

APPLICATION # T-13628

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Delta Sand and Gravel Co.		PHONE NO. 541-688-2233	ADDITIONAL CONTACT NO.
ADDRESS 999 Division Ave			
CITY Eugene	STATE OR	ZIP 97404	E-MAIL SPickett@deltasg.com

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD Delta Sand and Gravel Co.			
ADDRESS 999 Division Ave			
CITY Eugene	STATE OR	ZIP 97404	

4. Date of Site Inspection:

6/28/2024

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Stan Pickett	6/28/2024	President/General Manager

6. County:

Lane

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**CLAIM OF
BENEFICIAL USE
for Transfers Character of Use and
Place of Use**



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

A fee of \$230 must accompany this form for any transfer final orders including a water right with a priority date of July 9, 1987, or later.

This transfer is for a water right with a priority date of August 4, 1987; the \$230 fee is included.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer where the character of use and the place of use were the only changes that were authorized.

If additional changes were authorized, you will need to select a different form.

1. File Information

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YES

SECTION 2
SIGNATURES

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CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME Trevor Grandy		PHONE NO. 971-200-8545	ADDITIONAL CONTACT NO.	
ADDRESS 147 SW Shevlin Hixon Dr. #201				
CITY Bend	STATE OR	ZIP 97702	E-MAIL tgrandy@gsiws.com	

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Stan Pickett	President/General Manager	9-27-2024

**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature

CWRE NAME Trevor Grandy	PHONE NO. 971-200-8545	ADDITIONAL CONTACT NO.
ADDRESS GSI Water Solutions, Inc., 147 SW Shevlin Hixon Dr. #201		
CITY Bend	STATE OR	ZIP 97702
E-MAIL tgrandy@gsiws.com		

Transfer Holder of Record Signature or Acknowledgement

***Each** transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Stan Pickett	President/General Manager	

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SECTION 3

EXTENT OF CHANGES COMPLETED

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

Change in Character of Use

1. Claim Summary – Authorized Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
General Industrial

2. Variations:

Were all the uses developed from what was authorized by the transfer final order? **YES**

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

--

Change #2

Change in Place of Use

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
N/A	

If the new use(s) was not irrigation or nursery:

NEW USE(S)	WAS THE NEW PLACE OF USE DEVELOPED TO THE FULL EXTENT AUTHORIZED UNDER THE ORDER? (INCLUDE THE LOCATION OF THE DEVELOPED PLACE USE ON THE CLAIM MAP)
General Industrial	YES

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **YES**

If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

The original transfer map was digitized from a hand-drawn map to show the place of use and tax lots. The most current PLSS shows the same place of use and tax lots are not located in the following quarter-quarters, listed on the T-13628 Final Order, include:
 Twp 17 S, Rng 3 W, Section 6: NESW, SESW
 Twp 17 S, Rng 3 W, Section 7: NWNE, SWNE
 The attached COBU map displays the water right holder's place of use, where use was confirmed by CWRE during site inspection.

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**SECTION 4
 CONDITIONS**

All conditions contained in the transfer, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	1/23/2023	
COMPLETENESS DATE FROM ORDER (C)	10/1/2024	9/25/2024

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)? **NO**

If "NO", you may delete the following table.

3. Measurement Conditions:

a. Does the transfer final order require the installation of a meter or approved measuring device? **YES**

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	Smart Measurement	300230822687#	Working	000173892 gal	9/25/2024
POD	Smart Measurement	300240521445#	Working	006593388 gal	9/25/2024

Two pumps are used at the POD to divert water at the authorized rate. Each totalizing flow meter tracks water volume diverted via each pump.

If a meter has been installed, items d through f relating to this section may be deleted. Items d through f were deleted.

4. Other conditions required by the transfer final order:

a. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

**SECTION 5
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment A	Claim of Beneficial Use Map
Attachment B	Final Order for Transfer T-13628

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

A Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map must identify the developed new place of use. The existing point(s) of diversion or point(s) of appropriation are required to be included on the Claim map, based on the locations described in the transfer final order.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The COBU map was created by GSI Water Solutions, Inc. using Geographic Information System (GIS) software and spatial datasets obtained from the Bureau of Land Management (BLM), the Oregon Water Resources Department (OWRD), and the US Geologic Survey. Additional information was provided by Delta Sand and Gravel Co. and observed by the CWRE during the site survey. The georeferenced data sources used in creating the COBU map are described on the map. Additional data and information specific to the transfer holder's points of diversion, place of use, and the permittee's use of water under the water right described in this Claim of Beneficial Use report were obtained from the transfer holder.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- N/A Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Transfer application number
- North arrow
- Legend
- CWRE stamp and signature

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Attachment A

Claim of Beneficial Use Map

Claim of Beneficial Use for Transfer T-13628 - Delta Sand & Gravel Co.

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Attachment B

Transfer T-13628 Final Order

Claim of Beneficial Use for Transfer T-13628 - Delta Sand & Gravel Co.

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

In the Matter of Transfer Application)	FINAL ORDER
T-13628, Lane County)	APPROVING A CHANGE IN PLACE OF USE
)	AND CHANGE IN CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DELTA SAND AND GRAVEL CO.
999 DIVISION AVE.
EUGENE, OR 97404

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Findings of Fact

1. On February 22, 2021, DELTA SAND AND GRAVEL CO. filed an application for a change in place of use, and to change the character of use under Certificate 65679. The Department assigned the application number T-13628.
2. Notice of the application for transfer was published on March 9, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 30, 2021, the Department requested that the agent revise Table 2 of the transfer application to match the transfer application map.
4. On May 3, 2021, the Department received a revised Transfer Application Table 2.
5. On May 28, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13628 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 27, 2021, for the applicant to respond.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

6. On June 15, 2021, the agent for the applicant requested the response deadline be extended to July 28, 2021. The Department granted the request to extend the response deadline.
7. On July 26, 2021, the applicant sent the Department a revised application, removing the additional point of diversion.
8. On September 21, 2021, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13628 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of October 30, 2021, for the applicant to respond.
9. On October 27, 2021, the agent for the applicant requested that the Department proceed with issuance of a Preliminary Determination and requested an extension to November 19, 2021 to provide the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On March 8, 2022, the Department requested that the agent revise Table 2 of the transfer application to match the transfer application map, specifically: T17S, R4W, Section 12 NENW and SENW quarter-quarters.
11. On March 16, 2022, the Department received a revised Table 2. The quarter-quarters in question had been removed from the application.
12. On May 9, 2022, the Department mailed a copy of the second revised draft Preliminary Determination proposing to approve Transfer Application T-13628 to the applicant. The second revised draft Preliminary Determination cover letter set forth a deadline of June 8, 2022, for the applicant to respond. The agent for the applicant requested that the Department proceed with issuance of a Preliminary Determination.
13. On July 27, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13628 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 2, 2022, and in the Eugene Weekly on August 4 and 11, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
14. The right to be transferred is as follows:

Certificate: 65679 in the name of DELTA SAND AND GRAVEL COMPANY (perfected under Permit S-50130)
Use: WASHING SAND AND GRAVEL
Priority Date: AUGUST 4, 1987
Rate: 7.14 CUBIC FEET PER SECOND
Source: WILLAMETTE RIVER, a tributary of COLUMBIA RIVER

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Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	3 W	WM	18	NW NW	4	402 FEET SOUTH AND 626 FEET EAST FROM THE NW CORNER OF SECTION 18

Authorized Place of Use:

WASHING SAND AND GRAVEL					
Twp	Rng	Mer	Sec	Q-Q	GLot
17 S	3 W	WM	18	NW NW	4

15. Transfer Application T-13628 proposes to change the place of use of the right to:

GENERAL INDUSTRIAL					
Twp	Rng	Mer	Sec	Q-Q	
17 S	3 W	WM	6	SW NW	
17 S	3 W	WM	6	NE SW	
17 S	3 W	WM	6	NW SW	
17 S	3 W	WM	6	SW SW	
17 S	3 W	WM	6	SE SW	
17 S	3 W	WM	7	NW NE	
17 S	3 W	WM	7	SW NE	
17 S	3 W	WM	7	NE NW	
17 S	3 W	WM	7	NW NW	
17 S	3 W	WM	7	SE NW	
17 S	3 W	WM	7	SW NW	
17 S	3 W	WM	7	NW SW	
17 S	3 W	WM	7	SW SW	
17 S	3 W	WM	18	NW NW	
17 S	4 W	WM	1	NE NE	
17 S	4 W	WM	1	NW NE	
17 S	4 W	WM	1	SE NE	
17 S	4 W	WM	1	SW NE	
17 S	4 W	WM	1	NE SE	
17 S	4 W	WM	1	NW SE	
17 S	4 W	WM	12	NE NE	
17 S	4 W	WM	12	NW NE	
17 S	4 W	WM	12	SW NE	
17 S	4 W	WM	12	SE NE	
17 S	4 W	WM	12	NE SE	
17 S	4 W	WM	12	NW SE	
17 S	4 W	WM	12	SW SE	
17 S	4 W	WM	12	SE SE	
17 S	4 W	WM	13	NE NE	
17 S	4 W	WM	13	NW NE	

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16. Transfer Application T-13628 proposes to change the character of use to general industrial.

Transfer Review Criteria [OAR 690-380-4010(2)]

17. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
18. A pump and pipeline sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13628.
19. The proposed changes would not result in enlargement of the right.
20. The proposed changes would not result in injury to other water rights.
21. All other application requirements are met.

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Conclusions of Law

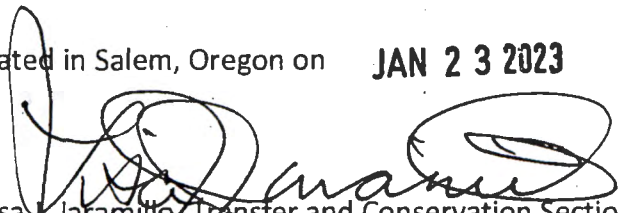
The change in place of use and change in character of use proposed in Transfer Application T-13628 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use and change in character of use proposed in Transfer Application T-13628 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 65679 and any related decree.
3. Water right Certificate 65679 is cancelled.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JAN 23 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **JAN 24 2023**

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October 3, 2024

Oregon Water Resources Department
ATTN: Mr. Gerry Clark
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Claim of Beneficial Use for Transfer T-13928 – Application G-69219
Delta Sand and Gravel Co.

Dear Gerry:

This Claim of Beneficial Use (COBU) is submitted on behalf of Delta Sand and Gravel Co. (Delta) for Transfer T-13628. The water user has fully developed the changes approved in the transfer final order and in compliance with all conditions included in the transfer final order. The \$230 filing fee is included with the COBU.

Delta is requesting an expedited review of the COBU through the Department's Certificate reimbursement Authority program. An application for a Certificated Reimbursement Authority Estimate is attached along with a \$125 check for the estimate fee.

If you have any questions regarding the enclosed COBU, please call me at (971) 200-8545.

Sincerely,

A handwritten signature in blue ink, appearing to read "Trevor Grandy".

Trevor Grandy, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Claim of Beneficial Use for Transfer T-13628
\$230 check for COBU filing fee
Certificate Reimbursement Authority Estimate Application
Check in the amount of \$125

CC: Stan Pickett, Delta Sand and Gravel Co.

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October 29, 2024

Oregon Water Resources Department
ATTN: Mr. Gerry Clark
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Claim of Beneficial Use Polyester Map for Transfer G-13628 – Application S-69219
Delta Sand & Gravel, Co.

Dear Gerry:

The enclosed polyester film sheets contain the COBU map for Transfer T-13628. This sheet was sent separately to protect the polyester film. Please include the sheets with the other Transfer T-13628 COBU materials sent via the US Postal Service to the address above.

If you have any questions regarding the enclosed COBU, please call me at (971) 200-8545.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Grandy", is written over a light blue horizontal line.

Trevor Grandy, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Transfer T-13628 COBU Map on Polyester Film

CC: Stan Pickett, Delta Sand & Gravel Co.

Received
NOV 04 2024
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