon Water Resources Department
725 Summer St. N.E. Suite A
Salem, OR 97301-1271

RE: Comments on Draft Permit Amendment Rules (OAR 690-380-7000 to 7300)
Rules Advisory Committee Meeting #5, October 21, 2025
2025-26 Water Rights Rulemaking
Our File No.: 144637-293044

Dear Ms. Hartt:

This office routinely represents water right permit holders who have submitted permit amendment applications to the Oregon Water Resources Department ("OWRD"). For reasons that follow, we strongly urge the department to revise draft rule OAR 690-380-7300, as presented to the Rules Advisory Committee ("RAC") on October 21, 2025, to remove subsection (3) pertaining to enlargement and to clarify that the new rules will apply only to applications filed after the effective date of the rules.

ORS 537.211 is the sole statute governing permit amendments. Although it prohibits permit amendments that would "result in injury to an existing water right," it does not mention enlargement. In contrast, the transfer statutes expressly prohibit both injury and enlargement. *See, e.g.* ORS 540.510, 540.523, 540.524, 540.531, 540.570 and 540.585. Since ORS 537.211 does not prohibit enlargement, OWRD has no authority to do so through rulemaking. OWRD appears to be conflating the separate and distinct requirements for transfers and permit amendments, contrary to the plain language of the statutes. Adding an enlargement requirement to the draft permit amendment rules is akin to adding requirements that apply only to permit amendments (e.g. ownership/control and contiguity) to the transfer rules. Either one would require the legislature to amend the governing statutes.

OWRD recently proposed to deny one of our clients' permit amendment applications on the basis of enlargement. We responded that OWRD lacks statutory authority to deny on this basis, has no rules allowing it to do so, and would need the legislature to amend ORS 537.211 before imposing any new substantive requirements on permit amendment applications. It would seem OWRD is attempting to address our objections by adopting the proposed permit amendment

Laura Hartt
November 6, 2025

rules, but these efforts will result in rules that are outside the scope of OWRD's statutory authority, and they will remain so absent legislative changes.

Lastly, we note that OWRD's authority to require permit amendment applications is questionable. ORS 537.211 makes no mention of an application process, whereas the statutes governing other water right processes, such as transfers, provide a detailed description of application requirements. One could argue that the legislature intended permit amendments to be self-executing, similar to a municipality's statutory authority, under ORS 540.310(3), to apply water to beneficial use on lands outside of the authorized place of use. Indeed, the current transfer rules recognize that both permit amendments and municipal changes under ORS 540.310(3) can be made without filing a transfer application. OAR 690-380-0010(2).

For the above reasons, OWRD should delete the proposed enlargement provisions of draft permit amendment rules (draft OAR 690-380-7000 to 7300).

We respectfully request that you share this letter with the RAC for discussion in an upcoming RAC meeting.

Best regards,



Shonee D. Langford

SDL:asc

cc: Racquel Rancier (racquel.r.rancier@water.oregon.gov – *via email*)
Katie Ratcliffe (katie.s.ratcliffe@water.oregon.gov – *via email*)
Lisa Jaramillo (lisa.j.jaramillo@water.oregon.gov – *via email*)

Received
NOV 10 2025
OWRD



June 27, 2025

Elizabeth E. Howard
Admitted in Oregon and Washington
D: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

VIA E-MAIL ONLY
(SCOTT.A.GREW@WATER.OREGON.GOV)

Scott Grew
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Permit Amendment T-13852
Our File No.: 144637-293044

Dear Scott:

Our office represents Sester Farms Inc. and is working with Ted Ressler of Summit Water Resources LLC regarding groundwater permit amendment T-13852.

On July 29, 2024, WRD issued a draft permit amendment order and draft superseding permit documenting OWRD's intent to approve permit amendment T-13852. Then, with no prior communication with Sester Farms Inc. or Mr. Ressler, WRD abruptly issued a revised draft permit amendment order on May 30, 2025. In the revised draft, Finding of Fact #7, WRD indicates it has had an internal change in policy and now intends to deny the permit amendment because "the proposed changes would enlarge the permit."

This proposed basis for denial is unlawful in multiple respects.

OWRD would be acting outside the scope of its legal authority if it proceeds to deny the permit amendment on the grounds that the proposed change would "enlarge" the permit.

OWRD cites to the transfer rules – OAR 690, Chapter 380—as its sole support for Finding of Fact #7. But, this is a critical error. The transfer rules do not apply to permit amendments. OAR 690-380 confirms this. OAR 690-380-0010(1) says that Division 380 establishes requirements for "an application to change a water use subject to transfer." Further, if you search Division 380 for "permit amendment," you will find a handful of references that clearly point to ORS 537.211 as the applicable legal authority for a permit amendment, not the transfer statutes or OAR 690-380. In fact, OAR 690-380-0010(2)(f) unequivocally states that no transfer application is required for a permit amendment.

OWRD cannot ignore its own rules or act outside the scope of its rules. It does not have the legal authority to deny a permit amendment on the grounds of enlargement.

June 27, 2025

Further to this point, permit amendments are governed by ORS 537.211 only. (OWRD does not have rules implementing this statute.) And, ORS 537.211 does not authorize OWRD to deny a permit amendment due to static water level declines that have triggered a permit condition. ORS 537.211 also does not authorize OWRD to consider enlargement as grounds for denying a permit amendment. Thus, Finding of Fact #7 is not founded on the statutory authorities that OWRD may apply to permit amendments. Thus, it is well outside the scope of OWRD's legal authority. OWRD cannot sustain or support its draft proposal to deny the permit amendment based on the only laws that do apply to a permit amendment.

OWRD is also well outside its bounds in proposing to implement what is tantamount to a change in its rules through a permit amendment order. This is an unlawful attempt to issue a new rule without public notice or participation. And, even if OWRD were to try to issue its "new policy" through a rulemaking process, it likely does not have statutory authority to support it – this requires a change in law and legislative action—all of which is outside the realm of OWRD's authority.

One of the Administrative Procedure Act's purposes is to "bring regularity and openness to the operations of state agencies," and translate what had been "agency folklore" into "precise legal articulation for the benefit of citizens." Frohnmayer, *Oregon Administrative Procedure Act*, 58 Or L Rev 413. Published standards are the "keystone" of the "entire system of administrative law," which must be subjected to "public scrutiny" to "inform the public" and provide assurances that "the agency acts by rules and not from whim or corrupt motivation." *Sun Ray Drive-In Dairy, Inc. v. Or. Liquor Control Com.*, 16 Or App 63, 70-71, 517 P2d 289 (1973) (Tanzer, J.). An applicant "should be able to know the standards by which his application will be judged before going to the expense in time, investment and legal fees necessary to make application" and have "reasonable confidence" that the application receives the "even treatment by rule of law" to which the applicant is entitled. *Id.* at 71. Relatedly, "[t]he public is entitled to consistency of enforcement from the agency." *Id.* at 72. In other words, an agency's discretion to make policy extends to developing policies for "even application, not discretion to treat each case on an ad hoc basis." *Id.* OWRD cannot willy, nilly issue what is tantamount to a new rule through an order, nor can it make random and unannounced changes in its policy interpretations through an order.

OWRD's proposed permit amendment denial runs afoul of its own statutory authority and these procedural standards that protect permit applicants from wayward agency action. For each of these reasons, we urge you to immediately revert to the July 2024 draft, and approve the permit amendment consistent with OWRD's legal authorities and existing law.

We also note that further delays on this decision may provide grounds for a petition for judicial review ORS 183.490 ("The court may, upon petition as described in ORS 183.484, compel an

June 27, 2025

agency to act where it has unlawfully refused to act or make a decision or unreasonably delayed taking action or making a decision.”). We thus ask that OWRD issue the permit amendment order approving application T-13852 without further delay, and in any case, no later than **Thursday, July 31, 2025**.

Thank you for your consideration of the above in regards to this matter.

Sincerely,



Elizabeth E. Howard

EEH:cwe

cc: Ted Sester, Sester Farms, Inc. (Via E-Mail)
Ted Ressler, Summit Water Resources (Via E-Mail)
Shonee Langford (Via E-Mail)

Received
NOV 10 2025
OWRD

GREW Scott A * WRD

From: JARAMILLO Lisa J * WRD
Sent: Monday, November 10, 2025 8:27 AM
To: Schoebel, Amanda M.; GREW Scott A * WRD
Cc: Ted Sester; Langford, Shonee D.
Subject: RE: Permit Amendment T-13852

Thank you, Amanda.

Scott is out of the office until Thursday. We will discuss the letter when he returns.

Best regards,
Lisa

Lisa J. Jaramillo

Transfer and Conservation Section Manager

725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-871-1889 (work cell)



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

NOTE: OWRD offices are now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, however, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day (M-F). OWRD's Salem office is closed for customer service drop-ins from Noon – 1pm. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: Schoebel, Amanda M. <ASchoebel@SCHWABE.com>
Sent: Thursday, November 6, 2025 2:57 PM
To: GREW Scott A * WRD <scott.a.grew@water.oregon.gov>
Cc: JARAMILLO Lisa J * WRD <lisa.j.jaramillo@water.oregon.gov>; Ted Sester <ted@sesterfarms.com>; Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: Permit Amendment T-13852

You don't often get email from aschoebel@schwabe.com. [Learn why this is important](#)

Mr. Grew,

Attached is a copy of Shonee Langford's letter to you of today's date relating to the subject permit amendment.

Mandy

Amanda Schoebel

Legal Assistant



November 6, 2025

VIA EMAIL [SCOTT.A.GREW@WATER.OREGON.GOV]
AND FIRST CLASS MAIL

Shonee D. Langford
Admitted in Oregon, Washington and
Utah
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

Scott Grew
Transfer Specialist
Oregon Water Resources Department
725 Summer St. N.E. Suite A
Salem, OR 97301-1271

Received by OWRD

NOV 06 2025

Salem, OR

RE: Permit Amendment T-13852 and OWRD's Draft Permit Amendment Rules
Our File No.: 144637-293044

Dear Scott:

Our office represents Sester Farms Inc. in connection with the above-referenced permit amendment application.

On June 27, 2025, we sent you the attached letter concerning the Oregon Water Resources Department's ("OWRD") proposed denial of the application. We specifically challenged OWRD's authority to deny this application on grounds of enlargement, because it is not among the review criteria listed in ORS 537.211. We noted that OWRD is unlawfully attempting to declare a new standard – and retroactively apply it to an application filed in 2021 – without statutory or rule-based authority.

After receiving our letter, OWRD initiated the 2025-26 Water Rights Rulemaking and began holding Rules Advisory Committee meetings. At the October 21st RAC meeting, OWRD presented a set of draft permit amendment rules. Among other things, the draft rules propose to add enlargement to the review criteria for permit amendments, despite the fact that the underlying statute (ORS 537.211) does not refer to enlargement. OWRD is putting the cart before the horse. The legislature would need to amend ORS 537.211 to include enlargement as a review criterion before OWRD proposes to adopt corresponding rules. We raised these concerns in a letter to the rulemaking coordinator (copy attached).

We are concerned that OWRD is attempting to justify its proposed denial of T-13852 through an unlawful, after-the-fact rulemaking that seeks not only to establish a new standard of review, but to retroactively apply it to this application. Unless and until the legislature amends ORS 537.211, OWRD's review of T-13852 must be limited to the current statutory criteria.

We urge you to promptly issue a final order approving T-13852. As previously noted, further delays may provide grounds for a petition for judicial review under ORS 183.490, particularly

Scott Grew
November 6, 2025

because it appears that OWRD is intentionally delaying on this issue in order to promulgate rules (that would be outside the scope of its statutory authority in any case).

Sincerely,



Shonee D. Langford

SDL:asc

Received by OWRD

NOV 06 2025

Salem, OR

cc: Lisa Jaramillo (lisa.j.jaramillo@water.oregon.gov – *via email*)
Ted Sester (*via email*)



June 27, 2025

Elizabeth E. Howard
Admitted in Oregon and Washington
D: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

VIA E-MAIL ONLY
(SCOTT.A.GREW@WATER.OREGON.GOV)

Scott Grew
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Received by OWRD

NOV 06 2025

Salem, OR

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Our File No.: 144637-293044

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NOV 06 2025

Salem, OR

June 27, 2025

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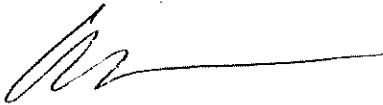
We also note that further delays on this decision may provide grounds for a petition for judicial review ORS 183.490 ("The court may, upon petition as described in ORS 183.484, compel an

June 27, 2025

agency to act where it has unlawfully refused to act or make a decision or unreasonably delayed taking action or making a decision.”). We thus ask that OWRD issue the permit amendment order approving application T-13852 without further delay, and in any case, no later than **Thursday, July 31, 2025.**

Thank you for your consideration of the above in regards to this matter.

Sincerely,



Elizabeth E. Howard

Received by OWRD

NOV 06 2025

Salem, OR

EEH:cwe

cc: Ted Sester, Sester Farms, Inc. (Via E-Mail)
Ted Ressler, Summit Water Resources (Via E-Mail)
Shonee Langford (Via E-Mail)



November 6, 2025

VIA EMAIL [WRD_DL-RULE-
COORDINATOR@WATER.OREGON.GOV] AND
FIRST CLASS MAIL

Shonee D. Langford
Admitted in Oregon, Washington and
Utah
D: 503-540-4261
C: 503-807-2082
slangford@schwabe.com

Received by OWRD

NOV 06 2025

Salem, OR

Laura Hartt
Rules Coordinator
Oregon Water Resources Department
725 Summer St. N.E. Suite A
Salem, OR 97301-1271

RE: Comments on Draft Permit Amendment Rules (OAR 690-380-7000 to 7300)
Rules Advisory Committee Meeting #5, October 21, 2025
2025-26 Water Rights Rulemaking
Our File No.: 144637-293044

Dear Ms. Hartt:

This office routinely represents water right permit holders who have submitted permit amendment applications to the Oregon Water Resources Department ("OWRD"). For reasons that follow, we strongly urge the department to revise draft rule OAR 690-380-7300, as presented to the Rules Advisory Committee ("RAC") on October 21, 2025, to remove subsection (3) pertaining to enlargement and to clarify that the new rules will apply only to applications filed after the effective date of the rules.

ORS 537.211 is the sole statute governing permit amendments. Although it prohibits permit amendments that would "result in injury to an existing water right," it does not mention enlargement. In contrast, the transfer statutes expressly prohibit both injury and enlargement. *See, e.g.* ORS 540.510, 540.523, 540.524, 540.531, 540.570 and 540.585. Since ORS 537.211 does not prohibit enlargement, OWRD has no authority to do so through rulemaking. OWRD appears to be conflating the separate and distinct requirements for transfers and permit amendments, contrary to the plain language of the statutes. Adding an enlargement requirement to the draft permit amendment rules is akin to adding requirements that apply only to permit amendments (e.g. ownership/control and contiguity) to the transfer rules. Either one would require the legislature to amend the governing statutes.

OWRD recently proposed to deny one of our clients' permit amendment applications on the basis of enlargement. We responded that OWRD lacks statutory authority to deny on this basis, has no rules allowing it to do so, and would need the legislature to amend ORS 537.211 before imposing any new substantive requirements on permit amendment applications. It would seem OWRD is attempting to address our objections by adopting the proposed permit amendment

Received by OWRD

NOV 06 2025

Salem, OR

Laura Hartt
November 6, 2025

rules, but these efforts will result in rules that are outside the scope of OWRD's statutory authority, and they will remain so absent legislative changes.

Lastly, we note that OWRD's authority to require permit amendment applications is questionable. ORS 537.211 makes no mention of an application process, whereas the statutes governing other water right processes, such as transfers, provide a detailed description of application requirements. One could argue that the legislature intended permit amendments to be self-executing, similar to a municipality's statutory authority, under ORS 540.310(3), to apply water to beneficial use on lands outside of the authorized place of use. Indeed, the current transfer rules recognize that both permit amendments and municipal changes under ORS 540.310(3) can be made without filing a transfer application. OAR 690-380-0010(2).

For the above reasons, OWRD should delete the proposed enlargement provisions of draft permit amendment rules (draft OAR 690-380-7000 to 7300).

We respectfully request that you share this letter with the RAC for discussion in an upcoming RAC meeting.

Best regards,



Shonee D. Langford

SDL:asc

cc: Racquel Rancier (racquel.r.rancier@water.oregon.gov – *via email*)
Katie Ratcliffe (katie.s.ratcliffe@water.oregon.gov – *via email*)
Lisa Jaramillo (lisa.j.jaramillo@water.oregon.gov – *via email*)

GREW Scott A * WRD

From: ORLOWSKI Dennis R * WRD
Sent: Thursday, August 22, 2024 3:16 PM
To: Ressler, Ted; GREW Scott A * WRD
Cc: FERREIRA Gabriela R * WRD
Subject: RE: Draft Final Order Permit Amendment T-13852

Scott and Ted,

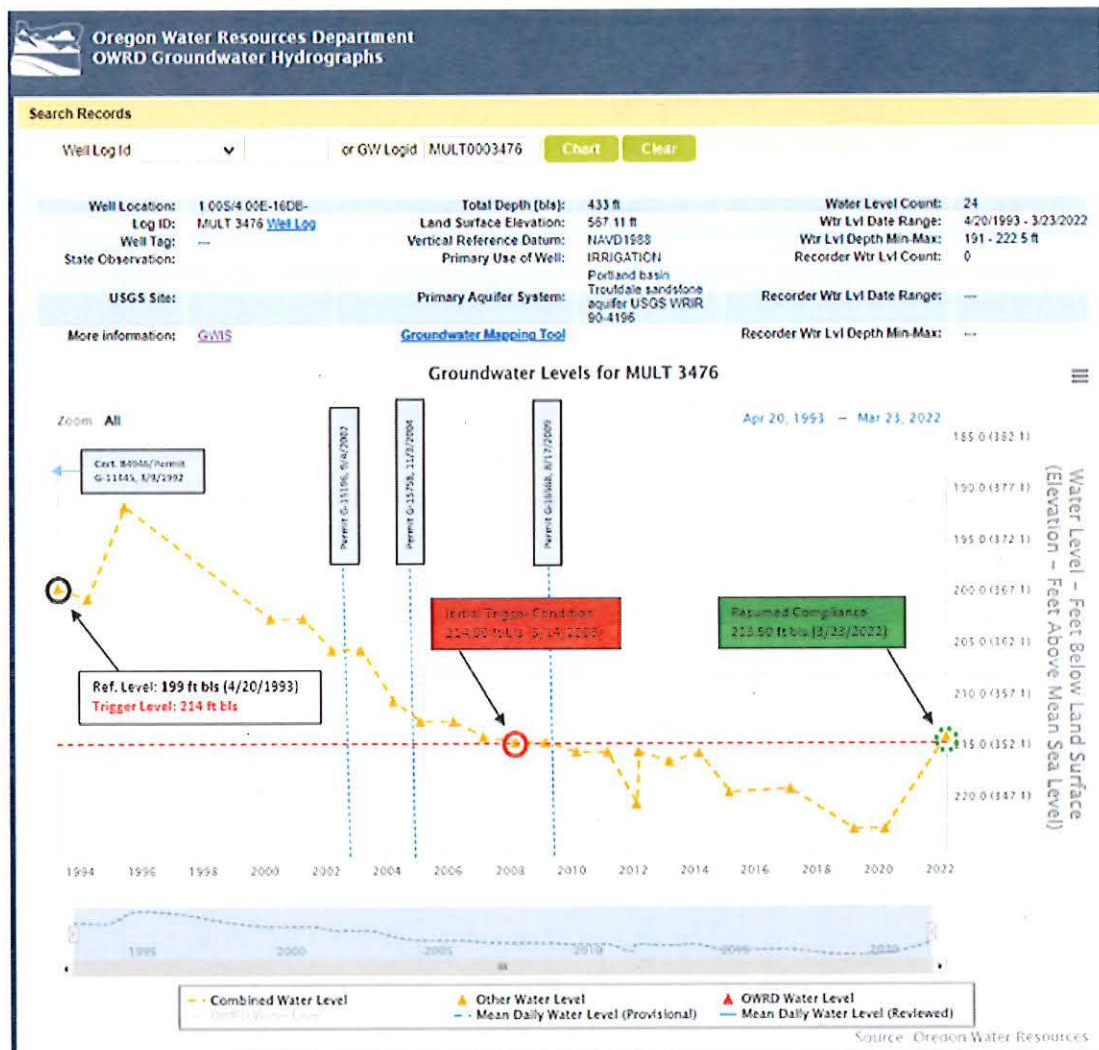
Apologies for my delayed response, but I just returned from vacation yesterday and still catching up. Ted, you are correct (mostly) in both instances.

- For Well 1 (MULT 3476), the 214.00 ft bls trigger level was first exceeded on 3/14/2008 (not 4/6/2004, and not 3/8/2008 (minor date discrepancy for the latter)). But then as of the 3/23/2022 measurement it had recovered to *just above* the trigger level at 213.50 ft bls. That 2022 reading was the most recent measurement I had when completing the T-13852 review (excerpted hydrographs below are from that review). However, I just noticed that the reported 4/10/2024 level is down again, to 220.5 ft bls, which is *below* the 214.00 ft bls trigger level for MULT 3476.
- For Ekstrom Well 1 (MULT 55482), yes, I did set its reference level for use *under T-13852 ONLY* at the first reported measurement *after* issuance of permit G-15758 (dated 11/3/2004), which was the 3/21/2005 measurement at 276.00 ft bls.

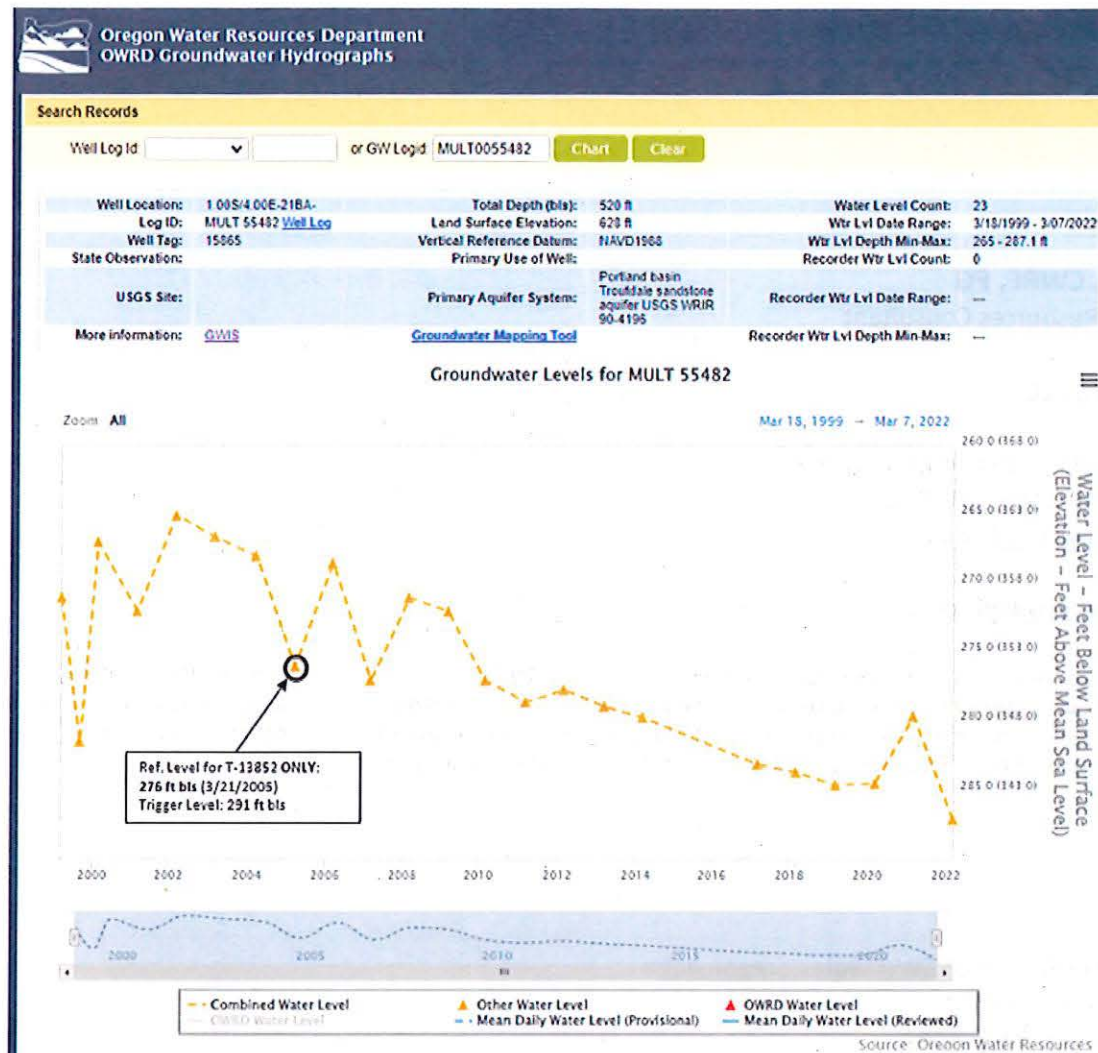
Please let me know if you still have any other questions or comments.

Dennis

Hydrograph, Authorized From-POA MULT 3476 (Well 1)



Hydrograph, Proposed To-POA MULT 55482 (Ekstrom Well 1)



From: Ressler, Ted <tressler@summitwr.com>

Sent: Tuesday, August 13, 2024 11:13 AM

To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Cc: ORLOWSKI Dennis R * WRD <Dennis.R.ORLOWSKI@water.oregon.gov>

Subject: RE: Draft Final Order Permit Amendment T-13852

Hi Scott

Thanks for sharing the draft order and superseding permit. I've looked these over and had two questions, which might need to be addressed by Dennis so I am keeping him copied.

Draft FO

- **Page 3, FOF #12.** This finding states that the trigger depth for Well 1 is 214 ft BLS (12-b) and that the trigger depth was exceed in April 6, 2004 (12). Based on the reported SWLs on file for Well 1, the reported SWL on 4/6/2004 was 210 ft BLS, which is above the trigger depth. The first SWL that met/exceeded the trigger depth was the reported SWL on 3/8/2008 (214 ft BLS).

Draft superseding permit

- **Page 3, Permit Amendment T-13852 condition #5.** Confirming that the reference SWL established for Ekstrom Well 1 (MULT 55482), being 276 ft BLS, was established by the first reported SWL (measured on 3/21/2005) following issuance of Permit G-15758 (issued 11/3/2004).

Thanks
Ted

Theodore R. Ressler, RG, CWRE, PG

Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC

a Geo-Logic Company

4784 SE 17th Avenue, Suite 111, Portland, OR 97202

Office: 503-967-7050 | Mobile: 503.701.4535

tressler@summitwr.com | [bio](#) | [LinkedIn](#)

www.summitwr.com | www.geo-logic.com

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From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Sent: Monday, July 29, 2024 9:43 AM

To: Ressler, Ted <tressler@summitwr.com>

Cc: ORLOWSKI Dennis R * WRD <Dennis.R.ORLOWSKI@water.oregon.gov>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Subject: Draft Final Order Permit Amendment T-13852

Ted,

Here is a Draft Version of the Final Order and Permit for Permit Amendment T-13852.

Best,
Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

GREW Scott A * WRD

From: Ressler, Ted <tressler@summitwr.com>
Sent: Tuesday, August 13, 2024 11:13 AM
To: GREW Scott A * WRD
Cc: ORLOWSKI Dennis R * WRD
Subject: RE: Draft Final Order Permit Amendment T-13852

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Theodore R. Ressler, RG, CWRE, PG

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tressler@summitwr.com | [bio](#) | [LinkedIn](#)

www.summitwr.com | www.geo-logic.com

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From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Sent: Monday, July 29, 2024 9:43 AM

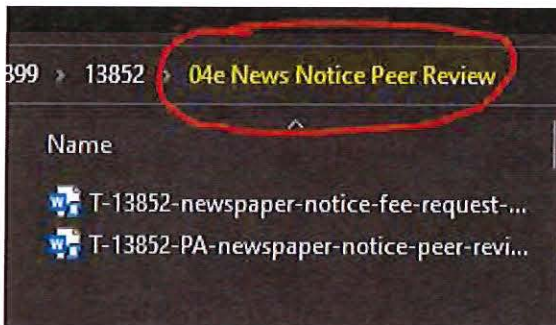
GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Wednesday, July 31, 2024 9:36 AM
To: COURCHANE Corey A * WRD; HENDERSON Sarah A * WRD
Cc: GREW Scott A * WRD
Subject: Coordinator Review request for T-13852 Notice and Letter

Hello Corey and Sarah,

I had Joan peer review for me this permit amendment public notice and fee request only.
I have this permit amendment out as a draft Final Order at the request of the agent.

Note it is in it's own folder. **04e News Notice Peer Review**



Thank you,
Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

STATE OF OREGON
COUNTY OF MULTNOMAH
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

G AND F SESTER FAMILY LLC
33205 SE OXBOW DR
GRESHAM, OR 97080

This superseding permit is issued to describe an amendment for a change in points of appropriation and a change in place of use proposed under Permit Amendment Application T-13852 and approved by Special Order Vol. 131, Page _____, entered _____, and to describe an extension of time for complete application of water approved July 22, 2016. This permit supersedes Permit G-15758.

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

APPLICATION FILE NUMBER: G-16012

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4 (SUPPLEMENTAL IRRIGATION ONLY); EKSTROM WELL 1 AND EKSTROM WELL 2 (PRIMARY IRRIGATION ONLY) IN NORTH FORK BEAVER CREEK BASIN.

PURPOSE OR USE: IRRIGATION USE ON 334.85 ACRES, BEING PRIMARY IRRIGATION ON 34.5 ACRES AND SUPPLEMENTAL IRRIGATION ON 300.35 ACRES

MAXIMUM RATE: 1.11 CUBIC FEET PER SECOND (CFS), BEING 0.43 CFS FOR PRIMARY IRRIGATION FROM EKSTROM WELL 1 AND EKSTROM WELL 2 AND 0.68 CFS FOR SUPPLEMENTAL IRRIGATION FROM WELL #1, WELL #2, WELL #3, AND WELL #4.

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 2003

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	16	NW SE	WELL #1 - 1070 FEET SOUTH AND 50 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	16	NE SE	WELL #2 - 1140 FEET SOUTH AND 1415 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	16	SE SE	WELL #3 - 2175 FEET SOUTH AND 1415 FEET EAST FROM THE C1/4 CORNER OF SECTION 16

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	16	SW NE	WELL #4 - 600 FEET NORTH AND 1200 FEET EAST FROM THE C1/4 CORNER OF SECTION 16
1 S	4 E	WM	21	NW NE	EKSTROM WELL 2 - 325 FEET SOUTH AND 2740 FEET EAST FROM THE NW CORNER OF SECTION 21
1 S	4 E	WM	21	NE NW	EKSTROM WELL 1 - 135 FEET SOUTH AND 1648 FEET EAST FROM THE NW CORNER OF SECTION 21

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
1 S	4 E	WM	21	NW NE	17.4	Ekstrom Wells 1 and 2
1 S	4 E	WM	21	SW NE	17.1	Ekstrom Wells 1 and 2
Total					34.5	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized Wells
1 S	4 E	WM	16	NW NE	20.00	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SW NE	24.75	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	NE NW	20.00	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	NW NW	18.00	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SW NW	18.75	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SE NW	19.50	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	NE SW	38.50	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SE SW	38.50	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	NE SE	37.60	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	NW SE	36.50	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SW SE	8.00	Wells #1,#2,#3 and #4
1 S	4 E	WM	16	SE SE	20.25	Wells #1,#2,#3 and #4
Total					300.35	

PERMIT AMENDMENT T-13852 CONDITIONS

1. The quantity of water diverted at the new points of appropriation (Ekstrom Well 1 and Ekstrom Well 2) for primary irrigation shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells #1, #2, #3 and #4) for primary irrigation.
2. Water shall be acquired from the same aquifer as the original points of appropriation.
3. The former place of use shall no longer be irrigated as part of this permit.
4. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The Department has established a reference Static Water Level (SWL) of 276.00 feet below land surface (ft bls) for Ekstrom Well 1 (MULT 55482) for its use authorized by this and any other subsequent permit issued under Groundwater Application G-16012. This reference level will be used as the basis for evaluating decline conditions.
6. The Department has established a reference Static Water Level (SWL) of 199.0 ft bls (4/20/1993) for Well 1 (MULT 3476) for its use authorized by this and any other subsequent permit issued under Groundwater Application G-16012. This reference level is used as the basis for evaluating decline conditions.
7. The Department has established a reference Static Water Level (SWL) of 317.00 ft bls (4/6/2004) for Well 3 (MULT 67819) for its use authorized by this and any other subsequent permit issued under Groundwater Application G-16012. This reference level is used as the basis for evaluating decline conditions.
8. A reference water level will also be established in proposed POA Ekstrom Well 2 for similar purposes after it is completed.
9. Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - a) An average water level decline of three or more feet per year for five consecutive years; or
 - b) A total water level decline of fifteen or more feet; or
 - c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

EXTENSION OF TIME CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020 and 2025.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Water Use Condition

The extension of time for Application G-16012, Permit G-15758, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2009 to October 1, 2028.

ORIGINAL PERMIT CONDITIONS

Measurement, recording and reporting conditions:

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The well(s) shall produce groundwater only from the Deep Troutdale groundwater reservoir between approximately 300 feet and 500 feet below land surface.

- 1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - a) An average water level decline of three or more feet per year for five consecutive years; or
 - b) A total water level decline of fifteen or more feet; or
 - c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- 2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- 3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order

under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The original completion date of the permit was October 1, 2009. By Extension of Time Final Order dated July 22, 2016, the completion date of the permit was extended to October 1 2028. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____

Lisa J. Jaramillo, Transfer and Conservation Section Manager
DOUGLAS E. WOODCOCK, Acting Director
Oregon Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department website at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Monday, July 29, 2024 9:43 AM
To: Ressler, Ted
Cc: ORLOWSKI Dennis R * WRD; GREW Scott A * WRD
Subject: Draft Final Order Permit Amendment T-13852
Attachments: T-13852-G-15758-G-XXXXX-DRAFT-Permit.pdf; T-13852-ord-permit-amendment-DRAFT-FO.pdf

Ted,

Here is a Draft Version of the Final Order and Permit for Permit Amendment T-13852.

Best,
Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

GREW Scott A * WRD

From: Ressler, Ted <tressler@summitwr.com>
Sent: Friday, April 26, 2024 10:32 AM
To: GREW Scott A * WRD
Subject: RE: Permit amendment T-13852 and Transfer T-13853

Hi Scott

Thanks for the update and for the copy of the groundwater review.

Would it be possible to see a draft of the superseding permit resulting from PA T-13852 (and the associated partial diminution)? Since these two transactions are linked and involve a "flip-flop" of lands, I would like to the opportunity to review all of the draft documents.

Thanks
Ted

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Wednesday, April 24, 2024 2:47 PM
To: Ressler, Ted <tressler@summitwr.com>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: Permit amendment T-13852 and Transfer T-13853

Hello Ted,

Thank you for your message.

I recently received back Transfer T-13853 from peer review and will be getting the DPD out shortly. Permit Amendment T-13852 won't be issued until T-13853 is ready to issue the FO (after PDP and PD).

Attached is the GW review for T-13852.

Best,

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Ressler, Ted <tressler@summitwr.com>
Sent: Tuesday, April 23, 2024 7:58 AM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: Permit amendment T-13852 and Transfer T-13853

Hi Scott

I hope all is well with you. I'm writing to check on the status of T-13852 and T-13853. Based on WRIS, it appears that all reviews for these have been completed; the last of which was the GW Review for T-13852. Can you provide an update of where these applications are in your queue, and if possible, an estimate of when the reviews might be completed?

Also, would it be possible to get the GW Review for T-13852 posted to WRIS?

Thanks
Ted

Theodore R. Ressler, RG, CWRE, PG

Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC

a Geo-Logic Company

4784 SE 17th Avenue, Suite 111, Portland, OR 97202

Office: 503-967-7050 | Mobile: 503.701.4535

tressler@summitwr.com

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Groundwater Transfer Review Summary Form

Transfer/PA # T- 13852

GW Reviewer Dennis Orlowski Date Review Completed: February 28, 2024 (supersedes previous March 2, 2023 review)

NOTE: groundwater level data from the authorized and proposed POA wells, in addition to other area wells completed in the same aquifer system, indicate steadily-declining levels over the past 20-plus years. The implications of steadily-declining groundwater levels in the POA wells, along with a recommendation to account for those declines, are discussed further in Section 7 of this review.

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-13852

Applicant Name: G and F Sester Family LLC

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

Reviewer(s): Dennis Orlowski

Date of Review: February 28, 2024

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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

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

1. Basic description of the changes proposed in this transfer: (Note: this February 28, 2024 review supersedes a previous review completed on March 2, 2023).

Proposed transfer relates to **permit G-15758**, which is for irrigation of 334.85 acres (primary 34.5 acres, supplemental 300.35 acres, Mar 1-Oct 31). Permit G-15758 authorizes the use of up to four POA, with a total combined maximum instantaneous pumping rate of 1.11 cfs (~498 gpm) (primary 0.43 cfs (~193 gpm), supplemental 0.68 cfs (~305 gpm)).

OWRD records show that existing wells are associated with two of the four authorized POA: MULT 3476 ("Well 1") and MULT 67819 ("Well 3"). Wells have not yet been installed at the two remaining authorized POA locations, "Well 2" and "Well 4".

MULT 3476 ("Well 1") is also an authorized POA for three additional groundwater rights:

- Certificate 84946: nursery use 80.0 acres, maximum rate 0.67 cfs, year-round
- Permit G-15196: nursery use 300.35 acres, maximum rate 0.67 cfs, year-round
- Permit G-16568: primary irrigation 54.6 acres, maximum rate 0.68 cfs, 3/1 to 10/31

MULT 67819 ("Well 3") is also an authorized POA for two additional groundwater rights:

- Permit G-15196: nursery use 300.35 acres, maximum rate 0.67 cfs, year-round
- Permit G-16568: primary irrigation 54.6 acres, maximum rate 0.68 cfs, 3/1 to 10/31

The purpose of this transfer application is to: (1) modify the existing POU for the 34.5 acre portion of permit G-15758 that authorizes primary irrigation, and (2) change two of the four authorized POA locations for the same 34.5 acre primary irrigation portion to the following new POA locations:

- Ekstrom Well 1 (MULT 55482)
- Ekstrom Well 2 (not yet installed)

Proposed To-POA MULT 55482 is also the only authorized POA for certificate 89728, which is for nursery use on 28.4 acres, limited to a maximum instantaneous pumping rate of 0.5 cfs (~224 gpm).

Note: groundwater level data from the authorized and proposed POA wells, in addition to other area wells completed in the Deep Troutdale aquifer, indicate steadily-declining levels over the past 20-plus years. The implications of steadily-declining groundwater levels in the POA wells, along with a recommendation to account for those declines, are discussed further in Section 7 of this review.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The From-POA and To-POA develop (or will develop) the Deep Troutdale aquifer (equivalent to the "Troutdale Sandstone Aquifer" as designated by the USGS and others). The Deep Troutdale aquifer in this area consists of ~200-250 ft of gravel, sand, conglomerate, and coarse-grained sandstone with beds of fine to medium sand and silt. The aquifer is overlain by a confining unit ("Confining Unit 1") consisting of ~50-100 ft of primarily fine to medium sand, silt, and clay (Swanson and others, 1993).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
 b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): Not applicable.
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: The nearest groundwater right potentially affected by the proposed use is a POA for permit G-15183, which has a senior priority date of May 8, 2001. No well records are on file for that permitted POA location; however, the permit stipulates that the single POA will be completed in the Deep Troutdale aquifer between ~350-550 ft bls. Compared to the currently-authorized POA locations, a proposed To-POA location is significantly nearer to the permit G-15183 POA location, and thus the proposed change will likely result in an increase in interference with that groundwater right.
 b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Authorized From-POA MULT 3476 (Well 1) is approximately 2,900 feet from the permit G-15183 POA location; proposed To-POA MULT 55482 (Ekstrom Well 1) is about 1,020 feet from that same location. Therefore, the proposed To-POA MULT 55482 location is about 1,880 feet nearer to the permit G-15183 POA location.

To evaluate the potential additional interference with the nearby POA for permit G-15183, a Theis (1935) drawdown analysis was completed. Aquifer parameters used for the analysis were derived from regional data and studies (Pumping Test Reports; McFarland and Morgan, 1996; Swanson et al., 1993).

To provide a conservative analysis, it was assumed that authorized From-POA MULT 3476 would be pumped non-stop at the maximum authorized rate for the 34.5-acre primary irrigation portion (0.43 cfs, ~193 gpm) up to the associated duty, which would be reached within approximately 101 days of pumping (note: additional pumping rate allocations authorized for MULT 3476 (Well 1) by its other water rights were not included for this analysis. Not stacking those additional authorized rates results in this comparative interference analysis being even more conservative; this is because with less interference drawdown imposed by MULT 3476 on nearby wells, the resulting *net difference* when compared to the proposed change (increased pumping rate at MULT 55482) is effectively greater).

Pumping at the proposed To-POA MULT 55482 location was simulated at 0.93 cfs (~417 gpm), which is the combined total for the rate currently authorized for it by certificate 89728 (0.5 cfs), plus the associated maximum rate authorized by permit G-15758 (0.43 cfs).

Results of the Theis comparative analysis indicate that interference with the permit G-15183 POA could range from about 36 to 66 feet based on these conservative pumping scenarios. Using pumping water level estimates for the affected G-15183 POA (based on a specific capacity value derived from pumping test data from MULT 3476), and assuming the G-15183 POA well would be completed to 550 ft bls (fully penetrating the Deep Troutdale aquifer), it was determined that sufficient available drawdown would be available in the G-15183 POA well; this is despite the relatively-large amount of additional drawdown (~36-66 feet) predicted under these conservative scenarios. Therefore, it is not likely that the proposed use will result in the G-15183 POA or another similar groundwater right from receiving the water to which it is legally entitled.

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

☐ Yes ☒ No Comments: Groundwater levels in the Deep Troutdale aquifer at and near the authorized and proposed POAs are more than 150 ft below the estimated surface water elevations for several stream reaches within approximately 4,000 feet of the POAs; therefore, these POAs are not hydraulically connected to those streams.

Farther away, the Troutdale Formation (which includes the Deep Troutdale aquifer) crops out along the walls of the Sandy River valley located east and north of the POA sites. Numerous small creeks and springs originate from or flow over the Troutdale Formation where it outcrops in this area (USGS, 2014; McFarland and Morgan, 1996). These hydraulically-connected perennial reaches are located on the order of 4,000 to 6,000 feet from the two current authorized From-POAs, MULT 3476 (Well 1) and MULT 67819 (Well 3). Because the two proposed To-POAs are located from about 1,600 to 1,900 feet generally south and west from the authorized POAs, *farther away from the Sandy River*, the proposed change will not likely result in an increase in interference with these stream reaches.

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

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

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

☐ Yes ☐ No Comments: Not applicable.

7. What conditions or other changes in the application are necessary to address any potential issues identified above: Groundwater level data from the authorized and proposed POA wells, in addition to other area wells completed in the Deep Troutdale aquifer, indicate steadily-declining levels over the past 20-plus years. For one group of wells (including MULT 3476, "Well 1"), the total declines have averaged about 20 feet over that time interval; for a few deeper wells, declines over this same general period have been even greater, on the order of approximately 30 to 60 feet (for MULT 56024 and MULT 67819 ("Well 3"), respectively) (see attached hydrograph of area wells).

These declines have led to a current exceedance of permit decline conditions for one of the From-POA; declining water levels are also present in the proposed To-POA MULT 55482. The implications of these exceedances are discussed later in this section.

MULT 3476 and MULT 67819 are authorized POA for all the following nursery and irrigation water rights:

- **MULT 3476:**
 - Certificate 84946 (permit G-11445, dated 3/9/1992)
 - Permit G-15196 (dated 9/4/2002)
 - Permit G-15758 (dated 11/3/2004) (this review)
 - Permit G-16568 (dated 8/17/2009)
- **MULT 67819:**
 - Permit G-15196 (dated 9/4/2002)
 - Permit G-15758 (dated 11/3/2004) (this review)
 - Permit G-16568 (dated 8/17/2009)

None of these related water rights contain specific reference water levels for the two wells which are required to evaluate compliance with decline conditions. Instead, each associated permit includes the following related provision: "Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins."

Reference water levels for each of these wells are established next.

Reference Levels – From-POA (MULT 3476 and MULT 67819)

Because reference water levels for MULT 3476 (Well 1) and MULT 67819 (Well 3) had not been previously established for any of the relevant water rights, for both this review and a related permit extension review (permit G-15196) such levels are established below. The selection of these reference water levels is based on a key point stipulated within each permit, which is that the “...use of water...” is not to begin until “...the initial water level in the well has been measured...before pumping begins.”

Based on this water level condition language that is common to each of the permits, the earliest applicable static water level for the two wells was selected as the reference level for all subsequent water rights. These reference levels are as follows:

- MULT 3476 Reference Level: 199.00 ft bls (4/20/1993)
- MULT 67819 Reference Level: 317.00 ft bls (4/6/2004)

(Note: a 3/14/2003 static water level measurement for MULT 67819, which is the first spring measurement after its initial permit G-15196 was issued, was not considered as a reference level, deemed “unreliable” because it was anomalously very high (288 ft bls) relative to all other measurements in MULT 67819, and to corresponding measurements in all other nearby wells. Consequently the next spring measurement from 4/6/2004 was selected as a more appropriate reference level for MULT 67819).

These respective reference levels are shown on hydrographs for MULT 3476 and MULT 67819 attached to this review.

Reference Level – To-POA (MULT 55482, Ekstrom Well 1) (T-13852 ONLY)

The water right associated with the proposed To-POA MULT 55482 (permit G-13274/certificate 89728) does not have a stated reference level, but it does have similar language related to establishing a reference water level for that particular water right.

However, this current transfer application does not apply to certificate 89728, but only to its authorized POA (MULT 55482) which is being proposed as a new POA for permit G-15758. Therefore, for this transfer application the effective reference level for To-POA MULT 55482 is set as the first January-April measurement taken after issuance of permit G-15758 (permit date 11/3/2004), as follows:

- MULT 55482 Reference Level: 276.00 ft bls (3/21/2005)

Note: this reference level for MULT 55482 is applicable to only this transfer application T-13852. It is not relevant for evaluating decline conditions for certificate 89728, for which MULT 55482 is the currently-authorized POA.

Reference Level – To-POA (Proposed Ekstrom Well 2) (T-13852 ONLY)

The second proposed POA, “Ekstrom Well 2”, has not yet been drilled and thus it lacks the well-specific water level information required to establish a reference level. Therefore, a reference level applicable to this proposed permit amendment T-13852 for “Proposed Ekstrom Well 2” will be established after the well has been completed, and will be incorporated in the future as a condition for T-13852.

Recommended Condition

Permit G-15758 includes the following water level decline condition that is most applicable to this review: *(1) "Use of the water from the well, as allowed herein, shall be regulated if the well displays: (b) a total water level decline of fifteen or more feet."*

Based on this particular decline condition, and using the reference level established previously, one of the From-POA, MULT 67819 (Well 3) has exceeded its 15-foot decline condition (see relevant hydrograph attached to this review): the condition was initially triggered in March 2008, then subsequently recovered until March 2015, after which levels in MULT 67819 fell far below its decline condition level.

Historic water levels in the existing proposed To-POA, MULT 55482 (Ekstrom Well 1), have also shown an overall decline since it was completed in 1998. Because MULT 55482 will replace the two existing authorized POA for permit G-15758 (if this application is approved), then the reference level established previously in this review for MULT 55482 will be applicable for permit G-15768.

The following provision is thus recommended as a key condition for T-13852 (if approved) for future potential management of the use of wells authorized under permit G-15768:

For MULT 55482 ("Ekstrom Well 1") a reference static water level of 276.00 feet below land surface (ft bls) has been established for its use authorized by permit G-15768. This reference level will be used as the basis for evaluating decline conditions associated *only* with its use authorized by permit G-15768.

Furthermore, a reference water level will also be established in proposed POA "Ekstrom Well 2" for similar purposes after/if it is completed.

8. None.

9. References

Water rights documents: application T-13852; certificates 84946 and 89728, permits G-12635, G-15623, G-15758, G-16568, G-13274, G-15183, T-8496.

McFarland, W.D., and Morgan, D.S., 1996, Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington, Water Supply Paper 2470-A, 58 p: U. S. Geological Survey, Reston, VA.

Swanson, R. D., McFarland, W. D., Gonthier, J. B., and Wilkinson, J. M., 1993, A description of hydrogeologic units in the Portland Basin, Oregon and Washington, Water-Resources Investigations Report 90-4196, 56 p.: U. S. Geological Survey, Reston, VA.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

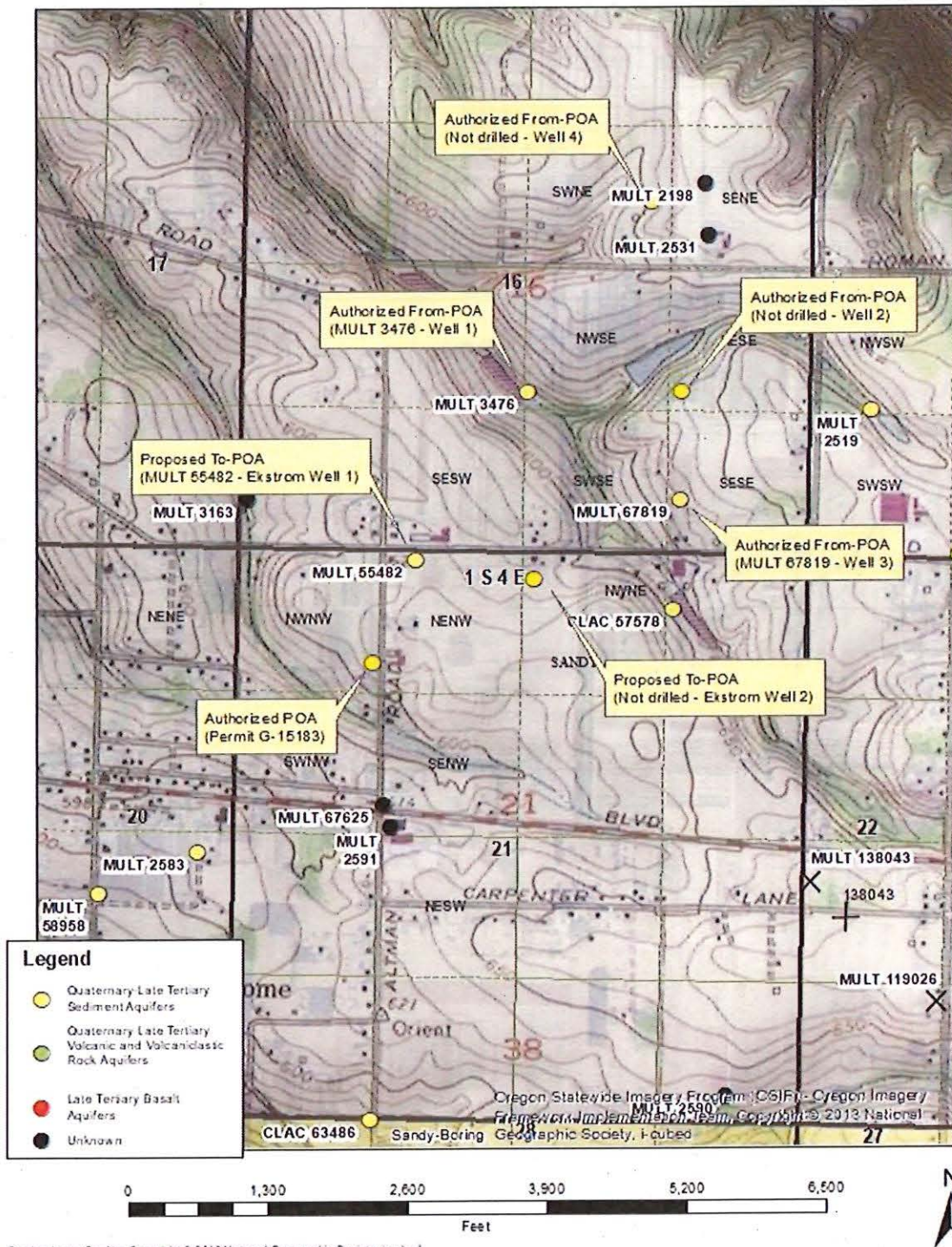
United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

United States Geological Survey, 2017, *Sandy quadrangle*, Oregon [map], 1:24,000, 7.5 minute topographic series, U.S. Department of the Interior, Reston, VA.

WSI, 2015, OLC Metro, Portland, OR, May 8.

Location Map

Application T-13852, G and F Sester Family LLC T1S, R4E, Sections 16 and 21



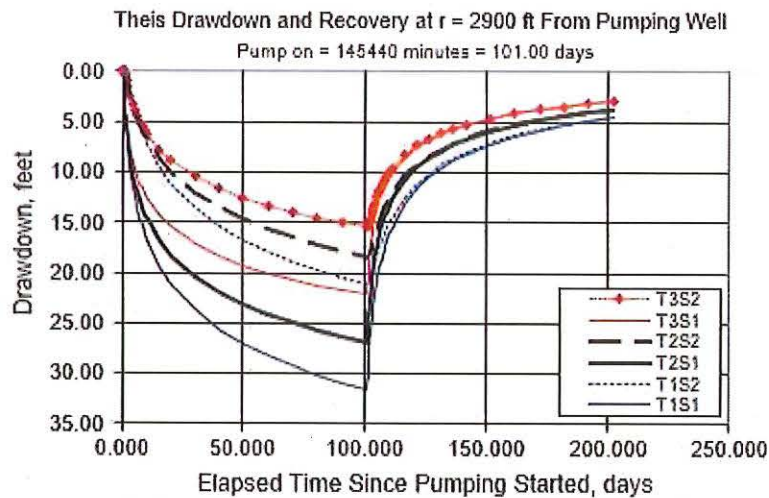
Theis Drawdown Analysis – Authorized From-POA MULT 3476 to Permit G-15183 POA Location

Theis Time-Drawdown Worksheet v.3.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		101		d	
Radial distance from pumped well:	r		2900.00		ft	Q conversions
Pumping rate	Q		0.430		cfs	192.98 gpm
Hydraulic conductivity	K	9.000	11.000	14.000	ft/day	0.43 cfs
Aquifer thickness	b		50		ft	25.80 cfm
Storativity	S_1		0.00010			37,152.00 cfd
	S_2		0.00050			0.85 af/d
Transmissivity Conversions	T_ftpd	450	550	700	ft ² /day	
	T_ftpm	0.3125	0.3819	0.4861	ft ² /min	
	T_gpdft	3,366	4,114	5,236	gpd/ft	
Recalculate		Use the Recalculate button if recalculation is set to manual				



Theis Drawdown Analysis – Proposed To-POA MULT 55482 to Permit G-15183 POA**Location**

Theis Time-Drawdown Worksheet v.3.00

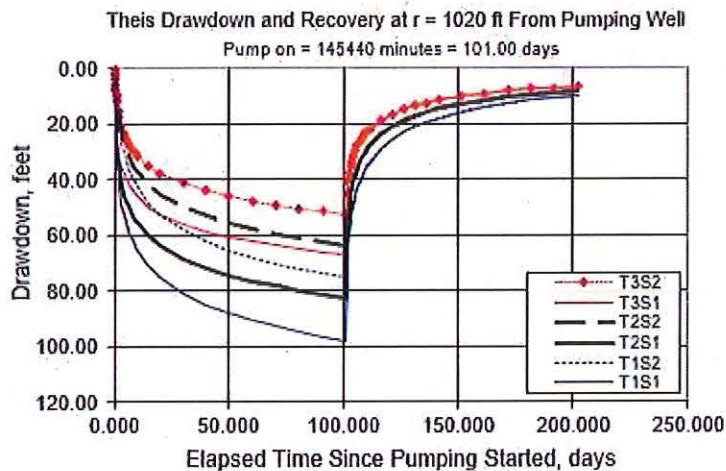
Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

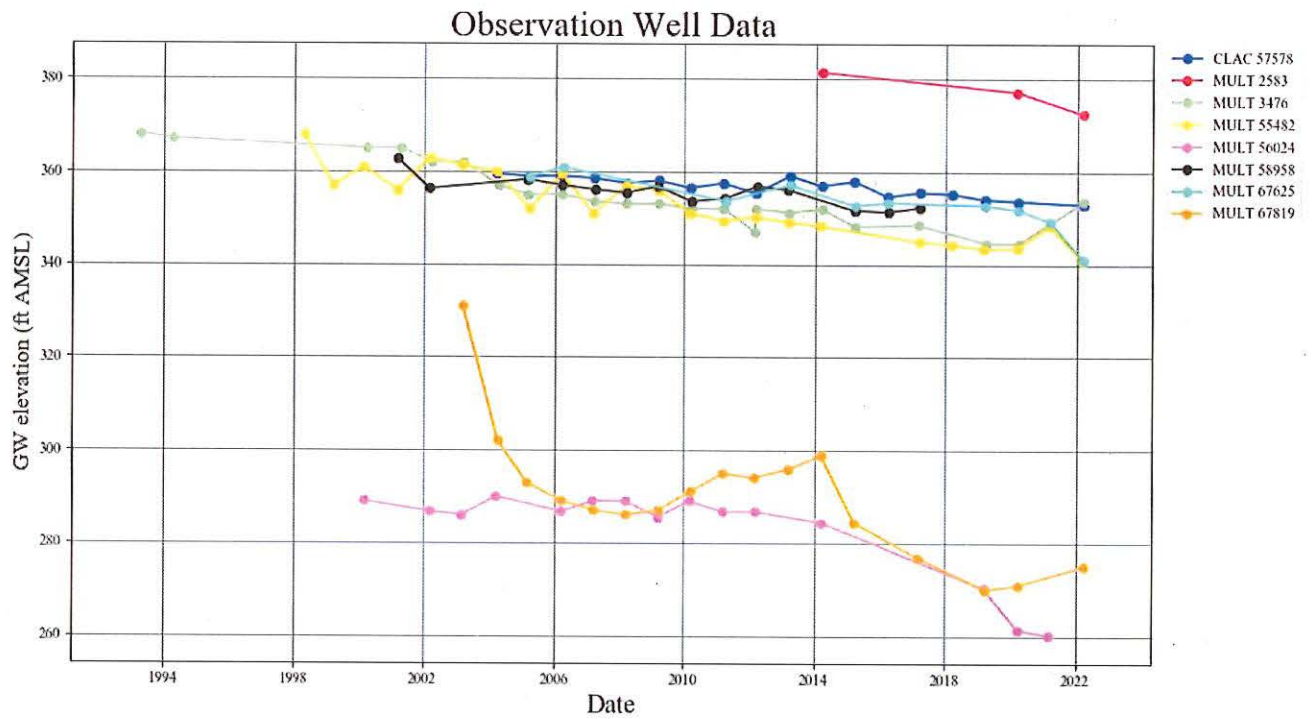
Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

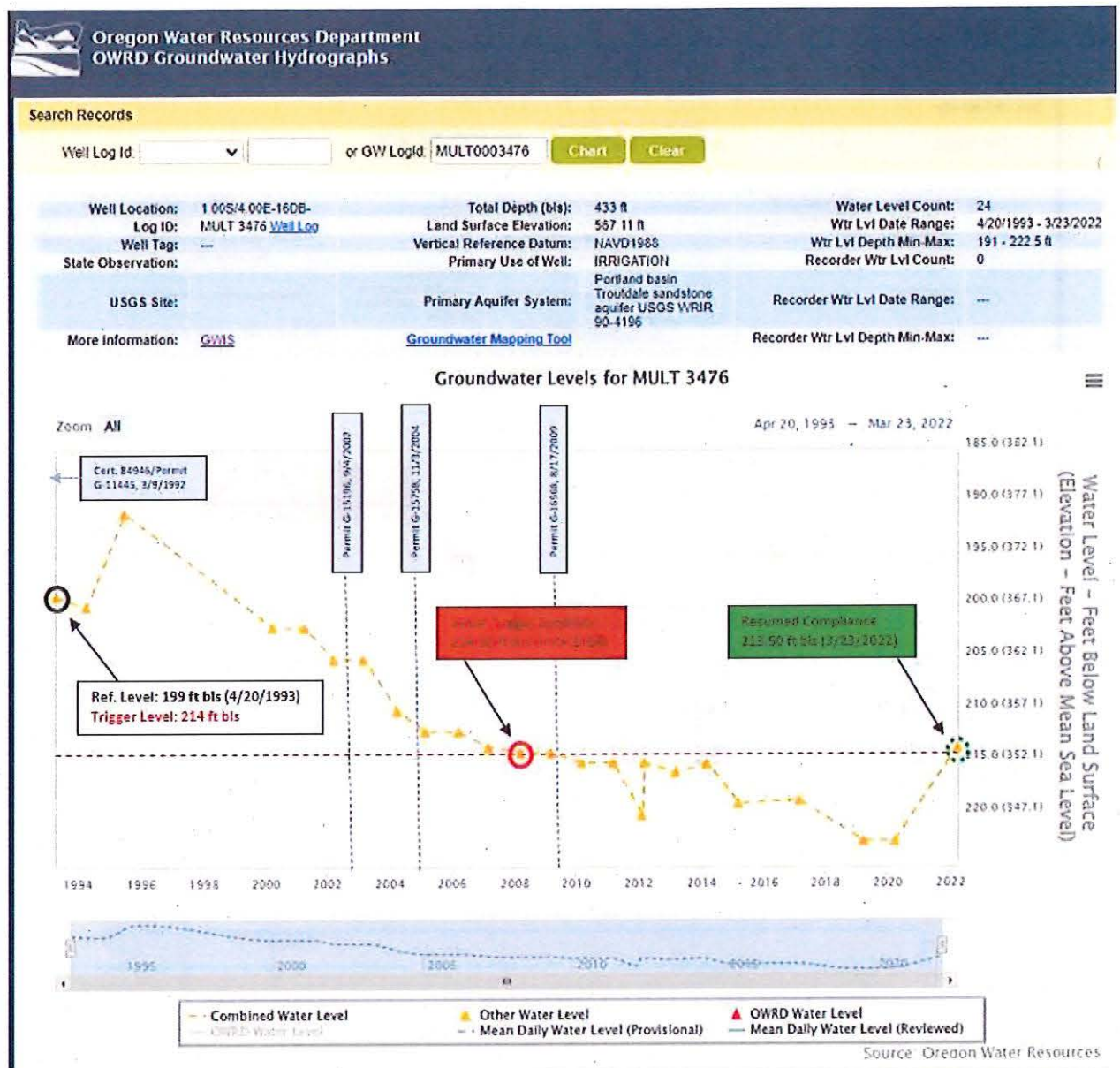
Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		101		d	
Radial distance from pumped well:	r		1020.00		ft	Q conversions
Pumping rate	Q		0.930		cfs	417.38 gpm
Hydraulic conductivity	K	9.000	11.000	14.000	ft/day	0.93 cfs
Aquifer thickness	b		50		ft	55.80 cfm
Storativity	S_1		0.00010			80,352.00 cfd
	S_2		0.00050			1.84 af/d
Transmissivity Conversions	T_ft2pd	450	550	700	ft2/day	
	T_ft2pm	0.3125	0.3819	0.4861	ft2/min	
	T_gpd/ft	3,366	4,114	5,236	gpd/ft	

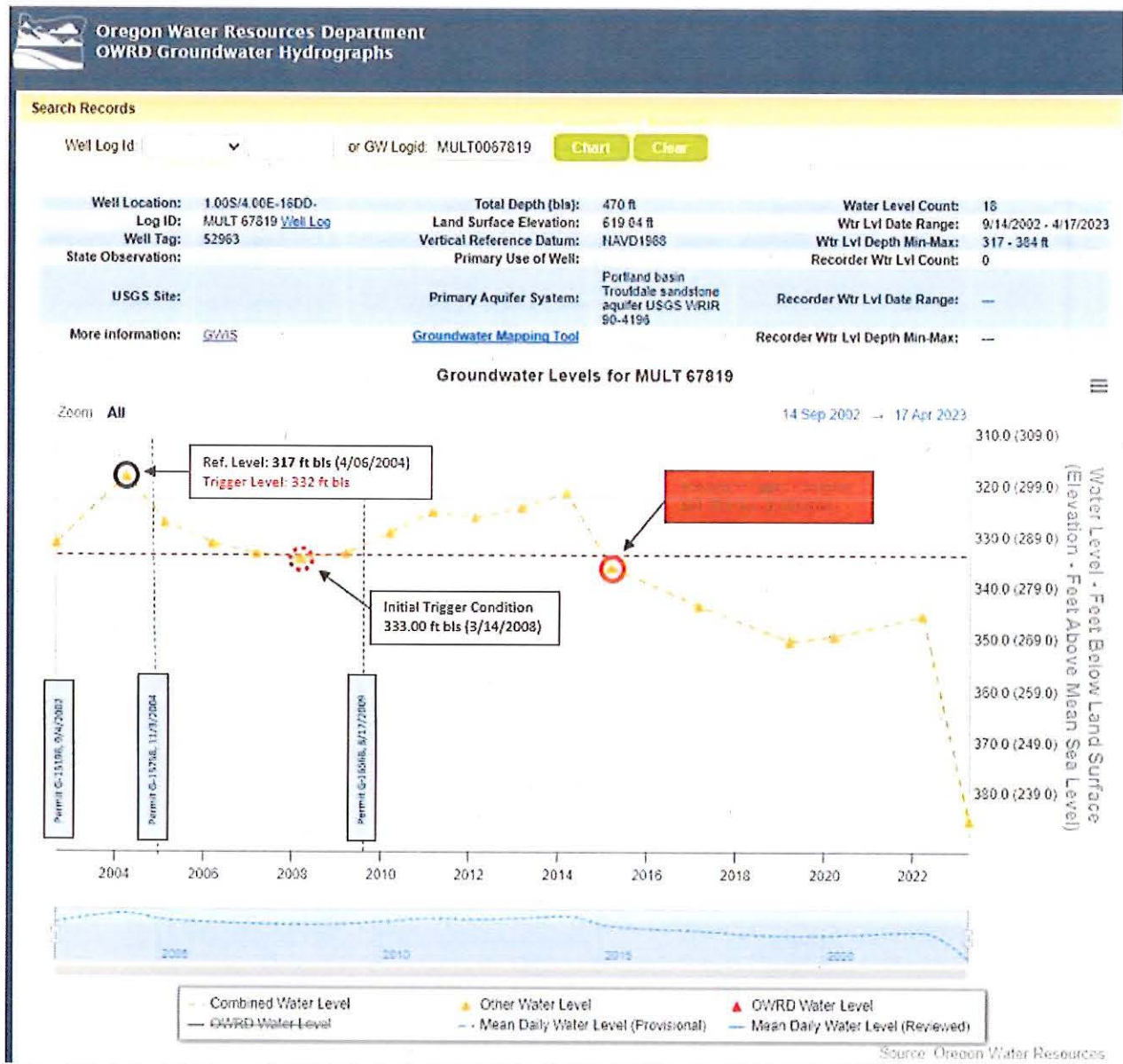
Recalculate

Use the Recalculate button if recalculation is set to manual



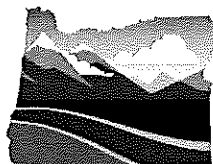
Hydrograph, Area Wells

Hydrograph, Authorized From-POA MULT 3476 (Well 1)

Hydrograph, Authorized From-POA MULT 67819 (Well 3)

Hydrograph, Proposed To-POA MULT 55482 (Ekstrom Well 1)

Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-13852

Review Due Date: 12/03/2021

Applicant Name: Sester

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

Reviewer(s): Amy Landvoigt

Date of Review: 01/07/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

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

☒ N/A

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

☒ N/A

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

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

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

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", answer the following:

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

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

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

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

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

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

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

☐ Weir
☐ Parshall Flume
☐ Other: ____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 13852

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

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

Watermaster name: Amy Landvoigt

District: 20

Address: 10722 SE Highway 212

City/State/Zip: Clackamas, OR 97015

Phone: 503-312-1743

Email: amy.j.landvoigt@water.oregon.gov

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

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

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

 Watermaster signature

 District

 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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13852

GW Reviewer Dennis Orlowski Date Review Completed: March 2, 2023

NOTE: the same source and injury considerations are favorable for approving this proposed transfer. However, triggered decline conditions in both From-POA and To-POA wells suggests *enlargement* might result from this transfer, as discussed in Section 8 of this review.

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-13852

Applicant Name: G and F Sester Family LLC

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

Reviewer(s): Dennis Orlowski

Date of Review: March 2, 2023

Date Reviewed by GW Mgr. and Returned to WRSD: JTI 3/23/23

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

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

1. Basic description of the changes proposed in this transfer: Proposed transfer relates to permit G-15758, which is for irrigation of 334.85 acres (primary 34.5 acres, supplemental 300.35 acres, Mar 1-Oct 31). Permit G-15758 authorizes the use of up to four POA, with a total combined maximum instantaneous pumping rate of 1.11 cfs (~498 gpm) (primary 0.43 cfs (~193 gpm), supplemental 0.68 cfs (~305 gpm)).

OWRD records show that existing wells are associated with two of the four authorized POA: MULT 3476 ("Well 1") and MULT 67819 ("Well 3"). Wells have not yet been installed at the two remaining authorized POA locations, "Well 2" and "Well 4".

MULT 3476 ("Well 1") is also an authorized POA for three additional groundwater rights:

- Certificate 84946: nursery use 80.0 acres, maximum rate 0.67 cfs, year-round
- Permit G-15196: nursery use 300.35 acres, maximum rate 0.67 cfs, year-round
- Permit G-16568: primary irrigation 54.6 acres, maximum rate 0.68 cfs, 3/1 to 10/31

MULT 67819 ("Well 3") is also an authorized POA for two additional groundwater rights:

- Permit G-15196: nursery use 300.35 acres, maximum rate 0.67 cfs, year-round
- Permit G-16568: primary irrigation 54.6 acres, maximum rate 0.68 cfs, 3/1 to 10/31

The purpose of this transfer application is to: (1) modify the existing POU for the 34.5 acre portion of permit G-15758 that authorizes primary irrigation, and (2) change two of the four authorized POA locations for the same 34.5 acre primary irrigation portion to the following new POA locations:

- Ekstrom Well 1 (MULT 55482)
- Ekstrom Well 2 (not yet installed)

Proposed To-POA MULT 55482 is also the only authorized POA for certificate 89728, which is for nursery use on 28.4 acres, limited to a maximum instantaneous pumping rate of 0.5 cfs (~224 gpm).

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The From-POA and To-POA develop (or will develop) the Deep Troutdale aquifer (equivalent to the "Troutdale Sandstone Aquifer" as designated by the USGS and others). The Deep Troutdale aquifer in this area consists of ~200-250 ft of gravel, sand, conglomerate, and coarse-grained sandstone with beds of fine to medium sand and silt. The aquifer is overlain by a confining unit ("Confining Unit 1") consisting of ~50-100 ft of primarily fine to medium sand, silt, and clay (Swanson and others, 1993).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): Not applicable.
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with another ground water right?
☒ Yes ☐ No Comments: The nearest groundwater right potentially affected by the proposed use is a POA for permit G-15183, which has a senior priority date of May 8, 2001. No well records are on file for that permitted POA location; however, the permit stipulates that the single POA will be completed in the Deep Troutdale aquifer between ~350-550 ft bls. Compared to the currently-authorized POA locations, a proposed To-POA location is significantly nearer to the permit G-15183 POA location, and thus the proposed change will likely result in an increase in interference with that groundwater right.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Authorized From-POA MULT 3476 (Well 1) is approximately 2,900 feet from the permit G-15183 POA location; proposed To-POA MULT 55482 (Ekstrom Well 1) is about 1,020 feet from that same location. Therefore, the proposed To-POA MULT 55482 location is about 1,880 feet nearer to the permit G-15183 POA location.

To evaluate the potential additional interference with the nearby POA for permit G-15183, a Theis (1935) drawdown analysis was completed. Aquifer parameters used for the analysis were derived from regional data and studies (Pumping Test Reports; McFarland and Morgan, 1996; Swanson et al., 1993).

To provide a conservative analysis, it was assumed that authorized From-POA MULT 3476 would be pumped non-stop at the maximum authorized rate for the 34.5-acre primary irrigation portion (0.43 cfs, ~193 gpm) up to the associated duty, which would be reached within approximately 101 days of pumping (note: additional pumping rate allocations authorized for MULT 3476 (Well 1) by its other water rights were not included for this analysis. Not stacking those additional authorized rates results in this comparative interference analysis being even more conservative; this is because with less interference drawdown imposed by MULT 3476 on nearby wells, the resulting *net difference* when compared to the proposed change (increased pumping rate at MULT 55482) is effectively greater).

Pumping at the proposed To-POA MULT 55482 location was simulated at 0.93 cfs (~417 gpm), which is the combined total for the rate currently authorized for it by certificate 89728 (0.5 cfs), plus the associated maximum rate authorized by permit G-15758 (0.43 cfs).

Results of the Theis comparative analysis indicate that interference with the permit G-15183 POA could range from about 36 to 66 feet based on these conservative pumping scenarios. Using pumping water level estimates for the affected G-15183 POA (based on a specific capacity value derived from pumping test data from MULT 3476), and assuming the G-15183 POA well would be completed to 550 ft bls (fully penetrating the Deep Troutdale aquifer), it was determined that sufficient available drawdown would be available in the G-15183 POA well; this is despite the relatively-large amount of additional drawdown (~36-66 feet) predicted under these conservative scenarios. Therefore, it is not likely that the proposed use will result in the G-15183 POA or another similar groundwater right from receiving the water to which it is legally entitled.

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

☐ Yes ☒ No Comments: Groundwater levels in the Deep Troutdale aquifer at and near the authorized and proposed POAs are more than 150 ft below the estimated surface water elevations for several stream reaches within approximately 4,000 feet of the POAs; therefore, these POAs are not hydraulically connected to those streams.

Farther away, the Troutdale Formation (which includes the Deep Troutdale aquifer) crops out along the walls of the Sandy River valley located east and north of the POA sites. Numerous small creeks and springs originate from or flow over the Troutdale Formation where it outcrops in this area (USGS, 2014; McFarland and Morgan, 1996). These hydraulically-connected perennial reaches are located on the order of 4,000 to 6,000 feet from the two current authorized From-POAs, MULT 3476 (Well 1) and MULT 67819 (Well 3). Because the two proposed To-POAs are located from about 1,600 to 1,900 feet generally south and west from the authorized POAs, *farther away from the Sandy River*, the proposed change will not likely result in an increase in interference with these stream reaches.

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

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: Not applicable.
7. What conditions or other changes in the application are necessary to address any potential issues identified above: None
8. Any additional comments: Groundwater level data from the authorized and proposed POA wells, in addition to other area wells completed in the Deep Troutdale aquifer, indicate steadily-declining levels over the past 20-plus years. For one group of wells (including MULT 3476), the total declines have averaged about 20 feet over that time interval; for a few deeper wells, declines over this same general period have been even greater, on the order of approximately 30 to 60 feet (for MULT 56024 and MULT 67819, respectively) (see attached hydrograph of area wells).

Of immediate related concern for this proposed transfer is that one of the authorized From-POA (MULT 67819, Well 3) and the proposed To-POA (MULT 55482, Ekstrom Well 1) have both triggered decline conditions stipulated in their respective water rights.

The water rights associated with both the authorized and proposed POA do not include specific reference water levels that are required to evaluate decline conditions. Instead, each associated permit includes the following related provision: "Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins." Applying this condition, the reference levels for the two To-POA are thus established as the following, which are measurements made in February 2005, the first non-irrigation season readings available after the permit was issued on November 3, 2004:

- MULT 3476 (Well 1): 212.00 ft bls
- MULT 67819 (Well 3): 326.00 ft bls

The water right associated with the proposed To-POA MULT 55482 (permit G-13274/certificate 89728) has similar language related to establishing a reference water level. Therefore, the related reference level for To-POA MULT 55482 is established as the following from its March 18, 1999 measurement, which is the first non-irrigation season measurement available after the permit was issued on December 15, 1997:

- MULT 55482 (Ekstrom Well 1): 271.00 ft bls

Furthermore, each of the related groundwater rights have the same three water level decline conditions. The most relevant, and most-readily validated, of these conditions is the following: (1) "Use of the water from the well, as allowed herein, shall be regulated if the well displays: (b) a total water level decline of fifteen or more feet."

Referring to attached hydrographs, it can be seen that two of these three wells have exceeded their respective trigger levels for this total 15-ft decline condition. From-POA MULT 3476 has not yet triggered this particular decline condition (trigger level: 227 ft bls). However, the other existing From-POA, MULT 67819, triggered this decline condition as of

its March 8, 2017 measurement (trigger level: 341 ft bls); levels through 2022 have remained below this trigger level.

Proposed To-POA MULT 55482 (Ekstrom Well 1) triggered the 15-foot total decline condition as of its March 7, 2022 measurement.

Because decline conditions have been triggered in both authorized and proposed POA, it appears that this proposed transfer will result in enlargement of permit G-15758. Specifically, one definition of "enlargement" is: "*Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation*" (OAR 690-380-0100(2)(d)). From-POA MULT 67819 has exceeded its trigger level for several consecutive years now, which could be interpreted as meaning water is no longer "*legally available*" to that point of appropriation. Related to this point, the recent trigger level exceedance at To-POA MULT 55482 would be expected to be sustained, or perhaps worsened, if additional pumping at that well is authorized via this proposed transfer. It is also possible that these proposed changes could result in triggering another permit decline condition that is related to causing 15 or more feet of hydraulic interference in neighboring wells.

Given (1) the overall declining groundwater trends in this area and (2) the triggered permit conditions in both authorized and proposed POA, if this proposed transfer is approved, then it is recommended that it contain a provision that allows the proposed use of the To-POA wells only if the specific decline conditions for all of the From-POA wells have not been triggered. It is understood that a similar provision was included in T-8496 (see related Final Order 59-569 approving T-8496).

References

Water rights documents: application T-13852; certificates 84946 and 89728, permits G-12635, G-15623, G-15758, G-16568, G-13274, G-15183, T-8496.

McFarland, W.D., and Morgan, D.S., 1996, Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington, Water Supply Paper 2470-A, 58 p; U. S. Geological Survey, Reston, VA.

Swanson, R. D., McFarland, W. D., Gonthier, J. B., and Wilkinson, J. M., 1993, A description of hydrogeologic units in the Portland Basin, Oregon and Washington, Water-Resources Investigations Report 90-4196, 56 p.; U. S. Geological Survey, Reston, VA.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

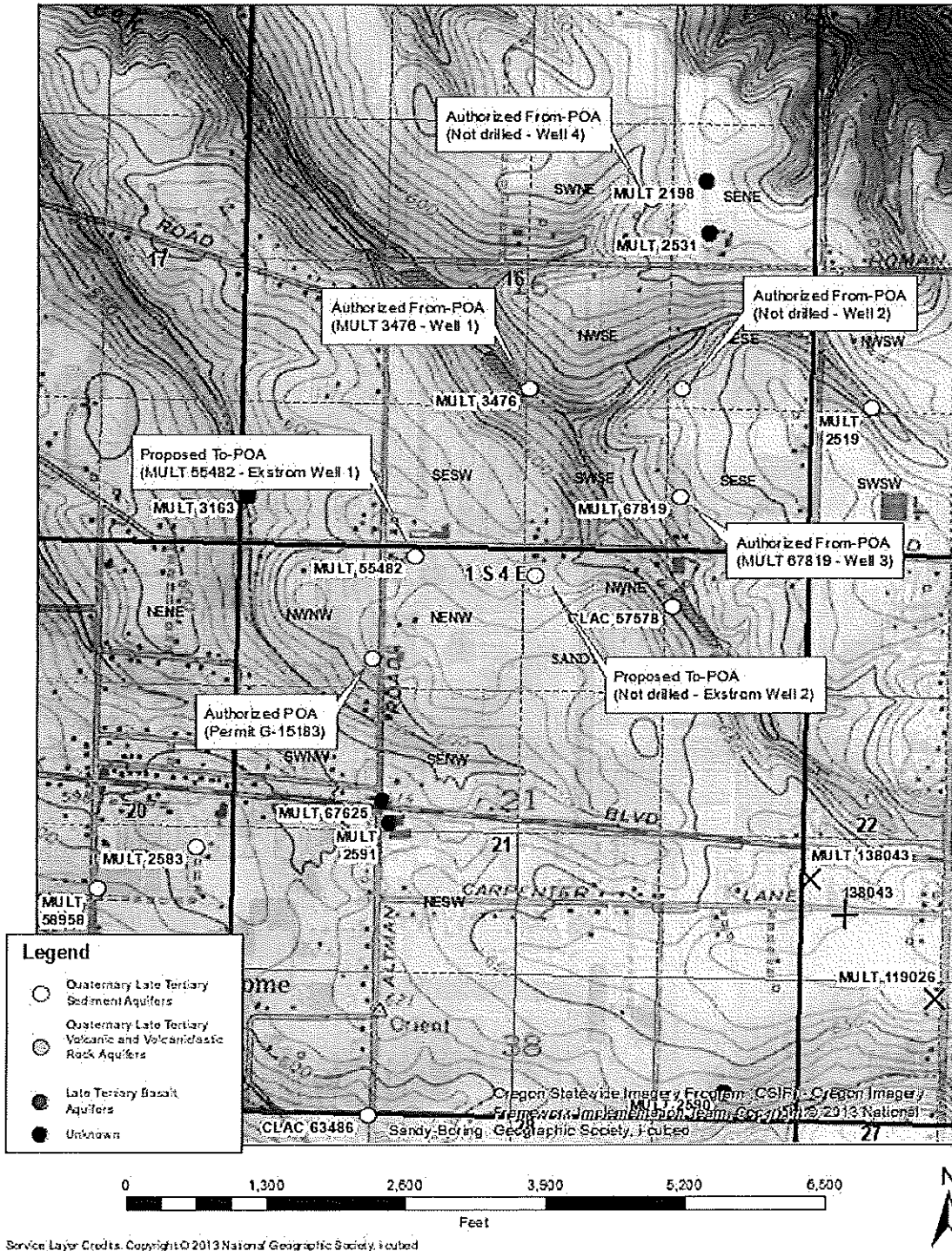
United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

United States Geological Survey, 2017, *Sandy quadrangle*, Oregon [map], 1:24,000, 7.5 minute topographic series, U.S. Department of the Interior, Reston, VA.

WSI, 2015, OLC Metro, Portland, OR, May 8.

Location Map

Application T-13852, G and F Sester Family LLC
T1S, R4E, Sections 16 and 21



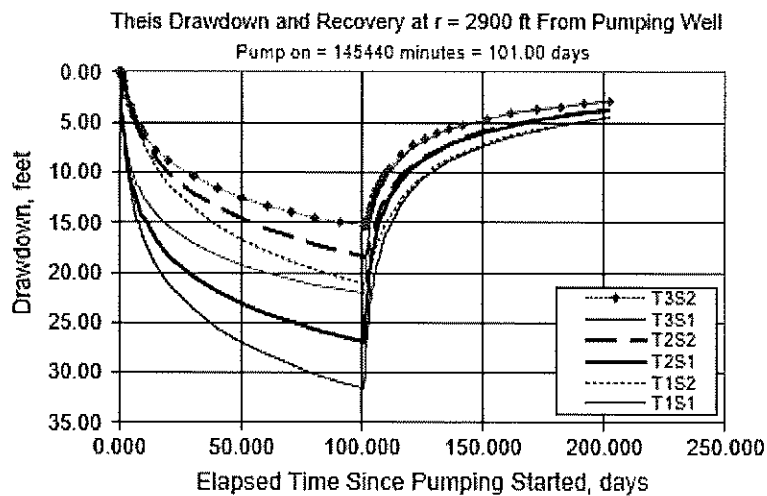
Theis Drawdown Analysis – Authorized From-POA MULT 3476 to Permit G-15183 POA Location

Theis Time-Drawdown Worksheet v.3.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.

Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		101		d	
Radial distance from pumped well:	r		2900.00		ft	Q conversions
Pumping rate	Q		0.430		cfs	192.98 gpm
Hydraulic conductivity	K	9.000	11.000	14.000	ft/day	0.43 cfs
Aquifer thickness	b		50		ft	25.80 cfm
Storativity	S_1		0.00010			37,152.00 cfd
	S_2		0.00050			0.85 a/d
Transmissivity Conversions	T_ftpd	450	550	700	ft ² /day	
	T_ft2pm	0.3125	0.3819	0.4861	ft ² /min	
	T_gpdft	3.368	4.114	5.236	gpd/ft	
Recalculate						Use the Recalculate button if recalculation is set to manual



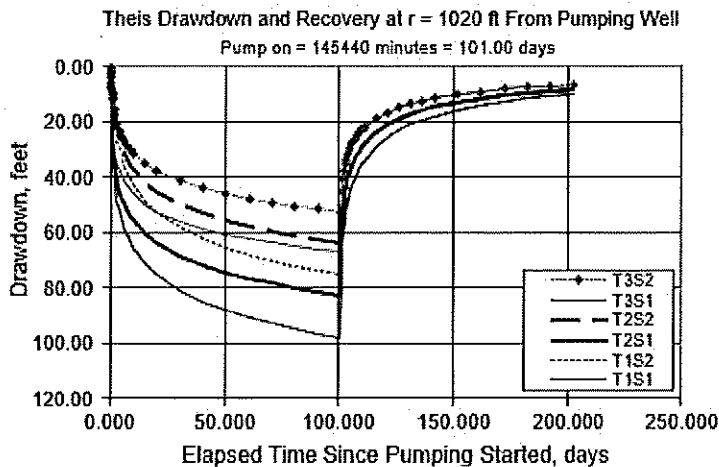
Theis Drawdown Analysis – Proposed To-POA MULT 55482 to Permit G-15183 POA Location

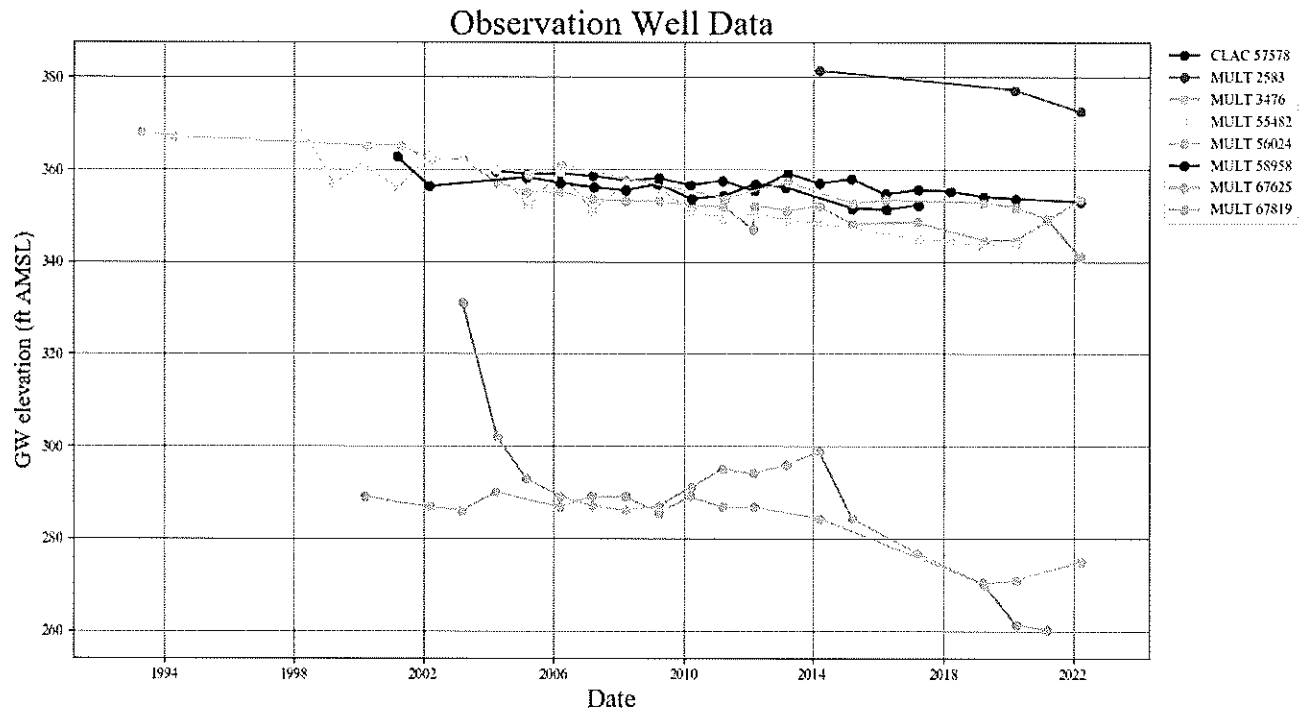
Theis Time-Drawdown Worksheet v.3.00

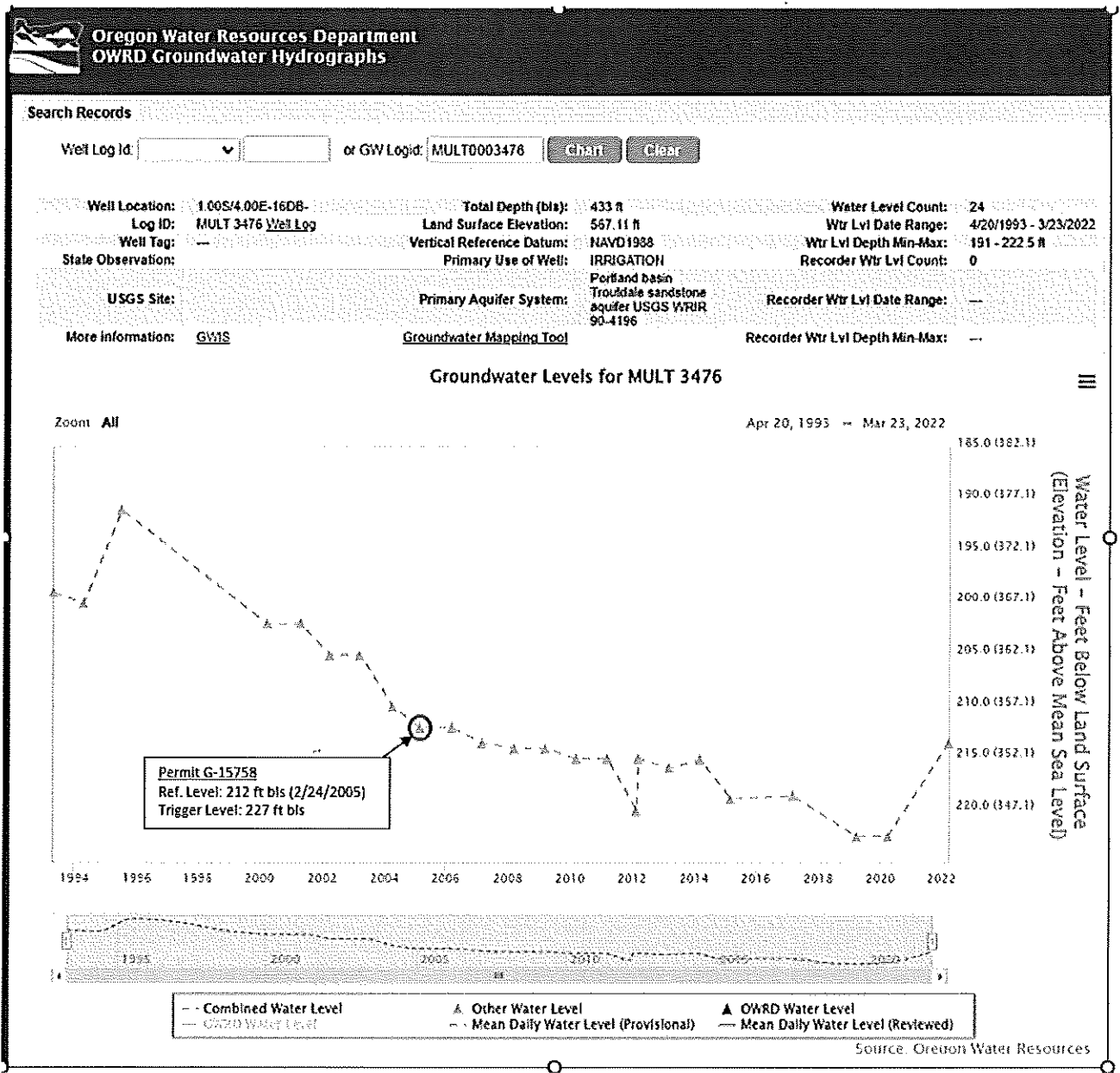
Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.
Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

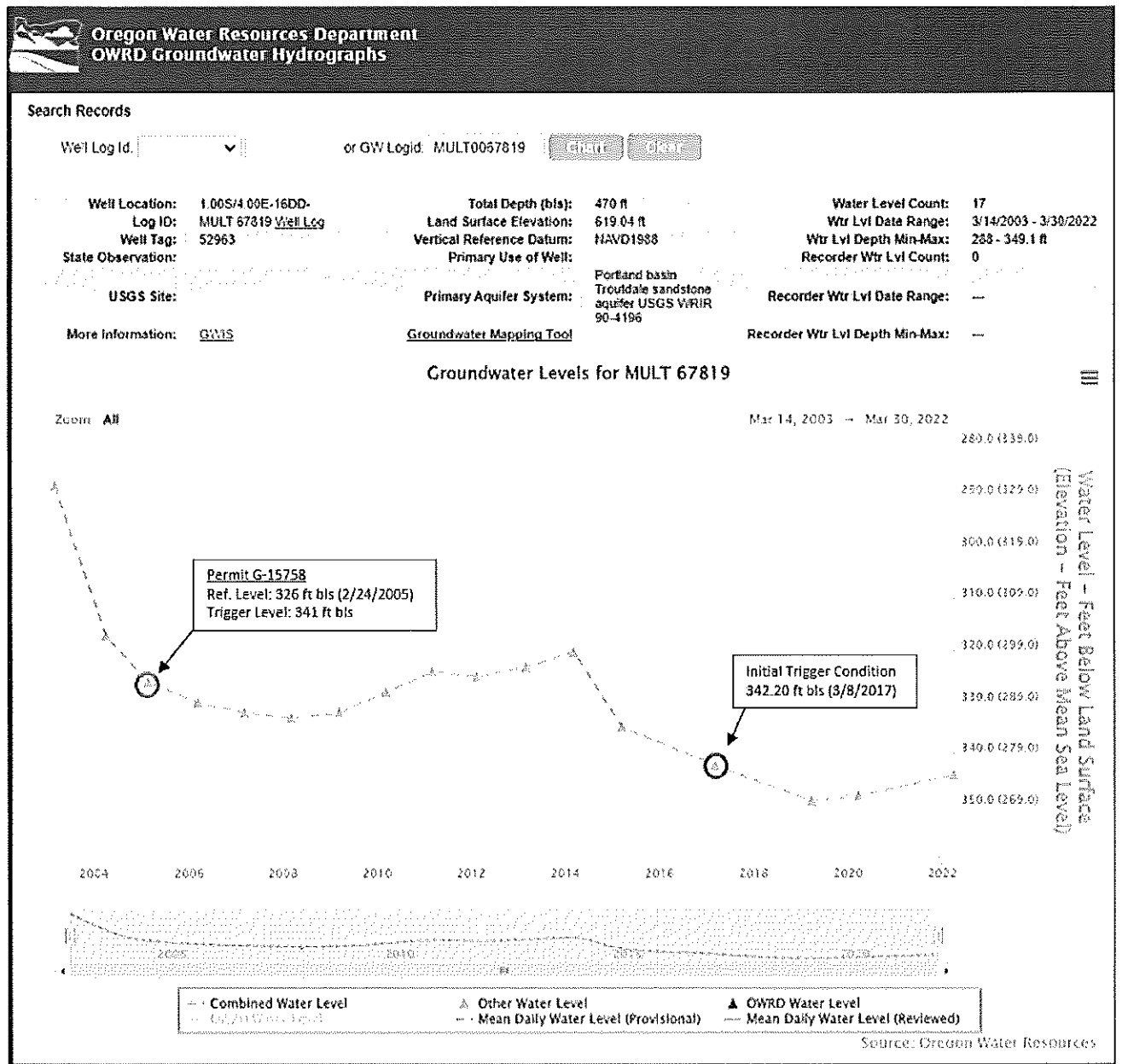
Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		101		d	
Radial distance from pumped well:	r		1020.00		ft	Q conversions
Pumping rate	Q		0.930		cfs	417.38 gpm
Hydraulic conductivity	K	9.000	11.000	14.000	ft/day	0.93 cfs
Aquifer thickness	b		50		ft	55.80 cfm
Storativity	S_1		0.00010			80,352.00 cfd
	S_2		0.00050			1.84 a/d
Transmissivity Conversions	T ft ² /d	450	550	700	ft ² /day	
	T ft ² /m	0.3125	0.3819	0.4861	ft ² /min	
	T gpd/ft	3,366	4,114	5,236	gpd/ft	

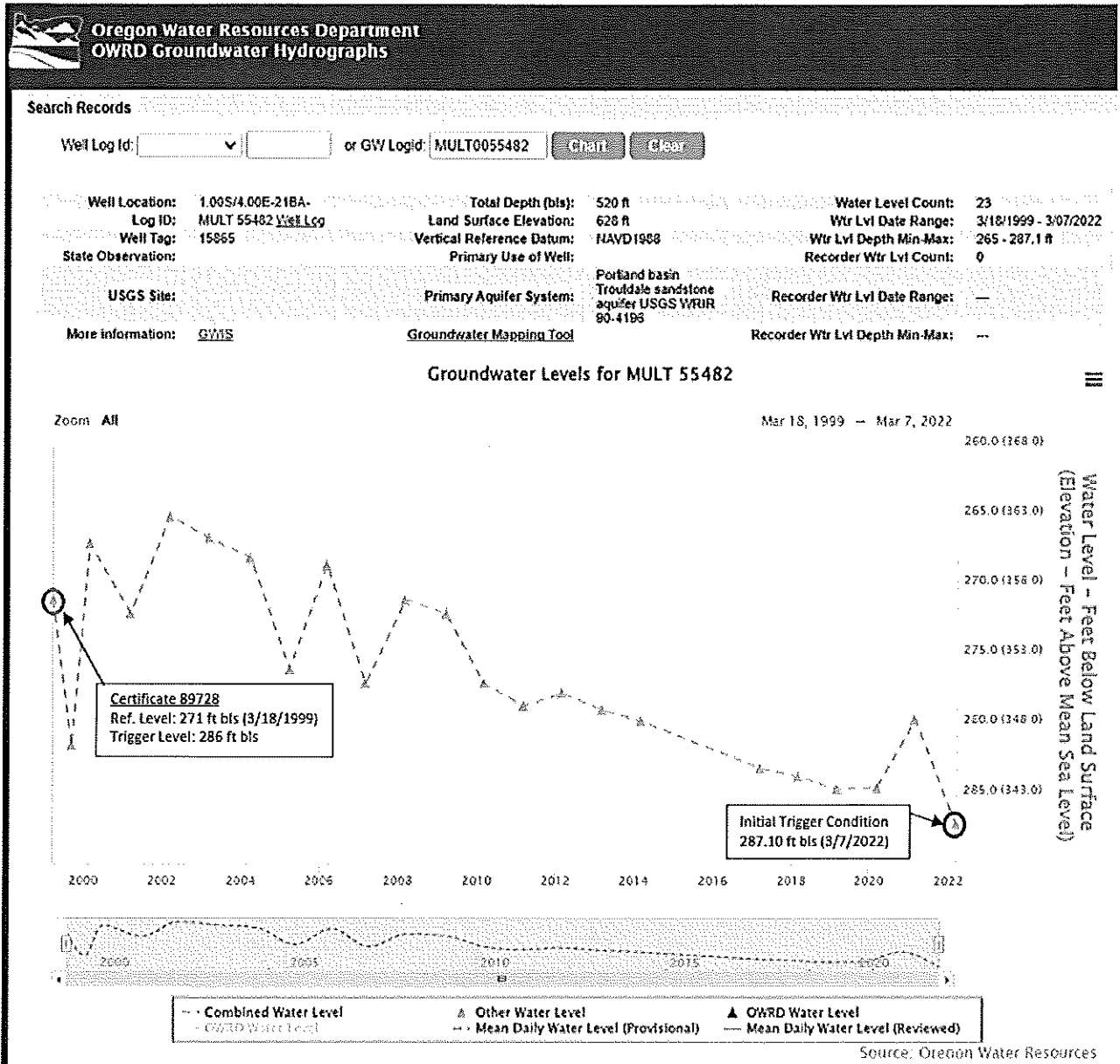
Recalculate Use the Recalculate button if recalculation is set to manual



Hydrograph, Area Wells

Hydrograph, Authorized From-POA MULT 3476 (Well 1)

Hydrograph, Authorized From-POA MULT 67819 (Well 3)

Hydrograph, Proposed To-POA MULT 55482 (Ekstrom Well 1)

KAMIS Nianila * WRD

From: IVERSON Justin T * WRD
Sent: Thursday, March 23, 2023 12:12 PM
To: WRD_DL_transferreviews
Cc: JARAMILLO Lisa J * WRD; ORLOWSKI Dennis R * WRD
Subject: GW review complete for Transfer T 13852 (Permit Amendment Transfer)
Attachments: T13852_G and F Sester Family LLC.pdf

Importance: High

Attached.

This review includes recommendations for identifying specific water level reference levels as per conditions of the subject permits, and for transfer order language noting triggered permit water level decline conditions, similar to the final order [Approving T-8496](#) . Please work with Dennis if you have any questions re reference levels or recommendations.

Thanks,

Justin Iverson, RG

GROUNDWATER SECTION MANAGER

Oregon Water Resources Department

Cell: 503-302-9728 Justin.T.Iverson@water.oregon.gov

Pronouns: He/Him

Please Note: under Oregon law, messages to and from this e-mail address may be made available to the public

We're hiring **Senior Hydrogeologists**! See the full list of OWRD recruitments [here](#). Search for "owrd".

From: wrd_automated_email@oregon.gov <wrd_automated_email@oregon.gov>
Sent: Wednesday, November 3, 2021 6:01 PM
To: WRD_DL_gwreview_basin_3 <WRD_DL_gwreview_basin_3@oregon.gov>
Subject: OWRD: WR Transfer T 13852 (Permit Amendment Transfer) has been submitted for your District or Region. [GWR]
Importance: High

Ground Water Review request for proposed water right transfer T 13852

Oregon Water Resources Department - Automated e-mail notice

Transfer Application Stakeholder(s): ** Applicant ** SESTER, TED; SESTER FARMS INC.

Transfer Type: Permit Amendment Transfer
Notice Number: 1

Transfer Actions:

- POA - Point of Appropriation change
- POU - Place of Use change

Diversion Location:

County	Multnomah
TRSQQ	1.00S 4.00E 16 NWSE
Basin	Sandy
Source	A WELL
Tributary To	NORTH FORK BEAVER CREEK

To view the OWRD Web page for T 13852 please click the following link:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=13852&transfer_char=T

To view the Pending Reviews for your district or region and obtain Review Forms, click the following link.

https://apps.wrd.state.or.us/apps/wr/external_review/gwr_review.aspx?directory_id=134823

In the case of Instream Leases or Allocations of Conserved Water, please direct all reviews and questions about this request to WRD_DL_instreamlease@oregon.gov. All other transfer reviews and questions about this request should be directed to WRD_DL_transferreviews@oregon.gov. T 13852

This message has been generated automatically by an unmonitored email account.
Please do not "reply" to this message. Thank you.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 141254

INVOICE # _____

RECEIVED FROM: Sester Farm Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13852</u>

CASH: ☐ CHECK: # 21428 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,790.82

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 RII 44623 \$
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,790.82
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS ~~44623~~

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

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 141254

DATED: 7-26-2023 BY: mCaldy

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

**REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-446-23**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Sester Farms; Ted Sester**, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Contact: **Kelly Starnes**
Title: **Transfer Advisor**
Address: **725 Summer Street, NE, Suite A
Salem, OR 97301-1266**

Phone: **503 979-3511**
Fax: **503 986-0901**
Email: **patrick.k.starnes@water.oregon.gov**

Applicant's Information

Name: **Sester Farms**
Contact: **Ted Sester**
Address: **33205 SE Oxbow Drive
Gresham, OR 97080**

Phone: **(503) 663-4844**
Fax:
Email: **ted@sesterfarms.com**

Applicant's Representative

Name: **Summit Water Resources, LLC**
Contact: **Theodore Ressler, RG, CWRE**
Address: **4784 SE 17th Avenue, Suite 111
Portland, OR 97202**

Phone: **(503) 967-7050 x204**
Fax:
Email: **tressler@summitwr.com**

Purpose The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (**Application Number: T-13852**)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$1,790.82**. Applicant agrees to pay the full amount of **\$1,790.82** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

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JUL 26 2023

OWRD

7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: _____


Name/Title: _____

7/21/2023
Date

For OWRD: _____

Dwight French – Administrator

7/28/2023
Date

Mail signed Agreement to:

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

RECEIVED

JUL 28 2023

OWRD



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

November 3, 2021

G AND F SESTER FAMILY LLC
TED SESTER
33205 SE OXBOW DR
GRESHAM, OR 97080

Reference: Application T-13852

On October 25, 2021, OWRD received your water right Permit Amendment Application. The application was accompanied by \$3340.00. Our receipt number 136698 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of appropriation until a final order approving the application has been issued by the Department.

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

If you have any questions, please contact the Transfer Section at (503) 979-9931.

Cc: Watermaster Dist. #20, Amy J. Landvoigt (via email)
Ted Ressler, Agent
Multnomah County Planning Department

Enclosure

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # 140819

INVOICE # _____

RECEIVED FROM: Sester Farms Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-13852</u>

CASH: ☐ CHECK:# 21244 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11446 23 \$
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 125.00
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY) _____		\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$	0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219 \$
	LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: 140819 DATED: 5-30-23 BY: [Signature]

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



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



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

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

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

REQUEST	TYPE	FILE NUMBER
☒	Transfer Application	Transfer Number T-13852

	Applicant Information	Applicant's Representative/Contact
Name:	Ted Sester	Theodore Ressler, RG, CWRE
Address:	Sester Farms 33205 Se Oxbow Drive Gresham, OR 97080	Summit Water Resources, LLC 4784 SE 17 th Avenue, Suite 111 Portland, OR 97202
Phone:	503-663-4844	503-967-7050 x204
Fax:		-
E-Mail Address:	ted@sesterfarms.com	tressler@summitwr.com

I understand the following:

- That upon receipt of my non-refundable application fee of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

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

RECEIVED

MAY 30 2023

OWRD

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Ted Sester – Sester Farms

Signature: _____

Ted Sester

OWRD USE ONLY: Reimbursement Authority Number: R11- 446 -23

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **136698**

INVOICE # _____

RECEIVED FROM: GSI Water Solutions, Inc.

BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>1-13852</u>

CASH: ☐ CHECK: # 24008 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3340.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		<u>46110</u>	
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$ <u>3,340.00</u>	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	\$	0219
	LANDOWNER'S PERMIT		0220
	OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **136698**

DATED: 10-25-2021 BY: Mindy Gordon

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

Application for Permit Amendment

Part 1 of 5 – Minimum Requirements Checklist



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

This permit amendment application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

OCT 25 2021

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

OWRD

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended: 1**
List the Permits here: G-15758 Attachment A
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner). **Attachment B**
- ☒ ☐ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record. **Attachment C**
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **Attachment D**
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **Attachment E**
- ☐ ☒ 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 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(For Staff Use Only)

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

___ Application fee not enclosed/insufficient ___ Map not included or incomplete

___ Land Use Form not enclosed or incomplete

___ Additional signature(s) required

___ Part 13852 is incomplete

Other/Explanation _____

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

Part 2 of 5 – Permit Amendment Map Checklist

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

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

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- ☐ ☒ N/A If more than three permits are involved, separate maps for each permit.
- ☒ 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 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 use permit, 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 permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☒ ☐ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, 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 use 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 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360
2	Types of change proposed: ☒ Place of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>2 (2a)</u> Subtract 1 from the number in line 2a = <u>1 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$1090 and enter »	2	\$1,090
3	Number of permits included in Permit Amendment <u>1 (3a)</u> Subtract 1 from the number in 3a: <u>0 (3b)</u> <i>If only one permit this will be 0</i> Multiply line 3b by \$610 and enter »	3	0
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☐ No: enter 0 ☒ Yes: enter \$480 for the 1 st well to be added or changed <u>\$480 (4a)</u> Do you propose to add or change additional wells? ☐ No: enter 0 ☒ Yes: multiply the number of additional wells by \$410 <u>\$410 (4b)</u> Add line 4a to line 4b and enter »	4	\$890
5	Do you propose to change the place of use? ☐ No: enter 0 on line 5 ☒ Yes: enter the cfs for the portions of the permits to be amended (see below*): <u>0.43 (5a)</u> Subtract 1.0 from the number in 5a above: <u>-0.57 (5b)</u> If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	\$3,340
7	Is this permit amendment: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 If no box is applicable, enter 0 on line 7 »	7	
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Permit Amendment Fee:	8	\$3,340

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

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (*for S-12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right permit does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each “on the ground” acre included in the application. (*In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME G and F Sester Family LLC, Attn: Ted Sester			PHONE NO. 503-663-4844	ADDITIONAL CONTACT NO.
ADDRESS 33205 SE Oxbow Dr.				FAX NO.
CITY Gresham	STATE OR	ZIP 97080	E-MAIL ted@sesterfarms.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME GSI Water Solutions, Inc. Attn: Theodore Ressler			PHONE NO. 971-200-8509	ADDITIONAL CONTACT NO.
ADDRESS 55 SW Yamhill St., Suite 300				FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL tressler@gsiws.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this permit amendment; and why:
This application proposes two changes to Permit G-15758: (1) Change the place of use for a 34.5-acre portion of the permit which authorizes primary irrigation; (2) Change the points of appropriation for the same 34.5-acre portion of the permit. No changes are proposed for the place of use or points of appropriation authorized for supplemental irrigation.

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

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record? ☒ Yes ☐ No

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? 10/1/2028

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, 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 permit 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: The Gresham Outlook

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


Applicant Signature

Ted Sester
Print Name (and Title if applicable)

9/20/2021
Date

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Check one of the following:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

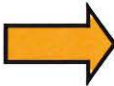
Check the appropriate box, if applicable:

- ☐ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME N/A	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any of the permits 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 local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Multnomah County Land Use Planning Division	ADDRESS 1600 SE 190th Avenue	
CITY Portland	STATE OR	ZIP 97233

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Use Permit Information

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

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PERMIT # **G-15758**

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

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POD/POA Name or Number	Is this POD/POA Authorized by the permit 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)
Well 1	☒ Authorized ☐ Proposed	MULT 3476	1 S	4 E	16	NW SE	300	1070 feet South and 50 feet East from C ¼ corner of Section 16
Well 2	☒ Authorized ☐ Proposed	N/A	1 S	4 E	16	NE SE	400	1140 feet South and 1415 feet East from C ¼ corner of Section 16
Well 3	☒ Authorized ☐ Proposed	MULT 67819	1 S	4 E	16	SE SE	300	2175 feet South and 1415 feet East from C ¼ corner of Section 16
Well 4	☒ Authorized ☐ Proposed	N/A	1 S	4 E	16	SW NE	300	600 feet North and 1200 feet East from C ¼ corner of Section 16
Ekstrom Well 1	☐ Authorized ☒ Proposed	MULT 55482	1 S	4 E	21	NE NW	100	135 feet South and 1648 feet East from NW corner of Section 21
Ekstrom Well 2	☐ Authorized ☒ Proposed	N/A	1 S	4 E	21	NW NE	900	325 feet South and 2740 feet East from NW corner of Section 21

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

- | | |
|---|--|
| ☒ Place of Use (POU) | ☒ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- ☐ Yes Complete only the proposed ("to" 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 permit to be changed.

For a change in place of use:

Does the permit holder of record own or control the land TO which the place of use is being moved?

☐ Yes ☒ No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment. **See Attachment C. The applicant will submit the request for assignment pending favorable findings from the Injury Review for this Permit Amendment.**

Is the proposed place of use contiguous to the authorized place of use? ☒ Yes ☐ No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use **unless** the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

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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

Table 2. Description of Changes to Water Use Permit # G-15758

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 (if applicable)	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 (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																								
2	S	9	E	15	NE	NW	100		15.0	POD #1 POD #2		POU/POD	2	S	9	E	15	NW	NW	100	1	10.0	POD #5	
"	"	"	"	"	"	"	"	"	EXAMPLE	"		"	2	S	9	E	15	SW	NW	200		5.0	POD #6	
1	S	4	E	16	NW	NE	300 301		19.25	Well 1 Well 2 Well 3 Well 4	5/21/2003	POU/POA	1	S	4	E	21	NW	NE	900 1000		17.4	Ekstrom Well 1, Ekstrom Well 2	5/21/2003
1	S	4	E	16	SW	NE	300		15.25	"	"		1	S	4	E	21	SW	NE	900		17.1	"	"
TOTAL ACRES							34.5					TOTAL ACRES							34.5					

Additional remarks: The applicant proposes to change the place of use and points of appropriation for a 34.5-acre portion of Permit G-15758 authorizing primary irrigation, as shown on the map in Attachment B. No changes are proposed for the portion of the permit authorizing supplemental irrigation, labeled Remaining Lands on the map.

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Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands? ☒ Yes ☐ No

If YES, list the other certificate, permit, or ground water registration numbers: "From" Lands: 28123; "To" Lands: 29894, 29896, 32584, and 40150. Certificate 29894 authorizes primary irrigation and Certificates 29896, 32584, and 40150 authorize supplemental irrigation.

Concurrent with this permit amendment application, a transfer application is being filed to move the portions of the place of use for Certificates 29894, 29896, 32584, and 40150 which coincide with this application's proposed "To" Lands to the location of this application's "From" Lands. The layered portion of Certificate 28123 is being left in place on the "From" Lands, and an affidavit for voluntary partial diminution from primary to supplemental irrigation is included with this application (Attachment F). When the transfer application is approved, Certificate 28123 will then be layered with a different primary irrigation right of similar reliability (Certificate 29894).

If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

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

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx) Attachment E

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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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
Well 2	No	N/A	440'*	8''*	0-440'*	0-284'*	380-430'*	220'*	Deep Troutdale	
Well 4	No	N/A	500'*	8''*	0-500'*	0-280'*	380-490'*	280'*	Deep Troutdale	
Ekstrom Well 2	No	N/A	550'*	10''*	0-210'*	0-210'*	210-550'*	280'*	Deep Troutdale	

*Anticipated or estimated

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STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

G AND F SESTER FAMILY LLC
33205 SE OXBOW DR
GRESHAM, OR 97080

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

APPLICATION FILE NUMBER: G-16012

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, AND WELL 4 IN NORTH FORK
BEAVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 334.85 ACRES, BEING PRIMARY
IRRIGATION ON 34.5 ACRES AND SUPPLEMENTAL IRRIGATION ON 300.35
ACRES

MAXIMUM RATE: 1.11 CUBIC FEET PER SECOND (CFS), BEING 0.43 CFS FOR
PRIMARY IRRIGATION AND 0.68 CFS FOR SUPPLEMENTAL IRRIGATION

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 21, 2003

WELL LOCATIONS:

WELL #1; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, T1S, R4E, W.M.; 1070 FEET
SOUTH & 50 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL #2; NE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, T1S, R4E, W.M.; 1140 FEET SOUTH
& 1415 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL #3; SE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 16, T1S, R4E, W.M.; 2175 FEET SOUTH
& 1415 FEET EAST FROM C1/4 CORNER, SECTION 16

WELL #4; SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 16, T1S, R4E, W.M.; 600 FEET NORTH
& 1200 FEET EAST FROM C1/4 CORNER, SECTION 16

The amount of water used for irrigation under this right, together
with the amount secured under any other right existing for the same
lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot
per second and 2.5 acre-feet for each acre irrigated during the
irrigation season of each year.

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW ¼ NE ¼	19.25 ACRES	20.0 ACRES
SW ¼ NE ¼	15.25 ACRES	24.75 ACRES
NE ¼ NW ¼		20.0 ACRES
NW ¼ NW ¼		18.0 ACRES
SW ¼ NW ¼		18.75 ACRES
SE ¼ NW ¼		19.5 ACRES
NE ¼ SW ¼		38.5 ACRES
SE ¼ SW ¼		38.5 ACRES
NE ¼ SE ¼		37.6 ACRES
NW ¼ SE ¼		36.5 ACRES
SW ¼ SE ¼		8.0 ACRES
SE ¼ SE ¼		20.25 ACRES

SECTION 16
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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Page 3

The well(s) shall produce groundwater only from the Deep Troutdale groundwater reservoir between approximately 300 feet and 500 feet below land surface.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

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- OWRD** (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the

use, civil penalties, or cancellation of the permit.

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

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

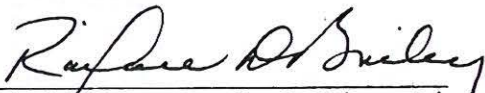
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued November 3, 2004



Phillip C. Ward, Acting Director
Water Resources Department

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ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

Application G-16012
Basin 3
Huffmaam

Water Resources Department
Volume 2 BEAVER CR MISC

PERMIT G-15758
20

13852

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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Request for Assignment



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

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, G and F Sester Family LLC, Attn: Ted Sester

(Name of Current Holder of Record)

33205 SE Oxbow Dr.

Gresham

OR

97080

503-663-4844

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

☐ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

☒ hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-16012; Permit # G-15758; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

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as filed in the office of the Water Resources Director, to:

Shelley L Ekstrom LLC, Attn: James Ekstrom

(Name of New Owner)

3199 SE 302nd Avenue

Troutdale

OR

97060

503-328-6680

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

OWRD

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this _____ day of _____, 20____.
(Day) (Month) (Year)

Signature of Current Holder of Record _____

Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX

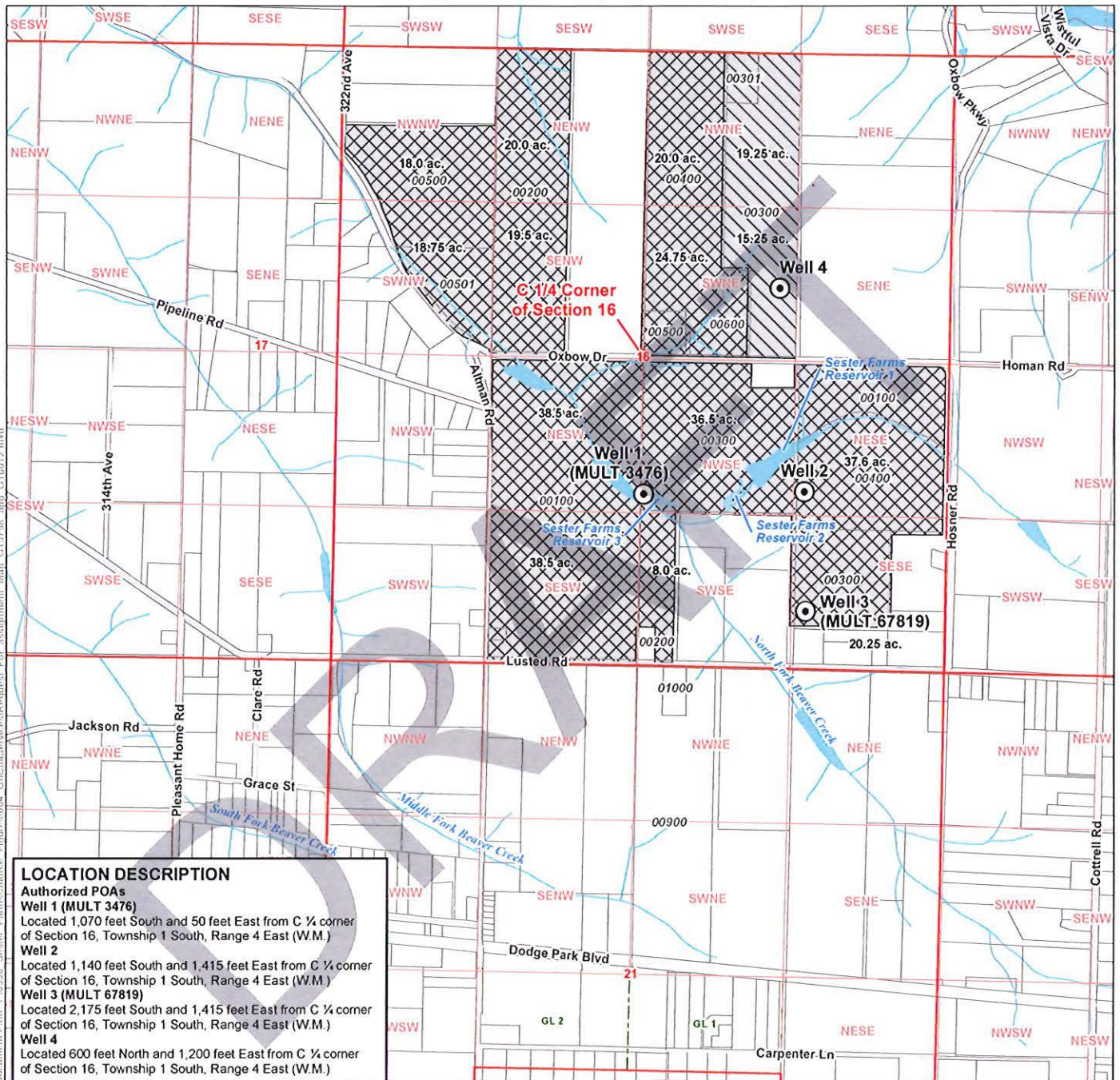


The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

13852

Request for Assignment Map Permit G-15758 (Application G-16012)

Multnomah County
Township 1 South, Range 4 East (W.M.)



LOCATION DESCRIPTION

Authorized POAs

Well 1 (MULT 3476)

Located 1,070 feet South and 50 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)

Well 2

Located 1,140 feet South and 1,415 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)

Well 3 (MULT 67819)

Located 2,175 feet South and 1,415 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)

Well 4

Located 600 feet North and 1,200 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)

LEGEND

- Authorized Well
- Portion to be Assigned to Shelley L Ekstrom LLC (34.5 ac. Primary)
- Portion in the name of G and F Sester Family LLC (300.35 ac. Supplemental)
- Government Lot (GL)

All Other Features

- Tax Lot
- Watercourse
- Waterbody

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.

MAP NOTES

Date: September 13, 2021

Data Sources: BLM, OGIC, USGS, METRO

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0 660 1,320
1 inch = 1,320 feet



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

MAY 24 1993
WATER RESOURCES DEPT.
SALEM, OREGON

MULT
3476

1S/4E/16

(START CARD) # 45258

(1) OWNER:

Well Number _____
Name SESTER FARM INC.
Address 33205 SE OXBOW
City GRESHAM State OR Zip 97080

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other _____

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 433 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
14	0	65	Cement	0	65	43
10	65	284	Cement	244	284	36
8	284	433				

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

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	10	+1	65	.250	☒	☐	☒	☐
	8	+1	433	.250	☒	☐	☒	☐
Liner:					☐	☐	☐	☐

Final location of shoe(s) 433

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Air Knife
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
380	430	1/8"	1400	8		☒	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing
☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
300+		400	4hr.

Temperature of Water 52 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Mult Latitude _____ Longitude _____
Township 1S N or S. Range 4E E or W. WM. _____
Section 16 1/4 _____ 1/4 _____
Tax Lot 11 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) same as above
Water Right Permit #G11445

(10) STATIC WATER LEVEL:

199 ft. below land surface. Date 4-20-93
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 20

From	To	Estimated Flow Rate	SWL
20	40	N/A	6
319	433	300+	199

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
top soil	0	6	
sandy clay yellow	6	7	
frac. weathered rock	7	56	6
frac. weathered rock gray	56	87	
frac. rock gray	87	141	
broken rock gray	141	183	
rock gray	183	247	
weathered rock&clay blue	247	319	
cement gravel gray	319	366	
cement gravel&sandstone	366	382	
cement gravel gray	382		199
large 3-8" diam. gravel			
with very little fines		433	
Recom. pump set 399' @ 300 gpm			

Date started 3-9-93

Completed 4-20-93

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Arnon K. Edie WWC Number 1547
Date 4-19-93

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed David B. Smith WWC Number 616
Date 4-19-93

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MULT 67819

State of Oregon

OCT 02 2002

State Well ID L52963

WATER WELL REPORT (as required by ORS 537.765)

Page 1 of 1

Start Card # 140108

WATER RESOURCES DEPT.

SALEM, OREGON

(1) OWNER: Well No. L52963
 Name SESTER FARM INC.
 Address 33205 SE OXBOW
 City GRESHAM St OR Zip 97080

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: IRRIGATION

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval NO Depth of Compl. Well 470 ft
 Explosives used NO Type Amount

HOLE			SEAL			
Diam.	From	To	Material	From	To	Amount
14	0	100	CEMENT	0	100	64 SACKS
12	100	280	CEMENT	200	280	36 SACKS
10	280	470				

Seal placement method C&SET PLUG&PUSH

Backfill: from ft to ft Material
 Gravel: from ft to ft Size

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	10	+1	280	.250	STEEL	WELDED
	8	0	470	.250	STEEL	WELDED

Liner

Final Location of shoe(s) 280' 9.5"/470' 7.5" TUBEX

(7) PERFORATIONS/SCREENS:

[X] Perf. Method AIR KNIFE

[] Screens Type Material

From	To	Slot Size	Number	Diam.	Tele/pipe Size	Casing/liner
340	460	1/8X2	1800			CASING

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

Test type PUMP

Yield GPM	Draw-down	Drill stem at	Time
160	110		1 hr.
160	110		24 hr

Temperature of water 51F Depth Artesian Flow Found

Was water analysis done? NO By whom

Reason for water not suitable for use

Depth of strata

(9) LOCATION OF WELL by legal description:

County MULT Lat. ° ' " Long. ° ' "
 Township 1 S Range 4 E WM.
 Section 16 SE 1/4 SE 1/4
 Tax Lot 300 Lot Block Subdivision
 Street Address of Well (or nearest Address)
 NEAREST TO 33605 LUSTED RD GRESHAM, OR

(10) STATIC WATER LEVEL:

330 ft. below land surface. Date 09/14/02
 Artesian pressure lb per square in. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 340		Est Flow Rate	SWL
From	To		
340	470	160 GPM	330

(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
TOP SOIL	0	2	
RED CLAY	2	64	
RED CLAY & GRAVEL	64	71	
CEMENTED GRAVEL & BOULDERS	71	200	
CEMENTED GRAVEL W/SEAMS OF YELLOW CLAY	200	340	
FINE BLACK CEMENT GRAVEL	340	395	330
FINE MULTI COLORED CEMENTED GRAVEL	395	460	330
FINE MULTI COLORED CEMENTED GRAVEL WITH	460		330
YELLOW SAND		470	330

TED PULLIAM WELL DRILLING
 9480 S.E. 172nd
 Boring, Oregon 97009
 Phone 665-3353

Date started 08/27/02

Completed 09/14/02

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

Signed _____ WWC Number _____
 Date _____

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

Signed *Ted Pulliam* WWC Number 616
 Date 09/28/02

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT

SECOND COPY - CONSTRUCTOR

THIRD COPY - CUSTOMER

9809C 10/91

13852

APR 23 1998

State of Oregon

WATER WELL REPORT (as required by ORS 537.765)

Page 1 of 1

State Well ID L15865
WATER RESOURCES DEPT
SALEM, OREGON
Start Card # 099526

(1) OWNER: Well No. L15865
Name EKSTROM NURSERY
Address 1600 SE 282ND
City GRESHAM St OR Zip 97080

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: IRRIGATION

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval NO Depth of Compl. Well 480 ft
Explosives used NO Type Amount

HOLE			SEAL			
Diam.	From	To	Material	From	To	Amount
14	0	120	CEMENT	0	120	58 SACKS
12	120	208	CEMENT	190	208	36 SACKS
9 5/8	208	420				
7 1/2	420	520				

Seal placement method C

Backfill: from ___ ft to ___ ft Material
Gravel: from ___ ft to ___ ft Size

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	10	+1	208	.250	STEEL	WELDED
	8	0	420	.250	STEEL	WELDED

Liner

Final Location of shoe(s) 208'91/2";420'71/2" TUBEX

(7) PERFORATIONS/SCREENS:

[] Perf. Method
[] Screens Type Material

From	To	Slot Size	Number	Diam.	Tele/pipe Size	Casing/liner

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

Test type AIR

Yield GPM	Draw-down	Drill stem at	Time
250		500	1 hr.

Temperature of water 51F Depth Artesian Flow Found
Was water analysis done? NO By whom
Reason for water not suitable for use
Depth of strata

(9) LOCATION OF WELL by legal description:

County MULT Lat. ° ' " Long. ° ' "
Township 1 S Range 4 E WM.
Section 21 NE 1/4 NW 1/4
Tax Lot 58 Lot Block Subdivision
Street Address of Well (or nearest Address)
CORNER SE ALTMAN & LUSTED ROAD GRESHAM, OR 97080

(10) STATIC WATER LEVEL:

260 ft. below land surface. Date 04/20/98
Artesian pressure ___ lb per square in. Date

(11) WATER BEARING ZONES:

Depth at which water was first found		260	
From	To	Est Flow Rate	SWL
140	160	10-20 GPM	65
420	520	250-300GPM	260

(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
TOP SOIL	0	2	
RED CLAY	2	63	
LIGHTLY CEMENTED GRAVEL & BOULDERS	63	140	
GRAVEL & BOULDERS	140	160	65
LIGHTLY CEMENTED GRAVEL & BOULDERS	160	420	
LIGHTLY CEMENTED GRAVEL & BOULDERS &	420		
BLACK SAND		480	260
LIGHTLY CEMENTED GRAVEL & BOULDERS &	480		
YELLOW SAND		520	260
CAVING 480'-520'			

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OCT 25 2021

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Date started 04/02/98 Completed 04/20/98

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

Signed _____ WWC Number _____
Date _____

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

Signed *Ed M. Rutter* WWC Number 616
Date 04/20/98

AFFIDAVIT FOR THE VOLUNTARY PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE

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OCT 25 2021

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State of Oregon)
) ss
County of Multnomah)

I/We (or authorized agent), Tim and Lisa Sester
residing at 33505 SE Oxbow Drive, Gresham, OR 97080
telephone number 503-663-4844, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 1S4E16A0300, within the SW ¼ NE ¼, Section 16, Township 1 S, Range 4 E, of the Willamette Meridian, in Multnomah County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. All or a portion of water right certificate number 28123 issued to Andrew William and Anne Sherwood, with a date of priority of 3/12/1956 for use of 0.11 cubic foot per second of water from Nursery irrigation well (MULT 2531) (sources) for the purpose of irrigation of 9.3 acres (uses) is appurtenant to my/our property;
3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A);
4. If the water right is issued in the name of an irrigation district, then the affiant must have the concurrence of the district to the diminishment of the portion of the water right. (Signature of district manager on the line below documents concurrence of the district.)

N/A

Signature of district manager

Printed Name

Date

5. I/We are requesting partial diminution of water right certificate number 28123 in the amount of 0.07 cubic foot per second of water from Nursery irrigation well (sources) for the irrigation of 6.1 acres at the following locations as listed on the certificate (attach a table if needed):

<u>SW ¼ NE ¼</u>	<u>6.1</u> Acres
<u>¼ ¼</u>	<u> </u> Acres
<u>¼ ¼</u>	<u> </u> Acres
Section <u>16</u>	
Township <u>1 S</u> , Range <u>4 E</u> , WM;	

6. I/we have found a more dependable source of primary water, and therefore request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation on the lands described above in item #5;

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A WATER RIGHT CERTIFICATE
(CONTINUED)**

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from Nursery irrigation well (MULT 2531) (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Nursery irrigation well (MULT 2531) (source) for primary irrigation of these lands.

Jim Sester

Signature of legal owner as listed on deed, or authorized agent

9/20/21

Date

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OCT 25 2021

Signature of legal co-owner as listed on deed
(if applicable)

Date

OWRD

Subscribed and Sworn to Before Me this 20th day of September, 2021



Lizet Dominguez
Notary Public for Oregon

My Commission Expires April 05, 2025

PLEASE ATTACH A LEGIBLE COPY OF :

- 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND
- 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED.
- 3) IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

13852

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



G & F Sester Family LLC

33245 SE Oxbow Dr

Gresham, Oregon 97080

Grantor's Name and Address

Tim Sester and Lisa Sester

33505 SE Oxbow Dr

Gresham, Oregon 97080

Grantee's Name and Address

After recording, return to (Name and Address):

Tim Sester

33505 SE Oxbow Dr

Gresham, OR 97080

Until requested otherwise, send all tax statements to (Name and Address):

no change

Multnomah County Official Records
E Murray, Deputy Clerk

2018-062871



\$82.00

02139493201800628710010017

06/14/2018 12:05:36 PM

1R-B&S DEED

Pgs=1 Stn=10 HUNTK

\$5.00 \$11.00 \$60.00 \$6.00

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OCT 25 2021

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BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that G & F Sester Family LLC

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

Tim Sester and Lisa Sester Husband and Wifehereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Multnomah County, State of Oregon, described as follows (legal description of property):

Legal Description

The West one-half of the Northeast one-quarter of Section 16, Township 1 South, Range 4 East of the Willamette Meridian; EXCEPT that part of the West one-half of the West one-half of the Northeast one-quarter of said Section 16, conveyed to William H. Sester, et ux, by deed recorded January 6, 1943 in Book 726, Page 586, Deed Records, all in the County of Multnomah and State of Oregon.

ALSO EXCEPTING THEREFROM the following:

Beginning at a point on the South line of the Northeast one-quarter of Section 16, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, that is East 396.00 feet from the Southwest corner of the Northeast one-quarter of said section; thence North parallel with the East line of the West one-half of the West one-half of the Northeast one-quarter a distance of 231.0 feet; thence Northeasterly 370 feet, more or less, to a point in the East line of the West one-half of the West one-half of the Northeast one-quarter that is North 478.5 feet from the South line of said Northeast one-quarter; thence North on the aforesaid East line a distance of 286.5 feet; thence East parallel to the South line of the Northeast one-quarter a distance of 234.0 feet; thence South parallel with the aforesaid East line a distance of 765.0 feet to a point in the South line of the Northeast one-quarter of said section; thence West along said South line, 531.08 feet to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. (The sentence between the symbols ®, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities, and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on June 13, 2018; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2003, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2003, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Tim Sester Member
Lisa Sester member

STATE OF OREGON, County of Multnomah ss.This instrument was acknowledged before me on June 13, 2018

by

This instrument was acknowledged before me on

by TIM SESTER & LISA SESTER

as

of MembersG & F SESTER Family LLC

Notary Public for Oregon

My commission expires 11/26/21

13852

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	
for Permit G-15758, Water Right Application G-16012, in the	)	FINAL ORDER
name of G and F Sester Family, LLC	)	

Permit Information

Application:	G-16012
Permit:	G-15758
Basin:	3 – Sandy / Watermaster District 20
Date of Priority:	May 21, 2003
Source of Water:	Well 1, Well 2, Well 3, and Well 4 in North Fork Beaver Creek Basin
Purpose of Use:	Irrigation use on 334.85 acres, being primary irrigation on 34.5 acres and supplemental irrigation on 300.35 acres
Maximum Rate:	1.11 cubic feet per second (cfs), being 0.43 cfs for primary irrigation and 0.68 cfs for supplemental irrigation

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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.

Application History

Permit G-15758 was issued by the Department on November 3, 2004. The permit called for complete application of water to beneficial use by October 1, 2009. On February 8, 2016, Sester Farms, Inc submitted an Application for Extension of Time for Permit G-15758. In accordance with OAR 690-315-0050(2), on May 31, 2016, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2028. The protest period closed July 15, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 31, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2020 and 2025. A form is enclosed with this Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

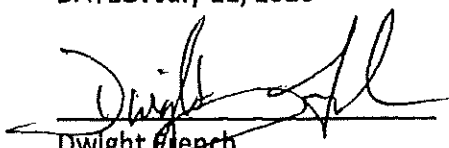
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-16012, Permit G-15758, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2009 to October 1, 2028.

DATED: July 22, 2016


Dwight French

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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



October 22, 2021

Mr. Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED

OCT 25 2021

OWRD

RE: Application for a Permit Amendment involving Permit G-15758
Application for a Permanent Water Right Transfer involving Certificates 29894, 29896,
32584, 40150

Dear Kelly:

On behalf of the water right holder, please find enclosed:

- Application for a Permit Amendment involving Permit G-15758 and accompanying check in the amount of \$3,340 for payment of the permit amendment fee, and
- Application for a Permanent Water Right Transfer involving Certificates 29894, 29896, 32584, and 40150 and accompanying check in the amount of \$3,190 for payment of the transfer fee.

The place of use changes requested in the permit amendment and transfer involve the same lands; therefore, the Department's review of the two transactions will need to be sequenced. Specifically, the "From" lands for the permit amendment will be the "To" lands for the transfer; and the "From" lands for the transfer will be the "To" lands for the permit amendment.

Please note that included with the permit amendment application is a voluntary partial diminution of water right (Certificate 28123) that is currently layered with Permit G-15758 on the "From" lands. The layered portion of Certificate 28123 is being left in place and will become layered with a different primary irrigation right of similar reliability following approval of the transfer application (Certificate 29894 will be the primary right layered with Certificate 28123 in place of Permit G-15758).

In addition, please note that the "To" lands for the permit amendment are not currently under the control of the permit holder. A draft Request for Assignment for the portion of Permit G-15758 involved in the permit amendment is included with the application (Attachment C); the final signed Request for Assignment will be filed with the Department pending a favorable Injury Review for the permit amendment application (the objective is to not proceed with the assignment unless the Department intends to approve the permit amendment).

13852 - 111

October 22, 2021

If you have any questions regarding the enclosed application, you can reach me at (971) 200-8509.
Please copy me on any correspondence regarding this application.

Sincerely,



Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

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OCT 25 2021

OWRD

Enclosures: Application for a Permit Amendment
 Check #24008 in the amount of \$3,340
 Application for a Permanent Water Right Transfer
 Check #24009 in the amount of \$3,190

CC: Ted Sester – Sester Farms
 Jim Ekstrom – Ekstrom & Schmidt Nursery

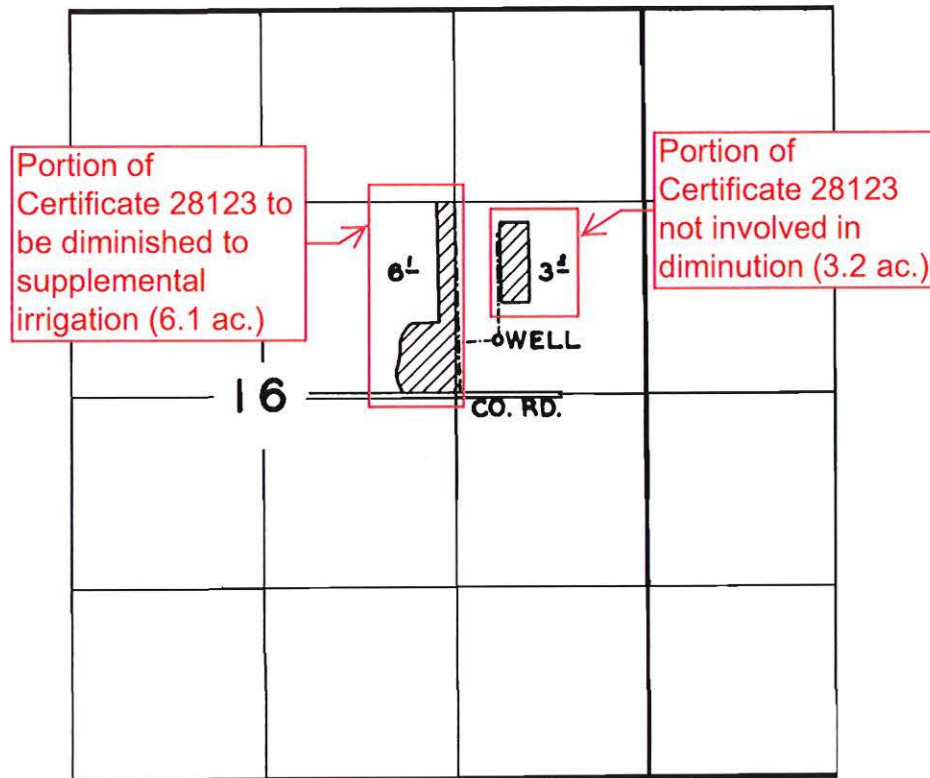
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T. 1 S. R. 4 E. W. M.

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OCT 25 2021

OWRD



FINAL PROOF SURVEY
UNDER

Application No. G. 265 Permit No. G. 202
IN NAME OF

ANDREW WILLIAM & ANNE SHERWOOD ,

Surveyed MAY 9 1960, by C. O. BARTELS

13852

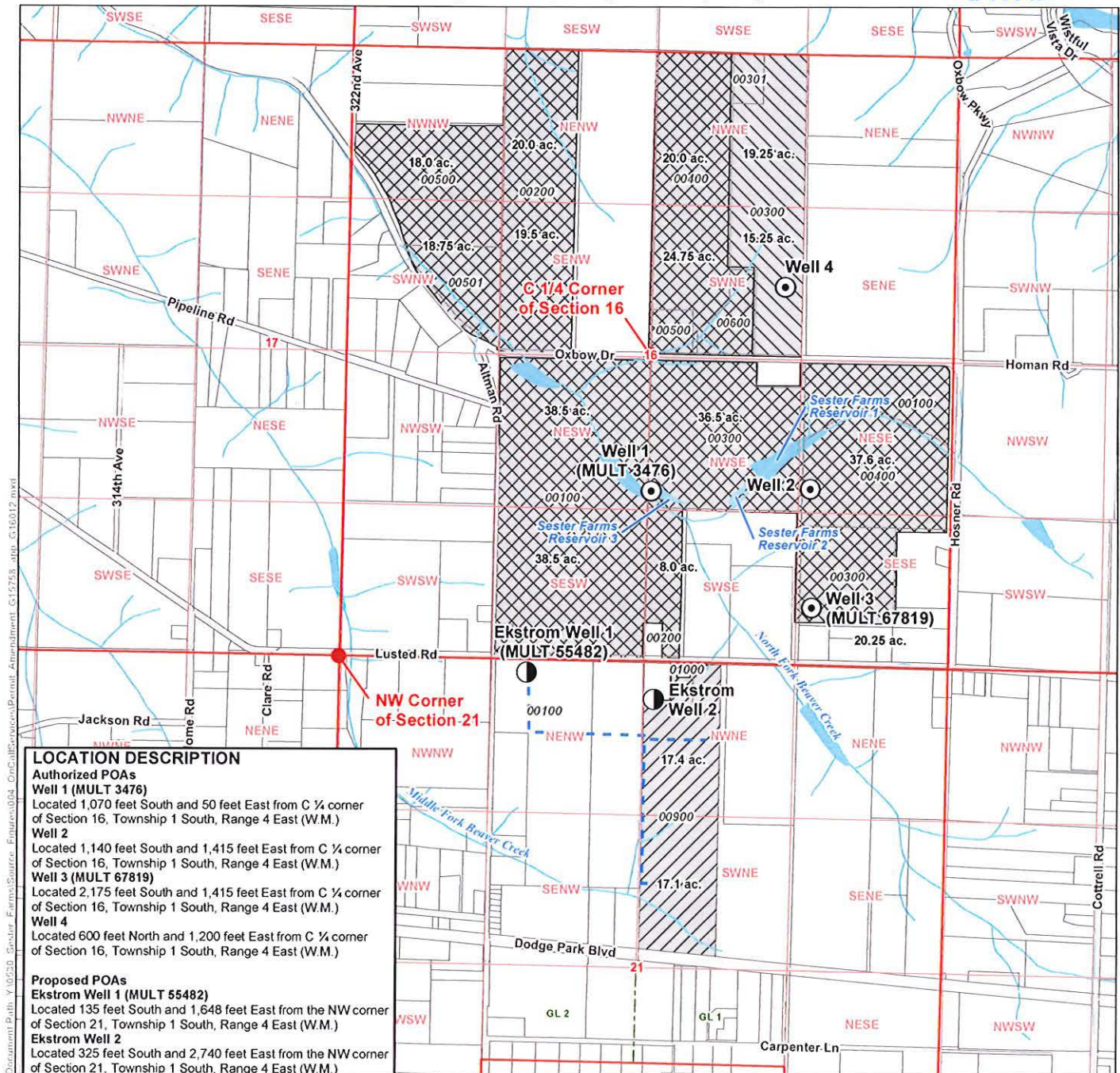
Permit Amendment Application Map Permit G-15758 (Application G-16012)

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OCT 25 2021

Multnomah County
Township 1 South, Range 4 East (W.M.)

OWRD



LOCATION DESCRIPTION

Authorized POAs

- Well 1 (MULT 3476)**
Located 1,070 feet South and 50 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)
- Well 2**
Located 1,140 feet South and 1,415 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)
- Well 3 (MULT 67819)**
Located 2,175 feet South and 1,415 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)
- Well 4**
Located 600 feet North and 1,200 feet East from C 1/4 corner of Section 16, Township 1 South, Range 4 East (W.M.)

Proposed POAs

- Ekstrom Well 1 (MULT 55482)**
Located 135 feet South and 1,648 feet East from the NW corner of Section 21, Township 1 South, Range 4 East (W.M.)
- Ekstrom Well 2**
Located 325 feet South and 2,740 feet East from the NW corner of Section 21, Township 1 South, Range 4 East (W.M.)

LEGEND

- | | |
|--|--|
| <ul style="list-style-type: none"> Authorized Well Proposed Well Water Main TO Lands (34.5 ac. Primary) FROM Lands (34.5 ac. Primary) REMAINING Lands (300.35 ac. Supplemental) Government Lot (GL) | <p>All Other Features</p> <ul style="list-style-type: none"> Tax Lot Watercourse Waterbody |
|--|--|

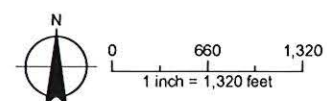
DISCLAIMER

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.

MAP NOTES

Date: September 13, 2021
Data Sources: BLM, OGIC, USGS, METRO

13852



Land Use Information Form



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

Applicant(s): G and F Sester Family LLC, Attn: Ted Sester

Mailing Address: 33205 SE Oxbow Dr.

City: Gresham

State: OR

Zip Code: 97080

Daytime Phone: 503-663-4844

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>1S</u>	<u>4E</u>	<u>21</u>	<u>NWNE</u>	<u>1000, 900</u>	<u>MUA20</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>1S</u>	<u>4E</u>	<u>21</u>	<u>SWNE</u>	<u>900</u>	<u>MUA20</u>	☐ Diverted	☒ Conveyed	☒ Used	<u>Irrigation</u>
<u>1S</u>	<u>4E</u>	<u>21</u>	<u>NENW</u>	<u>100</u>	<u>MUA20</u>	☒ Diverted	☒ Conveyed	☐ Used	<u>Irrigation</u>

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

Multnomah County

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OCT 25 2021

B. Description of Proposed Use

OWRD

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

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

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

Estimated quantity of water needed: 0.43 ☒ 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:

The applicant is proposing two changes to Permit G-15758: (1) Move the place of use for a 34.5-acre portion of the permit; (2) Change the points of appropriation for this 34.5-acre portion to two wells closer to the new location where 34.5 acres will be irrigated.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

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

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

All three tax lots are zoned Multiple Use Agriculture. The Growing of Nursery Stock or non-mj crops is an Allowed Use in the zone.

Name: Lisa Estrin Title: Senior Planner

Signature: Lisa Estrin Digitally signed by Lisa Estrin Phone: 503.988.0167 Date: 10/8/21

Government Entity: Multnomah County Land Use Planning

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Permit Amendment Application Checklist

Checked by Corey C

Date 10/22/21

App # G-16012

Permit # G-15758

Permit Amendments are authorized for changes in POD/POA, APOD/APOA, or POU.

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

- ☒ 1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?

If not, one of the following must be included with the application:

- ___ a) An affidavit of consent from all Permit holder(s) or the other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; **OR**,
___ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? _____

- ☒ 2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? _____

- ☒ 3. Are fees included and correct? Fee Paid: \$ 3,340 -

If not, the correct fee would be: _____, so the amount missing is: _____

- ☒ 4. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?

If not, whose signature is missing? _____

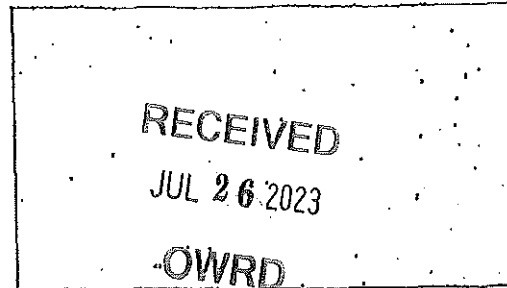
- ☒ 5. Are the Permit completion date(s) current?

If the Permit completion date has expired, we **CANNOT** accept the application.

- ☐ 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application **CANNOT** be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of **Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.



Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sister Farms
33205 SE Oxbow Dr. Gresham OR 97030

Transaction Type: RA

Fees Received: \$ 1790.82

☐ Cash

☒ Check;

Check No. 21428

Name(s) on Check: Sister Farms Inc

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Cornien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.