# Application for Permanent Water Right Transfer



OREGON 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

attachments are not completed and included.

This transfer application will be returned if Parts 1 through 5 and all required

For guestions, please call (503) 986-0900, and ask for Transfer Section. RECEIVED Check all items included with this application. (N/A = Not Applicable)JUL **03** 2023  $\bowtie$ Part 1 – Completed Minimum Requirements Checklist. OWRD  $\boxtimes$ Part 2 – Completed Transfer 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 Applicant Information and Signature. Part 5 – Information about Water Rights to be Transferred: How many water rights are to be transferred? 1 List them here: 83682 (Attachment 1) Please include a separate Part 5 for each water right. (See instructions on page 6) NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met. Attachments: Completed Transfer Application Map. (Attachment 2) Completed Evidence of Use Affidavit and supporting documentation. (Attachment 3) Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) 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. Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if <u>all</u> 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. (Attachment 4) Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability. (For Staff Use Only) WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Map not included or incomplete Application fee not enclosed/insufficient Land Use Form not enclosed or incomplete Evidence of Use Form not enclosed or incomplete Additional signature(s) required Part \_\_\_\_\_ is incomplete Other/Explanation Staff: 503-Date:

# Part 2 of 5 - Transfer Application Map

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

		sure that the transfer application map you submit includes all the required items and he existing water right map. Check all boxes that apply.
⊠ [	N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see <a href="http://apps.wrd.state.or.us/apps/wr/cwre-license-view/">http://apps.wrd.state.or.us/apps/wr/cwre-license-view/</a> . CWRE stamp and signature are not required for substitutions.
	⊠ N/A	If more than three water rights are involved, separate maps are needed for each water right
$\boxtimes$		Permanent quality printed with dark ink on good quality paper.
$\boxtimes$		The size of the map can be $8\% \times 11$ inches, $8\% \times 14$ inches, $11 \times 17$ inches, or up to $30 \times 30$ inches. For $30 \times 30$ inch maps, one extra copy is required.
$\boxtimes$		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.
$\boxtimes$		Township, Range, Section, $\frac{1}{4}$ , DLC, Government Lot, and other recognized public land survey lines.
$\boxtimes$		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
$\boxtimes$		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
$\boxtimes$		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.
$\boxtimes$		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 $-42^{\circ}32'15.5''$ ) or degrees-decimal with five or more digits after the decimal (example $-42.53764^{\circ}$ ).

### Part 3 of 5 - Fee Worksheet

	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)		
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
2	Types of change proposed: $\square$ Place of Use $\square$ Character of Use $\square$ Point of Diversion/Appropriation  Number of above boxes checked = $2(2a)$ Subtract 1 from the number in line 2a = $1(2b)$ If only one change, this will be 0  Multiply line 2b by \$1090 and enter $n > n > n > n > n > n > n > n > n > n $	2	\$1,090
3	Number of water rights included in transfer(3a) Subtract 1 from the number in 3a above: <u>0 (3b)</u> If only one water right this will be 0 Multiply line 3b by \$610 and enter » » » » » » » » » » » » » » » » » » »		\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well?  No: enter 0 Yes: enter \$480 for the 1 <sup>st</sup> well to be added or changed (4a)  Do you propose to add or change additional wells?  No: enter 0 Yes: multiply the number of additional wells by \$410 (4b)  Add line 4a to line 4b and enter » » » » » » » » » » » » » » »	4	\$0
	Do you propose to change the place of use or character of use?  No: enter 0 on line 5  Yes: enter the cfs for the portions of the rights to be transferred (see below*):1.0 (5a)  Subtract 1.0 from the number in 5a above: 0 (5b)  If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » » » »  If 5b is greater than 0, round up to the nearest whole number:(5c) and multiply		
5	5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » »	-	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:  Is this transfer:  necessary to complete a project funded by the Oregon Watershed Enhancement Board	6	\$2,450
	(OWEB) under ORS 541.932?  endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?  If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 »		JUL 03 2023
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » Transfer Fee:	8	\$2,450

\*Example for Line 5a 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  $\div$ 100 ac); then multiply by the number of acres to be transferred to get the transfer 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 change 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 transfer; 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 transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution(2a)		
	Subtract 1 from the number in 2a above:(2b) If only one well this will be 0		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	N/A

### Part 4 of 5 - Applicant Information and Signature

### **Applicant Information**

APPLICANT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.						
City of Brookings; Attn: Janell Ho	ward		541-469-1123						
ADDRESS				FAX NO.					
898 Elk Drive									
CITY	STATE	ZIP	E-MAIL						
Brookings	OR	97415	jhoward@brookings.or.us						
BY PROVIDING AN E-MAIL ADDRES	s, CONSENT	IS GIVEN TO RECEIVE	ALL CORRESPONDENCE FR	OM THE DEPARTMENT					
ELECTRONICALLY. COPIES OF THE F	INAL ORDE	R DOCUMENTS WILL A	LSO 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.
Schwabe, Williamson & \	Nyatt		503-796-2093	
Attn: Elizabeth Howard a	nd Shonee Langf	ord	503-540-4261	
ADDRESS				FAX NO.
1211 SW 5th Ave., Ste. 19	900			
CITY	STATE	ZIP	E-MAIL	
Portland	OR	97204	ehoward@schw	abe.com
			slangford@schw	abe.com
BY PROVIDING AN E-MAIL	ADDRESS, CONSE	NT IS GIVEN TO RI	CEIVE ALL CORRESPONDE	NCE FROM THE DEPARTMENT
ELECTRONICALLY. COPIES	OF THE FINAL ORD	ER DOCUMENTS	WILL ALSO BE MAILED.	

Explain in your own words what you propose to accomplish with this transfer application, and why: The City would like to adjust the place of use under Certificate 83682 to cover the additional service area where the diverted water will be used. To facilitate delivery of water to the additional service area, the City would like to add an additional point of diversion for a 1.0 cfs PORTION of Certificate 83682. The additional point of diversion proposed by the transfer application will be a diversion through an existing caisson system that has an open bottom (Note: the proposed additional point of diversion is and existing point of diversion for temporary transfer T-13452, which is in effect through December 31, 2024, and for surface water right Certificate 34453). The additional POD is specifically designed for withdrawal of surface water from the Chetco River in a similar fashion to the Ranney Collector at the City's existing authorized surface water point of diversion.

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

	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 are
	authorized to pursue the transfer as identified in OAR 690-380-4010(5); OR
$\boxtimes$	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 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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### By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, 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 right is located,
  once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing
  the notice in the following newspaper: <u>Curry Coastal Pilot.</u>
- Amendments to the application may only be made in response to the Department's Draft Preliminary
  Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any
  issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be
  subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a
  refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error
  of the Department.

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

Applicant signature	and		II Howard, City Manager Name (and Title if applic		6.22.2023 Date
Applicant signature		Print	 Name (and Title if applic	able)	Date
Is the applicant the sole owner located?  Yes No* N/A				of, propos	ed for transfer is
*If NO, include signatures of all d attach affidavits of consent (and water right(s) were conveyed.					
Check the following boxes that	apply:				
The applicant is respon sent to the applicant.	sible for co	ompletion of chang	e(s). Notices and corresp	ondence	should continue to be
			pleting the proposed cha I be sent to this landown		er the final order is
<ul><li>Both the receiving land and correspondence sh</li></ul>			esponsible for completio er and the applicant.	n of chan	ge(s). Copies of notice
At this time, are the lands in thi	s transfer a	application in the p	rocess of being sold?	Yes 🖂 N	No
If YES, and you know who to below. If you do not know wat a later date.				_	
If a property sells, the certifunless a sale agreement or https://www.oregon.gov/o	other docu	ument states other	wise. For more information	on see:	ner,
RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONA	L CONTACT NO.
ADDRESS				FAX NO.	
CITY	STATE	ZIP	E-MAIL		
Describe any special ownership	circumsta	nces:	1		
The confirming Certificate shall	be issued i	in the name of:	Applicant Receiving	g Landow	ner

Check here if any of the wa	ter rights proposed for transfer are	or will be located within or served
	trict. (Tip: Complete and attach Su	
IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP
	of the rights supplied under a wate with a federal agency or other entity	
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP
	tency Requirements, you must list a ents within whose jurisdiction wate	
ENTITY NAME	ADDRESS	
Curry County	94235 Moore Street, #	<del>‡</del> 113
CITY	STATE	ZIP
Gold Beach	OR	97444
	3	
ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

# **INSTRUCTIONS** for editing the Application Form

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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.

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.

### 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.

### Part 5 of 5 – Water Right Information

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.

### CERTIFICATE # 83682

### **Description of Water Delivery System**

JUL 03 2023

System capacity: 4.0 cubic feet per second (cfs) OR

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\_\_\_\_\_ 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. Certificate 83682 is used by the City of Brookings to supply water for municipal uses within the City's service area. Water from the Chetco River is diverted at the City's Ranney Collector and is delivered for municipal use through the City's water distribution system. Since August 2020, the City has been using a 1.0 cfs portion of Certificate 83632 at the proposed additional point of diversion as authorized by temporary transfer T-13452.

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		R	ng	Sec	1/4	<b>½</b>	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)		
POD 1	Authorized Proposed	N/A	40	s	13	w	35	NE	NW	101	1,290 feet South and 2,415 feet East from NW corner of Section 35		
POD 2	☐ Authorized ☐ Proposed	N/A	40	s	13	w	35	NW	sw	400	2,570 feet North and 1,380 feet West from the S1/4 corner of Section 35		

# Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses): ☐ Place of Use (POU) ☐ Supplemental Use to Primary Use (S to P) ☐ Character of Use (USE) ☐ Point of Appropriation/Well (POA) ☐ Point of Diversion (POD) ☐ Additional Point of Appropriation (APOA) ☐ Substitution (SUB) ☐ Surface Water POD to Ground Water POA (SW/GW) ☐ Government Action POD (GOV)

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

Yes	Complete only the Proposed ("to" or "on" 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.

Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.

Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

### Table 2. Description of Changes to Water Right Certificate # 83682

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

	Т			_	nat ap	pear	s on th	e cert	ificate l		ls) DPOSED CHAI II be changed.		Proposed Changes (see				The	listir			ıld app		FTER F	n" lands) PROPOSED	CHANGES	;
Tv	vp	Rr	ng	Sec	1/4	1/4	Tax Lo	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	"CODES" from previous page)	Tv	vp	Rr	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
													EXAMPLE													
2	s	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	5	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	s	9	E	2	sw	NW	500		5.0		POD #6	1901
41	s	13	w	5	ALL	NE				MU	POD 1	1961	APOD/POU	40	s	13	w	35	sw	sw				ми	POD 1 POD 2	1961
41	s	13	w	5	ALL	NW				ми	POD 1	1961	APOD/POU	40	s	13	w	35	SE	sw				ми	POD 1 POD 2	1961
41	s	13	w	5	ALL	sw				ми	POD 1	1961	APOD/POU	40	s	13	w	2	NW	NE				ми	POD 1 POD 2	1961
41	s	13	w	5	ALL	SE				ми	POD 1	1961	APOD/POU	41	s	13	w	2	sw	NE				ми	POD 1 POD 2	1961
41	s	13	w	6	ALL	NE				MU	POD 1	1961	APOD/POU	41	s	13	w	2	SE	NE				ми	POD 1 POD 2	1961
41	s	13	w	6	ALL	NW				MU	POD 1	1961	APOD/POU	41	s	13	w	2	NE	NW				ми	POD 1 POD 2	1961
41	s	13	w	6	ALL	sw				MU	POD 1	1961	APOD/POU	41	s	13	w	2	NW	NW				ми	POD 1 POD 2	1961
41	s	13	w	6	ALL	SE				MU	POD 1	1961	APOD/POU	41	s	13	w	2	SE	NW				ми	POD 1 POD 2	1961
41	s	13	w	7	NE	NE				MU	POD 1	1961	APOD/POU	41	s	13	w	2	NE	sw				ми	POD 1 POD 2	1961
41	s	13	w	7	NW	NE				ми	POD 1	1961	APOD/POU	41	s	13	w	2	SE	sw				ми	POD 1 POD 2	1961

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	Т				nat a	ppear	s on th	e cert	ificate		s) POSED CHAN		Proposed Changes (see			•	The	listir			uld app		FTER F	n" lands) PROPOSED	CHANGES	5
Tw	/p	Rr		Sec		4 1/4	Tax Lot	Gvt	Acres	Type of USE listed on Certificate	POD(s) or	Priority Date	"CODES" from previous page)	Twp		Rng		Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
41	s	13	w	7	sw	NE				MU	POD 1	1961	APOD/POU	41	s	13	w	2	ALL	SE				ми	POD 1 POD 2	1961
41	s	13	w	7	NE	NW				MU	POD 1	1961	APOD/POU	41	s	13	w	11	NE	NE				ми	POD 1 POD 2	1961
41	s	13	w	7	SE	NW				MU	POD 1	1961	APOD/POU	41	s	13	w	11	NW	NE				ми	POD 1 POD 2	1961
41	s	13	w	8	ALL	NE				MU	POD 1	1961	APOD/POU												POD 1 POD 2	
41	s	13	w	8	NE	NW				MU	POD 1	1961	APOD/POU												POD 1 POD 2	
41	s	13	w	8	NW	NW				MU	POD 1	1961	APOD/POU												POD 1 POD 2	
41	s	13	w	8	NE	SE				MU	POD 1	1961	APOD/POU												POD 1 POD 2	
41	s	13	w	8	SE	SE				MU	POD 1	1961	APOD/POU												POD 1 POD 2	
			1	I	1	ТО	TAL ACF	RES:	N/A							I	1	1		то	TAL ACI	RES:	N/A			

Additional remarks: The proposed changes shown in Table 2 are for a 1.0 cfs PORTION of Certificate 83682.

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١	For Pla	ce of Use or Character of Use Changes								
		here other water right certificates, water use permits or ground water registrations asso the "from" or the "to" lands? $igthick{igtriangle}$ Yes $igcap$ No	ciate	d						
		, list the certificate, water use permit, or ground water registration numbers: Certificate icipal water right and therefore, layered water rights are not an issue for this transfer.		<b>2</b> is a						
	a pri	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 Sul	ostitution (ground water supplemental irrigation will be substituted for surface water pr	imary	irrigation)						
		nd water supplemental Permit or Certificate #; ce water primary Certificate #	REC	EIVED						
	For a c	hange from Supplemental Irrigation Use to Primary Irrigation Use	JUL	<b>0 3</b> 2023						
	Ident	ify the primary certificate to be cancelled. Certificate #	O	WRD						
1	For a c	hange in point(s) of appropriation (well(s)) or additional point(s) of appropriation:	O.	AARTI						
		Well log(s) are attached for each authorized and proposed well(s) that are clearly labele with the corresponding well(s) in Table 1 above and on the accompanying application may search for well logs on the Department's web page at: <a href="http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx">http://apps.wrd.state.or.us/apps/gw/well-log/Default.aspx</a>		d associated						
	AND	OR OR								
		Describe the construction of the authorized and proposed well(s) in Table 3 for any well have a well log. For proposed wells not yet constructed or built, provide "a best estimate requested information element in the table. The Department recommends you consult driller, geologist, or certified water right examiner to assist with assembling the information complete Table 3.	e" for a lice	each nsed well						
Ar	ny well	onstruction of Point(s) of Appropriation (s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and sh nying application map. Failure to provide the information will delay the processing of yo								

# Т

application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

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
		,								

Attachment 1
Water Right Information

### STATE OF OREGON

### COUNTY OF CURRY

### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS 898 ELK DR BROOKINGS OR 97415

confirms the right to use the waters of CHETCO RIVER, a tributary of the Pacific Ocean for MUNICIPAL USES.

This right was perfected under Permit 27610. The date of priority is SEPTEMBER 14, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
40 S	13 W	WM	35	NE NW			1290 FEET SOUTH AND 2415 FEET EAST
							FROM NW CORNER, SECTION 35

A description of the place of use to which this right is appurtenant is as follows:

	MUNICIPAL USES									
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres			
41 S	13 W	WM	5	NE NE						
41 S	13 W	WM	5	NW NE						
41 S	13 W	WM	5	SW NE						
41 S	13 W	WM	5	SE NE						
41 S	13 W	WM	5	NE NW						
41 S	13 W	WM	5	NWNW						
41 S	13 W	WM	5	SWNW						
41 S	13 W	WM	5	SENW						
41 S	13 W	WM	5	NE SW						
41 S	13 W	WM	5	NW SW						
41 S	13 W	WM	5	SW SW						
41 S	13 W	WM	5	SE SW						
41 S	13 W	WM	5	NE SE						
41 S	13 W	WM	5	NW SE						
41 S	13 W	WM	5	SW SE						

JUL 03 2023 OWRD

### NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Application S-37091.jwg

Page 1 of 2

Certificate 83682

		MU	JNICI	PAL USES			
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
41 S	13 W	WM	5	SE SE			
41 S	13 W	WM	6	NE NE		, ,	
41 S	13 W	WM	6	NW NE			-
41 S	13 W	WM	6	SW NE			
41 S	13 W	WM	6	SE NE			
41 S	13 W	WM	6	NENW			
41 S	13 W	WM	6	NWNW			
41 S	13 W	WM	6	SWNW			
41 S	13 W	WM	6	SE NW			
41 S	13 W	WM	6	NE SW			
41 S	13 W	WM	6	NW SW			
41 S	13 W	WM	6	SW SW			
41 S	13 W	WM	6	SE SW			
41 S	13 W	WM	6	NE SE			
41 S	13 W	WM	6	NW SE			
41 S	13 W	WM	6	SW SE			
41 S	13 W	WM	6	SE SE			
41 S	13 W	WM	7	NE NE			
41 S	13 W	WM	7	NW NE			
41 S	13 W	WM	7	SW NE			
41 S	13 W	WM	7	NENW			
41 S	13 W	WM	7	SE NW			
41 S	13 W	WM	8	NE NE			
41 S	13 W	WM	8	NW NE			
41 S	13 W	WM	8	SW NE		,	
41 S	13 W	WM	8	SE NE			
41 S	13 W	WM	8	NE NW			
41 S	13 W	WM	8	NW NW			
41 S	13 W	WM	8	NE SE			
41 S	13 W	WM	8	SE SE			

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Lecuad

Philip C. Ward, Director Water Resources Department

Application S-37091.jwg

Recorded in State Record of Water Right Certificates numbered 83682 Page 2 of 2

Attachment 3
Evidence of Use Affidavit

# Application for Water Right **Transfer**

# **Evidence of Use Affidavit**



### Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266

Salem, Oregon 97301-1266 (503) 986-0900 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.

Supporting documentation must be attached.

State o	of Oregon			)	SS						RECEIVED
County	y of <u>Curry</u> )			,	33						JUL <b>03</b> 2023
I, <u>Jane</u> l	LL HOWARD, in m	ny capacit	y as <u>Cı</u>	ту Ма	NAGER,	,					
mailin	g address <u>898 E</u>	ELK DRIVE,	Brooki	NGS, C	OR 974	<u>15</u>					OWRD
teleph	one number ( <u>5</u>	<u>41) 469-1</u>	<u>.123</u> , b	eing f	irst du	ly swo	rn depos	e and say:			
1.	My knowledg	ge of the e	exercis	e or s	tatus c	of the v	vater righ	nt is based o	n (check one):		
	□ Person	onal obse	rvatior	1			Professi	ional experti	se		
2.	l attest that:										
		er was use	ed duri	ng the	e previ	ous fiv	e years o	n the <b>entire</b>	place of use fo	or	
		ficate#_					,				
	☐ My k	nowledge	is spe	cific t	o the ι	use of v	water at t	the following	g locations wit	hin the last five yea	rs:
	Certificate #	Townsh	nip	Rang	ge	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)	
											-
									-	~~~	-
			_								-
			_								-
OR											
	Confirming Co										
	Part or all of t instream leas		_						n the last five sor	years. The	
							_			eased instream.); O	R
$\boxtimes$	would be reb	utted und	der OR	S 540.	.610(2)	) is atta	ached. <u>C</u> i	ERTIFICATE 83	682 IS A MUNICI	of forfeiture for no PAL WATER RIGHT HELD TIFICATE 83682 IS ATT	D BY THE
		en used a	it the a	ictual	currer	nt poin	t of diver	sion or appr	opriation for n		

# JUL **03** 2023

### (continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): MUNICIPAL USES

OWRD

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signed and sworn to (or affirmed) before me this 22 day of June

OFFICIAL STAMP BRIDGETTE DIANNE ESZLINGE COMMISSION NO. 1030

Notary Public for Oregon

My Commission Expires: November 21,2026

Supporting Documents	Examples
Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul> <li>Power usage records for pumps associated with irrigation use</li> <li>Fertilizer or seed bills related to irrigated crops</li> <li>Farmers Co-op sales receipt</li> </ul>
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul> <li>District assessment records for water delivered</li> <li>Crop reports submitted under a federal loan agreement</li> <li>Beneficial use reports from district</li> <li>IRS Farm Usage Deduction Report</li> <li>Agricultural Stabilization Plan</li> <li>CREP Report</li> </ul>
Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right.  If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.  Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

### STATE OF OREGON

### COUNTY OF CURRY

# RECEIVED

### CERTIFICATE OF WATER RIGHT

JUL 03 2023

THIS CERTIFICATE ISSUED TO

OWRD

CITY OF BROOKINGS 898 ELK DR **BROOKINGS OR 97415** 

confirms the right to use the waters of CHETCO RIVER, a tributary of the Pacific Ocean for MUNICIPAL USES.

This right was perfected under Permit 27610. The date of priority is SEPTEMBER 14, 1961. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

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							FROM NW CORNER, SECTION 35

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		MU	INICI	PAL USES		-	
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
41 S	13 W	WM	5	NE NE			
41 S	13 W	WM	5	NW NE			
41 S	13 W	WM	5	SW NE			
41 S	13 W	WM	5	SE NE			
41 S	13 W	WM	5	NE NW			
41 S	13 W	WM	5	NWNW			
41 S	13 W	WM	5	SWNW			
41 S	13 W	WM	5	SENW			
41 S	13 W	WM	5	NE SW			
41 S	13 W	WM	5	NW SW			
41 S	13 W	WM	5	SW SW			
41 S	13 W	WM	5	SE SW			
41 S	13 W	WM	5	NE SE			
41 S	13 W	WM	5	NW SE			
41 S .	13 W	WM	5	SW SE			

### NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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		MU	JNICI	PAL USES			
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
41 S	13 W	WM	5	SE SE			
41 S	13 W	WM	6	NE NE		V 111111111111111111111111111111111111	
41 S	13 W	WM	6	NW NE			
41 S	13 W	WM	6	SW NE			
41 S	13 W	WM	6	SE NE			
41 S	13 W	WM	6	NE NW			
41 S	13 W	WM	6	NWNW			
41 S	13 W	WM	6	SW NW			
41 S	13 W	WM	6	SE NW			
41 S	13 W	WM	6	NE SW			
41 S	13 W	WM	6	NW SW			
41 S	13 W	WM	6	SW SW			
41 S	13 W	WM	6	SE SW			
41 S	13 W	WM	6	NE SE			
41 S	13 W	WM	6	NW SE			
41 S	13 W	WM	6	SW SE			
41 S .	13 W	WM	6	SE SE			
41 S	13 W	WM	7	NE NE			
41 S	13 W	WM	7	NW NE			
41 S	13 W	WM	7	SW NE			
41 S	13 W	WM	7	NE NW			
41 S	13 W	WM	7	SE NW			
41 S	13 W	WM	8	NE NE			
41 S	13 W	WM	8	NW NE			
41 S	13 W	WM	8	SW NE			
41 S	13 W	WM	8	SE NE			
41 S	13 W	WM	8	NENW			
41 S	13 W	WM	8	NW NW			
41 S	13 W	WM	8	NE SE			
41 S	13 W	WM	8	SE SE			

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Teched

Philip C. Ward, Director Water Resources Department

Application S-37091.jwg

Recorded in State Record of Water Right Certificates numbered 83682 Page 2 of 2

Attachment 4
Land Use Information Form

# Land Use Information Form



# Oregon Water Resources Department

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

RECEIVED

JUL 03 2023

### NOTE TO APPLICANTS

OWRD

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

# NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# **Land Use Information Form**



### OREGON Oregon Water Resources Department

725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900

www.oregon.gov/OWRD RECEIVED

Applicant(s): City of Brookings; Attn: Janell Howard

JUL 03 2023

Mailing Address: 898 Elk Drive

OWRD

City: **Brookings** 

State: OR

Zip Code: <u>97415</u>

Daytime Phone: jhoward@brookings.or.us

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>40 S</u>	<u>13 W</u>	<u>35</u>	NWSW	400	MPA/FG	□ Diverted	○ Conveyed	Used	MU
Within the	e service ar	ea of the (	City of Brook	☐ Diverted	○ Conveyed	☑ Used	MU		

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:
Curry County
B. Description of Proposed Use
Type of application to be filed with the Water Resources Department:  Permit to Use or Store Water  Water Right Transfer  Permit Amendment or Ground Water Registration Modification  Exchange of Water
Source of water: Reservoir/Pond Ground Water Surface Water (name) Chetco River
Estimated quantity of water needed: $\underline{1.0}$ $\boxtimes$ cubic feet per second $\square$ gallons per minute $\square$ acre-feet
Intended use of water: Irrigation Commercial Industrial Domestic for household(s)  Municipal Quasi-Municipal Instream Other  Briefly describe:
The City of Brookings is proposing changes to an existing water right (a 1.0 cfs portion of water right certificate 83682) held by the City for municipal uses. The proposed changes to the water right include 1) a change to the location where water will be delivered for use and 2) an additional point of diversion (an existing diversion structure associated with temporary transfer T-13452 and water right certificate 34453) to provide flexibilty for supply and delivery of water by the City. No new authorization for water is associated with this water right transaction.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →



JUL 03 2023

# For Local Government Use Only

OWRD

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below as	nd provide the requested information		
Land uses to be served by the proposed wat by your comprehensive plan. Cite applicable	er uses (including proposed construction) are ordinance section(s):	allowed outrig	ht or are not regulated
	ocumentation of applicable land-use approva impanying findings are sufficient.) <b>If approva</b>	Is which have a	Iready been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
			JUL 03 202
Name: Becky Crockett	Title:	lanning D	inector OWRD
Name: Recky Crockett  Signature: Becky Cockett  Government Entity: Curry Count		3228 Date: _	Tune 28,2023
Note to local government representative: Plea sign the receipt, you will have 30 days from the Information Form or WRD may presume the lan comprehensive plans.	/ se complete this form or sign the receipt below Water Resources Department's notice date to duse associated with the proposed use of w	o return the co ater is compatil	mpleted Land Use
	for Request for Land Use Information	<u>on</u>	
Applicant name:			
City or County:	Staff contact:		
Signature:	Phone: Date		



June 29, 2023

RECEIVED

JUL **03** 2023

OWRD

Lisa Jaramillo Transfer Section Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1271

**Subject**: Application for a Permanent Water Right Transfer for a Portion of Certificate 83682, and Request for Reimbursement Authority Processing

Ms. Jaramillo:

On behalf of the water right holder, City of Brookings, please find enclosed an application for a permanent water right transfer for a portion of Certificate 83682. Please note that the portion of Certificate 83682 involved in this permanent transfer application is currently associated with temporary transfer T-13452, which is in effect through December 31, 2024. The intent would be to terminate T-13452 upon issuance of a final order approving the permanent transfer if the permanent transfer is approved prior to December 31, 2024. The City would like to use Reimbursement Authority processing for the transfer, and Reimbursement Authority Estimate Application is included with this submittal. Please also find enclosed with this submittal two separate checks for payment of the \$2,450 transfer fee and the \$125 Reimbursement Authority estimate fee.

Please copy Shonee Langford, Elizabeth Howard, and me on correspondence relating to this transfer application.

Shonee Langford, slangford@schwabe.com, 503-540-4261 Elizabeth Howard, ehoward@schwabe.com, 503-796-2093 Ted Ressler, tressler@summitwr.com, 503-701-4535

Respectfully submitted,

Theodore Ressler, RG, CWRE

Summit Water Resources, LLC

### **Enclosures:**

Application for a Permanent Transfer involving Certificate 83682
Transfer Reimbursement Authority Estimate Application
Check #90182 in the amount of \$2,450
Check #90181 in the amount of \$125

Check #30101 in the amount of \$125

Cc: Janell Howard – City of Brookings