

T-14274

Regular

RA

T-14274

Name City of Brookings  
Attn: Janell HowardAddress 898 Elk Drive  
Brookings, OR 97415  
jhoward@brookings.or.usChange in POU, APDDate Filed 7-3-2023Initial notice date 7-18-2023

DPD issued date \_\_\_\_\_

PD issued date 10/3/2024PD notice date 10/8/2024Date of FO 12/4/2024 Vol 133 Page 449-455

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream Chetco RiverTrib. of Pacific OceanUse Municipal Uses County Curry

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# S-37091 Per # S-27610 Cert # 83682 PR Date 9/14/1961

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

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App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
7-3-23	\$2,450.00	141085
7-3-23	\$125.00	141064
7-20-23	\$1,234.56	141204
12-18-23	\$150.84	142121
5-1-24	\$480.00	142861

## FEES REFUNDED

Date	Amount	Receipt #

Assignments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Schwabe, Williamson & Wyatt - ehoward@schwabe.com; slangford@schwabe.com

CWRE \_\_\_\_\_

CC's list Curry County

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ - Oversized map - Location \_\_\_\_\_



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14274

Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☒

*D. Smith*

<b>Applicant:</b> CITY OF BROOKINGS 898 ELK DR BROOKINGS, OR 97415	<b>Agent:</b> ELIZABETH HOWARD; SHONEE LANGFORD 1211 SW 5TH AVE SUITE 1900 PORTLAND, OR 97204	<b>Receiving Landowner:</b>
<b>Affected Local Gov'ts:</b> County Of Curry	<b>CWRE:</b> TED RESSLER	<b>Irrigation District:</b>

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	S-37091	S-27610	83682	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions (Support Staff)

Rec'd: July 3, 2023	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 2450.00	Acknowledgement Letter Sent <input type="checkbox"/>	Basin: 17 South Coast
Initial Public Notice:	County sent cc: of Ack Letter <input type="checkbox"/>	County: CURRY
WM District: 14 Scott C. Ceciliani	WM Review request sent:	WM Review date received:
ODFW District:	ODFW Review sent:	ODFW Review date received:
Groundwater	GW Review sent:	GW Review date received:

## Caseworker Actions: Newspaper & PD Notice:

Newspaper notice needed: <input checked="" type="checkbox"/>	Name of Newspaper:
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1):
Request for news \$ sent:	News \$ received:
Affidavit of publication received:	Last day of publication:

## Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>12-7-23</u> Initials: <u>AC</u>	Date: _____ Initials: _____	Date: <u>2-21-24</u> Initials: <u>PS</u>	Date: <u>2-22-24</u> Initials: <u>AC</u>	CW Sent: <u>2-26-24</u> Revised <u>6-7-24</u> WM Sheet <input type="checkbox"/> ODFW Sheet: <input type="checkbox"/>	N/A
PD	Date: <u>9-6-24</u> Initials: <u>AC</u>	Date: <u>9-9-24</u> Initials: <u>PS</u>	Date: <u>9-16-24</u> Initials: <u>SA</u>	Date: <u>9-17-24</u> Initials: <u>AC</u> Data Review Date: <u>9-18-24</u>	Date: <u>10-3-24</u>	Date: <u>10/3/24</u>
FO	Date: <u>10-13-24</u> Initials: <u>AC</u>	Date: <u>10-14-24</u> Initials: <u>JS</u>	Date: <u>10-18-24</u> Initials: <u>SA</u>	Date: <u>10-19-24</u> Initials: <u>AC</u>	Date: <u>11-22-24</u> No. of docs for sig: <u>2</u>	Date: <u>12/4/24</u>

Special Issues: \_\_\_\_\_

Special Order Volume: Vol. 133 Pages 454-455





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

December 4, 2024

City of Brookings  
C/O Anthony Baron  
898 Elk Dr  
Brookings, OR 97415  
REFERENCE: Transfer Application T-14274

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at [Dante.j.luongo@water.oregon.gov](mailto:Dante.j.luongo@water.oregon.gov).

Sincerely,

Elyse D. Richman  
Water Rights Services Support  
Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)  
Ted Ressler, CWRE  
Elizabeth Howard, Shonee Langford, Agent



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE
T-14274, Curry County	)	FROM A SURFACE WATER POINT OF
	)	DIVERSION TO A GROUNDWATER POINT
	)	OF APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CITY OF BROOKINGS  
ATTN: ANTHONY BARON  
898 ELK DR  
BROOKINGS, OR 97415

**Findings of Fact**

1. On July 3, 2023, CITY OF BROOKINGS, ATTN: ANTHONY BARON, filed an application for a change in point of diversion and change in place of use under Certificate 83682. The Department assigned the application number T-14274
2. Notice of the application for transfer was published on July 18, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The application indicates that a temporary transfer T-13452 was previously approved by the Department. The applicant has been using the proposed additional point of diversion (POD 2) since August 2020.
4. The application also indicates the POD 2 is a "caisson system with an open bottom... 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."

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.



5. On September 28, 2023, the Department conducted a site inspection of POD 2 and determined that the caisson system draws groundwater, in a similar fashion as a shallow well. The Department recognizes that groundwater is being drawn from POD 2 per ORS.537.515 (5). As such, the Department has determined that the proper transfer changes to be filed is a surface water to groundwater transfer for 1.0 cfs from Certificate 83682.
6. On November 21, 2023, the applicant's agent was notified that the place of use identified in Table 2 under Certificate 83682, did not match the proposed "to" lands on the transfer application map.
7. On November 22, 2023, the applicant's agent submitted a revised transfer application Table 2 under Certificate 83682.
8. On January 4, 2024, the applicant's agent submitted additional information describing the caisson system.
9. On February 12, 2024, The Department confirmed that the caisson system appropriates groundwater, not surface water.
10. On February 26, 2024, The Department issued a Draft Preliminary Determination proposing to deny the application because the application required a surface water to groundwater change.
11. On May 6, 2024, the agent for the applicant submitted revised pages for a surface water point of diversion (POD) to groundwater point of appropriation (POA) change and to change the place of use under Certificate 83682.
12. On May 6, 2024, the applicant's agent provided the Department with a revised transfer application and map illustrating a change from surface water to groundwater, the required additional fees, and a geologist report for the change in POD to POA.
13. On August 29, 2024, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-14274 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 28, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.



14. On October 3, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14274 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 9, 2024, and in the Curry Coastal Pilot newspaper on October 9, 2024, and October 16, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
15. The portion of the right to be transferred is as follows:

**Certificate:** 83682 in the name of CITY OF BROOKINGS (perfected under Permit S-27610)

**Use:** MUNICIPAL USES

**Priority Date:** SEPTEMBER 14, 1961

**Rate:** 1.0 CUBIC FOOT PER SECOND

**Source:** CHETCO RIVER, a tributary of the PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	35	NE NW	POD 1 - 1290 FEET SOUTH AND 2415 FEET EAST FROM THE NW CORNER OF SECTION 35

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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
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



MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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

16. Transfer Application T-14274 proposes to move the point of diversion to a hydraulically connected point of appropriation approximately 2100 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	35	NW SW	POA 1 - 2570 FEET NORTH AND 1380 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 35

17. Transfer Application T-14274 also proposes to change the place of use of the right to:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
40 S	13 W	WM	35	SW SW
40 S	13 W	WM	35	SE SW
41 S	13 W	WM	2	NW NE
41 S	13 W	WM	2	SW NE
41 S	13 W	WM	2	SE NE
41 S	13 W	WM	2	NE NW
41 S	13 W	WM	2	NW NW
41 S	13 W	WM	2	SE NW
41 S	13 W	WM	2	NE SW
41 S	13 W	WM	2	SE SW
41 S	13 W	WM	2	NE SE
41 S	13 W	WM	2	NW SE
41 S	13 W	WM	2	SW SE
41 S	13 W	WM	2	SE SE
41 S	13 W	WM	11	NE NE
41 S	13 W	WM	11	NW NE



***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2200 and 690-380-2110(2)]***

18. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14274.
20. Transfer Application T-14274 proposes to change the point of diversion from surface water to a hydraulically connected well approximately 2100 feet downstream. Because the proposed point of diversion is more than 1000 feet from the authorized point of diversion, ORS 540.531 requires the applicant to provide evidence from a licensed geologist indicating that the new point of diversion meets the requirements of ORS 540.531(2)(a(A)) to (a(C)):
  - (A). The new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface water source;
  - (B). The proposed change in point of diversion will not result in enlargement of the original water right or in injury to other water right holders;
  - (C). The use of the new point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer.
21. A Department staff member and licensed geologist, reviewed the data and concluded that the proposed point of appropriation, a well, which is located approximately 250 feet from Chetco River, meets the criteria set forth in ORS 540.531(2)(a(A)) to (a(C)).
22. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
23. The proposed changes, as conditioned, would not result in enlargement of the right.
24. The proposed changes, as conditioned, would not result in injury to other water rights.
25. All other application requirements are met.

**Conclusions of Law:**

The change of a surface water point of diversion to a groundwater point of appropriation and change in place of use proposed in Transfer Application T-14274 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.



Now, therefore, it is ORDERED:

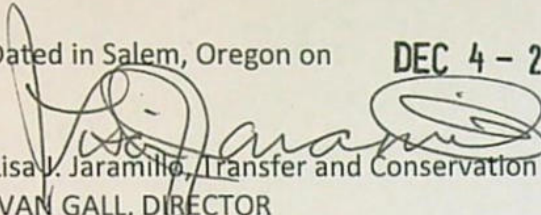
1. The change of a surface water point of diversion to a groundwater point of appropriation and change in place of use proposed in Transfer Application T-14274 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 83682 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation or the new place of use.
4. Water right Certificate 83682 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the new point of appropriation (POA 1), together with that diverted at the original point of diversion (POD 1) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).
6. Water shall be acquired from the same source of surface water as the original point of diversion.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2031**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.



10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

DEC 4 - 2024

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

Mailing Date: DEC 5 - 2024



## 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 the CHETCO RIVER, a tributary of the PACIFIC OCEAN for MUNICIPAL USES.

This right was perfected under Permit S-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 3.0 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	Measured Distances
40 S	13 W	WM	35	NE NW	1290 FEET SOUTH AND 2415 FEET EAST FROM THE NW CORNER OF 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
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
41 S	13 W	WM	5	SE SE
41 S	13 W	WM	6	NE NE
41 S	13 W	WM	6	NW NE



MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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 specified above, provided the holder of this right complies with ORS 540.510(3)

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

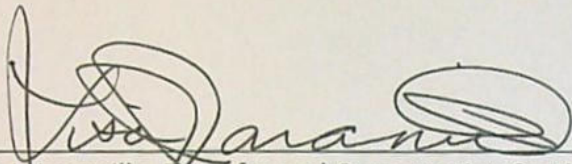
This certificate describes that portion of water right Certificate 83682, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered DEC 4 - 2024, approving Transfer Application T-14274.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.



The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed DEC 4 - 2024.

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over a horizontal line.

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department



REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
46118	T-14274 NOTICE	9/19/2024			441.00
<div>Received</div> <div>SEP 30 2024</div> <div>OWRD</div>					

CHECK DATE

9/26/2024

CHECK NO.

92351

PAYEE

Oregon Water Resources Dept

DISCOUNTS TAKEN

CHECK AMOUNT

441.00

PRODUCT 8SLM206

USE WITH 91500 ENVELOPE

Deluxe Corporation 1-800-328-0304 or www.deluxe.com/shop

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A

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 143906

INVOICE # \_\_\_\_\_

RECEIVED FROM: City of Brookings  
BY: General AccountAPPLICATION  
PERMIT  
TRANSFER T-14274CASH: ☐ CHECK: # 92351 OTHER: (IDENTIFY) ☐TOTAL REC'D \$ 441.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$  
4207 OTHER: (IDENTIFY) Newspaper Notice \$ 441.00

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

## WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$	\$

## WELL CONSTRUCTION

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	\$
	OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
	OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

RECEIPT: 143906

DATED: 9.30.24BY: mmill



# Affidavit of Publication

STATE OF OREGON

COUNTY OF CURRY } ss

I, Ruby Wagner being  
first duly sworn, depose and say that I am the *Publisher*  
of the Curry County Reporter, a newspaper of general  
circulation, as defined by sections  
193.010 and 193.020 O.R.S.; and published at  
Gold Beach in the aforesaid county and state;

Legal and Public Notice of Preliminary Determination for  
Water Right Transfer T-14274

a copy of which is here annexed, was published in the entire  
issue of said newspaper for two ( 2 ) successive and  
consecutive weeks in the following issues:

October 9 & 16, 2024

Signed *Ruby Wagner*

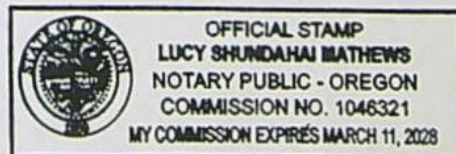
By: Ruby Wagner- Assistant Publisher

Subscribed and sworn to before me this

16<sup>th</sup> day of October, 2024

*Lucy Shundahai Mathews*  
Notary Public of Oregon

(My Commission expires 3-11-28)



## Legal and Public Notice

Notice of Preliminary Determination for  
Water Right Transfer T-14274

T-14274 filed by City of Brookings, Attn: Anthony Baron 898 Elk Dr, Brookings, OR 97415, proposes a change in place of use, and surface water to ground water under Certificate 83682. The right allows the use of 1.0 cubic foot per second (cfs) from the Chetco River in Sec. 35, T40S, R13W, WM for municipal uses in Sects. 5, 6, 7, and 8, T41S, R13W, WM. The applicant proposes to move the point of diversion for 1.0 cfs to a groundwater point of appropriation in Sec. 35, T40S, R13W, WM and to change the place of use to Sec. 35, T40S, R13W, WM, and Sects. 2 and 13, T40S, R13W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, 10/16/24. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: October 9 & 16, 2024  
in the Curry County Reporter, Curry County, Oregon.





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

October 3, 2024

VIA CERTIFIED MAIL AND E-MAIL

CITY OF BROOKINGS  
ATTN: ANTHONY BARON  
898 ELK DR  
BROOKINGS, OR 97415

SUBJECT: Water Right Transfer Application T-14274

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14274. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Curry Coastal Pilot newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.



Please don't hesitate to contact me at 971 304-5006 or Dante.J.Luongo@water.oregon.gov, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Luongo', with a stylized flourish at the end.

Dante Luongo  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-14274  
Scott C. Ceciliani, District 14 Watermaster (*via e-mail*)  
Elizabeth Howard, Shonee Langford, Agent for the applicant (*via e-mail*)



**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14274, Curry County	)	PROPOSING APPROVAL OF A CHANGE
	)	FROM SURFACE WATER POINT OF
	)	DIVERSION TO A GROUNDWATER POINT
	)	OF APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CITY OF BROOKINGS  
ATTN: ANTHONY BARON  
898 ELK DR  
BROOKINGS, OR 97415

**Findings of Fact**

1. On July 3, 2023, CITY OF BROOKINGS, ATTN: ANTHONY BARON, filed an application for a change in point of diversion and change in place of use under Certificate 83682. The Department assigned the application number T-14274
2. Notice of the application for transfer was published on July 18, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The application indicates that temporary transfer T-13452 was previously approved by the Department. The applicant has been using the proposed additional point of diversion (POD 2) since August 2020.
4. The application also indicates the POD 2 is a "caisson system with an open bottom... 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."

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.
---



5. On September 28, 2023, the Department conducted a site inspection of POD 2 and determined that the caisson system draws groundwater, in a similar fashion as a shallow well. The Department recognizes that groundwater is being drawn from POD 2 per ORS.537.515 (5). As such, the Department has determined that the proper transfer to be filed is a surface water to groundwater transfer for 1.0 cfs from Certificate 83682.
6. On November 21, 2023, the applicant's agent was notified that the place of use identified in Table 2 under Certificate 83682, did not match the proposed "to" lands on the transfer application map.
7. On November 22, 2023, the applicant's agent submitted a revised transfer application Table 2 under Certificate 83682.
8. On January 4, 2024, the applicant's agent submitted additional information describing the caisson system.
9. On February 12, 2024, The Department confirmed that the caisson system appropriates groundwater, not surface water.
10. On February 26, 2024, The Department issued a Draft Preliminary Determination proposing to deny the application because the application required a surface water to groundwater change.
11. On May 6, 2024, the agent for the applicant submitted revised pages for a surface water point of diversion (POD) to groundwater point of appropriation (POA) change and to change the place of use under Certificate 83682.
12. On May 6, 2024, the applicant's agent provided the Department with a revised transfer application and map for a change from surface water to groundwater, the required additional fees, and a geologist report for the change in POD to POA.
13. On August 29, 2024, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-14274 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 28, 2024, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.



14. The portion of the right to be transferred is as follows:

**Certificate:** 83682 in the name of CITY OF BROOKINGS (perfected under Permit S-27610)

**Use:** MUNICIPAL USES

**Priority Date:** SEPTEMBER 14, 1961

**Rate:** 1.0 CUBIC FOOT PER SECOND

**Source:** CHETCO RIVER, a tributary of the PACIFIC OCEAN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	35	NE NW	POD 1 - 1290 FEET SOUTH AND 2415 FEET EAST FROM THE NW CORNER OF SECTION 35

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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
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



MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
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

15. Transfer Application T-14274 proposes to move the point of diversion to a hydraulically connected point of appropriation approximately 2100 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	35	NW SW	POA 1 - 2570 FEET NORTH AND 1380 FEET WEST FROM THE SOUTH 1/4 CORNER OF SECTION 35

16. Transfer Application T-14274 also proposes to change the place of use of the right to:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
40 S	13 W	WM	35	SW SW
40 S	13 W	WM	35	SE SW
41 S	13 W	WM	2	NW NE
41 S	13 W	WM	2	SW NE
41 S	13 W	WM	2	SE NE
41 S	13 W	WM	2	NE NW
41 S	13 W	WM	2	NW NW
41 S	13 W	WM	2	SE NW
41 S	13 W	WM	2	NE SW
41 S	13 W	WM	2	SE SW
41 S	13 W	WM	2	NE SE
41 S	13 W	WM	2	NW SE
41 S	13 W	WM	2	SW SE
41 S	13 W	WM	2	SE SE
41 S	13 W	WM	11	NE NE
41 S	13 W	WM	11	NW NE

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), 690-380-2200 and 690-380-2110(2)]**

17. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.



18. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14274.
19. Transfer Application T-14274 proposes to change the point of diversion from surface water to a hydraulically connected well approximately 2100 feet downstream. Because the proposed point of diversion is more than 1000 feet from the authorized point of diversion, ORS 540.531 requires the applicant to provide evidence from a licensed geologist indicating that the new point of diversion meets the requirements of ORS 540.531(2)(a(A)) to (a(C)):
  - (A). The new point of diversion appropriates ground water from an aquifer that is hydraulically connected to the authorized surface water source;
  - (B). The proposed change in point of diversion will not result in enlargement of the original water right or in injury to other water right holders;
  - (C). The use of the new point of diversion will affect the surface water source similarly to the authorized point of diversion specified in the water use subject to transfer.
20. A Department staff member and licensed geologist, reviewed the data and concluded that the proposed point of appropriation, a well, which is located approximately 250 feet from Chetco River, meets the criteria set forth in ORS 540.531(2)(a(A)) to (a(C)).
21. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
22. The proposed changes, as conditioned, would not result in enlargement of the right.
23. The proposed changes, as conditioned, would not result in injury to other water rights.
24. All other application requirements are met.

#### **Determination and Proposed Action**

The change of a surface water point of diversion to a groundwater point of appropriation and change in place of use proposed in Transfer Application T-14274 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-14274 is approved, the final order will include the following:*

1. *The change of a surface water point of diversion to a groundwater point of appropriation and change in place of use proposed in Transfer Application T-14274 are approved.*



2. *The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 83682 and any related decree.*
3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of diversion or the new place of use.*
4. *Water right Certificate 83682 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The quantity of water diverted at the new point of diversion (POA 1), together with that diverted at the original point of diversion (POD 1) shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
6. *Water shall be acquired from the same source of surface water as the original point of diversion.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2031**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

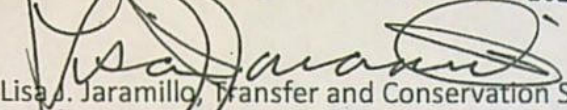
Dated in Salem, Oregon on

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR



10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **OCT 3 - 2024**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
IVAN GALL, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Dante Luongo. If you have questions about the information in this document, you may reach me at 971-304-5006 or [Dante.J.Luongo@water.oregon.gov](mailto:Dante.J.Luongo@water.oregon.gov)

## Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and



- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department



provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.





May 6, 2024

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

Received by OWRD

MAY 07 2024

Salem, OR

**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](mailto:slangford@schwabe.com), 503-540-4261

Elizabeth Howard, [ehoward@schwabe.com](mailto:ehoward@schwabe.com), 503-796-2093

Ted Ressler, [tressler@summitwr.com](mailto:tressler@summitwr.com), 503-701-4535

Respectfully submitted,

Theodore Ressler, RG, CWRE  
Summit Water Resources, LLC

Enclosures:

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



REFERENCE NO.

DESCRIPTION

INVOICE DATE

INVOICE AMOUNT

DISCOUNT TAKEN

AMOUNT PAID

T142740424 Well to be added or changed

4/18/2024

480.00

Received  
MAY 07 2024  
OWRD

CHECK DATE

CHECK NO.

PAYEE

DISCOUNTS TAKEN

CHECK AMOUNT

4/25/2024

91593

Oregon Water Resources Dept

DISCOUNTS TAKEN

480.00

PRODUCT 5814206

USE WITH 91500 ENVELOPE

Deluxe Corporation 1-800-328-0304 or www.deluxe.com/shop

PRINTED IN U.S.A.

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26344692001

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 142861

INVOICE #

RECEIVED FROM: City of Brookings  
BY: General AccountAPPLICATION  
PERMIT  
TRANSFER T-14274

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

91593

TOTAL REC'D

\$480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

EXAM FEE

RECORD FEE

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT: 142861

DATED: 5-7-24

BY: L. J. Damm

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 142861

INVOICE #

RECEIVED FROM: City of Brookings  
BY: General AccountAPPLICATION  
PERMIT  
TRANSFER T-14274

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

91593

TOTAL REC'D

\$480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$480.00

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT: 142861

DATED: 5-7-24

BY: L. J. Damm

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



# Application for Permanent Water Right Transfer

OREGON



WATER RESOURCES  
DEPARTMENT

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

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MAY 07 2024

Salem, OR

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](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)
- ☐ ☒ 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/](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 3 of 5 – Fee Worksheet

[illegible]

**\*\*In addition to the \$2,450 in transfer fee already paid for T-14274.**

**\*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,  $1.25 \text{ cfs} \div 100 \text{ ac}$ ); then multiply by the number of acres to be transferred to get the transfer cfs ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
  - 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,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
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) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	N/A



## 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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MAY 07 2024

Salem, OR



MAY 07 2024

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.

Applicant signature

Kelby McCrae  
Kelby McCrae, Police Chief and  
and Interim City Manager

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water 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](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	ADDRESS	
Curry County	94235 Moore Street, #113	
CITY	STATE	ZIP
Gold Beach	OR	97444

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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MAY 07 2024  
Salem, OR



## 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

MAY 07 2024

\_\_\_\_\_ gallons per minute (gpm)

Salem, OR

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	Acre	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	Acre	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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MAY 07 2024

Salem, OR



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."

Received by OWRD

MAY 07 2024

Salem, OR



**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**

MAY 07 2024

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

Salem, OR

**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](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)



Application for a Water Right Transfer - Point of Diversion 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)
- Water Mainline to Place of Use
- Government Lot
- City Urban Growth Boundary
- Tax Lots
- Major Roads
- Streams
- Water Bodies

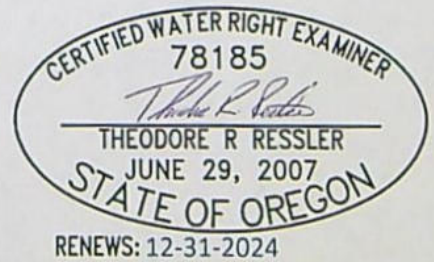
**POD LOCATION DESCRIPTION**

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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MAY 07 2024

Salem, OR



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.



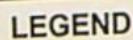
Scale










0 600 1,320  
1 inch = 1,320 feet





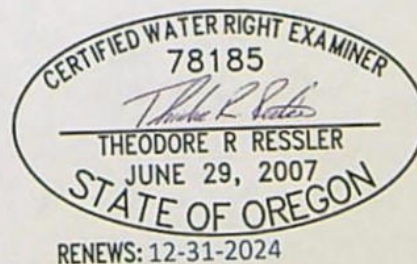
## Water Right in the Name of City of Brookings Curry County



-  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

MAY 07 2024

Salem, OR



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.



Scale

0 2,800 5,600

1 inch = 5,600 feet





# 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 )  
County of CURRY ) ss

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)



(continues on reverse side)

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"><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>
<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"><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>
<input type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph  Received by <u>[Signature]</u>  MAY 07 2024  Salem, OR	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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



# Land Use Information Form

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Salem, OR



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

24-000099

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

Mailing Address: 898 Elk Drive

City: Brookings

State: OR

Zip Code: 97415

Daytime Phone: abaroon@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****Salem, OR**

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
		<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: \_\_\_\_\_





## Technical Memorandum

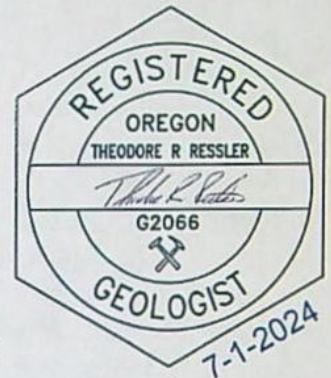
### Supporting Data for a Change from Surface Water POD to Groundwater POA, Transfer T-14274

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 than 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 Geological 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)



Scale  
0 660 1,320 ft

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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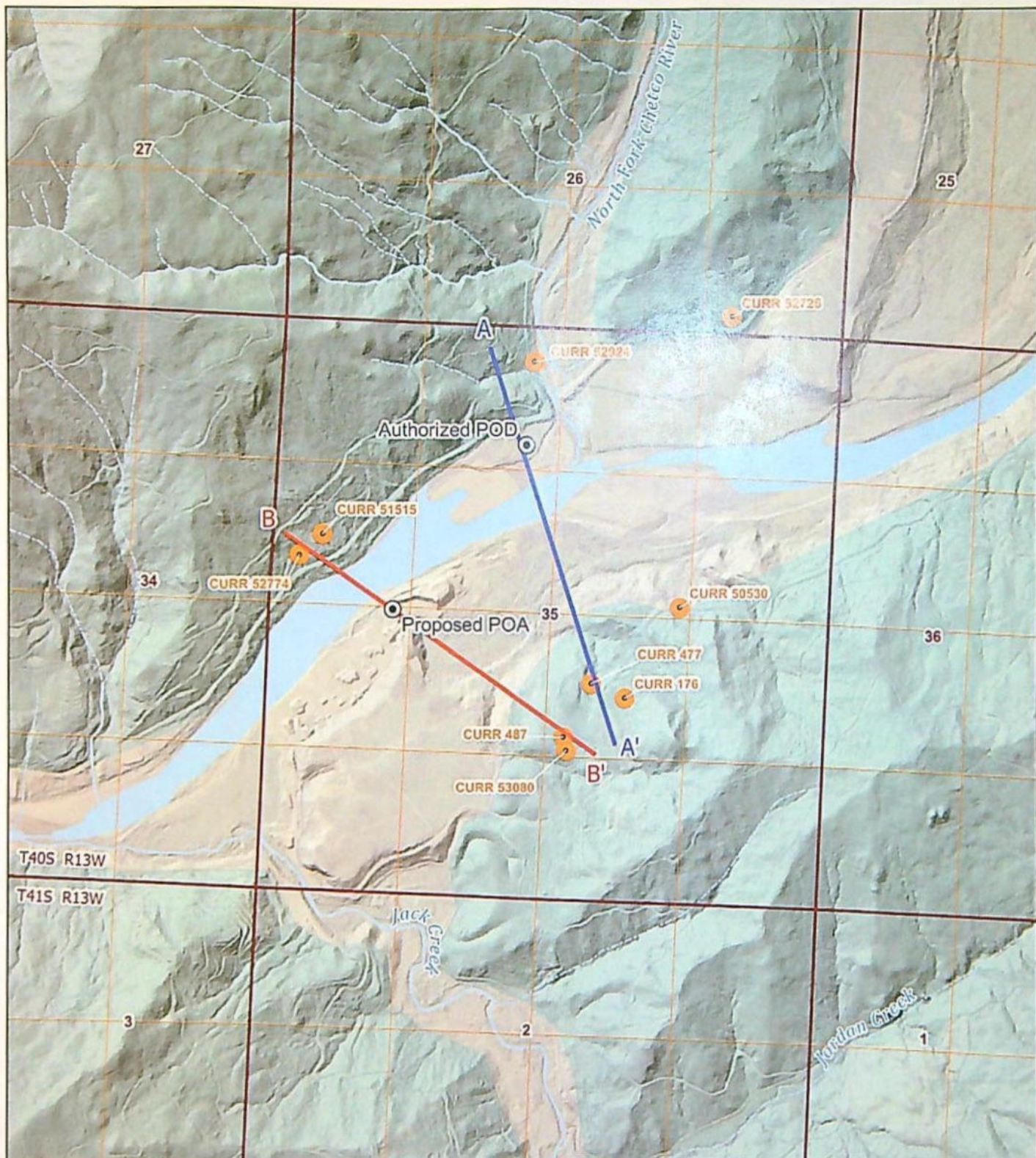
Salem, OR

**Figure 1**  
**Surficial Geology Map**

Transfer T-14274

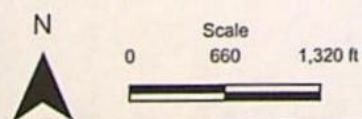






# LEGEND

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



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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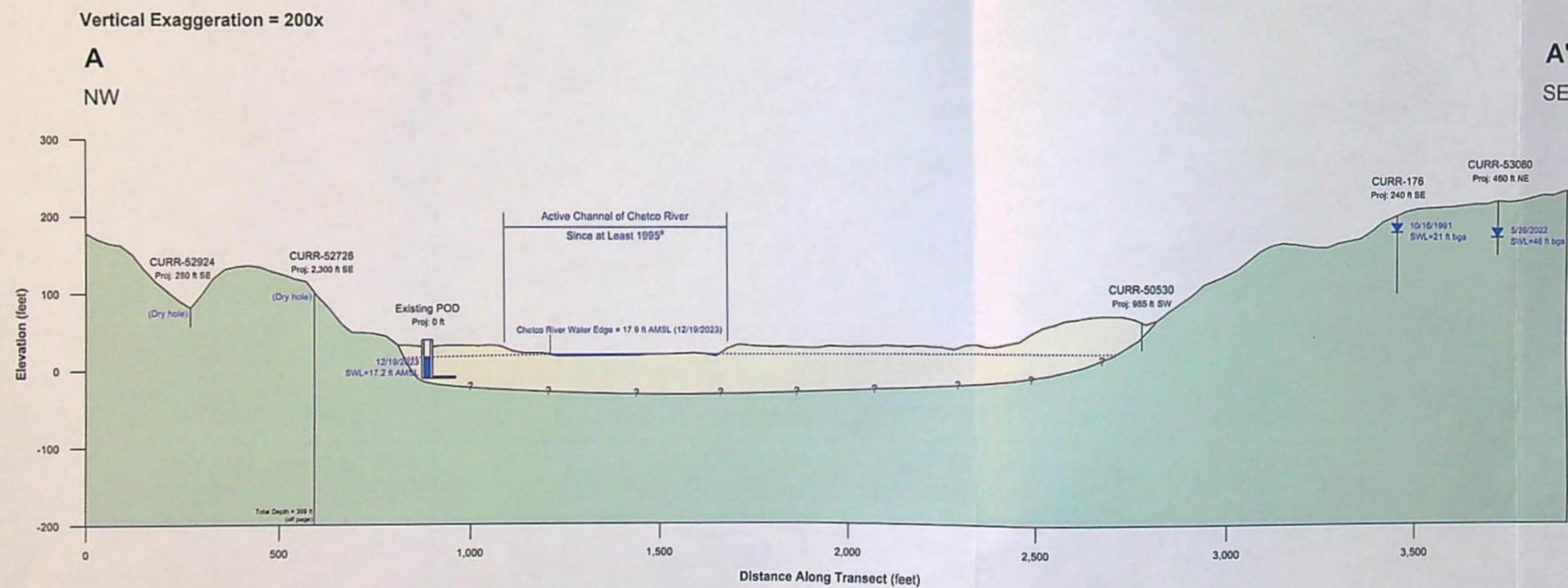
Salem, OR

**Figure 2**  
**Cross-Section Location Map**

Transfer T-14274







# LEGEND

## Geologic Units<sup>c</sup>

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

## References:

- <sup>a</sup> Wallick et al., 2012
- <sup>b</sup> DOGAMI, 2008
- <sup>c</sup> 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<sup>b</sup>

Date: 12/13/23

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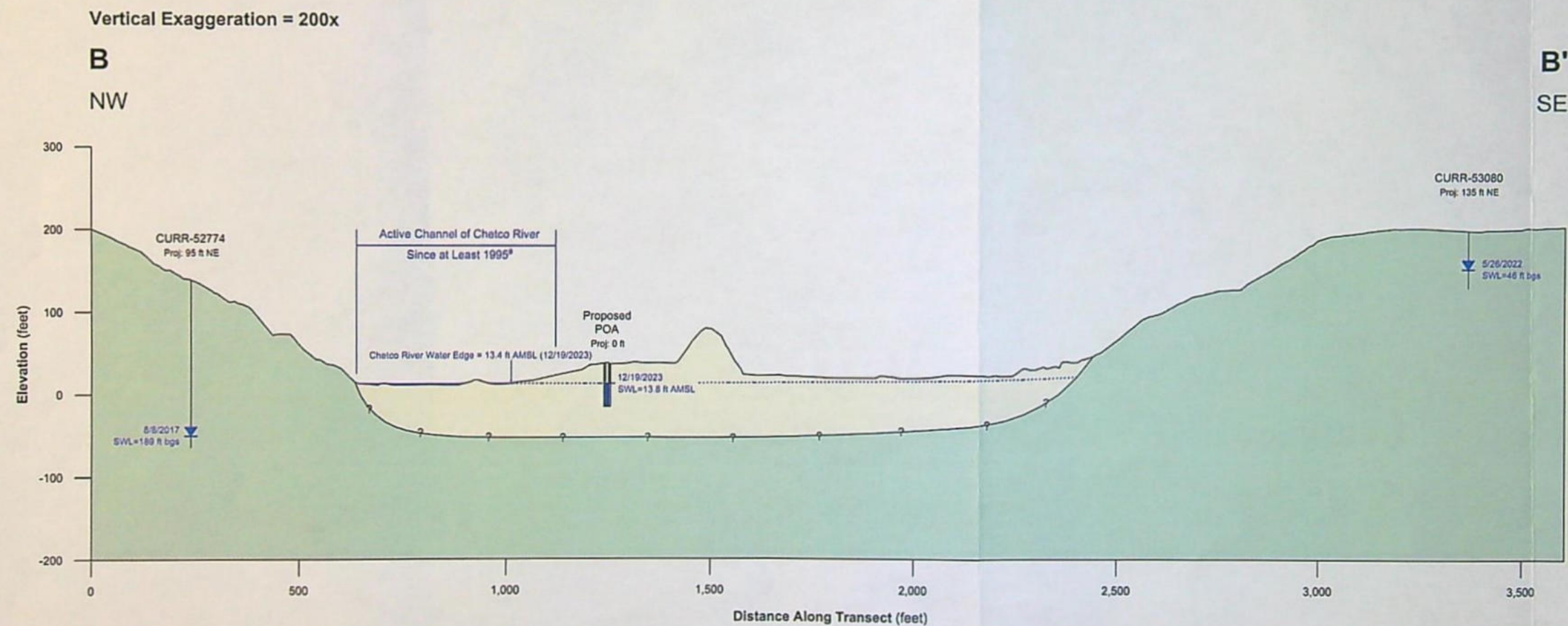
**Figure 3**  
**A-A'**  
**Cross Section**  
Transfer T-14274



## LEGEND

### Geologic Units<sup>c</sup>

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



### References:

- <sup>a</sup> Wallick et al., 2012
- <sup>b</sup> DOGAMI, 2008
- <sup>c</sup> 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<sup>b</sup>

Date: 12/13/23

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**Figure 4**  
**B-B'**  
**Cross Section**

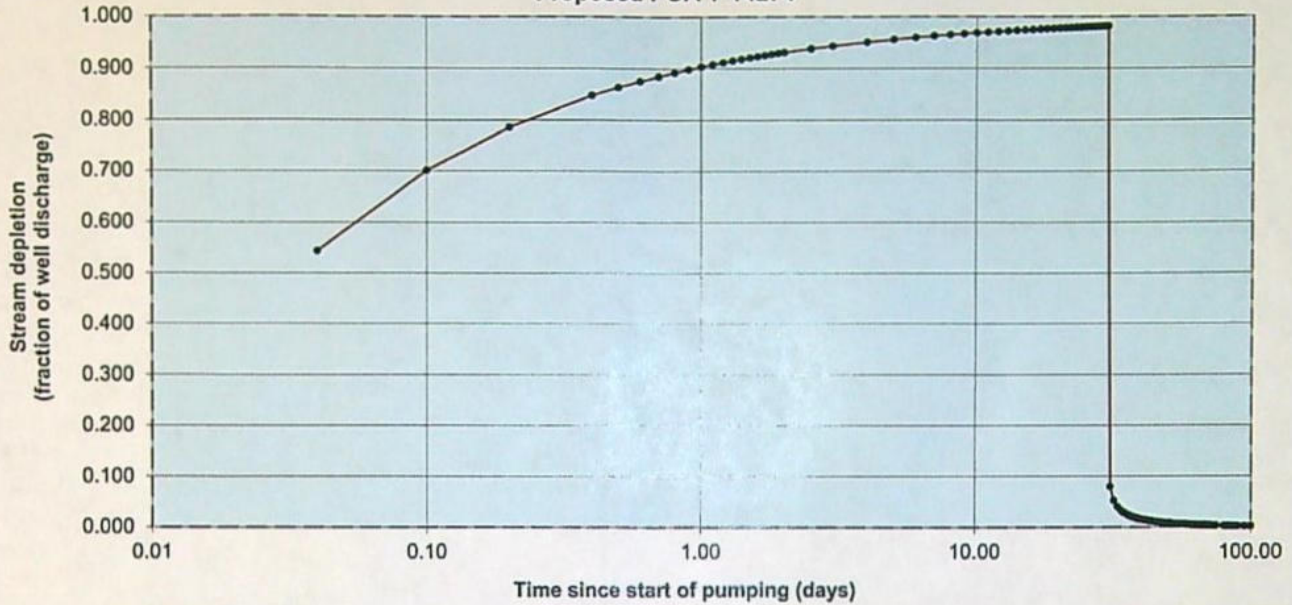
Transfer T-14274





# Transient Stream Depletion (Jenkins, 1970; Hunt, 1999, 2003)

Proposed POA T-14274



—●— Jenkins s2

## 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	
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Salem, OR



REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
T142740324	Application # T-14274	03/18/2024			1,181.48
<b>Received</b> <b>MAR 26 2024</b> <b>OWRD</b>					
CHECK DATE 03/21/2024	CHECK NO. 91462	PAYEE Oregon Water Resources Dept	CHECK AMOUNT 1,181.48		

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **142593**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

 RECEIVED FROM: City of Brookings  
 BY: General Account
CASH: ☐ CHECK: ☒ 91462 OTHER: (IDENTIFY) ☐
 APPLICATION \_\_\_\_\_  
 PERMIT \_\_\_\_\_  
 TRANSFER T-14274
TOTAL REC'D \$ 1,181.48**1083 TREASURY 4170 WRD MISC CASH ACCT**
 0407 COPIES 47124 \$ 11453.25  
0412 OTHER: (IDENTIFY) Transfer Reimbursement Authority \$ 1,181.48

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT****MISCELLANEOUS**

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$

**WATER RIGHTS:**

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

0218	WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211	WELL CONST START FEE	\$	CARD#	
0210	MONITORING WELLS	\$	CARD#	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

RECEIPT: **142593**DATE: 3.26.2024 BY: [Signature]



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT**  
Contract Number: R11-453-25

**Received**  
MAR 26 2024  
**OWRD**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **City of Brookings**, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes Title: Transfer Advisor Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266  Phone: 503 979-3511 Fax: 503 986-0901 Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Name: City of Brookings Contact: Anthony Baron Address: 898 Elk Drive Brookings, OR 97415  Phone: (541) 469-1123 Fax: Email: <a href="mailto:abarons@brookings.or.us">abarons@brookings.or.us</a>	Name: Schwabe, Williamson & Wyatt Contact: Shonee Langford Elizabeth Howard Address: 1211 SW 5 <sup>th</sup> Ave., Ste. 1900 Portland, OR 97204 Phone: (503) 796-2093; (503) 540-4261 Email: <a href="mailto:ehoward@schwabe.com">ehoward@schwabe.com</a> Email: <a href="mailto:slangford@schwabe.com">slangford@schwabe.com</a>

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-14274)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
  - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is ~~\$1,234.56~~ ~~\$1,385.40~~ **\$2,566.88**. Applicant agrees to pay the full amount of ~~\$1,234.56~~ ~~\$1,385.40~~ **\$2,566.88** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



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11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Kelby McLoe Interim City Manager 3-18-2024  
Name/Title: \_\_\_\_\_ Date  
For OWRD: Dwight French APR 1 - 2024  
Dwight French - Administrator Date

Mail signed Agreement to:

Elyse Richman  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
T14274RE	Diff/Inc amt T-14274RA	12/12/2023			150.84
CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT	
12/14/2023	91042	Oregon Water Resources Dept		150.84	

RECEIVED  
DEC 18 2023  
OWRD

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 142121

INVOICE #

RECEIVED FROM: City of Brookings  
BY: general account

APPLICATION  
PERMIT  
TRANSFER T-14274

CASH: ☐ CHECK: # 91042 OTHER: (IDENTIFY) ☐TOTAL REC'D \$ 150.84

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11-453-25 \$  
0412 OTHER: Transfer \$ 150.84

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$

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	EXAM FEE	RECORD FEE
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0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	\$
LANDOWNER'S PERMIT		\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#  
0210 MONITORING WELLS \$ CARD#  
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

RECEIPT: 142121

DATED: 12-18-2023 BY: um mill



**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-453-25**

**RECEIVED  
DEC 18 2023  
OWRD**

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6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



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13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: James K. [Signature] City Manager  
Name Title:  
For OWRD: Dwight French [Signature]  
Dwight French - Administrator

12-8-2023  
Date  
DEC 20 2023  
Date

Mail signed Agreement to:

Stacy Phillips  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266



## BAUSTIAN Julie C \* WRD

---

**From:** CECILIANI Scott C \* WRD  
**Sent:** Friday, November 03, 2023 5:08 PM  
**To:** WRD\_DL\_transferreviews  
**Cc:** LUONGO Dante J \* WRD; DILLON Justin \* WRD  
**Subject:** WM Review T-14274  
**Attachments:** WMR\_Transfer\_Review\_Form\_T14274\_Signed.pdf

Dante,

I've attached my WM review for T-14274 – City of Brookings.

The application indicates that the additional point of diversion is a caisson structure with an open bottom (not a Ranney Collector but a water supply well). The application also indicates that "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."

A surface water POD to ground water POA transfer would likely be the appropriate avenue to explore in this situation.

Please let me know if you would like to discuss.

Regards,

Scott

**Scott Carlo Ceciliani, GIT**

Watermaster, District 14  
700 NW Dimmick St.  
Grants Pass, OR 97526  
Cell: (541) 261-2213  
Office: (541) 476-1288



OREGON  
WATER  
RESOURCES  
DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking



## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14274

Review Due Date:

Applicant Name: City of Brookings; Attn: Janell Howard

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☒ OTHER

Reviewer(s): **Scott Ceciliani** *Scott Ceciliani* Date of Review: 11/03/2023

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☒ Yes ☐ No If "Yes", explain:

Municipal uses.

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:
- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:
- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:
- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:
- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a **totalizing flow meter**\*, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install **staff gages**\*, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

*b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

\* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- |  |  |
|--|--|
| <input type="checkbox"/> Weir  | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume  | <input type="checkbox"/> Flow Restrictor   |
| <input checked="" type="checkbox"/> Other: <u>With prior approval, another suitable measuring device</u> |  |



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14274



In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass, OR 97526

Phone: Office: 541-476-1288 Cell: 541-261-2213

Email: scott.c.ceciliani@water.oregon.gov owrd.district14@water.oregon.gov

**Note:** If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

\*\*\*\*\*

## Approval of an Alternate Measurement Device

T- 14274

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
14

District

\_\_\_\_\_  
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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







**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT  
Contract Number: R11-453-25**

**RECEIVED**

**JUL 20 2023**

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OWRD Information	Applicant's Information	Applicant's Representative
Contact: Kelly Starnes	Name: City of Brookings	Name: Schwabe, Williamson & Wyatt
Title: Transfer Advisor	Contact: Janell Howard	Contact: Shonee Langford
Address: 725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address: 898 Elk Drive Brookings, OR 97415	Address: 1211 SW 5 <sup>th</sup> Ave., Ste. 1900 Portland, OR 97204
Phone: 503 979-3511	Phone: (541) 469-1123	Phone: (503) 796-2093; (503) 540-4261
Fax: 503 986-0901	Fax:	Email: <a href="mailto:ehoward@schwabe.com">ehoward@schwabe.com</a>
Email: <a href="mailto:patrick.k.starnes@water.oregon.gov">patrick.k.starnes@water.oregon.gov</a>	Email: <a href="mailto:jhoward@brookings.or.us">jhoward@brookings.or.us</a>	Email: <a href="mailto:slangford@schwabe.com">slangford@schwabe.com</a>

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- 6. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.



7. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
8. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
9. **Duration of Estimate.** The Estimate of Time to completion is **approximately** 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
10. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
11. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
12. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
13. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant: Charles Howard City Manager  
Name/Title  
For OWRD: Dwight French – Administrator

7-12-2023  
Date  
7/28/2023  
Date

Mail signed Agreement to:

Stacy Phillips  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

July 12, 2023

CITY OF BROOKINGS  
ATTN: JANELL HOWARD  
898 ELK DR  
BROOKINGS, OR 97415

Reference: Application T-14274

On July 3, 2023, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2450.00. Receipt number 141085 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to Oregon Department of Fish and Wildlife to determine if a fish screen is needed.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use or from the new point of diversion until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #14, Scott C. Ceciliani (*via email*)  
Elizabeth Howard, Shonee Langford, Agent  
Curry County

Enclosure



062123 APP Estimate Application

6/21/2023

125.00

RECEIVED

JUL 03 2023

OWRD

REFERENCE NO.

DESCRIPTION

INVOICE DATE

INVOICE AMOUNT

DISCOUNT TAKEN

AMOUNT PAID

CHECK DATE

6/22/2023

CHECK NO.

90181

PAYEE

Oregon Water Resources Dept

DISCOUNTS TAKEN

CHECK AMOUNT

125.00

PRODUCT SSLM296

USE WITH 91500 ENVELOPE

Deluxe Corporation 1-800-328-0304 or www.deluxe.com/shop

PRINTED IN U.S.A.

A

26344692001

STATE OF OREGON  
WATER RESOURCES DEPARTMENT725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141064

INVOICE #

RECEIVED FROM:

BY:

City of Brookings

APPLICATION

PERMIT

TRANSFER

T-14274

TOTAL REC'D

\$ 125.00

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

90181

☐

1083 TREASURY 4170 WRD MISC CASH ACCT

0407

COPIES

47124

R 11453-25

\$

0412

OTHER:

(IDENTIFY)

Transfer Reimbursement Authority

\$ 125.00

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407

COPY &amp; TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

## WATER RIGHTS:

## EXAM FEE

## RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

## WELL CONSTRUCTION

## EXAM FEE

## LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD#

0210

MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

141064

DATED

7-3-23

BY:

Bilmer





OREGON WATER RESOURCES DEPARTMENT  
TRANSFER REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Transfer Application	Transfer Number T-14274

	Applicant Information	Applicant's Representative/Contact
Name:	Janell Howard	Elizabeth Howard; Shonee Langford
Address:	City of Brookings 898 Elk Drive Brookings, OR 97415	Schwabe, Williamson & Wyatt 1211 SW 5th Ave., Ste. 1900 Portland, OR 97204
Phone:	541-469-1123	503-796-2093; 503-540-4261
Fax:	-	-
E-Mail Address:	jhoward@brookings.or.us	ehoward@schwabe.com; slangford@schwabe.com

I understand the following:

- That upon receipt of my non-refundable application fee of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Transfer Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

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I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Janell Howard – City of Brookings

Signature: Janell Howard

OWRD USE ONLY: Reimbursement Authority Number: R11-453-25



062123 WAT Permanent Water Right Transfer

6/21/2023

2,450.00

RECEIVED

JUL 03 2023

OWRD

REFERENCE NO.

DESCRIPTION

INVOICE DATE

INVOICE AMOUNT

DISCOUNT TAKEN

AMOUNT PAID

CHECK DATE

6/22/2023

CHECK NO.

90182

PAYEE

Oregon Water Resources Dept

DISCOUNTS TAKEN

CHECK AMOUNT

2,450.00

PRODUCT SSJM006

USE WITH 91500 ENVELOPE

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PRINTED IN U.S.A.

A

26344692001

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 141085

INVOICE #

RECEIVED FROM:

BY:

City of Brookings

APPLICATION

PERMIT

TRANSFER

T-14274

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐

90182

☐

TOTAL REC'D

\$2,450.00

## 1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

## 4270 WRD OPERATING ACCT

## MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

## WATER RIGHTS:

0201 SURFACE WATER

## EXAM FEE

\$

0202

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$2,450.00

## RECORD FEE

\$

\$

## WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

## EXAM FEE

\$

0219

## LICENSE FEE

\$

\$

LANDOWNER'S PERMIT

0220

OTHER

(IDENTIFY)

## 0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

## 0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

## TREASURY

## OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT:

141085

DATED:

7-3-23

BY:



# 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](http://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.

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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](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)**
- ☐ ☒ 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.
- ☐ ☒ 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):

- |  |  |
|--|--|
| <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

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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/](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 3 of 5 – Fee Worksheet

## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

[illegible]

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\*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 ÷ 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) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » » »	2	
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution:</b>	3	N/A



## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

APPLICANT/BUSINESS NAME <b>City of Brookings; Attn: Janell Howard</b>			PHONE NO. <b>541-469-1123</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>898 Elk Drive</b>				FAX NO.
CITY <b>Brookings</b>	STATE <b>OR</b>	ZIP <b>97415</b>	E-MAIL <b>jhoward@brookings.or.us</b>	
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 <b>Schwabe, Williamson &amp; Wyatt Attn: Elizabeth Howard and Shonee Langford</b>			PHONE NO. <b>503-796-2093 503-540-4261</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1211 SW 5th Ave., Ste. 1900</b>				FAX NO.
CITY <b>Portland</b>	STATE <b>OR</b>	ZIP <b>97204</b>	E-MAIL <b>ehoward@schwabe.com slangford@schwabe.com</b>	
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 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 an 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 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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JUL 03 2023

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JUL 03 2023

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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.



Janell Howard  
Applicant signature

Janell Howard, City Manager  
Print Name (and Title if applicable)

6-22-2023  
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](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				

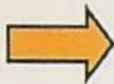


☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

JUL 03 2023

OWRD



## 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

RECEIVED

JUL 03 2023

### Description of Water Delivery System

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	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
POD 2	<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 checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB)                       |
| <input 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	POD 1 POD 2	1961
41	S	13	W	5	ALL	NW			--	MU	POD 1	1961	APOD/POU	40	S	13	W	35	SE	SW			--	MU	POD 1 POD 2	1961
41	S	13	W	5	ALL	SW			--	MU	POD 1	1961	APOD/POU	40	S	13	W	2	NW	NE			--	MU	POD 1 POD 2	1961
41	S	13	W	5	ALL	SE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SW	NE			--	MU	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			--	MU	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			--	MU	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			--	MU	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			--	MU	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			--	MU	POD 1 POD 2	1961
41	S	13	W	7	NW	NE			--	MU	POD 1	1961	APOD/POU	41	S	13	W	2	SE	SW			--	MU	POD 1 POD 2	1961



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	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	--	MU	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	--	MU	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	
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.

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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 # \_\_\_\_\_.

**RECEIVED****For a change from Supplemental Irrigation Use to Primary Irrigation Use****JUL 03 2023**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**OWRD****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](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



## 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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## 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.



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			

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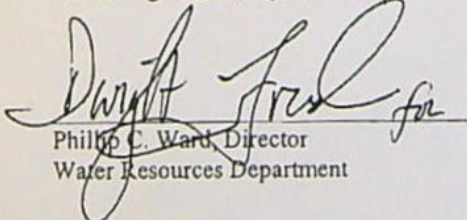
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Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

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

  
 Phillip C. Ward, Director  
 Water Resources Department

Application S-37091.jwg

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



# 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 <b>confirming</b> 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"> <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>
<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"> <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>
<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 – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



# 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

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

JUL 03 2023

Mailing Address: 898 Elk Drive

OWRD

City: Brookings

State: OR

Zip Code: 97415

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	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) an additional point of diversion (an existing diversion structure associated with temporary transfer T-13452 and water right certificate 34453) 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.

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Name: Becky Condit Title: Planning Director

Signature: Becky Condit Phone: (541) 247-3228 Date: June 28, 2023

Government Entity: Curry County

**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: \_\_\_\_\_



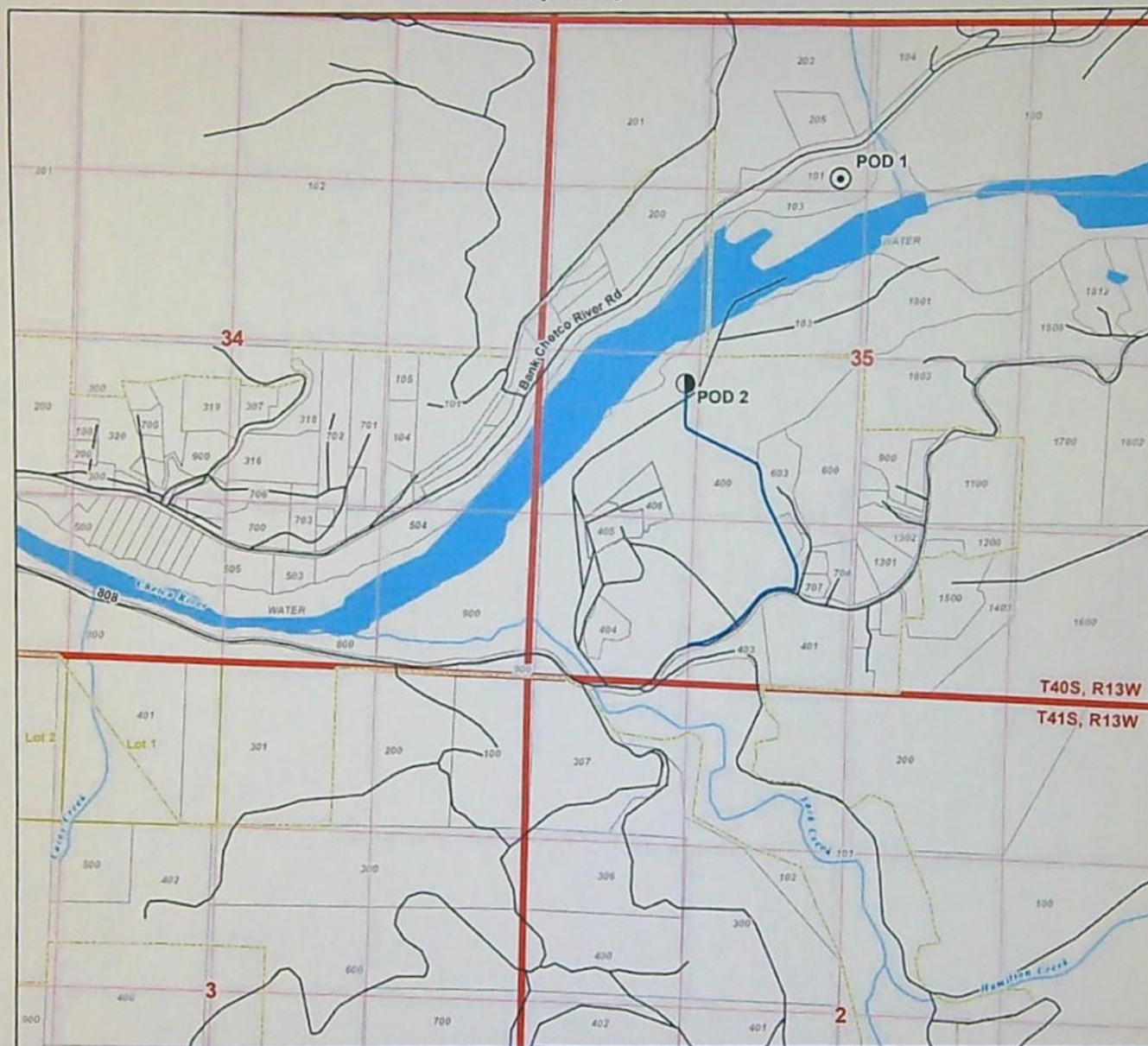
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# Application for a Water Right Transfer - Point of Diversion Map Certificate 83682 (Permit S-27610)

Water Right in the Name of City of Brookings  
Curry County

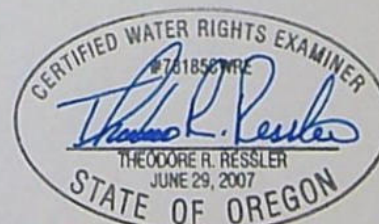


## LEGEND

- ⊙ Authorized Point of Diversion (POD)
- Proposed Additional POD
- Proposed Water Line
- 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.  
POD 2 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.



RENEWALS: 12-31-2024

Date: 6/13/2023  
Data Sources: OWRD, Oregon Geospatial Data Clearinghouse, BLM  
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



Scale  
0 600 1,320  
1 inch = 1,320 feet














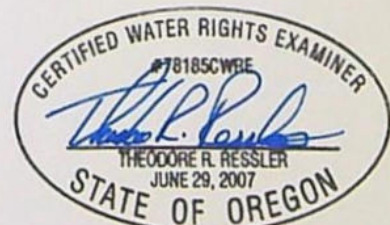
## JUL 03 2023

QWRD



### LEGEND

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



RENEWS: 12.31.2024

Date: 6/13/2023  
Data Sources: OWRD, Oregon Geospatial Data Clearinghouse, BLM  
Disclaimer: This map is not intended to provide legal dimensions or property ownership lines.



Scale

0 2,800 5,600

1 inch = 5,600 feet







June 29, 2023

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

RECEIVED

JUL 03 2023

OWRD

**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](mailto:slangford@schwabe.com), 503-540-4261

Elizabeth Howard, [ehoward@schwabe.com](mailto:ehoward@schwabe.com), 503-796-2093

Ted Ressler, [tressler@summitwr.com](mailto: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

Cc: Janell Howard – City of Brookings



## Permanent Transfer Application Intake Checklist

Checked by <u>Kim French</u>	Type of Change(s) Proposed:		
Date <u>7/10/23</u>	<input checked="" type="checkbox"/> POU <input type="checkbox"/> POD <input checked="" type="checkbox"/> APOD <input type="checkbox"/> POA <input type="checkbox"/> APOA <input type="checkbox"/> USE <input type="checkbox"/> Substitution <input type="checkbox"/> Gov't Action <input type="checkbox"/> Sup to Primary <input checked="" type="checkbox"/> SW to GW		
Calculated Fee <u>\$2450</u>	Certificate(s): 83682		
Fee Received <u>\$2450</u>	Check all Certs in WRIS to make sure they are not cancelled		
If application involves multiple certificates, does it meet OAR 690-380-3220? If no, why?		<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	
Is the application complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, why?			
Notes:			

1.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Have all the applicants signed? If not, whose signature is missing?
2.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Evidence of Use included?
3.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> N/A	Land Use Form included?
4.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Consent Form included
5.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Part 5 of application: Has the applicant completed the entire page and does the information match the description of the explanation on Part 4 of the application?
6.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Has the applicant indicated that the place of use is in <u>or</u> near an irrigation district? Name of the District
	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If Yes, have they included a Form D?
7.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	For multiple certificates: Do each of the certificates listed on the Min Req Checklist Page 1 have their own separate completed Part 5, Tables 1 & 2? If no, which certificates are missing a separate Part 5, Tables 1 & 2?
8.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If a change in point of appropriation, have the well logs been included?
9.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Has the map been completed and signed by a CWRE?
10.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Does the map meet the requirements? If not, what is missing?
11.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Map waiver included?
12.	<input type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If a change in place of use is within Umatilla County, is there a Supplemental Form U included?

If there are no deficiencies identified, accept the application. Put this checklist in the transfer folder. If this application is deficient, it **CANNOT** be accepted. It should be returned with a letter explaining the deficiencies identified.

☐ Application Returned   Date: \_\_\_\_\_



## FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

[illegible]