

CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



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

A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

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A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use |
| 3. <input checked="" type="checkbox"/> Change in Character of Use | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION #

T- 12101

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME CITY OF WESTFIR		PHONE No. (541) 782-3983	ADDITIONAL CONTACT No.
ADDRESS P.O. BOX 296			
CITY WESTFIR	STATE OREGON	ZIP 97492	E-MAIL cityhall@ci.westfir.or.us

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each transfer holder of record must sign this form.***

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD CITY OF WESTFIR			
ADDRESS P.O. BOX 296			
CITY WESTFIR	STATE OREGON	ZIP 97492	

4. Date of Site Inspection:

April 11, 2022

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
NICOLE TRITTEN		CITY RECORDER
JACKSON STONE & BOBBY ARCHER		PUBLIC WORKS

6. County:

LANE

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

**SECTION 2
SIGNATURES**

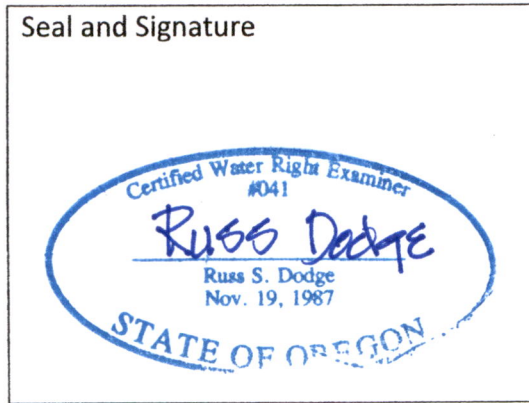
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CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME RUSS S. DODGE		PHONE NO. (541) 404-3799	ADDITIONAL CONTACT NO.	
ADDRESS 656 S. 12TH CT				
CITY COOS BAY	STATE OREGON	ZIP 97420	E-MAIL rdodgesurvey@gmail.com	

Transfer Holder of Record Signature or Acknowledgement

Each transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	D'Lynn Williams	MAYOR	9/27/22

SECTION 3
Changes Made

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Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1

New or Additional Point of Diversion
Change in POD(s) or Additional POD(s)

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Did the transfer order authorize a change in the points of diversion or additional points of diversion? YES

If "NO", this Section can be deleted.

1. New or additional point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD #2	NORTH FORK OF THE MIDDLE FORK OF THE WILLAMETTE RIVER

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final? NO

If yes, describe below.

(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")

THE ORDER ALLOWED THE AUTHORIZATION OF POD#2 TO BE MOVED, [UPSTREAM] FROM IT'S ORIGINAL LOCATION SHOWN AS POD#1 PER CERTIFICATE 10022.

3. Claim Summary:

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD #2	1.02 CFS	1.02 CFS	0.10 CFS

System Description

Are there multiple new or additional Points of Diversion (POD)? NO

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

[Empty text box for POD Name or Number]

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B. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM’S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe?

YES

If “NO”, items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	“C” FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
6”- 10”	STL/PVC	120	207	16,103	0.03	2.69 CFS

3. Provide calculations:

AN AVERAGE PIPE SIZE HAS BEEN USED TO CALCULATE FLOW CAPABILITY/CAPACITY. IT IS A MUNICIPAL WATER DISTRIBUTION SYSTEM. THIS HAS BEEN SHOWN TO PROVIDE A MINIMUM REALISTIC OVERALL SYSTEM CAPACITY. [q=30(6.61)/207=0.95797 CFS]
V= 1.31(120)[(.333).63][(0.03).54] = 2.688

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

C. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING’S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal?

NO

Change #2

Change in Place of Use

Did the transfer order authorize a change in the place of use?

YES

If "NO", this Section can be deleted.

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
N/A	N/A

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2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **YES NO**
If yes, describe below.

(e.g. "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.")

THE ORDER AUTHORIZED A CHANGE IN PLACE CONSISTING OF A NUMBER OF QUARTER/QUARTER SECTIONS IN WHICH WATER HAS NOT BEEN APPLIED. SEE COBU MAP [FPS]. THE FOLLOWING QUARTER/QUARTER SECTIONS IN WHICH THE PLACE OF USE HAS NOT BEEN APPLIED OR DEVELOPED AS STATED ON T-12101 FINAL ORDER.

T. 21 S. – R. 2 E. SECTION 12:

NW ¼ - SW ¼

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T. 21 S. – R. 3 E. SECTION 7:

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NW ¼ - NW ¼

NE ¼ - NW ¼

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SW ¼ - NW ¼

SE ¼ - NW ¼

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NW ¼ - NE ¼

SW ¼ - NE ¼

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SE ¼ - SE ¼

AREAS IN WHICH WATER HAS BEEN APPLIED:

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T. 21 S. – R. 2 E. SECTION 12:

NE ¼ - SW ¼

NW ¼ - SE ¼

NE ¼ - SE ¼

T. 21 S. – R. 3 E. SECTION 7:

NE ¼ - NE ¼

SE ¼ - NE ¼

NE ¼ - SE ¼

NW ¼ - SE ¼

NE ¼ - SW ¼

NW ¼ - SW ¼

SW ¼ - SW ¼

SE ¼ - SW ¼

T. 21 S. – R. 3 E. SECTION 8:

NW ¼ - SW ¼

Change #3

Change in Character of Use

Did the transfer order authorize a change in character of use? **YES**

If "NO", this Section can be deleted.

1. Claim Summary – New Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
MUNICIPAL

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2. Variations:

Were all the uses developed from what was authorized by the transfer final order? **YES**

If no, describe below.

(e.g. "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use.")

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Change #4

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir?

NO

If "NO", this Section can be deleted.

1. Provide the date that the water was stored for the new character of use:

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	DATE FROM TRANSFER	DATE STORAGE MADE THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "FULL USE MADE DATE"
ISSUANCE DATE		
FULL USE MADE (C)		

**SECTION 4
CONDITIONS**

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All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	July 06, 2015	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2021	FULL BENEFICIAL USE APPLIED PER T-12101., PRIOR TO OCTOBER 1, 2021.

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)?

NO

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES**

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed? **YES**

c. Meter Information: *A totalizing meter is located at the Treatment Plant, those flow values are reported and included in Water Use Report # 12327.*

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD #2			WORKING	456,090 [G]	

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES**

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted? **YES**

If the reports have not been submitted, attach a copy of the reports if available.

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5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed? YES

c. When was the fish screening installed?

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DATE	BY WHOM
2015	CONTRACTOR

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Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? YES
Documentation was provided to US Fish & Wildlife in 2015, approving the self cleaning suction screen at the Intake.

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? NO

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
NO BY PASS DEVICE WAS NECESSARY. THE INTAKE CONSISTS OF A STAINLESS STEEL DRUM SCREEN ANCHORED TO THE RIVER BED. THE INTAKE PULLS WATER INTO A MANHOLE WHICH HOUSES THE SUBMERSIBLE PUMPS.	2015	CONTRACTOR

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? **NO**
- b. Was a fishway required? **NO**
- c. Other conditions? **NO**

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If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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**SECTION 5
ATTACHMENTS**

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Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
FINAL ORDER T-12101	OWRD T-12101 / VOL 101 – PAGE 184 THRU 188
PRELIMINARY DETERMINATION APPLICATION	OWRD T-12101 WATER RIGHT TRANSFER
CERTIFICATE OF WATER RIGHT PERMIT APPLICATION	10022 8519
COBU NARRATIVE	ADDITIONAL INFORMATION

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SECTION 6

CLAIM OF BENEFICIAL USE MAP

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The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

THE SURVEY METHOD USED TO PREPARE THE FINAL PROOF SURVEY CONSISTED OF AN ON GROUND (TRAVERSE) SURVEY AS PERFORMED IN 2010 BY H.G.E. ENGINEERS & PLANNERS. THE WORK WAS CONTRACTED TO PROVIDE SURVEY GRADE LOCATIONS ON THE ENTIRE WATER SYSTEM FOR A MAJOR WATERLINE IMPROVEMENT PROJECT.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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OREGON DEPARTMENT of FISH and WILDLIFE

FISH SCREENING PROGRAM

SMALL PUMP SCREEN SELF CERTIFICATION

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FOR PERMITS OR TRANSFERS ISSUED PRIOR TO FEBRUARY 1, 2011

As evidence of having met fish screen installation requirements, please provide the information requested below, sign the certification, and send copies to:

Oregon Water Resources Department, and Water Rights Section, 725 Summer Street NE, Suite A, Salem, OR 97301-1271

Pete Baki Oregon Dept. Fish and Wildlife 4034 Fairview Industrial Drive SE Salem, OR 97302

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Water right permit/certificate number: T-12101 Amount of water diverted 0.10 CFS

Stream: NORTH FORK/MIDDLE FORK WILLAMETTE Tributary to: WILLAMETTE RIVER

Location (GPS if available): 43°45'37.68" / 122°29'35.21"

Screen Length: 6" (INTEGRAL) Screen Diameter: 10"

Is pump screen self-cleaning: YES

If screen is not a cylinder shape, please provide a diagram and measurements.

Certification:

I certify that my permit or transfer final order was issued prior to February 1, 2011.

I certify that my small pumped diversion of less than 225 gpm meets fish screening criteria, and that I will maintain it to comply with regulatory criteria. I also understand that should fish screening standards change, I may be required to modify my installation to meet applicable standards.

Applicant Signature: D Lynn M. Williams Date: 09/27/22 WRD File #: _____

Printed Name and Address: D Lynn M. Williams, 47441 Westoak Rd Westfir 97492

Phone: (541) 782-3983 Fax: () Same (call first)

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Submitted TO:
Oregon Water Resources Department
CLAIM OF BENEFICIAL USE & SITE REPORT

Applicant: CITY OF WESTFIR T-12101

Background Information

The City of **Westfir** submits this COBU & Site Report and offers additional information to aid in the evaluation. The COBU & Site Report pertains to Transfer 12101 and the Final Order Approving the Transfer and associated changes Per Special Order Volume 101, Page 184.

In the overall process of evaluating the Needs for the City it has become apparent that Westfir has sufficient flows to provide the residents an ample supply of water. Historically the existing volume of water we have taken from the source is below the stated or approved volume of 1.02 CFS. Usage has varied quite a bit over the years. But, prior to 2008 water use reporting indicated a significant increase in water use. And, in 2004 and prior to that date water use reporting indicated even higher volumes of use. We attribute this recent reduction in use to conservation measures and improvement projects the City has undertaken.

The City of Westfir's population has not increased significantly the last few years. Presently the Population is about 270 consisting of approximately 70 households.

EXISTING DISTRIBUTION SYSTEM:

The Existing Water System consists of a (Screened) Intake located on the South Bank of the North Fork of the Middle Fork of the Willamette River. There are Two Submersible Pumps located in a Manhole directly adjacent to the intake pumping raw water to the Treatment Plant. The Treatment Plant is located in close proximity to the Intake. The Treatment Plant includes a Slow Sand Filtering System and Chlorine Contact Chamber. Treated Water is then pumped to the 250,000 Gallon Reservoir by Two 15 HP Gould Centrifugal Pumps located at the Treatment Plant. At that point a distribution line supplies water to the residents through a series of different sized pipes ranging in size from 10" to 2", most of the lines are 8". The distribution lines are all gravity fed.

FUTURE EXPANSION NEEDS:

The City of Westfir has become a very popular destination for outdoor activities. Tour Groups are beginning to stage hiking and biking excursions in the area. Cross Country off road biking has increased dramatically as dirt bikes and mountain bikes have become very popular. Many tour groups and individuals utilize the area for staging and meeting. There are a number of areas in close proximity to the Covered Bridge where they meet and make arrangements for the rides.

Recently the City of Westfir has approved a Conditional Use Application granting approval for the installation and construction of an RV Park and Campground. The Facility will include 28 RV Spaces, Common Use Areas, A Common Area Bathroom, (including showers) and a Restaurant. The Development/Applicant is Trans Cascadia Excursions, Construction Plans are complete and they are refining the Construction Schedule. The facility will include a number of use areas, including a pavilion,

ball courts, a playground, a small dog park, along with three or four picnic type areas. The development will include about 55 fixture units which will increase overall demand between 10 to 15 percent when compared to the current water use reported flows.

In addition to the increase of recreational traffic, there has been an increase in development potential. The old "Mill Site" has been the subject of a few developers looking at the property over the years. The Town has significant potential for growth with the recent housing increase and after the Pandemic Era beginning in early 2020. Many have transitioned into a different work environment after the "Shelter in Place". Remote working and learning have increased as both schools and businesses have transitioned out of the standard environments and have opted for a work and learn where I am. Professionally they have learned from the top down that certain types of business and employees are able to work anywhere leading to many options for both the company and the individual.

Fire Fighting:

However, the best argument and justification for the additional flows is the Fire Safety issue. Westfir has experienced both a level 2 "Be ready for evacuate", and a level 3 "Evacuate Order", over the last two fire seasons. This proposed water plan would allow the city of Westfir to help mitigate any fire situations as we continue to grow as a city now and in the future. During the Fire Season the City of Westfir needs to have the ability to pull from our source not only to provide fire protection flows for our residents but to provide backup for fighting fires for the entire area. Fire Crews are better equipped to pump from a Hydrant location rather than having to access the river physically and pull from a portable intake that may not have proper screening.

In Summary what we are asking and stating is, that while we are currently not utilizing the entire approved transfer volume our system capacity is capable of using and pulling the approved volume.

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*dodge surveying & planning
SIX FIVE SIX S. 12th CT – STE 1
Coos Bay, Oregon 97420
(541) 404-3799
September 26, 2022*

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-12101, Lane County)
)
)
)
)

FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION,
PLACE OF USE, AND CHARACTER
OF USE

Authority

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

Applicant

CITY OF WESTFIR
PO BOX 296
WESTFIR, OR 97492

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Findings of Fact

1. On July 6, 2015, the City of Westfir filed an application to change the point of diversion, place of use, and character of use under Certificate 10022. The Department assigned the application number T-12101.
2. Notice of the application for transfer was published on July 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 16, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12101 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 17, 2016, for the applicants to respond. The applicants requested the Department proceed with issuance of a Preliminary Determination.
4. The portion of the first right to be transferred is as follows:

Certificate: 10022 in the name of WESTERN LUMBER CO. (perfected under Permit S-8519)
Use: DOMESTIC AND MANUFACTURING

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.

Priority Date

and Rate: APRIL 29, 1924 for 1.0 CUBIC FEET PER SECOND (cfs); and JUNE 6, 1928 for 0.02 cfs

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Source: NORTH FORK OF THE MIDDLE FORK OF THE WILLAMETTE RIVER, and WATER STORED IN CATCHING RESERVOIR (constructed under Permit R-605)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	NW SE	NONE GIVEN

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Authorized Place of Use:

DOMESTIC and MANUFACTURING					
Twp	Rng	Mer	Sec	Q-Q	
21 S	3 E	WM	7	NW SE	

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5. Certificate 10022 does not describe the location of the point of diversion. Information available from the Department's records and the applicant, indicate the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	NW SE	434 FEET SOUTH AND 1422 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 7

6. Transfer Application T-12101 proposes to move the authorized point of diversion approximately 880 feet upstream to the existing point of diversion for Permit S-49765:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	SE NE	139 FEET NORTH AND 762 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 7

7. Transfer Application T-12101 also proposes to change the character of use to MUNICIPAL and to change the place of use of the right to:

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	
21 S	2 E	WM	12	NE SW	
21 S	2 E	WM	12	NW SW	
21 S	2 E	WM	12	NE SE	
21 S	2 E	WM	12	NW SE	
21 S	3 E	WM	7	NE NE	
21 S	3 E	WM	7	NW NE	
21 S	3 E	WM	7	SW NE	
21 S	3 E	WM	7	SE NE	
21 S	3 E	WM	7	NE NW	
21 S	3 E	WM	7	NW NW	
21 S	3 E	WM	7	SW NW	
21 S	3 E	WM	7	SE NW	
21 S	3 E	WM	7	NE SW	
21 S	3 E	WM	7	NW SW	
21 S	3 E	WM	7	SW SW	
21 S	3 E	WM	7	SE SW	
21 S	3 E	WM	7	NE SE	

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Twp	Rng	Mer	Sec	Q-Q
21 S	3 E	WM	7	NW SE
21 S	3 E	WM	7	SW SE
21 S	3 E	WM	7	SE SE
21 S	3 E	WM	8	NW SW

8. Water right Certificate 10022 was acquired by the City of Westfir on August 6, 1979, along with the equipment, pump house, storage tank, transmission lines, and pipes.
9. OAR 690-300-010(29) defines municipal water use as “the delivery and use of water through the service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of law and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing.”
10. Documentation submitted with the transfer application and the Department’s application file (S-9486) for Certificate 10022 indicate the original uses were the types of uses that are usual and ordinary for a mill town. These are also the types of uses that are usual and ordinary for a municipality.
11. Instream water right certificate 59721 is a minimum flow conversion for 115 cfs on the North Fork of the Middle Fork of the Willamette River. The instream flow is for a point measured between the confluence of the North Fork of the Middle Fork of the Willamette River and the Middle Fork of the Willamette River to one mile above said confluence. The authorized point of diversion for Certificate 10022 is located more than one mile above said confluence. Therefore, the proposal to move the authorized point of diversion upstream approximately 880 feet will not injure any instream water rights. There are no intervening points of diversion between the authorized point of diversion and the proposed point of diversion. The Department finds no existing water rights would be injured.
12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion may not be currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

13. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Since the water right was acquired by a municipality in 1979, the water right is not subject to forfeiture under ORS 540.610.
14. Evidence was submitted with the application indicating that a diversion and distribution system existed within the five years prior to submission of the transfer.
15. The proposed changes would not result in enlargement of the right.

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16. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-12101 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-12101 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 10022 and any related decree.
3. Water right Certificate 10022 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

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

Dated at Salem, Oregon this 16 day of June, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUN 22 2016

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To appropriate the Public Waters of the State of Oregon

I, Western Lumber Company
(Name of applicant)
of Portland
(Postoffice), County of Multnomah
State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation
June 25, 1923, Salem, Oregon.

1. The source of the proposed appropriation is North Fork of the Middle Fork of Willamette River and Catching Reservoir to be constructed under Application (Permit No. 9485) No. 9485
Permit No. R-605, tributary of

2. The amount of water which the applicant intends to apply to beneficial use is
Twenty cubic feet per second.

3. The use to which the water is to be applied is Fire protection for saw mill, domestic and manufacturing use and maintenance of log pond at reservoir.
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of division is located 2531.6 ft. bearing South 74 degrees and one minute
(Give distance and bearing to section corner)
West from the quarter corner between Sections 7 and 8.

being within the NW 1/4 of SE 1/4 of Sec. 7, Tp. 21 South
(Give smallest legal subdivision) (No. N. or S.)
R. 3 East, W. M., in the county of Lane
(No. E. or W.)

5. The Pipe Line to be .14
(Main ditch, canal or pipe line)
miles in length, terminating in the NW 1/4 of SE 1/4 of Sec. 7, Tp. 21 South
(Smallest legal subdivision) (No. N. or S.)
R. 3 East, W. M., the proposed location being shown throughout on the accompanying map.
(No. E. or W.)

6. The name of the ditch, canal or other works is
Fire Line

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 24 feet, length on top 225 feet, length at bottom 157.5 feet; material to be used and character of construction Dam constructed of log cribbing with sawed timber superstructure and gates. Faced with planking and filled with gravel and earth.
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of heddgate Suction pipe of a pump which will pump water to a tank.
(Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

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CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

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(b) At miles from headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

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FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR IRRIGATION—

9. The land to be irrigated has a total area of acres, located in each smallest legal subdivision, as follows: (Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet. (Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec., Tp., R., W. M. (No. N. or S.) (No. E. or W.) (Legal subdivision)

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return Sec., Tp., R., W. M. (No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 192.....

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 12000.00
- 13. Construction work will begin on or before June, 1924
- 14. Construction work will be completed on or before August, 1924
- 15. The water will be completely applied to the proposed use on or before
August, 1924

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Engineer, accompany this application.

WESTERN LUMBER COMPANY
(Name of applicant)
W. C. WOODARD President,
Wm. M. OLIVER Assistant Secretary.

Signed in the presence of us as witnesses:

- (1) (Name) (Address of witness)
- (2) M. JONES 401 Pittock Block
(Name) (Address of witness)

Remarks:
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STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before, 192.....

WITNESS my hand this day of, 192.....

STATE ENGINEER.

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STATE OF OREGON

COUNTY OF LANE ASSIGNED Water Right Vol. 2 Page 1357-1362

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WESTERN LUMBER COMPANY

of Westfir, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of North Fork of the Middle Fork of the Willamette River and water stored in Catching a tributary of Reservoir, to be constructed under Permit No. R-605, for the purpose of Fire protection for saw mill, domestic and manufacturing use and maintenance of log pond at reservoir under Permit No. 8519 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 29, 1924, for 1.0 cubic foot per second, and June 6, 1928, for 9.0 cubic feet per second. that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 10.0 cubic feet per second.

The point of diversion is located in the NW 1/4 SE 1/4 of Section 7, Township 21S, Range 3E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

PLACE OF USE:

NW 1/4 SE 1/4, Section 7,
Township 21 South, Range 3 East, W. M.

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

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 1st day

of June, 1935

CHAS. E. STRICKLIN
State Engineer



State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

10022

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section

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

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and – completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 2.42 CFS of 10 CFS Certificate 10022.** – Please include a separate Part 5 for each water right. (See instructions on page 6)

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Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). 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.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

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(For Staff Use Only)

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

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

Other/Explanation _____
 Staff: _____ 503-986-0 _____ Date: ____/____/____

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Part 2 of 5 - Transfer Application Map Checklist

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

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

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

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

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APPLICANT/BUSINESS NAME City of Westfir, Oregon		PHONE NO. 541.782.3983	ADDITIONAL CONTACT NO. 541.435.7119
ADDRESS P.O. Box 296		FAX NO. 541.269.1833	
CITY Westfir	STATE OR	ZIP 97492	E-MAIL rnored@hge1.net
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.			

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

AGENT/BUSINESS NAME HGE Inc., Architects, Engineers, Surveyors & Planners		PHONE NO. 541.435.7119	ADDITIONAL CONTACT NO. 541.404.3791
ADDRESS 375 Park Avenue		FAX NO. 541.269.1833	
CITY Coos Bay	STATE OR	ZIP 97420	E-MAIL rnored@hge1.net
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why: The City of Westfir purchased the Westfir water system from Mitchell-Blacketor & Associates, ltd, successor to Western Lumber Company, in 1979. Water usage from Certificate 10022 has been continuous since 1925. Westfir would like to change the Certificate Owner to City of Westfir, change the usage from domestic to municipal, and move the point of diversion approximately 1,000 feet upstream to the City's current water intake.

Westfir had misplaced the purchase documents from Mitchell-Blacketor, and applied for a new water permit in 1986. Permit 49765 was approved with a priority of July 10, 1986 for 1.0 cfs. The water intake was constructed in 2002, and has served the City for its municipal needs since that time. Both Certificate 10022 and Permit 49765 provide water from the identical source, and serve residents of the City of Westfir.

The 1930 U.S. Census showed there were 240 households existing in Westfir (attached). Groundwater sources in Westfir have an arsenic level 10 X the treatable level for potable water, so it is assumed that domestic consumption when Certificate 10022 was approved would have consumed at least 2.4 cfs of water from the total allocated in the Certificate. The City of Westfir has continuously received its potable water supply from the North Fork of the Middle Fork of the Willamette River since 1933.

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

- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

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Check One Box

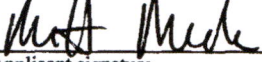
- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5);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

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

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


Applicant signature

Matt Meske, Mayor
Print Name (and Title if applicable)

6/1/15
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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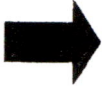
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Check the following boxes that apply:

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

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

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

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

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

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RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

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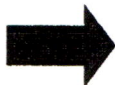
Describe any special ownership circumstances here: The City of Westfir purchased the water system and water rights in its entirety in 1979.

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

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



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

ENTITY NAME City of Westfir	ADDRESS P.O. Box 296	
CITY Westfir	STATE Oregon	ZIP 97492

ENTITY NAME Lane County	ADDRESS 125 East 8th Avenue	
CITY Eugene	STATE Oregon	ZIP 97401

SALEM, OR

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INSTRUCTIONS for editing the Application Form

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To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

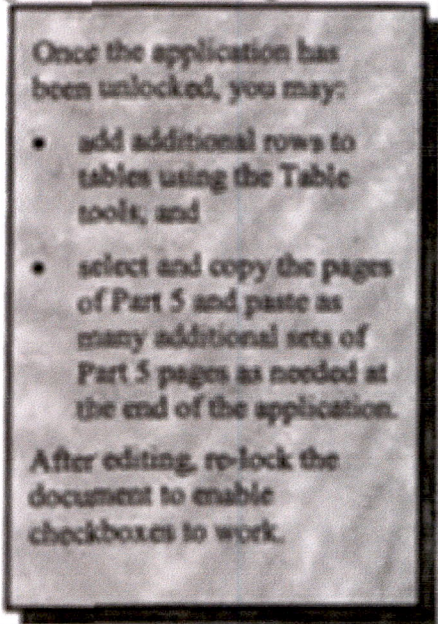
- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "Allow only this type of editing in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark-through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.



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Part 5 of 5 – Water Right Information

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

CERTIFICATE # 10022

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Description of Water Delivery System

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System capacity: 1.02 cubic feet per second (cfs) OR

460 gallons per minute (gpm)

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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. **The City of Westfir has a municipal intake from the North Fork of the Middle Fork, Willamette River, with two raw water pumps of capacity 230 gpm each pumping into the community water treatment facility. Water from the treatment facility is pumped to a storage reservoir and distributed to serve all residents of the municipality.**

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)	
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		21	S	3	E	7	NW SE	
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		21	S	3	E	7	SE NE	139 FEET NORTH AND 762 FEET WEST FROM THE E1/4 CORNER SEC. 7.
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								RECEIVED BY OWRD
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								RECEIVED BY OWRD
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								JUL 06 2015
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed								JUN 05 2015

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input checked="" type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

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

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

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Please use and attach additional pages of Table 2 as needed. See page 6 for instructions.

Do you have questions about how to fill-out the tables? Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 10022

List the change proposed for the acreage in each 1/4 1/4. If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

Table with columns for AUTHORIZED (the "from" or "off" lands) and PROPOSED (the "to" or "on" lands). Includes sub-headers for 'The listing that appears on the certificate BEFORE PROPOSED CHANGES' and 'The listing as it would appear AFTER PROPOSED CHANGES'. Rows contain data for various land parcels with columns for Twp, Rng, Sec, 1/4 1/4, Tax Lot, Gvt. Lot or DLC, Acres, Type of USE, POD(s) or POA(s), Priority Date, Proposed Changes (CODES), and New Type of USE.

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Additional remarks: _____

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For Place of Use or Character of Use Changes

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

If YES, list the certificate, water use permit, or ground water registration numbers: Permit S-49765.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

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For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

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Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

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

Tip: You may search for well logs on the Department's web page at:
http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

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

PORTIONS OF SECTIONS 7 & 8

T. 21 S. - R. 3 E., WM.

4

A PORTION OF SECTION 12

T. 21 S. - R. 2 E., WM.

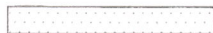
LANE COUNTY, OREGON

CERTIFICATE - 10022

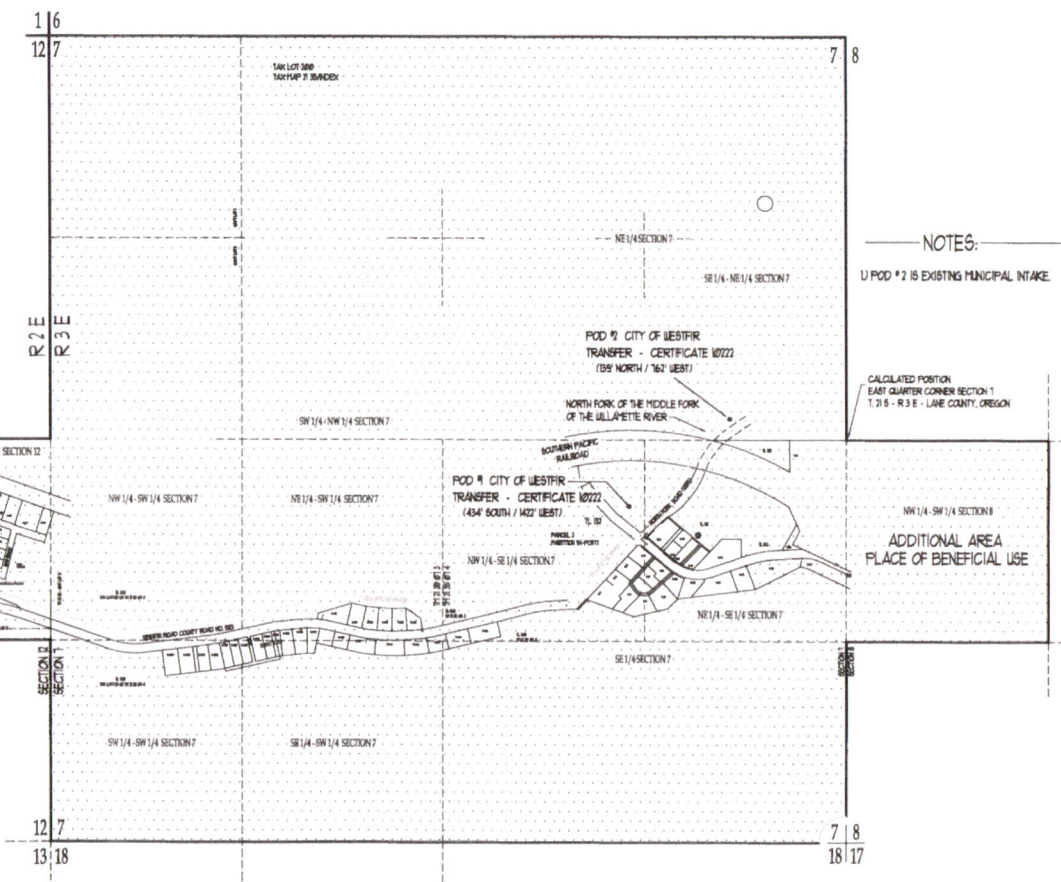
DATE: MAY 28, 2015



SCALE: 1" = 800'



PLACE OF USE



NOTES:

U POD #2 IS EXISTING MUNICIPAL INTAKE.

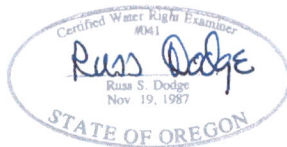
CALCULATED PORTION EAST QUARTER CORNER SECTION 1 T. 21 S. - R. 3 E. - LANE COUNTY, OREGON

ADDITIONAL AREA PLACE OF BENEFICIAL USE

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APPLICANT:

CITY OF WESTFIR
P.O. BOX 296
WESTFIR, OREGON 971492



HGE ARCHITECTS, ENGINEERS, LAND SURVEYORS, & PLANNERS
376 PARK AVENUE - COOS BAY, OREGON 97420 (541) 289-1168

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 28, 2016

VIA E-MAIL

Applicant

City of Westfir
PO Box 296
Westfir, OR 97492
westfircity@gmail.com

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SUBJECT: Water Right Transfer Application T-12101

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

A public notice is being published in the Department's weekly publication and in the Eugene Register Guard newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

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

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

Please do not hesitate to contact me at 503-986-0881 or teri.k.hranac@wrdd.state.or.us, 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Teri Hranac
Transfer and Conservation Section

Enclosures

cc: T-12101
Michael Mattick, District #2 Watermaster (via e-mail)
HGE, INC., 375 Park Ave., Coos Bay, OR 97420 (via email at rnored@hge1.net)



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-12101, Lane County) PROPOSING APPROVAL OF A
) CHANGE IN POINT OF DIVERSION,
) PLACE OF USE, AND CHARACTER
) OF USE

Authority

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

Applicant

CITY OF WESTFIR
PO BOX 296
WESTFIR, OR 97492

Findings of Fact

1. On July 6, 2015, the City of Westfir filed an application to change the point of diversion, place of use, and character of use under Certificate 10022. The Department assigned the application number T-12101.
2. Notice of the application for transfer was published on July 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 16, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12101 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 17, 2016, for the applicants to respond. The applicants requested the Department proceed with issuance of a Preliminary Determination.
4. The portion of the first right to be transferred is as follows:
Certificate: 10022 in the name of WESTERN LUMBER CO. (perfected under Permit S-8519)
Use: DOMESTIC AND MANUFACTURING

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Priority Date

and Rate: APRIL 29, 1924 for 1.0 CUBIC FEET PER SECOND (cfs); and JUNE 6, 1928 for 0.02 cfs

Source: NORTH FORK OF THE MIDDLE FORK OF THE WILLAMETTE RIVER, and WATER STORED IN CATCHING RESERVOIR (constructed under Permit R-605)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	NW SE	NONE GIVEN

Authorized Place of Use:

DOMESTIC and MANUFACTURING				
Twp	Rng	Mer	Sec	Q-Q
21 S	3 E	WM	7	NW SE

5. Certificate 10022 does not describe the location of the point of diversion. Information available from the Department's records and the applicant, indicate the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	NW SE	434 FEET SOUTH AND 1422 FEET WEST FROM THE E¼ CORNER OF SECTION 7

6. Transfer Application T-12101 proposes to move the authorized point of diversion approximately 880 feet upstream to the existing point of diversion for Permit S-49765:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	3 E	WM	7	SE NE	139 FEET NORTH AND 762 FEET WEST FROM THE E¼ CORNER OF SECTION 7

7. Transfer Application T-12101 also proposes to change the character of use to MUNICIPAL and to change the place of use of the right to:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
21 S	2 E	WM	12	NE SW
21 S	2 E	WM	12	NW SW
21 S	2 E	WM	12	NE SE
21 S	2 E	WM	12	NW SE
21 S	3 E	WM	7	NE NE
21 S	3 E	WM	7	NW NE
21 S	3 E	WM	7	SW NE
21 S	3 E	WM	7	SE NE
21 S	3 E	WM	7	NE NW
21 S	3 E	WM	7	NW NW
21 S	3 E	WM	7	SW NW
21 S	3 E	WM	7	SE NW
21 S	3 E	WM	7	NE SW
21 S	3 E	WM	7	NW SW
21 S	3 E	WM	7	SW SW

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MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
21 S	3 E	WM	7	SE SW
21 S	3 E	WM	7	NE SE
21 S	3 E	WM	7	NW SE
21 S	3 E	WM	7	SW SE
21 S	3 E	WM	7	SE SE
21 S	3 E	WM	8	NW SW

8. Water right Certificate 10022 was acquired by the City of Westfir on August 6, 1979, along with the equipment, pumphouse, storage tank, transmission lines, and pipes.
9. OAR 690-300-010(29) defines municipal water use as “the delivery and use of water through the service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of law and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing.”
10. Documentation submitted with the transfer application and the Department’s application file (S-9486) for Certificate 10022 indicate the original uses were the types of uses that are usual and ordinary for a mill town. These are also the types of uses that are usual and ordinary for a municipality.
11. Instream water right certificate 59721 is a minimum flow conversion for 115 cfs on the North Fork of the Middle Fork of the Willamette River. The instream flow is for a point measured between the confluence of the North Fork of the Middle Fork of the Willamette River and the Middle Fork of the Willamette River to one mile above said confluence. The authorized point of diversion for Certificate 10022 is located more than one mile above said confluence. Therefore, the proposal to move the authorized point of diversion upstream approximately 880 feet will not injure any instream water rights. There are no intervening points of diversion between the authorized point of diversion and the proposed point of diversion. The Department finds no existing water rights would be injured.
12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion may not be currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

Transfer Review Criteria [OAR 690-380-4010(2)]

13. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Since the water right was acquired by a municipality in 1979, the water right is not subject to forfeiture under ORS 540.610.

14. Evidence was submitted with the application indicating that a diversion and distribution system existed within the five years prior to submission of the transfer.
15. The proposed changes would not result in enlargement of the right.
16. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-12101 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12101 is approved, the final order will include the following:

1. *The changes in point of diversion, place of use, and character of use proposed in Transfer Application T-12101 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 10022 and any related decree.*
3. *Water right Certificate 10022 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*

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

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

7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 30 day of April, 2016.


 Dwight French, Water Right Services Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrdr.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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Six Five Six S. 12th CT.
Coos Bay, Oregon 97420

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October 14, 2022

**OREGON WATER RESOURCES DEPARTMENT
725 SUMMER ST. NE, SUITE A
SALEM, Oregon 97301-1266**

Please find the enclosed COBU & Final Proof Survey for the City of Westfir.

I have included all of the pages and maps originally submitted along with the Revised Sheet 2 which was missing the Site Inspection Date.

Reference App T-12101

If you have any questions or need additional information please call me at (541) 404-3799, or email at rdodgesurvey@gmail.com

Russ Dodge

Thank you,
Russ S. Dodge LS, CWRE

C: File Copy
22-WESTFIR

dodge surveying & planning
(541) 404-3799 / rdodgesurvey@gmail.com