



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

Application for Water Right Transfer

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

1. TYPE OF TRANSFER APPLICATION

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

2. APPLICANT INFORMATION

Name: City of Cottage Grove Attn.: Jan Wellman, Public Works Director
First Last

Address: 400 E. Main Street

Cottage Grove OR 97424
City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: GSI Water Solutions, Inc. Attn.: Adam Sussman
First Last

Address: 1600 SW Western Boulevard, Suite 240

Corvallis OR 97333
City State Zip

Phone: _____ (541) 753-0745 (541) 602-5188
Home Work Other

Fax: (541) 754-4211 E-Mail address: asussman@gsiwatersolutions.com

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

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

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

	Application / Decree	Permit / Previous Transfer	Certificate
1.	S-23335	S-18443	19882
2.	S-31339	S-24696	28340
3.			
4.			
5.			
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- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

- Place of Use
 Point of Diversion (POD)
 Additional Point of Diversion
 Character of Use
 Point of Appropriation (POA, or well)
 Additional POA
 Instream Transfer
 Surface Water POD to Ground Water POA
 Substitution of Supplemental Groundwater right for Primary Surface water right
 Historic POD change
 Other

- Reason(s) for change(s): The proposed changes will allow the City to maximize operational flexibility, source and system capacity and redundancy. It will add additional points of diversion, change the character of use from irrigation to municipal and will change the place of use from the City's golf course to its entire service area.

5. WATER DELIVERY SYSTEM

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

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

A 25 horsepower pump diverts water for both water rights from the Row River through a 10" intake pipe and is conveyed through a 6" pipe to a storage pond. Water flows from the eastern pond into the two interconnected adjacent ponds. Water is pumped from the pond into the sprinkler system, which irrigates the golf course. There are booster pumps in the sprinkler system to provide sufficient water pressure to irrigate the entire place of use.

- System capacity: 1.336 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

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

7. AFFECTED DISTRICTS

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

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

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_____ ~~APR 24 2008~~
_____ **WATER RESOURCES DEPT**
_____ **SALEM OREGON**

8. LOCAL GOVERNMENTS

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

City of Cottage Grove Community Development Department, 400 E. Main Street, Cottage Grove OR 97424

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9. LAND OWNERSHIP

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

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

Names of Current Landowner(s): City of Cottage Grove
First Last

Address: 400 E. Main Street

Cottage Grove OR 97424
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?
 Yes No N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): See Attachment 5
First Last

Address: _____

City State Zip

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- Check **one** of the following:
 - The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
 - N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

10. Other Remarks (optional)

The City is not using the authorized POD for Certificate 28340 but is instead diverting water under that water right at the POD for Certificate 19882 (located at NE ¼ SW ¼ Sec. 22, T20S R3W). The City proposes to change the POD for Certificate 28340 downstream to this location. In addition, the City proposes to add to both certificates a POD at the City's Row River water treatment plant (located at NW ¼ NW ¼ Sec. 35, T20S R3W). The City will then be able to divert water at its treatment plant and deliver the water through the City's existing infrastructure. Finally, the City owns only a portion of the land appurtenant to these water rights (the City's golf course), and the above-described changes will only affect that portion of the water rights. (See the map in attachment 2 and cover letter for more detailed remarks.)

11. ATTACHMENTS

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

**Supplemental Form A –
Description of Proposed Change(s) to a
Water Right**

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

**Supplemental Form B –
Evidence of Use Affidavit(s)**

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

Map

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

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

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

Land Use Information For Proposed Changes:

For Instream Transfers:

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

For All Other Transfers:

- Land Use Information Form is enclosed; *or*
- All of the following criteria are met, therefore a Land Use Information Form is not required:
 - ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- Amount enclosed: \$ 1,400 WATER RESOURCES DEPT
See the Department's Fee Schedule at SALEM OREGON
www.wrd.state.or.us or call (503) 986-0900.

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Instream Water Right Transfers, also include:

**Supplemental Form C –
Instream Water Right Transfer**

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

Temporary Transfers, also include:

Recorded Deed:

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

Affidavit of Consent:

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

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

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

12. SIGNATURES

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

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

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


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

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

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

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

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

 applicant signature	Richard Meyers, City Manager name and title if applicable (print)	April 1, 2008 date
_____ applicant signature	_____ name and title if applicable (print)	RECEIVED

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 19882

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will not be used.) <input type="checkbox"/> Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> Irrigation <input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete and attach <i>Supplemental Form C</i>) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) <div style="text-align: center;"> <p>RECEIVED</p> <p>APR 24 2008</p> <p>WATER RESOURCES DEPT SALEM OREGON</p> </div>

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	19882 <small>Certificate Number</small>	S-18443 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	<small>Name of Decree</small>	<small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	<small>Permit Number</small>	<small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<small>Previous Transfer Number</small>	<small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: Margaret L. Hemenway
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): September 14, 1948

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

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- Source(s) of Water to be Affected by Transfer: Row River

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Tributary to: Willamette River

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

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

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 - Yes No N/A

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

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

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▪ Certificate Number or other identifying number: 19882

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	Row River September 14, 1948	20S	3W	WM	22	NW SE	H.C. Veatch D.L.C. #54	None provided in certificate.
N/A	Row River September 14, 1948	20S	3W	WM	22	NE SW	H.C. Veatch D.L.C. #54	None provided in certificate.

*See Attachment 2 for map of authorized PODs for certificates 19882.

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- Does the water right being transferred involve a ground water source(s)? **WATER RESOURCES DEPT SALEM OREGON**
- Yes No (Surface water source only.)

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

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

or

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

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

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

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

Certificate Number or other identifying number: 19882

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

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

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

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

Location of Existing Authorized Place of Use to be Affected:

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

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
* See Attachment 4 for the affected authorized POU for certificate 19882.							

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▪ Certificate Number or other identifying number: 19882

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
*See Attachment 3 for a table of Changed and Additional PODs.							
Row R.	20 S	3 W	WM	35	NW NW		1000' S and 1050' E from NW Corner of Section 35, T20S R3W W.M.

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

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

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

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

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

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

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Certificate Number or other identifying number: 19882

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
See Attachment 5 for Proposed Place of Use							

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Remarks: The City proposes to add an additional point of diversion for Certificate 19882 at its Row River Water Treatment Plant. Water will be conveyed to the City's service area for municipal purposes. This transfer only affects the portion of the water right that is appurtenant to the City's golf course, as described in Attachment 4.

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

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

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

▪ Certificate Number or other identifying number: 28340

1. TYPE OF CHANGE(S) PROPOSED

(Check **all** that apply.)

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

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2. CURRENT WATER RIGHT INFORMATION

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

<input checked="" type="checkbox"/> Certificated Right	28340	S-24696
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: A.R. & Lillie Hemenway
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): February 1, 1957

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

- Source(s) of Water to be Affected by Transfer: Row River

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Tributary to: Coast Fork of the Willamette River

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

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

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?
 Yes No N/A

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

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

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▪ Certificate Number or other identifying number: 28340

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
N/A	Row River February 1, 1957	20S	3W	WM	27	NE NE	Partin D.L.C. #64	None provided in certificate.

* See Attachment 2 for map of authorized POD for certificate 28340.

- Does the water right being transferred involve a ground water source(s)?
 Yes No (Surface water source only.)

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

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

or

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

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

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

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

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▪ Certificate Number or other identifying number: 28340

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

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

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

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

Location of Existing Authorized Place of Use to be Affected:

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

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
* See Attachment 4 for affected authorized POU for certificate 28340.							

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▪ Certificate Number or other identifying number: 28340

3. PROPOSED CHANGES TO THE WATER RIGHT

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

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

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

N/A – Instream Water Right Transfer

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

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
* See Attachment 3 for a table of Changed and Additional PODs.							
Row River	20 S	3 W	WM	35	NW NW		1000' S and 1050' E from NW Corner of Section 35, T20S R3W W.M.
Row River	20 S	3 W	W.M	22	NE SW	Veatch DLC 54	1,695' N and 275' W from S ¼ corner of Section 22, T20S R3W W.M.

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

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

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

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

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

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

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▪ Certificate Number or other identifying number: 28340

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (*i.e.*, the "TO" lands) *N/A* – *Instream Water Right Transfer*

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
* See Attachment 5 for Proposed Place of Use							

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Remarks: The City proposes to change the point of diversion for Certificate 28340 to the POD at its Row River Water Treatment Plant and the POD in the NE¼SW¼Sec. 22 T.20S., R. 3 W., W.M. Water will be conveyed to the City's service area for municipal purposes. This transfer only affects the portion of the water right that is appurtenant to the City's golf course, as described in Attachment 4.

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STATE OF OREGON
COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARGARET L. HENENWAY

of Route 1 - Cottage Grove, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Row River a tributary of Willamette River for the purpose of irrigation under Permit No. 18443 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 14, 1948

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.52 c.f.s.

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4 & NE 1/4 SW 1/4, as projected on H.C. Veatch D.L.C. #54, Section 22, T. 20 S., R. 3 W., W. M.

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

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

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

- 17.3 acres in NE 1/4 SW 1/4, as projected in Harvey C. Veatch Cl. 54, Sec. 22, T. 20 S., R. 3 W. W. M.
 - 20.6 acres in SE 1/4 SW 1/4, as projected in Harvey C. Veatch Cl. 54, Sec. 22, T. 20 S., R. 3 W. W. M.
 - 0.1 acre in NW 1/4 SE 1/4, as projected in Harvey C. Veatch Cl. 54, Sec. 22, T. 20 S., R. 3 W. W. M.
 - 3.6 acres in SW 1/4 SE 1/4, as projected in Harvey C. Veatch Cl. 54, Sec. 22, T. 20 S., R. 3 W. W. M.
- Land on which water is to be used is a part of that more explicitly described as follows:
 No. 1 Beginning at a point 52 rods North of Southeast Corner of Harvey C. Veatch Donation Land Claim No. 54 in Tp. 20 S. R. 3 W of the W. M., running thence West 660 ft. Thence North 3°12' East 917.71 ft, thence South 50°58' East 366.01 feet, thence South 73°44' East 176.77 feet, thence South 45°45' East 314.48 feet, thence South 28°43' East 488.73 feet, thence West 315 feet to point of beginning in Lane Co. Oregon
 No. 2 Beginning at a point 52 rods North and 40 rods West of S.E. Corner of Harvey C. Veatch D.L.C. No 54, and running thence West 64 rods, thence North 89.24 rods, thence East 77.18 rods, thence South 23°25' East 29.13 rods thence South 60°50' East 9 rods, thence West 25 rods thence South 41° West 6 rods, thence South 3°12' west 917.71 feet to point of beginning Sec. 22 Tp/20 S. R. 3 W

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

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Recorded in State Record of Water Right Certificates, Volume 14, page 19882

WITNESS the signature of the State Engineer, affixed

this 30th day of September, 1952.

GUAG, E. BRICKLIN State Engineer

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. R. & LILLIE HENNEY

of Rt. 1, Box 39, Cottage Grove, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Row River a tributary of Coast Fork of the Willamette River for the purpose of irrigation of 52.5 acres

under Permit No. 24696 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 1, 1937

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.66 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 NE 1/4, as projected within Partin DLC 64, Section 27, T. 20 S., R. 3 W., W.M.

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

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

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

- 5.0 acres SE 1/4 SW 1/4, as projected within Veach DLC 54
- 7.9 acres SW 1/4 SE 1/4, as projected within Veach DLC 54
- 0.7 acre SW 1/4 SE 1/4, as projected within Enck DLC 68
- 1.6 acres Lot 6 (SW 1/4 SE 1/4)
- Section 22
- 2.6 acres NE 1/4 NE 1/4, as projected within Partin DLC 64
- 12.8 acres NW 1/4 NE 1/4, as projected within Partin DLC 64
- 3.1 acres NW 1/4 NE 1/4, as projected within Veach DLC 54
- 3.6 acres Lot 1 (NW 1/4 NE 1/4)
- 0.2 acre SW 1/4 NW 1/4, as projected within Partin DLC 64
- 11.7 acres NE 1/4 NW 1/4, as projected within Partin DLC 64
- 2.8 acres NE 1/4 NW 1/4, as projected within Veach DLC 54
- 0.5 acre SE 1/4 NW 1/4, as projected within Partin DLC 64
- Section 27
- T. 20 S., R. 3 W., W.M.

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

WITNESS the signature of the State Engineer, affixed

this date. MARCH 22 1981

T 10615

LEWIS A. STANLEY
State Engineer

Table of Changed and Additional Points of Diversion for Certificates 19882 and 28340

Corresponding Water Right Certificate	Changed or Additional POD	Source	Township	Range	Meridian	Sec.	¼ ¼	Survey Coordinates
19882	Additional POD	Row River	20 S	3 W	W.M.	35	NW NW	1000' S and 1050' E from NW Corner of Section 35, T20S R3W W.M.
28340	Changed POD	Row River	20 S	3 W	W.M.	35	NW NW	1000' S and 1050' E from NW Corner of Section 35, T20S R3W W.M.
28340	Changed POD	Row River	20 S	3 W	W.M.	22	NE SW	1,695' N and 275' W from S ¼ corner of Section 22, T20S R3W W.M.

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Authorized Places of Use Affected by Transfer

Certificate 19882

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Row R. Sept. 14, 1948	20 S	3 W	W.M.	22	NE SW	DLC 54	13.6
					SE SW	DLC 54	20.6
					SW SE	DLC 54	1.7

Certificate 28340

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Row R. February 1, 1957	20 S	3 W	W.M.	22	SE SW	DLC 54	4.8
					SW SE	DLC 54	0.8
					SW SE	Lot 6	0.9
				27	NW NE	DLC 64	8.0
					NW NE	DLC 54	0.2
					NW NE	Lot 1	1.1
					NE NW	DLC 64	9.5
					NE NW	DLC 54	2.8
					SE NW	DLC 64	0.2

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T 10615

Water Treatment Plant Expansion Conditions & Findings of Fact
Conditional Use Permit (CUP-1-07)

FINDINGS OF FACT

1. The City of Cottage Grove has applied for a Conditional Use Permit for an upgrade to the Water Treatment Plant (WTP) at 33300 Row River Road, located in the East Regional Park.
2. The property is zoned RS Residential Suburban and the water treatment plant is a conditional use in that zone pursuant to 18.08.030.
3. Planned improvements to the Row River WTP include constructing a new surface water intake north of the existing Row River Road bridge, and a new water distribution line. The proposed renovation of the existing facilities and expanding the capacity of the WTP will be done by installing membrane filtration equipment and expanding the footprint of the existing building. The new treatment equipment will require the construction of a 35' x 75' addition to the existing treatment building, two new backwash/filter cleaning waste treatment ponds to the south of the existing backwash pond, and a new intake structure next to the bridge.
4. Black & Veatch Corporation has made a conditional use permit application on behalf of the City of Cottage Grove, which has a design build contract with the firm for the completion of the project.
5. Black & Veatch has filed a concurrent application for a Joint Permit for the construction of the portion of the surface water intake with DSL and US Army Corps of Engineers.
6. General Criteria, 18.46.100: A conditional use permit may be granted only if the proposal conforms to all of the general criteria, as well as all other additional criteria or conditions.
 - a) The location, size, design, and operation characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and surrounding neighborhood. The conditions of approval will address any potential impacts of the project, especially as it relates to the Western Pond Turtles.
 - b) The location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be an attractive given the use and setting. Additional landscaping will be required to buffer the development.
 - c) The proposed development will not impede or interfere with the successful operation of the surrounding area, which is park land nor will it impact the basic community functions of the East Regional Park.
 - d) The proposed development is compatible with the general purpose and intent of the City's Comprehensive Plan.
 - e) The required dedication and improvement of streets within the development site for the proper extension and/or connection of necessary streets shall be made.

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- f) No extension of collector or arterial streets is required, so this criteria is not required.
 - g) The use of the development site will not adversely affect the subdivision of any abutting properties.
7. The proposed development is in compliance with the Statewide goals.
 8. Planning Commission held a public hearing on April 16, 2007 and approved the Conditional Use Permit subject to the conditions of approval.

CONDITIONS OF APPROVAL

1. Applicant shall be required to receive Staff Level Design Review Approval for the proposed building addition prior to issuance of a building permit.
2. Applicant shall obtain a development permit demonstrating conformance with the standards of and regulations of Chapter 18.39 Flood Plain Management from the Community Development Department prior to the issuance of any building permits or the beginning of any work.
3. Applicant shall obtain necessary building and specialty permits prior to starting construction.
4. Applicant shall provide Community Development Department with necessary project approval from the US Army Corps of Engineers and the Division of State Lands prior to issuance of any building permits or beginning of any work in relation to the intake structure. All conditions established by these agencies shall be considered conditions of approval of this CUP.
5. Applicant shall revegetate all riparian areas disturbed during construction. Revegetation plans shall be approved by the Community Development Director prior to the issuance of any building permits. Vegetation shall be properly cared for and watered to increase survival rate during the first two years of establishment. Revegetation plans shall incorporate native plants (rather than non-native grasses) whenever practical.
6. Piles of leaf debris shall be kept at least 15' away from the top of bank of all ponds.
7. Applicant shall install two rows of plantings, such as evergreen juniper/pine and a second row of deciduous shrubs (ex. Oregon grape, Indian plum, serviceberry, elderberry, native gooseberries and currants) as screening plantings to east and south of proposed parking lot. All plantings shall be irrigated, and must be installed before the issuance of a final certificate of occupancy. Landscaping and irrigation plans shall be submitted at time of building permit submittal to the Community Development Director for his approval.
8. Applicant shall obtain a Lane County facility permit for all work to be carried out within the right-of-way of Row River Road. All requirements of the facility permit(s) shall be met and approved as specified in the issued facility permit. Permit requirements are in LC 15.200-210. Facility permit application shall include a copy of the approved site plan clearly labeled as to existing and proposed new facilities, showing all utility and other work within the ROW, and a copy of the conditions of approval of this Conditional Use Permit. The applicant shall be responsible for ensuring all necessary inspections and approvals of the facility permit are completed.
9. Pursuant to LM 15.515, no stormwater discharge into the right-of-way during or after construction shall be permitted. Measures shall be taken to ensure run-off into the right-of-way is prevented. County right-of-way and maintenance staff may require a stormwater management plan at their discretion.
10. All utilities for proposed water treatment plant expansion are to be placed underground.

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11. The City of Cottage Grove requires a minimum of five feet horizontal separation from any other utilities and ten feet between water and sewer services within public right-of-ways. This distance is measured between the pipes (from the outside of one pipe to the outside of the other pipe). Other utility companies may have stricter standards than this. The standard with the greatest separation applies.
12. Owner shall sign a non-remonstrance agreement for sanitary sewer, sidewalks and storm drainage improvements.
13. Erosion control is required and shall be installed prior to and maintained during construction. Improvement plans shall include details and language on the method of erosion control in the contract documentation. All exposed soil shall be covered. Disturbed soils shall be revegetated with native plants immediately upon completion of the project. The area surrounding the intake (boat launch/informal parking area) shall be graveled before construction begins, and shall be treated so that no disturbed soil is left exposed during the rainy season.
14. Improvement plans shall include language and methods designed to minimize impacts upon Western Pond Turtle habitat. Contract language and site plans shall specify limits to construction areas to restrict all construction materials and equipment from areas around ponds or turtle habitat, and shall provide instruction for treatment of turtles if found. Contract shall specify that no heavy construction equipment can operate between June 1 and July 20 in the area north of the water treatment building (see attached map). Boundary of backwash ponds/gravel accesses and future paved area leading to meter vault shall be delineated on site with temporary fencing before the beginning of construction. Areas to north of approved disturbance areas shall be out of bounds to contractors.
15. Driveway shall be paved as per City Municipal Code. Pavement width is to be 20 feet wide. Paving of the driveway need not start until the gates to the WTF, but must accompany paving of the parking lots (prior to occupancy). A fire department turnaround will be required because the building is farther than 150 feet from Row River Road. Turnaround shall be constructed as per City standard #222. Pavement shall be designed to accommodate delivery truck weight.
16. Parking/delivery area on all four sides of building shall be paved with a porous paving material (in lieu of stormwater containment) or paved with traditional pavement with required stormwater containment prior to final certificate of occupancy. A minimum of five (5) parking spaces must be provided, one of which shall be ADA van accessible. Parking area to east of building shall have 9' long x 18' deep parking spaces with 24' aisle behind space (must be expanded from proposed 30' total to 42').
17. Gravel parking area at river-side intake shall be left in a compacted and finished state after construction for use by the public as a boat launch.
18. No approvals are granted for the proposed future pole barn as delineated on the plans dated 3/16/2007. Any future approvals must review the appropriateness of the proposed location based upon impacts to sensitive species.
19. In the event that prehistoric or historic cultural materials are encountered during ground disturbing activities, Oregon State law (ORS 97.745 and 358.920) requires that work in the vicinity of the finds be suspended. The SHPO and the appropriate tribes should be notified, and a qualified archeologist should be called in to evaluate the discovery and recommend subsequent courses of action in consultation with SHPO and the tribes.
20. Conditional use permit shall only remain valid for a period of one year after the date the permit becomes effective. All necessary building permit applications shall be submitted prior to this date. Such period of time may be extended by the planning commission for a period of six months, but not in excess of eighteen months, from the date the first order granting became effective.

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