

Application for Water Right Exchange



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

Part 1 of 5 – Minimum Requirements Checklist

This Exchange Application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for the Transfer Section.

FOR ALL EXCHANGE APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Exchange Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Exchange Application – Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be exchanged?** ____ **List them here:** _____
Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed Exchange Application Map.
- Completed Evidence of Use Affidavit and supporting documentation for **each** water right involved in the Exchange.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete this form if the exchange applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A For Exchanges involving ground water – Water Well Report(s)/Well Log(s) are included.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient Map not included or incomplete
 - Land Use Form not enclosed or incomplete
 - Additional signature(s) required Part ____ is incomplete
 - Other/Explanation _____
- Staff: _____ 503 _____ Date: ____/____/____

Part 2 of 5 – Exchange Application Map Checklist

Your Exchange Application will be returned if any of the map requirements listed below are not met.

Please be sure that the exchange application map you submit includes all the required items and matches the existing water right map(s). Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature.
To find a CWRE see: http://apps.wrd.state.or.us/apps/wr/cwre_license_view/
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as pipelines, canals, ditches, and pumps.
- Existing place of use for both the water right to be exchanged and the water right(s) to supply the replacement water that includes separate hachuring for each water right, priority date, and use including number of acres per each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner for both the water right to be exchanged and the water right(s) to supply the replacement water. This information can be found in your water right certificate or permit.

NOTE: If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for EXCHANGE			
1	Base Fee (includes the first water right for up to 1.0 cfs)	1	\$1,360
2	Number of water rights included in exchange _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one water right this will be 0</i> Multiply line 2b by \$5100 and enter » » » » » » » » » » » » » » » »	2	
3	Do you propose an exchange that involves a well? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: \$480 for the 1 st well to be added or changed _____ (3a) Do you propose an exchange that involves additional wells? <input type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (3b) Add line 3a to line 3b and enter » » » » » » » » » » » » » » » »	3	
4	Enter the cfs for the portions of the rights to be exchanged (see example below* if the exchange involves an irrigation right): _____ (4a) Subtract 1.0 from the number in 4a above: _____ (4b) If 4b is 0, enter 0 on line 4 » » » » » » » » » » » » » » » » If 4b is greater than 0, round up to the nearest whole number: _____ (4c) and multiply 4c by \$410, then enter on line 4 » » » » » » » » » »	4	
5	Add entries on lines 1 through 4 above » » » » » » » » Exchange Fee:	5	

*Example for Line 4a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be exchanged to get the exchange cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for exchange by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the exchange; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each “on the ground” acre included in the exchange. (*In this example, blank 4a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 4b would be 0 and Line 4 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check the appropriate box below:

- By signing this application, I understand that, prior to Department approval of the exchange, I will be required to provide landownership information and evidence that I am authorized to pursue the exchange as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water rights proposed to be exchanged are appurtenant and have supporting documentation.

I understand that prior to Department approval of the exchange, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water rights are located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: _____

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

Applicant signature	Print Name (and Title if applicable)	Date
Applicant signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water rights, or portion thereof, proposed for exchange are located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following box that applies:

- The applicant is responsible for completion of the Exchange. Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed Exchange after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- The receiving landowner and applicant will be responsible for completion of Exchange. Copies of notices and correspondence should be sent to this landowner and the applicant.

Are the lands in this Exchange Application currently in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a "Request for Assignment" form will have to be submitted at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

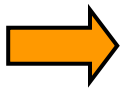
Describe any special ownership circumstances here: _____.

- Check here if any of the water rights proposed for exchange are or will be located within or served by an irrigation or other water district before or after the exchange. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

 To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing** in the document: **Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.


After editing, re-lock the document to enable checkboxes to work.

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

Purpose of the Proposed Exchange of Water:

Explain in your own words what you propose to accomplish with this exchange application and why:

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

 In order to use water from another source in exchange for supplying replacement water **in an equal amount** to satisfy prior appropriations from the other (originating) source, at least one of the following criteria must be met (ORS 540.533).

Check the box(es) that applies:

- The source of the applicant's appropriation under the originating water right to be exchanged is at times insufficient to fully satisfy the appropriation;
- Better conservation and use of the waters of the state can be accomplished; **OR**
- The applicant can develop water for appropriation under a permit for use of water for an instream purpose, but cannot economically convey the water to its point of use.

Originating Water Right to be Exchanged:

Table 1. Identification of the Originating Water Right to be Exchanged

Certificate No.	Permit No.	Authorized Water Source under Water Right to be Exchanged	Quantity of Water to be Exchanged

Description of Water Delivery System –

System capacity of the originating water right to be exchanged:

_____ cubic feet per second (cfs) OR _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey and apply the water at the authorized place of use. _____

Table 2. Location of the Originating Point(s) of Diversion (POD) or Appropriation (POA/Well)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)

Originating Water Right to be Exchanged: Certificate # _____ (Permit # _____)

Will the entire originating water right be exchanged?

- Yes – Table 3 does NOT need to be completed.
- No – Complete Table 3 to describe the portion of the originating water right to be exchanged.

Table 3. Description of the Originating Water Right

List only the part of the right that will be exchanged. If more than one POD/POA, specify the acreage associated with each POD/POA.

Water Right to be Exchanged – Originating Water											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres (if applicable)	Type of USE listed on Water Right to be Exchanged	POD(s) or POA(s) (name or number from Table 1)
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2
"	"	"	"	"	"	"	"	"	EXAMPLE	"	"

Additional remarks: _____

_____.

Water Right(s) to Supply Replacement Water:

NOTE: In order to allow an exchange, replacement water **in an equal amount** must be supplied to satisfy prior appropriations (ORS 540.533).

Table 4. Identification of Water Right(s) to Supply Replacement Water

Certificate No.	Permit No.	Authorized Water Source to supply Replacement Water	Quantity of Replacement Water to be supplied under this water right

Description of Water Delivery System –

System capacity of the water right(s) to supply replacement water:

Replacement right: Certificate # _____ (Permit # _____) - _____ cfs OR _____ gpm

Replacement right: Certificate # _____ (Permit # _____) - _____ cfs OR _____ gpm

For **each** replacement water right, separately describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. Provide the description(s) here: _____

Table 5. Location of the Replacement Point(s) of Diversion (POD) or Appropriation (POA/Well)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)

Point of Release of the Replacement Water –

Is the point of release of the replacement water **different** than the location(s) described in Table 5 above?

Yes – Complete Table 6 to describe the point of release location(s).

No – Table 6 does NOT need to be completed.

Table 6. Description of the Point of Release of the Replacement Water

POD/POA Name or Number	Water Source in which Replacement Water is Released	Twp	Rng	Sec	¼	¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)

Provide a **separate** Table 7 for **each** water right that is proposed to supply replacement water for the Exchange. Include additional rows, as needed. See instructions on the last page of this form.

Will the entire water right be used to supply replacement water?

- Yes – Table 7 does NOT need to be completed.
- No – Complete Table 7 to describe the portion of the water right that is to supply replacement water.

Table 7. Description of Water Right to Supply Replacement Water

Water Right to Supply Replacement Water: Certificate # _____ (Permit # _____)											
Twp		Rng		Sec	¼ ¼		Tax Lot	Gov't Lot or DLC	Acres (if applicable)	Type of USE listed on Replacement Water Right(s)	POD(s) or POA(s) to supply Replacement Water (from Table 1)
2	S	9	E	1	NW	NW	500	1	10.0	Irrigation	POD #5
2	S	9	E	2	SW	NW	500		5.0	"	POD #6

List only the part of the water right that will supply replacement water for the Exchange. If more than one POD/POA, specify the acreage associated with each POD/POA.

Will the Exchange of water benefit an instream reach?

- Yes – Complete Table 8 below to describe the instream reach that will be benefitted.
- No – Table 8 does NOT need to be completed.

Table 8. Description of instream reach that will be benefitted

The reach of the stream that will be benefitted is located between the following points:

	Twp		Rng		Sec	¼ ¼		Name of Stream or River	River Mile
	2	S	9	E	1	NW	NW		
								Big River	25.5
Upstream Point:									
Downstream Point:									

For an Exchange that Involves Ground Water Source(s):

- Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Tables 2 and 5 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 9 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 9. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Tables 2 and 5 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your Exchange Application.

Originating or Replacement POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth (feet)	Casing Diameter (inches)	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). <u>If</u> less than full rate of water right