

### Assignments

What they are

Why they are important

Two types of Assignments

Supporting documentation

Partial Assignments

Deficiencies

Tips



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- The process used to change the name on:
  - a pending application for permit
  - a pending transfer application
  - a permit
  - a transfer final order
  - a groundwater registration
  - a limited license
- The Department receives between 400 and 500 Assignments per year
- Don't confuse "Assignments" with "Transfers"



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## Assignments – Why?

- Many Department processes require the signature of the “holder of record”.
- The “holder of record” is the responsible party for the file as listed in the Department’s records and is the entity that is required to sign:
  - Claims of Beneficial Use
  - Extensions of Time
  - Permit Amendments



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## Assignments - Certificates

- Can names on a certificate be changed through the Assignment process? - NO
  - Names on certificates cannot be changed. New property owners can submit an Ownership update form to the Department.
  - The submittal of an Ownership Update does not cause the Department to make any changes to Department records.



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## Assignments - SWR's

- Can names on a Surface Water Registration (SWR) be changed through the Assignment process? - NO
  - Names on SWRs are changed through an amendment process as described in OAR 690-028-0045(1):
    - The request must be in writing; and
    - The request shall include documentation that the water has been used within the past five years.



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## Assignments – Two Types

1. Direct Assignment – current holder of record is available to assign their interest.
  - In the case of a full assignment, each permit or transfer holder of record must sign the form.
  - “And” and “Or”
  - In the case of a partial assignment, each permit or transfer holder of record for the portion being assigned must sign the form.



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2. Proof of Ownership – the holder of record is not available to assign their interest.
  - What “not available” means?
    - The individual is deceased; or
    - The individual has moved and their location is unknown.
  - What “not available” does not mean?
    - The individual is available, but they are not pleasant to work with;
    - It is not convenient;
    - Other? – Contact Department to discuss other unique situations



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2. Proof of Ownership – This type of Assignment requires submittal of additional information to demonstrate that the person(s) requesting the assignment is authorized to assign the permit or transfer. The additional information includes:
  - Proof of Ownership Documentation:
    - Deed and legal description
    - Court decrees such as divorce or probate



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## Assignments – Two Types

2. Proof of Ownership Continued – In addition to deed or court decree, additional information is required:
  - Proof that the permit or transfer holder is deceased;
  - Demonstration that an attempt has been made to contact the current permit or transfer holders;



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## Assignments Proof of Ownership

- The form requires the requesting party to affirm the following:
  - That they are they are the current owner and are attaching proof of ownership;
  - That they have the legal right to request the assignment;
  - That they have been unable to contact the owner(s) of record and have attached proof demonstrating that they have either given or attempted to give notice.



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## Assignments Proof of Ownership

**Note:** Write the initials (first letters) of your first and last names at the spots indicated below \_\_\_\_.

- 1) \_\_\_\_ I certify that I am the current owner of the property described in this application, permit, transfer order, limited license, or groundwater statement. I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.
- 2) \_\_\_\_ I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) \_\_\_\_ I have not been able to contact the owner(s) of record for the above referenced transaction. I have attached proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)
- 4) \_\_\_\_ I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Day) (Month) (Year)

Signature of Party Requesting Assignment \_\_\_\_\_

**Failure to provide any of the required information will result in the return of your application.**

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## Assignments - Signatures

- If by holder of record
  - Must be signed by all individuals listed on the permit or transfer. If the permit is in the name of three individuals, all three must sign.
    - Jack and Mary Smith, and John Jones
- If by proof of ownership
  - Must be signed by all parties requesting to be listed on the permit/transfer.
  - Only those individuals who sign the form will have their names listed on the permit/transfer.

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## Assignments - Partial

Regardless of the type of assignment, a partial assignment request must include:

- A map showing the location of the lands being partially assigned; and
- A deed including a legal description for the area involved in the partial assignment
- In the case of a partial Assignment, it is required that proof demonstrating that the requestor has either given or attempted to notify each property owner not a party to the Assignment.

Note: Partial assignments can be made by direct assignment or an assignment by proof



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## Assignments - Deficiencies

- Proper fees not submitted – \$120
- Form is not signed
- Unacceptable proof of ownership provided such as
  - Tax statements
  - Permit or transfer final order
  - Business Registry
- Incomplete proof of ownership
  - Deed must include legal description
  - Sales contract must include legal description
- Failure to provide documentation of notification to original owner(s) and other affected landowners



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## Assignments - Tips

- Always download the most current form from the Department's web site.
- Do not modify the Assignment form.
- Review the record carefully to ensure that all the appropriate people sign the form. In addition, check WRIS to see who is listed there. Copy of Assignment approval may be included under "Scanned Documents".
- If you have additional questions concerning the parties involved, call the Department.
- Always include the application number.



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## Assignments

### Who to Contact For Help:

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