

# Application for a Permit to Use Groundwater



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME JOHN ENYART		PHONE (HM)	
PHONE (WK)	CELL (503) 750-4788		FAX
MAILING ADDRESS 20803 NW REEDER RD.			
CITY PORTLAND	STATE OR	ZIP 97231	E-MAIL* JREICH35@COMCAST.NET

### Organization

NAME		PHONE		FAX
MAILING ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL*	

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

AGENT / BUSINESS NAME WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210		FAX
MAILING ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026	
CITY TURNER	STATE OR	ZIP 97392	E-MAIL* WILLMCGILL.SURVEYING@GMAIL.COM	

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

  
Applicant Signature

John Enyart  
Print Name and Title if applicable

9/3/24  
Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: \_\_\_\_\_

## SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

## SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 1	MUD SLOUGH	850'	0'
WELL 2	MUD SLOUGH	100'	9'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary)*.

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**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested:** 4.99 CFS (NOT ADDITIVE, TOTAL FROM BOTH WELLS COMBINED) (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"			0-25'		SAND AND GRAVEL	100' +/-		
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"			0-25'		SAND AND GRAVEL	100' +/-		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: \_\_\_\_\_

**SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

**Upper Columbia - OAR 690-033-0115 thru -0130**

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes  No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes  No

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**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing**

recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, you will be required to provide the following information, if applicable.**

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes, provide a description of the measures to be taken to assure reasonably efficient water use:**

The equipment will be kept in good operating condition and monitored closely to prevent waste. A water use measuring device will be installed.

**Statewide - OAR 690-033-0330 thru -0340**

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Is the well or proposed well located in an area where the Statewide rules apply?

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Yes  No

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**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Supplemental Irrigation	Mar. 1 – Oct. 31	2,141

**For irrigation use only:**

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary:        Acres                      Supplemental: 856.4 Acres                      Nursery Use:        Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Surface Water Application and Certificate 49880

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2,141 af

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **(Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type): 100 HP submersible  
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. 100 HP submersible pumps deliver water to place of use by 8" PVC mainline. Water will be applied by a big gun/reel and 100 sticks of 3" handlines with Rainbird impact sprinklers.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Big Gun, Handlines

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount of water requested is less than standard for irrigation. Equipment will be kept in good operating condition with water use measuring.

## SECTION 7: PROJECT SCHEDULE

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- Date construction will begin: Upon permit issuance
- Date construction will be completed: Request standard 5-year completion time
- Date beneficial water use will begin: Upon permit issuance

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## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Equipment will be kept in good operating condition and monitored closely to prevent waste or run-off.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: No excavation or clearing necessary for this project.

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List:

**SECTION 9: WITHIN A DISTRICT**

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name Sauvie Island Drainage Improvement Company	Address 29264 NW Sauvie Island Rd.	
City Portland	State OR	Zip 97231

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

The primary irrigation not covered by existing Cert. 49880 that will overlay this supplemental is requested by a simultaneously submitted surface water application.

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# Land Use Information Form



## NOTE TO APPLICANTS

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

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This form is **NOT** required if:

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

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## NOTE TO LOCAL GOVERNMENTS

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

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



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# Land Use Information Form



Attachment 2: Land Use Information Form  
**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.oregon.gov/OWRD

NAME John Enyart				PHONE (503) 750-4788			
MAILING ADDRESS 20803 NW Reeder Rd.							Received by OWRD SEP 10 2024
CITY Portland		STATE OR	ZIP 97231	EMAIL jreich35@comcast.net			

Salem, OR

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2N	1W	4	NENE SENE	200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	4	SWSE SESE	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	4	NENE NWNE SWNE NENW SWNW SENW NESW SWSW SESW NWSE	1100	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	4	NWSW	1100	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
2N	1W	4	NENW NWNW SWNW SENW SWSW	1200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	4	NWSW	1200	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	5	SWNE SENE NESE	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	5	NESE	600	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	9	NWNE SWNE	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	9	NENW SENW	400	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
2N	1W	9	NENW NWNW SWNW SENW NESW NWSW SESW NESE	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming

			NWSE SWSE SESE				
3N	1W	33	SESW SWSE	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming
3N	1W	33	SWSW SESW	1200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	farming

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

Multnomah

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

**B. Description of Proposed Use**

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

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

Source of water:    Reservoir/Pond    Ground Water    Surface Water (name) Little Sturgeon Canal

Estimated quantity of water needed: 2,141    cubic feet per second    gallons per minute    acre-feet

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

Briefly describe:

It is proposed to fill uncovered gaps in the Enyart property with primary water rights from the existing irrigation system out of the Sauvie Island Drainage Improvement Company's ditch and supplemental water rights from two proposed wells.

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

See Page 5 →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

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

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

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

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Name: \_\_\_\_\_ Title: \_\_\_\_\_ SEP 10 2024

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Salem, OR

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

### Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**

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

Applicant Name: Grant McGill for John Eryart

Staff Name: Marisol Cervantes Title: Planner 2

Staff Signature: Marisol Cervantes Date: 09.05.2024

Governmental Entity: Multnomah County Land Use Planning Phone: 503.988.9452

After recording return to:  
Hanna Strader, P.C.  
1300 SW Sixth Avenue, Suite 300  
Portland, OR 97201  
*plu 6-17-04*  
Until a change is requested, all tax  
statements  
shall be sent to the following address:  
John L. Enyart  
20803 NW Reeder Road  
Portland, OR 97231

Recorded in MULTNOMAH COUNTY, OREGON  
C. Swick, Deputy Clerk  
A37 6  
Total : 46.00  
ATKLM  
2004-109215 06/17/2004 02:18:24pm

WARRANTY DEED - STATUTORY FORM

JOHN L. ENYART, Successor Trustee of the WINTER TRUST, Grantor, conveys and warrants to JOHN L. ENYART, Grantee, the following described real property free of all liens and encumbrances except as specifically set forth herein situated in Multnomah County, Oregon, to-wit:

See Exhibit "A" attached

The property is free from all liens and encumbrances except liens, encumbrances, easements, convenants, conditions and restrictions of record.

The true consideration for this conveyance is: \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

DATED this 14<sup>th</sup> day of November, 2003.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WINTER TRUST

*John L. Enyart*  
John L. Enyart, Successor Trustee

State of Oregon )  
County of Multnomah ) ss.

Personally appeared the above named John L. Enyart and acknowledged the foregoing to be his voluntary act and deed.

Before me this 14<sup>th</sup> day of November, 2003.



*Michelle Dolan*  
Notary Public in and for Oregon  
My Commission Expires: 9/26/05

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Salem, OR

*7-6-04*

EXHIBIT A

PARCEL I: Government Lots 1, 2, 3, 4, TOGETHER with the accretions attaching thereto, and Lot 5, the east half of the southwest quarter, the west half of the northeast quarter, and the northwest quarter of the southeast quarter of Section 4, Township 2 North, Range 1 West of the Willamette Meridian.

PARCEL II: That part of the H. J. McIntire Donation Land Claim lying south and west of the center line of "A" canal and west of the center line of County Road No. 2325 in Section 4, Township 2 North, Range 1 West of the Willamette Meridian.

PARCEL III: Beginning at a point in the west line of Section 33, Township 3 North, Range 1 West of the Willamette Meridian, which bears North  $0^{\circ} 35' 50''$  West 1116.2 feet from the southwest corner of said Section; thence North  $89^{\circ} 59'$  20" East parallel to the South line of said Section 33, 2147.73 feet; thence South  $19^{\circ} 52'$  East 3.56 feet; thence South  $33^{\circ} 56'$  East 441.4 feet; thence South  $51^{\circ} 10''$  East 300.0 feet; thence South  $62^{\circ} 43'$  West 546 feet; thence South  $35^{\circ} 52'$  East 520 feet; thence South  $38^{\circ} 47'$  West 599.8 feet; thence South  $49^{\circ} 43\text{-}1/2'$  West 679.7 feet; thence South  $79^{\circ} 31\text{-}1/2'$  West 580 feet; thence South  $51^{\circ} 12\text{-}1/2'$  East 230 feet; thence South  $12^{\circ} 27\text{-}1/2'$  East 280 feet; thence South  $24^{\circ} 46\text{-}1/2'$  West 300 feet; thence South  $9^{\circ} 34\text{-}1/2'$  West 460 feet; thence South  $34^{\circ} 2\text{-}1/2'$  West 210 feet; thence South  $25^{\circ} 8'$  West 510 feet; thence South  $15^{\circ} 28\text{-}1/2'$  West 395 feet; thence South  $58^{\circ} 35'$  West 310.0 feet; thence South  $29^{\circ} 51'$  West 424.2 feet; thence South  $32^{\circ} 45\text{-}1/2'$  West 374.27 feet to the line between Sections 4 and 5, Township 2 North, Range 1 West of the Willamette Meridian; thence North  $1^{\circ} 30'$  East 4130.8 feet along the west line of said Section 4 to the northwest corner of said Section 4; thence North  $0^{\circ} 35' 50''$  West 1116.2 feet along the West line of Section 33, Township 3 North, Range 1 West of the Willamette Meridian to the place of beginning.

PARCEL IV: Government Lots 7 and 8, Section 33, Township 3 North, Range 1 West of the Willamette Meridian, TOGETHER with the accreted lands attaching to Lot 7.

PARCEL V: Beginning at a point in the east line of the Nathan Thurman Donation Land Claim in Section 9, Township 2 North, Range 1 West of the Willamette Meridian, 807 feet north of the southeast corner of the Donation Land Claim; thence North  $40^{\circ}$  West, along the middle of "Mud Slough", 700 feet; thence continuing along the middle of the slough and following the meander line thereof, north  $80^{\circ}$  West 220 feet;

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thence North 89° West 300 feet; thence North 50° West 150 feet; thence North 22° 30' West 200 feet; thence North 5° East 300 feet; thence North 27° 30' East 375 feet; thence North 3° 30' East 351 feet to the north line of the claim; thence East along the north line of the claim 991 feet to the northeast corner of the claim; thence south 1833 feet to the place of beginning. TOGETHER WITH that portion of vacated Reeder Road which inured thereto by reason of County Road Vacation Order recorded September 15, 1964 in Book 128 page 76, Deed Records, in the County of Multnomah and State of Oregon.

PARCEL VI: The South half of the Southeast quarter of Section 4, and the Northeast quarter of Section 9, all in Township 2 North, Range 1 West of the Willamette Meridian, except the certain 2.7 acres conveyed to Oak Ridge Gun Club, a corporation, by deed of Edmund B. Gardner and M. E. Gardner, his wife, on February 28, 1927 and recorded March 3, 1927 in Book 1092 page 238 of the Deed Records of the County of Multnomah and State of Oregon, and excepting the following described tract: A tract of land in the northeast 1/4 of Section 9, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, more particularly described as follows: Beginning at an angle point in the center line of County Road No. 699.40 (Rd. Sta. 111 + 26.45); thence South 71° 53' 00" East, 20.56 feet to the angle point in the east right of way line of said County Road also being the true point of beginning of the tract herein described; thence South 76° 36" East, 170.02 feet; thence South 10° 56' West, 22.43 feet; thence on a 21.50 foot radius curve to the left, the long chord of which bears South 79° 04' East 43.00 feet, an arc distance of 67.55 feet; thence North 10° 56' East, 20.65 feet; thence South 76° 48' 50" East, 130.86 feet; thence South 0° 30' 00" West, 350.63 feet; thence North 83° 51' 48" West, 375.76 feet to a point in the east line of the aforementioned County Road, thence North 6° 09' East 391.76 feet to the true point of beginning, and further excepting the rights of the public in Reeder Road; in the County of Multnomah and State of Oregon; and further excepting the portion thereof lying easterly of Reeder Road;

Together with and subject to the following easements:

An easement for ingress and egress over and across the following tract of land:

A tract of land in the North East one-quarter Section 9, Township 2 North, Range 1 West of the Willamette Meridian, Multnomah County, Oregon, more particularly described as follows:

Beginning at an angle point in the center line of the County Road No. 699.40 (Rd. Sta. 111 + 26.45); thence South 71° 53' 00" East, 20.56 feet to the angle point in the east

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right of way line of said County Road, also being the northwest corner of said tract; thence South 76° 36' East, 155.01 feet, to the true point of beginning of the easement to be described; thence South 76° 36' East, 15.01 feet along the North line of said tract; thence South 10° 56' West, 22.43 feet; thence on a 21.50 foot radius curve to the left, the long chord of which bears South 79° 04' East, 43.00 feet, an arc distance of 67.55 feet; thence North 10° 56' East, 20.65 feet to a point in the North line of the aforementioned tract of land; thence South 76° 48' 50" East, 32.48 feet along the north line of said tract of land; thence South 11° 20' West, 47.40 feet; thence North 77° 52' West, 29.00 feet; thence South 52° 02' 50" West, 57.73 feet; thence South 12° 16' West, 24.00 feet, thence North 77° 44' West, 150.00 feet; thence South 52° 20' 53" West, 23.32 feet to a point in the West line of the aforementioned tract of land; said point also being in the East line of said County Road, thence North 6° 09' East 56.00 feet along the said East line; thence South 37° 21' 48" East 27.54 feet; thence South 77° 44' East, 115.50 feet; thence North 53° 12' 40" East, 28.76 feet; thence North 12° 16' East, 29.55 feet; thence on a 36.5 foot radius curve to the right, the long chord of which bears North 10° 41' 14" West, 26.90 feet, an arc length of 27.55 feet; thence North 10° 56' East, 23.08 feet to the point of beginning of this easement.

Subject, however, to the reservation of an easement for ingress and egress over and across the following tract of land:

A tract of land in the North East one-quarter of Section 9, Township 2 North, Range 1 West, of the Willamette Meridian, Multnomah County, Oregon, more particularly described as follows: Beginning at an angle point in the center of County Road No. 699.40 (Rd. Sta. 111 + 26.45); thence South 71° 53' 00" East, 20.56 feet to the angle point in the East right of way line of said County Road; thence South 76° 36' East, 155.01 feet to the true point of beginning of this easement; thence North 12° 16' East, 36.44 feet; thence South 78° 40' East, 148.74 feet; thence South 0° 17' 10" West, 42.46 feet; thence North 76° 48' 50" West, 41.06 feet; thence North 11° 20' East, 22.33 feet; thence North 78° 40' West, 26.00 feet; thence South 11° 20' West 21.50 feet; thence North 76° 48' 50" West 54.00 feet; thence North 76° 36' West, 36.53 feet to the point of beginning of this easement.

PARCEL VII: All the following real property in Section 9, Township 2 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as

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follows, to-wit: Beginning at the Northeast corner of the Matthew White Donation Land Claim in Section 9, Township 2 South, Range 1 West of the Willamette Meridian; running thence North 89° 34' West on the North line of said White Donation Land claim to the center line of Gilbert River; thence Northwesterly along said center line of Gilbert River to the West line of said Section 9; thence North 0° 10' East on the West line of Section 9 to the Northwest corner of Section 9; thence South 89° 16' East on the North line of Section 9, 1670.82 feet to an iron pipe in the center of a slough; thence following the center line of said slough as follows: South 4° 32' West 337.11 feet; South 28° 30' West 100.00 feet, South 37° West 150.00 feet; South 23° 30' West 100.00 feet; South 17° West 100.00 feet, South 1° 30' West 100.00 feet, South 9° East 200 feet, South 23° East 100.00 feet, South 31° East 100.00 feet; South 61° 30' East 100.00 feet, South 80° East 100.00 feet, North 85° 30' East 300.00 feet, South 77° East 70.00 feet, South 55° East 100.00 feet, South 41° East 400.00 feet, South 33° East 200.00 feet, South 60° East 110 feet to the North and South center line of said Section 9; thence South 0° 06' West on the center line of Section 9, 797.83 feet to the center of Section 9; thence South 89° 01' 30" East on the East and West center line of Section 9, 1347.30 feet to an iron rod at the Northwest corner of that certain 273.14 acre tract deeded to Oak Ridge Gun Club April 26, 1926, recorded in Deed Book 1058, page 17; thence South 20° 41' 30" East on the Westerly line of said 273.14 acre tract 1480.30 feet to an iron rod; thence South 11° 10' 30" East on the Westerly line of said 273.14 acre tract, 1094.45 feet to the Northwest corner of the Ellis Walker Donation Land Claim; thence South 14° 30' East on the Westerly line of said 273.14 acre tract and the West line of said Walker Donation Land Claim, 199.84 feet to an iron pipe in the South line of Section 9; thence North 87° 49' West on the South line of Section 9, 1846.12 feet to a point in the East line of said White Donation Land Claim; thence North 1° 24' East on the East line of said White Donation Land Claim, 1607.28 feet to the place of beginning, subject, however, to the rights of the public in county roads No. 699 and 1063;

PARCEL VIII: A tract of land in the Matthew White Donation Land Claim in Section 9, Township 2 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Northeast corner of said White Donation Land Claim; thence North 89° 34' West along the North line of said Claim 696.40 feet to the center of County Road No. 699; thence Southerly along said center line of County Road

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No. 699, 1550 feet, more or less, to the center of Gilbert River, at a point of crossing of said road; thence southeasterly along said center of Gilbert River, 750 feet, more or less, to the East line of said White Donation Land Claim; thence North 1° 24' East along the said East line of the White Donation Land Claim; 1540 feet, more or less, to the place of beginning, EXCEPT the rights of the public over so much thereof as lies within the boundaries of said County Road No. 699.

PARCEL IX:

A tract of land in Section 5, Township 2 North, Range 1 West of the Willamette Meridian, in the County of Multnomah, and State of Oregon, described as follows:

Beginning at a point in the East line of said Section 5, north 1° 21' east 2525.46 feet from the southeast corner of said Section 5; running thence north 1° 21' East along the East line of said Section 5, 781.7 feet to a point in the South line, extended easterly, of a certain tract of land heretofore conveyed to Robert B. Brandon and wife by deed recorded June 8, 1938 in Book 451, page 552, Deed Records; thence south 89° 41' west along the south line of said tract, 2075.77 feet, more or less, to the center of Gilbert River; thence southeasterly along the center of Gilbert River 979.54 feet, more or less, to a point which bears south 89° 41' west from the point of beginning; thence North 89° 41' East 1480.63 feet to the place of beginning; SUBJECT to the rights of the public in and to Oak Island County Road.

PARCEL X:

A tract of land in Section 5, Township 2 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the east line of said Section 5, north 1° 21' East 2000.58 feet from the southeast corner of said Section 5; running thence North 1° 21' East along the East line of said Section 5, 524.88 feet; thence South 89° 41' West 1480.63 feet, more or less, to the center of Gilbert River; thence southeasterly along the center of Gilbert River 541.18 feet, more or less, to a point which bears South 89° 41' West from the point of beginning; thence North 89° 41' East 1353.64 feet to the place of beginning; subject to the rights of the public in and to the Oak Island County Road.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

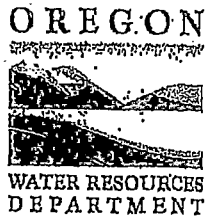
### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 4,640.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Date Received (Date Stamp Here)

**OWRD Over-the-Counter Submission Receipt**

Applicant Name(s) & Address: John Enyart  
20803 NW Reeder Rd, Portland OR 97231

Transaction Type: Groundwater App

Fees Received: \$ 4640.00

Cash     Check:    Check No. 7309  
Name(s) on Check: Will McGill Surveying

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

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

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

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

Sincerely,  
OWRD Customer Service Staff

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

**Instructions for OWRD staff:**

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