

Temporary

T-13452

Name City of Brookings
attn: Jenell Howard
 Address 898 Elk drive
Brookings Oregon 97415

Change in POW APD
 Date Filed 5/28/2020
 Initial notice date 6/9/2020
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 8/16/2020 Vol 117 Page 181-185

C-Date _____
 COBU due date _____
 COBU Received date _____
 Certificate issued _____

Assignments: _____

Irrigation District _____

Agent Schwabe, Williamson & Wyatt attn Elizabeth Howard

CWRE _____
 CC's list Curry County

☐ - Oversized map - Location _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Chetco River
 Trib. of Pacific Ocean
 Use municipal County Curry
 Quantity of water (CFS) _____ No. of Acres _____
 Name of ditch _____
 App# S-37091 Per # S-27610 Cert # 83682 PR Date 9/14/1961
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____
 App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID		
Date	Amount	Receipt #
<u>5-28-2020</u>	<u>\$ 810.00</u>	<u>132623</u>

FEES REFUNDED		
Date	Amount	Receipt #



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 6, 2020

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

REFERENCE: Temporary Transfer Application T-13452

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

The temporary change shall be effective at the **beginning of the irrigation season**. The use shall revert to the original authorized place of use at the **end of the 2024 irrigation season**.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Julie C. Baustian
Water Rights Services Support
Transfers and Conservation Section

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)
Schwabe Williamson and Wyatt
Curry County

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A TEMPORARY
T-13452, Curry County	)	CHANGE IN PLACE OF USE AND AN
	)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

Findings of Fact

1. On May 28, 2020, CITY OF BROOKINGS filed an application to temporarily change the place of use and add an additional point of diversion under Certificate 83682 for a period of 5 years. The Department assigned the application number T-13452.
2. Notice of the application for transfer was published on June 9, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Temporary Transfer T-13452 was filed on May 28, 2020 proposing to change the place of use and add an additional point of diversion under Cert 83682. Also filed on May 28, 2020, Drought Transfer T-13453 proposes to change the place of use and add an additional point of diversion under Cert 83682.
4. On July 6, 2020, the applicant's agent submitted a written request on behalf of the applicant requesting that Drought Temporary Transfer T-13453 be withdrawn.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

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

Use: MUNICIPAL USES

Priority Date: SEPTEMBER 14, 1961

Rate: 1.0 CUBIC FOOT PER SECOND

Source: CHETCO RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

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

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
41 S	13 W	WM	5	NE NE
41 S	13 W	WM	5	NW NE
41 S	13 W	WM	5	SW NE
41 S	13 W	WM	5	SE NE
41 S	13 W	WM	5	NE NW
41 S	13 W	WM	5	NW NW
41 S	13 W	WM	5	SW NW
41 S	13 W	WM	5	SE NW
41 S	13 W	WM	5	NE SW
41 S	13 W	WM	5	NW SW
41 S	13 W	WM	5	SW SW
41 S	13 W	WM	5	SE SW
41 S	13 W	WM	5	NE SE
41 S	13 W	WM	5	NW SE
41 S	13 W	WM	5	SW SE
41 S	13 W	WM	5	SE SE
41 S	13 W	WM	6	NE NE
41 S	13 W	WM	6	NW NE
41 S	13 W	WM	6	SW NE
41 S	13 W	WM	6	SE NE
41 S	13 W	WM	6	NE NW
41 S	13 W	WM	6	NW NW
41 S	13 W	WM	6	SW NW
41 S	13 W	WM	6	SE NW
41 S	13 W	WM	6	NE SW
41 S	13 W	WM	6	NW SW
41 S	13 W	WM	6	SW SW
41 S	13 W	WM	6	SE SW
41 S	13 W	WM	6	NE SE
41 S	13 W	WM	6	NW SE
41 S	13 W	WM	6	SW SE
41 S	13 W	WM	6	SE SE
41 S	13 W	WM	7	NE NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
41 S	13 W	WM	7	NW NE
41 S	13 W	WM	7	SW NE
41 S	13 W	WM	7	NE NW
41 S	13 W	WM	7	SE NW
41 S	13 W	WM	8	NE NE
41 S	13 W	WM	8	NW NE
41 S	13 W	WM	8	SW NE
41 S	13 W	WM	8	SE NE
41 S	13 W	WM	8	NE NW
41 S	13 W	WM	8	NW NW
41 S	13 W	WM	8	NE SE
41 S	13 W	WM	8	SE SE

6. Temporary Transfer Application T-13453 proposes to temporarily change the place of use of the right to:

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

7. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13453 proposes an additional point of diversion approximately 0.5 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 W	WM	35	NW SW	POD 2 - 2570 FEET NORTH AND 1380 FEET WEST FROM THE 51/4 CORNER OF SECTION 35

Temporary Transfer Review Criteria

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

9. A water distribution system sufficient to use the full amount of water allowed under the existing right is present.
10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13452 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

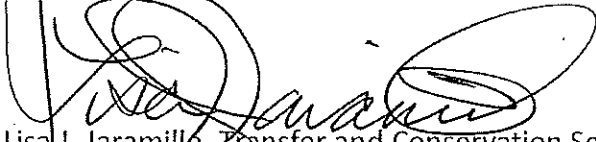
Now, therefore, it is ORDERED:

1. The temporary change in place of use additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13452 is approved.
2. The use shall revert to the authorized place of use at the end of 2024. The authorization to use the additional point of diversion shall be terminated concurrently.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. A subsequent application for permanent transfer of Certificate 83682 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83682.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - 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.
8. The use of the remaining water right described by Certificate 83682 shall continue to be in accordance with the terms and conditions of Certificate 83682.

AUG 06 2020

Dated in Salem, Oregon on



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

AUG 07 2020

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13452

Transfer Specialist:

Transfer Type: Temporary Transfer

Corey

Applicant: CITY OF BROOKINGS JANELL HOWARD 898 ELK DR BROOKINGS, OR 97415 Email: _____ Phone: _____		Agent: ☐ N/A SCHWABE, WILLIAMSON & WYATT ELIZABTH HOWARD Email: _____ Phone: _____	
Irrigation District: ☐ N/A Email: _____		CWRE: ☐ N/A Email: _____	
Affected Local Gov'ts: ☐ N/A County Of Curryplanning Director Email: _____		Affected Tribal Gov't: ☐ N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: ☐ N/A Email: _____		Receiving Landowner: ☐ N/A Email: _____	

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	S-37091	S-27610	83682	☐ Yes ☒ No	
☐				☐ Yes ☐ No	
☐				☐ Yes ☐ No	

Key Dates & Initial Actions:

Rec'd: June 4, 2020	Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 870.00	WM District: 14	ODFW District:
Initial Public Notice: June 9, 2020	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent ☒		GW Review sent: ☐ N/A
County sent cc: of Ack Letter ☐	BOR notified (date): ☐ N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DDP	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: 6/12/20 Initials: CC	Date: 6/23/20 Initials: SLOTT	Date: _____ Initials: _____	Date: 6/25/20 Initials: PCS	Date: 7/2/20 Initials: CC	Date: 7/16/20	Date: 8/16/20

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

Review Checklist

T-13452

Caseworker: Carey

PR Initials _____

File Prep

CW		CW	
☒	File Assigned (computer entry)	☒	Print Tax Lot Map(s)/Ownership info if available on the web
☒	Make Copies App, Map, GW review, (WM Review, ODFW to send to applicant later) Affidavits if applicable	☒	Print: Certs, WR maps, (Tabulations, Sp Or, Air Photos or other helpful info to aid in processing)
☒	Bundle Originals with cover sheet	☒	Check Area of Interest – print if needed
☒	Check for any public comments submitted electronically. Print any comments received.	☒	Any irrigation districts that need notice based on Area of Interest Check. ☐ Yes ☒ No Note:

APPLICATION/MAP REVIEW

PR	CW		PR	CW	
☐	☒	Appropriately signed	☐	☒	Ditch Company, Irr. Dist. and/or BOR sent copies
☐	☒	Checked WRIS contact address/e-mail for accuracy	☐	☒	Appropriate Fees Paid
☐	☒	Revisit application checklist & Supporting Docs	☐	☒	Overpayment of Fees, Refund Request with FO
☐	☐	Any deficiencies that need to be addressed? ☐ Yes ☒ No Notes:	☐	☒	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

DETERMINING THE "FROM" AND "TO" LANDS

PR	CW		PR	CW	
☐	☒	Only the authorized POD's/POA's and POU's to be transferred are listed.	☐	☒	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☐	☒	Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.	☐	☒	Marked on certificate the quantity of water being transferred, cancelled, and remaining
☐	☒	Compare Water Right map to App Map for Accuracy	☐	☒	Check and notate on Plat Card for Conflicts (To and From Lands) N/A if no change in POU or Use

INJURY REVIEWS/COMMENTS/CONDITIONS

PR	CW		PR	CW	
☐	☒	ODFW	☐	☐	Fish Screens
☐	☒	Ground water	☐	☐	Other:
☐	☒	Watermaster	☐	☐	Headgate
☐	☒		☐	☐	Prior to diverting
☐	☒		☒	☒	Prior to diverting
☐	☒	Injury	☐	☐	Type of Device? TFM
☐	☒		☐	☐	Enlargement
☐	☒		☐	☐	Yes ☒ No
☐	☒	Conditions to Avoid Enlargement/Injury	TFM each new POD		

DPD

PD

FO

COV

DPD/PD/ FINAL ORDER/COVER LETTER

PR	CW	PR	CW	PR	CW	PR	CW	
☐	☐	☐	☐	☐	☐	☐	☐	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)
☐	☐	☐	☐	☐	☒	☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
☐	☐	☐	☐	☐	☒	☐	☐	Correct address? Add Agent, Receiving Landowner if applicable etc...
☐	☐	☐	☐	☐	☒	☐	☐	Compare "from lands" with marked up Certificate
☐	☐	☐	☐	☐	☒	☐	☐	Compare Authorized POD(s)/POA(s) with marked up Certificate
☐	☐	☐	☐	☐	☒	☐	☐	Add Watermaster conditions (send copy of review to applicant if applicable)
☐	☐	☐	☐	☐	☒	☐	☐	Add Ground water conditions
☐	☐	☐	☐	☐	☒	☐	☐	ODFW recommendations (send copy of review to applicant if applicable)
☐	☐	☐	☐	☐	☒	☐	☐	Hidden findings unveiled?
☐	☐	☐	☐	☐	☒	☐	☐	Add any cancellation language or special situations
☐	☐	☐	☐	☐	☒	☐	☐	Attach supporting documents to cover letter if applicable

OWNERSHIP VERIFICATION					
PR	CW		PR	CW	
☐	☐	The deed/ROI matches the <i>"from"</i> lands.	☐	☐	Notarized, signed statement of consent (if applicable)
☐	☐	<i>All</i> owners on the deed/ROI have signed the application.	☐	☐	Compare with current tax lot map.
PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE/COVER LETTER			
☐	☐	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)			
☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were			
☐	☐	Format matches current template			
☐	☐	Content matches PD info?			
☐	☐	Spell checked?			
☐	☐	Correct address?			
☐	☐	Cost Estimate for Newspaper if applicable send email to support staff ☐ 2 weeks ☐ three weeks			
☐	☐	Send Letter to Applicant/Agent regarding newspaper notice cost			
☐	☐	Have funds been received from Applicant/Agent for newspaper costs?			
PR	CW	REMAINING RIGHT CERTIFICATE			
☐	☐	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)			
☐	☐	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were			
☐	☐	Table Format matches current template			
☐	☐	Content format matches original certificate			
☐	☐	Spell checked?			
☐	☐	Name and address matches originating certificate?			
CW	CASEWORKER WRAP UP				
☐	Organize Working Docs For Peer Review (Remove Duplicates)				
☐	Update Computer entry (add postal confirmation receipt number and date file was mailed)				
☐	Put file contents on Salem Exchange Folder				
☐	Print e-mail and correspondence put it in order of the findings of PD (if applicable)				
☐	Has Affidavit of Publication been received? ☐ N/A ☐ Yes--Date for FO: _____ ☐ No—have Codi call newspaper				

[illegible]

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-13452

Review Due Date:

Applicant Name: City of Brookings Attn: Janell Howard

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

Reviewer(s): Scott Ceciliani

Date of Review: 06/15/2020

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:
Based on available information in the Surface Water Summary.
Although regulation has occurred on the Chetco River to protect instream rights, C-83682 is senior in priority to the instreams and has not been regulated for said purpose.
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:

Unknown

☐ 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:

The applicant intends to expand the POU to cover additional service area under municipal water right C-83682. The original POU will continue to receive municipal water.

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- 13452

In order to avoid enlargement of the right or injury to other rights, a **totalizing flow meter** will be required to be installed **prior to diversion of water**, as a condition of this transfer:at each point of diversion/appropriation (new and existing) **OR**

at each new point of diversion/appropriation.

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

Watermaster name: Scott Ceciliani

District: 14

Address: 700 NW Dimmick Street

City/State/Zip: Grants Pass , OR 97526

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

Email: scott.c.ceciliani@oregon.gov

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

Approval of an Alternate Measurement Device

T-

(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

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 4, 2020

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

Reference: Application T- 13452

On June 4, 2020, we received your water right Transfer application. The application was accompanied by \$870.00. Our receipt number 132623 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.

Except as provided under ORS 540.510(3) for municipalities, you may not *temporarily* use water at the new place of use or from the new point of diversion until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

Cc: Watermaster Dist. #14 (via email)
Curry County Planning Department

Enclosure

**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 # **132623**

INVOICE # _____

RECEIVED FROM: City of Brookings
BY: General Account

APPLICATION	
PERMIT	
TRANSFER	<u>7-13452</u>

CASH: ☐ CHECK # 784824 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 810.00

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 46110

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

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>810.00</u>		

WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **132623**

DATED: 5-28-2020 BY: [Signature]

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

Application for Water Right
Temporary or Drought Temporary 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 temporary 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.

FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary 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 online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: 83682**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2020 End Year: 2025.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☐ ☒ N/A Current recorded deed for the land **from** which the authorized place of use is temporarily being moved. (*Applicant is a municipality.*)
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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.
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

☐ Application fee not enclosed/or is insufficient ☐ Map not included or incomplete
☐ Land Use Form not enclosed or incomplete ☐ Part _____ is incomplete
☐ Additional signature(s) required
Other/Explanation _____
Staff: _____ 503-986-0 _____ Date: ____/____/____

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Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

- ☐ ☒ 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 temporary 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) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$810.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » »	2	0
3	Do you propose to change the place of use for a non-irrigation use? ☐ No: enter 0 on line 3 » » » » » » » » » » » » » » » » » ☒ Yes: enter the cfs for the portions of the rights to be transferred: <u>1.0 (3a)</u> Subtract 1.0 from the number in 3a above: <u>0 (3b)</u> If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: <u>0 (3c)</u> and multiply 4c by \$200.00, then enter on line 3	3	0
4	Do you propose to change the place of use for an irrigation use? ☒ No: enter 0 on line 4 » » » » » » » » » » » » » » » » » ☐ Yes: enter the number of acres for the portions of the rights to be transferred: _____ (4a) Multiply the number of acres in 4a above by \$2.30 and enter on line 4 » »	4	-
5	Add entries on lines 1 through 4 above » » » » » » » » » » Subtotal:	5	810.00
6	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 5 by 0.5 and enter on line 6 » If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » »	6	-
7	Subtract line 6 from line 5 » » » » » » » » » » » » » » Transfer Fee:	7	810.00

TACS

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME City of Brookings Attn: Janell Howard		541-469-1123	ADDITIONAL CONTACT NO.
ADDRESS 898 Elk Drive		FAX NO. 541-469-3650	
CITY Brookings	STATE OR	ZIP 97415	E-MAIL jhoward@brookings.or.us
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

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

AGENT/BUSINESS NAME Schwabe, Williamson & Wyatt Attn: Elizabeth Howard		PHONE NO. 503-796-2093	ADDITIONAL CONTACT NO.
ADDRESS 1211 SW 5th Ave., Ste. 1900		FAX NO.	
CITY Portland,	STATE OR	ZIP 97204	E-MAIL ehoward@schwabe.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
The City would like to adjust the place of use under Certificate 83682 to cover the additional service area where the diverted water will be used. To do so, the City would like to add an additional point of diversion where 1.0 cfs of water can be diverted. The changes proposed by this temporary transfer are for only a PORTION of Certificate 83682. Specifically 1.0 cfs of the 4.0 cfs rate allowed by the certificate. The additional point of diversion proposed by the transfer application will be a diversion through an existing caisson system that has an open bottom. The additional point of diversion is the existing point of diversion for surface water Certificate 34453. The additional POD is specifically designed for withdrawal of surface water from the Chetco River in a similar fashion to the Ranney collector at the City's existing authorized surface water point of diversion.

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

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


Applicant signature

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

5-21-2020
Date

Applicant signature

Print Name (and Title if applicable)

Date

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

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

☐ 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. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

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

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 rows to tables within the form.

Water Right Certificate # 83682

Description of Water Delivery System

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

_____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Certificate 83682 is used by the City of Brookings to supply water for municipal use within the City's service area boundary. Water from the Chetco river was diverted at the City's Ranney Collector and was delivered for municipal use through the City's 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)
Pod 1	☒ Authorized ☐ Proposed	N/A	40	S	13	W	35	NE	NW	101	1290 feet south and 2415 feet east from NW corner, Section 35
Pod 2	☐ Authorized ☒ Proposed	N/A	40	S	13	W	35	NW	SW	400	2570 feet north and 1380 feet west from the S1/4 Corner, Section 35
	☐ Authorized ☐ Proposed										
	☐ Authorized ☐ Proposed										

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

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- | | |
|--|---|
| ☒ Place of Use (POU) | ☐ Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Appropriation (APOA) |
| ☒ Additional Point of Diversion (APOD) | |

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

- | | |
|---|---|
| ☐ Place of Use (POU) | ☐ Point of Appropriation/Well (POA) |
| ☐ Character of Use (USE) | ☐ Additional Point of Appropriation (APOA) |
| ☐ Point of Diversion (POD) | ☐ Additional Point of Diversion (APOD) |

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

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

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Please use 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 Temporary Changes to Water Right Certificate # 83682

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

AUTHORIZED (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
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6 1901
41	S	13	W	5	ALL	NE			N/A	MU	Pod 1	1961	APOD/POU	40	S	13	W	35	SW	SW			N/A	MU	POD1 POD2 1961
41	S	13	W	5	ALL	NW			N/A	MU	"	"	APOD/POU	40	S	13	W	35	SE	SW			N/A	MU	" "
41	S	13	W	5	ALL	SW			N/A	MU	"	"	APOD/POU	41	S	13	W	2	NW	NE			N/A	MU	" "
41	S	13	W	5	ALL	SE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	SW	NE			N/A	MU	" "
41	S	13	W	6	ALL	NE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	SE	NE			N/A	MU	" "
41	S	13	W	6	ALL	NW			N/A	MU	"	"	APOD/POU	41	S	13	W	2	NE	NW			N/A	MU	" "
41	S	13	W	6	ALL	SW			N/A	MU	"	"	APOD/POU	41	S	13	W	2	NW	NW			N/A	MU	" "
41	S	13	W	6	ALL	SE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	SE	NW			N/A	MU	" "
41	S	13	W	7	NE	NE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	NE	SW			N/A	MU	" "
41	S	13	W	7	NW	NE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	SE	SW			N/A	MU	" "
41	S	13	W	7	SW	NE			N/A	MU	"	"	APOD/POU	41	S	13	W	2	ALL	SE			N/A	MU	" "
41	S	13	W	7	NE	NW			N/A	MU	"	"	APOD/POU	41	S	13	W	11	NE	NE			N/A	MU	" "

41	S	13	W	7	SE	NW			N/A	MU	"	"	APOD/POU	41	S	13	W	11	NW	NE			N/A	MU	"	"						
41	S	13	W	8	ALL	NE			N/A	MU	"	"																				
41	S	13	W	8	NE	NW			N/A	MU	"	"																				
41	S	13	W	8	NW	NW			N/A	MU	"	"																				
41	S	13	W	8	NE	SE			N/A	MU	"	"																				
41	S	13	W	8	SE	SE			N/A	MU	"	"																				
TOTAL ACRES									N/A															TOTAL ACRES				N/A				

Additional remarks:

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For Place of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: **Certificate 83682 is a municipal water right and therefore, layered water rights are not an issue for this transfer.**

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

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

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
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									OWRD	

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)

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

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. *(A copy of Certificate 83682 is
attached. Certificate 83682 is a municipal water right and therefore, is not subject to forfeiture.)*

☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

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

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

[Signature]
Signature of Affiant

5-21-2020
Date

Signed and sworn to (or affirmed) before me this 21 day of May, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires: March 21, 2021

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.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS
898 ELK DR
BROOKINGS OR 97415

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

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

The point of diversion is located as follows:

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

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

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

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

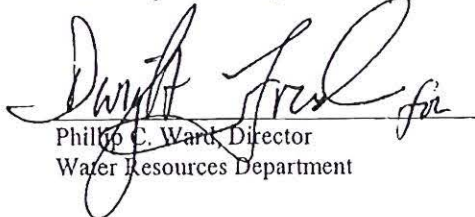
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

MUNICIPAL USES							
Twp	Rug	Mer	Sec	Q-Q	GLot	DLC	Acres
41 S	13 W	WM	5	SE SE			
41 S	13 W	WM	6	NE NE			
41 S	13 W	WM	6	NW NE			
41 S	13 W	WM	6	SW NE			
41 S	13 W	WM	6	SE NE			
41 S	13 W	WM	6	NE NW			
41 S	13 W	WM	6	NW NW			
41 S	13 W	WM	6	SW NW			
41 S	13 W	WM	6	SE NW			
41 S	13 W	WM	6	NE SW			
41 S	13 W	WM	6	NW SW			
41 S	13 W	WM	6	SW SW			
41 S	13 W	WM	6	SE SW			
41 S	13 W	WM	6	NE SE			
41 S	13 W	WM	6	NW SE			
41 S	13 W	WM	6	SW SE			
41 S	13 W	WM	6	SE SE			
41 S	13 W	WM	7	NE NE			
41 S	13 W	WM	7	NW NE			
41 S	13 W	WM	7	SW NE			
41 S	13 W	WM	7	NE NW			
41 S	13 W	WM	7	SE NW			
41 S	13 W	WM	8	NE NE			
41 S	13 W	WM	8	NW NE			
41 S	13 W	WM	8	SW NE			
41 S	13 W	WM	8	SE NE			
41 S	13 W	WM	8	NE NW			
41 S	13 W	WM	8	NW NW			
41 S	13 W	WM	8	NE SE			
41 S	13 W	WM	8	SE SE			

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

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

Issued December 21, 2007


Phillip C. Ward, Director
Water Resources Department

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Application S-37091.jwg

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

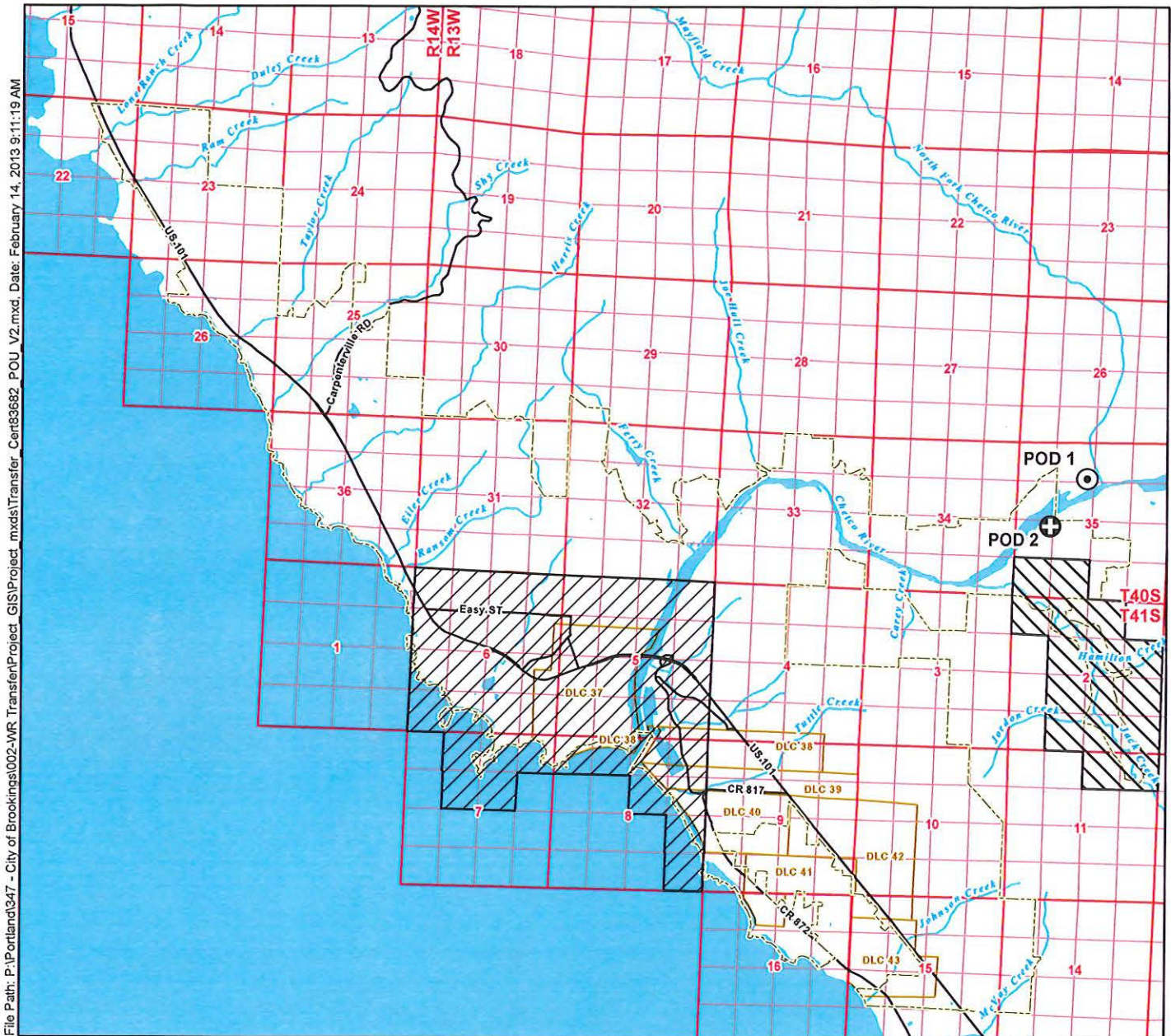
13452 -

Application for a Water Right Temporary Transfer - Place of Use Map

Certificate 83682 (Permit S-27610)

Water Right in the Name of City of Brookings

Townships 40 & 41 South, Ranges 13 & 14 West (W.M.)



File Path: P:\Portland\347 - City of Brookings\002-WR Transfer\Project GIS\Project mxd\Transfer Cert83682_POU_V2.mxd, Date: February 14, 2013 9:11:19 AM

Legend

- ⊙ Authorized Existing POD
- ⊕ Proposed Additional POD
- ▨ Authorized Place of Use (for 3 cfs) Served by Existing POD and not Modified by this Transfer
- ▨ Proposed Place of Use (for 1 cfs) to be Served by Proposed Additional POD
- Donation Land Claim (DLC)
- ⊕ City Service Area
- Major Roads
- Watercourses
- Waterbodies

Certified Water Rights Examiner Stamp



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.

MAP NOTES

Date: May 20, 2020
Data Sources: OWRD, Oregon
Geospatial Data Clearinghouse

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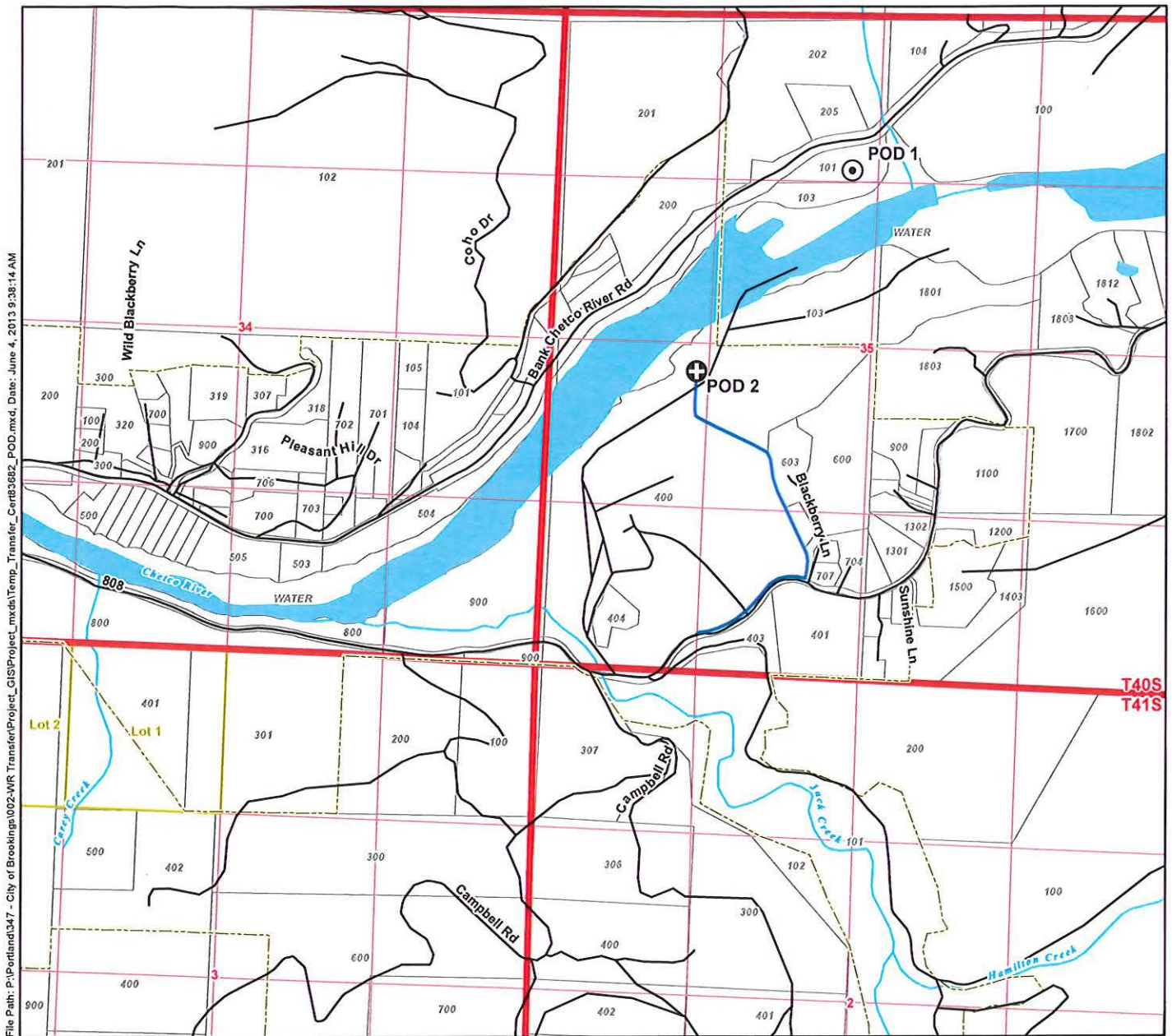


0 2,800 5,600
1 inch = 5,600 feet

13452

Application for a Water Right Temporary Transfer - Point of Diversion Map

Certificate 83682 (Permit S-27610)
Water Right in the Name of City of Brookings
Townships 40 & 41 South, Ranges 13 West (W.M.)



File Path: P:\Portland\347 - City of Brookings\002-WR Transfer\Project_GIS\Project_mxd\Temp_Transfer_Cert83682_POD.mxd, Date: June 4, 2013 9:38:14 AM

Legend

- ⊙ Authorized Existing POD
- ⊕ Proposed Additional POD
- Proposed Water Line
- Government Lot
- ⊕ City Service Area
- ⊕ Tax Lots
- Major Roads
- Watercourses
- Waterbodies

Certified Water Rights Examiner Stamp



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.

MAP NOTES

Date: May 20, 2020
Data Sources: OWRD, Oregon
Geospatial Data Clearinghouse

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POD LOCATION DESCRIPTION

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



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



13452

Land Use Information Form



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

Applicant(s): City of Brookings

Mailing Address: 898 Elk Drive

City: Brookings

State: OR

Zip Code: 97415

Daytime Phone: 541-469-1123

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>See</u>	<u>Attach</u>	<u>List</u>	_____	_____	_____	☐ Diverted ☐ Conveyed ☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ 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:

Curry County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☒ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The proposed transfer will: (1) temporarily add an additional point of diversion for water use under Certificate 83682; and (2) temporarily change the place of use for a portion of the authorized rate (1.0 cfs) of water use under Certificate 83682.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

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Government Entity: _____

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



Receipt for Request for Land Use Information

Applicant name: CITY OF BROOKINGS

City or County: CURRY COUNTY Staff contact: NANCY O'DWYER

Signature: *Nancy O'Dwyer* Phone: 541-247-3284 Date: 5/21/2020

ATTACHMENT TO:

Oregon Water Resources Department
Land Use Information Form

Applicant Name: City of Brookings

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan designation	Water to be:	Proposed Land Use:
40 S	13 W	35	NW SW	400		☒ Diverted ☒ Conveyed ☐ Used	Irrigation
40 S	13 W	35	E1/2 SW	400		☐ Diverted ☒ Conveyed ☐ Used	Irrigation
40 S	13 W	35	S1/2 SW	400 403 101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	W1/2 NE	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	SE NE	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	N1/2 NW	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	SE NW	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	E1/2 SW	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	2	SE1/4	101		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
41 S	13 W	11	N1/2 NE	102		☐ Diverted ☒ Conveyed ☒ Used	Irrigation

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Regular Temporary Water Right Transfer Application Checklist

Checked by Joan

Date 6-3-2020

A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.

5 year Temp

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

(If OK, check box to left; if not, fill in the blank)

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____
- ☒ 2. Are fees included and correct?
If not, the correct fee would be: _____, so the amount missing is: _____
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?
If not, whose signature is missing? _____
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled?
If not, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☒ N/A ☐ Form D needed from Brookings (district)
- 6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application 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.

T-13452

Keep with T-13453