

Drought temp

Name City of Brookings  
Attn: Janell Howard  
 Address 898 Elk drive  
Brookings Oregon 97415

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream Chetco RiverTrib. of Pacific OceanUse municipalCounty Cumy

Quantity of water (CFS)

No. of Acres

Name of ditch

App# S-37091 Per # S-27600 Cert # 83682 PR Date 9/14/1901

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

App# Per #

Cert # PR Date

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 7/29/2020 Vol 117 Page 105  
Withdrawn

C-Date  
 COBU due date  
 COBU Received date  
 Certificate issued

## FEES PAID

| Date             | Amount          | Receipt #     |
|------------------|-----------------|---------------|
| <u>5-28-2020</u> | <u>\$200.00</u> | <u>132624</u> |

## FEES REFUNDED

| Date            | Amount          | Receipt #       |
|-----------------|-----------------|-----------------|
| <u>8/5/2020</u> | <u>\$200.00</u> | <u>VP051309</u> |

Assignments:

Irrigation District

Agent Schwabe Williamson & Wyatt Attn Elizabeth Howard

CWRE

CC's list Cumy county☐ - Oversized map - Location

**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: Fiscal Services Section

DATE: July 29, 2020

FROM: Corey Courchane - TACS

**RE: Request for Refund**

APPLICATION: T-13453

RECEIPT #: 132624

Please prepare a refund in the amount of \$200.00, made payable to:

Name: City of Brookings

Address: 898 Elk Drive

City: Brookings, OR 97415

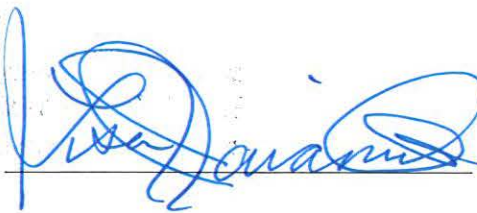
46110  
0205

These funds are being paid or refunded as a result of (check one):

- ☒ Request for file to be Withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☐ Permit recording fees
- ☐ Other: Claim of Beneficial Use returned – Water user did not qualify to self-certify their permit

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: \_\_\_\_\_



Date: \_\_\_\_\_

7-24-2020



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 29, 2020

CITY OF BROOKINGS  
898 ELK DRIVE  
BROOKINGS, OR 97415

Reference: Drought Temporary Transfer Application T-13453

On July 6, 2020, a request to withdraw Drought Temporary Transfer Application T-13453 was submitted to the Oregon Water Resources Department.

A refund check in the amount of \$200.00 is currently being processed and will be arriving separately at a later time.

Sincerely,

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

Cc: Schwabe Williamson & Wyatt, agent for the applicant



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 29, 2020

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

Reference: Transfer Application T-13453

The above referenced transfer application was withdrawn from the record of the Water Resources Department on July 29, 2020, by Special Order Volume 117, Page 105 (copy enclosed).

The transfer application is no further force or effect.

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

Sincerely,

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

cc: Scott C. Ceciliani, Watermaster Dist. # 14 (via email)  
Elizabeth Howard, Agent

Enclosure

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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER WITHDRAWING      |
| T-13453, Curry County, Oregon         | ) | AN EMERGENCY USE DROUGHT     |
|                                       | ) | TEMPORARY CHANGE IN PLACE OF |
|                                       | ) | USE AND ADDITIONAL POINT OF  |
|                                       | ) | DIVERSION                    |

**Authority**

ORS 540.505 to 540.580 establishes 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.

**Applicant**

CITY OF BROOKINGS  
898 ELK DR  
BROOKINGS, OR 97415

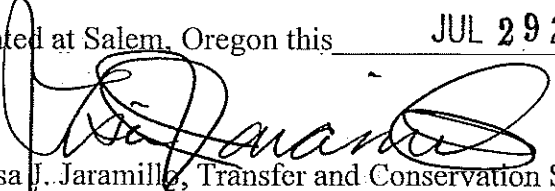
**Findings of Fact**

1. Drought Temporary Transfer Application T-13453, in the name of CITY OF BROOKINGS, was filed on May 28, 2020.
2. On July 6, 2020, Schwabe Williamson and Wyatt, submitted a written request on behalf of the applicant asking that drought temporary transfer application T-13453 be withdrawn.

**Now, therefore, it is ORDERED:**

Drought Temporary Transfer Application T-13453, in the name of CITY OF BROOKINGS, is withdrawn and is of no further force or effect.

Dated at Salem, Oregon this JUL 29 2020

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

Mailing date: JUL 30 2020

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.

# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13453

Transfer Specialist:

Transfer Type: Drought Temporary

Corey

|                                                                                                                           |  |                                                                                                                           |  |
|---------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------|--|
| <b>Applicant:</b><br>CITY OF BROOKINGS<br>JANELL HOWARD<br>898 ELK DR<br>BROOKINGS, OR 97415<br>Email: _____ Phone: _____ |  | <b>Agent:</b> <input type="checkbox"/> N/A<br>SCHWABE, WILLIAMSON & WYATT<br>ELIZABTH HOWARD<br>Email: _____ Phone: _____ |  |
| <b>Irrigation District:</b> <input type="checkbox"/> N/A<br>Email: _____                                                  |  | <b>CWRE:</b> <input type="checkbox"/> N/A<br>Email: _____                                                                 |  |
| <b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A<br>County Of Curryplanning Director<br>Email: _____            |  | <b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A<br>UNAVAILABLE<br>Email: _____                                 |  |
| <b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A<br>Email: _____                            |  | <b>Receiving Landowner:</b> <input type="checkbox"/> N/A<br>Email: _____                                                  |  |

## Water Rights Affected

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

## Key Dates & Initial Actions:

|                                                                 |                                                                 |                                              |
|-----------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------|
| Rec'd: 05/28/2020                                               | Proposed Action(s): ADDITIONAL POINT OF DIVERSION; PLACE OF USE |                                              |
| Fees Pd: 200.00                                                 | WM District: 14                                                 | ODFW District:                               |
| Initial Public Notice: June 9, 2020                             | WM Review sent:                                                 | ODFW Review sent:                            |
| Acknowledgement Letter Sent <input checked="" type="checkbox"/> |                                                                 | GW Review sent: <input type="checkbox"/> N/A |
| County sent cc: of Ack Letter <input type="checkbox"/>          | BOR notified (date): <input type="checkbox"/> 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  |
|----------|--------------------------------|----------------------------------|--------------------------------|--------------------------------|--------------------------------|----------------|-----------------|
| DPD      | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____   | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | CW Sent: _____ | N/A             |
| PD       | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____   | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____<br>Initials: _____ | Date: _____    | Date: _____     |
| FO       | Date: 6/12/20<br>Initials: Ce  | Date: 6/23/20<br>Initials: Scott | Date: _____<br>Initials: _____ | Date: 6/25/20<br>Initials: PCS | Date: _____<br>Initials: _____ | Date: 7/16/20  | Date: 7/29/2020 |

Special Issues: Request to Withdraw

Special Order Volume: Vol. 117 Pages 105

RECEIVED

JUL 08 2020

OWRD

July 6, 2020

**Lindsay Thane**

Admitted in Oregon, Washington and  
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

**VIA E-MAIL (COREY.A.COURCHANE@OREGON.GOV) AND FIRST  
CLASS MAIL**

Oregon Water Resources Department  
Attn: Corey Courchane  
725 Summer St. NE, Suite A  
Salem, Oregon 97301

RE: Withdrawal of Temporary Drought Transfer Application T-13453  
Our File No.: 114317-145127

Dear Corey:

The City of Brookings submitted a temporary drought transfer application (T-13453) to the Oregon Water Resources Department ("OWRD") on May 28, 2020. The City has determined that T-13453 is no longer necessary for its water use needs because OWRD has expeditiously processed the City's temporary drought transfer application (T-13452), which the City submitted at the same time as T-13453.

Please accept this letter as the City's request to withdraw application T-13453. The City also requests that OWRD refund the City's application fee of \$200.00. Please refund the application fee to City of Brookings, Attn: Janell Howard, 898 Elk Drive, Brookings, Oregon 97415.

Thank you for your assistance with this matter.

Sincerely,



Lindsay Thane

LTH:lm

cc: Janell Howard (via email)  
Elizabeth Howard (via email)

## **COURCHANE Corey A \* WRD**

---

**From:** Weckel, Chris <CWeckel@SCHWABE.com>  
**Sent:** Monday, July 06, 2020 12:27 PM  
**To:** COURCHANE Corey A \* WRD  
**Cc:** Thane, Lindsay M.; Howard, Elizabeth E.; 'Janell Howard'  
**Subject:** RE: Withdrawal of T-13453  
**Attachments:** LT Corey Courchane regarding T-13453.pdf

I just realized I didn't put the correct date on the letter. The letter with the right date is attached here.

### **Chris Weckel**

Legal Secretary to Elizabeth Howard, Noah Jarrett, Bill Ohle and Jay Waldron  
503-796-3770  
[cweckel@schwabe.com](mailto:cweckel@schwabe.com)

### **Schwabe Williamson & Wyatt**

---

**From:** Weckel, Chris  
**Sent:** Monday, July 6, 2020 12:19 PM  
**To:** 'corey.a.courchane@oregon.gov' <corey.a.courchane@oregon.gov>  
**Cc:** Thane, Lindsay M. <LThane@SCHWABE.com>; Howard, Elizabeth E. <EHoward@SCHWABE.com>; 'Janell Howard' <jhoward@brookings.or.us>  
**Subject:** Withdrawal of T-13453

Corey Courchane,

Hello, Please find attached Lindsay Thane's letter regarding the withdrawal of T-13453. Please acknowledge receipt of this request. Thank you.

My best,  
Chris

### **Chris Weckel**

Legal Secretary to Elizabeth Howard, Noah Jarrett, Bill Ohle and Jay Waldron  
503-796-3770  
[cweckel@schwabe.com](mailto:cweckel@schwabe.com)

### **Schwabe Williamson & Wyatt**

July 6, 2020

**Lindsay Thane**

Admitted in Oregon, Washington and  
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

**VIA E-MAIL (COREY.A.COURCHANE@OREGON.GOV) AND FIRST  
CLASS MAIL**

Oregon Water Resources Department  
Attn: Corey Courchane  
725 Summer St. NE, Suite A  
Salem, Oregon 97301

RE: Withdrawal of Temporary Drought Transfer Application T-13453  
Our File No.: 114317-145127

Dear Corey:

The City of Brookings submitted a temporary drought transfer application (T-13453) to the Oregon Water Resources Department ("OWRD") on May 28, 2020. The City has determined that T-13453 is no longer necessary for its water use needs because OWRD has expeditiously processed the City's temporary drought transfer application (T-13452), which the City submitted at the same time as T-13453.

Please accept this letter as the City's request to withdraw application T-13453. The City also requests that OWRD refund the City's application fee of \$200.00. Please refund the application fee to City of Brookings, Attn: Janell Howard, 898 Elk Drive, Brookings, Oregon 97415.

Thank you for your assistance with this matter.

Sincerely,



Lindsay Thane

LTH:lmr

cc: Janell Howard (*via email*)  
Elizabeth Howard (*via email*)

## Review Checklist

T-13453

Caseworker: Corey PR Initials \_\_\_\_\_

## File Prep

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

## APPLICATION/MAP REVIEW

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

## DETERMINING THE "FROM" AND "TO" LANDS

| PR                       | CW                       |                                                                                          | PR                       | CW                       |                                                                                                           |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------|--------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Only the authorized POD's/POA's and POU's to be transferred are listed.                  | <input type="checkbox"/> | <input type="checkbox"/> | Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed) |
| <input type="checkbox"/> | <input type="checkbox"/> | Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4. | <input type="checkbox"/> | <input type="checkbox"/> | Marked on certificate the quantity of water being transferred, cancelled, and remaining                   |
| <input type="checkbox"/> | <input type="checkbox"/> | Compare Water Right map to App Map for Accuracy                                          | <input type="checkbox"/> | <input type="checkbox"/> | 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                       |                                        |                          |                                 |                          |                    |
|--------------------------|--------------------------|----------------------------------------|--------------------------|---------------------------------|--------------------------|--------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | ODFW                                   | <input type="checkbox"/> | Fish Screens                    | <input type="checkbox"/> | Other:             |
| <input type="checkbox"/> | <input type="checkbox"/> | Ground water                           |                          |                                 |                          |                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Watermaster                            | <input type="checkbox"/> | Headgate                        | <input type="checkbox"/> | Prior to diverting |
| <input type="checkbox"/> | <input type="checkbox"/> |                                        | <input type="checkbox"/> | Measuring Devices               | <input type="checkbox"/> | Prior to diverting |
| <input type="checkbox"/> | <input type="checkbox"/> | Injury                                 | <input type="checkbox"/> | Yes <input type="checkbox"/> No | <input type="checkbox"/> | Enlargement        |
| <input type="checkbox"/> | <input type="checkbox"/> |                                        | <input type="checkbox"/> | Yes <input type="checkbox"/> No |                          |                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Conditions to Avoid Enlargement/Injury |                          |                                 |                          |                    |

## DPD

## PD

## FO

## COV

## DPD/PD/ FINAL ORDER/COVER LETTER

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

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

**COMMENTS:**

[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](http://www.oregon.gov/OWRD)

Transfer Application: T-13453

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- 13453

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

**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 # **132624**

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

RECEIVED FROM: City of Brookings  
BY: Behind Account

|             |                |
|-------------|----------------|
| APPLICATION |                |
| PERMIT      |                |
| TRANSFER    | <u>T-13453</u> |

CASH: ☐ CHECK: # 84823 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

**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>200.00</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: **132624**

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.

RECEIVED

MAY 28 2020

FOR ALL TEMPORARY TRANSFER APPLICATIONS

OWRD

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](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: \_\_\_\_ End Year: \_\_\_\_.**
- ☒ ☐ 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: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 5 – Temporary Transfer Application Map Checklist

RECEIVED

MAY 28 2020

OWRD

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°).

### Part 3 of 5 – Fee Worksheet

| 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 |
|                                                     | Number of water rights included in transfer: <u>          (2a)</u><br>Subtract 1 from the number in 3a above: <u>          (2b)</u> <i>If only one water right this will be 0</i>                                                                                                                                                                                                                                                                                                                        |   |          |
| 2                                                   | Multiply line 2b by \$260.00 and enter » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2 |          |
|                                                     | Do you propose to change the place of use for a non-irrigation use?<br><input type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: <u>          (3a)</u><br>Subtract 1.0 from the number in 3a above: <u>          (3b)</u><br>If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » »<br>If 3b is greater than 0, round up to the nearest whole number: <u>          (3c)</u> |   |          |
| 3                                                   | and multiply 4c by \$200.00, then enter on line 3                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3 |          |
|                                                     | Do you propose to change the place of use for an irrigation use?<br><input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » »<br><input type="checkbox"/> Yes: enter the number of acres for the portions of the rights to be transferred: <u>          (4a)</u>                                                                                                                                                                                                                    |   |          |
| 4                                                   | 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 |          |
|                                                     | Is this transfer:<br><input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932?<br><input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat?<br>If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »                                                                                                                            |   |          |
| 6                                                   | If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                                                                                                                                                                                                               | 6 |          |
| 7                                                   | Subtract line 6 from line 5 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                                                                                                                                                                                                         | 7 |          |

RECEIVED  
MAY 28 2020  
OWRD

| FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS |                                                                                                                                                                                                                                                                                                                             |   |          |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| 1                                             | Base Fee (includes drought application and recording fee for up to 1 cfs)                                                                                                                                                                                                                                                   | 1 | \$200.00 |
|                                               | Enter the cfs for the portions of the rights to be transferred (see example below*):<br><u>1.0 (2a)</u><br>Subtract 1.0 from the number in 2a above: <u>0 (2b)</u><br>If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » »<br>If 2b is greater than 0, round up to the nearest whole number: <u>          (2c)</u> |   |          |
| 2                                             | and multiply 2c by \$50, then enter on line 2 » » » » » » » » » » » » » » » »                                                                                                                                                                                                                                               | 2 | 0        |
| 3                                             | Add entries on lines 1 through 2 above » » » » » » » » » » » <b>Transfer Fee:</b>                                                                                                                                                                                                                                           | 3 | 200.00   |

\*Example for Line 2a 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. 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 ( $\times 45 \text{ ac} = 0.56 \text{ cfs}$ ).
2. 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,  $45.0 \text{ ac} \times 0.0125 \text{ cfs/ac} = 0.56 \text{ cfs}$ )
3. 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 2a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 2b would be 0 and Line 2 would then also become 0).

## Part 4 of 5 – Applicant Information and Signature

### Applicant Information

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

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

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

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 drought 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

**RECEIVED**

**MAY 28 2020**

**OWRD**

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**

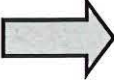
If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

☐ 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<br><b>Curry County</b> | ADDRESS<br><b>94235 Moore Street</b> |                     |
| CITY<br><b>Gold Beach</b>          | STATE<br><b>OR</b>                   | ZIP<br><b>97444</b> |

|             |         |     |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS |     |
| CITY        | STATE   | ZIP |

RECEIVED

MAY 28 2020

OWRD

## Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add 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                  | <input checked="" type="checkbox"/> Authorized<br><input type="checkbox"/> 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                  | <input type="checkbox"/> Authorized<br><input checked="" type="checkbox"/> 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 |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |     |   |     |   |     |     |    |                           |                                                                     |
|                        | <input type="checkbox"/> Authorized<br><input type="checkbox"/> Proposed            |                                                    |     |   |     |   |     |     |    |                           |                                                                     |

RECEIVED  
MAY 28 2020

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

OWRD

- |                                                               |                                                                   |
|---------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Appropriation/Well (POA)                 |
| <input type="checkbox"/> Point of Diversion (POD)             | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |                                                                   |

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

- |                                                        |                                                                          |
|--------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA)               |
| <input type="checkbox"/> Character of Use (USE)        | <input type="checkbox"/> Additional Point of Appropriation (APOA)        |
| <input type="checkbox"/> Point of Diversion (POD)      | <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) |

13453 -

**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.

RECEIVED

MAY 28 2020

OWRD

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)<br>The listing that appears on the Certificate BEFORE PROPOSED CHANGES<br>List only that part or portion of the water right that will be changed. |     |     |     |            |                      |       |                                         |                                                         |                  |            |                  |      | Proposed<br>Changes (see<br>“CODES” from<br>previous<br>page) | PROPOSED (the “to” or “on” lands)<br>The listing as it would appear AFTER PROPOSED CHANGES<br>are made. |            |                      |       |                    |                                                      |                  |     |   |      |    |              |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|------------|----------------------|-------|-----------------------------------------|---------------------------------------------------------|------------------|------------|------------------|------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------|----------------------|-------|--------------------|------------------------------------------------------|------------------|-----|---|------|----|--------------|------|
| Twp                                                                                                                                                                                      | Rng | Sec | ¼ ¼ | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | Type of USE<br>listed on<br>Certificate | POD(s) or<br>POA(s) (name<br>or number<br>from Table 1) | Priority<br>Date | Twp        | Rng              | Sec  |                                                               | ¼ ¼                                                                                                     | Tax<br>Lot | Gvt<br>Lot or<br>DLC | Acres | New Type<br>of USE | POD(s)/<br>POA(s) to<br>be used<br>(from<br>Table 1) | Priority<br>Date |     |   |      |    |              |      |
| EXAMPLE                                                                                                                                                                                  |     |     |     |            |                      |       |                                         |                                                         |                  |            |                  |      |                                                               |                                                                                                         |            |                      |       |                    |                                                      |                  |     |   |      |    |              |      |
| 2                                                                                                                                                                                        | S   | 9   | E   | 15         | NE                   | NW    | 100                                     |                                                         | 15.0             | Irrigation | POD #1<br>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<br>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:

13453 -

RECEIVED

MAY 28 2020

OWRD

**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](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 |
|-------------------------------------------|------------------------------------|-------------------------------------------------|------------------|-----------------|-------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------|
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |
|                                           |                                    |                                                 |                  |                 |                         |                           |                                            |                                                |                                             |                                                                          |

RECEIVED

MAY 28 2020

OWRD

May 26, 2020

**Elizabeth E. Howard**

Admitted in Oregon, Washington and  
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RECEIVED  
MAY 28 2020  
OWRD

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

RE: Water Right Temporary Transfer Application and Drought Temporary Transfer  
Application  
Our File No.: 114317-145127

Dear Sir or Madam:

Enclosed are two applications for Certificate 83682: (1) drought temporary transfer application, and (2) water right temporary transfer application. These applications are being submitted on behalf of the City of Brookings. Also enclosed are two checks for the fees associated with the applications.

Please note that the scale used for the transfer maps submitted with these two applications was approved by the Department in 2013 when the City of Brookings filed a temporary transfer application (T-11639). The maps enclosed with the two applications currently being submitted on behalf of the City include the same "from" lands and all but a portion of the same "to" lands as T-11639. Ted Ressler, who created the maps for T-11639 and created the maps for the enclosed applications has requested the same scale waiver from Kelly Starnes for the enclosed application maps as was approved for T-11639.

13453 -

May 26, 2020  
Page 2

Please confirm receipt of these two applications.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Elizabeth E. Howard

EEH:imt  
Enclosures

PDX\114317\145127\LTH\28027857.1

RECEIVED  
MAY 28 2020  
OWRD

13453 -

# Application for Water Right Transfer

## Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.  
Supporting documentation must be attached.

State of Oregon )  
County of ) ss

I, JANELL HOWARD, in my capacity as CITY MANAGER,  
mailing address 898 ELK DRIVE, BROOKINGS, OR 97415

telephone number (541)469-1123, being first duly sworn depose and say:

RECEIVED

MAY 28 2020

OWRD

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<br>or DLC | Acres<br>(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)

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.

*James H. Juarez*  
Signature of Affiant

5-21-2020  
Date

Signed and sworn to (or affirmed) before me this 21 day of May, 20 20.



*Anella Ehlers*  
Notary Public for Oregon

My Commission Expires: 3/13/2021

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

RECEIVED  
MAY 28 2020  
OWRD

## 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<br>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 |      |     |       |

RECEIVED

MAY 28 2020

OWRD

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

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

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

RECEIVED

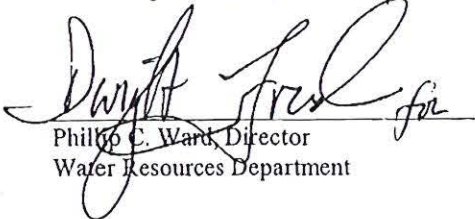
MAY 28 2020

OWRD

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

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

Issued December 21, 2007

  
 Phillip C. Ward, Director  
 Water Resources Department

Application S-37091.jwg

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

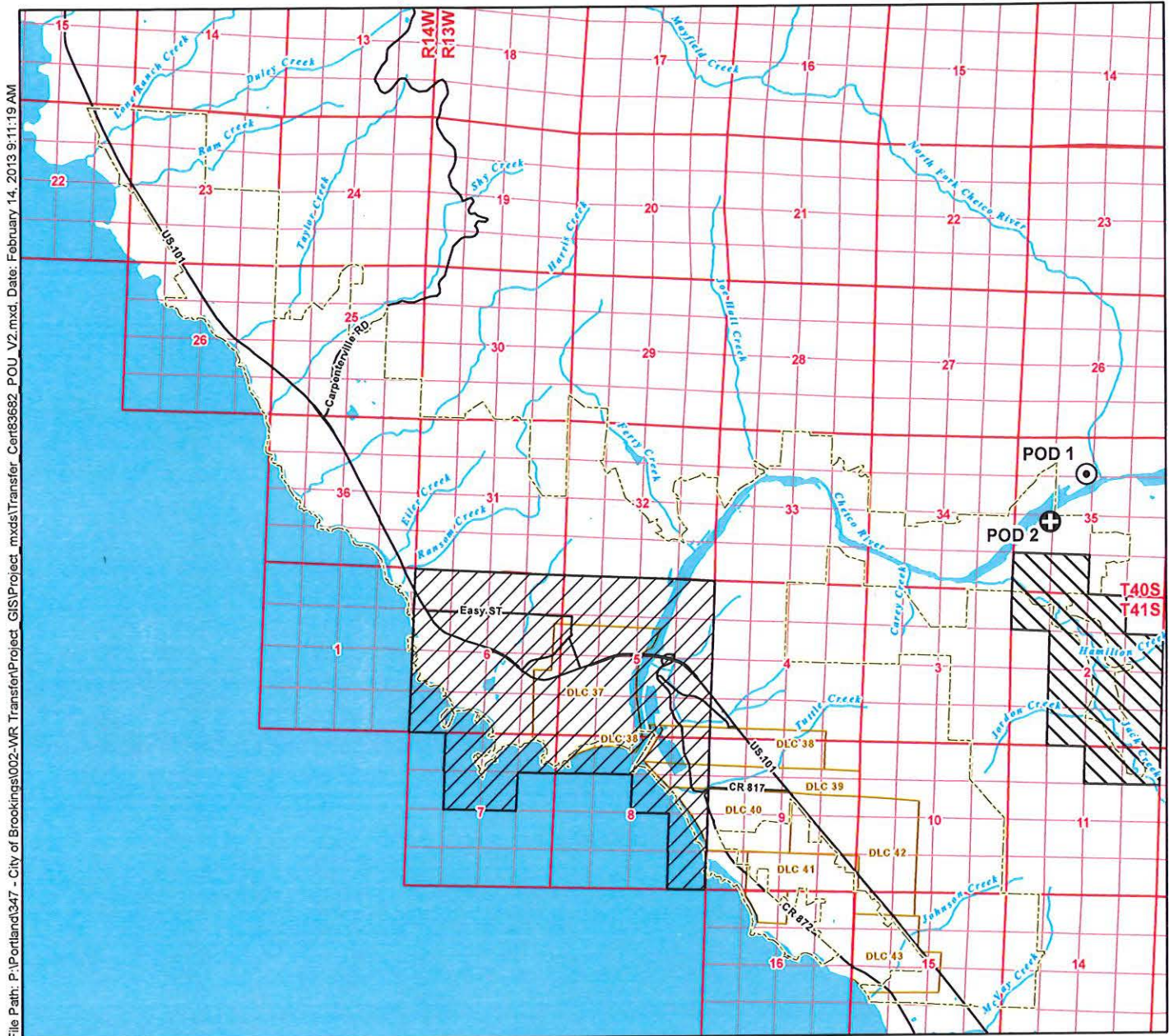
13453 -

# Application for a Water Right Drought 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

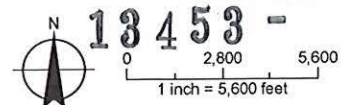
Date: May 20, 2020

Data Sources: OWRD, Oregon  
Geospatial Data Clearinghouse

RECEIVED

MAY 28 2020

OWRD

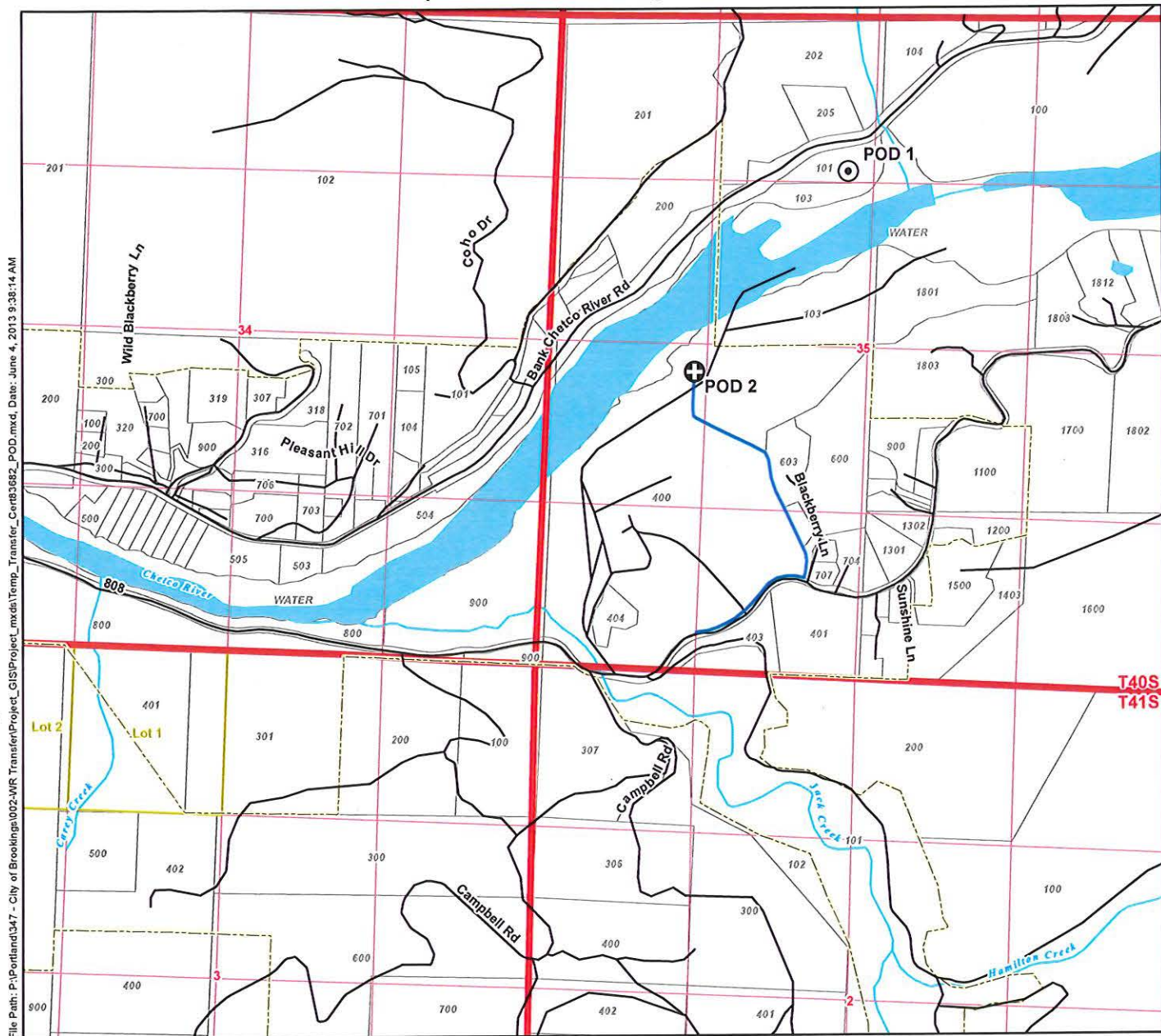


# Application for a Water Right Drought Temporary Transfer - Point of Diversion Map

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\1002-WR Transfer\Project\_GIS\Project\_mxd\Temp\_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

RECEIVED

MAY 28 2020

OWRD

## 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.

13 4 5 3



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



# 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> | _____ | _____     | _____                                           | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | _____              |
| _____      | _____         | _____       | _____ | _____     | _____                                           | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | _____              |
| _____      | _____         | _____       | _____ | _____     | _____                                           | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | _____              |
| _____      | _____         | _____       | _____ | _____     | _____                                           | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> 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.

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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

**RECEIVED**  
**MAY 28 2020**  
**OWRD**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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               |                  | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used | Irrigation         |
| 40 S     | 13 W  | 35      | E1/2 SW | 400               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used            | Irrigation         |
| 40 S     | 13 W  | 35      | S1/2 SW | 400<br>403<br>101 |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | W1/2 NE | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | SE NE   | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | N1/2 NW | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | SE NW   | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | E1/2 SW | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 2       | SE1/4   | 101               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |
| 41 S     | 13 W  | 11      | N1/2 NE | 102               |                  | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Irrigation         |

RECEIVED

MAY 28 2020

OWRD

# 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.**

Drought 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 City of 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-13453  
Keep with  
T-13452