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November 29, 2021

Mr. Gerry Clark  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

RE: Claim of Beneficial Use Report for Transfer T-11638

Mr. Clark:

On behalf of the permittee, please find enclosed one Claim of Beneficial Use (COBU) report for Transfer T-11638 (involving Certificate 35699). Please do not hesitate to contact me at 971-200-8509 with questions about the enclosed COBU.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Theodore Ressler", is written over a horizontal line.

Theodore Ressler, RG, CWRE  
GSI Water Solutions, Inc.

Enclosures:  
Claim of Beneficial Use for Transfer T-11638

Cc: Preston Polasek  
City Administrator  
City of Lafayette

**CLAIM OF  
BENEFICIAL USE  
for Transfer New or Additional  
POD Only**



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

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**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 COBU is for a transfer involving a water right (Certificate 35699) with a priority date of 4/23/1958; the referenced \$230 fee is not applicable**

**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 8" 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 only authorized change was a change in either point(s) of diversion or additional point(s) of diversion, or a combination of both. **YES**

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

**1. File Information**

APPLICATION #

**T-11638**

**2. Property Owner (current owner information)**

APPLICANT/BUSINESS NAME <b>City of Lafayette</b> <b>Attn: Preston Polasek, City Administrator</b>		PHONE NO. <b>503-864-2451</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>P.O. Box 55, 486 Third Street</b>			
CITY <b>Lafayette</b>	STATE <b>OR</b>	ZIP <b>97127</b>	E-MAIL <b>prestonp@ci.lafayette.or.us</b>

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 <b>City of Lafayette</b>			<b>RECEIVED</b>
ADDRESS <b>P.O. Box 55, 486 Third Street</b>			<b>NOV 30 2021</b>
CITY <b>Lafayette</b>	STATE <b>OR</b>	ZIP <b>97127</b>	<b>OWRD</b>

**4. Date of Site Inspection:**

<b>10/13/2021</b>
-------------------

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Greg Robinson</b>	<b>10/13/2021</b>	<b>Public Works Supervisor</b>

**6. County:**

<b>Yamhill</b>
----------------

**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 <b>NA</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed



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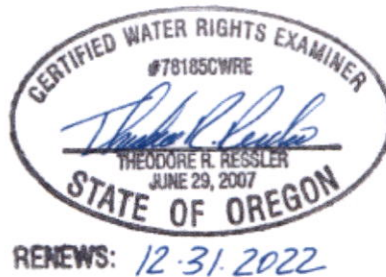
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## SECTION 2 SIGNATURES

### 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 <b>Theodore R. Ressler</b>		PHONE NO. <b>503-239-8799</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>GSI Water Solutions, Inc. 55 SW Yamhill St., Suite 300</b>			
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>tressler@gsiws.com</b>

### 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
	Preston Polasek	City of Lafayette Administrator	11/17/2021

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### SECTION 3 CLAIM DESCRIPTION

**Note: The Claim only needs to describe the new or additional point(s) of diversion. This Claim does not need to provide information for the original point(s) of diversion unless the original point of diversion is either a new or additional point of diversion on another right involved in this transfer.**

**1. New or additional point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
<b>POD #1 (Lafayette Spring)</b>	<b>Lafayette Spring, tributary to Henry Creek</b>

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, **NO**  
or extension final? If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

<b>NA</b>	
-----------	--

**3. Claim Summary:**

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
<b>POD #1 (Lafayette Spring)</b>	<b>0.16 cfs (71.8 gpm)</b>	<b>0.67 cfs (300 gpm)</b>	<b>0.15 cfs (67.3 gpm)</b>

## SECTION 4

## SYSTEM DESCRIPTION

Are there multiple new or additional Points of Diversion (POD)s?

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

**POD #1 (Lafayette Spring)**

## A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

## 1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
NA; gravity flow					

## 2. Motor Information

MANUFACTURER	HORSEPOWER
NA; gravity flow	

## 3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
NA; gravity flow				

## 4. Provide pump calculations:

NA; gravity flow	
------------------	--

## 5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
NA; gravity flow			

Reminder: For pump calculations use the reference information at the end of this document.

## B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

## 1. Does the diversion involve a gravity flow pipe?

YES



2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
4-inches	PVC	150	94 feet	2,050 feet	0.045	0.67 cfs (300 gpm)

3. Provide calculations:

Hazen-Williams:

$v = 1.31(c)(r^{0.63})(s^{0.54})$  for:

$c = 150$  (for PVC)

$r = 0.083$  ft (cross sectional area  $[0.08726 \text{ ft}^2]$  / wetted perimeter (full pipe)  $[1.047 \text{ ft}] = 0.083 \text{ ft}$ )

cross sectional area  $= \pi \times (4/2)^2 = 12.57 \text{ in}^2 = 0.08726 \text{ ft}^2$

wetted perimeter (full pipe)  $= 2\pi \times (4/2) = 12.57 \text{ in} = 1.047 \text{ ft}$

$s = 0.045$  (Spring Elevation  $[470 \text{ ft}]$  – Reservoir Elevation  $[376 \text{ ft}]$  / Distance  $[2050 \text{ ft}] = 0.045$ )

$v = 1.31(150)(0.083^{0.63})(0.045^{0.54}) = 7.676 \text{ ft/sec}$

$Q = \text{velocity} \times \text{area}$

$Q = (7.676 \text{ ft/sec}) \times (0.08726 \text{ ft}^2) = 0.67 \text{ cfs (300 gpm)}$

Note: Calculations above assume full pipe flow and do not include head loss; elevations of the Lafayette Spring and reservoir are included in Attachment 3

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4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
2/20/2017 - 3/1/2017	City of Lafayette	Reading of Flowmeter Totalizer	0.15 cfs (67.3 gpm)

See Attachment 3 for documentation of measured capacity / beneficial use

**C. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

**D. Additional notes or comments related to the system:**

Spring water from POD #1 (Lafayette Spring) is collected by buried PVC pipes and conveyed by gravity to a concrete spring box which delivers water to a small storage tank via a 4-inch diameter PVC line.

**SECTION 5  
CONDITIONS**

All conditions contained in the transfer final order, 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 NEW AND/OR ADDITIONAL POD(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	10/28/2013	
COMPLETENESS DATE FROM ORDER (C)	10/1/2019	3/1/2017 (Documentation of Beneficial Use; see Attachment 3)

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

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NO

2. Is there an extension final order(s)?

3. Measurement Conditions:

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a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device?

YES

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.

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD #1	Sensus	83511983	Working	57,312,092 gallons	8/9/2017

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO; however,

as a governmental entity, the City does report water use to the Department.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

7. Other conditions required by the transfer final order or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed?

NO

b. Was a fishway required?

NO

c. 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):



NA

**SECTION 6**  
**ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
Attachment 1	Map
Attachment 2	Water Right Information
Attachment 3	Supporting Documentation of Beneficial Use

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## SECTION 7

## CLAIM OF BENEFICIAL USE MAP

The 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 identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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 point of diversion and other visible components were visited during the site inspection. The locations of the point of diversion and flowmeter are based on a field survey using a handheld GPS completed during the site inspection. The Claim of Beneficial Use map was developed using Geographic Information System (GIS) software and spatial datasets obtained from the Oregon Water Resources Department (OWRD), and ESRI. Additional data and information specific to the water right holder's use of water under the water right described in this Claim of Beneficial Use report were obtained from the water right 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.)

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- ☒ 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
- NA If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA 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 or appropriation
- NA 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
- NA Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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Attachment 1  
Map



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Attachment 2  
Water Right

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

In the Matter of Transfer Application                    )  
T-11638, Yamhill County                                )  
  )

FINAL ORDER APPROVING A  
CHANGE IN POINT OF DIVERSION

**Authority**

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CITY OF LAFAYETTE  
PO BOX 55  
LAFAYETTE, OR 97127

**Findings of Fact**

**Background**

1. On July 10, 2013, the CITY OF LAFAYETTE filed an application to change the point of diversion under Certificate 35699. The Department assigned the application number T-11638.
2. Notice of the application for transfer was published on July 16, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 5, 2013, the Department sent a copy of the Preliminary Determination proposing to approve Transfer Application T-11638 to the applicant. The Preliminary Determination cover letter set forth a deadline of October 7, 2013, for the applicant to respond and remedy slight discrepancies in point of diversion (POD) locations on the map. The applicant requested that the Department proceed with issuance of a Preliminary Determination and pointed out that the stated distances from the section corner do scale out within the symbols for the PODs on the map. The Department agrees the map is acceptable.

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.



4. On September 11, 2013, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11638 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 17, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

**Certificate:** 35699 in the name of TOWN OF LAFAYETTE (perfected under Permit S-25666)

**Use:** MUNICIPAL USE

**Priority Date:** APRIL 23, 1958

**Rate:** 0.16 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.16 cubic foot per second, being 0.08 cfs from each spring

**Source:** LAFAYETTE SPRING AND DOUG NELSON SPRING, tributary to HENRY CREEK

**Authorized Points of Diversion:**

Spring	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
LAFAYETTE	4 S	3 W	WM	5	NW NE	125 FEET SOUTH AND 625 FEET EAST FROM THE N1/4 CORNER OF SECTION 5
DOUG NELSON	4 S	3 W	WM	5	NW NE	800 FEET SOUTH AND 425 FEET EAST FROM THE N1/4 CORNER OF SECTION 5

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
4 S	3 W	WM	6	SW NE
4 S	3 W	WM	6	SW NW
4 S	3 W	WM	6	NW SW
4 S	3 W	WM	6	SW SW
4 S	3 W	WM	6	SE SW
4 S	3 W	WM	6	SW SE
4 S	3 W	WM	6	SE SE
4 S	3 W	WM	7	NW NE
4 S	3 W	WM	7	SW NE
4 S	3 W	WM	7	NE NW
4 S	3 W	WM	7	NW NW
4 S	4 W	WM	1	SE NE
4 S	4 W	WM	1	NE SE
4 S	4 W	WM	1	SE SE
4 S	4 W	WM	12	NE NE

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6. Transfer Application T-11638 proposes to move one of the authorized points of diversion (Doug Nelson Spring) approximately 700 feet north to Lafayette Spring (thereby taking the total of 0.16 cfs from the one spring):

Spring	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
LAFAYETTE	4 S	3 W	WM	5	NW NE	125 FEET SOUTH AND 625 FEET EAST FROM THE N1/4 CORNER OF SECTION 5

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

7. 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.
8. A pump, pipeline, and municipal distribution system 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-11638.
9. Both springs access the same water bearing formation and contribute flow to Henry Creek.
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

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**Conclusions of Law**

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The change in point of diversion proposed in Transfer Application T-11638 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

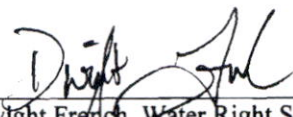
**Now, therefore, it is ORDERED:**

1. The change in point of diversion proposed in application T-11638 is 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 35699 and any related decree.
3. Water right certificate 35699 is cancelled.
4. The quantity of water diverted at Lafayette Spring shall not exceed the quantity of water lawfully available at the original points of diversion (Doug Nelson Spring and Lafayette Spring).



5. 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 the point of diversion.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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 change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 21 day of October, 2013.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: OCT 28 2013

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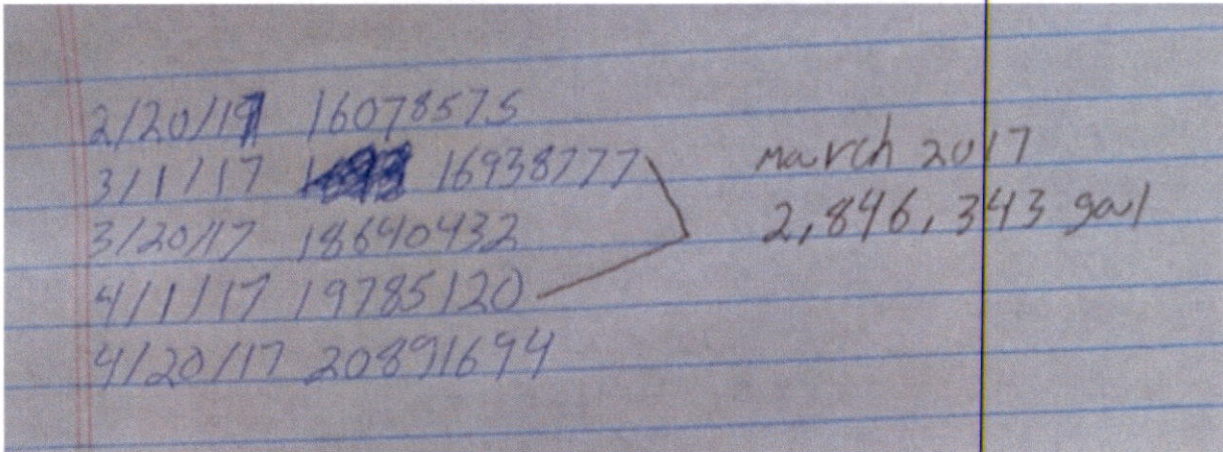
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Attachment 3  
**Beneficial Use Documentation**

**Lafayette Spring** (data source: City of Lafayette)

m/d/yyyy	Totalizer (gal)	# days	Vol (gal)	Mean Rate (cfs)
2/20/2017	16078575			
3/1/2017	16938777	9	860202	<b>0.15</b>
3/20/2017	18640432	19	1701655	0.14
4/1/2017	19785120	12	1144688	<b>0.15</b>
4/20/2017	20891694	19	1106574	0.09



(Picture of Lafayette Spring Totalizer Recordings)

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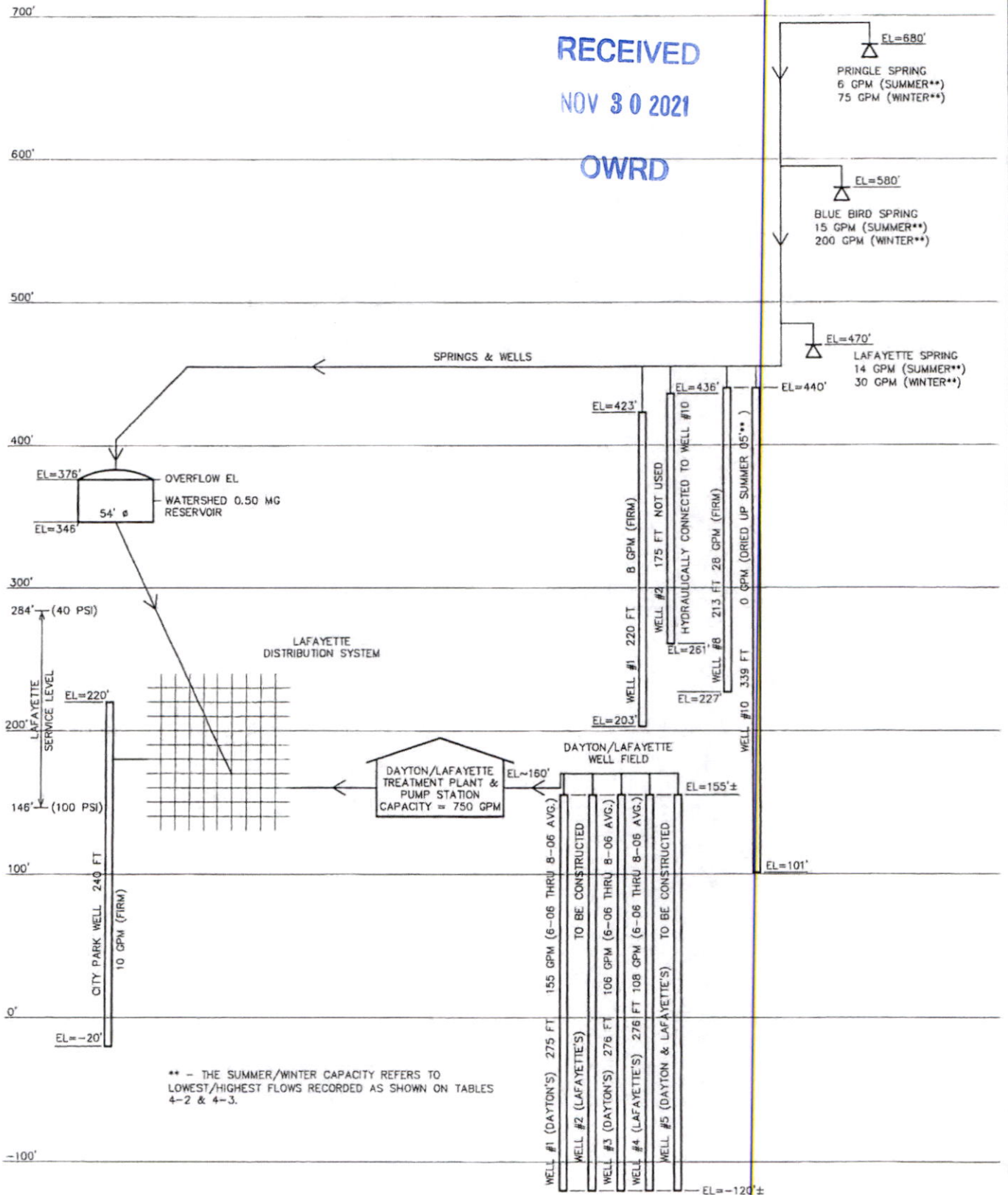
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\*\* - THE SUMMER/WINTER CAPACITY REFERS TO LOWEST/HIGHEST FLOWS RECORDED AS SHOWN ON TABLES 4-2 & 4-3.



WESTECH ENGINEERING, INC.  
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
Phone: (503) 585-2474 Fax: (503) 585-3086  
E-mail: westech@westech-eng.com

SCALE  
HORIZ: NTS  
VERT: NTS  
DSN: JW  
DRN: LWB  
CKD: DM  
DATE: SEP 06

CITY OF LAFAYETTE, OREGON

# WATER SYSTEM SCHEMATIC

FIGURE

4-3

JOB NUMBER

1897.4035.0