

Regular

Name City of Newport
c/o Spencer Nebel
Address 169 SW Coast Highway
Newport, OR 97365
s.nebel@newportoregon.gov
Change in POD
Date Filed 6/18/2024
Initial notice date 6/25/2024
DPD issued date _____
PD issued date 11/10/2025
PD notice date 11/18/2025
Date of FO 4/13/2026 Vol 138 Page 71-748
C-Date _____
COBU due date _____
COBU Received date _____
Certificate issued _____

DESCRIPTION OF WATER RIGHT(s)
Name of Stream A reservoir, Big Creek Reservoir 2
Trib. of Big Creek
Use Municipal County Lincoln
Quantity of water (CFS) _____ No. of Acres _____
Name of ditch _____
App# S-26388 Per # S-20703 Cert # 21357 PR Date 8-31-1951
App# S-43413 Per # S-33127 Cert # 48628 PR Date _____
App# S-52204 Per # S-38220 Cert # 89101 PR Date 7-19-1974
App# _____ Per # _____ Cert # _____ PR Date _____
App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>6-18-2024</u>	<u>\$2,580.00</u>	<u>143138</u>
<u>10-17-2025</u>	<u>142.00</u>	<u>146219</u>
FEES REFUNDED		
Date	Amount	Receipt #

Assignments: _____

Irrigation District _____
Agent Kimberly Grigsby
kgrigsby@gsiws.com
CWRE _____
CC's list _____

☐ - Oversized map - Location _____



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

April 13, 2026

Nina Vetter
169 SW Coast Hwy
Newport, OR 97365

REFERENCE: Transfer Application T-14475

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, please contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at Scott.a.grew@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Rights Services Support
Transfer and Conservation Section

cc: Nikki M. Hendricks, Watermaster Dist. # 1 (via email)
Kimberly Grigsby, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN
T-14475, Lincoln County	)	POINTS OF DIVERSION

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 NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

Findings of Fact

1. On June 18, 2024, City of Newport, Attn: Spencer Nebel filed an application to change the points of diversion under Certificates 21357, 48628, and 89101. The Department assigned the application number T-14475.
2. Notice of the application for transfer was published on June 25, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The application requested the completion date of October 1, 2045, to allow extra time due to the scale and complexity of this project, including planning, permitting and construction. If approved the Department could grant the longer time for completion per OAR 690-380-5140 (3).

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.

4. On August 29, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14475. The draft Preliminary Determination cover letter provided a deadline of September 28, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
5. On November 10, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14475 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 November 18, 2025, and in the Newport News Times newspaper on January 7 and 14, 2026, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

Certificate: 21357 in the name of CITY OF NEWPORT (perfected under Permit S-20703)
Use: MUNICIPAL USE
Priority Date: AUGUST 31, 1951
Rate: 200.0 ACRE-FEET
Source: A RESERVOIR TO BE CONSTRUCTED UNDER APPLCIATION NO. R-26260, PERMIT NO. R-1236

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	NONE GIVEN

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	SW SE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE

7. Certificate 21357 does not include a description of the location of the authorized point of diversion. The applicant has provided information describing the location of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	BC 1 POD - 1100 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER OF SECTION 33

8. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.6 mi. upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

9. The second right to be transferred is as follows:

Certificate: 48628 in the name of CITY OF NEWPORT (perfected under Permit S-33127)
Use: MUNICIPAL
Priority Date: MARCH 24, 1967 FOR 310.0 ACRE-FEET (AF), JUNE 5, 1968 FOR 35.0 AF
Rate: 345.0 AF STORED WATER ONLY
Source: BIG CREEK RESERVOIR NO. 2 constructed under permit no. R-5134 tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT. 48628 POD - 1080 FEET SOUTH AND 4040 FEET EAST FROM THE W1/4 CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE NW
10 S	11 W	WM	32	NW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	SW NW
10 S	11 W	WM	32	SE NW
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	NW SW
10 S	11 W	WM	32	SW SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	SW SW
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NE NW
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE

10. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

11. The third right to be transferred is as follows:

Certificate: 89101 in the name of CITY OF NEWPORT (perfected under Permit S-38220)
Use: MUNICIPAL USE
Priority Date: JULY 19, 1974
Rate: 625.0 ACRE-FEET of stored water from an enlargement of BIG CREEK RESERVOIR No. 2 ENLARGED UNDER PERMIT R-6171

Source: BIG CREEK RESERVOIR No.2

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT 89101 POD - 1825 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	NE SW
10 S	11 W	WM	29	NW SW
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	29	SW SE
10 S	11 W	WM	29	SE SE
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	NW SW
10 S	11 W	WM	33	SW SW
11 S	11 W	WM	4	NE SW
11 S	11 W	WM	4	NW SW
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	4	SE SW
11 S	11 W	WM	4	SW SE
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	SE NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NE
11 S	11 W	WM	9	SE NE
11 S	11 W	WM	9	NE NW
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	SE NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	SE SW
11 S	11 W	WM	9	NE SE
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE
11 S	11 W	WM	9	SE SE
11 S	11 W	WM	10	SW NW
11 S	11 W	WM	10	NW SW
11 S	11 W	WM	16	NE NE
11 S	11 W	WM	16	NW NE
11 S	11 W	WM	16	NW NW
11 S	11 W	WM	16	SW SW
11 S	11 W	WM	16	SE SW
11 S	11 W	WM	16	NE SE
11 S	11 W	WM	16	NW SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	17	NW SW
11 S	11 W	WM	17	SW SW
11 S	11 W	WM	17	SE SW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE
11 S	11 W	WM	17	SW SE
11 S	11 W	WM	17	SE SE

12. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

13. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

14. 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 rights are subject to forfeiture under ORS 540.610.
15. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14475.
16. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
17. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
18. The proposed changes would not result in enlargement of the rights.
19. The proposed changes would not result in injury to other existing water rights.
20. All other application requirements are met.

Conclusions of Law

The change in points of diversion proposed in Transfer Application T-14475 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

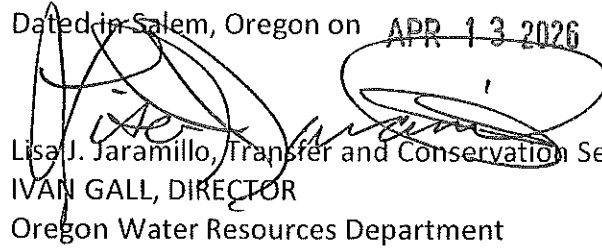
1. The change in points of diversion proposed in Transfer Application T-14475 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 21357, 48628, 89101, and any 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.
4. Water right Certificates 21357, 48628, and 89101 are cancelled.
5. The quantity of water diverted at the new point of diversion (Big Creek Dam POD) shall not exceed the quantity of water lawfully available at the original points of diversion (BC 1 POD, 48628 POD, and 89101 POD).
6. Water shall be acquired from the same source of surface water as the original points of diversion.
7. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2045**. 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.

9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on APR 13 2026


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

Mailing date: APR 14 2026

WATER RIGHT TRANSFER COVER SHEET

Transfer: T-14475

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: Spencer Nebel 169 SW Coast Hwy Newport, OR 97365	Agent: Kimberly Grigsby 1600 SW Western Blvd, Ste 240 Corvallis, OR 97333	Receiving Landowner:
Current Landowner if other than Applicant:	CWRE:	Irrigation District:
Affected Local Gov'ts:	Affected Tribal Gov't:	BOR Notified (date):

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions (Support Staff)

Rec'd: June 18, 2024	Proposed Action(s): POINT OF DIVERSION	
Fees Pd: 2580.00	Acknowledgement Letter Sent ☒	Basin: 18 Middle Coast
Initial Public Notice: 6/25/2024	County sent cc: of Ack Letter ☒	County: LINCOLN
WM District: 1 Nikki M. Hendricks	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: ☒	Name of Newspaper: <i>Newport News Times</i>
Newspaper notice sent to coordinator:	Newspaper notice quote requested (NRS1): <i>10-7-25</i>
Request for news \$ sent: <i>10/9/25</i>	News \$ received: <i>10-17-25</i>
Affidavit of publication received: <i>1/26/26</i>	Last day of publication: <i>Jun 14, 2026</i>

Peer Review:

Document	Drafted	Peer Review	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>8/22/25</i> Initials: <i>Scott</i>	Date: <i>8-24-25</i> Initials: <i>Joan</i>	Date: <i>8/28</i> Initials: <i>Sarah</i>	Date: <i>8/29</i> Initials: <i>Scott</i>	CW Sent: <i>8/29</i> WM Sheet ☐ ODFW Sheet: ☐	N/A
PD	Date: <i>10/7/25</i> Initials: <i>Scott</i>	Date: <i>10/8/25</i> Initials: <i>Joan</i>	Date: <i>10/9/25</i> Initials: <i>Tamara</i>	Date: <i>10/9/25</i> Initials: <i>Scott</i> Data Review Date: <i>10/14</i>	Date: <i>10/22/25</i>	Date: <i>11/10/25</i>
FO	Date: <i>1/7/26</i> Initials: <i>Scott</i>	Date: <i>1/7/26</i> Initials: <i>Joan</i>	Date: <i>1/20/26</i> Initials: <i>Levri</i>	Date: <i>4/9/26</i> Initials: <i>Scott</i>	Date: _____ No. of docs for sig: _____	Date: <i>4/13/2026</i>

Special Issues: *Sent to Data 10/9/25 Read 10/14/25*

Special Order Volume: Vol. *138* Pages *741-748*

Transfer Cover Sheet

Last Revised 1/26/2023

Affidavit of Publication needed

Read 1/20/26

**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 # **146219**

INVOICE # _____

RECEIVED FROM: GSI
BY: Water Solutions, Inc.

APPLICATION	
PERMIT	
TRANSFER	<u>T-14475</u>

CASH: ☐ CHECK:# 27729 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 142.06

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 46118 \$
0207 OTHER: (IDENTIFY) Newspaper Notice \$ 142.06

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **146219**

DATED: 10-17-25 BY: [Signature]

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

AFFIDAVIT OF PUBLICATION

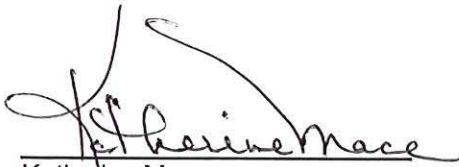
COUNTY OF LINCOLN
STATE OF OREGON SS.

I, Katherine Mace, being first duly sworn, depose and say that I am The Clerk of The Lincoln County Leader, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at Newport, in the aforesaid county and state; that the

OR Water Resources Dept
Water Right Transfer
LCL26-005

Was published **2 (two)** successive
and consecutive week(s) in the
following issues:

January 7, 2026
January 14, 2026

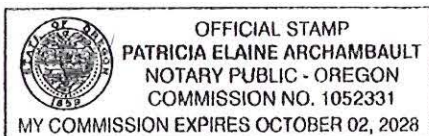

Katherine Mace

Subscribed and sworn before me
this

16 day of January 2026


Patricia E Archambault

**LCL26-005 NOTICE
OF PRELIMINARY
DETERMINATION
FOR WATER RIGHT
TRANSFER T-14475.**
T-14475 filed by City of
Newport Attn: Spen-
cer Nebel, 169 SW
Coast Hwy, Newport,
OR 97365, proposes
a change in points of
diversion under Certifi-
cates 21357, 48628, and
89101. Certificate 21357
allows the use of 200.0
acre-feet from a reservoir
in Sec. 33, T10S, R11W,
WM for municipal use in
Sec. 32, T10S, R11W,
WM and Sects. 5, 7, 8,
and 9, T11S, R11W, WM.
Certificate 48628 allows
the use of 345.0 acre-
feet from a Reservoir in
Sec. 33, T10S, R11W,
WM for municipal use in
Sects. 29, 32, and 33,
T10S, R11W, WM and
Sects. 4, 5, 7, 8, 9, and
17, T11S, R11W, WM.
Certificate 89101 allows
the use of 625.0 acre-
feet from a Reservoir in
Sec. 33, T10S, R11W,
WM for municipal use in
Sects. 29, 32, 33, T10S,
R11W, WM and Sects.
4, 5, 7, 8, 9, 10, 16, and
17, T11S, R11W, WM.
The applicant propos-
es to move the points
of diversion within Sec.
33, T10S, R11W, WM.
The Water Resources
Department proposes
to approve the transfer,
based on the require-
ments of ORS Chapter
540 and OAR 690-380-
5000. Any person may
file, jointly or severally, a
protest or standing state-
ment within 30 days after
the last date of news-
paper publication of this
notice, 1/14/2026. Call
(503) 986-0935 to obtain
additional information. If
no protests are filed, the
Department will issue a
final order consistent with
the preliminary determi-
nation. 1/7/26 1/14/26



Received
JAN 26 2026
OWRD

Country Media Inc.
PO Box 670
Salem OR 97308
Tel : (503) 444-7924

Advertising Docket

OREGON WATER RESOURCES DEPT (NG LEGALS)
725 SUMMER ST NE, Suite A
SALEM, OR
97301

Cust# : 25429
Tel # : (503) 986-0935
Ad # : 422100
Date : 12/30/25
Classification : PUBLIC NOTICES
Salesperson : House

Edition	Insertion Date	Amount
Lincoln County Leader	01/07/26	59.19
Lincoln County Leader Online	01/07/26	0.00
Lincoln County Leader	01/14/26	59.19
Lincoln County Leader Online	01/14/26	0.00
Sub Total		118.38
		0.00
		0.00
Grand Total		118.38

Ad Text

LCL26-0005 Notice of Preliminary Determination for Water Right Transfer T-14475. T-14475 filed by City of Newport Attn: Spencer Nebel, 169 SW Coast Hwy, Newport, OR 97365, proposes a change in points of diversion under Certificates 21357, 48628, and 89101. Certificate 21357 allows the use of 200.0 acre-feet from a reservoir in Sec. 33, T10S, R11W, WM for municipal use in Sec. 32, T10S, R11W, WM and Sects. 5, 7, 8, and 9, T11S, R11W, WM. Certificate 48628 allows the use of 345.0 acre-feet from a Reservoir in Sec. 33, T10S, R11W, WM for municipal use in Sects. 29, 32, and 33, T10S, R11W, WM and Sects. 4, 5, 7, 8, 9, and 17, T11S, R11W, WM. Certificate 89101 allows the use of 625.0 acre-feet from a Reservoir in Sec. 33, T10S, R11W, WM for municipal use in Sects. 29, 32, 33, T10S, R11W, WM and Sects. 4, 5, 7, 8, 9, 10, 16, and 17, T11S, R11W, WM. The applicant proposes to move the points of diversion within Sec. 33, T10S, R11W, 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, 1/14/2026. 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. 1/7/26
1/14/26

Received
JAN 26 2026
OWRD

GREW Scott A * WRD

From: JONES JR David * WRD
Sent: Tuesday, December 30, 2025 1:56 PM
To: GREW Scott A * WRD
Subject: RE: OWRD: Preliminary Determination for Transfer T 14475 has been completed

The publication dates for this notice are 1/7 and 1/14.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, December 30, 2025 1:45 PM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: OWRD: Preliminary Determination for Transfer T 14475 has been completed

No problem. There is A LOT going on these days!

Thank you.

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Sent: Tuesday, December 30, 2025 1:38 PM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: RE: OWRD: Preliminary Determination for Transfer T 14475 has been completed

I must apologize. I somehow missed getting this one published. I just sent off to the newspaper. I'm sorry for the delay and will let you know as soon as I hear back from them.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <scott.a.grew@water.oregon.gov>
Sent: Tuesday, December 30, 2025 1:27 PM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>



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

November 10, 2025

VIA CERTIFIED MAIL AND E-MAIL

CITY OF NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

SUBJECT: Water Right Transfer Application T-14475

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14475. 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 Newport Times News 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 30 days after the Department's notice.

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 contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14475
Nikki M. Hendricks, District 1 Watermaster (*via e-mail*)
Kimberly Grigsby, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-14475, Lincoln County	)	PROPOSING APPROVAL OF A CHANGE IN
	)	POINTS OF DIVERSION

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 NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

Findings of Fact

1. On June 18, 2024, City of Newport, Attn: Spencer Nebel filed an application to change the points of diversion under Certificates 21357, 48628, and 89101. The Department assigned the application number T-14475.
2. Notice of the application for transfer was published on June 25, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The application requested the completion date of October 1, 2045, to allow extra time due to the scale and complexity of this project, including planning, permitting and construction. If approved the Department could grant the longer time for completion per OAR 690-380-5140 (3).
4. On August 29, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14475. The draft Preliminary Determination cover letter provided a deadline of September 28, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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. The first right to be transferred is as follows:

Certificate: 21357 in the name of CITY OF NEWPORT (perfected under Permit S-20703)
Use: MUNICIPAL USE
Priority Date: AUGUST 31, 1951
Rate: 200.0 ACRE-FEET
Source: A RESERVOIR TO BE CONSTRUCTED UNDER APPLCIATION NO. R-26260,
 PERMIT NO. R-1236

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	NONE GIVEN

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	SW SE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW
11 S	11 W	WM	7	NE SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE

6. Certificate 21357 does not include a description of the location of the authorized point of diversion. The applicant has provided information describing the location of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	BC 1 POD - 1100 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER OF SECTION 33

7. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.6 mi. upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

8. The second right to be transferred is as follows:

Certificate: 48628 in the name of CITY OF NEWPORT (perfected under Permit S-33127)
Use: MUNICIPAL
Priority Date: MARCH 24, 1967 FOR 310.0 ACRE-FEET (AF), JUNE 5, 1968 FOR 35.0 AF
Rate: 345.0 AF STORED WATER ONLY
Source: BIG CREEK RESERVOIR NO. 2 constructed under permit no. R-5134 tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT. 48628 POD - 1080 FEET SOUTH AND 4040 FEET EAST FROM THE W1/4 CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE NW
10 S	11 W	WM	32	NW NW
10 S	11 W	WM	32	SW NW
10 S	11 W	WM	32	SE NW
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	NW SW
10 S	11 W	WM	32	SW SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	SW SW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NE NW
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE

9. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

10. The third right to be transferred is as follows:

Certificate: 89101 in the name of CITY OF NEWPORT (perfected under Permit S-38220)

Use: MUNICIPAL USE

Priority Date: JULY 19, 1974

Rate: 625.0 ACRE-FEET of stored water from an enlargement of BIG CREEK RESERVOIR No. 2 ENLARGED UNDER PERMIT R-6171

Source: BIG CREEK RESERVOIR No.2

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT 89101 POD - 1825 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	NE SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	NW SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	29	SW SE
10 S	11 W	WM	29	SE SE
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	NW SW
10 S	11 W	WM	33	SW SW
11 S	11 W	WM	4	NE SW
11 S	11 W	WM	4	NW SW
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	4	SE SW
11 S	11 W	WM	4	SW SE
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NE
11 S	11 W	WM	9	SE NE
11 S	11 W	WM	9	NE NW
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	SE NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	SE SW
11 S	11 W	WM	9	NE SE
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE
11 S	11 W	WM	9	SE SE
11 S	11 W	WM	10	SW NW
11 S	11 W	WM	10	NW SW
11 S	11 W	WM	16	NE NE
11 S	11 W	WM	16	NW NE
11 S	11 W	WM	16	NW NW
11 S	11 W	WM	16	SW SW
11 S	11 W	WM	16	SE SW
11 S	11 W	WM	16	NE SE
11 S	11 W	WM	16	NW SE
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SW
11 S	11 W	WM	17	NW SW
11 S	11 W	WM	17	SW SW
11 S	11 W	WM	17	SE SW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE
11 S	11 W	WM	17	SW SE
11 S	11 W	WM	17	SE SE

11. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. downstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

13. 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 rights are subject to forfeiture under ORS 540.610.
14. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14475.
15. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
16. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other existing water rights.
19. All other application requirements are met.

Determination and Proposed Action

The change in points of diversion proposed in Transfer Application T-14475 appears 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-14475 is approved, the final order will include the following:

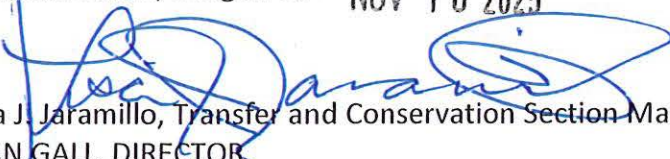
1. *The change in points of diversion proposed in Transfer Application T-14475 are approved.*

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 Certificates 21357, 48628, 89101, 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.*
4. *Water right Certificates 21357, 48628, and 89101 are cancelled.*
5. *The quantity of water diverted at the new point of diversion (Big Creek Dam POD) shall not exceed the quantity of water lawfully available at the original points of diversion (BC 1 POD, 48628 POD, and 89101 POD).*
6. *Water shall be acquired from the same source of surface water as the original points of diversion.*
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2045**. 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.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **NOV 10 2025**


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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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 \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1425 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.



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

October 9, 2025

CITY OF NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

SUBJECT: Water Right Transfer Application T-14475

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

1. submit a check in the amount of \$142.06 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
2. write "for T-14475 NOTICE" on the front of your check, and
3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, **no later than November 8, 2025.**

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Newport News Times newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during 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.

If we do not receive payment for newspaper notice by November 8, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

X-----
Attached is a check in the amount of \$142.06 (PCA #46118) for Newspaper Notice for Transfer T-14475 made out to Oregon Water Resources Department (or WRD)

- "for T-14475 NOTICE" written on front of check

Mail to: Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Caseworker: Scott Grew

GREW Scott A * WRD

From: JONES JR David * WRD
Sent: Wednesday, October 8, 2025 1:48 PM
To: GREW Scott A * WRD
Subject: RE: T-14475 Newspaper Fee Estimate requested

The amount due from the applicant is \$142.06.

Dave Jones Jr

Transfer and Conservation Section Support

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, October 7, 2025 12:22 PM
To: JONES JR David * WRD <Dave.JONES@water.oregon.gov>
Cc: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Subject: T-14475 Newspaper Fee Estimate requested

Good Afternoon,

I hereby request an estimate for a two week run for the pd notice of T-14475 in the Newport News Times newspaper.

Thank you!

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

GREW Scott A * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Tuesday, October 7, 2025 9:06 AM
To: GREW Scott A * WRD
Cc: Adam Sussman
Subject: RE: T-14475 - Issuance of Draft Preliminary Determination - Action Required!
Attachments: T-14475-dpd.pdf

Hi Scott,

We have reviewed the DPD for Transfer T-14475 in the name of the City of Newport. Thank you for the additional time to review.

For the most part, the DPD accurately reflect the water rights included in the transfer and the changes the City intends to make. We have identified just one minor error. In the place of use listing for Certificate 89101, we believe that the following quarter quarter was incorrectly included: NW SW, Section 7, T11S R11W. (See highlighted text on page 5 of 7 in the attached copy of the DPD.)

With that minor change, we agree to the proposed action and conditions.

Thank you,
Kim

Kimberly Grigsby
Principal Water Resources Consultant
mobile: 503.351.1912

From: Adam Sussman
Sent: Tuesday, September 9, 2025 1:12 PM
To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>
Subject: RE: T-14475 - Issuance of Draft Preliminary Determination - Action Required!

Thank you. **We will plan on no later than COB Monday October 13, 2025** – 2 weeks beyond the current date in your e-mail/letter.

Sincerely,

Adam.

Adam Sussman
Principal Water Resources Consultant
direct: 541.257.9001 | mobile: 541.602.5188

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>
Sent: Tuesday, September 9, 2025 11:22 AM

To: Adam Sussman <asussman@gsiws.com>

Cc: Kim Grigsby <kgrigsby@gsiws.com>; GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Subject: RE: T-14475 - Issuance of Draft Preliminary Determination - Action Required!

Warning: Unusual sender <scott.a.grew@water.oregon.gov>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello Adam,

Yes, an extra week or two would be acceptable.

Thank you for your message.

Scott

Scott Grew
Transfer Specialist
Oregon Water Resources Department
503-986-0890

From: Adam Sussman <asussman@gsiws.com>

Sent: Tuesday, September 9, 2025 9:43 AM

To: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Cc: Kim Grigsby <kgrigsby@gsiws.com>

Subject: RE: T-14475 - Issuance of Draft Preliminary Determination - Action Required!

Hi Scott.

Thank you for sending this along. I meant to ask if it would be possible to have one additional week to respond. The reason for the request is that Kim is most familiar with this application and City of Newport activities, and she is out until September 29, 2025. And there has been a lot of turn over at the City and it may take a bit of time to complete communications with the City to confirm they are good to go with the DPD.

Please let us know.

Thank you,

Adam

Adam Sussman

Principal Water Resources Consultant
direct: 541.257.9001 | mobile: 541.602.5188

From: GREW Scott A * WRD <Scott.A.GREW@water.oregon.gov>

Sent: Monday, September 8, 2025 4:29 PM

To: Adam Sussman <asussman@gsiws.com>



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

August 29, 2025

CITY OF NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

Reference: Water Right Transfer Application T-14475

Your water right transfer is in the first of three phases of processing. Enclosed is a draft of the Department's Preliminary Determination regarding Transfer Application T-14475. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. Your response and submittal of the items outlined below are required by September 28, 2025.

Required items needing your immediate attention:

1. Please carefully review the Draft Preliminary Determination to verify that it accurately reflects the changes you intend to make and to become familiar with the proposed conditions.
2. **Respond in writing** by September 28, 2025, with acknowledgement that you agree to the proposed action and conditions.
3. If you find any errors, please let me know.
4. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

Conditions of your water right...

This transfer will require installation of a fish screen at the new diversion point **prior to diversion of water. You may not divert water prior to installation and approval of the fish screen by the Oregon Department of Fish and Wildlife (ODFW).** You may wish to contact the ODFW staff person listed on the enclosed contact sheet for more information about the screen and to determine a reasonable timeline.

Please note the proposed date by which all conditions must be met: October 1, 2045. If the required completion date is insufficient to comply with any of the conditions, you may request more time, at no cost to you, during this stage of processing. **Please let me know by the comment deadline if you will need more time and explain the reasons why.**

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of diversion, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice. As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response to the conditions and proposed action in the Draft Preliminary Determination (e-mail is acceptable)

If we do not receive the items listed above by September 28, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14475
Nikki M. Hendricks, District 1 Watermaster *(via e-mail)*
Kimberly Grigsby, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application
T-14475, Lincoln County

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)
)
)
)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A CHANGE IN
POINTS OF DIVERSION

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 NEWPORT
ATTN: SPENCER NEBEL
169 SW COAST HWY
NEWPORT, OR 97365

Findings of Fact

1. On June 18, 2024, City of Newport, Attn: Spencer Nebel filed an application to change the points of diversion under Certificates 21357, 48628, and 89101. The Department assigned the application number T-14475.
2. Notice of the application for transfer was published on June 25, 2024, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The application requested the completion date of October 1, 2045, to allow extra time due to the scale and complexity of this project, including planning, permitting and construction. If approved the Department could grant the longer time for completion per OAR 690-380-5140 (3).
4. The first right to be transferred is as follows:

Certificate:	21357 in the name of CITY OF NEWPORT (perfected under Permit S-20703)
Use:	MUNICIPAL USE
Priority Date:	AUGUST 31, 1951
Rate:	200.0 ACRE-FEET

Source: A RESERVOIR TO BE CONSTRUCTED UNDER APPLCIATION NO. R-26260,
PERMIT NO. R-1236

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	NONE GIVEN

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	SW SE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW
11 S	11 W	WM	7	NE SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE

5. Certificate 21357 does not include a description of the location of the authorized point of diversion. The applicant has provided information describing the location of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	SW SW	BC 1 POD - 1100 FEET NORTH AND 4450 FEET WEST FROM THE SE CORNER OF SECTION 33

6. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.6 mi. SW:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

7. The second right to be transferred is as follows:

Certificate: 48628 in the name of CITY OF NEWPORT (perfected under Permit S-33127)
Use: MUNICIPAL
Priority Date: MARCH 24, 1967 FOR 310.0 ACRE-FEET (AF), JUNE 5, 1968 FOR 35.0 AF
Rate: 345.0 AF STORED WATER ONLY
Source: BIG CREEK RESERVOIR NO. 2 constructed under permit no. R-5134 tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT. 48628 POD - 1080 FEET SOUTH AND 4040 FEET EAST FROM THE W1/4 CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE NW
10 S	11 W	WM	32	NW NW
10 S	11 W	WM	32	SW NW
10 S	11 W	WM	32	SE NW
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	NW SW
10 S	11 W	WM	32	SW SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	SW SW
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	NW NE
11 S	11 W	WM	7	SW NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NE NW
11 S	11 W	WM	7	NW NW
11 S	11 W	WM	7	SW NW
11 S	11 W	WM	7	SE NW
11 S	11 W	WM	7	NE SW
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	SW SW
11 S	11 W	WM	7	SE SW
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	NW SE
11 S	11 W	WM	7	SW SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NE NW
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE

8. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. SE:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

9. The third right to be transferred is as follows:

Certificate: 89101 in the name of CITY OF NEWPORT (perfected under Permit S-38220)

Use: MUNICIPAL USE

Priority Date: JULY 19, 1974

Rate: 625.0 ACRE-FEET of stored water from an enlargement of BIG CREEK RESERVOIR No. 2 ENLARGED UNDER PERMIT R-6171

Source: BIG CREEK RESERVOIR No.2

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	CERT 89101 POD - 1825 FEET NORTH AND 1330 FEET WEST FROM THE SE CORNER OF SECTION 33

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	NE SW
10 S	11 W	WM	29	NW SW
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	29	SW SE
10 S	11 W	WM	29	SE SE
10 S	11 W	WM	32	NE NE
10 S	11 W	WM	32	NW NE
10 S	11 W	WM	32	SW NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	32	SE NE
10 S	11 W	WM	32	NE SW
10 S	11 W	WM	32	SE SW
10 S	11 W	WM	32	NE SE
10 S	11 W	WM	32	NW SE
10 S	11 W	WM	32	SW SE
10 S	11 W	WM	32	SE SE
10 S	11 W	WM	33	NW SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	33	SW SW
11 S	11 W	WM	4	NE SW
11 S	11 W	WM	4	NW SW
11 S	11 W	WM	4	SW SW
11 S	11 W	WM	4	SE SW
11 S	11 W	WM	4	SW SE
11 S	11 W	WM	5	NE NE
11 S	11 W	WM	5	NW NE
11 S	11 W	WM	5	SW NE
11 S	11 W	WM	5	SE NE
11 S	11 W	WM	5	NE NW
11 S	11 W	WM	5	NW NW
11 S	11 W	WM	5	SW NW
11 S	11 W	WM	5	SE NW
11 S	11 W	WM	5	NE SW
11 S	11 W	WM	5	NW SW
11 S	11 W	WM	5	SW SW
11 S	11 W	WM	5	SE SW
11 S	11 W	WM	5	NE SE
11 S	11 W	WM	5	NW SE
11 S	11 W	WM	5	SW SE
11 S	11 W	WM	5	SE SE
11 S	11 W	WM	7	NE NE
11 S	11 W	WM	7	SE NE
11 S	11 W	WM	7	NW SW
11 S	11 W	WM	7	NE SE
11 S	11 W	WM	7	SE SE
11 S	11 W	WM	8	NE NE
11 S	11 W	WM	8	NW NE
11 S	11 W	WM	8	SW NE
11 S	11 W	WM	8	SE NE
11 S	11 W	WM	8	NE NW
11 S	11 W	WM	8	NW NW
11 S	11 W	WM	8	SW NW
11 S	11 W	WM	8	SE NW
11 S	11 W	WM	8	NE SW
11 S	11 W	WM	8	NW SW
11 S	11 W	WM	8	SW SW
11 S	11 W	WM	8	SE SW
11 S	11 W	WM	8	NE SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	8	NW SE
11 S	11 W	WM	8	SW SE
11 S	11 W	WM	8	SE SE
11 S	11 W	WM	9	SW NE
11 S	11 W	WM	9	SE NE
11 S	11 W	WM	9	NE NW
11 S	11 W	WM	9	NW NW
11 S	11 W	WM	9	SW NW
11 S	11 W	WM	9	SE NW
11 S	11 W	WM	9	NE SW
11 S	11 W	WM	9	NW SW
11 S	11 W	WM	9	SE SW
11 S	11 W	WM	9	NE SE
11 S	11 W	WM	9	NW SE
11 S	11 W	WM	9	SW SE
11 S	11 W	WM	9	SE SE
11 S	11 W	WM	10	SW NW
11 S	11 W	WM	10	NW SW
11 S	11 W	WM	16	NE NE
11 S	11 W	WM	16	NW NE
11 S	11 W	WM	16	NW NW
11 S	11 W	WM	16	SW SW
11 S	11 W	WM	16	SE SW
11 S	11 W	WM	16	NE SE
11 S	11 W	WM	16	NW SE
11 S	11 W	WM	17	NE NE
11 S	11 W	WM	17	NW NE
11 S	11 W	WM	17	SW NE
11 S	11 W	WM	17	SE NE
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	SW NW
11 S	11 W	WM	17	SE NW
11 S	11 W	WM	17	NE SW
11 S	11 W	WM	17	NW SW
11 S	11 W	WM	17	SW SW
11 S	11 W	WM	17	SE SW
11 S	11 W	WM	17	NE SE
11 S	11 W	WM	17	NW SE
11 S	11 W	WM	17	SW SE
11 S	11 W	WM	17	SE SE

10. Transfer Application T-14475 proposes to move the authorized point of diversion approximately 0.1 mi. SE:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NW SE	BIG CREEK DAM POD - 3110 FEET SOUTH AND 1790 FEET WEST FROM THE NE CORNER OF SECTION 33

11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

12. 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 rights are subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14475.
14. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed point of diversion diverts water from the same source of surface water as the authorized points of diversion, as required by OAR 690-380-2110(2).
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other existing water rights.
18. All other application requirements are met.

Determination and Proposed Action

The change in points of diversion proposed in Transfer Application T-14475 appears 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-14475 is approved, the final order will include the following:

- 1. The change in points of diversion proposed in Transfer Application T-14475 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 Certificates 21357, 48628, 89101, 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.*
4. *Water right Certificates 21357, 48628, and 89101 are cancelled.*
5. *The quantity of water diverted at the new point of diversion (Big Creek Dam POD) shall not exceed the quantity of water lawfully available at the original points of diversion (BC 1 POD, 48628 POD, and 89101 POD).*
6. *Water shall be acquired from the same source of surface water as the original points of diversion.*
7. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2045**. 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.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

D R A F T

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.
--

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: T-14475

Date of review: 7/9/24

A. Please check box if you believe there is a potential for injury to an instream water right.

☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on [stream] , tributary to , because .
(Please attach any available supporting information.)

Note: This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:

☐ **1. Screen Maintain**

[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Condition: The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☒ **2. Screen Now**

[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Condition: Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

☐ **3. Screen 2 Year**

[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: _____

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

Condition: By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **4. Screen Future**

[Use this option if fish are not currently present, but might possibly be at some future time.]

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

Condition: The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

☐ **5. No Screen Needed**

[Check this box if fish are not currently present, and are not expected in the future.]

Signature

Jason Brandt
Printed Name

(541) 315-6222
Phone

SW Hydro Coordinator
Title

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer #: T-14475

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☒ Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Toby Schuyler

Address: 3561 Klindt Dr

City/State/Zip: The Dalles/OR/97058

Phone: (541) 967-2162

- ☒ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: John Spangler

Address: 810 SW Alder St, Unit C

City/State/Zip: Newport/OR/97365

Phone: (541) 812-8689 x224

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

Transfer Application: T-14475

Review Due Date: 07/20/2024

Applicant Name: City of Newport

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

Reviewer(s): Nikki Hendricks

Date of Review: 06/26/2024

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:

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:

☐ Weir	☐ Submerged Orifice
☐ Parshall Flume	☐ Flow Restrictor
☐ Other: _____	

Oregon Water Resources Department
Measurement Condition Information for the Applicant
(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a _____ 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:

District:

Address:

City/State/Zip:

Phone:

Email:

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-
(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

 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



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

June 20, 2024

City of Newport
C/O Spencer Nebel
169 SW Coast Hwy
Newport, OR 97365
Reference: Application T-14475

On June 18, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2580.00. Receipt number 143138 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 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.

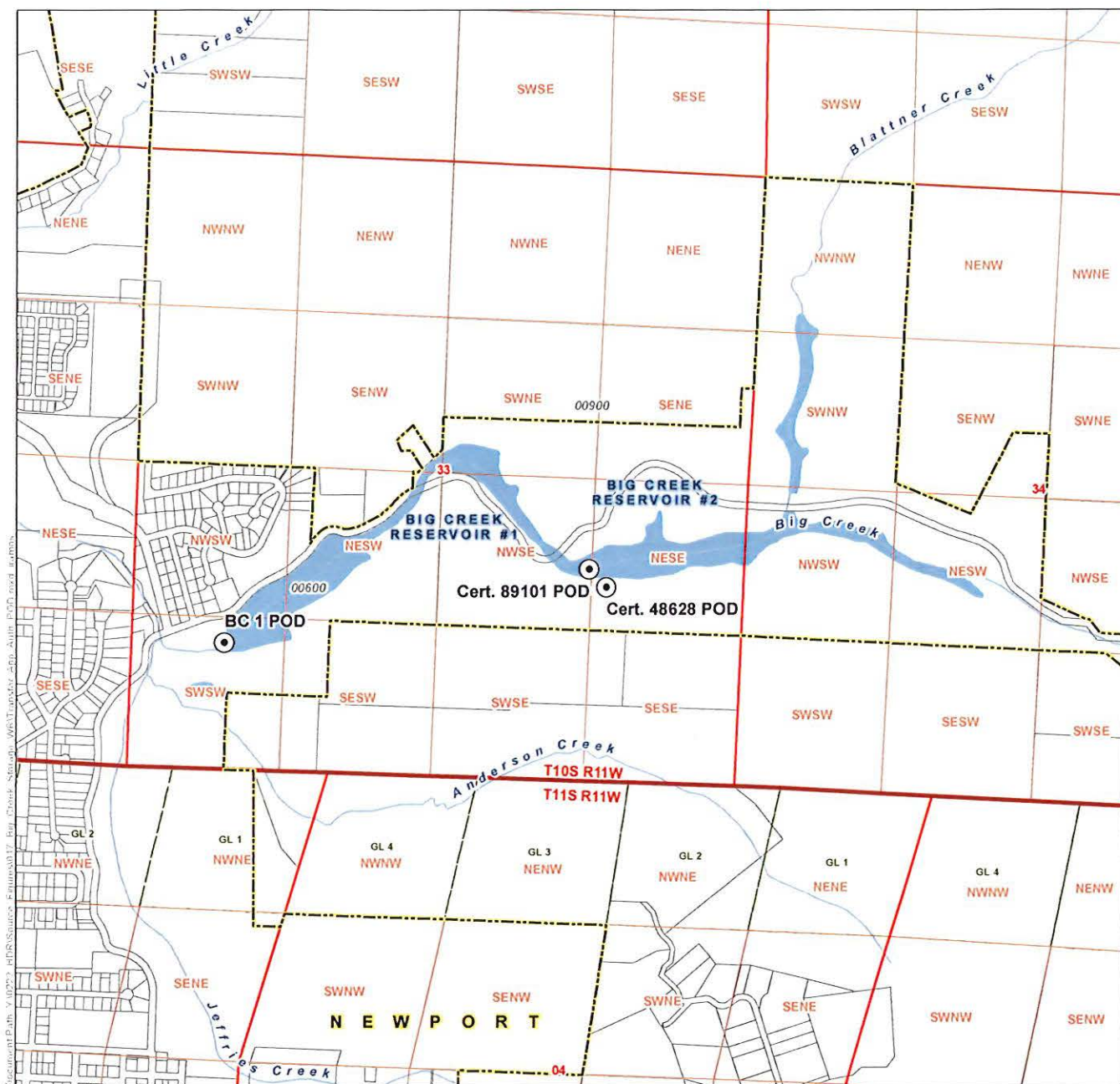
If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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. #1, Nikki M. Hendricks (*via email*)
Kimberly Grigsby, Agent

Enclosure



- LEGEND**
- Point of Diversion (POD)
 - ▬ City Boundary
 - ▬ Tax Lot
 - ▬ Government Lot (GL)
 - Watercourse
 - Waterbody

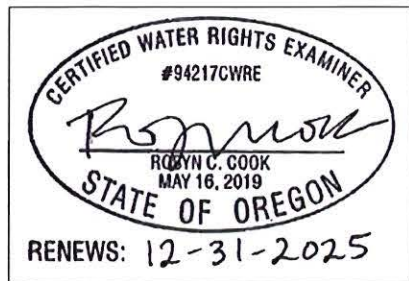
Transfer Application for the City of Newport Authorized Points of Diversion Map

Certificates 21357, 48628, and 89101

City of Newport
Township 10 South, Range 11 West (W.M.)

Received
JUN 18 2024
OWRD

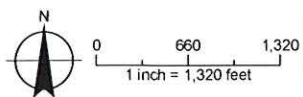
CERTIFIED WATER RIGHTS EXAMINER STAMP

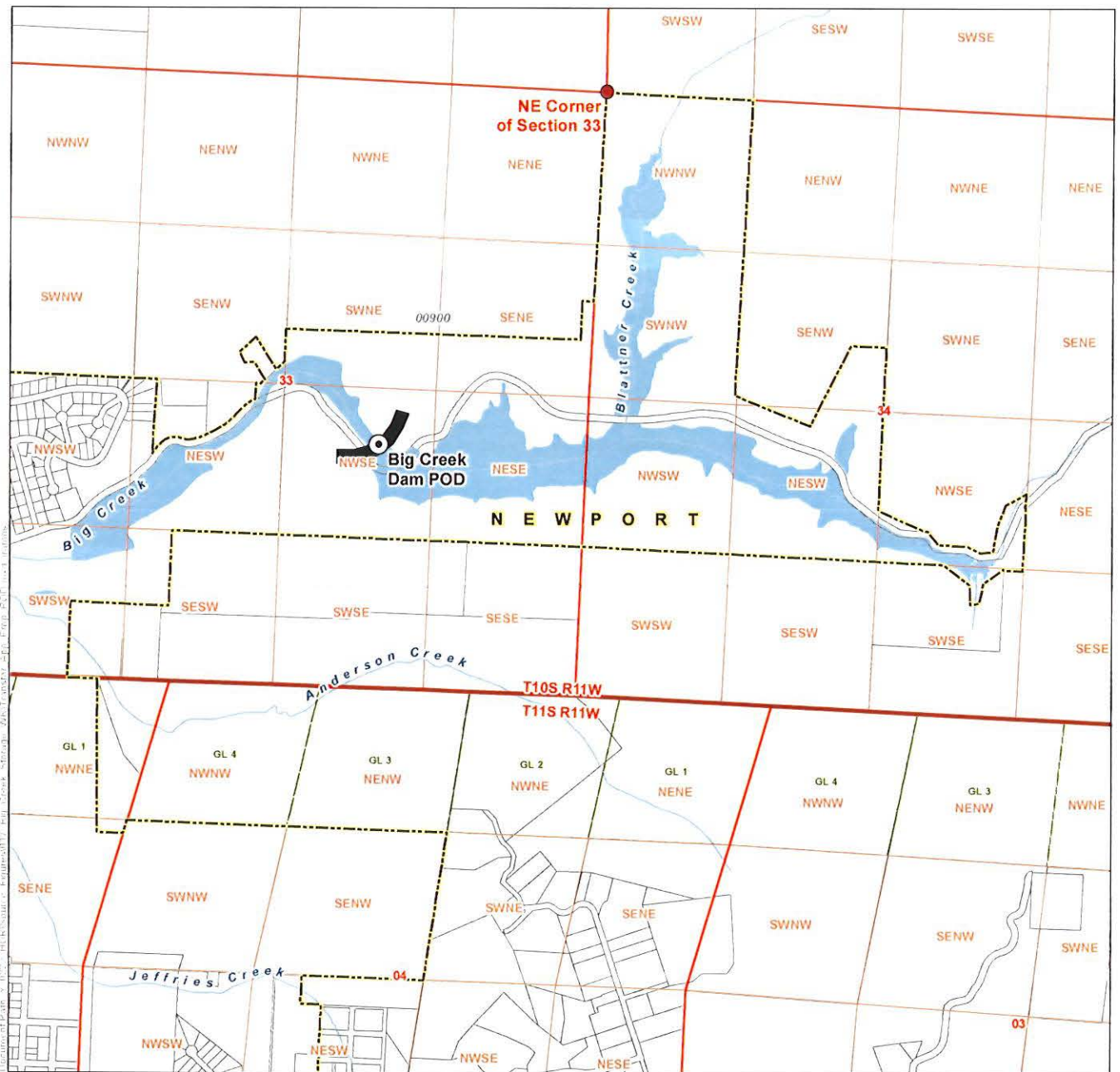


POD LOCATION DESCRIPTION
 BC 1 POD (Authorized under Cert. 21357)
 Located 1,100 feet North and 4,450 feet West from the SE corner of Section 33, Township 10 South, Range 11 West (W.M.)
 Cert. 48628 POD
 Located 1,080 feet South and 4,040 feet East from the W 1/4 corner of Section 33, Township 10 South, Range 11 West (W.M.)
 Cert. 89101 POD
 Located 1,825 feet North and 1,330 feet West from the SE corner of Section 33, Township 10 South, Range 11 West (W.M.)

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: March 29, 2024
 Data Sources: BLM, ESRI, OWRD, USGS

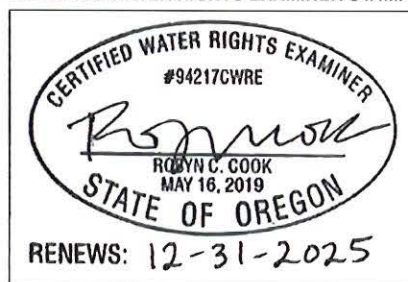




LEGEND

- Proposed Point of Diversion (POD)
- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

CERTIFIED WATER RIGHTS EXAMINER STAMP



Transfer Application for the City of Newport Proposed Point of Diversion Map

Certificates 21357, 48628, and 89101

City of Newport
Township 10 South, Range 11 West (W.M.)

Received
JUN 18 2024
OWRD

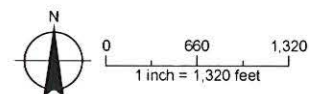
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: March 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION

Big Creek Dam POD
Located 3,110 feet South and 1,790 feet West from the NE corner of Section 33, Township 10 South, Range 11 West (W.M.)



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **143138**

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

INVOICE # _____

RECEIVED FROM: City of Newport
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-14475</u>

CASH: ☐ CHECK:# 65889 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,580.00

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 & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$ <u>2,580.00</u>	
WELL CONSTRUCTION		
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: **143138**

DATED: 6-18-24 BY: Wendy M...

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

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

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.

Received

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

JUN 18 2024

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- ☒ 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. **Fee included in amount of \$2,580.**
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 3 List them here: [Certificates 21357, 48628, and 89101 \(See Attachment A\)](#)**
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. [See Attachment B](#)
- ☒ Completed Evidence of Use Affidavit and supporting documentation. [See Attachment C](#)
- ☐ ☒ 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. [See Attachment D](#)
- ☐ ☒ 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):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

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

Part 2 of 5 – Transfer Application Map

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

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

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,360
	Types of change proposed: ☐ Place of Use ☐ Character of Use ☒ Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	0
3	Number of water rights included in transfer <u>3 (3a)</u> Subtract 1 from the number in 3a above: <u>2 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$610 and enter »	3	1,220
4	Do you propose to add or change a well, or change from a surface water POD to a well? ☒ No: enter 0 ☐ Yes: enter \$480 for the 1 st well to be added or changed _____ (4a) Do you propose to add or change additional wells? ☒ No: enter 0 ☐ Yes: multiply the number of additional wells by \$410 _____ (4b) Add line 4a to line 4b and enter »	4	0
5	Do you propose to change the place of use or character of use? ☒ No: enter 0 on line 5 ☐ Yes: enter the cfs for the portions of the rights to be transferred (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$410, then enter on line 5 »	5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	2,580
7	Is this transfer: ☐ necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? ☐ endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	0
8	Subtract line 7 from line 6 » Transfer Fee:	8	\$2,580

*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 – N/A			
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> Multiply line 2b by \$480 and enter » » » » » » » » » » » » » » »		
2		2	
Part 4 of 5 – Applicant Information and Signature » Fee for Substitution:			3

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Newport, Attn: Spencer Nebel			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 169 SW Coast Highway			FAX NO.	
CITY Newport	STATE OR	ZIP 97365	E-MAIL s.nebel@newportoregon.gov	
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 GSI Water Solutions, Attn: Kimberly Grigsby			PHONE NO. 541-257-9004	ADDITIONAL CONTACT NO.
ADDRESS 1600 SW Western Blvd., Suite 240			FAX NO.	
CITY Corvallis	STATE OR	ZIP 97321	E-MAIL kgrigsby@gsiws.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 is proposing to change the point of diversion for Certificates 21357, 48628, and 89101, which authorize the use of stored water from the City's existing reservoirs. Transfer applications T-14294 and T-14298 were filed for the City's storage rights in order to comply with OWRD's January 22, 2021, Notification of Unsafe/Potentially Unsafe Dam. The required replacement of Big Creek Reservoir #1 and #2 Dams necessitates a change in the point of diversion for the associated secondary rights, Certificates 21357, 48628, and 89101. Due to the scale and complexity of this project, including planning, permitting and construction, the City is requesting 20 years (until October 1, 2045) to complete the requested changes.

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

Check One Box

- ☐ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☒ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Newport News Times.
- 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.



Spencer Nebel
Applicant signature

Spencer Nebel, City Manager
Print Name (and Title if applicable)

05-08-24
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*

*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

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

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

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

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

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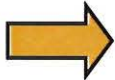
OWRD

☐ 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 N/A	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 N/A	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 City of Newport Planning Department	ADDRESS 169 SW Coast Hwy	
CITY Newport	STATE OR	ZIP 97365

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # **21357**

Description of Water Delivery System

System capacity: **200 acre-feet (under this water right)** OR

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Stored water from Big Creek Reservoir #1 is released and is then re-diverted for treatment at the City's water treatment plant. The finished water from the water treatment plant is distributed for municipal use by the City's municipal water distribution system.**

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)
BC 1 POD	☒ Authorized ☐ Proposed	N/A	10	S	11	W	33	SW	SW	600	No location description provided in Certificate 21357 *
Big Creek Dam POD	☐ Authorized ☒ Proposed	N/A	10	S	11	W	33	NW	SE	900	3,110 feet South and 1,790 feet West from the NE corner of Section 33

***The location description of the POD on Big Creek Reservoir #1 Dam listed in the storage water right, Certificate 21358, was used to map BC 1 POD on Attachment A.**

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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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 # 21357

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
													POD	See certificate in Attachment A and maps in Attachment B							N/A	Municipal	Big Creek Dam POD	8/31/1951		
TOTAL ACRES:														TOTAL ACRES:							N/A					

Additional remarks: _____.

For Place of Use or Character of Use Changes **N/A** – The City is not requesting to change the POU or character of use.

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:_____.

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) **N/A**

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use **N/A**

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: **N/A**

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation **N/A**

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

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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 # **48628**

Description of Water Delivery System

System capacity: **345 acre-feet (under this water right)** OR
_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Stored water from Big Creek Reservoir #2 is released and conveyed by Big Creek to Big Creek Reservoir #1. The water is then re-diverted for treatment at the City's water treatment plant. The finished water from the water treatment plant is distributed for municipal use by the City's municipal water distribution system.**

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)
Cert. 48628 POD	☒ Authorized ☐ Proposed	N/A	10	S	11	W	33	NE	SE	600	1,080 feet South and 4,040 feet East from the W ¼ corner, Section 33
Big Creek Dam POD	☐ Authorized ☒ Proposed	N/A	10	S	11	W	33	NW	SE	900	3,110 feet South and 1,790 feet West from the NE corner of Section 33

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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

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

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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 # 48628

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.

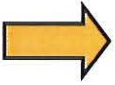
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear 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
													POD	See certificate in Attachment A and maps in Attachment B								N/A	Municipal	Big Creek Dam POD	3/24/1967 & 6/5/1968	
TOTAL ACRES:													TOTAL ACRES:							N/A						

Additional remarks: _____.

For Place of Use or Character of Use Changes **N/A** – The City is not requesting to change the place of use or character of use.

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: _____.

 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) **N/A**

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

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JUN 18 2024

For a change from Supplemental Irrigation Use to Primary Irrigation Use **N/A**

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: **N/A**

☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation **N/A**

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

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 # 89101

Description of Water Delivery System

System capacity: **625 acre-feet (under this water right)** OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Stored water from Big Creek Reservoir #2 is released and conveyed by Big Creek to Big Creek Reservoir #1. The water is then re-diverted for treatment at the City's water treatment plant. The finished water from the water treatment plant is distributed for municipal use by the City's municipal water distribution system.**

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)
Cert. 89101 POD	☒ Authorized ☐ Proposed	N/A	10	S	11	W	33	NE	SE	600	1,825 feet North & 1,330 feet West from the SE corner, Section 33
Big Creek Dam POD	☐ Authorized ☒ Proposed	N/A	10	S	11	W	33	NW	SE	900	3,110 feet South and 1,790 feet West from the NE corner of Section 33

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

- | | |
|--|---|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☒ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

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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 # 89101

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.

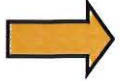
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear 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
													POD	See certificate in Attachment A and maps in Attachment B							N/A	Municipal	Big Creek Dam POD	7/19/1974		
TOTAL ACRES:														TOTAL ACRES:							N/A					

Additional remarks:_____.

For Place of Use or Character of Use Changes **N/A – The City is not requesting to change the place of use or character of use.**

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: _____.

 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)
N/A

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use **N/A**

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation: **N/A**

- ☐ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation **N/A**

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

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STATE OF OREGON
COUNTY OF LINCOLN
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CITY OF NEWPORT

of Newport, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a reservoir to be constructed under Application No. R-26260, Permit No. R-1236 a tributary of for the purpose of municipal use under Permit No. 20703 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 31, 1951,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 200 acre feet,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 10 South, Range 11 West, W. M.

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

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 32
Township 10 South, Range 11 West, W. M.;

All of West $\frac{1}{2}$
S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 5
All N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7 SW $\frac{1}{2}$ NW $\frac{1}{4}$
All W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 8 Section 9
Township 11 South, Range 11 West, W. M.

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

WITNESS the signature of the State Engineer, affixed

this 20th day of June, 1956.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21357.

14475 -

STATE OF OREGON

COUNTY OF

LINCOLN

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CITY OF NEWPORT

of City Hall, Newport, State of Oregon, 97365, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Big Creek Reservoir No. 2 constructed under Permit No. R-5134

a tributary of Pacific Ocean
municipal

for the purpose of

under Permit No. 33127 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 24, 1967 for 310 a.f., June 5, 1968 for 35 a.f. that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 345.0 acre feet stored water only

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T. 10 S., R. 11 W., W. M., 1080 feet South and 4040 feet East from the W $\frac{1}{4}$ Corner, Section 33

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

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and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

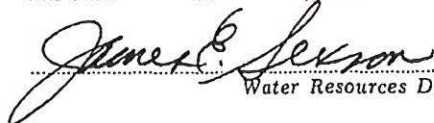
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE $\frac{1}{4}$ SW $\frac{1}{4}$	All
Section 29	Section 7
All	All
Section 32	Section 8
SW $\frac{1}{4}$ SW $\frac{1}{4}$	W $\frac{1}{2}$ NW $\frac{1}{4}$
Section 33	NW $\frac{1}{4}$ SW $\frac{1}{4}$
T. 10 S., R. 11 W., W. M.	Section 9
	N $\frac{1}{2}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$	N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 4	Section 17
All	T. 11 S., R. 11 W., W. M.
Section 5	

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 5, 1979


Water Resources Director

STATE OF OREGON

COUNTY OF LINCOLN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF NEWPORT
169 SW COAST HWY
NEWPORT OR 97365

confirms the right to use the waters of BIG CREEK RESERVOIR No. 2 for MUNICIPAL USE.

This right was perfected under Permit S-38220. The date of priority is JULY 19, 1974. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 625.0 ACRE FEET OF STORED WATER FROM AN ENLARGEMENT OF BIG CREEK RESERVOIR No. 2 ENLARGED UNDER PERMIT R-6171, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	11 W	WM	33	NE SE	1825 FEET NORTH & 1330 FEET WEST FROM THE SE CORNER, SECTION 33

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
10 S	11 W	WM	29	N 1/2 SW 1/4
10 S	11 W	WM	29	SE SW
10 S	11 W	WM	29	S 1/2 SE 1/4
10 S	11 W	WM	32	NE 1/4
10 S	11 W	WM	32	E 1/2 SW 1/4
10 S	11 W	WM	32	SE 1/4
10 S	11 W	WM	33	W 1/2 SW 1/4
11 S	11 W	WM	4	SW 1/4
11 S	11 W	WM	4	SW SE
11 S	11 W	WM	5	ALL
11 S	11 W	WM	7	E 1/2 NE 1/4
11 S	11 W	WM	7	E 1/2 SE 1/4
11 S	11 W	WM	8	ALL
11 S	11 W	WM	9	S 1/2 NE 1/4
11 S	11 W	WM	9	NW 1/4
11 S	11 W	WM	9	N 1/2 SW 1/4
11 S	11 W	WM	9	SE SW

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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 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

Twp	Rng	Mer	Sec	Q-Q
11 S	11 W	WM	9	SE 1/4
11 S	11 W	WM	10	SW NW
11 S	11 W	WM	10	NW SW
11 S	11 W	WM	16	N 1/2 NE 1/4
11 S	11 W	WM	16	NW NW
11 S	11 W	WM	16	S 1/2 SW 1/4
11 S	11 W	WM	16	N 1/2 SE 1/4
11 S	11 W	WM	17	NE 1/4
11 S	11 W	WM	17	NW NW
11 S	11 W	WM	17	S 1/2 NW 1/4
11 S	11 W	WM	17	SW 1/4
11 S	11 W	WM	17	SE 1/4

Issued MAR 05 2014



Dwight W. French
Administrator, Water Right Services, for
Phillip C. Ward, Director

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JUN 18 2024
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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 Lincoln

I, Spencer Nebel, in my capacity as City Manager for the City of Newport,

mailing address 169 SW Coast Highway, Newport, OR 97365

telephone number (541) 574-0601, being first duly sworn depose and say:

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.

☐ 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)

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

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.

(continues on reverse side)

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JUN 18 2024
OWRD

14475 -

DRH

Signature of Affiant

05-07-24

Date

mn

Signed and sworn to (or affirmed) before me this 7 day of May, 2024.
Acknowledged



Melanie Nelson

Notary Public for Oregon

My Commission Expires: 9/12/25

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☐ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number
☒ 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.	Certificates 21357, 48628, and 89101 (Attachment A) are water rights held by a city for municipal purposes.

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JUN 18 2024

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Land Use Information Form



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

NAME City of Newport, Attn: Spencer Nebel			PHONE 541-574-0603	
MAILING ADDRESS 169 SW Coast Highway				
CITY Newport	STATE OR	ZIP 97365	EMAIL s.nebel@newportoregon.gov	

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	X X	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
10 S	11 W	33	NW SE	900	P-1	☒ Diverted ☐ Conveyed ☐ Used	Municipal
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

City of Newport

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Exchange of Water ☐ Allocation of Conserved Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: **1,170** ☐ 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 Newport is submitting a transfer application to change the location of the point of diversion for water rights that authorize the use of stored water from existing Big Creek Reservoirs #1 and #2. The proposed point of diversion is located at the toe of the City's planned replacement dam (Big Creek Dam). See the attached map for the location of the proposed point of diversion.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

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.

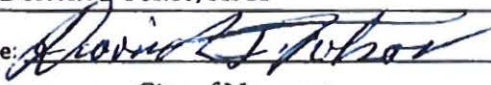
Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), 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 use(s), 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

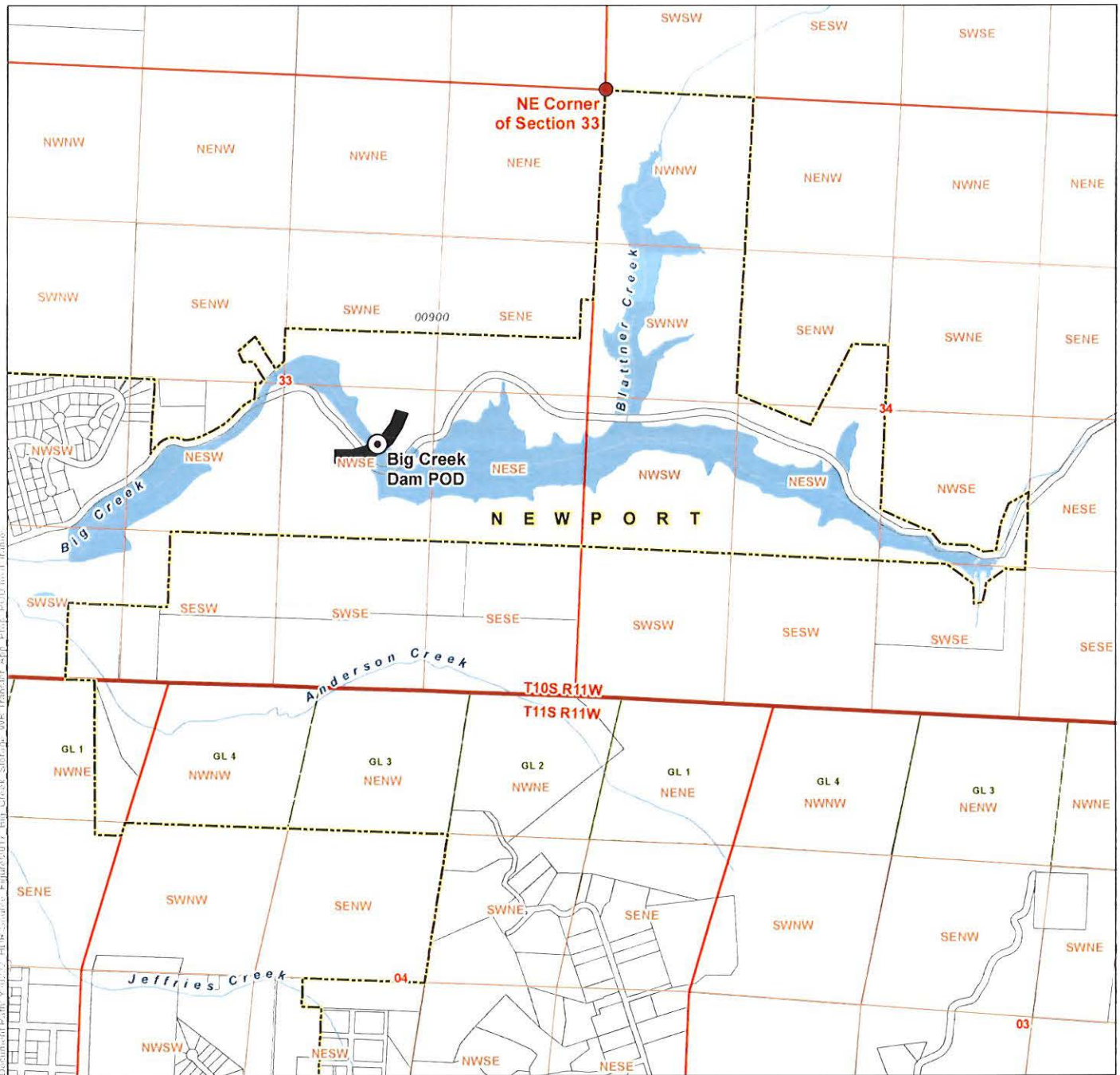
The subject property is zoned P-1/"Public Structures" within which the construction of a new reservoir is an outright allowed use (NMC 14.03.100(4)). The reservoir will serve the entire city where some new uses are allowed outright and others require discretionary land use approval.

Name: Derrick L Tokos, AICP Title: Community Development Director
 Signature:  Date: May 8, 2024
 Governmental Entity: City of Newport Phone: 541-574-0626

Receipt Acknowledging Request for Land Use Information**Note to Local Government Representative:**

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

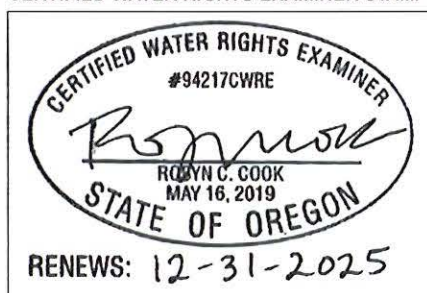
Applicant Name: _____
 Staff Name: _____ Title: _____
 Staff Signature: _____ Date: _____
 Governmental Entity: _____ Phone: _____



LEGEND

- Proposed Point of Diversion (POD)
- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

CERTIFIED WATER RIGHTS EXAMINER STAMP



Transfer Application for the City of Newport Proposed Point of Diversion Map

Certificates 21357, 48628, and 89101

City of Newport
Township 10 South, Range 11 West (W.M.)

Received
JUN 18 2024
OWRD

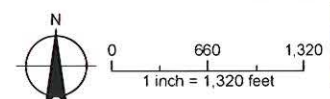
DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: March 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS

LOCATION DESCRIPTION

Big Creek Dam POD
Located 3,110 feet South and 1,790 feet West from the NE corner of Section 33, Township 10 South, Range 11 West (W.M.)



From: [STARNES Patrick K * WRD](#)
To: [Kim Grigsby](#)
Cc: [Mikaela Clarke](#); [JARAMILLO Lisa J * WRD](#)
Subject: RE: Map Scale Waiver for City of Newport Transfer Application
Date: Thursday, June 13, 2024 9:17:32 AM

Good Morning Kim,

I apologize for the delay in responding. The Department grants a map scale waiver for the proposed place of use maps.

Please include a printed copy of this e-mail when you submit the application.

Sincerely,

Kelly

Kelly Starnes, Transfer Program Analyst
(He/Him/His)
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from
this e-mail address may be available to the public.

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Friday, June 7, 2024 2:25 PM
To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Cc: Mikaela Clarke <mclarke@gsiws.com>; JARAMILLO Lisa J * WRD
<Lisa.J.JARAMILLO@water.oregon.gov>
Subject: FW: Map Scale Waiver for City of Newport Transfer Application
Importance: High

Received
JUN 18 2024
OWRD

Hi Kelly,

I hope all is well with you. I'm just checking back with you on our requested map scale waivers. Could you please let us know if they are approved so that we can get this transfer application filed for the City?

Thanks so much for your help and I hope you have a good weekend.

Kim

Kimberly Grigsby

Principal Water Resources Consultant

mobile: 503.351.1912

From: Mikaela Clarke

Sent: Wednesday, May 29, 2024 1:16 PM

To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Cc: Kim Grigsby <kgrigsby@gsiws.com>

Subject: RE: Map Scale Waiver for City of Newport Transfer Application

Hi Kelly,

Just following up on this request – have you had a chance to review it?

Thanks,
Mikaela

Mikaela Clarke

Water Resources Analyst

direct: 971.200.8501; mobile: 971.212.0276

650 NE Holladay Street, Suite 900, Portland, OR 97232

GSI Water Solutions, Inc. | www.gsiws.com

pronouns: she/her

Received

JUN 18 2024

OWRD

From: Mikaela Clarke

Sent: Friday, May 17, 2024 2:24 PM

To: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>

Cc: Kim Grigsby <kgrigsby@gsiws.com>

Subject: Map Scale Waiver for City of Newport Transfer Application

Hi Kelly,

I'd like to request a scale waiver for the attached maps. The maps are for a transfer application to be submitted on behalf of the City of Newport. In order to show the entire authorized places of use, the maps use a scale of 1 inch = 2,000 feet.

Thank you,
Mikaela

Mikaela Clarke

Water Resources Analyst

direct: 971.200.8501; mobile: 971.212.0276

650 NE Holladay Street, Suite 900, Portland, OR 97232

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June 13, 2024

Kelly Starnes
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Transfer Application for Certificates 21357, 48628, and 89101, in the name of City of Newport

Dear Kelly:

The City of Newport is the holder of water right Certificates 21357, 48628, and 89101, which authorize the use of up to a total of 1,170 acre-feet of stored water from Big Creek Reservoirs #1 and #2 for municipal use. The City filed transfer applications T-14294 and T-14298 to change the authorized points of diversion and places of use for the storage water rights associated with Big Creek Reservoirs #1 and #2. The City is filing the enclosed transfer application to change the point of diversion for all of the secondary certificates to a location at the toe of the proposed new Big Creek Dam.

The required transfer application fee of \$2,580 is also enclosed.

Please contact me if you have any questions or concerns. My email address is kgrigsby@gsiws.com.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Water Right Transfer Application and attachments
Check for processing fee in the amount of \$2,580

Received
JUN 18 2024
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Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 144 75

Checked by: <u>Joan</u>	Type of Change(s) Proposed: Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	<u>POD</u>	APOD
Date: <u>6/18/24</u>		Gov Action * No fee	Surface to Ground	USE	POA	APOA
Fee Received: <u>2580.00</u>		How many rights to be Transferred?				
Calculated Fee: <u>2580.00</u>		Certificate # <u>21357</u>				
Additional Observations:		<u>48628</u>				
<u>3 cuts moving to same POD</u>		<u>89101</u>				
<u>City of Newport</u>						

If OK and complete, check box to the left; if NOT, fill in.

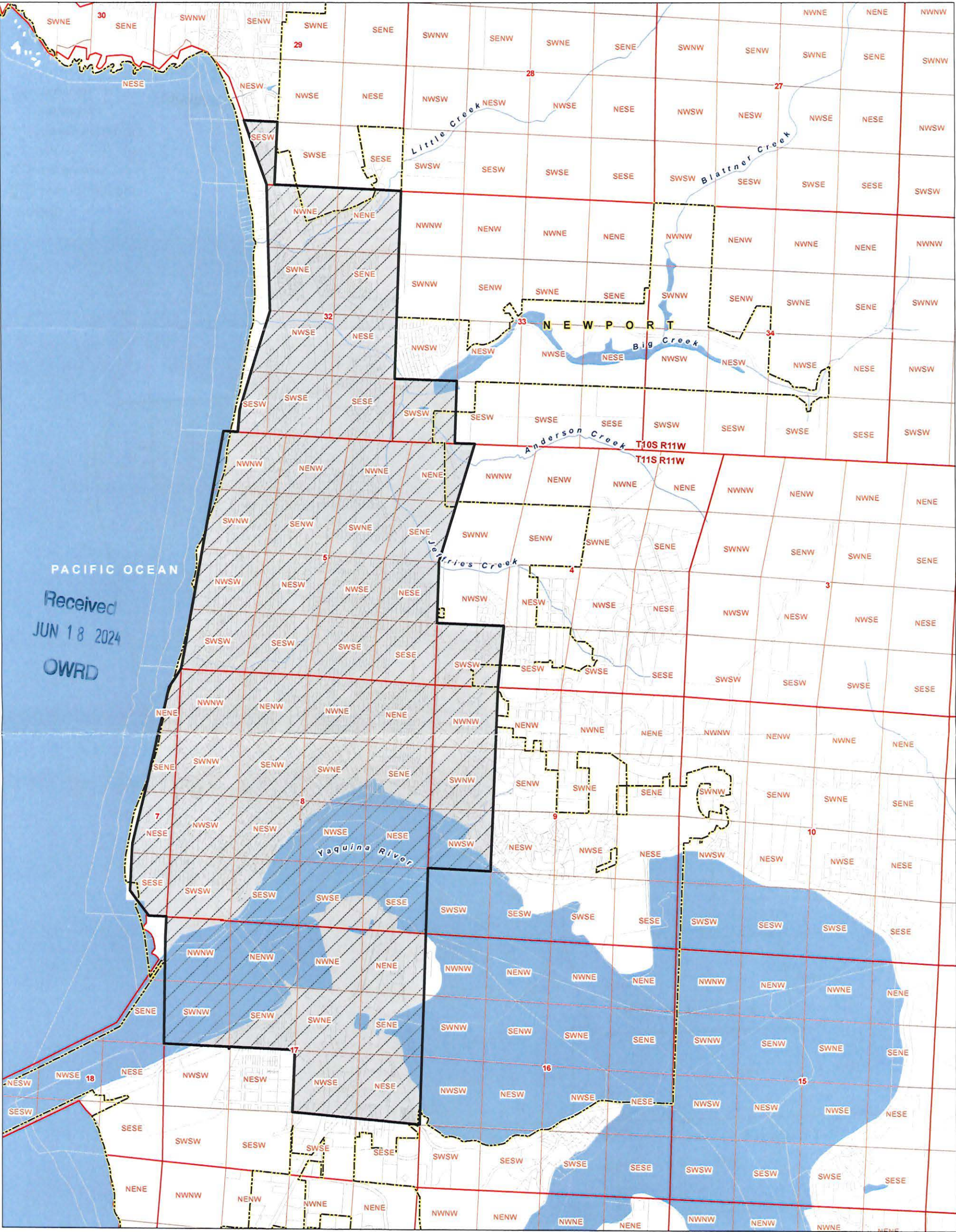
- ☒ 1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom?
If no, what is missing? Whose signature is missing? _____
- ☒ 2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included? ☒ N/A.
Name of the district: _____
- ☒ 3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application?
If no, you may need to contact the applicant or agent? _____
- ☒ 4. Is there only one (1) water right included in this transfer application?
If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No meets
If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
- ☒ 5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2?
If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? _____
- ☒ 6. Is the map prepared and signed by a CWRE? Does the map meet requirements?
If no, what is missing? _____. Map waiver included? ☐ Yes ☐ No
- ☒ 7. If a change in point of appropriation (POA), have the well logs been included? ☒ N/A.
- ☒ 8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U? ☒ N/A.
- ☒ 9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application.
Put this application intake completeness check sheet in the transfer folder.

OR: ☐ If all boxes to the left are **NOT** checked, then this application is deficient and **CANNOT** be accepted.
It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: _____ Date: _____

Permanent Transfer Application Intake Completion Checklist

[illegible]

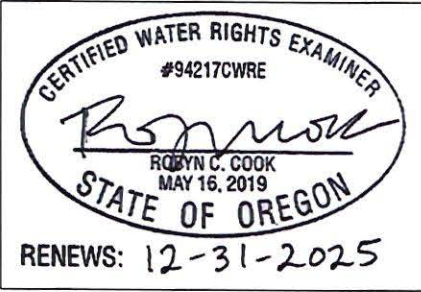


LEGEND

- Place of Use (POU)
- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

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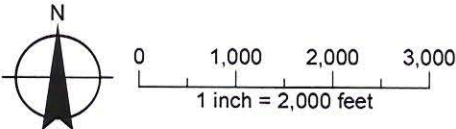
CERTIFIED WATER RIGHTS EXAMINER STAMP

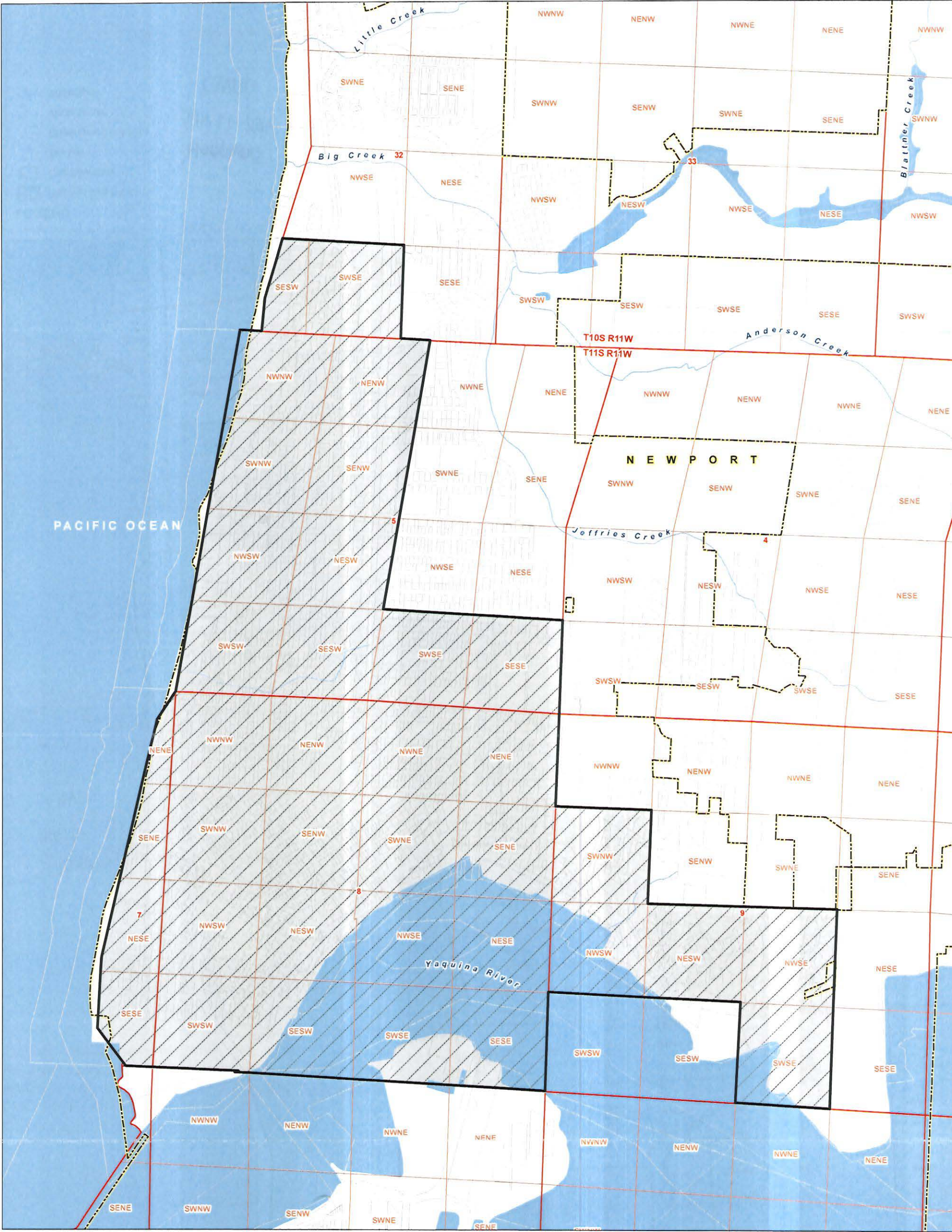


Transfer Application
for the City of Newport
Authorized Place of Use Map
Certificate 48628

City of Newport
Township 10/11 South, Range 11 West (W.M.)

DISCLAIMER
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Date: March 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS





LEGEND

- Place of Use (POU)
- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

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Transfer Application
for the City of Newport
Authorized Place of Use Map
Certificate 21357

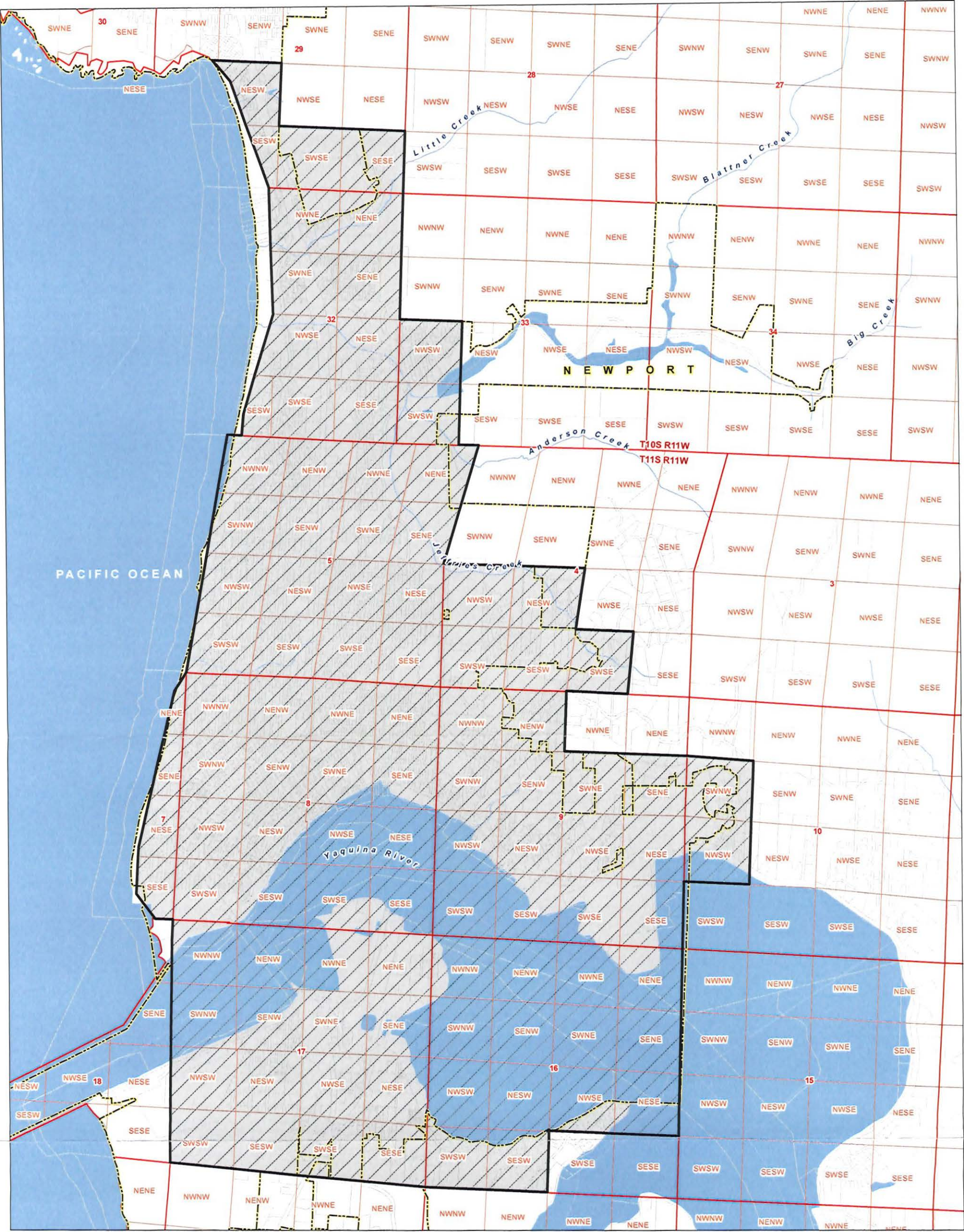
City of Newport
Township 10/11 South, Range 11 West (W.M.)

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Date: March 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS



0 660 1,320 1,980
1 inch = 1,320 feet





LEGEND

- Place of Use (POU)
- City Boundary
- Tax Lot
- Government Lot (GL)
- Watercourse
- Waterbody

Received
JUN 18 2024
OWRD

14475 -



Transfer Application
for the City of Newport
Authorized Place of Use Map
Certificate 89101
City of Newport
Township 10/11 South, Range 11 West (W.M.)

DISCLAIMER
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Date: March 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS

