



May 6, 2024

Dante Luongo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Revised Application for a Permanent Water Right Transfer T-14274

Dear Dante:

On behalf of the water right holder, City of Brookings, please find enclosed a revised application for Transfer T-14724, which addresses the issues raised in the Draft Preliminary Determination sent to the applicant on February 26, 2024 and per your discussion with Shonee Langford with Schwabe Williamson & Wyatt via email on March 11, 2024. The enclosed application includes the following revisions:

- Updated transfer application form, amending the transfer application as a surface water to groundwater transfer. (To aid in the Department's review of application, the specific changes made to the application form are highlighted in yellow.)
- Updated transfer application map.
- Updated land use information form.
- Additional transfer application fee for a surface water to groundwater transfer (i.e., \$480).
- A geologist report prepared in support of the application as required by OAR 690-380-2130.

The City would like to continue to use Reimbursement Authority processing for Transfer T-14724 (RA agreement R11-453-25), and the additional fees required have already been paid (Receipt 142593 dated 3/26/2024). 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

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Enclosures:

Revised Application for a Permanent Transfer, Transfer T-14724
Check #91593 in the amount of \$480

Application for Permanent Water Right Transfer



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 transfer 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 Transfer Section.

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 – 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)**

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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.

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Attachments:

- Completed Transfer Application Map. **(Attachment 2)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment 3)**
- 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 when the transfer applicant is not the irrigation district.
- N/A 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 **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. **(Attachment 4)**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **No well log available; Table 3 provides POA construction details**
- 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. **(Attachment 5)**

(For Staff Use Only)

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

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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 a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. 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.
 - 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 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°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Brookings; Attn: Anthony Baron			PHONE NO. 541-469-1159	ADDITIONAL CONTACT NO.
ADDRESS 898 Elk Drive				FAX NO.
CITY Brookings	STATE OR	ZIP 97415	E-MAIL abaron@brookings.or.us	
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 Schwabe, Williamson & Wyatt Attn: Elizabeth Howard and Shonee Langford			PHONE NO. 503-796-2093 503-540-4261	ADDITIONAL CONTACT NO.
ADDRESS 1211 SW 5th Ave., Ste. 1900				FAX NO.
CITY Portland	STATE OR	ZIP 97204	E-MAIL ehoward@schwabe.com slangford@schwabe.com	
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.				

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 change from a surface water point of diversion to a groundwater point of appropriation for a 1.0 cfs PORTION of Certificate 83682. The proposed groundwater point of appropriation is an existing point of diversion for temporary transfer T-13452, which is in effect through December 31, 2024.

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

Check One Box

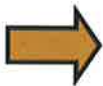
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **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 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: Curry Coastal Pilot.
- 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.



Kelby McCrae
Applicant signature

Kelby McCrae, Police Chief and
and Interim City Manager
Print Name (and Title if applicable)

4-18-2024
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No* **N/A - this is a municipal water right**

**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 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.
- Both 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. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Curry County	ADDRESS 94235 Moore Street, #113	
CITY Gold Beach	STATE OR	ZIP 97444

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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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:

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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.

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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

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System capacity: **4.0** 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. **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 groundwater point of appropriation under 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		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	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
POA 1	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> 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):

- | | |
|---|---|
| <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 type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input checked="" type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> 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.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.												Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼ ¼	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	S	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			--	MU	POA 1	1961	
41	S	13	W	5	ALL	NW			--	MU	POD 1	1961	APOD/POU	40	S	13	W	35	SE	SW			--	MU	POA 1	1961	
41	S	13	W	5	ALL	SW			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	NW	NE			--	MU	POA 1	1961	
41	S	13	W	5	ALL	SE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SW	NE			--	MU	POA 1	1961	
41	S	13	W	6	ALL	NE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SE	NE			--	MU	POA 1	1961	
41	S	13	W	6	ALL	NW			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	NE	NW			--	MU	POA 1	1961	
41	S	13	W	6	ALL	SW			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	NW	NW			--	MU	POA 1	1961	
41	S	13	W	6	ALL	SE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SE	NW			--	MU	POA 1	1961	
41	S	13	W	7	NE	NE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	NE	SW			--	MU	POA 1	1961	
41	S	13	W	7	NW	NE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SE	SW			--	MU	POA 1	1961	

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AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Priority Date	Twp	Rng		Sec	¼ ¼		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			--	MU	POA 1	1961
41	S	13	W	7	NE	NW			--	MU	POD 1	1961	APOD/POU	41	S	13	W	11	NE	NE			--	MU	POA 1	1961
41	S	13	W	7	SE	NW			--	MU	POD 1	1961	APOD/POU	41	S	13	W	11	NW	NE			--	MU	POA 1	1961
41	S	13	W	8	ALL	NE			--	MU	POD 1	1961	APOD/POU													
41	S	13	W	8	NE	NW			--	MU	POD 1	1961	APOD/POU													
41	S	13	W	8	NW	NW			--	MU	POD 1	1961	APOD/POU													
41	S	13	W	8	NE	SE			--	MU	POD 1	1961	APOD/POU													
41	S	13	W	8	SE	SE			--	MU	POD 1	1961	APOD/POU													
TOTAL ACRES:								N/A					TOTAL ACRES:								N/A					

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

The applicant requests that a final order approving this transfer include the following condition: "The use of water under this right is subject to the Easement Agreement recorded in Curry County as Document No. 2022-01572 on April 21, 2022, including any amendments thereto."

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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: **Certificate 83682 is a municipal water right and therefore, layered water rights are not an issue for this transfer.**



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 # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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://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 3 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 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 the information will delay the processing of your transfer 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
POA 1	Yes	N/A	54 feet	8 feet	0-54 feet	Unknown	0-54 feet	25 feet*	Gravel	1.0 cfs

*Elevation of reference point for static water level measurement = 38.8 ft (1988 NAVD)

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Attachment 1
Water Right Information

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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	NW NW			
41 S	13 W	WM	5	SW NW			
41 S	13 W	WM	5	SE NW			
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			

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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.

SUPERSEDING

MUNICIPAL 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	NE NW			
41 S	13 W	WM	6	NW NW			
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	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.

Issued *December 21, 2007*

Philip C. Ward
 Philip C. Ward, Director
 Water Resources Department

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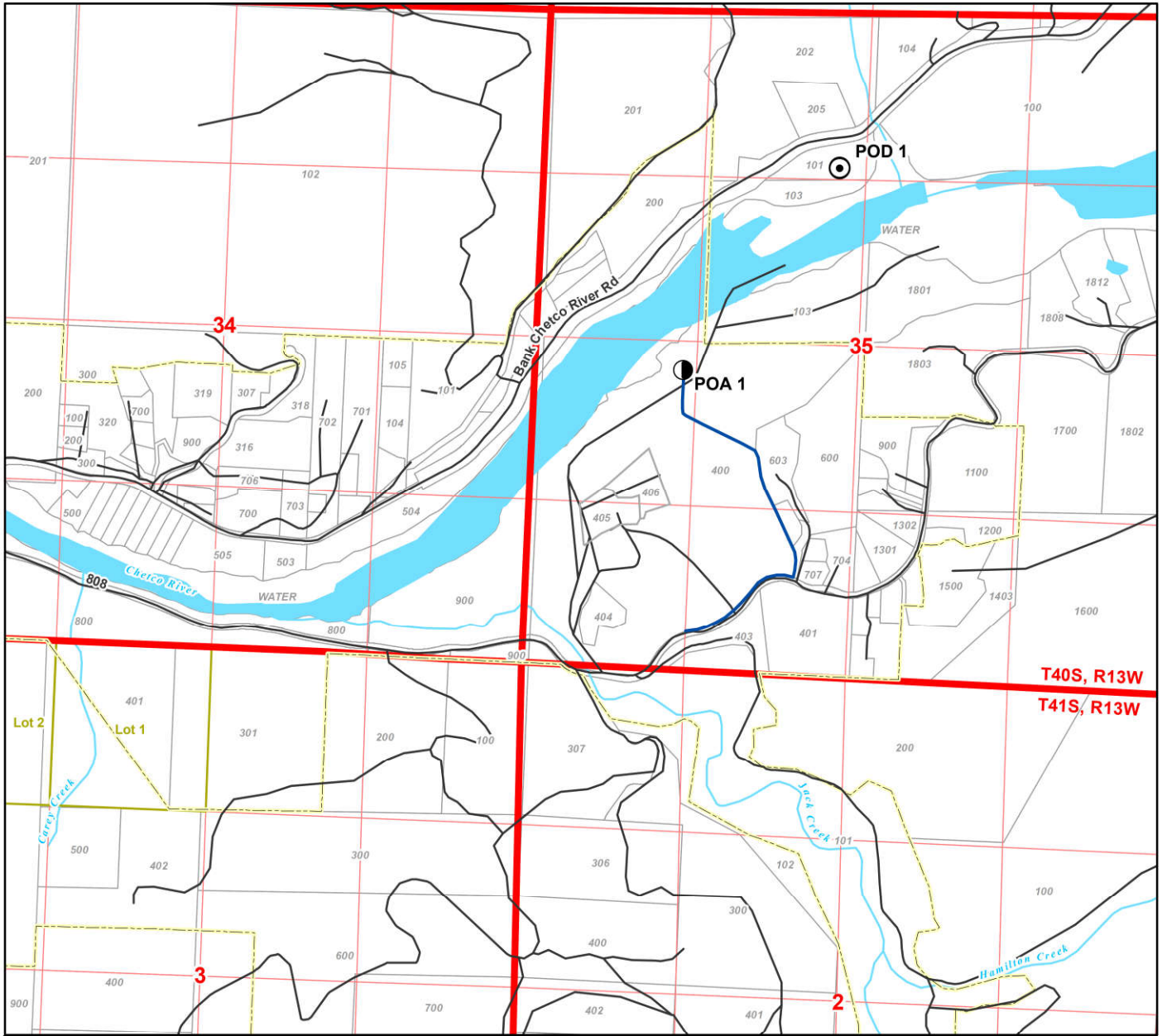
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Attachment 2
Transfer Application Map

Application for a Water Right Transfer - Point of Diversion Map Certificate 83682 (Permit S-27610)

SUPERSEDING

Water Right in the Name of City of Brookings
Curry County



T40S, R13W
T41S, R13W

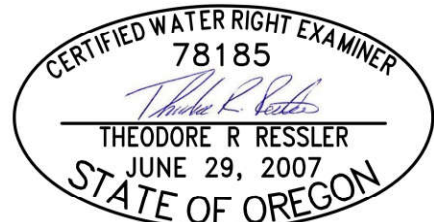
LEGEND

- Authorized Point of Diversion (POD)
- Proposed Point of Appropriation (POA)
- Water Mainline to Place of Use
- Government Lot
- City Urban Growth Boundary
- Tax Lots
- Major Roads
- Streams
- Water Bodies

POD LOCATION DESCRIPTION

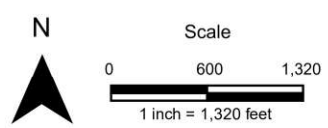
POD 1 Located 1,290 feet South and 2,415 feet East from the NW corner of Section 35 (NENW), Township 40 South, Range 13 West, W.M.
POA 1 Located 2,570 feet North and 1,380 feet West from the S1/4 corner of Section 35 (NWSW), Township 40 South, Range 13 West, W.M.

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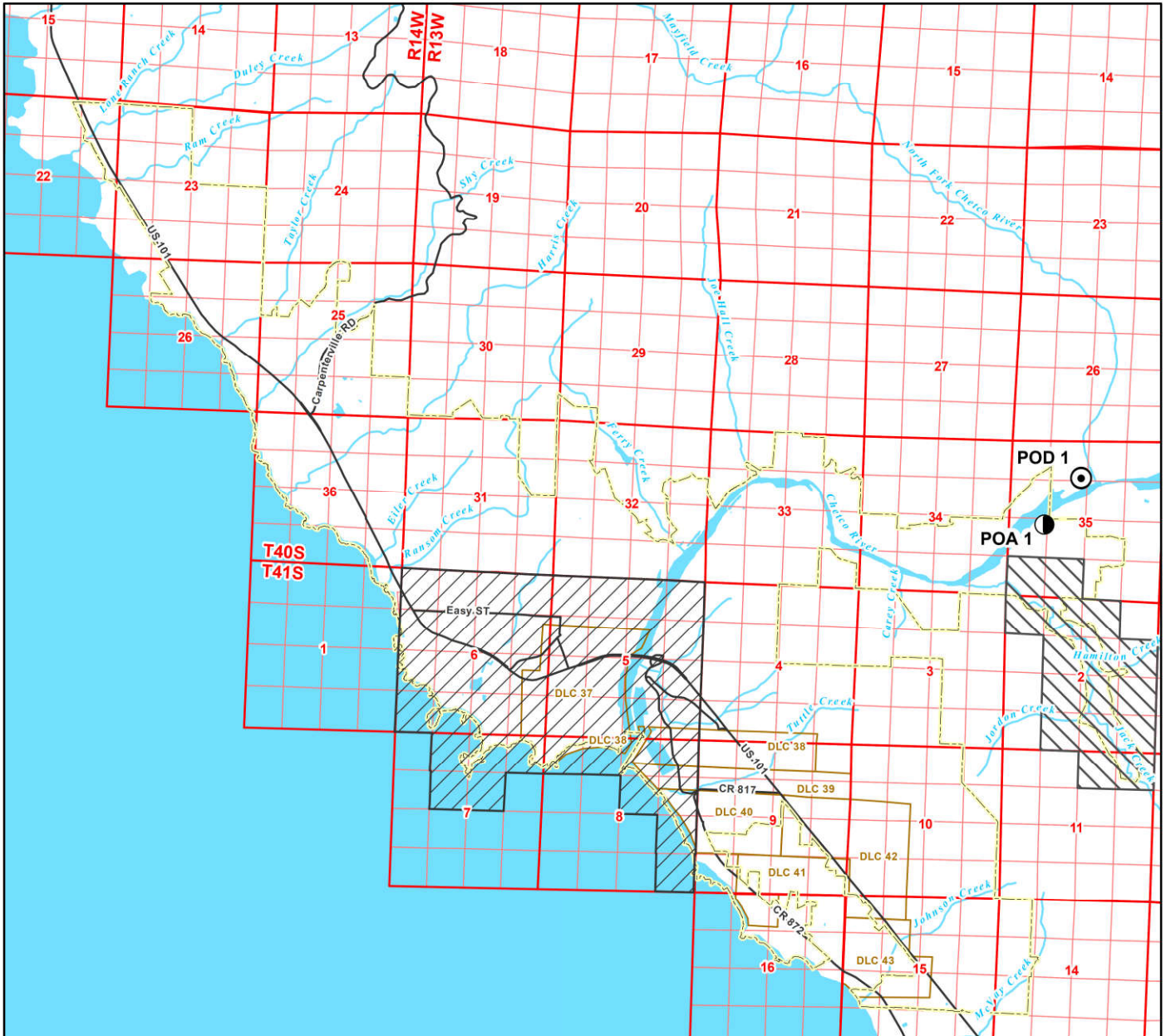
RENEWS: 12-31-2024

Date: 3/25/2024
Data Sources: OWRD, Oregon Geospatial Data Clearinghouse, BLM
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



Application for a Water Right Transfer - Place of Use Map Certificate 83682 (Permit S-27610)

Water Right in the Name of City of Brookings
Curry County



LEGEND

- Authorized Point of Diversion (POD)
- Proposed Point of Appropriation (POA)
- Authorized Place of Use Served by Authorized POD (3 cfs Portion Not Involved in Transfer)
- Proposed Place of Use to be Served by Proposed POA (1 cfs Portion Involved in Transfer)
- Donation Land Claim (DLC)
- City Urban Growth Boundary
- Major Roads
- Streams
- Water Bodies

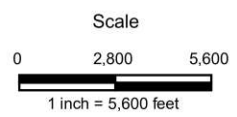
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RENEWS: 12-31-2024

Date: 3/25/2024
Data Sources: OWRD, Oregon Geospatial Data Clearinghouse, BLM
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



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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
 (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 of Oregon)
) ss
 County of CURRY)

I, JANELL HOWARD, in my capacity as CITY MANAGER,
 mailing address 898 ELK DRIVE, BROOKINGS, OR 97415
 telephone number (541) 469-1123, being first duly sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # _____; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached. CERTIFICATE 83682 IS A MUNICIPAL WATER RIGHT HELD BY THE CITY OF BROOKINGS AND IS NOT SUBJECT TO FORFEITURE [ORS 540.610(2)(A)]. A COPY OF CERTIFICATE 83682 IS ATTACHED.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

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(continues on reverse side)

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

[Signature]
Signature of Affiant

6-22-2023
Date

Signed and sworn to (or affirmed) before me this 22 day of June, 2023.



[Signature]
Notary Public for Oregon

My Commission Expires: November 21, 2026

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>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.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

SUPERSEDING

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	NW NW			
41 S	13 W	WM	5	SW NW			
41 S	13 W	WM	5	SE NW			
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			

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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.

SUPERSEDING

MUNICIPAL 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	NE NW			
41 S	13 W	WM	6	NW NW			
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	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.

Issued *December 21, 2007*

Philip C. Ward
 Philip C. Ward, Director
 Water Resources Department

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Attachment 4
Land Use Information Form

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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

SUPERSEDING

NOTE TO APPLICANTS

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.

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24-000089

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

Applicant(s): City of Brookings; Attn: Anthony Baron

Mailing Address: 898 Elk Drive

City: Brookings

State: OR

Zip Code: 97415

Daytime Phone: abaron@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	¼ ¼	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>	<u>NWSW</u>	<u>400</u>	<u>MPA/FG</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>MU</u>
<u>Within the service area of the City of Brookings</u>						<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>MU</u>

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
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) Chetco River

Estimated quantity of water needed: 1.0 cubic feet per second gallons per minute 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) a change from a surface water point of diversion to a groundwater point of appropriation to provide flexibility 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. →

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For Local Government Use Only

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 and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Michael E. "Ted" Fitzgerald Title: Interim Planning Director
Signature: [Signature] Phone: 541-247-3304 Date: 4/12/24
Government Entity: Curry County Planning Department

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

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Attachment 5
Geologist Report



SUPERSEDING

Technical Memorandum

Supporting Data for a Change from Surface Water POD to Groundwater POA, Transfer T-14274

To: Anthony Baron – City of Brookings

From: Theodore Ressler, RG, CWRE – Summit Water Resources, LLC
Nicholas Rudolph, GIT – Summit Water Resources, LLC

Date: April 9, 2024

Attachments: Figure 1. Surficial Geology Map
Figure 2. Cross-Section Location Map
Figure 3. Cross-Section A-A'
Figure 4. Cross-Section B-B'



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1 Introduction

Summit Water Resources, LLC (Summit) has prepared this technical memorandum for the City of Brookings (City) to provide hydrogeologic information in support of a change from a surface water point of diversion (POD) to a groundwater point of appropriation (POA), as required by Oregon Administrative Rules (OAR) 690-380-2130. Per these rules, a surface water use subject to transfer may change from the surface water (POD) to groundwater POA if the following conditions are met:

- a) The criteria of OAR 690-380-5000 are met (review criteria for all transfers).
- b) The proposed POA appropriates groundwater from an aquifer that is hydraulically connected to the authorized surface water source.
- c) The proposed POA will affect the surface water source 'similarly' to the authorized POD. 'Similarly' is defined in OAR 690-380-2130 as meaning that use of groundwater at the proposed POA will result in stream depletion of at least 50 percent of the rate of appropriation within 10 days of continuous pumping.
- d) The withdrawal of groundwater at the proposed POA is located within 500 feet of the authorized surface water source and, when the surface water source is a stream, is also located within 1,000 feet upstream or downstream of the original POD; or, if these prescribed distances are not met, the applicant shall submit evidence prepared by a licensed geologist that demonstrates that the use of the groundwater at the proposed POA will meet items a), b), and c) described above.

The location of the proposed POA is within 500 feet of the authorized surface water source, but is located greater than 1,000 feet downstream of the original POD. Therefore, this memorandum

provides supporting evidence that the use of groundwater at the proposed POA will meet the criteria described above.

2 Review and Analysis

This section provides a review and analysis of the hydrogeologic information required by OAR 690-380-2130 to support a change from a surface water point of diversion to a groundwater point of appropriation.

2.1 Criteria of OAR 690-380-5000

The criteria in OAR 690-380-5000 require that the water right to be transferred is subject to transfer and is not cancelled pursuant to ORS 540.610, the proposed transfer would not result in injury, and the proposed transfer would not result in enlargement. Certificate 83682 is a water right subject to transfer and has not been cancelled. There are no intervening PODs on the surface water source between the authorized POD and the proposed POA, and the proposed POA is downstream of the authorized POD; therefore, the change proposed by T-14274 will not result in injury to other existing water rights for the surface water source. Transfer T-14274 does not propose a change in the rate of water use or the character of water use; therefore, the proposed change will not result in enlargement. Summit expects OWRD to also evaluate these criteria as part of the transfer application review process.

2.2 Hydraulic Connection to Authorized Surface Water Source

The Chetco River, within the reach including the confluence of Mill Creek and North Fork Chetco River where the authorized POD and proposed POA are located, is as a wandering gravel-bed river characterized by active deposition and channel migration (Wallick et al., 2012). The channel bed of the active river channel, the flanking river sediment, and the gravel bars are comprised of coarse sand and gravel (Wallick et al., 2012) that sit atop of, and are bounded by, consolidated, interlayered mudstone and sandstone of the Dothan Formation (Peck and Wells, 1961). The channel of the Chetco River within this reach actively migrates back and forth between the valley walls in response to higher flows and sediment deposition (Wallick et al., 2012), resulting in a package of river deposited sediment (alluvium) between the valley walls. Formation samples of the alluvium collected from exploratory test borings completed at the location where the authorized POD was constructed indicated a unconsolidated mixture of coarse sand, small to medium gravel, and scattered cobbles with rare silt and clay (Ranney Method Western Corporation, 1988).

A map of surficial geology in the vicinity of the authorized POD and proposed POA is provided in Figure 1. Two cross sections were developed to show the occurrence, extent, and thickness of hydrogeologic units in proximity to the authorized POD and proposed POA. The location of the cross-sections are shown on Figure 2, and the cross-sections are provided in Figure 3 and Figure 4.

Hydraulic connection of the alluvial aquifer (in which the proposed POA is constructed) to the Chetco River (the authorized surface water source) is demonstrated by the following:

- Constant rate drawdown testing of a test well installed in the alluvium at the location where the authorized POD was constructed indicated stabilized drawdown (i.e., recharge boundary associated with the Chetco River) within 1 hour of the start of test pumping (Ranney Method Western Corporation, 1988).

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- Static water levels and stabilized pumping water levels measured in the test well during the constant rate drawdown testing corresponded with the measured trend in the stage of the Chetco River (Ranney Method Western Corporation, 1988).
- The static water level measured in the proposed POA (Figure 3) and the authorized POD (Figure 4) are approximately the same elevation as the water surface of the Chetco River at the closest adjacent point.
- The proposed POA (Figure 3) is completed in the alluvium to a similar depth as the authorized POD (Figure 4) and is located at a similar distance from the active channel of the Chetco River.

As a final note, the static water level of groundwater within the alluvial aquifer, which corresponds with the water level of the Chetco River, is substantially different that the static water level of groundwater within the bedrock aquifer that lies below the alluvium and forms the valley walls bounding the alluvium (see Figure 3 and Figure 4). This difference in water level elevation between the alluvial aquifer and the bedrock aquifer indicates that the groundwater in the alluvial aquifer is not hydraulically connected to the groundwater in the bedrock aquifer.

2.3 Groundwater Use Affecting the Authorized Surface Water Source Similarly

To evaluate whether the proposed POA will affect the authorized surface water source 'similarly', the analytical stream depletion model used by OWRD to evaluate stream depletion was used. Based on the local hydrogeologic system described above, the Jenkins (1970) model is most appropriate given the coarse-grained nature of the Chetco river deposits. Input parameters for the stream depletion model are provided below in Table 2.

Table 2. Input Parameters for the Stream Depletion Model

Parameter	Symbol	Units	Value	Data Source
Pumping rate	Qw	cubic feet per second (cfs)	1	Portion of Certificate 83682 involved in Transfer T-14274
Pumping duration	tpon	days	10	OAR 690-380-2130
Perpendicular distance to stream	a	feet	325	Distance of proposed POA from Chetco River estimated from aerial imagery (Airbus, 5/24/2023)
Well depth	d	feet	54	Depth of proposed POA
Aquifer hydraulic conductivity	K	feet/day	5,040	Constant rate drawdown test conducted at test well site for the authorized POD (Ranney Method Western Corporation, 1988)
Aquifer saturated thickness	b	feet	64	Estimated from cross sections based on static water level measured at the proposed POA
Aquifer specific yield	S	dimensionless	0.09	Constant rate drawdown test conducted at test well site for the authorized POD (Ranney Method Western Corporation, 1988)
Stream width	ws	feet	190	Width of the Chetco River adjacent to the proposed POA, estimated from aerial imagery (Airbus, 5/24/2023)

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Stream depletion model results are included as **Appendix 1** to this technical memorandum and summarized below:

- Based on the Jenkins (1970) model, stream depletion of *50 percent occurs within the first 1 hour of pumping* and 97 percent occurs at 10 days of pumping, exceeding the criteria specified by OAR 690-380-2130 for determining that the proposed POA will affect the authorized surface water source 'similarly' (i.e., at least 50 percent stream depletion within 10 days of continuous pumping).

3 Conclusion

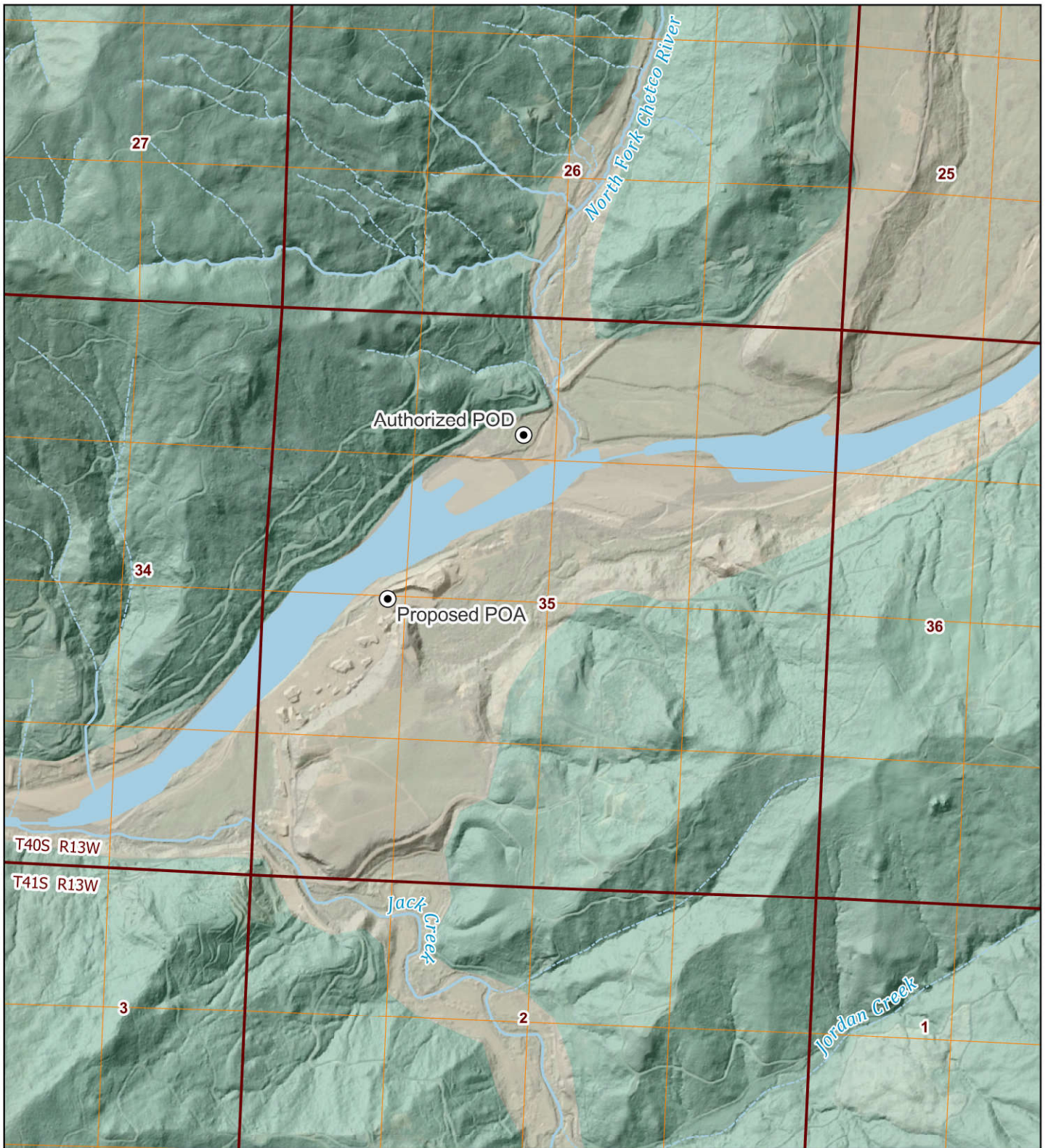
In summary, the change from a surface water POD to groundwater POA proposed by transfer application T-14274 satisfies all of the criteria of OAR 690-380-2130. Specifically:

- a) Certificate 83682 is a water right subject to transfer and has not been cancelled, and the proposed changes would not result in enlargement or injury.
- b) The alluvial aquifer in which the proposed POA is constructed is in hydraulic connection with the authorized surface water source.
- c) Stream depletion modeling based on a combination of measured aquifer parameters and conservative assumptions indicates that the proposed POA will affect the authorized surface water source 'similarly'.

4 References

- Department of Geology and Mineral Industries (DOGAMI), 2008. South Coast LIDAR Project – Delivery 1, Mount Emily Quad.
- Peck, D.L. and R.G Wells. Peck D.L, 1961. Geologic map of Oregon west of the 121st Meridian. U.S. Geological Survey, Miscellaneous Geologic Investigations Map I-325.
- Smith, R.L and Roe, W.P., 2015. Oregon Geologic Data Compilation (OGDC) – Release 6. Oregon Department of Geology and Mineral Industries.
- Ranney Method Western Corporation, 1988. Report on Hydrogeological Survey for City of Brookings. June 10, 1988.
- Wallick, J.R., S.W. Anderson, C. Cannon, and J.E. O'Connor, 2012. Channel Change and Bed-Material Transport in the Lower Chetco River, Oregon. United States Geologic Survey Scientific Investigations Report 2010-565. July 2012.

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LEGEND

- ⊙ Authorized POD and Proposed POA
- ~ Hydrology (USGS NHD)
- Chetco River Sediments (Alluvium)
- Bedrock (Dothan Formation)

SUPERSEDING

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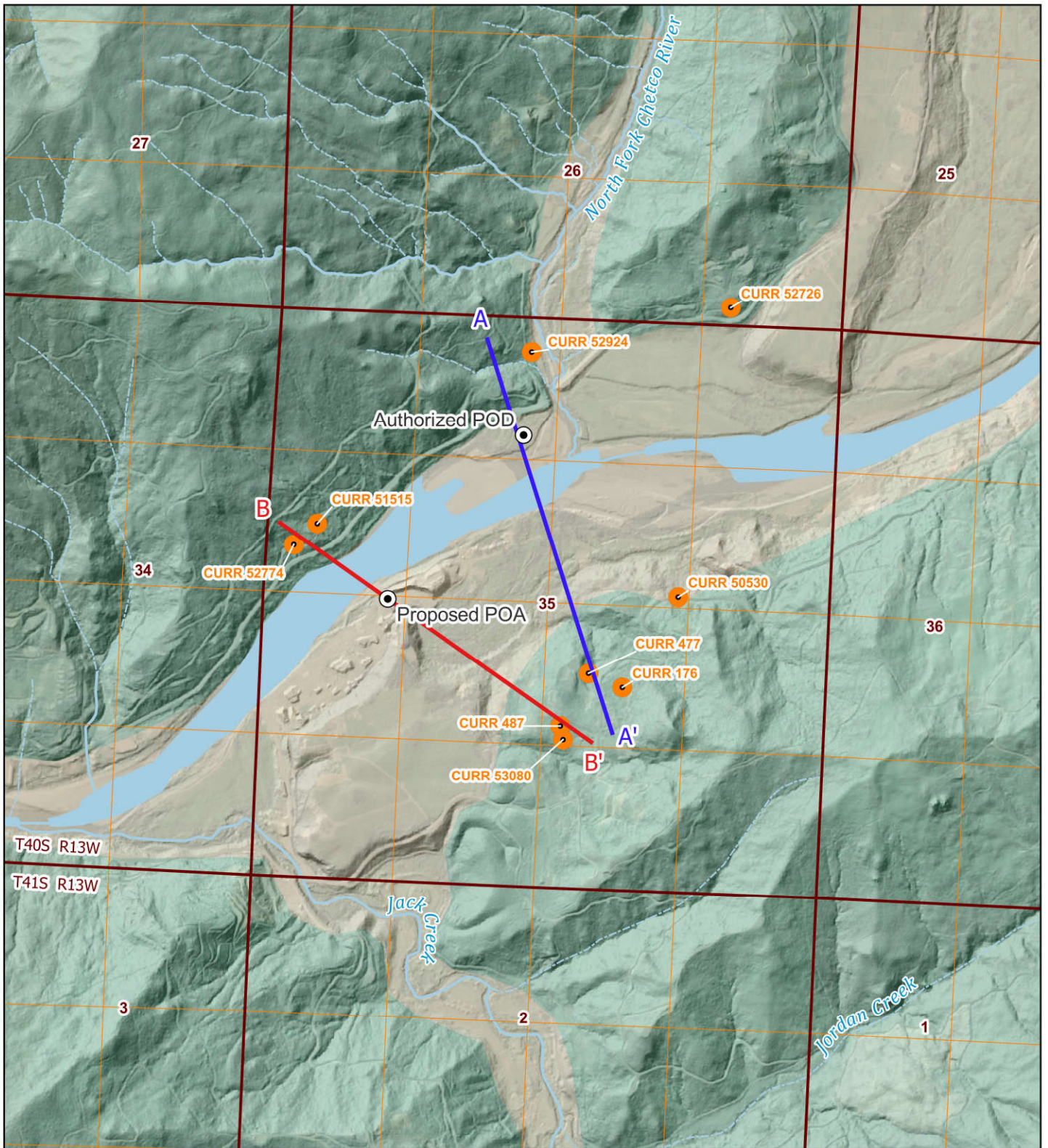
**Figure 1
Surficial Geology Map**

Transfer T-14274



Date: 3/25/2024
Data Sources: DOGAMI, OWRD, USGS, and ODFW
Geology modified from Oregon Geologic Digital Compilation (OGDC)-Release 6



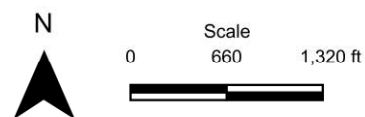


LEGEND

- ⊙ Authorized POD and Proposed POA
- Wells
- ~ Hydrology (USGS NHD)
- Chetco River Sediments (Alluvium)
- Bedrock (Dothan Formation)

SUPERSEDING

Figure 2
Cross-Section Location Map



Date: 3/25/2024
 Data Sources: DOGAMI, OWRD, USGS, and ODFW
 Geology modified from Oregon Geologic Digital Compilation (OGDC)-Release 6

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Transfer T-14274



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Geologic Units^c

- Chetco River Sediments (Alluvium)
- Bedrock (sedimentary rocks of Dothan formation)

References:

- ^a Wallick et al., 2012
- ^b DOGAMI, 2008
- ^c Peck and Wells, 1961

Notes:

- AMSL = above mean sea level (NAV88)
- bgs = below ground surface
- ft = feet
- Proj = projected
- SWL = static water level
- Topography from South Coast LIDAR Project, Mount Emily Quad^b

Date: 12/13/23

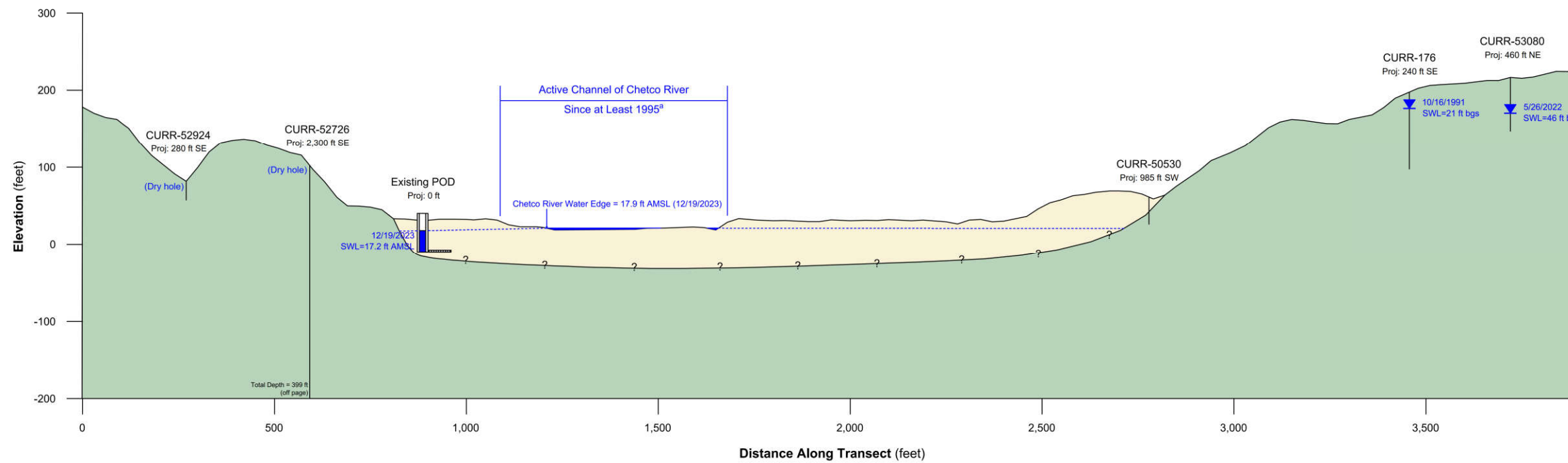
Vertical Exaggeration = 200x

A

NW

A'

SE



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Figure 3
A-A'
Cross Section

Transfer T-14274

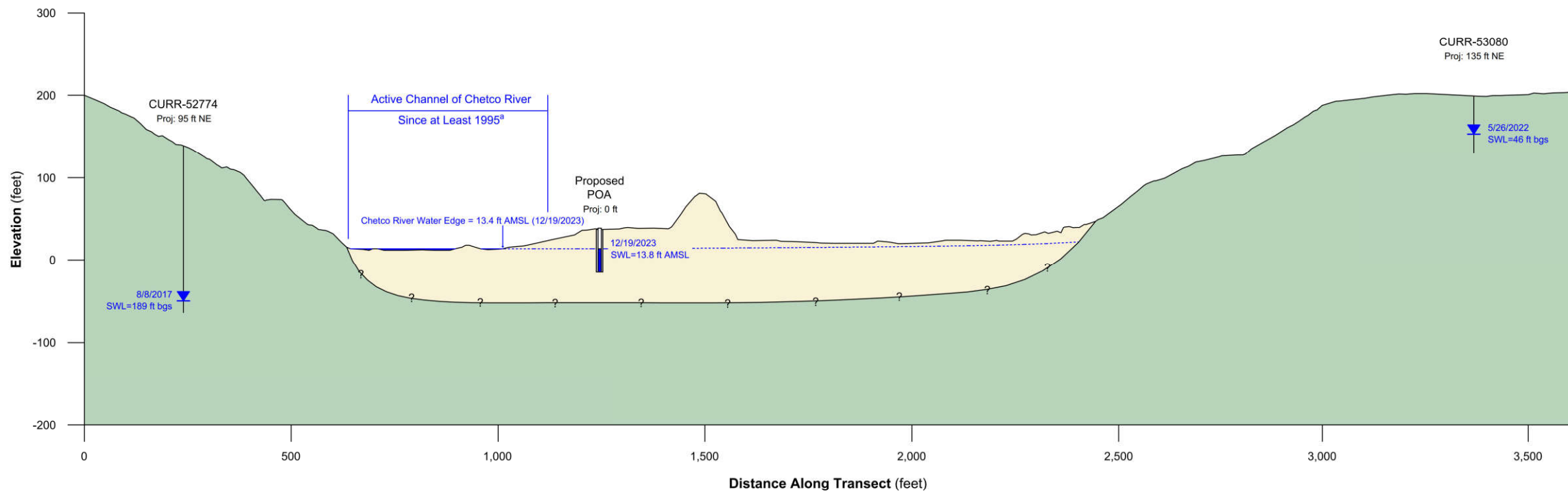


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Vertical Exaggeration = 200x

B
NW

B'
SE



- LEGEND**
Geologic Units^c
- Chetco River Sediments (Alluvium)
 - Bedrock (sedimentary rocks of Dothan formation)

References:
^a Wallick et al., 2012
^b DOGAMI, 2008
^c Peck and Wells, 1961

Notes:
AMSL = above mean sea level (NAV88)
bgs = below ground surface
ft = feet
Proj = projected
SWL = static water level
Topography from South Coast LIDAR Project, Mount Emily Quad^b

Date: 12/13/23

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Figure 4
B-B'
Cross Section
Transfer T-14274



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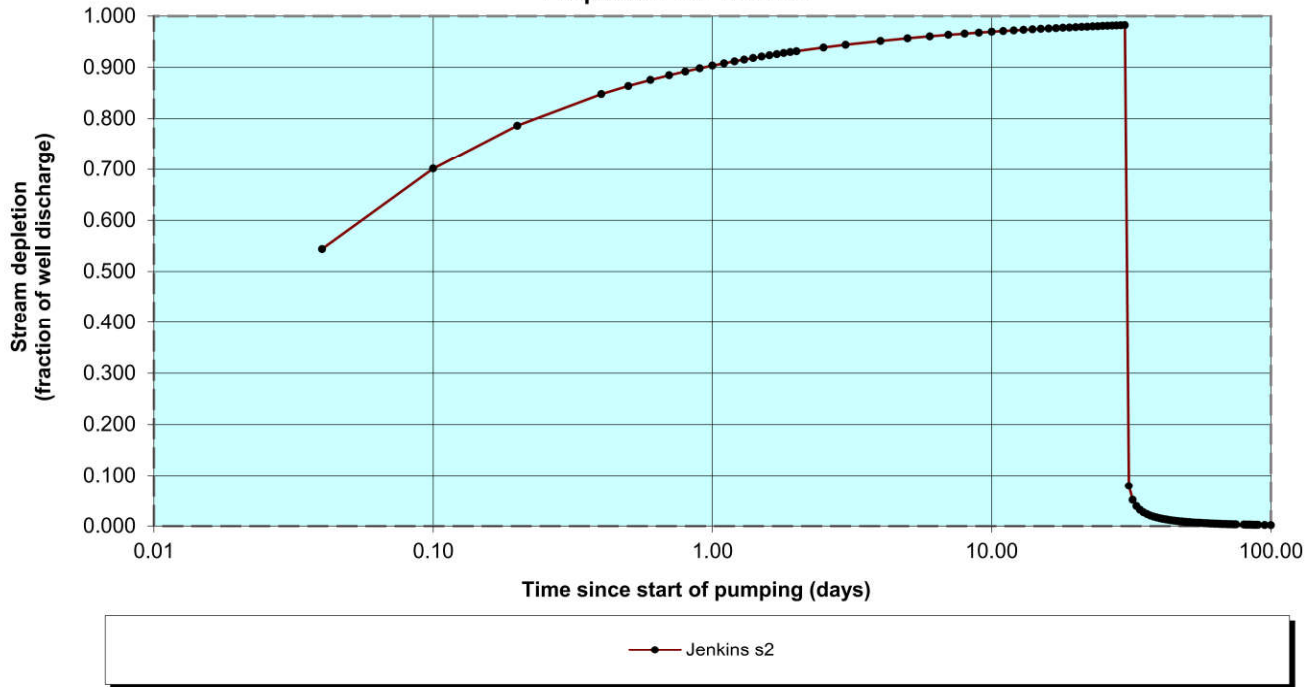
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Appendix 1

Stream Depletion Model Results

**Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)
Proposed POA T-14274**



Output for Stream Depletion, Scenerio 2 (s2):						Time pump on (pumping duration) = 30 days						
Days	30	60	90	120	150	180	210	240	270	300	330	360
J SD	98.2%	0.5%	0.2%	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Qw, cfs	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	1.00	1.00	1.00	cfs
Time pump on (pumping duration)	tpon	30	30	30	days
Perpendicular from well to stream	a	325	325	325	ft
Well depth	d	54	54	54	ft
Aquifer hydraulic conductivity	K	5040	5040	5040	ft/day
Aquifer saturated thickness	b	64	64	64	ft
Aquifer transmissivity	T	322560	322560	322560	ft*ft/day
Aquifer storativity or specific yield	S	0.09	0.09	0.09	
Aquitard vertical hydraulic conductivity	Kva	#N/A	#N/A	#N/A	ft/day
Aquitard saturated thickness	ba	#N/A	#N/A	#N/A	ft
Aquitard thickness below stream	babs	#N/A	#N/A	#N/A	ft
Aquitard porosity	n	0.4	0.4	0.4	
Stream width	ws	190	190	190	ft
Streambed conductance (lambda)	sbc	#N/A	#N/A	#N/A	ft/day
Stream depletion factor	sdf	0.029471	0.029471	0.029471	days
Streambed factor	sbf	#N/A	#N/A	#N/A	
input #1 for Hunt's Q_4 function	t'	33.931361	33.931361	33.931361	
input #2 for Hunt's Q_4 function	K'	#N/A	#N/A	#N/A	
input #3 for Hunt's Q_4 function	epsilon'	0.225000	0.225000	0.225000	
input #4 for Hunt's Q_4 function	lamda'	#N/A	#N/A	#N/A	