



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  
**RECEIVED**  
**Transfer**  
 FEB 24 2010

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](http://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"/> Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	<input type="checkbox"/> Instream Transfer <input type="checkbox"/> Permanent <input type="checkbox"/> Time-Limited <input type="checkbox"/> Drought Transfer <input type="checkbox"/> Other	Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**2. APPLICANT INFORMATION**

Name: Hillsboro Landfill Inc., c/o Mark Reeves, Landfill Engineer

Address: 7227 N.E. 55<sup>th</sup> Avenue

City: Portland                      State: OR                      Zip: 97218

Home Phone: \_\_\_\_\_      Work Phone: (503) 493-7832                      Other Phone: \_\_\_\_\_

Fax: (503) 493-7887                      E-Mail address: MReeve12@wm.com

**3. AGENT INFORMATION**

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

Name: David T. Mustonen, P.E., C.W.R.E.

Address: CH2M Hill 2020 S.W. 4<sup>th</sup> Avenue, Suite 300

City: Portland                      State: OR                      Zip: 97201

Home Phone: \_\_\_\_\_      Work Phone: (503) 872-4699                      Other Phone: \_\_\_\_\_

Fax: (503) 736-2000                      E-Mail address: david.mustonen@ch2m.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 21837	S-17175	65343
2.		-	
3.		-	
4.		-	
5.		-	
6.		-	

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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): This transfer will serve two purposes. First, it will provide water to establish vegetated buffer to enhance wetlands as required under Corps of Engineers and Oregon DSL permits as part of wetland mitigation at the facility. The vegetated buffer is specified in the wetland mitigation plan under those permits to enhance and maintain the mitigation wetlands and provide wildlife habitat. Second, it will provide water for landfill industrial purposes, primarily dust suppression in the active landfill cells and facility roads

**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.*

The irrigation system consists of a portable intake equipped with a Fish Screen that draws water from the Tualatin River and is pumped by a portable Pioneer prime Series Model PP66S12L pump rated at 75 HP. The water is conveyed approximately 900 linear feet in a portable 4-inch diameter plastic pipeline to an Echo traveling big gun irrigator equipped with a 1.2 inch diameter nozzle, and 1500 feet of 4-inch plastic flexible pipe.

- System capacity: 0.71 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

NA

## 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  
*If "Yes," list the name and mailing address of the district or water district:*  
\_\_\_\_\_
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer?  Yes  No  
*If "Yes," list the name and mailing address of the district or water district:*  
\_\_\_\_\_
- 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," list the name and mailing address of the agency or other entity:*  
\_\_\_\_\_
- Are any of the water rights proposed for transfer issued in the name of an irrigation district?  Yes  No  
*If "Yes," the applicant **must** attach Supplemental Form D demonstrating district concurrence with the proposed transfer.*

## 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).

Washington County, Oregon

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**9. LAND OWNERSHIP**

- Does the applicant own the lands where the portion of water right proposed for transfer is currently located?  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 of the application form.)*

Names of Current Landowner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

*If "No", provide the following information:*

Names of Receiving Landowner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Check **one** of the following:

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

**10. Other Remarks (optional)**

We are requesting to transfer 0.247 CFS of the water right to the proposed place of use illustrated in the site "TO" map. The water will only be used during the established irrigation season consistent with the existing water right. A portion of the water right will be used for applying water to 10.71 acres of vegetated buffers for enhancement of wetlands as required by the US Army Corps of Engineers and Oregon DSL permits as part of the wetland mitigation requirement for the facility. The balance of the transferred water will be used for industrial uses, primarily dust suppression at the landfill areas and facility roads.

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## 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(s) has been used during the last five years or that the right(s) 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**.

### Supplemental Form C –

#### Instream Water Right Transfer Only

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

### Supplemental Form D –

#### For Water Rights in the Name of an Irrigation District

- Complete this form for any water rights proposed for transfer that are issued in the name of an irrigation

#### Fees:

- Amount enclosed: \$1,600  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

#### 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 a change from surface water diversion to ground water appropriation 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.

### Temporary Transfers, also include:

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

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**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) and (6)] to provide the following landownership information and evidence demonstrating that I (we) am authorized to pursue the transfer:

- (a) A report of ownership information that has been prepared by a title company within the three months prior to the issuance of the draft Preliminary Determination showing current land ownership of the subject lands, unless there is a recorded water right conveyance agreement;
- (b) If applicable, a copy of any water right conveyance agreement on the subject lands. If a water right conveyance agreement has been recorded for the subject lands, the report of ownership information must be prepared by a title company within the three months of the water right conveyance agreement being recorded or show ownership of the subject property at the time the water right conveyance agreement was recorded; **and**
- (c) If the landowner identified in the report of ownership information or the individual or entity to whom the interest in the water right has been conveyed is **not** the applicant, a **notarized statement consenting to the transfer** 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.

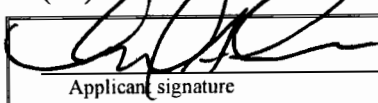
I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership information.

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 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 this is a historic point of diversion transfer and that I (we) must provide a report of current ownership prepared by a title company prior to the Department finalizing my request.

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

 Applicant signature	<u>MARK A. REEVES / ENGINEER</u> Name and title if applicable (print)	<u>2/22/10</u> Date
_____ Applicant signature	_____ Name and title if applicable (print)	_____ Date

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SUPPLEMENT A

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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: 65343

#### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input checked="" type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input checked="" type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input checked="" type="checkbox"/> <b>Other Wetland enhancement</b> <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (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	<u>65343</u> Certificate Number	<u>S17175</u> 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: Victor S. Madsen
- County: Washington
- Authorized Use(s) to be Affected by Transfer: Irrigation
- Priority Date(s): July 31, 1946

*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: Tualatin River

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 – *No Change in Place of Use or Character of Use*

*If "Yes", what are the Permit, Registration or Certificate Numbers?* Certificates: 31296

*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: 65343

**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)

- 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

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▪ Certificate Number or other identifying number: 65343

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)
Tualatin River	1S	2W	WM	8	NW SW	1200	NA
Tualatin River	1S	2W	WM	8	SW SW	1200, 1400, 1600	NA
Tualatin River	1S	2W	WM	7	NE SE	1100, 1200	NA
Tualatin River	1S	2W	WM	7	SE SE	1100, 1200, 1400, 1500, 1600, 1700, 1701	NA
Tualatin River	1S	2W	WM	7	SW SE	1100	NA
Tualatin River	1S	2W	WM	7	NW SE	1100, 1200	NA
Tualatin River	1S	2W	WM	7	SW NE	1200	NA
Tualatin River	1S	2W	WM	7	SE NE	1200	NA
Tualatin River	1S	2W	WM	18	NE NE	1700, 100, 200, 300, 401, 400, 500, 1901, 1000	NA
Tualatin River	1S	2W	WM	18	NW NE	1000	NA
Tualatin River	1S	2W	WM	18	NE NW	1000	NA
Tualatin River	1S	2W	WM	18	SW NE	1000	NA
Tualatin River	1S	2W	WM	18	SE NW	1000	NA

Remarks: The proposed place of use is illustrated on the Transfer Application "To" map. The new place of use will consist of the following areas: (1) An area of 10.71 acres for applying water to establish a vegetated buffer for wetland enhancement as required by a Corps of Engineers and Oregon DSL as part of wetland mitigation requirements at the facility (2) The area of the facility operations for to use water for landfill industrial purposes with will include dust suppression of landfill cells and facility roads.

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