

Application for Water Right Transfer

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

This transfer application will be returned if Parts 1 through 4 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

FOR ALL TRANSFER APPLICATIONS

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Completed Transfer Application – Applicant Information and Signature.
- Part 4 – Completed Transfer Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here: **21779.**

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- Fees – Amount enclosed: \$ **1,850.**
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.
- N/A Affidavit(s) of Consent.
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer 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 changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- N/A For Temporary Transfer (one to five years) Begin Year ____ End Year ____.
- N/A For Temporary Transfer only – Current recorded deed for the land **from** which the authorized place of use is being moved.
- N/A Temporary Drought Transfer (For use in counties where the Governor has declared drought)

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 SALEM, OREGON

(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	___ Part ____ is incomplete
___ Additional signature(s) required	

Other/Explanation _____

Staff: _____ 503-986-0 _____ Date: ____/____/____

Part 2 of 4 – Transfer Application Map Checklist

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

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

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For list of CWREs see http://www1.wrd.state.or.us/pdfs/cwre_listing.pdf. CWRE stamp and signature are not required for temporary changes, historic point of diversion changes, and substitutions.
- 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 white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are 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 main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in 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.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in 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.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. 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°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Lincoln City		PHONE NO. 541-996-2152	ADDITIONAL CONTACT NO.
ADDRESS City of Lincoln City, c/o David Hawker, 801 SW Hwy 101			FAX NO. 541-994-7232
CITY Lincoln City	STATE OR	ZIP 97367	E-MAIL davidh@lincolncity.org

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

AGENT/BUSINESS NAME Adam Sussman/GSI Water Solutions, Inc.		PHONE NO. 541-753-0745 x 201	ADDITIONAL CONTACT NO.
ADDRESS 1600 Western Blvd., Suite 240			FAX NO. 541-754-4211
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL asussman@gsiws.com

If an agent is listed above, please check **one** of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.

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

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

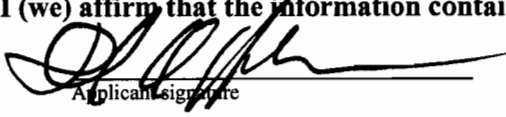
If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

Permanent Transfers Only (check one box)

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer 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 right proposed for transfer is appurtenant and have supporting documentation.

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CHEN O'CONNOR

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


Applicant signature

David Hawker, City Manager
Name (and title if applicable) (print)

7-28-2010
Date

Applicant signature

Name (and title if applicable) (print)

Date

In your own words tell us what change(s) you want made and the reason for the change(s): **The City of Lincoln City (City) proposes an additional point of diversion on Devils Lake to use up to 0.5 cfs under its certificate 21779 for municipal use. The place of use to be served by the additional point of diversion includes portions of the existing place of use and approximately three quarter-quarter sections that are "additional" places of use.**

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) 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 change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application 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 will have to be filed for 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. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/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 transfer are or will be located within or served by an irrigation or other water district. (**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 City of Lincoln City	ADDRESS 801 SW Hwy 101	
CITY Lincoln City	STATE OR	ZIP 97367

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed. See instructions at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

CERTIFICATE # 21779

Description of Water Delivery System

System capacity: _____ 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. **The delivery system consists of a small diversion dam, pump station and stilling basin, 225,000 gallon reservoir approximately 300 feet west of the intake, and distribution pipes for delivery of water. This is a municipal use water right held by Lincoln City evidenced by certificate 21779.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	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)
POD #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	10 W	7	NE SE		RECEIVED AUG 05 2010
POD #2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		7 S	11 W	12	SW NE		WATER RIGHTS DIVISION AUG 05 2010
Proposed (Prop.) POD	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		7 S	11 W	2	SW NE		1,760 feet South and 1,710 feet West from the NE corner of Section 2
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Historic POD (HPOD) | <input type="checkbox"/> Government Action POD (GOV) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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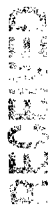
Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 21779

List only the part of the right that will be changed. For the acreage in each 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear BEFORE THE CHANGES						Proposed ("to" lands) AFTER THE CHANGES													
Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC (if applicable)	Acres (if applicable)	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Proposed Changes (see "CODES" from previous page)	Twp	Rng	Sec	1/4	Tax Lot	Gvt Lot or DLC (if applicable)	Acres (if applicable)	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	
2	S	9	NE NW	100		15.0	Irrigation	POD #1 POD #2	POU/POD	2	S	9	NW NW	500	1	10.0		POD #5	
"	"	"	"	"	EXAMPLE	"	"	"	"	2	S	9	SW NW	500		5.0		POD #6	
										6	S	11	W SE				Municipal	Prop. POD	
										6	S	11	W SE				Municipal	Prop. POD	
										6	S	11	W SE				Municipal	Prop. POD	
										6	S	11	W SE	Lots 31, 32				Municipal	Prop. POD
										6	S	11	W SW					Municipal	Prop. POD
										6	S	11	W SW					Municipal	Prop. POD
										7	S	11	W NE					Municipal	Prop. POD
										7	S	11	W NE					Municipal	Prop. POD
										7	S	11	W NE					Municipal	Prop. POD
										7	S	11	W NE					Municipal	Prop. POD
										7	S	11	W SE					Municipal	Prop. POD
TOTAL ACRES																TOTAL ACRES			

Additional remarks: Table 2 reflects the places of use to be served by the Proposed POD. No existing places of use will change. Places of use will be added.



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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: N/A. This is a municipal water right.



Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # N/A;
Surface water primary Certificate # N/A.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # N/A

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department’s web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist, or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	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). If less than full rate of water right

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Attachment A
Water Right Certificate 21779

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PLATEAU COUNTY
SHERIFF'S OFFICE

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STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

This Is To Certify, That CITY OF OCEANLAKE

of Oceanlake, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Rook Creek a tributary of Devils Lake for the purpose of municipal use under Permit No. 2179 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 22, 1917 for 0.75 cfs July 18, 1919 for 0.75 cfs that 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 1.50 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SE 1/4, Section 7, Township 7 South, Range 10 West, W. M., SW 1/4 NE 1/4, Section 12, Township 7 South, Range 11 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ----- of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- Lots 31 & 32 (SE 1/4 SE 1/4)
- Section 24
- Lots 25 & 26 (SW 1/4 SW 1/4)
- Lots 31 & 32 (SE 1/4 SE 1/4)
- Section 35
- SW 1/4
- W 1/2 SE 1/4
- Section 36
- Township 6 South, Range 11 West, W. M.
- W 1/2 NE 1/4
- W 1/2
- W 1/2 SE 1/4
- Section 1
- All
- Section 2
- All
- Section 3
- All
- Section 10
- N 1/2
- SW 1/4
- W 1/2 SE 1/4
- Section 11
- Township 7 South, Range 11 West, W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 28th day of November, 1956

LEWIS A. STANLEY State Engineer

Recorded in State Record of Water Right Certificates, Volume 16 page 21779.

FINAL PROOF SURVEY

IN
T.6&7SRJ0&11W.W.M.

UNDER
APPLICATION NO.22462 PERMIT NO.20779

IN NAME OF
CITY OF OCEANLAKE

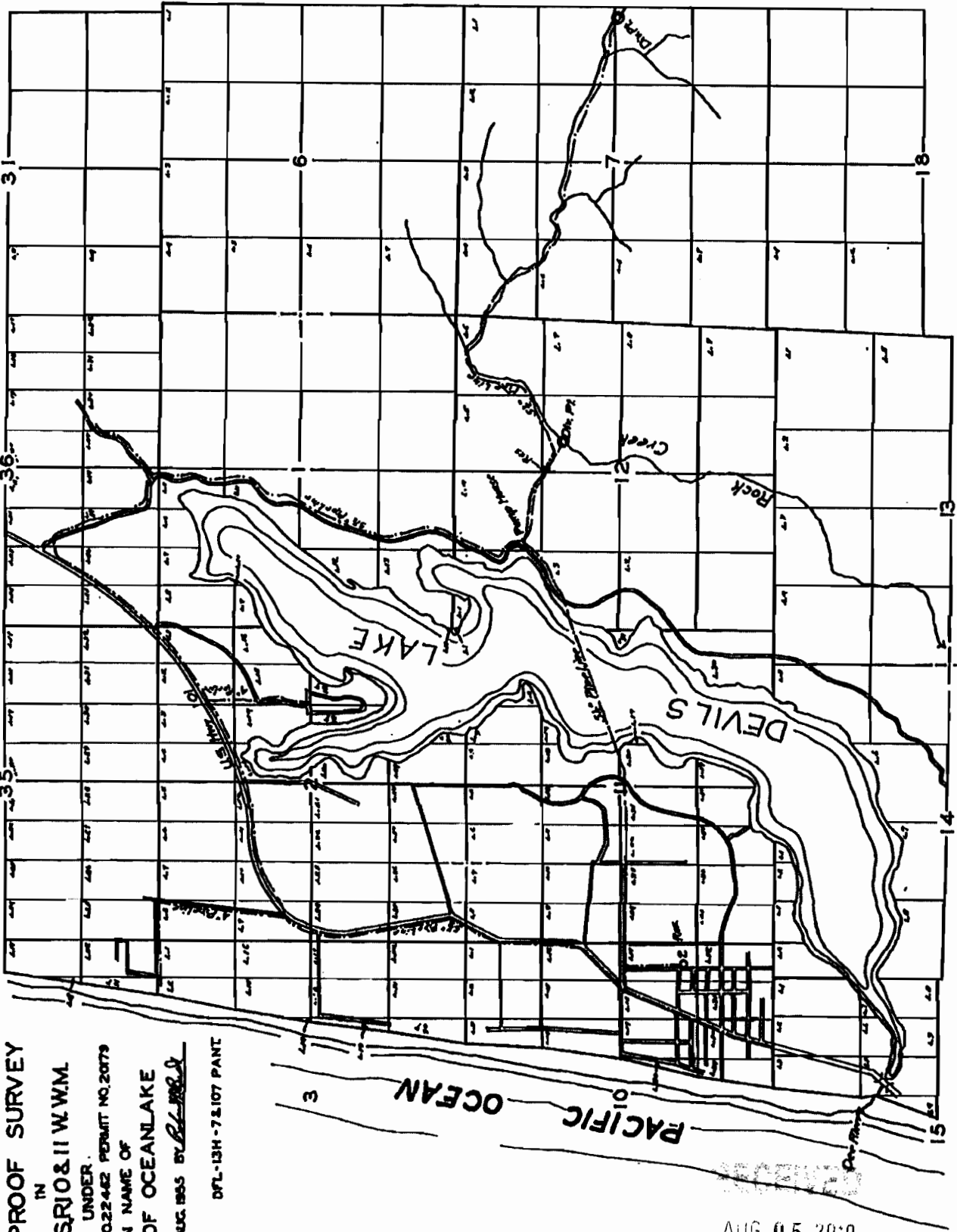
SURVEYED 25.AUG.1965 BY BLR/RRD

DPL-13H-7.8107 PANT

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WALTER S. CLIBBERT
CITY ENGINEER





Water Solutions, Inc.

August 3, 2010

Ms. Dorothy Pedersen
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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SALEM OREGON

RE: Transfer Application for the City of Lincoln City

Dear Dorothy,

On behalf of the City of Lincoln City (City), I am submitting this transfer application for the water rights evidenced by Certificate 21779. The transfer application enclosed requests an additional point of diversion and an additional place of use for a portion of water right Certificate 21779. The City requests that the Department processes this transfer application through the Transfer Reimbursement Authority Program.

Enclosed is a check for \$1,975, which includes:

- \$1,850 for the Transfer Application fees, consisting of:
 - \$900 base fee
 - \$700 additional type of change fee
 - \$250 change in place of use fee
- \$125 for the Transfer Reimbursement Authority Estimate Application

In addition, the City is requesting fifteen years from issuance of the final order to complete the changes proposed in the enclosed transfer application. The development of the transferred rights will require the construction of a new point of diversion, the development and expansion of a water distribution system from the new point of diversion to the proposed place of use, and the completion of modifications to the Chinook Winds Casino Golf Resort. Given the complexity of the project, a fifteen-year timeframe in which to make the proposed changes is reasonable.

Although Certificate 21779 is in the name of the City of Oceanlake, the City incorporated the City of Oceanlake into its limits and is now the owner of the municipal water rights under this certificate. The City is simultaneously submitting a Certificate of Water Right Ownership Update packet to the Department with this transfer application. This packet contains documents showing that the City incorporated the City of Oceanlake into its boundaries, which Lincoln County officially recognized in 1965. As a result of the incorporation, the City became the owner of the municipal water rights under Certificate 21779 and is responsible for

supplying water to areas previously served by this water right. Therefore, the applicant named in the application is the City of Lincoln City.

If you have any questions about the enclosed materials, please contact me by phone at 541-753-0745 or by email at asussman@gsiwatersolutions.com.

Sincerely,



Adam Sussman
Senior Water Resources Consultant

Enclosures:

Transfer application
Transfer Reimbursement Authority Estimate Application
Check for \$1,975 to the Department
Certificate of Water Right Ownership Update packet

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SALASAL OFFICE

Sarah Henderson

From: Dorothy Pedersen
Sent: Thursday, July 22, 2010 1:26 PM
To: Sarah Henderson
Subject: FW: City of Lincoln City/Siletz Tribe Transfer of Water Rights
Can you put this person on the cc: list for the City of Lincoln City transfer when it comes in?

Thanks,
Dorothy

From: Jerry Bottemiller [mailto:jbottemiller@charter.net]
Sent: Monday, July 19, 2010 7:22 PM
To: dorothy.i.pedersen@state.or.us
Cc: Beamang@state.or.us
Subject: City of Lincoln City/Siletz Tribe Transfer of Water Rights

Ms. Pedersen,

You will be in receipt sometime in the near future if you have not already received, a request to Transfer Water Rights from the City of Lincoln City to The Siletz Tribe on Rock Creek. In the permit they will not only be asking for a transfer of the rights but will also be asking to pump water from the lake rather than Rock Creek. As a lake side resident, I as well as several of lake side property owners have some real concerns. As I understand the process, once the Department of Water Resources receive the application, assuming all the paperwork is complete there is an internal review of the request and then the request is put out for public comment. Normally in the local newspapers? Since there are so many lake side property owners with a real stake in the outcome that are concerned I would like to ask that I, (we) receive an e-mail notification from you when you actually receive the completed application and again when the Public Comment notification goes out to the local media. It is very likely that you will receive additional requests from other residents.

I appreciate your attention to this matter and look forward to receiving the requested information.

Jerry Bottemiller
3641 NE 9th
Otis, OR 97367
541-921-2158

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