



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

#1

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: Fishhawk Lake Water Company

Address: 9997 Beach Drive

City: Birkenfeld

State: OR

Zip: 97016

Home Phone: 503-775-2130

Work Phone: \_\_\_\_\_

Other Phone: \_\_\_\_\_

Fax: 503-775-2545

E-Mail address: fishhawk@centurytel.net

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## 3. AGENT INFORMATION

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

Name: Stuntzner Engineering & Forestry, Attn: Eric Urstadt

Address: 2137 19<sup>th</sup> Ave.

City: Forest Grove

State: OR

Zip: 97116

Home Phone: 503-312-3931

Work Phone: 503-357-5717

Other Phone: N/A

Fax: 503-357-5698

E-Mail address: ericurstadt@stuntzner.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-45796	S-34179	46757	<b>RECEIVED</b> APR 02 2010
2.		-		WATER RESOURCES DEPT SALEM, OREGON
3.		-		
4.		-		<b>RECEIVED</b>
5.		-		MAR 24 2010
6.		-		WATER RESOURCES DEPT SALEM, OREGON

- 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): Proposed character of use better matches current use. The place of use has only technically changed to the more general location of the Quasi-municipal 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.*

The POD is a concrete cylinder set in the creek with openings in the bottom of the cylinder set in the creek. A 1 horsepower (HP) pump pushes water approximately 50 feet to what is locally called the water "shed" (not to be confused with the Water Resources definition of "watershed"). The water "shed" has a tank that has 6 baffles. After the water passes through the 6 baffles it is pumped by two 1 HP submersible pumps to a water filter. A meter that measured gallons per minute (GPM) is on the line between the tank with 6 baffles and the filter. Then the water flows to a 13,000 gallon tank next to the water "shed" where it is treated with soda ash and chlorine. (The local people call this 13,000 gallon tank the "clear well" although it is not a "well" in the Water Resources sense.) The water is then pumped directly to both a 125,000 gallon tank and the entire quasi-municipal use area, a group of homes. 8" diameter and sometimes 6" diameter pipelines are used to distribute the water throughout the place of use. This data was obtained from Allen Tuck of Fishhawk Lake on Jan. 4, 2010, except pipe sizes that were obtained from the permit map.

- System capacity: 0.11 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

The system capacity was obtained from Allen Tuck who has observed the flow meter on the delivery system.

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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  
*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).

Fishhawk Lake Recreation Club, 9997 Beach Drive, Birkenfeld, OR 97016

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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): Numerous: Quasi-municipal use

Address: N/A

City: N/A State: N/ Zip: N/A

- 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): Numerous: Quasi-municipal use

Address: N/A

City: N/A State: N/ Zip: NA

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.)

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**10. Other Remarks (optional)**

Water Resources required Fishhawk lake to submit the Annual Gross Consumption of the existing right. The maximum capacity if the system is 50 GPM, but it does not run 24 hrs/day. The Fishhawk Lake Water Company does not use metering and only can measure instantaneous flow. To compute the gross annual consumption the minimum sewerage flows established by DEQ were used. These sewerage numbers would not include car washing and lawn irrigation, which is not included in the Fishhawk (group domestic) certificate

Expected minimum usage from Department of Environmental Quality (DEQ) sewage flows data		
450	gallons/day per each of 97 houses	per DEQ Table 2 of SGRULEA (04-01-95), 71-128 On site Disposal
43650	gallons per day	97 houses on permit
15932250	gallons per year	365 days/yr
48.89	acre-feet/yr	annual gross consumption

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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.
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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: \$800
See the Department's Fee Schedule at 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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### 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: 46757

#### 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 <b>not</b> be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Additional</b> (Both the old <b>and</b> 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 Diversion to Ground Water Appropriation</b> (A new point of appropriation will be used <b>instead of</b> the old point of diversion. The old point of diversion will <b>not</b> 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 checked="" 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 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 checked="" type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <b>Supplemental Form C</b> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</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	46757 _____ Certificate Number	S-34179 _____ 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

- Name on Permit, Certificate, or Decree: Fishhawk Lake Water Company
- County: Clatsop and Columbia
- Authorized Use(s) to be Affected by Transfer: Group domestic
- Priority Date(s): May 1, 1969

*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: Fishhawk Creek

Tributary to: Nehalem 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? \_\_\_\_\_*

*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: 46757

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 or the authorized point(s) of diversion or appropriation that serves the lands being transferred, if applicable)

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	Direction & Distance from a Recognized Survey Corner
N/A								

- 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: 46757

**3. PROPOSED CHANGES TO THE WATER RIGHT**

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Direction and distance from a recognized survey corner 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	Direction & Distance from a Recognized Survey Corner
N/A							

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	NO	WELLS								
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▪ Certificate Number or other identifying number: 46757

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)
Nehalem River	6N	6W	WM	1	NW NE	LOT 2	13.8
Nehalem River	6N	6W	WM	1	NE NE	LOT 1	22.4
Nehalem River	6N	6W	WM	1	SE NE	--	19.7
Nehalem River	6N	6W	WM	1	SW NE	--	9.1
Nehalem River	6N	6W	WM	1	SE NW	--	8.2
Nehalem River	6N	6W	WM	1	NE SW	--	7.6
Nehalem River	6N	6W	WM	1	NW SE	--	9.7
Nehalem River	6N	5W	WM	6	NW NW	LOT 4	4.2
Nehalem River	6N	5W	WM	6	SW NW		20.8
Nehalem River	6N	5W	WM	6	SE NW		10.7

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Remarks: The place of use is essentially the same as the certificate and permit map, but described more generally for the quasi-municipal use.

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